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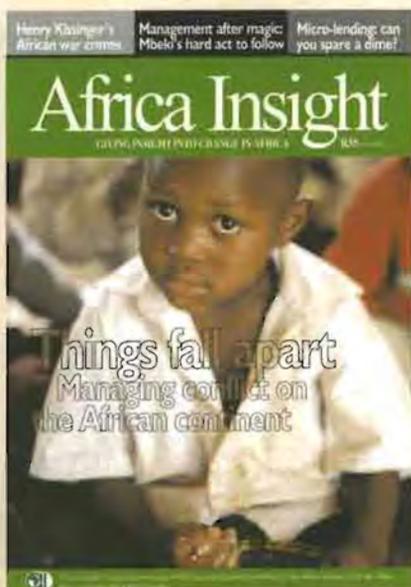
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moral authority to
deal with AIDS?

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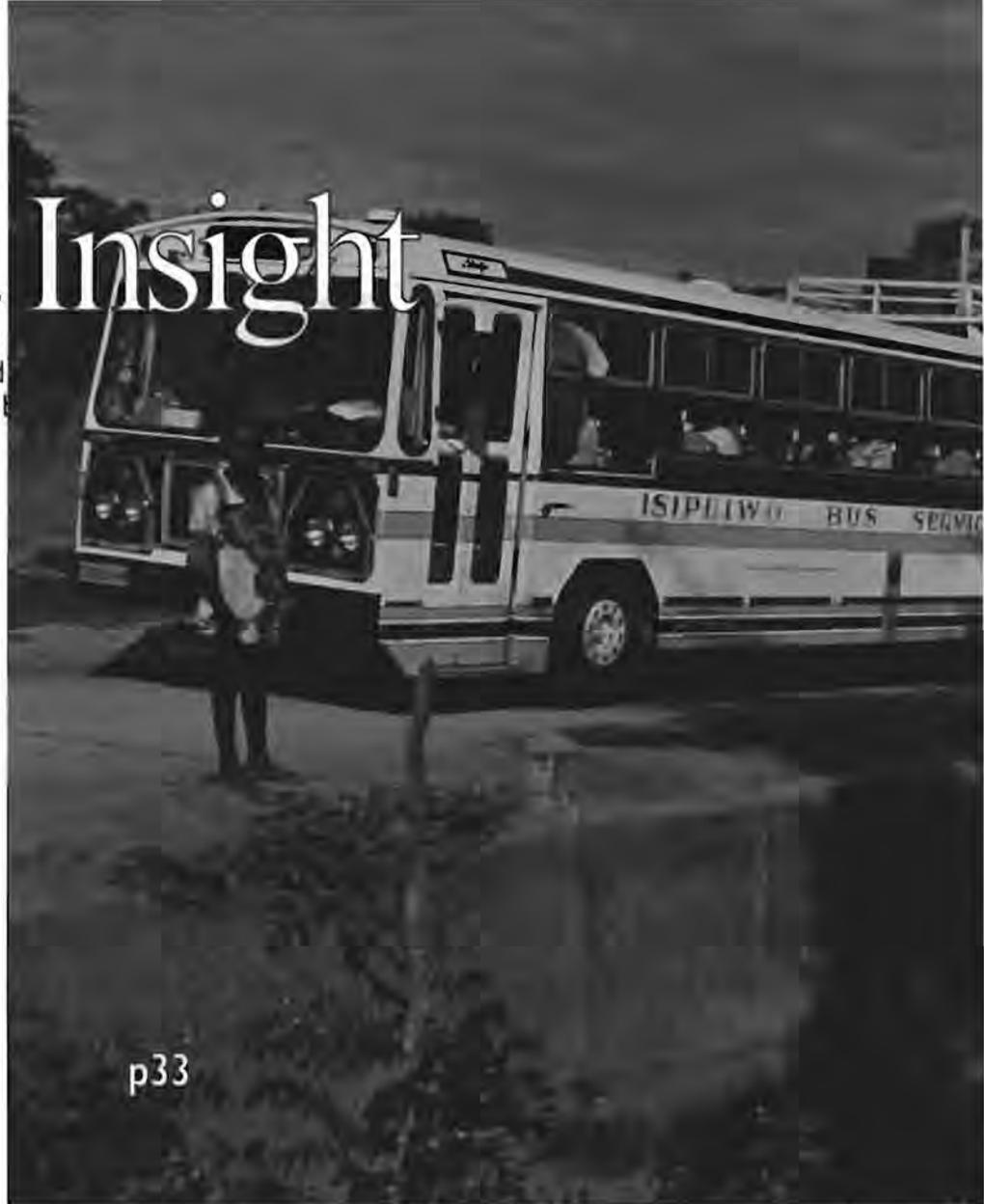
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From aspiration to implementation

By Elizabeth le Roux

At the beginning of a new century, there is often a renewed impetus to desires to change the old and bring in new ways of structuring the world. Thus, over the last year, there have been a host of large-scale global meetings and conferences aiming to create a new world-wide social contract, chiefly in the realms of economics, trade and development. These include the 4th World Trade Organization Ministerial meeting in Doha, the G8 Summit in Kananaskis, the Financing for Development Conference in Monterrey, and the World Summit on Sustainable Development in Johannesburg. What is encouraging for Africa, which is struggling to overcome a perception that it is marginalised and perpetually in the economic doldrums, is that, at all these meetings, commitments were made to support the New Partnership for Africa's Development.

Africa's development, sustainable development – these have become the buzzwords of our era, but few would deny that they are of crucial importance in creating a more equitable, viable and ethical future for the world. The series of global meetings made a series of commitments to promoting sustainable development and to relieving poverty, but it should be remembered that a commitment – in essence, a promise – is not enough on its own. Follow-through on the commitments undertaken will be the yardstick of success or failure.

United Nations Secretary General Kofi Annan has warned that the international community is good at making promises, but not at keeping them, noting that objectives set are seldom reached. While efforts to achieve the aims of the Rio Earth Summit and the Millennium

Development goals have been boosted by the targets agreed upon and initiatives launched at the World Summit on Sustainable Development, Annan cautioned that, "We invited the leaders of the world to commit themselves to sustainable development, to protecting our planet, to maintaining the essential balance and to go back home and take action. It is on the ground that we will have to test how really successful we are. But we have started off well. Johannesburg is a beginning. I am not saying Johannesburg is the end of it. It is a beginning."

Apart from political commitment, there is also a growing need, in an age of globalisation, for business to make similar commitments to sustainable development. Economic development can play a key role in lightening the burdens of poverty, but it is easily hampered by economic crimes (including corruption) and by what NGOs at the World Summit called "unenlightened self-interest". These NGOs bemoaned the perception that the Summit, which was intended to focus on the environment and on sustainability, was at times reduced to little more than a trade negotiation. They highlighted the dangers of subjecting both the environment and development (and much else) to the whims of the market.

Development goals can thus only be achieved if there is sufficient support from the whole spectrum of role-players, including governments, business (especially big business) and civil society. Similarly, NEPAD can only work with input from all facets of African society. To meet the challenge of "Accelerating Africa's Performance and Progress" (the theme of a recent conference), NEPAD must be taken from aspiration to implementation. ■

In the crossfire of Zimbabwe's war for political survival

**Simply observing
elections in
Zimbabwe
between 2000 and
2002 was fraught
with politics.
By Susan Booysen**

The 2002 Zimbabwe presidential election accentuated the contrasts between different forms of election observation, ranging from what could be called "observing to monitor norms and standards", to "intervention observation" and "observation with a broader political mandate". In 2002 Zimbabwe hosted observer missions with all three mandates. Some missions, with Africa-centred foci, were intent on helping Zimbabwe and Southern Africa survive an election that threatened to discredit Africa's commitment to "free and fair" elections.

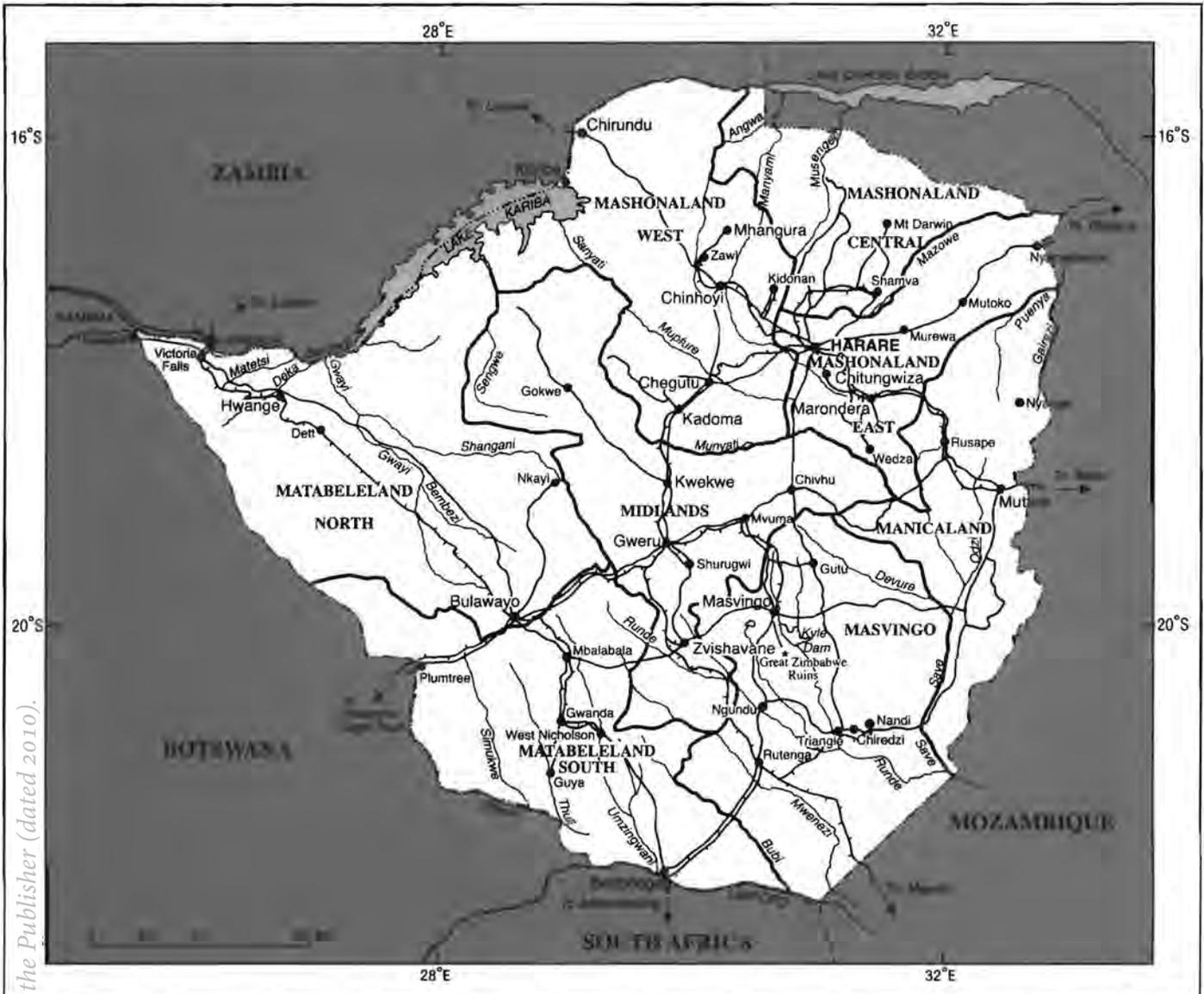
These missions and their political principals broadened their intervention from being "election observers" to a holding enterprise that could deliver Zimbabwe into a post-election phase of reconciliation and reconstruction. The observation tool of focusing on turnout and a celebration of "the will of the people" assisted these missions in endorsing the election. On the other end of the 2002 continuum were assessments striving to build democratic practice in Africa through criteria of "norms and standards" developed with African involvement and adherence. In between were the missions that hoped, through their presence, to facilitate turnout and thereby the success of the election.

This article investigates the politics of election observation in Zimbabwe, focusing on the presidential elections of 2002, but with comparisons to the June 2000 parliamentary elections. The "politics of observation" refers to the ways in which observer presence and actions were subjected to Zimbabwean political control through screening, invitation and select accreditation. It also denotes the ways in which assessments of the election were politicised to the extent that the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) attempted to delegitimise criticisms of its electoral practices as anti-African, pro-colonial and pro-Movement for Democratic Change (MDC).

The analysis investigates how observer missions increasingly became inserted into the multifaceted struggle for political survival of ZANU-PF. The article positions the observer mission assessments in the context of regional resentment of contemporary manifestations of neo-colonialism, and a growing African campaign for identity, pride, and a peer review system.

In particular, the New Partnership for Africa's Development (NEPAD) refers to a joining of the forces in "the battle for the soul of the continent, a battle in which genuine patriots and true nationalists are sum-

ZIMBABWE



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ELUIZE VAN AS/ISA

moned to the front line”.¹ To these ends, the article analyses the reports and statements of the major international observer missions. This is done in terms of a categorisation and comparison of type of verdict and political mandate of the mission.

The reports and statements of the following observer missions are noted in the analysis: the African Union / Organisation of African Unity (AU/OAU); Commonwealth Observer Group (COG); European Union (EU); Electoral Commissions Forum of the SADC Countries (ECF-SADC); SADC Ministerial Task Team; SADC Parliamentary Forum (SADC-PF); South African Parliamentary Observer Mission (SAPOM); and the South African Observer Mission (SAOM).

Two main trends with relevance to the politics of elections observation emerge. Firstly, whilst the substance of all of the report findings was critical of the 2002 elections, divergence emerged in their bottom-line verdicts. Secondly, there is a correlation between the three types of observer verdicts emanating from the 2002 election – “free and fair”, “legitimate on the basis of high turnout” and “not sufficiently conforming to norms and standards, despite high turnout” – and the three kinds of political

mandates that guided the election missions – “observers” (observation to monitor norms and standards), “election mediators” (intervention observation) and “NEPAD protagonists” (observation with a broader political mandate). Several missions assumed more than one of these roles.

The article’s conclusion raises issues about the nature of election observation, given the Zimbabwe experience. The analysis points to the fact that international observer missions free from the baggage of colonialism and neo-colonialism, and with an added advantage of African identity, minimise the potential delegitimisation of the actions of observing elections in sensitive situations in Africa.

It also argues that agreement on the norms and standards for acceptable elections, plus agreement on how to consider early-pre-election actions and how to weigh different aspects of the election into the final call of the election, will add to the quality of observation.²

The research is based on personal scrutiny of the elections and their observation processes in both the 2000 and 2002 Zimbabwe elections.³ The analysis also builds on the collection

of observer reports and statements, and on monitoring of elections and democracy in Southern Africa.

Zimbabwe as the test of election observation in exceptional conditions

Three reasons can be advanced for the emphasis on Zimbabwe in this case study of election observation. The first is the occurrence of the two elections at a crucial juncture of opposition challenge and possible succession of a former liberation movement-turned government by a relatively newly constituted, fragile and also contentious opposition party, the MDC. Observer missions were drawn into this struggle between government and opposition.

Secondly, Zimbabwe 2002 is also an important case in the study of democratic practice because of the confluence of the ruling party's re-election campaign and its intensified action on long-overdue, accelerated land reform. Observer missions recognised the unfeasibility of separating the issue of land from the election. However, the details of how the governing party integrated its *Third Chimurenga* into an attempted legitimisation of its extraordinary re-election campaign, positing that the election is an adjunct of this final stage of the liberation war, were not incorporated into any of the missions' assessments. (The term *Third Chimurenga* is used by ZANU-PF to refer to the final phase of the liberation struggle (the current period) in which the land is to be returned to the people of Zimbabwe.)⁴

Thirdly, observer politics have gained in importance in recent Zimbabwe elections because of the extraordinary electoral practices that were pursued. On the ground, ZANU-PF went through the motions of competitive multi-party elections, whilst unleashing a campaign that amounted to a multifaceted, total war of political survival. Few aspects of the election were not controlled or affected. There was the combination of legality – especially the formation of repressive new laws – and constitutionalism with denial of the Rule of Law and political rights.⁵ The President made full use of his “regulatory powers” to make statutory instruments through which he could suspend or amend any aspect of electoral law and practice.⁶ The legislative framework was repeatedly altered, and judicial procedures were bypassed and overruled. The edifice of multi-party democracy, legality and constitutionalism was combined with intimidation, violence and torture by shock troop militia, warlord-veterans and other security forces and party agents.⁷

Intimidation and coercion were used to subjugate opposition supporters and to prevent them from campaigning, the publicly owned mass media and state resources were monopolised by the governing party, and an extensive *Third Chimurenga*, liberation struggle propaganda mode was utilised to justify extraordinary state action against Zimbabweans, both party political and from civil society. The manipulation of the administrative context of voting, and the collapse of electoral authorities into the party and state machinery further contributed to a blurring of the lines between accepted electoral practice and irregularity. Nor was the observation of the elections left to chance. Through a range of measures, ZANU-PF attempted to contain observers' criticism of an election that was presented as part of the *Third Chimurenga*.

ZANU-PF went through the motions of competitive multi-party elections, whilst unleashing a campaign that amounted to a total war of political survival. Few aspects of the election were not controlled or affected.

All of this meant that Zimbabwe was turned into a litmus test of election observation. The government of Zimbabwe wanted to ensure that election observers would enhance, rather than undermine, its quest for re-election. Its interface with observers was a crucial facet of an election that unfolded against the backdrop of a rising electoral threat that became evident through the referendum of February 2000 (a 55% opposition victory) and the parliamentary election of June 2000 (a 52% victory for ZANU-PF), in conditions that were a precursor to 2002.⁸

Observer missions amidst the war of political survival

One of the key battlefronts in ZANU-PF's struggle for political survival was the series of interfaces with election monitors and observers, especially the international observers. ZANU-PF mobilised a protective cordon of African forces through the support of organisations with fraternal links, empathy with the cause of resisting “Western influences through funding of domestic political agents”, and sympathy due to shared colonial and neo-colonial experiences, to help see out the process of conducting a brutal election. President Mugabe used this sentiment to argue that “only African judgements on Zimbabwe's election are valid”.⁹ This broad grouping helped ZANU-PF secure a measure of ideological protection against potentially indicting assessments of the election process. It also provided a relatively sympathetic group of actors who would become involved in the process of observing. International election observation became a cog in the wheel of domestic political contestation.

The sentiments of Africanism and resistance to Western (and often former colonial) actions – the latter being seen as indicative of disdain for national sovereignty and hypocrisy about the Western world's responsibility for much of Africa's contemporary woes – are legitimate and widely shared in Southern Africa and Africa. They find resonance in both past and present experiences. The ingenuity of the ZANU-PF 2002 election campaign was to link this resonance and legitimacy to a campaign that was not only playing foul of the rules of liberal democracy, but also denying Zimbabweans both fundamental human rights, and the right to replace an incumbent. The linkages were found in, for instance, British connections with frustrated land reform initiatives, including prescriptions on processes of land reform, the presence of racist remnants amongst white Zimbabweans (particularly farmers), the fact that both Britain and reactionary elements in Zimbabwe were supporting the MDC, and the reality of sizeable amounts of foreign funding flowing into the opposition movement.

By association, and through a “total onslaught” propaganda campaign, expressions of opposition to ZANU-PF were incorporated into the camp of “illegitimate, foreign-influenced, disrespectful of Africa” opposition. Robert Mugabe articulated the link between these forces and the opposition in the following way: “The [MDC] wants to abandon the struggle for self-determination and go back to Rhodesia. We say no to that. The British will never rule this country again”. He also threatened voters: “If you give the country back to the whites by voting for the MDC, you will see what will happen...”.¹⁰ State-controlled mass media consistently portrayed “dissent” in this manner.¹¹

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It became virtually impossible to disentangle ZANU-PF ideological campaign constructs from the realities of regional political experiences of colonialism and contemporary condescension. Thus was the anti-colonial struggle portrayed to the election observer missions. Several bought into this trope, as was evident in their ensuing reports.

Missions were also affected by their national and continental-African political principals.¹² These principals included the South African government, with its principled interest in promoting and safeguarding the NEPAD and the AU/OAU reputations. It hoped to demonstrate that Africans can hold legitimate and credible elections without the Western world's interference and prescriptions. The South African government's actions to help effect this credibility included its stance of 'quiet diplomacy' towards Zimbabwe – which denoted behind-the-scenes negotiation over, rather than public condemnation of, human rights violations by the state and governing party in the course of the vigorous election campaign.

A concrete means of control over assessment of the elections was found in the process of screening observers through the requirements of "observation by invitation" and subsequent, often delayed, accreditation. Moreover, the Zimbabwean government applied the prerequisite that British and other European citizens would be excluded from all missions.¹³ The control was over the aspects of who would be observing, how long they would be there, what they would be exposed to, how their exposure would be controlled (mass media, propaganda, government and electoral authority meetings), and the ideological and historical context in which they would present their findings. In 2000, there were systematic and extensive delays in the accreditation of observers, and also refusals to accredit. Accreditation of the large international/multi-national, international non-governmental and local civil society monitors materialised in the final days before the election. This minimised in-depth coverage in the problematic (in terms of violence and intimidation) pre-election period.

The process was sharpened in 2002. Then, observer missions could be sent only by specific invitation and subsequent accreditation. In the weeks prior to the election, the Zimbabwe government issued select invitations. Amongst those who were expelled prior to the invitation process was the International Foundation for Election Systems (IFES), after embarking on a September 2001 pre-election assessment project. Because of the Zimbabwean government's anti-colonial, anti-neo-colonial and Third Chimurenga-style definition of the election agenda, the approved observer missions felt a sense of gratitude, in varying degrees experiencing "vindication" by African standards. The tentative 2002 mission of the EU withdrew in February 2002 after mission membership issues could not be resolved. The invitations were extended from early February into early March, thus ensuring limited observation time.

Missions fairly consistently operated on a brief of "report only what you see". The 2002 OAU mission, in the words of its head Gertrude Mongella, operated on precisely these terms: "We are observers, not investigators".¹⁴ The SAOM's Ithumeleng Mosala echoed this, saying, 'We are very satisfied with what we



CHRISTIAN VAN DER MERWE

saw... What you don't see, you can't describe as bad'.¹⁵ This meant that reports of long-term human rights violations by such local organisations as the Amani Trust could be largely ignored. Furthermore, few missions explicitly reported on specific locations, proportional coverage of the whole of Zimbabwe, and time spent in the field. 'No go' areas pertained to observer missions, as much as to opposition supporters, but elicited few mentions in the observer reports.

Most of the missions prided themselves on the fact that they had observed all of the phases of "pre-election" (interpreted as observation that commenced more than one week before polling days), "polling days", and the "post-election" (defined as the days of counting and announcement) periods. The missions only marginally considered reports on the political climate in the period from June 2000 to January 2002.¹⁶

In 2002, the missions, despite screening, placed somewhat more emphasis on transgressions of the two to three weeks prior to the election. Legislative, voters' roll and voting station changes both up to polling days – all in the presence of observer missions – contributed to escalated criticisms in the 2002 observer reports. These manipulations, in combination with near-consensus amongst observers that MDC supporters suffered the "preponderance" of violence and intimidation, cancelled out some of the advantage that ZANU-PF had gained through selective invitation, time-release accreditation and ideological delegitimisation of criticism.¹⁷

One of the common denominators in all of the missions' activities was their observation of the process of voting, on 25–26 June 2000 and 9–10/11 March 2002. In both these elections the ZANU-PF government and its executive-controlled Elections Directorate and Electoral Supervisory Commission (ESC) would ensure procedural and efficient election administration at the level of the polling day interface with voters – in most of those

Table 1: Observer missions' critiques and bottom-line verdicts

MISSION*	MAIN CRITIQUES	BOTTOM-LINE VERDICT
OBSERVERS, OR OBSERVERS PLUS NEPAD PROTAGONISTS		
Commonwealth Observer Group (COG)	Legislative framework manipulated Disenfranchisement of large numbers through voters' roll ²⁸ Voter education inadequate Security forces reluctant to intervene Paramilitary, militia use systematic intimidation Preponderance of violence on opposition ZANU-PF exploitation of state resources Local observers marginalised MDC campaign restricted Rule of Law inadequately upheld Intimidation of opposition media and public media biased Election structures not independent <i>Praised: Determination of the people to vote; Polling and counting were peaceful</i>	Determination to vote Election marred by climate of fear and suspicion Conditions not adequate for free expression of will of electors
SADC Parliamentary Forum (PF) ²⁹	Voters' roll unacceptably delayed, not verifiable, unfair Registration unevenly applied Reduction of polling stations results in slow processes ³⁰ , causes disenfranchisement Police partisan Opposition campaigns interrupted Free movement of party agents compromised Constraints on dissemination of information State-sponsored violence against opposition Systematic violence on opposition by youth, war veterans Lack of access to media by all except ZANU-PF Lack of independence of IEC <i>Praised: Increased number of voting stations in rural areas; Evidence of tolerance amongst voters; Voting peaceful</i>	Elections in climate of insecurity (started in 2000), majority of those affected were MDC ³¹ Massive turnout demonstrates commitment to multi-party democracy Election process cannot be said to adequately comply with the norms and standards for elections in SADC region ³²
NEPAD-PROTAGONISTS PLUS ELECTION MEDIATORS		
South African Observer Mission (SAOM) ³³	Legislative environment uncertain ³⁴ Uncertainty about numbers disenfranchised Voters' roll and reduction in voting stations problematic ³⁵ Monitoring opportunities inadequate Absence of election time-table Election structures should be reviewed Violence on both sides Intimidation of opposition Uneven application of POA All media partisan <i>Praised: Security forces cooperative; Actual election orderly and peaceful; Polling staff professional; high turnout</i>	Large majority showed the belief in credibility of their electoral system Not adequately free and fair, but should be considered legitimate ³⁶
NEPAD/AU PROTAGONISTS WITH SOME ELEMENTS OF OBSERVATION		
Electoral Commissions Forum (ECF) of SADC	Violence and intimidation in pre-election period Voters' roll problematic, omissions Low levels of voter education Last-minute accreditation hampers process <i>Praised: Good administration, logistics; High number of candidates; Professional counting processes; Effective security at polling stations</i>	Result legitimate and reflects the will of the people Environment has bearing on process, but not primary focus of mission
South African Parliamentary Observer Mission (SAPOM) ³⁷	Identified 12 core areas that were found wanting, including the legal-constitutional framework; abductions, beatings, torture and arrests Voters roll not available for inspection Militarisation of the election Displacement of voters Lack of announcement of polling stations Extraordinary presidential powers Candidates have unequal access to electorate Registrar General cannot provide voter statistics Police involvement in screening of voters <i>Praised: High turnout; No disturbances during counting; Agreement (albeit late) an electoral code of conduct</i>	Majority report: Credible expression of the will of the people Minority: People would be betrayed without report of injustices, inequities
ADDITIONAL, SUMMARISED VERDICTS³⁸		
OAU /African Union	"Transparent, credible, free and fair"	
SADC Council of Ministers	"In general the elections were transparent, credible, free and fair"	
Namibian Government	"Elections were watertight, with no room for rigging"	
Nigerian Government	"Peaceful poll"; "Nothing noticed that tarnished integrity and outcome of the poll"	
Norwegian Government	"Major flaws in conduct of election"; "Failed to meet key, broadly accepted criteria"	
United States Government	"Flawed March 9/10 election"; "Aggressive strategy to cripple opposition"	

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parts of Zimbabwe that would be exposed to international election observation. This was reflected in several of the reports (see Table 1). Some of the observer missions dwelled almost exclusively on this 'showcase' period, especially in 2000. This consequently helped them highlight the "celebration" of the will of the people or the courage of the people of Zimbabwe to vote, despite adverse conditions.

Most of the missions did note the procedural chaos in Harare and Chitungwiza in 2002. This included huge congestion, excruciatingly slow voting, and suspected mass disenfranchisement, in particular in densely populated opposition stronghold areas. International observer reports, however, only intermittently counter-posed facts such as too many mobile polls in the rural areas, too many MDC monitors not being allowed at the polls, and half as many polls in urban areas in 2002 as in 2000, with their positive assessments of processes on election days.

The pressure on the international observer missions therefore was to circumscribe their findings in terms of ZANU-PF-defined "African-national and anti-Western" interference criteria. The observer missions that, despite constraints and pressures, presented assessments that focused on "what went wrong and what deliberately was done wrong" did so at the risk of being cast as the 'enemy'.

Observing the observers

With few exceptions, observer missions agreed on the core problematic areas in the 2002 election. There was divergence, however, in both the extent of the problems that were identified, and in the final verdicts that were reached. This section dissects this contradiction, and draws select comparisons with the 2000 observer trends.

Given the increasing levels of screening and pressures on observer missions from 2000 to 2002, it was to be expected that the range of electoral assessments would become less varied.¹⁸ In 2002, the observer missions did deliver a few uncompromisingly critical reports, predominantly coming from civil society within Zimbabwe. The chairperson of the Zimbabwe Electoral Support Network (ZESN), Reginald Machaba-Hove, proclaimed: "There is no way that these elections can be described as free and fair".¹⁹ There were also reports recognising the context and complexities of the election environment, and the factors that marred the result. The SADC-PF judged the elections as falling short of agreed norms and standards.

Several of the reports pointed to weaknesses, transgressions and malpractices (albeit often in euphemistic language), but reverted to notions of the "will of the people", in their "determination to use the ballot" and apparently credible rates of turnout in order to argue for the acceptance of the 2002 election. Statements in this category were characterised by quasi-neutrality in the form of references to "violence from both sides", or "all media were biased". The ECF-SADC mission recognised the shortcomings, but concluded that the elections were legitimate and reflected the will of the people.²⁰ Similarly,

Jeremiah Ndou, South African High Commissioner to Zimbabwe (left) looks on as Sam Motsuenyane, the head of the South African observer mission to the Zimbabwe Presidential elections, speaks to the press.

senior SAOM member Dr Eddy Maloka noted that the SAOM "made a clear distinction between the electoral process and the election outcome".²¹ There were also a few outright acceptances, but these were not backed up with detailed analyses.

For instance, the Namibian delegation described the elections as "watertight, without room for rigging", while the OAU called them "transparent, free and fair". Just one step more conditional, was the SADC Ministerial Task Force's assessment that, "The elections were substantially free and fair, and were a true reflection of the will of the people of Zimbabwe".²²

The detailed reports of the major observer missions in Zimbabwe 2002 show three sets of convergent factors. Firstly, there is broad agreement on the positive aspects of the election. These are to be found in the determination to vote, modestly efficient administration of the polling process, professionalism of the voting staff, and atmosphere of peace and calm on polling days. The reports often zoom in on the "peacefulness" of the process of voting and the levels of apparent peaceful acceptance of the results. Reports also converged in their positive recognition that the struggle for land remains central to the resolution of the Zimbabwean problematic.²³

Secondly, there is convergence in the recognition of adverse characteristics of the 2002 election. These include problems in the legislative environment, problems with voter registration and the voters' roll, violence and intimidation, and the biased role of the mass media. The missions, however, differed on both the extent of these problems, and the effect of these factors on voter turnout and choice. Thirdly, the mission reports converge in their emphasis on the post-election necessity of political reconciliation and socio-economic reconstruction. The reports show a high level of trying to compensate for possible compromises in terms of their acceptance of the election through an emphasis on the need for post-election reconciliation and reconstruction of the economy.

Divergence is evident in the interpretation of the extent and estimated effect of five sets of factors. Firstly, difference emerges in missions dealing with the fact that large numbers of voters voted, or were reflected to have voted in terms of the turnout figures as announced by the Registrar General. Missions note an array of problems, but diverge in their interpretations of the extent of disenfranchisement. It was especially this factor of



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turnout, namely celebration of “the determination of the people to vote”, and turnout as “demonstration of the belief of the voters in the credibility of their own electoral system”, which provided several of the missions with the basis to endorse the poll. The SAOM finding, for example, was: “The analysis indicates that in spite of the problems referred to, the people of Zimbabwe were able to go to the polls to choose a President”.²⁴ The reports differ in their interpretations of the extent to which certain factors, including differential processes of voter registration that favoured the incumbent, legal efforts to selectively disenfranchise, the non-availability of voter statistics and lack of verification of both voters’ roll and the percentage poll, lack of explanation of growth of the electorate by approximately 500 000 since the 2000 election, extensive no-go areas, internal displacement, no proper announcement of the locations of the 4 548 polling stations, fear of being seen to go out and vote, the reduction of polling stations in urban areas, and finally, “excruciatingly slow” voting processes, affected turnout.

Secondly, there were differing emphases on the extent to which the MDC and its supporters were the victims of the bulk of violence, displacement, deprivation of information, physical displacement, and inability to campaign. The reports of the NEPAD-AU protagonists played down the role of the war veterans and the militia. The reports in the “norms and standards” genre were more likely to recognise the pervasive climate of fear. Thirdly, missions diverged on the perceived roles of the security forces. The SAOM emphasised security force cooperation and willingness to investigate violations that were brought to their attention (it was part of its brief to intervene and help secure the conditions that would help create a high turnout).²⁵ Other missions were more inclined to consider evidence of security force passivity and complicity, or the “militarisation” of the country. Fourthly, missions varied in interpreting mass media bias. The SAOM stressed the bias of all of the mass media. Other reports (including SADC-PF and COG) stressed the responsibility of state-owned media to reflect diversity.

It is not uncommon in international electoral observer practice to encounter conflicting assessments. The Institute for Democracy and Electoral Assistance (IDEA) notes instances where domestic monitoring groups almost unanimously view an election result as invalid, whilst international groups give a seal of approval.²⁶ It notes that this scenario underscores the need for ongoing consultation between international observers and domestic monitoring groups to help ensure that reports are based on data collected nationally throughout the election cycle, thereby lessening the likelihood of substantive differences in the final assessment.

The analysis of the Zimbabwe reports, however, indicates more complexity – in fact, the existence of “deliberate divergence”. International and domestic observer or monitoring groups largely observed, or were aware of, the same transgressions. Yet their political mandates, including consideration of the bigger AU/NEPAD picture, dictated softer interpretations of the pertinence of violations. In addition, greater contact with domestic agencies was precluded. The Zimbabwe government had relegated domestic monitoring agencies to the opposition camp, because of their extensively documented rejection of the fairness

of several Zimbabwe elections. International missions would discredit themselves in the eyes of the Zimbabwe government should they formalise cooperation, or find a formula for the consideration of early-pre-election evidence of these agencies in their reports. Several international observer missions would consciously exercise the choice of not recognising the weight of early-pre-election evidence, deliberately limiting their observation focus to the polling and counting days.

Much of the difference therefore can be related to the political versus electoral mandate and role that was assumed by a particular mission. Divergence can largely be explained along the lines of the “observer-observers”, the “mediator observers” and the “NEPAD-AU protagonists”. Missions specifically also adopted more than one of these roles (see Table 1), for instance the OAU/AU mission projected itself as simply an observer mission, but adhered to the AU strain. The SAOM in terms of its brief was defined as a hybrid of mediator-observer and AU-protagonist. In

contrast, the ECF-SADC mission had the objective of providing a “formative evaluation and assessment of the electoral process in order to share these experiences at the SADC level”.²⁷

The more celebratory reports subsequently became subsumed into the Commonwealth position of sanction and efforts to implement post-election reconciliation between the major political parties.³⁹ SADC and the Commonwealth became the dual agencies that would, in the aftermath of the 2002 election war, step in and attempt to reconstruct governance and political legitimacy in Zimbabwe. The outcome of this post-election struggle, and specifically

the question as to whether this would partially dislodge the incumbent, provide it with breathing space for resurrection, or finally usher in a new conciliatory phase in Zimbabwean politics, remained uncertain. It remained perched on an edge of poor prospects for successful negotiations, combining with continued SADC and COG efforts to resolve the Zimbabwean crisis.⁴⁰

Conclusion

The Zimbabwean 2002 election was, in essence, a multi-party election that offered choice on the ballot, whilst force, coercion, legal, regulatory and ideological manipulation and control – on virtually every level preceding the marking of the ballot – conditioned both the environment in which voting took place and the freedom of voters to cast their votes. The economic crisis prevailing in the country at the time impacted on voters and became a crisis of governance. The election, however, did little to resolve this crisis of governance and democracy. The analysis points to the relative importance of elections. As the SADC-PF head of mission, Duke Lefhoko, observed: “Elections may not, in themselves, be a panacea to Zimbabwe’s complex situation of political conflict”.⁴¹ This was the dilemma that was reflected in the often contradictory final verdicts of the observer missions.

Whereas there is a possibility that the MDC might have won the election in conditions of “free and fair” contestation, ZANU-PF had a power base that would have denied the MDC a clear mandate, in electoral terms. Its base included unwavering support from the militia forces (youth and war veteran), the military and other security forces, traditional authorities and provincial gover-

Missions consistently operated on a brief of “report only what you see” ... “What you don’t see, you can’t describe as bad.” This meant that reports of human rights violations by local organisations could be largely ignored.

nors. On the balance of evidence, an electoral outcome in terms of clear-cut, multi-party electoral criteria would not have been enough to ensure a smooth transition, in a way that is assumed in some of the theory of electoral victory and democratic succession. The observer missions, through their holding operation, ensured that the question of succession would be played out on other stages. In the end, however, their interventions meant that

Zimbabwe was left with, on the one hand, a de facto party dictatorship and, on the other, a voter corps that believes that there could have been a real chance of succession by election had there not been a particularly unpropitious convergence of interests between incumbent and international election observers. ■

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Notes & references

- 1 R Ajulu, 'The African Union: The challenges of implementation', *Global Insight*, no 27, May 2002, p4. Both the SAOM and other African missions pursued the NEPAD objectives. South Africa incorporated this orientation in its policy of 'Quiet Diplomacy' towards Zimbabwe.
- 2 The debate about agreement on norms and standards reached a landmark in mid-2000, when, shortly before the 2000 election, in Namibia, electoral management bodies and other cross-sectoral participants from Southern Africa agreed on the establishment of norms and standards to guide regional elections. See Southern African Research and Documentation Centre (SARDC), 2000, p1 (www.sardc.net/sd/elections2000/zimbabwe/zim_observers.html).
- 3 In 2000, the author was a member of the observer team of the ECF-SADC. However, all analyses are done in her personal capacity. In 2002, she studied the observer process in her individual capacity.
- 4 *Southern Africa Report*, 5 January 2002, p7.
- 5 Primary new laws in this period were the Public Order and Security Act, the General Laws Amendment Act, and the Access to Information and Protection of Privacy Act. These restricted the ability of opposition politicians to conduct election campaigns. See 'Zimbabwe Liberators Platform', *Zimbabwe Independent*, 1 March 2002.
- 6 Electoral Act 1992, Section 158. Also see T Lodge, *A Handbook of Zimbabwe Electoral Laws and Regulations*, Johannesburg: Electoral Institute of Southern Africa (EISA), 2000.
- 7 Acknowledgement of these facts is found in reports from both sides of the "verdict spectrum". See European Liberal Democrats, *Motion for a Resolution*, 2002, p1.
- 8 Turnout in Parliamentary elections has been: 1980: 94-98%; 1985: 97%; 1990: 43-60%; 1995: 54%; and 2000: 59% (out of 5 million voters). Turnout in the February 2000 referendum was 26%, based largely on an urban vote. The 1980 and 1985 percentages exclude white voters, then voting on a separate voters roll. Many of the election turnout rates remain estimates. Percentages from S Booysen, 'The Dualities of Contemporary Zimbabwean Politics: Constitutionalism Versus the Law of Elections and Land, 1999-2002', University of Florida, Gainesville, Gwendolen M. Carter Lectures on Africa, March 2002.
- 9 See *The Guardian*, 14 March 2003, p1.
- 10 *The People's Voice* 17 February 2002; *JoAnn McGregor e-broadcast*, 8 February 2002.
- 11 *MMPZ Daily Media Updates*, nos 3-8. Several observer reports note the monopolisation of state resources by ZANU-PF, for instance, Commonwealth Observer Group, *Preliminary Report of the Commonwealth Observer Group to the Zimbabwean Presidential Election*, Harare, 2002, p31.
- 12 See Sam Motsuenyane, *Interim statement by South African Observer Mission on Zimbabwean presidential elections*, Harare, 2002, p18.
- 13 By 8 March 2002, the South African Parliamentary Observer Mission (2002, p7, www.gov.za/issues/zimreport.htm) reported that a total of 566 international observers had been accredited. Out of 12 500 local, trained monitors applied for by the ZESN a maximum of 1 000 were accredited for the total of 4 500 polling stations. Also see ZESN, *Post-Election Statement*, 12 March 2002; *World Council of Churches and All Africa Conference of Churches Report*, 2002, p1; COG 2002, p 25; SAPOM 2002, p7.
- 14 EISA, *Zimbabwe Observation 2002*, March 2002, p2 (www.eisa.org.za/WEP/zim_observation).
- 15 SABC interview, 9 March 2002, quoted in *Focus*, 25, p5.
- 16 COG, 2002. Most of the missions, including the SAOM, interpreted their presence in Zimbabwe from mid to late February 2002 as "having observed the pre-election period".
- 17 COG, 2002, pp 30, 43; SADC-PF, 2002, p3. In contrast, the SAOM mostly report on incidents of violence without specific attribution to perpetrators. See SAOM, 2002, pp8, 17-20.
- 18 S Booysen, 'The politics of international election observation, a case study of Zimbabwe's Election 2000', Paper presented at a research colloquium, South African Political Studies Association, Vista University, Bloemfontein, September 2000.
- 19 ZESN, quoted in *SABC Fokus*, p2 (www.sabcnews.com/africa/southern_africa).
- 20 See ECF-SADC, *Observer Mission Report*, 28 June 2002.
- 21 *Sunday Times*, 17 March 2002.
- 22 Namibian Government Delegation, quoted in *The Guardian*, 14 March 2002; OAU Mission, quoted in *The Guardian*, 14 March 2002; SADC Ministerial Task Force, EISA, 2002a, p2.
- 23 The COG, 2002, pp 10-11 is the report with the most recognition of the convergence of land with elections. Also see SAOM, 2002, *Final Report*, pp 8, 9, 17.
- 24 *SAOM Final Report*, 2002, p24.
- 25 The SAOM would assess whether "the will of the people of Zimbabwe has been demonstrated through the election". See SAOM *Final Report*, 2002, p4.
- 26 IDEA, *International Election Observation*, Results of a UN / IDEA Roundtable, Stockholm, 10-12 October 1995, p15.
- 27 EDF-SADC.
- 28 There was, for instance, non-transparent voter registration, lack of clearly indicated and evenly applied cut-off points, and stripping of dual citizenship voters of the right to vote. In urban areas, people were required to produce passports and utility bills as proof of residence; in rural areas, local chiefs and village heads were required to vouch for anyone registering to vote. SAOM, 2002, p22 noted the high levels of uncertainty about the extent of disenfranchisement.
- 29 SADC-PF (Windhoek), *Statement* (upon completion of interim assessment), 13 March 2002.
- 30 The Norwegian mission and SAOM reported on the fact of forceful dispersion of voters in Harare / Chitungwiza. See SAOM, *Interim Statement*, 13 March 2002.
- 31 "(T)he political and security climate in which the elections were conducted was complex. It was characterised by high levels of polarization and political intolerance..." See *Report of the SADC-PF*, EISA, 2002, p2 (www.eisa.org.za/WEP/zim_observation4a.htm).
- 32 SADC-PF: "The climate of insecurity obtaining in Zimbabwe since the 2000 parliamentary election was such that the electoral process could not be said to adequately comply with the norms and standards for elections in the SADC region". EISA, 2002, p2. The ZESN echoed this. ZESN, 2002.
- 33 *SAOM Interim Statement*, 13 March 2002; *Final Report*, 2002 presented to the South African Cabinet, 9 April 2002. There was also dissent within the SAOM, with some members critical of the SAOM's *Interim Statement*. See *Sunday Times*, 31 March 2002, p3.
- 34 "The promulgation of laws, right up to and during the elections, that were aimed specifically to cover the administration, regulation and management of the said elections; the reversal of some of these by the courts; gazetting of regulations to override the courts - all created an environment that not only caused legislative uncertainty but also threatened the integrity of the electoral process". See SOAM, 2002 and EISA 2002, p6.
- 35 The number of polling stations in urban areas (MDC strongholds) was reduced by up to 50% since the 2000 election. See ZESN, quoted in BBC, 14 March 2002 (news.bbc.co.uk/hi/english/world/africa). According to the Registrar General, an extra 644 polling stations were opened in the rural areas. ZBC-TV interview, 1 March 2002.
- 36 From 2000 there has been a trend of increasing avoidance of the verdict of "free and fair" and instead making greater use of "generally representative of the will of the people". For a brief discussion of this trend, see SARDC 2000, p2.
- 37 South African Parliamentary Observer Mission, Zimbabwe Presidential Elections 9-11 March 2002. *Report*, 19 March 2002. Also see *Press Statement*, 13 February 2002.
- 38 Norwegian Election Observer Mission, *Final Report*, 20 March 2002, p 1; US Department of State, *Fact Sheet*, 14 March 2002, p2; EISA, 2002; *SABC Fokus*, (http://www.sabcnews.com/africa/southern_africa).
- 39 The Commonwealth suspended Zimbabwe for a year, accepting the *COG Report* that the 2002 election was "fatally flawed" and conducted in a climate of fear. www.sabcnews.com/features/zim_crisis; T Mbeki, Question and Answer Session, South African Parliament, Cape Town, 29 May 2002.
- 40 See *Mail & Guardian*, 17 May 2002, p16, *Business Day*, 13 May 2002, p1 and *Sunday Times*, 2 June 2002, p11 on talks and South African pressure on President Robert Mugabe to proceed with post-election negotiations with the MDC.
- 41 SADC-PF, 2002, p6.

Rethinking non-accountability and corruption in Botswana

**Is Botswana's
once-vibrant
democracy under
threat from a
pompous
government which
brooks little
criticism and
refuses to account
for its actions?
By Kenneth Good,
University of
Botswana**

A general working definition of corruption in government is the abuse of public office for private gain. It accommodates various forms, and has wide applicability and acceptability.

Corruption is inherently and inescapably an ethically laden phenomenon: "To discuss corruption in a polity is to discuss the standards of right and wrong in that polity".¹ There is nothing neutral or value-free about corruption. It involves theft, abuse, and exploitation of the many by the comparatively few, and it "hinders economic performance, increases the cost of public investment, lowers the quality of public infrastructure, decreases government revenue, and makes it burdensome and costly for citizens – particularly the poor – to access public services. [It] also undermines the legitimacy of government and erodes the fabric of society."²

Corruption is usually closely associated with the absence or weakness of democracy. For instance, in the early modern patrimonial-bureaucratic state in Britain, 16th to 18th centuries, "officials were paid by those who needed to use their services", and corrupt

practices, according to Peck, were "the cement welding together the Crown and the political elite". They were endemic, and served "to reinforce the status quo, primarily the interests of the landed aristocracy".³ In contemporary early capitalist dictatorships like King Hassan's Morocco, Suharto's Indonesia and Mobutu's Zaire, corruption was similarly both endemic and systemic, entrenching the power and privileges of a small elite, and impoverishing and marginalising the people.⁴

What ultimately cleaned up British politics was the transformations wrought by capitalist industrialisation, and the democratisation movement of the late 19th and early 20th centuries, which grew out of the burgeoning towns, factories, and improved communications systems. Within an expanding range of self-help groups, burial societies, savings clubs, co-operatives, and, local, later national, trade unions, later still, a Labour Party, a dense array of civic groups arose through which people tried to fashion a better life for themselves.⁵ The process was both socio-economic and deeply political. The People's Charter of 1838 had six basic demands: universal male

suffrage; secret ballots; annual parliaments; salaries for MPs; abolition of property qualifications for MPs; and an end to rotten boroughs.⁶

This was democracy in aspiring practice, not just as voting in periodic free-and-fair elections, but as a drive towards increasing equality broadly. New urban working-class men and women began to look to the state for goods and services which it had never previously provided – education, better living and working conditions, organisational rights – and they demanded a new kind of government, an activist, embryonic welfare, democratic, and thus clean, state, in consequence.

It became “a time of glory and a time of hope”⁷ for the common man and woman, and the process of working-class self-determination swept aside the corrupt structures. It was this popular developmental movement which “almost extinguished” corruption in Britain, at a rate and to an extent that was “quite outstanding”. The legal reforms which parliament gradually conceded were the milestones to its progress and achievements: in 1832, for instance, parliament enfranchised the commercial and industrial middle classes; the Corrupt Practices Act in 1833 increased penalties for corruption and asserted centralised controls; vote-buying was restricted in 1854, and again in 1883; in 1867, the Reform Act gave the vote to most urban artisans (but not to the unskilled or women); and in 1872 the Ballot Act introduced the secret vote.⁸

Something not dissimilar happened almost coincidentally elsewhere in Western Europe during the “first great wave of democratisation” under the banner of social democracy. But emphatically not in the United States, the world’s leading liberal polity, where “the majority of the population... did not place any value on an honest administration, or at least they never collectively manifested this.”⁹ Today Finland and Sweden, viable social democracies still, score at the top of world indexes of clean and open government. In Stockholm the Prime Minister’s mail, both outgoing and incoming, is placed on public display each day, while the minority of Americans who bother to vote in presidential elections – around one-third of those eligible normally – choose a “Tricky Dicky” Nixon or an amoral Bill Clinton.¹⁰

Both the positive evidence from Britain, the Scandinavian countries and, say, the Netherlands, and the negative inference from the United States, shows that it is an organised, democratic people which plays the fundamental role in cleaning-up corruption. This has been recognised by Americans such as former Vice-President Al Gore, who told an anti-corruption conference in Durban in October 1999, “A vibrant democracy is the only enduring antidote to corruption”.¹¹

Reform measures to extend the vote, to establish special agencies, and so on, are vital, but they are secondary and derivative. In addition, a careful historical approach is important to the understanding of corruption in particular countries. Corrupt practices were systemic in Britain over some two centuries, but they were almost eradicated under specific conditions – although the likes of Jonathan Aitken and Lord Archer recur.¹² Informed, critical analysis is a better guide to an understanding of such changes than a reliance on “perceptions”, such as are largely used by bodies such as Transparency International. These may be overly dependent on accrued actual misconceptions, whether with

regard to democracy and justice in the United States or the supposed “shining light” of pre-1990s Botswana when, in a sea of one-party states and the apartheid regime, its democracy and governance acquired exaggerated, fixed term lustre.

History and Culture in Botswana

Distinctive features exist in Botswana which warrant close examination. The keyword for a chief or leader in Setswana, *kgosi*, connotes someone who is both rich and politically powerful. Chiefs in the 19th and early 20th centuries were active, individual accumulators of cattle, land, and control over labour. Leadership in the inherited culture was based on a fusion of wealth and power, on a basis uncommon elsewhere in southern Africa and in modern liberal democracies.

The independent country’s first two presidents, over more than 30 years of its existence, co-founders of the ruling party, were both men of landed wealth, with a considerable personal stake in the economy.¹³ While this might have introduced an element of economic rationality into their policy making, it also raised fundamental problems of special interest, as when they made decisions on taxation policy on cattle exporters and state subsidies for the sector. These interests were nonetheless sanctioned within Tswana political culture.

Such wealth-accumulating leadership was located, furthermore, within what were in the 19th century and later highly stratified, sharply hierarchical societies.¹⁴ John Iliffe refers, in fact, to “the starkness of the dichotomy of rich and poor among the Tswana”, and to “the remarkable continuity between the pre-colonial poor and those of the late twentieth century” in Botswana.¹⁵ Thus, chiefs of both wealth and power are separated from the mass of the people by a deep and broad gap. Peter Fawcus and Alan Tilbury, leading participants in the transition to independence, also noted the “near omnipotence” of the chiefs, who amassed wealth through tributes, free labour, judicial fines, and cattle production¹⁶

Civil society, unlike 19th century Britain or South Africa during the industrialisation of the 1970s-1980s, was historically absent in Botswana. Occasional public assemblies of adult males took place to discuss critical issues, but “in all cases the chief made the final decision on policy”. The power of the ruling elite amounted to an autocracy, in possession of firm social control.¹⁷ Elements of reciprocity within the chiefly system and cattle production served to disguise inequalities, and the *kgotla* functioned to mobilise support for policies and programmes which ruling elites had already decided upon.¹⁸

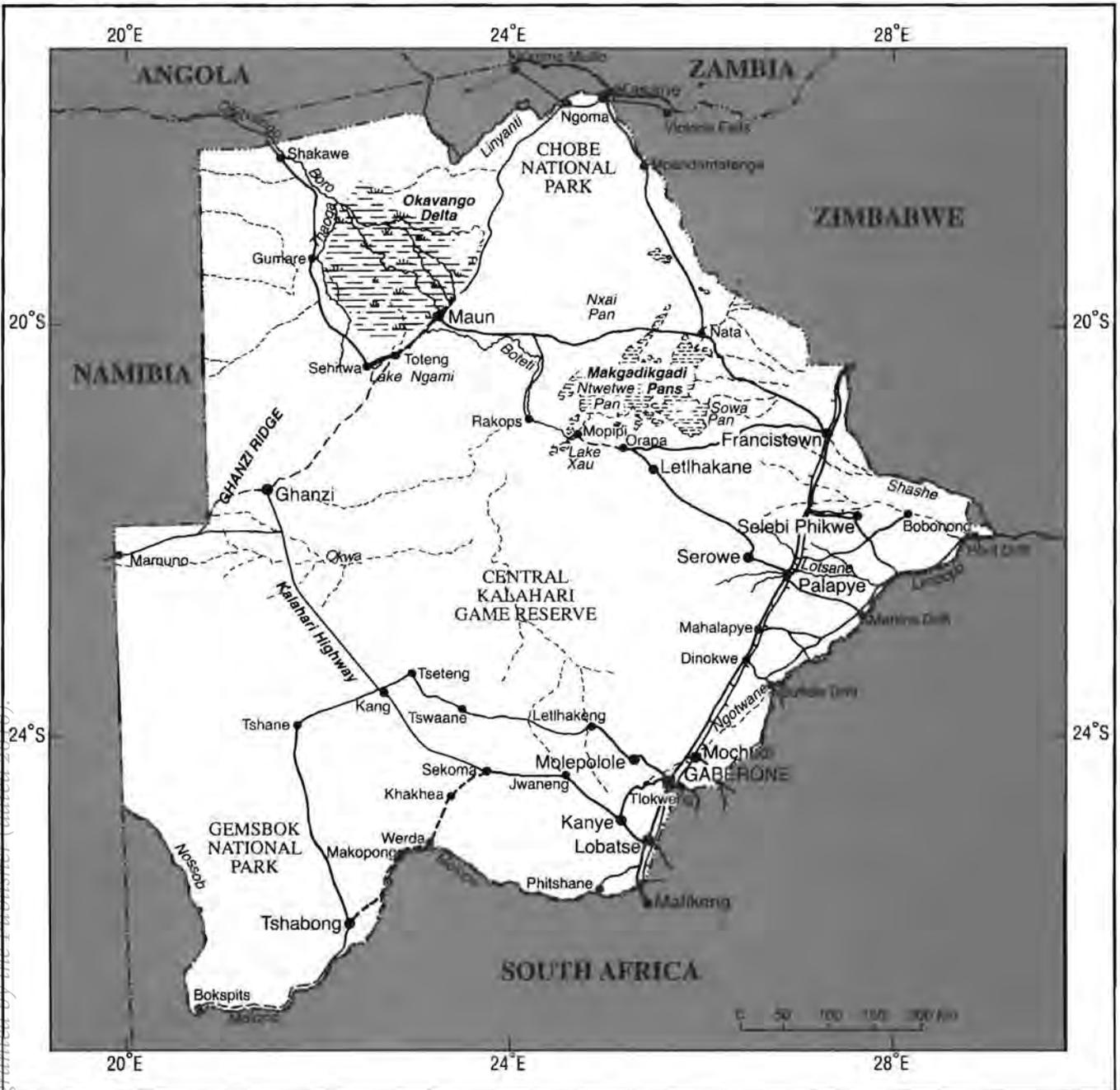
Liberal Democracy in Botswana

It was upon this autocratic, elitist and wealth-accumulating inheritance that a modern liberal democratic system, emphasising multi-party politics and regular, free and (fairly) fair elections, was established. As one-party states and military regimes were rising and falling around Africa, it was in the genius of Botswana’s “founding fathers” that they established a stable and enduring system of liberal democracy – a politics of choice associated with an economy of choices, as CB Macpherson once put it.¹⁹ By the late 1990s, the system displayed the following characteristics: the President decides alone, both consti-

What exists in Botswana (is) a government that does not engage with its critics ... Questioners are dismissed as ‘breeding a culture of contempt’, of being ‘abusive’, and the mere act of asking questions is portrayed as ‘a witch hunt’.

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BOTSWANA



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tionally and as president of the ruling party, 1966-2002. The single party has won every election to date under democratic conditions, and a predominant party system exists. Elections in Botswana, President Festus Mogae observed in late 1999, are dull, and the country is very proud of this dullness; participation by eligible voters in elections and referenda tends to be low to very low.²⁰

Since 1999, more clearly than ever before, Botswana has become, in the words of Damolf and Holm, "a democracy without a credible opposition".²¹ This represents either a virtual contradiction in terms, or a severely limited form of liberal democracy. Perceptions of a 'shining light' were, on Botswana's own terms, as well as on post-1990 regional comparisons, misplaced.

Given the autocratic and hierarchical elements in both the inherited culture and the modern politics, accountability and

openness is not easily achieved in this highly elitist system. Not only is an organised opposition absent, but civil society remains weak, within what remains an undiversified economy (despite sustained and rapid growth).²²

While civics and other self-help groups acted as the font and force for democratisation in Britain and in South Africa, in Botswana they have barely limped behind the state-initiated endeavours, their role and contribution frequently discouraged by politicians and bureaucrats.²³

"Civil servants and politicians in our sample rejected the idea that groups should get involved in election politics, other than to encourage people to vote", and Kenneth Koma, an enduringly unsuccessful opposition leader, "said unequivocally that citizens should support parties as 'individuals' and not through groups".²⁴ If organisation is "the weapon of the weak in their

struggle with the strong", Botswana in democratic terms are largely defenceless.²⁵

Non-Accountability Continued

The 1990s offered numerous, well-documented examples of low or non-accountability in government. The commission of inquiry into illegal land transactions in villages adjacent to Gaborone, chaired by Englishman Kgabo, found evidence of the use of high office for personal gain, and named the Vice-President and Minister of Local Government, Lands and Housing, PS Mmusi, and the Minister of Agriculture, DK Kwelagobe. Kgabo reported that the names of the two ministers had "cropped up very frequently" before the commission, and "the public does not refer to them with any compliments". He concluded that "government credibility and integrity are at stake" around Mogoditshane. Mmusi was also the national chairman of the governing Botswana Democratic Party (BDP), and Kwelagobe was its secretary-general.²⁶

Not long after, a Presidential Commission into the operations of the Botswana Housing Corporation (BHC), chaired by Richard Christie, reporting late 1992, identified "gross mismanagement and dishonesty" in the corporation, "resulting in the loss of tens of millions of Pula". It found also that a company called Spectra Botswana had earlier given an unsecured loan of P500 000 to one of its three directors, Michael Tshipinare, who was simultaneously an Assistant Minister of Local Government, Lands and Housing. Spectra's parent company, the Premier Group of South Africa, thereafter made a successful tender-bid to build a new headquarters for the BHC at a planned cost of P53 million. The other Assistant Minister in Local Government, Ronald Sebege, was found to have used his position for the benefit of friends. Christie concluded that "ultimate administrative responsibility" was borne by the Permanent Secretary in the Ministry, who was also Chairman of the BHC, Pelonomi Venson, while Vice-President Mmusi held "political responsibility" for the massive corruption.²⁷

Those accused and named in these two reports vigorously insisted that they had done no wrong and held no responsibility for the consequences. Mmusi and Kwelagobe resigned from government in March 1992, and held public rallies at which they continued to declaim their innocence. Only in June was their suspension from party office announced.

The mismanagement in the Ministry of Local Government and the BHC came to light through public controversy fueled by good investigative reporting in the independent press. Internal government checking mechanisms were throughout either absent or ineffective. At the BDP congress in July 1993, Kwelagobe and Mmusi were re-elected to their former positions with large majorities, and Kwelagobe called this proof of his innocence. In the same month, Tshipinare was found guilty by the Chief Magistrate in Gaborone of corruptly obtaining a P500 000 loan from Spectra, and sentenced to four years in jail with three of them suspended.

Not four months later he was free, having been found not guilty on appeal to the High Court. The judgement of Justice Gyeke-Dako appeared to cast clear light on the accepted business practices of ministers. The quasi-judicial judgements of the two

Commissions, popular opinion expressed in the newspapers and elsewhere, and the norms of responsible government were ignored by Tshipinare and Sebege, Mmusi and Kwelagobe.²⁸

This was far from all. The National Development Bank (NDB) was "a pillar of our financial system", in the words of the Minister of Finance and Development Planning, Festus Mogae, in 1991. By late 1993 the NDB was nearly bankrupt, with accumulated losses exceeding P40 million, and with loans outstanding of over P90 million. At a press conference in January 1994, Mogae stated that the key problem facing the Bank was the reluctance of borrowers to service their loans. Thanks to unofficial whistle-blower action from within the NDB, the identities of the Bank's leading debtors were soon clear.²⁹ Among the more prominent was the Minister of Commerce and Industry, PHK Kedikilwe, with an outstanding balance of P640 000, of which P260 000 was in arrears; his colleague at Labour and Home Affairs, Patrick Balopi, was indebted through his company Phuramarapo Investments P/L to the extent of P1.1 million, with arrears of P400 000; President Masire owed P546 000; Tshipinare owed P600 000; and Sebege P1.5 million.

The government's supervision of its financial flagship had contributed to the collapse.³⁰ Government had injected considerable funds to cover the write-offs of bad debts by the NDB on a number of occasions through the 1980s, and it sanctioned the rescheduling of loans on an across-the-board basis. It had effectively indicated to borrowers that loans need never be repaid since their cancellation might be expected.³¹

The response of the ministers concerned to the revelations took a number of decidedly negative forms. One was to assert that their loans and indebtedness were the fault of the NDB. Another was to claim that "we are human too", and "like all farmers" are sometimes in arrears; a third response was to criticise

No area of governmental activity shows less accountability, however, than the military ... the failure to explain, justify and account also characterised the country's extraordinary military expansion programme ...

the exposure and to attack those who tried to investigate the role of the ruling elite in the Bank's collapse. President Masire said the furore itself was "unethical", and declared that "the media should refrain from this witch hunt". The Minister of Foreign Affairs, Dr Gaositwe Chiepe, similarly claimed: "We are breeding... a culture of mistrust and abuse where you bundle everyone into one group without verifying the facts".

What was not offered, nonetheless, was any solid rebuttal or revision of the figures over several weeks of commotion, including two lively protest demonstrations by students and others in Gaborone. But the government was not pressed for further information, and it failed to explain the circumstances under which ministers had acquired their loans, and how these had been maintained and accumulated. No resignations resulted.

President Masire offered a fourth argument against the exposures which carried definite weight within the distinctive political culture of Botswana. The issue had to be seen, he said, "in its context". Botswana, especially in its agricultural sector, was "a highly risky area". But "the people who venture", as he put it, were "the hope of our society". Entrepreneurship – true venture capital – he seemed to be saying, must be accorded free rein. This was the basis on which Botswana had grown. He did not elaborate.³²

No area of governmental activity shows less accountability, however, than the military, and the large and exceedingly dark area of national security surrounding it. In August 1990, the then



CHRISTIAN VAN DER MERWE

ON GUARD A Botswana Defence Force soldier facing a future of increasing militarisation in his country.

told the deputy leader of the Opposition that it was “unacceptable for the Honourable Member... to expect me to reveal such sensitive information”.³⁶

The International Institute for Strategic Studies (IISS) in London reported that Botswana had earlier bought 36 British Scorpion light tanks, and it said that the country’s military expenditure had risen from P214 million in 1992 to P625 million in 1995. Unaffected by the revelations, Lieutenant-General Ian Khama told a reporter in April 1996 that “it is not in the nature of any army in the world to discuss its strength”.³⁷

Botswana’s military expenditure as a percentage of GDP was 4.9% in 1993 as opposed to 4.6% by South Africa. It was high by world standards too – higher even than the United States then. When such outlays were combined with the leadership’s refusal to explain, the results were regionally de-stabilising. Jakkie Cilliers, of the Institute for Defence Policy in Johannesburg, was quoted as saying that Botswana had no known enemies: “If you build up a large military without a purpose, it becomes a threat to the country [itself]”. *Jane’s Defence Weekly* agreed that it was a large and surprising expansion, and it emphasised too that actually acquiring an operational battle tank capacity from a zero base “will take 10 years or more” in training and acquiring field experience.³⁸

Military expansion jumped further forward in June 1996 when press reports indicated that Botswana had purchased 13 CF-5 (or F-5) fighter-bomber aircraft from Canada, at a cost of \$49 million. These were comparable in performance to Zimbabwe’s Mig-21s and South Africa’s Mirage F-3s. Again, this was just the first step in a long programme of training and development. Ross Herbert in Johannesburg estimated the costs to Botswana of training 13 pilots for the F-5s as \$50 million. The necessary maintenance, fuel, radar systems, munitions, and storage would constitute additional expenditures.³⁹

President Masire stood by his ministers and his Force commander in refusing to explain what was happening. “An army is an army because it is equipped as an army”, he said in July. “We therefore are getting equipment adequate to our needs and we need no apology to anybody for doing that.”⁴⁰

The military expansion, and the secrecy surrounding it, apparently goes on. Newspaper reports in July 2001 indicated that Botswana had purchased 20 tanks from Austria, and that some or all of these had already arrived the previous year. An Austrian diplomat based in Pretoria, Caroline Gudenus, said that the deal had been negotiated in 1998, at a reported cost of \$32.5 million. An option for a further purchase existed. A BDF spokesman would neither confirm nor deny the report.⁴¹ In 2000, military expenditure in Botswana represented over 5% of GDP, while it was 3.5% in Zimbabwe, and just over 2% in both South Africa and Namibia.⁴² Zimbabwe was then heavily involved in conflict in Congo-Kinshasa, where Namibia was also engaged on a smaller scale.

South African Defence Force (SADF) was able to establish the newspaper, *Newslink Africa* in Gaborone, as a vehicle for its military intelligence in the region. SADF representatives had no difficulty in persuading the Botswana government of *Newslink’s* bona fides.³³ It ceased operations in December 1991, because President FW de Klerk wished to curtail expenditure on covert operations, and because the *Weekly Mail* and *Mmegi* had begun to expose the true nature of the paper. *Newslink* was, nevertheless, able to withdraw large truckloads of equipment over the border in mid-December, even as local employees and suppliers clamoured for unpaid wages and payments.³⁴ How and why this occurred, and how *Newslink* had operated for sixteen months, as an apparent real and present threat to the country’s security, was never properly explained.³⁵

The failure to explain, justify and account also characterised the extraordinary military expansion programme which began in the early 1990s with the construction of the new Thebephatshwa Airbase west of Gaborone, which was officially opened in August 1995. In March 1996 reports appeared in the Netherlands and in the local press that Botswana was intending to purchase 50 Leopard 1-V battle tanks and other material. Approached for clarification, the Botswana Defence Force (BDF) refused to respond because “the information is classified”.

While lengthy debate took place in Holland over the proposed sale, the National Assembly in Botswana neither discussed nor approved the purchase. Even MPs were refused information. Although the media suggested that the cost of this purchase was some \$63 million, Minister for Presidential Affairs Kedikilwe

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ABOVE THE LAW? Vice-President and Minister of Local Government, Lands and Housing Peter S Mmusi, named in investigations into illegal land transactions.

The Ombudsman, Lethebe Maine, called for the enactment of a Freedom of Information Act in late 1999. Glowing words about the Ombudsman as a pillar of democratic government, he noted, meant very little unless the right to complain and to raise issues was fully available to all sectors of the public. "The effective flow of information about policy and administrative matters", he added, "are fundamental to the role of the Ombudsman."⁴³

What exists in Botswana approximates closely to what John Ryle calls a government that "does not engage with its critics."⁴⁴ Even questioners, as during the NDB loans scandal, are readily labelled and dismissed as "breeding a culture of contempt", of being "abusive", and the mere act of asking questions is portrayed as "a witch hunt". Silence, and a contrived amnesia, are the further consequences. Recently Outsa Mokone, editor of *The Botswana Guardian*, saw Botswana afflicted by what he termed "the battered wife syndrome" – "each time we are short changed by our leadership, we try to make excuses for them, for fear of appearing disrespectful!". But the reality was that the media had great responsibility, especially in the wake of the 1999 elections: "The political opposition is fragmented and weak. The parliamentary watchdog role has been eroded... [and] the civil society is small and still developing."⁴⁵

The government soon showed its dislike of the *Guardian's* questioning and critical style. On or around 23 April, President Mogae issued a verbal directive that all state and parastatal bodies, and private companies in which the state had a majority shareholding, should cease placing advertisements in *The Botswana Guardian* and its associate *The Midweek Sun*.⁴⁶

Chris Bishop, short-lived editor of news and current affairs at Botswana Television (BTV), experienced direct interference from ministers in his choice of programmes. When he proposed to show a documentary film on the convicted murderess Marietta Bosch, the director of information and broadcasting, Andrew Sesinyi, informed him (as Bishop stated in an affidavit) that "a government decision had been taken and that [he] would not be permitted to broadcast the feature". The instruction came directly from the Vice-President, Ian Khama.⁴⁷

A planned story on the Basarwa – an indigenous group then facing removal from ancestral lands – was also opposed from on high. Bishop declared that during his time at BTV there were other incidents of harassment "including veiled threats directed against me". "Certain ministers," he also stated, "considered the television station as their personal privilege to use at will." Editorial independence did not exist at BTV, and Bishop was obliged to resign.⁴⁸

Fairly clearly, on the record of the 1990s, good governance suffers when a ruling elite refuses to explain and account for its actions. The biggest losers are unlikely to be among the educated and professional middle classes, who have resources to hand to



discover the truth. In the early 1990s passivity and deference was widely inculcated among youth in Botswana.⁴⁹ The "real losers" within an elite-promoted obscurity and silence are probably "the poor and the voiceless".⁵⁰ In other words, democracy worsens in its fundamentals as this is sustained over time, and increasing openings arise for corruption.

Mismanagement and Actual or Potential Corruption

Tendering procedures are another area of documented concern. The contract for the supply of teaching materials for primary schools in 1990 was awarded to International Project Managers (IPM). It resulted in the dissipation of P27 million, largely unaudited. Responsibility for primary education was shared between the Ministry of Local Government and that of Education. No tender competition was conducted, and no proper study of experienced agencies in the area of educational procurement was made. IPM was essentially Robert Paul Castro and his wife. Castro had neither educational qualifications nor technical experience, but what he did have, on late assessment, was "quick wits and a persuasive tongue".

There was in fact "no apparent analysis whatever of the persons employed by the company or their qualifications". Castro was allowed to draft his own contract, which had no financial ceiling, and which was not approved by the Central Tender Board. He was "overpaid an ascertainable sum of P383 302,26", but the actual overpayment could not be determined.

Nevertheless, for the subsequent 1991 school year the consultancy was again awarded without a competitive tender.⁵¹ Problems seemingly continue. The former minister, Ponatshego Kedikilwe, declared in August 2001 that tendering procedures were being manipulated by what he called a "mafia clique".⁵²

The important Financial Assistance Policy (FAP) was also highly problematic. The Minister of Commerce and Industry, George Kgoroba, told parliament in March 1998 that there was widespread abuse of FAP, especially on the part of small companies. FAP recipients and suppliers colluded together to defraud the government and public.

Suppliers promised to meet the equity contribution of the FAP applicant, and recovered their costs through inflated quotations and premature invoicing.

The consequences were projects that were severely undercapitalised and quickly collapsed. New and extraordinary methods of project approval were necessary, he said, to combat this corruption and waste.⁵³

Progress remains limited. In his Budget Speech, 2001, the Minister of Finance and Development Planning, B Gaolathe, noted that a recently completed fourth evaluation of FAP had revealed "widespread abuse" of the scheme, and it confirmed that about 75% of small-scale FAP projects had not survived beyond their period of assistance.⁵⁴

Mismanagement may act, of course, as a cloak for corruption. Certainly another area for concern is irresponsible and incompetent parastatals. When Christie identified "gross mismanagement and dishonesty" within the BHC, he stressed specifically that the Corporation's maverick manager had acted out of public control. Part of the problems experienced at the NDB seemed to relate to the composition and competence of its Board. Civil servants predominated in 1994, and their autonomy, independence, and collective strength relative to decision-making Ministers was questionable.

On the testimony of the whistle-blowing employees, interest rates on NDB loans were not set by the Board but by government. Various review and restructuring programmes had been announced since 1989 but not implemented.⁵⁵

The competence of the key parastatal, the Botswana Development Corporation (BDC), is very doubtful. When Beach Club Clothing collapsed at Selebi-Phikwe in April 1999 it held outstanding loans and guarantees with the BDC worth P7.7 million, dating back to 1993, extended in 1995. It too had FAP grants.

It moved out overnight, and left a notice at the gate telling its workers – some 2 000 of them – of the closure. The BDC managing director, Kenneth Matambo, disclaimed responsibility, on grounds of corporate incapacity: "We at the BDC, technically speaking, do not have the experience in running any other business other than issuing loans".⁵⁶

The collapse of Beach Club and many other textile firms paled into insignificance, in terms of long-term development and diversification, when car assembly in Gaborone was terminated. This resulted in part because the BDC had entered into a partnership with Motor Company of Botswana (MCB) in which Billy Rautenbach, a highly politicised Zimbabwean entrepreneur (with active financial and political interests in Congo-Kinshasa), was a

co-owner. Ownership and control in this and two associated firms was, in fact, loose, complex, and suspicious.⁵⁷

The assembly of Hyundai and Volvo cars in Gaborone faced intense opposition from South Africa.⁵⁸ Final bankruptcy quickly resulted when the National Director of Public Prosecutions in South Africa, in November 1999, publicly named Rautenbach as a leading criminal in the country, embroiled in warlord activities in Congo. The Completely-Knocked Down (CKD) car facility in Gaborone had a value of over P200 million in 1998, and represented considerable skills and technology transfers; Hyundai had invested around 30% of the capital sum, and BDC put P85.6 million into the project.

By 1999 Hyundai exports had narrowed the balance of trade between Botswana and South Africa from 1:25 to 1:6. But BDC failed to recognise the rather patent incapacities and the tainted character of Rautenbach. He and his family firm, Wheels of Africa, were inexperienced in car assembly, and by 1998 it was clear that continuing association with this vulnerable figure threatened the sustainability of the project.⁵⁹

Quill Hermans observed in 1995 that the efficiency of the public sector in managing development had diminished, and projects were no longer well coordinated. The record on policy implementation was "lamentable".⁶⁰ The record with regard to

FAP, to the management of projects at Selebi Phikwe, and to car assembly, suggests that little or nothing had improved. Explanation and accountability, as indicated above, continues to be weak. The demise of the country's automobile capacity received only glancing reference in the 2001 Budget Speech.⁶¹

The availability of easy credit, of debt roll-overs, and of financial bailouts to indebted small companies are inter-related and highly problematic areas. They characterised much of the 1990s.

Considerable evidence suggests that the trade in military equipment is inherently corrupt world-wide. Middlemen and brokers are important in

the arranging and fixing of deals, wherein the material might have no fixed price, and sales are arranged through kick-backs to the purchasers. Witness the Bofors gun scandal involving the highly reputable government of Olaf Palme in Sweden and that of Rajiv Ghandi in India, beginning in 1985-1986.⁶² No evidence suggests that Botswana's military expansion has been influenced by corruption. But with accountability so conspicuously absent in this area there is no reason for complacency either.

Non-accountability in government is the greatest area of weakness overall, and it relates to the fundamentals of Botswana culture and the limitations of its liberal or elitist form of democracy. The cures here are not only a Freedom of Information Act, a long-awaited Register of Members' Assets, protection for whistle-blowers, a strengthened Ombudsman and an anti-corruption agency independent of presidential control. These and other reforms are important, but a prerequisite is heightened political participation, a stronger civil society and improved popular decision-making generally.

The broad record shows that clean and accountable government is a long-term process, which necessarily starts from the socio-economic ground up. It got underway in Botswana in the early 1990s, and the three Presidential Commissions of Inquiry, the NDB exposures, on the one hand, and the establishment of the

Fairly clearly, good governance suffers when a ruling elite refuses to explain and account for its actions. The biggest losers are unlikely to be among the middle classes, who have resources to hand to discover the truth.

Directorate on Crime and Economic Corruption and the office of the Ombudsman, on the other, were its early fruits forced on the government by manifest public concern. Citizens demonstrated in the streets, and journalists unearthed some facts.

The 1994 elections, when the opposition made its biggest gains ever in Botswana, were the further product of the protest against non-accountability and corruption. Popular momentum was soon dissipated, however, and the "dull" normality so favourable to the governing elite was restored.⁶³

But the vital role of the press in striving for accountability was endorsed by the courts in September 2001, when Justice

Lesetedi ordered the government to end its advertising ban on the *Guardian* and *Midweek Sun*.

His judgement affirmed that freedom of expression was a fundamental cornerstone of a democracy, and a free media was a large part of that. The press had been in the forefront of the fight against corruption and the abuse of power. The courts of law, he said, must jealously guard the freedom of the media.

He emphasised too that government must accept more scrutiny of their actions than the ordinary person. Precisely because of their high office and responsibilities, they should be more tolerant of criticism.⁶⁴ ■

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Increasing numbers of Nigerian women are turning to home-based enterprises - but they need the right environment if they are to prosper, writes **Olusola Olufemi**

Home-based work: enabling or debilitating homes?



Increasingly, middle-high income literate women (apart from low-income illiterate/semi illiterate women, who dominate the informal trading sector) in Nigeria are becoming involved in home-based enterprises to supplement their regular monthly incomes. Not only poor low-income families but also struggling middle-income families are engaged in working at home or in home-based enterprises. The latter category tends to live in low-density wealthy parts of the city, for example, in Bodija, in Ibadan, Nigeria.

The deprivation and poverty created by the introduction of the Structural Adjustment Programme (SAP), the change in the structure of the world economy and globalisation have also played a significant role in the increase in informal economic activities, human underdevelopment, inequality, capital flight, brain drain, decreased access to food, people searching for survival in difficult circumstances (sometimes scavenging) and a substantial drop in the standard of living and quality of life of the populace.

The primary economic measures of the SAP are wage and price controls, credit restrictions, public sector retrenchment, taxation measures, raised interest rates, privatisation, control of the money supply, and trade regulations. Some of these measures have given rise to an informal economy dominated by trading, service provision and petty commodity production. This 'second economy' also incorporates activities that may be termed 'redistributive', many of which are in conflict with the law. Yet, with the growth of such activities, the African city appears vibrant and alive.¹

Many of the houses where home-based work is carried out do not comply with planning regulations. Housing compliance means houses built in compliance with established standards and regulations. Due to acute housing shortages and high rents, most houses in the newly developing fringe areas have been built with total or partial disregard for planning regulations.

The study on which this article is based is part of a broader descriptive qualitative study carried out in Nigeria and South Africa in 1995 and 1998. The article is based on the outcome of a focus group discussion with women living in residential neighbourhoods in Ibadan, Nigeria. The residential neighbourhoods are Bodija (low density), Mokola (medium/high density) and Agugu (high density, traditional).

Women's Work and Housing

The ILO defines 'home workers' as those who do not work on the employer's premises but in their own homes, other people's homes or other premises such as yards or workshops.² In the last two decades, home work has gained momentum and has acquired a more important global dimension. Production processes and services are increasingly being outsourced and subcontracted by enterprises to smaller firms, home-based enterprises and home workers in advanced and developing countries and across national borders.³

Work and home life have often been considered to take place in separate spaces with work being treated as a public sphere dominated by men and home as a private sphere run by women.⁴ "The dwelling may represent a 'home' for the man in the household and a workplace for the woman".⁵ In the cases described in this paper the house represents both home and workplace for both genders.

This supports Ahrentzen's argument that "the myth of the privatized home is belied by the fact that the residence has always been and continues to be a space of reproduction and production".⁶ Although it is difficult to determine the extent of home-based work, since it is rarely included in national statistics, micro-level studies suggest that home-based workers comprise a large portion of the workforce in many countries.⁷

Shelter provision is seen as a potent instrument for poverty reduction, employment generation and social integration.⁸ This viewpoint rests on the fact that shelter can create employment and improve the quality of life of employees, especially those working in the urban informal sector, where the home and the workplace are involved.

In addition, the income generated enables households to access the basic needs of life, including housing.⁹ The economic role of housing in its use as a shop, factory, as a financial asset, as a source of rental income and generally as an entry point for

the poor into the urban economy has been emphasised by MaCallum and Benjamin.¹⁰

Women around the world and especially in sub-Saharan Africa increasingly utilise the spaces in their homes to earn income essential for family survival. In developing countries, economic and social changes, such as fragmentation of land, technological changes and migration have increased the necessity for women to earn incomes.¹¹ The link between women's work and housing is apparent when it is considered that they predominate in owner-occupied housing.¹² Unfortunately housing (and its immediate surroundings) as the space in which home-based work takes place is often overlooked. The need for space for income-generating activities of women within the community is also overlooked.

Zoning regulations mostly prevent the development of income-generating activities in residential areas, resulting in problems for women in particular. It became evident from the study on which this paper is based that most home workers do so to alleviate poverty, supplement household income, and for livelihood and survival reasons. Planning, policies and land-use regulations have been based on separation of these two functions and the formal sector, acting through the state, is seen as "...defending itself against externalities - whether they are unseemly sights, smells and health hazards or family mode of inappropriate rules on building, housing and trading".¹³

Interrelationships between home and work

Most studies on home and housing focus on and emphasise the residential aspects at the cost of the equally important aspect of income-generating activities. More recent research argues that rather than regarding working and living as exclusive categories, this division is in fact artificial.¹⁴ Working in the home was the norm in pre-industrial societies and this lack of distinction continues until the present day in many developing country households.

Kellett and Tipple indicate that, "In many parts of the world, the dwelling is also a place of production: some or all of the household members may be involved in income generating activities, ranging from small-scale, part-time tasks with few specific spatial demands, to manufacturing activities which may dominate the dwelling environment".¹⁵

Lipton describes home-based enterprises as "family mode of production enterprises" whose characteristics are as follows:

- The family controls most of the land and capital to which its labour is applied;
- Most of the family's land, capital and labour are used in the enterprise;
- Most of the labour applied is provided by the family.¹⁶

The above assertions indicate that the productive aspects of the dwelling or house are indeed enabling to all household members. To further reiterate the enabling aspects of the home, Pahl asserts, "women have earned money for the entire history of wage labour and have contributed this income to their families and households".¹⁷

Lipton notes the advantages of home-based enterprises in terms of being able to treat resources fungibly; they can be converted swiftly, conveniently and without loss from one use to

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another.¹⁸ This is very true in the Nigerian case. The adaptability and convertibility of space for home working and living is very flexible and minimal or no costs are involved if the home-based work does not involve high technology. But the adaptability and convertibility of structures to fit into home-based work could be debilitating if appropriate planning and space standards are not complied with.

It appears that the distinction between reproduction (domestic activities) and production (economic activities) is not clearly drawn in most households in Africa, Asia and Latin America.¹⁹ For most of the respondents in the case study discussed it is evident that there is no clear distinction between the reproductive and productive aspects of the home. Work is carried out within the living space of the family.

"However, homework has different implications for the two sexes. At the most basic level what home work does is to fundamentally change the meaning of 'home' for the workers involved and challenges the traditional separation of the home and (paid) work spheres. The home becomes the workplace also."²⁰

For the woman worker not only does this imply increased domestic work, pressure on space within the home, potential family tensions, but also women homeworkers face double exploitation within the domestic domain from their employers as wage labourers and from their husbands as domestic labourers.²¹

Furthermore, where women are part of the extended family where all the members are home workers, as is particularly common among ethnic minorities, they are unable to establish a "spatially separate sphere of existence" and within the family itself the double subordination of women is fixed through the mixing

in one person of the role of husband or father with that of boss and employer.²² Thus, home work for women is likely to enmesh them further within a complex web of oppressive and exploitative domestic and labour relationships in a single location. The form of homework does not necessarily imply low wages, poor conditions, and insecure employment. It varies within classes as is evident from the respondents in the case study.

According to Kellett and Tipple, in many cases control over home-based enterprises is virtually impossible because, by their very nature, they blend into the residential environment as much as possible.²³ Thus in spite of official disapproval, poor households continue to establish and operate home-based enterprises.

Feminist historians have argued that traditional male categories of work have tended to obscure women's involvement in paid employment.²⁴ This is derived from an emphasis on the more visible forms of work organised in 'col-

FOR SALE *In spite of official disapproval, poor households continue to establish and operate home-based enterprises.*

lective' or public workplaces. Thus, women's work such as the provision of board and lodging or the private sale of skills such as laundry, ironing, etc. to other households was ignored because of its location within the informal economy. Watson argues that the separation of work and home and public-private dichotomies are now breaking down.²⁵

Looking at the concept of 'home' historically it is clear that the home has had and continues to have a quite different and shifting meaning for the working and middle classes and for working and middle class women in particular. Watson indicates there is an intricate relationship between women's domestic activity and their paid employment outside the home.²⁶

Not only does female paid employment in the 'productive' sphere mirror the productive work they perform at home, but also women's work is defined as unskilled precisely because the skills required have been gained by women in the private domain. Thus, predominantly female work – such as catering, cleaning and sewing – can be performed with the minimum training because a women's apprenticeship has taken place at no cost to the employer within the home.

Women's employment has thus been characterised by its proximity to, or location in, the home and is commonly interrupted by periods of childbirth and childbearing. Working for a wage at home enables women to continue to carry out domestic respon-

HOME-BASED WORK IN NIGERIA

sibilities, particularly childcare, and the domestic division of labour is not threatened.²⁷ One tends to find many women working from home or engaging in home-based enterprise during this life phase.

Watson reiterates there is a complex interaction between women's domestic burden, housing cost, location, the availability of childcare, lower female average earnings which influence the extent to which women are employed part time, involuntarily or are underemployed, and this further reinforces labour market segmentation on the basis of gender.²⁸ With the emergence of a new international division of labour, a shift from factory production to home-based production appears to be an important part of the restructuring process and is once again attractive to capital.²⁹

Experiences of Women in Nigeria

The excerpts indicate some of the relationships fostered when women work at home as well as the enabling and debilitating aspects of home working.

Agugu

Respondent 1 is a primary school dropout, and works as a petty or small-scale provision (grocery) seller. She also sells fried bean cakes (*akara*) in front of her house. She has a wooden kiosk in front of the house where she sells groceries like milk, sugar, bread, household washing items, sweets, chin-chin, and so on.

She says, "This is my main work and I use the money realised to take care of my four children. My husband, Alhaji, is a bricklayer and has two other wives who are in purdah. I save some of the money with a cooperative society (*egbe alajo*). When I have time, I stay or sit for a long time with my wares (*ate*). But often, I get up to do other chores. When the kids are on holidays or back from school, they help sit with the wares while I go shopping to replenish stock as well as domestic shopping or take time to visit friends and relatives or cook. Little profit is realised from sales because it is small scale, but I hope to expand in future and rent a proper shop."

Respondent 2 is a traditional textile weaver (*aso oke*) and bead maker (traditional beads like *Iyun* or *Segi*). She is married to an Alhaji and she is the first wife and fully involved in the family business. Though illiterate, she is highly skilled in record keeping and accounting.

She says, "This job takes a lot of my time and it is difficult to combine with housework. We get bookings for weddings, birthdays, society functions and we also have to take the materials to the monthly market. I was born into a trading family and would definitely pass this trade on to my children, in fact all the children are already involved in the different aspects of this trade.



The good thing is that I can overlook the activities of my children while working at home. The work is carried out in the courtyard."

Mokola

Respondent 3 produces cooked food, which she sells from a small wooden canteen extension to the house. She sells cooked rice, cassava and pounded yam with fresh fish, as well as bush meat. Only semi-literate, she says, "I make good money because my customers are highly placed people in the society. I re-invest the money back into the business. There is really nothing to save because the family eats from hand to mouth. I do not have much time to spend with my children until in the evening (7 pm) but with this work I can meet the needs of the children as well as mine. One needs buying and selling (*Karataka*) to survive in this country."

What home work does is to fundamentally change the meaning of 'home' for the workers involved and challenges the traditional separation of the home and (paid) work spheres. The home becomes the workplace as well.

Respondent 4 is a high school teacher and she combines this with a home-based tailoring/fashion design business. She uses one of the rooms in her rented wing of a face-me-I-face-you building on which she has built a wooden extension.

The extension is closed at the end of the day. She says, "I am renting this room and space so I pay extra together with my accommodation. Shops in town are too expensive. Here I don't have to pay for transport except when I go to the market to buy materials. I don't have strict accounting, I save in the bank when I can, but it is very difficult to save considering the economy, things are too expensive, you just keep spending on household items especially food."

Bodija

Respondent 5 holds a Masters in Public Administration (MPA) and is a lecturer in a university. To supplement this income, she keeps poultry and sells groceries in her owner-occupied bungalow or simplex. She is married with three children and her husband is also a university lecturer. She has built a shed for her chickens and a kiosk for the groceries. "The family benefits from the home-based work because we don't spend money on chickens, eggs and minor groceries; I am able to meet up with my society and extended family demands apart from the requirements and school fees of the children. Sometimes when the university staff is on strike or the university is closed down due to breakdown in law and order, proceeds from the sales are used to support the family. When the university was closed down and we were not paid salaries, we ate bread mostly, in fact there were days we skipped meals or did not eat meat because it was a luxury and we couldn't afford it."

Respondent 6 is a pharmacist, who works full-time in a government hospital. She lives in a duplex, and owns a dry-cleaning and pharmacy shop downstairs and lives upstairs. She employs people to look after the two businesses and she oversees after hours and on weekends. "To survive and live quality life, my dear, you need to diversify into business. The country is so expensive – market, transport, schooling, food, etc. Though my husband is a professor, he earns 'peanuts' – we couldn't afford to buy even a car. The children attend a private school, they have to feed well and enjoy all the amenities like computer games, etc. but you cannot afford those with the salary the government is paying. I do proper accounting and reinvest money back into the business. Also the business money is separated from the domestic account."

From the experiences of women described above, apart from the productive aspects of the house, certain enabling and debilitating aspects present themselves and these are discussed next.

Enabling and debilitating aspects of home-based work

The Oxford dictionary defines enabling as making possible, while debilitating means making weak. Housing is expected to meet the needs and priorities of

residents, while also contributing to their physical, mental and social well being.³⁰

Turner characterises houses that accommodate poor families' economic strategies for survival such as renting rooms or allowing income-generating work as "enabling homes".³¹ Those that are built to specifications based on middle class nuclear family norms, but do not serve the needs of poor families, are characterised as "debilitating homes". His further classification relates to the supportive shack (enabling) and the oppressive house (debilitating).

However, the concept of enabling used in this paper is different from the neo-liberal position of enablement in housing as used by the World Bank and the UNCHS, though in a way it complements the enabling approach of government in housing.³² The

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Habitat Agenda is committed to developing housing that can serve as a functional workplace for women and men. The Agenda commits government to the strategy of enabling all key actors in public, private and community sectors to play an effective role at national, state, metropolitan and local levels, in human settlements and shelter development.

Enabling homes, within the context of this article, are homes that contribute to the income-generating activities of women for survival and poverty alleviation. The definition also includes homes that promote well-being and quality of life, are of good housing quality, provide room for subsistence and sustenance, as well as privacy, security, and safety, and give access to adequate services. These enabling aspects are reflected in some of the respondents' remarks, especially those relating to the facilitation of child-care and the production of income for the family.

Debilitating homes, on the other hand, are homes that have a negative impact on the environment, health, and occupational safety, homes that have been rendered "weak" (structurally or otherwise) because of certain home-based activities. Some home-based work has a debilitating effect on the health of the provider and family members and sometimes the health of the immediate neighbours. In particular, the potentially harmful effects of heat, smoke, dust, fume, residues and physical danger remain a reality in home-based work.

Moreover, the design of debilitating houses and their improvised structures could be a source of danger. Other characteristics of debilitating homes include their contribution to illness and health risks, by acting as disease vectors, and their environmental risks due to poor sanitation and pollution. Improper sanitation practices evident in the types of wastes generated, disposal practices, burning and informal dumping pollute the environment and also affect the health of individuals. Hence, they have a debilitating effect on the house and its environment.

Health worries such as muscular tension, fatigue, back-ache, eye strain, respiratory infections (from the use of wood as fuel), and typhoid fever are very common among the home workers and their household members. Lack of storage facilities and erratic electricity supply can also spoil some of the food items for those involved in catering or selling cooked food. They cannot preserve the leftovers but, in order to maximise profits, some home workers continue to use the leftovers if they are not totally rotten. All these have a debilitating impact on the provider, consumer and environment.

The alterations and improvisations carried out on buildings also impact on the aesthetic value of the house. Debilitating aspects of home-based work can be seen in the informal structures erected by several respondents, such as wooden kiosks, extensions to the house and chicken sheds.

Types, structure of and reasons for home-based work

Generally the types of women's home-based work include tie-dyeing cloth, sewing, knitting, tailoring and fashion design, hair-dressing, catering and baking, home lessons, and petty trading, such as selling textiles, groceries, livestock and livestock products, and water and soft drinks. Spaces such as garages, living rooms, out-houses, and servants' quarters are converted and used as home-based work spaces. In other cases, kiosks and

kanta (a small shed built with wood, wire gauze and corrugated iron sheets) are constructed and used for home-based work.

Most of the home-based work is carried out throughout the day, with work beginning as early as 5 am. Usually relatives, domestic workers or the children of underprivileged extended family members oversee the work while the owner is at formal employed work – as is the case for literate educated women who have paid jobs elsewhere and are using the home-based work to supplement their family income.

About 70% of residential accommodation in Nigeria provides a space for home-based work. This is more prevalent in the high-density residential areas where there is face-me-I-face-you housing (Brazilian type) occupied by low and middle-income people. Emerging trends have seen a spread of home-based activities to low-density residential areas where the middle to high-income people reside.

The reasons given by the women for engaging in home-based work include:

- Economic reasons: poverty alleviation, survival, affordability, more disposable income, additional income to supplement the family's spending;
- Personal: status elevation, satisfaction;
- Household needs: more disposable income, supplement household income and needs, step towards retirement;
- Neighbourhood: service provision to the neighbourhood, reduce distance and travelling costs to the market or city centre by neighbours to obtain items;
- City planning: decentralising shopping to the sub-micro levels;
- Socio-cultural reasons: societal needs and demands, peer needs, association needs, and contributions to social functions (aso ebi) such as weddings, funerals, birthdays and meetings.³³

Emerging Issues

Some of the emerging issues that have implications for planning are listed here. The first is that women share time between caring and homework. According to Felstead and Jewson, "this involves an attempt to avoid conflicts over spatial and temporal resources by scheduling home-located production around the demands of domestic, household and family life".³⁴

Another concern is that there is little or no consideration or integration of home-based work (the house fulfilling the dual role of working and living) in the planning of residential communities. Linked to this is a large amount of ignorance regarding the environmental and health hazards of certain home-based work, and the construction of often unsafe improvised structures which do

not comply with planning, building and extension regulations. Domestic accidents may easily occur.

However, women continue to carry out such work to supplement meagre incomes and based on a survival instinct: the need to create jobs where none exist. Working in the home is a sort of security for the future; the children get to inherit the business if their parents die, especially in the traditional setting. Clearly there is little distinction between tenants and owners involved in home-based work. Apart from the workers themselves, landlords make

To survive and live quality life, my dear, you need to diversify into business. The country is so expensive ... though my husband is a professor, he earns peanuts – we couldn't afford to buy even a car.

money from some of the home-based work located on their property; some landlords even make space available for home working so as to charge more rent. A linked problem is the exploitation of workers, especially minors.

But, as a result of the proliferation of home-based work everywhere and in almost every residential dwelling, there is little quality control of the work carried out. Competition is rife, especially unhealthy competition where people do 'muti' or 'juju' to keep their home-based work flourishing and bring down their neighbours. Another social problem is that home-based work may attract crime such as house breaking and burglary.

Apart from all these issues, a real problem for the state is that no proper tax records are kept for the majority of home-based work, and tax is evaded in most cases. This constitutes a loss of revenue for the government.

Conclusion

The dwelling is a place for reproduction and production. Many people live and earn a living from their homes through home working and home-based enterprises. Home-based work contributes to national and local economies like other sectors of the economy. Home-based work allows women to earn a living, especially those who would have been prevented from doing so due to cultural or economic factors. Home-based work also provides much needed services and employment in the low-income

housing areas and more recently in the middle- to high-income residential areas as reflected in this paper.

However, planning regulations in most cities do not accommodate home-based enterprises. They are targets of criticism over their generation of traffic, noise, pollution, and other health and environmental hazards. They are also a milieu for the exploitation of workers who are isolated from unionisation, working condition regulations and other pro-worker activity.

To ensure enabling homes and to sustain our future living environments a policy which would emphasise awareness of occupational and health safety and quality control is paramount in any home-based work or enterprise. This would be a holistic approach to solving most of the environmental and health risks related to aspects of home-based work. In addition, professionals involved in the built environment should design enabling residential neighbourhoods and housing spaces for women.

The fact is that women have shown that they can live and at the same time generate income for survival in their homes, thus making their homes enabling environments. It is now time for the regulatory system in turn to create an enabling environment for such work to prosper. ■

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South Africa faces several challenges as it attempts to implement human rights principles to international standards. By Akhabue Okharedia

Implementing Human Rights principles: Does post-apartheid South Africa measure up?

Fifty years after the adoption of the Universal Declaration of Human Rights in 1948, the universality and validity of human rights principles are still called into question by persistent and gross violations of fundamental human rights in most parts of the world.

Some anti-human rights activists are of the opinion that the Universal Declaration of Human Rights is a 'successful' failure while human rights advocates are of the view that the declaration has achieved some level of success. The reasons advanced as evidence of the failure of the Declaration revolve around the global increase in human rights violations and the degrading treatment of human beings in our society. These violations are attributed to a wide and complex variety of factors and forces, which include, among others, economic conditions, structural social factors and political expediency.

According to Abdullahi Ahmed An Naim, the lack of cultural legitimacy of a human rights standard is one of the main underlying causes of violations of those human rights standards.¹ His contention is that there is a need to advance the universal legitimacy of human rights by addressing some of the difficulties facing cross-cultural analysis and by examining some of its specific implications. The search for universal legitimacy for human rights through cross-cultural analysis and reinterpretation is accepted as a useful approach to enhance the credibility and effi-

cacy of an international standard. He argues further that after such an analysis, the remaining challenge is to develop an appropriate methodology for identifying and pursuing standards.

In the new constitution of South Africa, human rights principles have been entrenched under the Bill of Rights. The Bill of Rights is described by the constitution itself as the "cornerstone of democracy in South Africa".

In view of the importance attached to human rights principles as embedded in the Bill of Rights of the South African constitution, this paper examines critically those areas where South Africa has successfully implemented human rights in terms of the international standard. In the same vein, an attempt will be made to discuss those areas where it has been difficult to achieve the international standard. In considering the implementation of human rights principles, the first clause that comes to mind is that of human dignity.

With regard to human dignity, the Universal Declaration of Human Rights stipulates that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". This is a very important clause because it affects every society, and also because inhuman treatment or punishment is prohibited by regional instruments, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as under the international system of the United Nations.



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However, for a full understanding of this clause and how it has been implemented in South Africa, it is necessary for us to review the clause as stipulated by the United Nations.

The meaning of "human dignity"

In terms of the Universal Declaration of Human Rights of 1948, the General Assembly sets "a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constant in mind, shall strive by teaching and education to promote respect for these rights and freedoms by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of territories under their jurisdiction".

Article 5 of this declaration stipulates that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Both human rights treaties and customary international law prohibit torture and impose obligations on Governments to prevent and punish acts of torture."² The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in official capacity".³ Under this definition, State agents and individuals who are found to have dealt with other human beings in a manner that is inhuman are held liable for torture and cruel and degrading treatment.

Using the definition contained in this Article as background, we now proceed to assess how the courts in South Africa have implemented this Article of the Universal Declaration of Human Rights. Chapter Two of the South African Constitution contains the Bill of Rights, and Section 10 of the Bill of Rights deals with human dignity. This section states that, "Everyone has inherent dignity and the right to have their dignity respected and protected". The right to human dignity can be regarded as one of the core constitutional rights since the Bill of Rights must be interpreted so as to promote the constitutional desire to create an open and democratic society which is functionally based on human dignity, equality and freedom.

The Issue of Dignity and Punishment

Juvenile whipping

In the case of *S v Williams*, five different cases in which six juveniles were convicted by different magistrates and sentenced to receive a 'moderate correction' of a number of strokes with a light cane, were brought into contention.⁴ The issue in this case was whether the sentence of juvenile whipping, pursuant to the provisions of section 294 of the South African Criminal Procedure Act, is consistent with the provisions of the constitution, and in particular the Bill of Rights.⁵ The applicants in this

case are all males and they are juveniles. Three of them – Williams, Koopman and Mampa – were each sentenced to suspended prison sentences in addition to the juvenile whipping. The remaining three were sentenced to juvenile whipping only.

The Provincial Division of the Supreme Court sees the matters in two ways: all the cases were subject to automatic review in terms of section 302(1)(a) of the Act because of the terms of imprisonment, albeit suspended, imposed on the applicants themselves.

In addition to this automatic review, Mr AP Dippenaar, who presided over the case involving Williams, requested that the sentence of strokes be subjected to special review in terms of Section 304(4) of the Act. He took this step because he doubted whether juvenile whipping was still permissible in the light of the new Constitution and in view of the decision in *Ex Parte Attorney-General, Namibia: In re Corporal Punishment by Organs of State*.⁶ Whether, as a matter of strict law, the magistrate was correct in deferring the execution of the whipping is not an issue.⁷ He deserves to be commended for treating as a matter of priority an issue involving fundamental human rights and, in particular, the application of the provisions of Chapter 2 of the new constitution. A sentence of juvenile whipping in terms of section 294 of the Act is not normally reviewable; the whipping is therefore administered immediately after sentence is passed.⁸

There are countless instances in the past where courts sitting on appeal or review have had to set aside sentences imposed by trial courts because of irregularities; where those offenders had been sentenced to a juvenile whipping, the punishment would almost invariably have been carried out already. Once a whipping has been administered, as in Williams's case, any decision which the court comes to will make no practical difference. Mindful of this, Dippenaar ordered that the sentence of five strokes imposed by him on the applicant should not be carried out until the issue of

whether or not the punishment was consistent with the constitution had been finally decided by the Constitutional Court. The case was therefore referred to the Constitutional Court.⁹

The Constitutional Court found that the provisions of Section 294 of the Criminal Procedure Act, which provides for juvenile whipping as a sentencing option, violated ss10 (human dignity) and 11(2) (cruel, inhuman and degrading punishment) and could not be saved by the operation of Section 33. The issue was to a large extent rendered academic since the state, which had originally argued that corporal punishment was constitutional, had subsequently accepted the unconstitutionality of this sentencing option. Argument on the issue was, however, presented in the Court.

Judge Langa, delivering the unanimous judgement of the constitutional court, referred to growing consensus in the international community that judicial whipping offends society's notions of decency and is a direct invasion of the right of person to human dignity. In attempting to convince the court that juvenile whipping was a justified infringement of various rights, it was argued by the state that juvenile whipping had advantages for both the offender and the state, especially in light of limited resources and the infrastructure for implementing the other sentencing options, and that it acted as a deterrent.

The right to human dignity can be regarded as one of the core constitutional rights since the Bill of Rights must be interpreted ... to create an open and democratic society based on human dignity, equality and freedom.

However, Langa disagreed with this line of reasoning, drawing attention to other more enlightened sentencing options, such as correctional supervision and community service orders. He was of the opinion that no clear evidence had been advanced that juvenile whipping is a more effective deterrent than any other available forms of punishment. The provisions of Section 294 of the Criminal Procedures Act, therefore, impose limits on the rights contained in ss10 and 11(2), which are unreasonable, unjustifiable and unnecessary.¹⁰

In this case the constitutional court held that the measures that assail the dignity and self-esteem of an individual will have to be justified; there is no place for brutal and dehumanising treatment and punishment. The constitution has allocated the State and its organs a role as the protectors and guarantors of those rights to ensure that they are available to all. In the process, it sets the State up as a model for society, as it endeavours to move away from a violent past. It is therefore reasonable to expect that the State must be foremost in upholding those values, which are the guiding light of civilised societies.

Respect for human dignity is one such value; acknowledging it includes an acceptance by society that even the vilest criminal remains a human being possessed of common human dignity. This is a confirmation of the support on validation given by the South African Constitutional Court to the principles of Human Rights as clearly stated in Article 5 of the Universal Declaration of Human Rights.

The death penalty

In the case of *State v Makwanyane*, two appellants had been convicted in a Local Division on four counts of murder, and on each count they had been sentenced to death.¹¹ They made an appeal against the convictions and sentences but the court held that there was no merit in the appeals against the convictions. As regards the death sentences, it was contended on behalf of the appellants that the imposition of death sentences was unconstitutional by virtue of the provisions of section 9 or section 11(2) in Chapter 3 of the Constitution of the Republic of South Africa.¹² The court was of the opinion that the death sentences were, in the circumstances of the case, the proper sentences and that it was possible that section 241(8) of the constitution authorised the court to confirm a death sentence even though it might be in conflict with the constitution.

The court was however doubtful whether the Appellate Division had the power to interpret section 241(8), but considered that it would be better to first obtain the decision of the Constitutional Court concerning the validity of the death sentence. It was felt that this was a question in respect of which only the Constitutional Court had jurisdiction.¹³ The court accordingly ordered that further consideration on the issue of the death sentence be referred to the Constitutional Court.

In the Constitutional Court, Judge Chaskalson (President of the Constitutional Court) drew attention to the fact that the death penalty is inherently cruel, inhuman and degrading punishment. He argued that the imposition of the death penalty was arbitrary and unequal in its operation and constituted an impairment of human dignity.

According to Chaskalson, section 277(1)a of the Criminal Procedure Act, which provided for the imposition of the death penalty for murder, conflicted with section 11(2) which prohibits

cruel, inhuman and degrading punishment and such infringement of section 11(2) was not justified in terms of section 33.¹⁴

Separate judgements that capital punishment was unconstitutional were delivered by all the other ten Constitutional Court justices.¹⁵ Ackermann was of the view that life imprisonment may be the necessary trade-off for the abolition of capital punishment in order to protect society from seriously harmful conduct.

Generally speaking, it appears that all 11 judges agreed that the imposition of capital punishment unjustifiably infringed Section 11(2).¹⁶ Justices Ackermann, Didcott, Kriegler, Langa, Mohamed, Mokgoro, O'Regan and Sachs held that the death sentence unjustifiably infringed section 9 and section 10 of the new South African Constitution.¹⁷

The Constitutional Court did well by holding firmly to the fact that the death penalty is a gross violation of an individual's right to life. The decision of the Constitutional Court on this case is compatible with the international standard on human dignity. In fact, the judgement is laudable in light of the Universal Declaration of Human Rights. In most civilised societies today, the death penalty is regarded as cruel, inhuman and degrading.

Historically, it can be recalled that the main factor that motivated the entrenchment of Article 5 of the Universal Declaration of Human Rights was to prevent the recurrence of atrocities such as those committed in concentration camps during World War II.

Issues of property

Having discussed the implementation of Article 5 of the Universal Declaration of Human Rights in the context of South African Courts, we will now examine Article 17 of the Universal Declaration of Human Rights.

Article 17 states that:

- Everyone has the right to own property alone as well as in association with others;
- No one shall be arbitrarily deprived of his/her property.

To what extent have South African courts been successful in implementing Article 17? Section 25 of the South African Bill of Rights includes the property clause. This clause protects individual rights to property and embraces three broad categories of right claims, namely:

- Claim to an immunity against uncompensated expropriation of private property by the State. This buttresses the fact that the State cannot lawfully take over property unless it pays for it.
- Claim of right to hold property. This is supported by Article 17 of the Universal Declaration of Human Rights.
- Claim to have property. The main argument here is that all people have a moral right to have at least enough property to enable them to live. It is the state's responsibility to at least provide minimum comfort for everybody.

Section 25 of the Bill of Rights shows that the property clause embraces the real rights recognised by the law of property, rights in terms of ownership, mineral rights, servitude, etc. It includes the right to use something and exclude others from it, the right to transfer something to another and the right to instruct

Acknowledging civilised values like respect for human dignity includes an acceptance by society that even the vilest criminal remains a human being possessed of common human dignity

another person not to use one's property, for instance in the case of a trade mark or for the protection of intellectual property.

In this paper, we examine the issue of intellectual property to evaluate how successfully the courts in South Africa have protected the use of intellectual property to conform with the international standard.

One of the most recent court cases in this regard is that of *Joburgers and Dax Prop cc v McDonald's*.¹⁸ In South Africa, McDonald's was the registered proprietor of various trademarks including the name McDonald's, Big Mac, and Golden Arches Devile (the "McDonald's trade marks"). These various trademarks were registered in 1968, 1974, 1979 and 1985. In 1993, Joburgers Drive Inn Restaurant filed an application for the expungement of the above trademarks because at the time of registration, McDonald's had no bona fide use thereof for the five year period preceding the date of the application for expungement. Joburgers went further to indicate his interest in using the McDonald's trademarks.

McDonald's vehemently opposed Joburgers' application, and went so far as to launch an urgent application in the Supreme Court for an injunction to stop Joburgers from using McDonald's trade marks. At this point in time, the Supreme Court was said to have granted a temporary injunction in favour of McDonald's while awaiting the outcome of the expungement application.¹⁹

In 1994, Dax Prop cc also filed applications against McDonald's trade marks and brought an application before the Supreme Court for the expungement of the trademarks on the same grounds as Joburgers. In response, McDonald's brought a counter-claim for trademark infringement.

It is interesting to note the main defences raised by McDonald's in both cases. In the first defence, McDonald's argued that at all material and relevant times it had always had a bona fide intention to use its trademarks in South Africa. In the second defence, McDonald's relied on the TradeMarks Act (no 62 of 1963), condoning the non-use of a trademark where such non-use was due to special circumstances in the trade. McDonald's made it clear that the American Anti-Apartheid Legislation against South Africa amounted to such circumstances.

On 1 May 1995, South Africa promulgated a new TradeMarks Act (No 194 of 1993). Section 35 of this Act makes provision for the protection of "well known" foreign trademarks so as to help South Africa conform with article 6 bis of the Paris Convention on International Standards in Protection of Individual Property. In view of this article, McDonald's brought a further application for an injunction against Joburgers and Dax Prop from using the trademarks of McDonald's, arguing that McDonald's was a "well known" foreign trademark in South Africa.

However, the court's decision was not favourable towards McDonald's, for various reasons. Firstly, it was argued that McDonald's did not prove to the satisfaction of the court that its trademarks were "well known" in South Africa. In view of this judgement, McDonald's appealed to the Appellate Division of the Supreme Court. The Appellate Division's interpretation of Section 35 ("well known") was quite different, pointing out that South Africa had followed the "hard line approach" in passing off

proceedings in which it was necessary to establish, in addition to a reputation, a good will in South Africa before a claim in respect of passing off could be found. The court went further to buttress the fact that section 35 was enacted for the purpose of protecting foreign trademarks which had a reputation in South Africa but had not yet established a good will in South Africa by commencing business.

The second point emphasised by the Court was that section 35 remedied the fact that South African common law as set out above did not enable South Africa to meet its international obligations and at the same time conform with the Paris Convention. These were the factors considered by the Appellate Division in interpreting the concept of "well known".

The Appellate Court, as a result, ruled in favour of McDonald's. This final judgement removed the international stigma that was already placed on South Africa for not respecting Article 17 of the Universal Declaration of Human Rights in terms of both the right of an individual to own property and not to be arbitrarily deprived of his/her property. In addition to this, this judgement of the Appellate Division finally put to rest the other international criticism, that South Africa does not fulfil its obligations under Article 6 bis of the Paris Convention by not protecting "well known" international trademarks.

This judgement of the Appellate Division confirms that South African courts have achieved some level of success in the implementation of human rights principles in terms of international standards. From our discussions so far we have shown those situations where South African courts have achieved international standards in implementing human rights principles. However, there are situations where it will be difficult to achieve

international standards. These situations will be the focus of the remaining part of this paper.

Situations where it is difficult to achieve the international standard

Article 27 of the International Covenant on Civil and Political Rights of 1966 supports the Universal Declaration of Human Rights and requires State respect for the culture and language of the people. Article 27 states as follows:

In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

This Article 27 agrees with ss30 and 31 of the Bill of Rights of the South African Constitution, which accord rights to members of cultural, linguistic and religious communities to participate in their culture, language and religions with other members of the community. In summary, ss30 and 31 of the Bill of Rights of the South African Constitution provides as follows:

Section 30

Everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.

The Bill of Rights includes the right to use something and exclude others from it ... and the right to instruct another person not to use one's property, for instance in the case of a trade mark or for the protection of intellectual property.

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Section 31(1)

Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community:

- a) to enjoy their culture, practise their religion and use their language; and
- b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.
- c) The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights.

We will now examine the implementation of human rights principles in light of the customary marriages of the people of South Africa, which of course are based on cultural beliefs and values. Before a customary marriage can be approved by the family members of the bride, the bridewealth (*lobola*) must be paid by the family members of the bridegroom. According to Schapera, the main function of the payment of *lobola* is to transfer the reproductive power of a woman from her family to that of her husband.²⁰ He argues that this fact is of considerable importance, for upon it rests the whole concept of legitimacy of the customary marriage.

Hollerman sees the payment of *lobola* as an undertaking by a husband and his family to deliver a specified number of cattle or other compensation, which will enable the husband to obtain a wife for their own procreation.²¹ He points out clearly that these obligations intended by the parties cannot therefore be regarded as fully achieved until the full amount of marriage compensation agreed upon has been delivered.

According to Bekker, in turn, *lobola* is the rock upon which the customary marriage is founded.²² He argues that there is considerable justification for the view that the *lobola* contract has a greater binding force than a marriage in common law. From my personal observation, the principal aim of *lobola* is to create a life-long conjugal association. In view of the significance of the payment of *lobola* before a customary marriage can be recognised, we decided to interview 70 female respondents about their opinions on the payment of *lobola* in terms of human dignity. We solicited this information through the help of questionnaires and oral interviews.

The result of the interview shows that 60% of the respondents are of the view that the amount paid on '*lobola*' must be reduced, 33% are of the view that *lobola* must be abolished, while just 7% are of the view that the system should be left intact. The general opinion of those respondents who felt it should be abolished was based on the fact that in the process of negotiation on how much *lobola* is to be paid for them, they are not only commodified at that point in time but it also affects their human dignity.

Let us assume in view of the feelings of the respondents, that the government of South Africa decides to constitutionally abolish the payment of *lobola*, partly because it affects human dignity and partly because it is not compatible with the Universal Declaration of Human Rights in terms of Article 5. Then a problem arises with regard to section 15(3) of the South African Bill of Rights, which provides that the legislature is not precluded

from recognising certain marriages and systems of personal and family law. This confirms that any legislation to abolish *lobola* will be challenged on the basis of individual freedom to practise their belief system and the right to individual freedom of religion.

Section 30 of the South African Bill of Rights which deals with language and culture thus precludes the legislature from abolishing *lobola*. This section states that, "everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights".

Sections 31(1) and (2) also preclude the legislature from abolishing *lobola*. This section clearly indicates that "persons belonging to a culturally religious and linguistic community may not be denied their rights, with other members of that community to enjoy their culture, practise their religion and use their language". From our research findings, those 7% of the respondents who are in support of the payment of *lobola* have the constitutional right to challenge any legislation promulgated to abolish the system. As far as these respondents are concerned, the payment of *lobola* is part of their culture and it should be left intact.

Apart from individuals challenging the abolishment of *lobola*, the black communities at large can also challenge the legislature. The communities would argue that the abolition has denied them their right to practise their culture, by paying particular attention to ss31(1) and (2) of the constitution.

This particular problem has been identified recently by the South African Law Commission.²³ The Commission (SALC) made it clear that sections 30 and 33 of the constitution allow individuals and groups the freedom to participate in and pursue the culture of their choice. Implicit in this freedom is the duty of the State to recognise their cultural institutions. In view of this, the Commission's recommendation was that to remove the anomalies created by many years of discrimination, customary marriage should now be fully recognised and legalised. To do so

will comply with Sections 9, 15, 30 and 31 of the Constitution, which suggest that the same effect be given to African cultural institutions as to those of Western tradition. TH Bennett argues that the State's duty to respect African cultural institutions is matched by its obligation to uphold human rights.²⁴

He suggested that in formulating policy towards marriage, the state should pay attention to Article 16 of the UN Declaration of Human Rights and Acts 10 and 23 of the International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights.²⁵ This would enable the State to make standard and universal policy towards securing the

right to marry and practise the culture of one's choice.

Unfortunately, the new South African constitution does not recognise customary marriage and its institutions, such as polygamy, and yet section 15(3)(a) of the Bill of Rights of the Constitution does not prevent the legislature from recognising systems of personal and family law under any tradition. In this aspect, it can be argued that the South African constitution has not achieved the international standard in terms of section 27 of the Universal Declaration of Human Rights which requires State respect for the culture and language of the people.

There is an urgent need for the South African government to review this loophole and respect the culture of the people if it is

There is an urgent need for the South African government to investigate how best the problem of cultural diversity can be resolved before fully achieving any international human rights standard

to claim to have achieved an international standard in the implementation of the Universal Declaration of Human Rights.

It may still be recalled that section 30 of the Bill of Rights of South Africa states that everyone has the right to participate in the cultural life of his or her choice. This buttresses the fact that people have the right to practise customary marriage if they so desire and it must therefore be recognised and legalised. People often ask the question if this allows people to practise polygamy when this is considered the culture of their choice. The answer is that this must be allowed if this is the individual's choice. As far as we are concerned, any attempt not to recognise customary marriage and its institutions amounts to not implementing Section 27 of the Universal Declaration of Human Rights. Some legal experts may argue that there are limitation clauses in which not all cultural values will be allowed. The question then arises as to whose culture the limitation clause should be applied to: is it African culture or Western culture?²⁶ This question cannot be answered easily and because of this, there is an urgent need for the South African government to investigate how best the problem of cultural diversity can be resolved before fully achieving any international standard in the implementation of the Universal Declaration of Human Rights.

Conclusion

The problem of cultural diversity is an urgent issue that needs to be resolved. In view of this, an attempt will be made here to

recommend some measures that can be taken to minimise the above problem.

In the first place, I would suggest "internal negotiation settlement" between the different races of South Africa on their cultural differences. This process would involve reinterpretation and reconstruction of the different cultural values of the people. Racial groups should come to a compromise on what they would accept among themselves. Culture itself is dynamic, as it changes with society. All the racial groups should be able to strike a balance and arrive at what suits the present situation if they are to achieve international standards in the implementation of universal human rights. For one race or group of individuals to feel that their cultural values are superior to those of another is inhuman and a sweeping assumption.

This internal negotiation settlement is likely to encourage good will, mutual respect, and equality with each other's culture and at the same time create a positive relationship among the different races.

Finally, the ultimate goal of the internal negotiation settlement would be to agree on a body of beliefs to guide the action of the people. This is a necessary undertaking if an international standard is to be achieved in the implementation of universal human rights principles. ■

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Notes & references

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- 2 Universal Declaration of Human Rights, Article 5, ICCPR, Article 7; Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention). See Nigel Rodley, *Treatment of prisoners under international law*, Oxford: Oxford University Press, 1987.
- 3 See the details in Article 1 of the Torture Convention.
- 4 S V William, *South African Law Report*, no 3, 1995, p 632 (cc).
- 5 See Act 51 of 1977 (as amended); Chapter 2 (Bill of Rights) of the present constitution of South Africa, as amended on 11 October 1996 by the Constitutional Assembly.
- 6 *South African Law Report*, no 3, 1991, p 76 (NmS).
- 7 In S V Pretorius, *South African Law Report*, no 2, 1987, p 250 (NC) it was held that, where a magistrate has, in terms of Section 294 of the Act, sentenced a juvenile offender to a whipping, and has conjoined a sentence which is subject to automatic review to the whipping, the magistrate does not have the jurisdiction to suspend the infliction of the whipping pending the result of the review. This case might of course be distinguishable on the basis that what is at issue here, and what is sought to be reviewed, is the sentence of whipping.
- 8 Steve Pete, "To smack or not to smack? Should the law prohibit South African parents from imposing corporal punishment on their children?", *South African Journal on Human Rights*, no 3, 1998, p 443.
- 9 *South Africa Law Report*, no 3, 1995, p 632 (CC); *South African Criminal Report*, no 3, 1995, p 251 (4).
- 10 Jonathan Burchell and John Milton, *Principles of Criminal Law*, Cape Town: Juta & Co, 1997, pp 54-56.
- 11 State v Makwanyane and others, *South African Criminal Report*, no 2, 1995, p 1(cc).
- 12 Act 200 of 1993, which came into effect on 27 April 1994.
- 13 PM Maduna, 'The death penalty and human rights', *South African Journal on Human Rights*, vol 11, 1995, p 193.
- 14 Criminal Procedure Act 51 of 1977.
- 15 For example, Judge Ackermann, in emphasising the inevitably arbitrary nature of the decision to impose the death penalty, held that it infringed both the right not to be subjected to cruel and inhuman punishment in section 11 and the right in section 9 and that such infringement could not be rescued by section 33. Judge Didcott argues that capital punishment violates section 9 and 11(2) and may even renege the essential content of section 9, but considered it prudent not to pronounce on whether the essential content of the right had been negated. He agrees with Chaskalson that the question was not whether the death penalty had a deterrent effect, but whether its deterrent effect happens to be significantly greater than that of the alternative sentence available. In Judge Krieger's judgement, he concluded that capital punishment was inconsistent with section 9 and located the right to life at the pinnacle of the constitutionally protected rights. In turn, Judges Langa and Madala emphasised the concept of ubuntu as incorporating the protection of the right to life and dignity, also regarded the imposition of capital punishment as infringing on human rights to life. Mohamed was of the view that the imposition of death penalty prima facie infringed the right to life, equality (58), dignity (510) and was cruel, inhuman and degrading. Judge Mokgoro, in delivering her judgement, regarded the imposition of capital punishment as an affront to the right to life and dignity and cruel, inhuman and degrading treatment. She regarded the imposition of the death penalty as violating the essential content of the right to life. Judge O'Regan was of the view that the imposition of capital punishment constituted a breach of section 9, section 10 and section 11(2) of the Constitution. She placed the right to life in a paramount position and gave it a broad meaning which incorporated the right to dignity. In Judge Sachs's judgement, he placed emphasis on the right to life as well as the right to dignity. Like some of the other judges, he also emphasised the need to take into account the values of South African society, in particular the idea of the African philosophy of ubuntu.
- 16 State v Makwanyane, *South African Criminal Report*, no 2, 1995, p 1(cc).
- 17 Burchell and Milton 1997, pp 49-56.
- 18 See South African TradeMarks Act of 1993, p 12.
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- 23 SALC, *Report Project*, no 90, 1996, pp 22-23.
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- 25 Anthony Costa, 'The Myth of Customary Law', *South African Journal on Human Rights*, no 4, 1998, p 532.
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Driving developmental tourism in South Africa



It is vital that tourism assumes a more developmental role in a post-apartheid South African economy, writes Christian M Rogerson

Tourism is an increasingly important sector of the South African economy, with the potential to assume a critical role in achieving the goals and objectives for reconstruction and development. According to one recent investigation, "South Africa has the potential to become a world-class player in tourism and to generate significant employment and economic opportunities throughout the country".¹

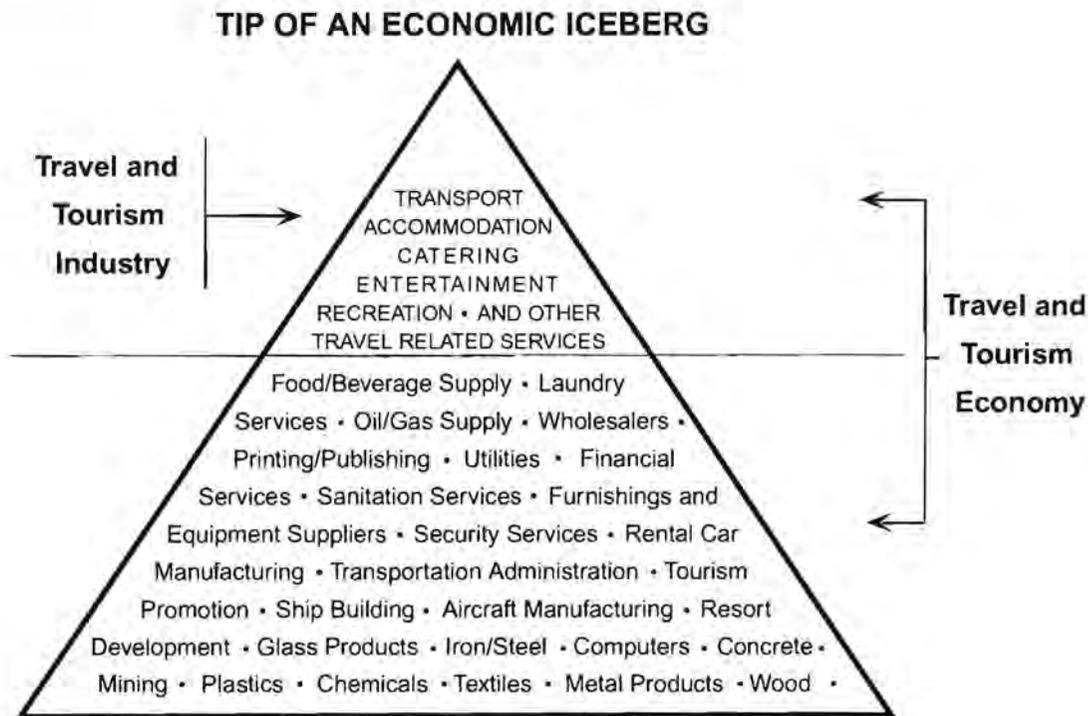
By 1998 it was estimated that tourism's contribution to South Africa's GDP was 8.2% and projections for 2010 are that the tourism economy will increase its share to 10.3%. In 1998 the tourism economy directly or indirectly employed about 740 000 people, an increase of 70 000 jobs from 1997.² At the national

Job Summit held in 1998 tourism was recognised as the sector which had the greatest potential for reducing unemployment in the country.

Overall, "tourism is accepted by government, business, and labour as one of the key 'drivers' for job growth, wealth creation and economic empowerment".³ Moreover, given that South Africa enjoys world class tourism resources, the World Travel and Tourism Council asserts that tourism will potentially be one of the country's most important drivers of economic growth in the 21st century.⁴

In terms of the global tourism industry, South Africa is one of seven countries that has experienced a huge increase in arrivals

Figure 1: The Structure of the Tourism Economy



worldwide since 1994. In 1986 at the height of the State of Emergency under President PW Botha, a mere 50 000 international tourists came to South Africa. Between 1994-1998 the number of international tourists escalated from 700 000 to 1.4 million. Since 1999, however, the “Mandela boom”, which was catalysed in the tourism economy, has waned. Figures for tourism arrivals for 1999 and 2000 indicate growth is levelling off and that during 2000, total foreign visitor arrivals dropped for the first time since 1986.⁵ This downturn is troubling in light of the special developmental role for tourism to boost the economy and employment. That said, it must be recognised that domestic rather than international tourism constitutes the backbone of the contemporary South African tourism economy.⁶ Whilst the major component in domestic tourism is accounted for by the spending of white South Africans, a noticeable growth is occurring in the black tourism sector alongside rises in disposable incomes.⁷

This article analyses key policy issues in the evolving tourism economy of South Africa, especially in the making of a developmental tourism.

Tourism in South Africa: Parameters and history

At the outset, it is important to clarify the boundaries of tourism and the tourism sector. The tourism sector is seen as a socio-economic activity with major multi-sectoral linkages and job creation capabilities.⁸ The World Travel and Tourism Council draws an important distinction between the travel and tourism industry and the broader travel and tourism economy (see Figure 1).⁹

The travel and tourism industry is seen essentially as the tip of an economic iceberg and comprises transport, accommodation, catering, entertainment and related activities. The travel and tourism economy encompasses all the associated sectors of man-

ufacturing, construction or services which are linked to and thus impact on the travel and tourism industry.

Using the technique of satellite accounting, the World Travel and Tourism Council estimates that by 2010 more than 174 000 new jobs can be directly created and a total of 516 000 employment opportunities generated across the South African economy. The achievement of such high levels of direct and indirect job creation is linked to an expansion of tourist numbers, both domestic and international, which is in turn conditional upon the establishment of new policy frameworks to guide the development of South Africa’s tourist industry. Of particular importance is the need to attract new investment into the tourism industry and to reverse past directions taken by the South African tourism industry.¹⁰

During the early 1990s, however, the South African tourism industry was in a state of crisis, beset by problems such as under-investment and low numbers of international tourist arrivals. Cassim points out “the crisis in the industry has its origins in South Africa’s apartheid policies, and particularly the Soweto uprising of 1976, which ushered South Africa into a process of political isolation from the international environment”.¹¹ South Africa’s tourist potential could not be effectively realised in a situation where international tourists refused to visit South Africa because of its apartheid policies. In addition, at national level, it was suggested another factor behind the crisis in tourism during the period of late apartheid was the consequence of mistakes made with past policy frameworks. Because of the unfavourable international and national policy environment that confronted the industry, it is apparent that “tourism development in South Africa has largely been a missed opportunity”.¹²

As a result of its apartheid policy legacy, the tourist industry in South Africa was “woefully protected” with the result that its

potential "to spawn entrepreneurship, to create new services (e.g. local entertainment, handicrafts, etc.), to 'drive' other sectors of the economy, to strengthen rural communities, to generate foreign exchange and to create employment, has not been realised".¹³ In order to address these shortcomings, new policy frameworks have been put in place since 1994.

Most important was the appearance in 1996 of a White Paper on the Development and Promotion of Tourism in South Africa and in 1998 of the Tourism in GEAR strategy document.¹⁴ These documents link together to provide the key policy foundations for the modern development of the tourism industry in South Africa. A number of other policy documents have subsequently been released to further elaborate a new tourism policy framework.¹⁵

Shifting policy frameworks since 1994

In 1996 the South African government adopted the White Paper on the Development and Promotion of Tourism as South Africa's official tourism policy. This document identifies tourism as a priority for national economic development and a major stimulus for achieving objectives of the government's Growth, Employment and Redistribution (GEAR) strategy.

The White Paper identifies several constraints which limit the effectiveness of the tourism industry to play a more meaningful role in the national economy. The key constraints relate to the fact that tourism has been inadequately resourced by government; the short-sightedness of the private sector towards tourism; the limited integration of local communities and previously neglected groups into tourism; inadequate or absence of tourism training, education and awareness; inadequate protection of the environment; poor level of service standards; lack of infrastructure in rural areas; lack of appropriate institutional structures; and the problem of violence, crime and the security of tourists.¹⁶

The White Paper aims to chart a path towards a 'new tourism' in South Africa and offers proposals to unblock these constraints within the context of objectives for reconstruction. In terms of 'new tourism' it is argued that "the concept of 'Responsible Tourism' emerges as the most appropriate concept for the development of tourism in South Africa". Among the several features of responsible tourism, four are singled out as of special importance.

First, it implies a "proactive approach by tourism industry partners to develop, market and manage the tourism industry in a responsible manner, so as to create a competitive advantage".¹⁷

Second, responsible tourism means responsibility of government and business to involve the local communities that are in close proximity to the tourism plant and attractions through the development of meaningful economic linkages (e.g. the supply of agricultural produce to lodges, out-sourcing of laundry, and so on).

Third, it implies a responsibility "to respect, invest in and develop local cultures and protect them from over-commercialisation and over-exploitation".

Finally, it signals a responsibility for local communities to become involved in the tourism industry and to practise sustainable tourism.

In summary, six key guiding principles are identified in the new policy framework for developing responsible tourism in post-apartheid South Africa:

- tourism will be private sector driven;
- government will provide the enabling framework for the industry;
- effective community involvement will form the basis of tourism growth;
- tourism development will be underpinned by sustainable environmental practices;
- tourism development is dependent on the establishment of cooperation and close partnerships among key stakeholders;
- tourism will be used as a development tool for the empowerment of previously neglected communities and should particularly focus on the empowerment of women in such communities.¹⁸

The White Paper clearly outlines the new public institutional arrangements for tourism development at national and provincial levels. Tourism in post-apartheid South Africa is defined as a

'dual power' or in other words a shared responsibility between central and provincial governments with funding allocated accordingly. The national Department of Environmental Affairs and Tourism sets the parameters of national policy and each of South Africa's nine provinces has a tourism portfolio which must be exercised in accordance with national policy frameworks and guidelines.¹⁹ Furthermore, in line with the new policy directions introduced since 1994, the old national tourism authority, the South African National Tourism Organisation (SATOUR), has been re-organised and revitalised as an instrument for market-

ing South Africa abroad as well as possessing additional research and development functions. In addition, each of the nine provinces has its own tourism body.

Building upon the foundations in the White Paper, the Department of Environmental Affairs and Tourism document, Tourism in GEAR, seeks to create a framework for implementing these policies, particularly within the context of the GEAR macro-economic strategy.²⁰ As Page points out, this reflects the fact that in its initial economic planning, tourism was something of an afterthought.²¹

The importance of tourism and its potential to become a major GEAR stimulus is based on several features, including the comparative advantages of South Africa's natural and cultural resources; the fact that South Africa's tourism attractions complement global trends towards alternative tourism; the ability of tourism to attract substantial private sector investment as well as to accommodate small, medium and micro-enterprise (SMME) development; the employment-intensive nature of tourism; its potential catalytic role for major infrastructural investment; its ability to stimulate linkages with other production sectors; and, its value as an export earner. The overall vision is "to develop the tourism sector as a national priority in a sustainable and acceptable manner so that it will significantly contribute to the improvement of the quality of life of every South African".²²

Taken together, the White Paper on Tourism and the Tourism in GEAR document signal the need for a collaborative approach

Domestic rather than international tourism is the backbone of the South African tourism economy. Whilst the major component is accounted for by white South Africans, steady growth is occurring in the black tourism sector

within which "tourism should be led by government and driven by the private sector, and be community-based and labour-conscious".²³ As a policy and strategic leader for the tourism industry, among the most critical roles for national government is that of seeking "to rectify historical industry imbalances, resulting from a discriminatory political system by promoting tourism entrepreneurship, human resources development, equity and ownership among disadvantaged individuals and communities". Further strategic challenges facing the modern South African tourism industry were summarised in an April 2000 policy document issued by DEAT.²⁴

In terms of unlocking South Africa's tourism potential over the next decade five strategic challenges are identified that demand cooperation from government, the private sector and communities. First, it is imperative to sustain growth in tourism arrivals and in particular from high yield tourism sources. Second, emerging tourism entrepreneurs must be stimulated and supported, and opportunities for the SMME sector maximised. Third, tourism development must be integrated with strategic frameworks for infrastructure investment. Fourth, a quality tourism experience and quality products and services must be ensured. Five, an overall environment must be created which is conducive to the growth of the tourism industry.

The work of the Cluster Consortium stresses a number of other fundamental structural challenges that confront the South African tourist industry.²⁵ It is argued that "South African tourism development faces a leadership challenge" and that notwithstanding the development of elaborate policy frameworks, "the government has yet to develop a strategy for tourism development that is consistent with South Africa's strong potential in the international and domestic marketplace, and with its imperative for job creation". In particular, the South African tourism industry must overcome a situation in which "the environment of trust between government, business and labour, while improving, has not been established sufficiently". In particular, the tourism cluster initiative supports the forging of new partnerships between the captains of tourism business, top government officials and labour in order to make tourism South Africa's 'new gold'.

Four key challenges

Transformation and Tourism

A critical problem, as identified in the White Paper, is the limited involvement of previously disadvantaged individuals within the South African tourism industry. It is often pointed out that South African tourism is "lilywhite" in terms of the structure of ownership of the economy.²⁶

In addressing this structural problem, one step is the establishment of a community tourism development programme, with the identification of appropriate models, finance mechanisms for promoting SMMEs, and training opportunities.²⁷ The term 'community-based tourism' can be interpreted in a variety of ways and this is not clearly spelled out in the White Paper.²⁸ In the community-based tourism strategy prepared for KwaZulu-Natal, community-based tourism was defined broadly as "tourism in which a significant number of local people are involved in providing services to tourists and the tourism industry, and in which local

people have meaningful ownership, power and participation in various tourism and related enterprises". In addition, it was stated that community-based tourism should offer some benefits "to local people not directly involved in the tourist enterprises, for example through improved education or infrastructure". Examples of so-called community-based tourism initiatives include programmes for developing 'township tourism' in localities such as Soweto, Inanda or Khayelitsha, rural community-based eco-tourism initiatives, and the establishment of cultural villages.²⁹

According to Hughes and Vaughan there are two essential elements to a definition of community-based tourism.³⁰ First, local communities must participate in tourism ventures, particularly where such communities have been economically disadvantaged as a result of apartheid policies. Participation can refer to a variety of activities, including jobs in the tourism sector and involvement in SMMEs associated with tourism. A central theme is to promote SMME opportunities, particularly among those groups of entrepreneurs for whom opportunities in the South African tourism industry historically have "not been perfectly accessible".³¹ Second, in community-based tourism, local people must have a meaningful ownership of tourism initiatives and participate in decision-making about the nature and development of tourism opportunities in their communities.

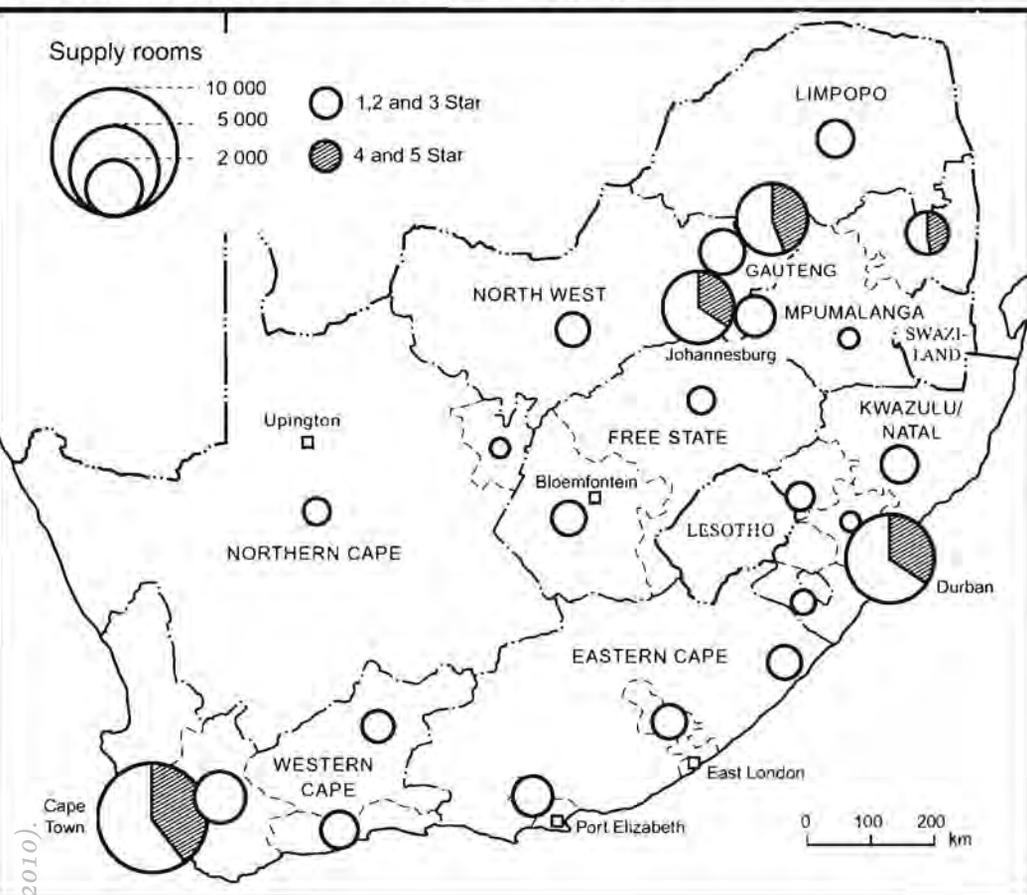
Community-based tourism receives a strong focus in the White Paper as the tourism sector is considered to be unique in its potential for incorporating previously neglected communities into the mainstream of economic development. The reasons are that tourism is viewed as labour-intensive, employs a vast range of skills, but not necessarily of a high order, and creates multiple opportunities for SMME entrepreneurship. The White Paper identifies a large number of examples of opportunities for community involvement, such as operators of infrastructure (guest houses, taxis); services (guides, bookings); and suppliers (production and sale of craft, construction and maintenance).

Despite the introduction of a number of initiatives to promote community-based tourism in South Africa, it was noted in a policy document produced by the Department of Environmental Affairs and Tourism (DEAT) that "there has not been any significant progress in this area even after our democratisation of 1994".³² The Cluster Consortium reports that white entrepreneurs still own roughly "95 percent of the industry".³³ This unhealthy situation was highlighted particularly after the Tourism Indaba which was held in Durban in May 2000. After this gathering Minister Valli Moosa identified the major problem in the tourist industry as its being "unrepresentative of the country's population".

Indeed, the Minister was reported to say that "as one walked through the isles of Indaba, there was a striking reality that the South African tourism industry is just too white".³⁴ An urgent challenge confronting the South African tourism industry is therefore that of "changing the nature of the South African tourism industry from one that is predominantly white-owned to one that is increasingly owned equitably by the majority of South Africans". Unless this issue is adequately addressed, there is a danger that tourism will reinforce the concentration of wealth in

A critical problem is the limited involvement of previously disadvantaged individuals within the South African tourism industry ... South African tourism is still "lilywhite" in terms of ownership

Figure 2: Patterns of Supply of Tourism Accommodation in South Africa



of DEAT, with tourism changing from a directorate to a fully-fledged branch of DEAT, which has committed itself towards tourism growth, job creation and importantly also to the transformation within the industry itself.

The promotion of individual entrepreneurship in tourism and of new SMME opportunities in tourism projects is a core issue of policy concern. In recent research, it was argued that major barriers to emerging tourism SMMEs relate to a complex of issues surrounding factors of tourist supply, industry segmentation and restructuring, development infrastructure, access to markets, and the legal and regulatory environment.³⁶ In other investigations, blockages to SMME development were identified variously in high levels of violence and in the legislative environment.³⁷ Moreover, poor levels of education and training in

the hands of whites at the expense of the majority of previously disadvantaged individuals.

Although it is acknowledged that the responsibility for transforming the tourism industry must involve all stakeholders, including the private sector, national government has set in motion a number of legislative and institutional changes designed to deal with transformation. For example, the Tourist Guide Bill was adopted in May 2000 as an amendment to the Tourism Act 1993 ("the Principle Act"). One of the constraints of the Principle Act with respect to tour guiding was that it was extremely restrictive in prescribing qualifications, thus preventing access for previously disadvantaged individuals to become tourist guides. The new Bill seeks to redress this anomaly by recognising prior learning and experiential learning in accordance with applicable education and training legislation. Another set of institutional changes towards transformation concerns the restructuring of both SATOUR and DEAT. The personnel and management composition of SATOUR has been altered and the organisation is further gearing itself to market South Africa as a whole "rather than only the traditional features that have been mainly rich or white icons".³⁵ This changed focus, it is hoped, will furnish new opportunities for the growth of previously neglected businesses within the tourist industry. Further strengthening such a shift in tourism is the restructuring

black communities do not equip them to effectively compete in what is increasingly a 'knowledge-based' tourism industry. Finally, the Cluster Consortium attributes the lagging nature of tourism entrepreneurship in South Africa, in large measure, to the fact that "the growth engines for entrepreneurship are sorely underdeveloped".³⁸

Indeed, it was asserted that, "Governmentally based entrepreneurial support programs are virtually non-existent; what programs do exist are poorly advertised, and take so long to implement that they are of little value".

Community-based tourism initiatives include programmes for developing 'township tourism' in Soweto, Inanda or Khayelitsha, rural community-based eco-tourism initiatives, and the establishment of cultural villages

Since 1999 there has occurred a flurry of activity within the DEAT with new supply-side proposals put forward for supporting SMMEs in tourism. These include proposals for a "Tourism SMME 'first-stop-shop'" which would provide basic business information and products and refer clients to expert advice. In recognition of the need for supporting SMMEs within tourism, DEAT is developing the Tourism Enterprise Development Programme (TEDP) which aims at increasing the economic participation of previously disadvantaged individuals. The TEDP is an integrated support package comprising training, market linkages, mentorship assistance and access to affordable finance. The approach, being developed with other key role players such as the Development Bank of Southern Africa, Business Trust, Ntsika

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and Khula, aims to “supplement the existing base of entrepreneurial support with sector specific tools” as well as to ensure a focus upon the specific needs of the industry.³⁹ Another initiative to support SMME development is afforded under the International Tourism Marketing Assistance Scheme, which targets assistance at previously disadvantaged tourism product owners to enable them to market their products overseas.

Finally, in terms of empowerment and transformation through the public sector, DEAT has facilitated the establishment of the Tourism and Hospitality Education and Training Authority (THETA). The THETA is devising a National Training Strategy for accreditation, setting of standards and disbursement of levies. Moreover, the critical issue of job creation is addressed through a learnerships programme which DEAT facilitates. Most of these learnerships target students and unemployed youth and aim to improve their employment prospects in tourism through a combination of structured learning and workplace experience.⁴⁰

The role of the private sector in transformation was given considerable attention in the research conducted for the Cluster Consortium report on the South African tourism industry.⁴¹ Launched in late 1998, the cluster initiative provides high visibility and broad access for tourism stakeholders in business, government and labour to engage in defining visions, strategies and challenges for South African tourism. One of the critical issues in the report was black economic empowerment. The study argued, given the diversity and complexity of the tourism sector, that “the drivers of empowerment differ considerably across the industry”.⁴² Moreover, empowerment was not restricted to ownership measures but would encompass shareholding, affirmative action, and SMME development through affirmative procurement, outsourcing and social responsibility programmes. In terms of SMME development it is argued that there is little evidence of initiatives for business linkages in the tourism economy to facilitate the growth of the emerging SMME economy. The most advanced and energetic linkage initiatives currently relate to certain private sector affirmative procurement initiatives taking place within the hotel and gambling sector in which tourism enterprises fulfil conditions set down by government.⁴³

As one outcome of the tourism cluster study, an initiative was developed to create sustainable and structured opportunities for SMMEs to enter the mainstream economy. Overall, this initiative for development of business linkages aims at building supplier relationships and more complex partnerships between emerging SMMEs and established large tourism enterprise. In terms of attaining further empowerment targets in tourism, DEAT concedes that the extended development of linkages between large and small enterprises in the tourism industry is critical to the success of transformation.

The Investment Environment

Since 1994 there has been a substantial growth in investment in the South African tourism economy, notwithstanding the high risks of the industry and the high costs of capital.⁴⁴ In aggregate and terms the tourism economy has experienced a pattern of peaks and slumps in terms of investments. A Business Map analysis discloses that 1997 represented the peak year and that since 1998 decreased tourism investment undertakings have

been linked to high interest rates and the lack of major investment incentives for tourism.

Since 1994 tourism investment has been strongly driven by investments particularly in gaming with the restructuring of the casino industry and the awarding of 40 new licences on a provincial basis. The old apartheid pattern of casinos being ghettoised to the homelands has been radically restructured under the new licensing dispensation, which has resulted in the geographical shift of casino investments.

Although gaming has been the most significant sector for new investment, the accommodation sector remains the dominant sector within tourism investment. During the post-apartheid period, a number of new investors have established themselves in the South African tourism industry (e.g. Mercure, Formule One) whilst established tourism enterprises (e.g. Protea, Southern Sun) have expanded their activities to take advantage of increases in both domestic and international tourism.

Geographically, investments in tourism have concentrated on opportunities in the Western Cape (particularly Cape Town) and Gauteng, which are perceived as relatively low risk for investors. These two provinces enjoy the highest levels for disposable incomes across South Africa and thus have been attractive for investors in the casino/gaming sector. Outside of Gauteng and Western Cape, it is notable that in the perceived higher risk investment areas, such as the Spatial Development Initiative areas, major tourism investment flows have been limited.⁴⁵

The major investors in the South African tourism economy are domestic rather than foreign investors. For the period 1994–98 it was estimated that domestic investment accounted for 85% of total commitments in the tourism economy.

Domestic investors have focused their investments in three clusters: casinos and entertainment complexes, the business tourism economy of Gauteng, and leisure tourism investment in the Western Cape. As regards foreign investment, the picture is of only minimal involvement in the South African tourism economy with major players opting to function in the capacity of operators with local investors putting up the investment capital.

At least seven sets of factors have been proposed as blockages on new private sector investment, particularly foreign investment, in the South African

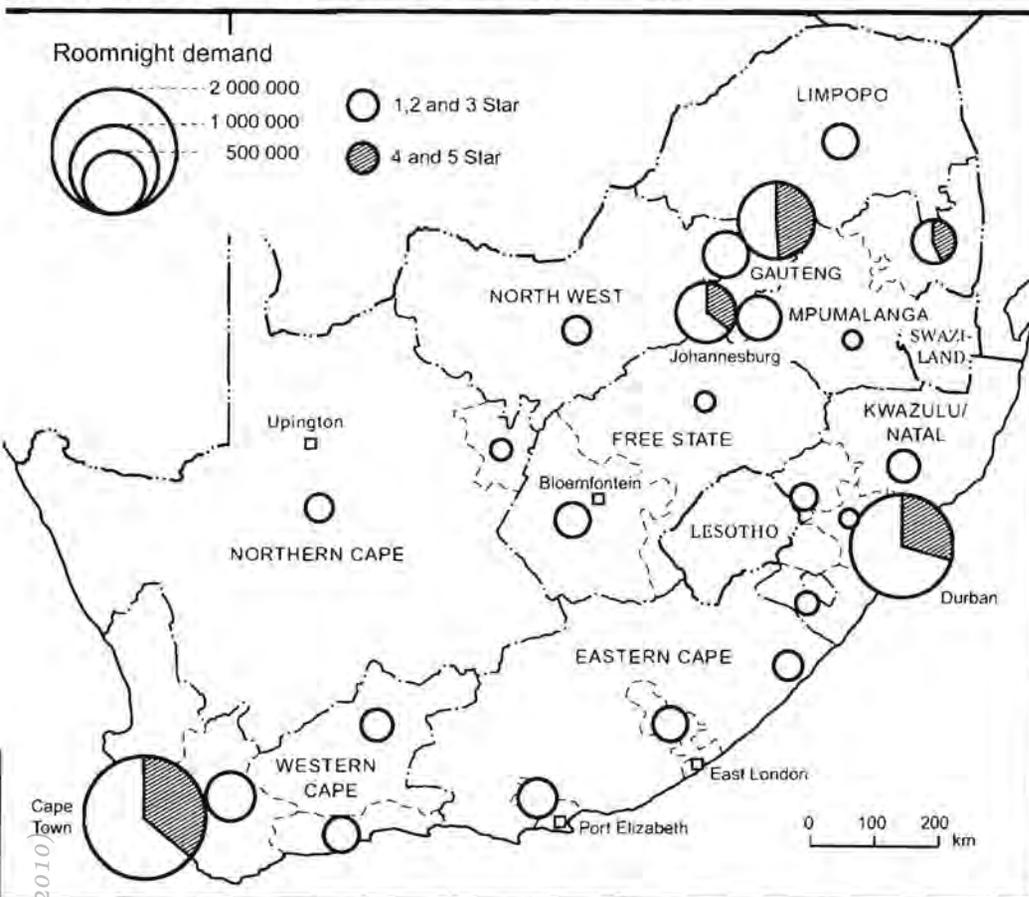
tourism economy. First, there are widespread concerns about unacceptable levels of safety and security, not only in South Africa but the subcontinent and Africa as a whole. As several observers have argued, the negative perception of personal safety represents one of the major threats to the country’s tourism industry.⁴⁶

Moreover, in recent surveys of foreign visitor perceptions concerning personal safety in South Africa, a deterioration was recorded from 1997 to 1998.⁴⁷ Gauteng and KwaZulu-Natal are perceived by foreign tourists to be the most unsafe areas in South Africa.⁴⁸ A second (often associated factor) behind lagging investment concerns perceptions regarding health threats and health facilities.

In particular, potential investors in the tourism economy have been alarmed by the perceived risks of contracting diseases such as malaria, HIV and cholera.⁴⁹ In particular, the AIDS pandemic is of concern for future tourism investors, especially as the

“Governmentally-based entrepreneurial support programs are virtually non-existent; what programs do exist are poorly advertised, and take so long to implement that they are of little value”

Figure 3: Patterns of Demand for Tourism Accommodation in South Africa



the often limited allocation of public funds for tourism-related responsibilities such as the maintenance of natural and cultural attractions because of more pressing demands for health, education or water; and the existence of capacity constraints to initiate and implement innovative funding mechanisms such as tourism development funds.

Finally, investment in tourism has been affected by the limited financial incentives offered by national government. In terms of promoting private sector investment, potential investors qualify for the normal range of supply-side investment incentives that are offered through the Department of Trade and Industry. In addition, there are certain specific interventions or support programmes which are targeted at the tourism sector.

Notwithstanding this group of investment incentives for tourism, a recent comprehensive review sug-

gested that incentives for tourism are limited in South Africa.⁵⁴ In particular, given the challenges facing tourism in South Africa and its importance for future economic development, "the incentives that have been provided are not conducive to the position of the tourism sector".

During 2000, acknowledging the role of incentives and the importance of the tourism sector, government initiated a major review of existing investment incentives. In association with the Department of Trade and Industry, dedicated tourism incentives were developed to further stimulate the tourism economy.⁵⁵ Most importantly, it was announced that tax-free cash incentives would be made available to boost the tourism economy as part of the national government's Small and Medium Enterprise Development Programme.⁵⁶

Transforming the Tourism Space Economy
The existing tourism space economy of South Africa is highly uneven and polarised. For international tourists the typical route is of entry at the gateway of Johannesburg International Airport (JIA), overnight in Johannesburg, onward to Kruger National Park, south to Cape Town, on to the Garden Route and back to JIA.

From Figures 2 and 3 it is evident that both the supply and demand for accommodation in South Africa is highly concentrated in three main areas of the country, namely metropolitan Cape Town, Durban and Gauteng. The Gauteng tourism node is primarily led by business tourism. The Durban and Cape Town clusters are based on mainly domestic leisure tourism with international leisure tourism of particular and growing importance in Cape Town and its environs.

highly publicised international AIDS conference held in Durban during 2001 to some extent put South Africa on the global map as the world's AIDS capital.

Third, many foreign investors express worries about issues of "political instability", in particular concerning elections and new political leadership, a situation that has been exacerbated by the instability in Zimbabwe, the Democratic Republic of Congo and (until recently) Angola.⁵⁰ Fourth, investment has been negatively affected by a volatile demand for products, both in terms of the tourism product supplied and by changing global demands. Events such as terrorist bombings in Cape Town are highly negative for the South African tourism industry as a whole.

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Six, investment in tourism development in South Africa is further stifled due to what Swart describes as a 'finance gap' and "a lack of funding of all the necessary elements of tourism".⁵³ Many promising tourism investments fail to materialise as a result of this finance gap which links to several factors: the cross-cutting, diverse and fragmented nature of the tourism industry;

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TOURISM IN SOUTH AFRICA

Outside of these urban centres the only other significant nodes for tourism development are in Mpumalanga, the gateway to South Africa's game parks, and along the Cape Garden Route. This geographically polarised pattern of tourism development means that the benefits of tourism are currently distributed in a spatially uneven manner with few benefits or opportunities flowing outside of the major tourism areas.

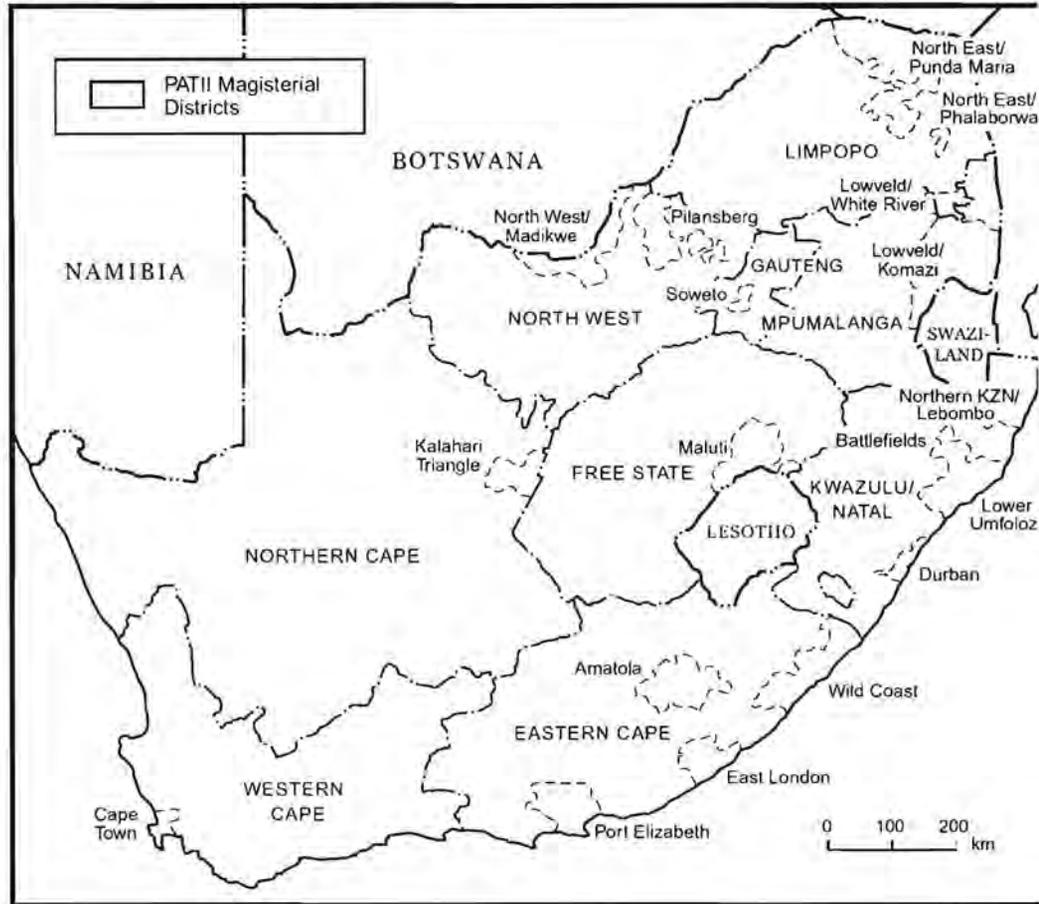
One essential element in the transformation of the South African tourism industry is the need to change this spatial structure. Although South Africa at present does not as yet have a spatial tourism strategy, "the key elements which are needed in order to create one have been identified, namely existing demand and supply, future potential and areas in need of development".⁵⁷ New investments are sought outside of the traditional heartlands for tourism development. Indeed, to maximise economic and social benefits from tourism, there is a requirement to disperse tourists from the established tourist destination areas into other parts of South Africa.

One factor blocking the spatial transformation of the tourism economy is, however, the lack of essential infrastructure which has been a deterrent to many potential investors. The provision of infrastructure as a means to 'debottleneck' investment opportunities in areas of tourism potential was one element of the Spatial Development Initiatives (SDI) programme. In particular, tourism was identified as one of the lead sectors for areas such as the Maputo Development Corridor, the Wild Coast SDI and the Lubombo SDI.⁵⁸

In terms of opening up opportunities for tourism in undeveloped areas, the provision of infrastructure is acknowledged as critical for both urban and rural areas. The policy catalyst for achieving dispersal in South Africa initially was termed the tourism development zone, where special intervention is needed to focus marketing and investment strategies on developing products to meet market demands.

In important policy documents produced for the Department of Environmental Affairs and Tourism, 19 so-called 'priority areas for tourism infrastructure investment' or 'PATIIs' are recognised.⁵⁹ The PATIIs represent geographical areas (Figure 4) which exhibit high potential for tourism development and are to form the base for tourism product development in South Africa.⁶⁰ Nevertheless, these areas are acknowledged to have a weak infrastructural base. Overall, the network of PATIIs can function as important elements for transforming the future tourism space economy and achieving a greater geographical dispersal of tourists and tourism business opportunities across South Africa.

Figure 4: Location of the Priority Areas for Tourism Infrastructure Investment



Another key element in transforming the spatial structure of the South African tourism economy is maximisation of the impacts of local level initiatives for tourism-led economic development. Over the last decade, a number of tourism-led initiatives have been launched in South Africa as a basis for promoting local economic development.⁶¹

Until the democratic transition, few opportunities existed for local initiatives for tourism-led local economic development. With the growth of the tourism economy as a whole, many South African localities are re-focusing their developmental initiatives away from their traditional sectoral focus on manufacturing and instead seeking to promote tourism as a lead sector.⁶²

Of particular note have been a set of initiatives for developing 'route tourism' in which a number of local authorities seek to cooperate together in order to compete more effectively on a collective basis in tourism markets. Among the most well-known of these initiatives are the Midlands Meander in KwaZulu-Natal and the Highlands Meander in Mpumalanga. Several critical issues confront the successful development of these unfolding local tourism initiatives. The most important is, perhaps, that of ensuring that a spread of benefits from tourism occurs into those historically poor communities that did not benefit during the apartheid years.⁶³ Patterns of employment creation, business linkage and subcontracting of work to small enterprises are of central importance in achieving a wider spread of benefits.⁶⁴

Pro-Poor Tourism

Over the past five years there has been a remarkable change internationally in the central debates around tourism and devel-

opment. It is significant that poverty reduction is not normally at the heart of debates surrounding tourism. Nevertheless, of note is the appearance of a major set of writings concerning 'pro-poor tourism' which focus on how tourism affects the livelihoods of the poor and of how positive impacts can be enhanced through pro-poor intervention strategies. As stated by its supporters, "pro-poor tourism is "tourism that generates net benefits to the poor" and seeks to "ensure that tourism growth contributes to poverty reduction".⁶⁵

In the international context, one of the most distinguishing features of South Africa is the strong commitments that have been made towards poverty alleviation. There is a strong emphasis in South African planning upon job creation and enterprise development in support of the country's previously neglected black communities. Various measures encourage economic participation either as individuals or as communities.

Ashley and Ntshona observe that such measures "go well beyond what is pursued in most other countries".⁶⁶ In a recent analysis it was argued that throughout the context of southern Africa the experience to date suggests "a real potential for harnessing tourism more effectively for poverty reduction" and that the wider southern Africa region provides excellent opportunities for taking forward pro-poor tourism interventions.⁶⁷

At least three different sets of interventions may be highlighted as examples of tourism as a vehicle for poverty alleviation in South Africa. First, there have been substantial investments for improvement of infrastructure in areas of South Africa with untapped tourism potential. For many poor rural communities plagued by underdevelopment and poverty, access to tourism opportunities is constrained by the absence of vital infrastructure (roads, electricity) needed to either attract tourism investors or to tap into potential tourism markets. Once again, the Spatial Development Initiatives programme must be noted as important in infrastructural improvement linked to the opening of new tourism opportunities that allow poor communities to participate in tourism.⁶⁸

A second stream of interventions that link tourism and poverty alleviation surrounds the search for new market niches and the development of new tourism products that involve poor communities. For example, the support for cultural tourism in South Africa offers both job and enterprise opportunities to many poor communities. The network of cultural villages that has emerged provides both direct and indirect employment and livelihood opportunities for rural communities.⁶⁹

Amongst the indirect employment and enterprise opportunities are those which relate to the selling of rural handicraft goods as well as cultural performances. Nature tourism is another critical area for tourism products that often involve poor rural communities.⁷⁰ Furthermore, certain South African tourism enterprises, such as Wilderness Safaris and Conservation Corporation, have demonstrated a commitment to expand the benefits of tourism projects to local communities. The promotion of small businesses and the local informal sector as well as direct community involvement in eco-lodges is an important sphere for pro-poor intervention.⁷¹

Lastly, the introduction of a variety of new forms of ownership and institutional arrangements for tourism projects is another

vital aspect of poverty alleviation. The South African experience highlights the importance of land ownership as a community asset for tourism development with considerable benefits for poor communities. Through the Spatial Development Initiatives programme much attention was devoted to the refinement of so-called 'empo-tourism' models which sought to move away from a corporate responsibility approach to one anchored on community rights and abilities to add value to such deals.

These new ownership models are being implemented through the vehicle of 'community-public-private partnerships' which aim to revitalise depressed rural economies by linking together 'resource rich' (in terms of their natural assets) communities with private investors interested in the sustainable utilisation of natural assets.

One of the most advanced such projects is the Makuleke tourism initiative in Limpopo which arose out of the victory of one rural community in a land restitution case. In this case the community won its land claim but agreed to keep their land under conservation with tourism development rights. The Makuleke community is involved in a joint venture with the private sector for development of new game lodges and other tourism projects in an area which is functionally part of Kruger National Park.⁷²

Conclusion

It is evident that there is considerable optimism that tourism may yet emerge in the 21st century as one of the leading drivers for the South African economy as a whole. Since 1994 new policy frameworks have evolved to restructure the direction and

shape of the South African tourism economy. Of greatest policy importance is the theme that tourism must assume a more developmental role within the post-apartheid economy. With government support, new private sector investment in tourism development is being aggressively promoted, although this investment recently has focused mainly on the casino and gaming economy.

Currently, the question of transformation is moving to centre-stage in terms of debates about who benefits from tourism and tourism development in South Africa. Alongside transformation issues and the promotion of new

forms of responsible tourism in South Africa, there are certain incipient shifts in the tourism space economy.

The clear direction of these shifts is towards spreading more widely the benefits of the growing tourism economy. Among other initiatives, the nurturing of successful tourism-led local economic development initiatives must play a vital role in reshaping South Africa's tourism space economy. Finally, South Africa is emerging as an example of initiatives for linking tourism growth and investment to strategies for poverty reduction and pro-poor tourism. ■

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Indeed, to maximise economic and social benefits from tourism, there is a requirement to disperse tourists from the established tourist destination areas into other parts of South Africa

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AIDS in Africa

The socio-cultural roots of a disease

Many African countries lack both the resources and the moral authority to deal with the AIDS pandemic ravaging the continent, writes Eduardo Serpa

It seems to have been proved beyond reasonable doubt that the human immuno-deficiency virus (HIV) is the direct cause of AIDS, defined by Luc Montagnier, one of the HIV co-discoverers, as a disease affecting people who have no other illness and are not undergoing any treatment that may depress the immune system. Its main manifestation is the presence of more opportunistic diseases. Montagnier adds that the dissident or alternative approach to the disease is due to the complexity of this viral origin illness, which has led to confusion between the co-factors contributing to its development (e.g. drugs and secondary infections) and the primary cause.¹

AIDS has been causing a drama of almost unheard-of proportions in some parts of the world, while other regions remain minimally affected. In the early 1990s, after the AIDS epidemic had ravaged California, some authors forecast that the population of the industrialised world would be decimated by the disease. Their predictions failed to materialise. However, millions of people have become seropositive and are dying in sub-Saharan Africa, particularly in those regions characterised by the absence of an Islamic majority. These developments seem to confirm, once again, Louis Pasteur's expression: "The microbe is nothing; the terrain everything."²

In fact, a glimpse at the past shows that major epidemics do not crop up by chance. Instead, they tend to occur when circumstances offer a favourable breeding ground to pathogens, e.g. when a population's immunity becomes weakened

by food shortages, or when urban overcrowding makes the spread of contagious infections easier, helped by poor hygiene conditions. The spread of epidemics over large areas has been boosted by movements of people linked to the development of trade, migrations and wars. All these factors are present south of the Sahara and this contributes to the reason for the HIV/AIDS pandemic to follow a course almost diametrically opposed to that recorded in developed countries.

Furthermore, a complex set of cultural factors has been playing a catalytic role in this process. Given the difficulties encountered in the search for either a vaccine or a cure for HIV/AIDS, active combat against the forces which propel the spread of the pandemic has to become the core in the effort to defeat it. However, success in this field is not possible without a multidisciplinary approach superseding the previous medical one. An understanding of the manner in which the weight of old cultural traditions, both clashing with and reinforcing the new trends developing in post-colonial Africa, appears as the sole available avenue to break a conjuncture which threatens to destroy the socio-economic, political and cultural texture of a whole region.

Ignorance about the disease

The majority of the African population does not know the basics regarding HIV/AIDS transmission. This fact should not be viewed as an expression of primitivism, as it is part of a broader problem concerning the interpretation of the meaning of the disease and its causal factors, which constitutes a component of a complex and holistic culture. Pre-colonial Africa had a somewhat "official" system of "orthodox" medical theory and practice, in which magic was combined with practical measures in a healthcare philosophy which seems to remain alive in the mainstream of the African mind – at the same time as Western biomedical concepts became too mechanistic to be compatible with holistic concepts of health and disease. African tradition sees a healthy body as a reflex of a harmonious, co-ordinated universe. Thus, many Africans see Western medicine as mere symptomatic relief.³

This notion of balance is reflected in the idea that HIV/AIDS is God's punishment to the sexually immoral. This point is particularly relevant in terms of modern Africa's ambivalent attitude to sex: widespread sexual promiscuity accompanied by the persistence of traditional prejudices.⁴ Basic ignorance of fundamental aspects of the disease is supplemented by a psychologically motivated attempt to ignore reality, because of its social stigma. This stigma leads to the ostracism of many sufferers, including eviction from their homes and assault by fellow villagers.⁵ A fear of ostracism explains why many people prefer to ignore their seropositive status and refuse to be tested. Pregnant women's avoidance of tests is widespread in Africa, even if they know that knowledge of their status can prevent vertical transmission to their children.

Moreover, a union representing soldiers of the South African National Defence Force (SANDF) opposed testing on the grounds that it would lead many soldiers to commit suicide.⁶ Removal of prejudices fostering ignorance seems insufficient to combat HIV/AIDS: while 98% of Namibia's population are aware of the disease, this will not prevent half of that country's

present population from being killed by it before 2010, because of a gap between theoretical knowledge and actual behaviour.⁷

In addition, superstitious beliefs, such as that sex with a virgin can cure HIV/AIDS, could be contributing to child rape and even the purchase of children from parents in a kind of *sui-generis lobola*.⁸ In some rural areas of South Africa some sangomas are advising patients to get rid of the disease by injecting their blood into another person. And condoms have been presented as an American plot to curb the birth rate in Africa.⁹

Governments are in an ideal position to break widespread ignorance but very few African statesmen are working in that direction. In the 1990s, President Yoweri Museveni of Uganda reversed his previous opposition to condoms, at a time when his country was among the most infected in Africa. Open talk about the pandemic has brought a national response, which has resulted in the most successful attempt south of the Sahara to reduce HIV/AIDS prevalence.¹⁰

Traditional social practices foster HIV/AIDS infection

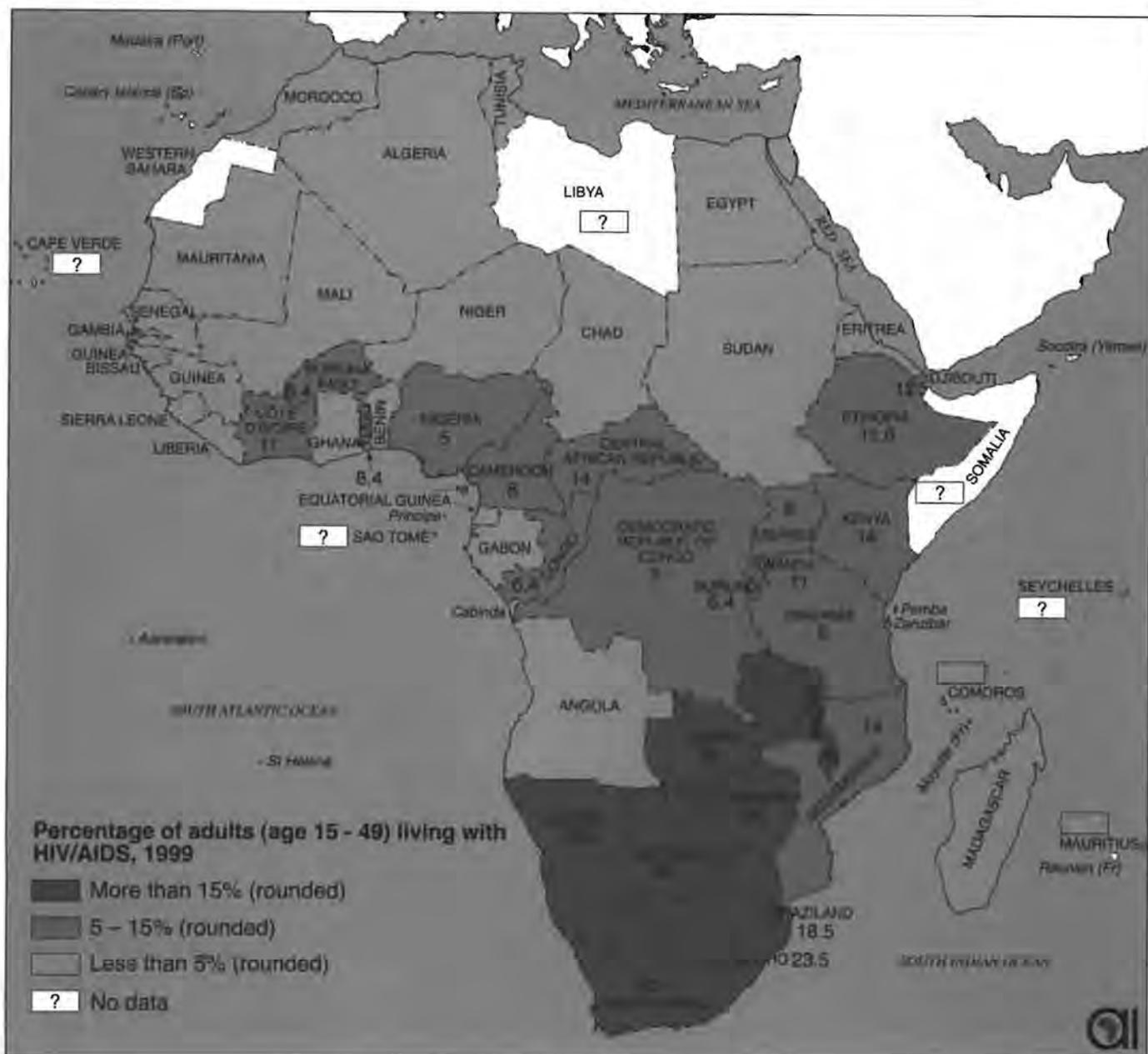
Deep-rooted aspects of African life also contribute to the spread of the disease, infection often occurring when a girl has her first penetrative sexual encounter. In Malawi, an elderly man is often called to have intercourse with girls on the last day of their initiation rituals.¹¹ Sex outside the marriage is frequent and, in some regions, polygamy is encouraged because farming depends solely on the size of the family work force. Entire families may be infected as a result of these polygamous associations, whose importance can be assessed by considering that between 30% and 50% of African married women are living in polygamous marriages. "Sexual cleansing" or "death cleansing", a widespread ritual in Zambia and Southern Malawi, requires a widow to have intercourse with a relative of her late husband, to appease the spirit of the deceased.¹²

Many traditional leaders are favouring a replacement of such practices by introducing alternative rituals, or having non-penetrative bodily contact. In Zambia, traditional healers are encouraged to refer suspected HIV/AIDS patients to formal healthcare and to break down dangerous misconceptions regarding tuberculosis. This implies that only a proper understanding of African beliefs makes it possible to restrain the negative impact of "death cleansing" and that the guardians of the old culture can become active agents in the struggle against the pandemic if the "modern" sector of society works correctly with them. Traditional beliefs fall outside the scope of biomedicine and need to be addressed on their own terms. Healers, trained by modern healthcare practitioners, can explain facts to uneducated people within the framework of their own health concepts and perceptions. This approach is being implemented at present in South Africa but arrogance from formal sector personnel has destroyed several valid initiatives.¹³ This is a dangerous attitude in a country where 80% of the population is black and 90% of HIV/AIDS sufferers consult traditional healers.

Mere ignorance of the mechanics of seropositivity, reinforced by traditional aspects of African culture, can also foster mother-to-child infection. The idea that "if one child may die of AIDS, I should have another to compensate" gained roots in

In some rural areas of South Africa sangomas are advising patients to get rid of the disease by injecting their blood into another person. And condoms have been presented as an American plot to curb the birth rate in Africa

HIV/AIDS



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Kenya.¹⁴ In some parts of West Africa a social rule determines that, if a child dies, the mother is obliged to become pregnant again within three months. Seropositive mothers thus give birth to another infected child, even if they know about their status. This applies even to women actively involved in anti-HIV/AIDS community work, showing the difficulty of reconciling socio-cultural realities with the struggle against an epidemic linked to sexuality and procreation.¹⁵ These principles also make it difficult to dissuade seropositive women from breastfeeding, because to do that will disclose their condition.¹⁶

The strength of these barriers is based upon largely religious values, which are the roots of the African view of the universe. Life is of little value unless integrated in a dynamic relationship with both visible and invisible components of the cosmos, including the ancestors, God and nature. Life-in-community continues beyond death, when one's participation becomes spiritual – as an ancestor, with greater authority than a fleshly human. But the status of ancestor is unattainable if one does not leave living descendants. Besides this, those dying without children are viewed as a

source of possible harm to the living. This explains why fear regarding one's personal future, combined with social pressure, can compel seropositive woman to ignore the dangers of vertical infection and become pregnant.¹⁷

Monotheist religions and the spread of HIV/AIDS

The role played by Christian and Muslim doctrines in influencing the behaviour of their followers is paradoxical in terms of HIV/AIDS. Both traditions are officially opposed to extramarital and premarital sex, a position that, if strictly implemented, would be a good barrier against the disease. But there is a gap between theory and practice, apparently wider in Christian than in Muslim lands. Besides behavioural deviations triggered by human nature, many African Christians openly express their fundamental disagreement with monogamy and casual sex prohibitions.¹⁸

Some churches are now conducting active campaigns to promote HIV/AIDS awareness, such as the Roman Catholic Church in Kenya and South Africa. The World Health Organisation

admits that churches may play a valuable role in generating sexual behaviour changes.¹⁹ On the other hand, fulfilment of religious prescriptions by members who fail to be abstinent or faithful can produce a negative impact. A Zambian Catholic priest, for example, halted an awareness campaign because a vehicle promoting the use of condoms was present.²⁰ Similar attitudes have been taken by Protestant churches. In May 2000, the Malawian Council of Churches branded the use of condoms as immoral and accused the government of encouraging sexual promiscuity by freely distributing condoms.²¹ The same approach is followed by Rev. Peter Chintala, Zambian deputy minister in charge of religious affairs, who claims that condom use is not a "biblical" answer to HIV/AIDS.²²

In Sudan, health workers blame a fundamentalist government for keeping silent about the pandemic and forbidding its discussion.²³ Catholic social workers operating in Khartoum point out that fundamentalist practices have a negative impact, resulting in restraints on female employment. As a result, many girls end up as prostitutes.²⁴

The impact of adverse socio-political conditions

A decaying social fabric

The action of adverse socio-economic and political conditions, linked to the development of a new Africa, has exponentially increased the negative effect of some traditions with regard to the course of the HIV/AIDS pandemic. Its spread assumed noticeable proportions in the mid-1980s, while Africa's traditional social fabric was being shaken by a generalised socio-political crisis. Political instability played a clear role in this process. Uganda, where the first serious HIV/AIDS outbreak was registered, was a poverty-stricken nation, split by social and ethnic conflicts. Social deregulation broke down the barrier to social promiscuity posed by social pressure, as well as by magic-religious beliefs, paving the way for the "expansionist power" on which the disease is rooted. Simultaneously, the weakening of previous controls stimulated the circulation of women and the build-up of sexual networks.²⁵

Douglas Webb explains the importance of socio-sexual deregulation by stressing that "the perceived motivations for sexual activity are only half of the equation regarding HIV epidemiology, as the motivations for sex are only indirectly related to the factors affecting HIV transmission within sexual activity". Partner exchanges, risk status, and the form and frequency of intercourse also play key roles in this regard.²⁶

An analysis of teenage pregnancy explains much of this. In South Africa's pre-industrial societies, pre-marital pregnancy, rather than sexual activity, was socially sanctioned. This implied recourse to non-penetrative intercourse or intercrural ("tight") sex. Urbanisation undermined these customs, with negative implications for the spread of HIV/AIDS. In KwaZulu-Natal, attempts to revive these practices were resisted by young males.²⁷ The present pandemic is not the first example of a health crisis triggered in Africa by westernisation-related social breakdowns. In the early 1900s a similar situation occurred in Uganda, when an estimated 80% of the Buganda population was infected with syphilis, with a resulting rise in infant mortality. As analysed by

Colonel Lambkin, a British military doctor, when surveillance on women's behaviour relaxed, sexual anarchy ensued.²⁸

A world of female vulnerability and fear

The great majority of African women, even professional ones, feel the vulnerability of their condition. This implies little power of choice, in a society expecting women to be faithful and custodians of tradition, while accepting the unfaithfulness of men, as well as women's inability to protect themselves against venereal infection by demanding safe sex. Subservience in relationships is often reinforced by violence. In a survey conducted in Zambia, only a quarter of the women interviewed would refuse sex if their husbands demonstrated infection.²⁹

Some governments admit the impossibility of defeating HIV/AIDS without promoting female economic empowerment, but they seem to miss the fact that genuine empowerment requires the removal of some deep-rooted traditions, such as *lobola*, which undermines a woman's moral right to stand up against marital demands, even if she earns her own living. Payment of *lobola* means the purchase of a woman, with total power over her life and body.³⁰

In most of Africa, girls become sexually active in their mid or even early teens. Biological as well as socio-cultural realities explain how this contributes to the spread of infection. The risk of contamination increases if a girl's genital tract is not fully mature.³¹ Disassortive mating plays a significant role in the expansion of the pandemic, by transferring it from high-risk to low-risk groups. Older men contaminate younger girls, who are particularly vulnerable to infection. This explains why African

girls become seropositive at an earlier age than their male counterparts. UNICEF research indicates that, in Zambia, seropositivity caused by "cross-generation" infection in girls is five to seven times higher than among boys.³² The "sugar daddy" syndrome plays a role in this process. Teenagers choose a relationship with older men because of material advantages. This phenomenon is becoming socially accepted, even by the girls' boyfriends, who cannot afford to provide for them.³³

Prostitution is part of the early sex syndrome. In Luanda, girls as young as eight are introduced into the trade.³⁴ In

Malawi, most infections affect young women. In Kenya, 22% of the 15-19 years old girls are infected, against 4% of boys of the same age group. Economic factors play a role in this, as sexual initiation occurs particularly early in marginalised communities. A survey conducted in poor neighbourhoods of Lusaka indicated that over a quarter of the respondents aged 10 had engaged in sexual activity. In similar areas of South Africa, 10% of the respondents admitted to having started their sex lives at 11 years or younger.³⁵

Rape also plays an important role in early sex. In Kenya, a quarter of the young women lose their virginity because they are forced to. In the Democratic Republic of Congo this figure rises to a third. It is speculated that in South Africa 1.8 million women are raped every year, while child rape is assuming huge proportions. In KwaZulu-Natal, the province with the highest infection rates in the country, the proportion of children among rape victims is higher than at national level. A similar situation is occur-

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ring in Botswana, where the rape of children under 12 increased by 65% in 1998-99.³⁶ Physiological factors make unwilling sex particularly dangerous. When the vagina is dry, abrasions and cuts are more likely, therefore easing the access of the virus into the blood stream.

The role played by prostitution in the expansion of the pandemic reflects many of the conditions associated with African urban life, namely widespread poverty, migrant labour and lack of female empowerment. Male migrant workers provide a market to cheap prostitutes, recruited from female migrants, unable to find ordinary jobs. Infection among them seems nearly universal: around 90% in Abidjan, Nairobi and Kigali.³⁷ Casual sex risks are not hampering the trade. Even in HIV/AIDS-conscious Uganda, 25.9% of Kampala men pay for commercial sex.³⁸ Unprotected commercial intercourse is rife. United Nations research indicates that in Ndola, a Zambian town, only one in four sex workers used condoms with their latest client.³⁹

The problem works in two directions: the pandemic stimulates prostitution, because of its toll of destitute orphans, while new infections among clients of the trade feed the spread of the disease. The number of infections caused indirectly by sex workers seems higher than the number of victims among their clients. These take the virus to their wives, girlfriends and other regular partners, who may have their "satellites" (sexual partners) elsewhere. These complex networks may drive to national-level infection, as feared by the Ghanaian health authorities.⁴⁰

The loneliness faced by migrant workers also stimulates alcohol consumption. This boosts the spreading of the disease, as risky encounters tend to occur after drinking sessions, particularly on payday. People under the influence of alcohol are less likely to make use of condoms than sober ones. Research conducted in 1998 in Carletonville, a South African mining town, showed particularly high seropositivity rates among alcohol consumers, with infection levels more than trebling among drinking men. In Zambia people admit to having been drinking most times before having casual sex.⁴¹

Movements and migration

Economic and political factors triggered constant movements of people in post-colonial Africa. Land is not an elastic resource and this determines that, as rural populations grow, many men are forced to search for work in cities, but, due to both lack of job opportunities and accommodation problems, many migrant workers are unable to bring their families along. Furthermore, the need to supplement poor wages makes it almost inevitable that many new city-dwellers leave their families cultivating plots on communal land.

Recent surveys highlight the risky lifestyle of most migrant workers. Repeated seasonality in rural venereal infection was observed in the former Gazankulu (South Africa), with higher waves coinciding with periods when migrants visit their families, as well as during the winter months, with desperate women resorting to prostitution. The same kind of situation was found in the area of Oshakati (northern Namibia), with migrant workers visiting the hospital for venereal treatment, followed by their wives and girlfriends several weeks later.⁴² Abnormal levels of

venereal infection were detected in villages located near construction sites in Malawi and in camps established to accommodate workers employed for the Lesotho Highlands Water Project.⁴³ In the former bantustan of Qwaqwa, in the South African province of Free State, women whose men migrated to the cities show the highest seropositivity rates.⁴⁴

Similar situations have been encountered in West Africa. In northern Senegal, one of the least infected parts of Africa, a survey found that 27% of the men who had worked in other countries and 11.3% of their spouses tested positive. Out of 414 men who had not travelled during the past ten years, only one man tested positive. West African rural communities known for out-migration are recording seropositivity rates two or three times higher than the respective national rates. About 200 million workers are involved in migrant labour in West Africa, posing the risk of a serious HIV/AIDS outbreak.⁴⁵

Transport networks play a role similar to that of migrant labour. Truckers' lifestyle makes them a high-risk group, whose mobility, which is even higher than that of migrant workers, makes them ideal agents for the geographical expansion of the pandemic. A survey conducted among truck-drivers in Johannesburg, around 1990, showed a 25% seroprevalence, at a time when infection rates were still low among the South African population as a whole. Evidence from all over Africa has demonstrated particularly high infection rates along high-density traffic roads, with detailed surveys conducted in Namibia, where the seropositivity rates

found in high schools are proportional to the traffic density on the sections of the road next to which the schools are located.⁴⁶

Civil war has become part of ordinary life in many sub-Saharan countries. Conflicts generate crowds of refugees, veterans and other people living a "poor, nasty, brutish and short" existence, without prospects for the future, to whom the risk of HIV/AIDS infection matters little, as it is merely an additional threat to their lives.⁴⁷ The current wars, causing on-going population movements, rape and promiscuity, are triggering an AIDS explosion in Central Africa and the Great Lakes region.

The 1994 genocide in Rwanda, which sparked massive displacements of the population, resulted in a jump in HIV prevalence from 3% to 11%.⁴⁸ Rape, a situation that precludes protected sex, is commonplace in African conflicts, with the high seropositivity rate found among military personnel posing an additional threat to their victims. In Rwanda "virtually every adult woman or girl past puberty who was spared massacre by the militants had been raped along with many younger children".⁴⁹ In Sudan, a long civil war created a serious HIV/AIDS situation, with widespread rape, disintegration of the community and women forced to resort to sex to earn money. Army doctors, aware of the magnitude of the epidemic, are distributing condoms to soldiers, despite their superiors' opposition in that regard. The country's Islamic leadership fails to grasp the dynamics of the epidemic and discourages HIV testing.⁵⁰

Even Tanzania, a country characterised by domestic peace and order, is suffering problems due to refugees from neighbouring countries. Host communities have become hot-beds of prostitution, with female escapees from refugee camps engaging in commercial sex.⁵¹

The great majority of African women have little power of choice, in a society expecting them to be faithful, while accepting the infidelity of men, as well as their inability to protect themselves by demanding safe sex.

War veterans returning home also pose a serious threat. In the early 1990s South African troops in Namibia showed 17.2% seropositivity. Their role in the spread of HIV/AIDS in northern Namibia was closely monitored. Blood donors living near to military camps showed higher infection levels than in the surrounding areas, because of intercourse between soldiers and school-girls. The return of SWAPO guerrillas from high seropositivity areas where they had been stationed during the independence struggle made the situation worse.

When South African troops moved out after independence, a large number of infected single mothers were left behind, while full-time prostitutes, lacking a local market, migrated to Windhoek, which provides an explanation for the fast spread of the pandemic in Namibia.⁵² A similar process took place in South Africa, after members of all liberation movements returned from the infected frontline states. They were incorporated into the armed forces without being tested, and distributed to military units all over the country. Many troops garrisoned in KwaZulu-Natal had been trained in the Caprivi Strip, an HIV/AIDS hot spot, and their presence seems to have accelerated the epidemic.⁵³

In addition, forms of social violence falling short of full-scale war, are prone to trigger high seropositivity rates. Roderick Wallace's study of HIV epidemiology in Harlem, New York, analysed community-disintegrating factors, which Douglas Webb deems applicable to low-intensity warfare and other forms of generalised political violence.

These situations strain networks to the point where normal behaviour is suspended, with a vicious circle entering into being: social fragmentation generates pathological behaviour, which increases fragmentation in turn.

People's perceptions are altered in this process, as short-term security-related priorities overwhelm the rationale for sexual behaviour changes aimed at stopping a virus deadlier than political violence.⁵⁴ This attitude occurred in the 1980s, during the undeclared civil war in the province of Natal, leading to a disintegration of sexual morals and a youth culture of sexual promiscuity, which labelled as antipatriotic those young women refusing intercourse.

The same applies to many East Rand townships, particularly Tembisa. Young men embroiled in the anarchy disregarded HIV/AIDS as a long-term danger, while political, ethnic and gang solidarity demanded "immediate psychological commitment".⁵⁵

Natural calamities tend to produce particularly severe consequences in Africa, due to poor infrastructure and political and administrative inefficiency. As such, some "acts of God" can boost the spread of HIV/AIDS, in a process similar to that triggered by wars and other forms of political violence. During the drought that plagued southern Africa in 1992-93, unemployment rose as a direct consequence.

Climatic devastation and macro-restructuring produced marginalising effects and generated high-risk situations. Mozambican women resorted to prostitution at squatter camps in South Africa, while living in conditions they considered better than enduring slave-prostitution with soldiers in Mozambique. Migrants escaping the drought at squatter camps around Johannesburg, Port Elizabeth and Durban became particularly

vulnerable to HIV infection, due to low rates of condomisation and economic pressure forcing women into commercial sex.⁵⁶

Fatalistic behaviour is almost inevitable in societies beset by daunting and uncontrollable forces, where the quality of life never seems to improve. The disease itself is contributing to shape this kind of mentality. In much of Africa, people accept as a reality that life expectancy has been curtailed. As such, they feel the need to use in the best manner the few years available to them. Paul Richards stresses that this fatalism offers a key to understanding the mechanics of HIV/AIDS in Africa, defined by him as "an integral and important element in a social maelstrom of youth", rather than as a disease.⁵⁷ Young people in central Ghana tend to ask: "Why should I change my sexual behaviour when I see little hope for improvement in life's opportunities?"⁵⁸

This approach affects even officialdom, in spite of the successes achieved in Uganda and in Senegal. A Nigerian official disputed the value of channelling money into what he considered a hopeless cause, while people carry on dying from readily curable diseases.⁵⁹

Fatalistic behaviour is almost inevitable in societies beset by daunting and uncontrollable forces, where the quality of life never seems to improve.

A development issue

The HIV/AIDS pandemic south of the Sahara is basically a global development issue of a special kind, with underlying cultural factors magnifying the effects of socio-economic problems. This fact was recognised by the United Nations and its behaviour described by Alan Whiteside as that of "a terminal disease that impacts on population by reducing the size of economically active population", thus causing "socio-demographic and economic implications with ripple effects across sectors".⁶⁰

HIV/AIDS functions as a bi-directional vicious circle: underdevelopment boosts a disease, which erodes scarce human and material resources, whose shrinkage propels the spread of the virus, in a self-perpetuating movement. In sub-Saharan Africa, the pandemic is no more than a new link in an old chain binding disease to development issues. Western colonisation did much to reduce the burden of infectious diseases but this coincided with new development trends, which generated new public health problems, with social forces set in motion by economic change amplifying the impact from biological agents.⁶¹

The importance of this link will be missed if the concept of development is not analysed from a holistic point of view, instead of measured in terms of a region's economic performance. Such a holistic approach is defined by the UNDP as the creation of "an enabling environment for people to enjoy long, healthy and creative lives". Uneven or dysfunctional social development, whatever the growth figures, reflects the existence of pockets of poverty, one of the social factors predisposing people to venereal infection.⁶²

However the poverty factor is not a simplistic one, particularly in sub-Saharan Africa, where some countries' infection risk rises concomitantly with income, educational level and occupational status. This has led some experts to explain the spread of HIV/AIDS in terms of the Jaipur paradigm: "social cohesion" drives one axis and "income" the other.

Such scholars think that societies with high social cohesion and intermediate levels of income will suffer less than societies starkly split by cultural, ethnic and income disparities.⁶³ Whatever the value of the Jaipur paradigm, it falls short of pro-

viding a full explanation for the regional evolution of the pandemic in Africa. Botswana has an homogenous population, combined with the highest living standards in the continent and a low incidence of violence. Nevertheless, its seropositivity statistics are among the highest in Africa.

The essence of HIV/AIDS as a holistic, multi-pronged challenge, in which cultural factors are possibly dominant, does not exclude the importance of the bi-directional relationship between poverty and seropositivity, with the former being understood as a component of a larger developmental problem, viewed as a barrier to those cultural changes required to reverse the course of the pandemic. Poverty also applies to attempts to explain the proportional prevalence in terms of gender, with an inextricable link between poverty and the present female condition in most developing countries.

As argued by Paul Farmer, "through myriad mechanisms, it (poverty) creates an environment of risk", a fact which is overlooked by much of the literature on the subject, which focuses on "risk behaviours", without relating them to the environment which drives those forms of behaviour.

Most people classified as "poor" are basically impoverished people, who landed in that situation as a result of factors beyond their control and who react by seeking solutions linked to survival. Migration for work and commercial sex are the most dangerous of those reactions, particularly if combined with fatalism. This explains why Tanzanian peasants did not see HIV/AIDS as "something terribly new", after they endured successive famine crises. The pandemic appeared as part of that context.⁶⁴

This attitude helps to understand a possible link between the effects of Structural Adjustment Programmes (SAPs) and the evolution of the pandemic south of the Sahara, where 32 countries out of 44 initiated an SAP between 1980 and 1991.

Collins argues that these programmes caused or intensified economic recession; undermined rural economies, with detrimental effects on nutritional status; fostered the development of road transportation; accelerated labour migration and urbanisation, with further impoverishment of rural areas; and mandated cutbacks on health care and other social services. The latter measure brought a sharp reduction in attendance at venereal clinics in Kenya, Ghana, Mozambique, Zaire and Zimbabwe, the worst development possible in a continent with already high levels of venereal disease, which is a leading factor in the spread of HIV/AIDS.⁶⁵

A development issue requires multi-disciplinary action ...

As a holistic challenge, HIV/AIDS cannot be solved without multi-disciplinary research and action, a need particularly well understood in Francophone Africa, where attempts are being made to reconcile the social, family and cultural realities with the participation of healthcare agents.

Links with sexuality and procreation oblige them to deal with value systems and difficult decisions: e.g. should a seropositive woman become pregnant to satisfy social pressures? Health providers, in the absence of a bio-medical solution, should play a more active counselling role aimed at stimulating behavioural changes.⁶⁶

The AIDS pandemic south of the Sahara is a global development issue, with underlying cultural factors magnifying the effects of socio-economic problems ... it is a new link in an old chain binding disease to development issues.

... which should be politically co-ordinated

As infection risks are related to both personal and societal factors, risk-reduction programmes have to be directed towards environment transformation. This implies political will and resources, as well as patience, until a measurable impact can be felt. Given the weakness of civil society in Africa, the "necessary politicisation" of the problem has to be the work of the government, by shouldering the cost of new therapies and the fate of millions of orphaned children.

The great difficulty in this field is its synchronisation with societal change, a necessarily slow process, because of the need to deal with concepts and perceptions deeply rooted in a conservative population. Slow change is incompatible with the speed at which the pandemic is spreading – but respect for cultural norms is made particularly pressing by the fact that "AIDS represents a prism, a growing mirror of social dynamics and changes which mark the African continent, particularly since the 1980s". This explains the barriers encountered in West Africa by HIV/AIDS policies, proposed by the World Health Organization.⁶⁷

The possible role of intermediary bodies

Whatever the shortcomings of the present African governments, the incipient condition of civil society in Africa means that the state will play an almost global role in the struggle against the pandemic, carrying out tasks, which in a different context could be implemented more efficiently and cheaply by intermediary bodies. The absence of a strong civil society does not imply that this cannot be developed in Africa and, progressively, alleviate the burden placed upon the state by HIV/AIDS. Africa's cultural tradition provides the need for civil society development, whose presence in pre-colonial African kingdoms has been identified by Jan Vansina, under the form of changing, collective bodies of cognitive and physical representations shared by their members.⁶⁸

However, both historical and present circumstances have prevented the flourishing of foundations. The post-colonial leadership sank emerging forums of civil society by means of dominant societal projects; while the sense of civic reciprocity and obligation is undermined by a survivalist mentality, generated by extreme levels of scarcity and deprivation, which precludes its re-emergence.

The African State and its Crisis

The lack of a dynamic civil society poses particularly serious difficulties while a crisis of the African state reduces its ability to perform the necessary tasks.

As stated by UN Secretary-General Kofi Annan, Africa is struggling with a multiple crisis – ecological, economic, social and political – while astronomical sums are embezzled by some leaders. External aid has not prevented the tumbling of per capita incomes, children dying of malnutrition and, more worrying, the fear that even if Africa implemented all the required reforms correctly, the situation would carry on deteriorating.⁶⁹

Impoverishment tends to be coupled with political and administrative breakdown, in the peculiar kind of state which has been taking shape in Africa, where new policies combined many negative aspects inherited from the colonial states with the effects

of a deep ethical crisis. Colonial states were hierarchical structures directed to the maintenance of order, forced by metropolitan government to avoid budget deficits.

The alien source of their power prevented a merging of state and society, with a concomitant lack of popular commitment to public institutions. Political coercion and tax collection – the most unpopular aspects of the colonial state – survived independence. Corruption thrives from a lack of distinction between the public and private, whose separation constitutes one of the foundations of what Max Weber calls “national legal authority”.⁷⁰

African states have the formal structure of a modern state, but in many cases, officials see their jobs as personal property, an approach which offers considerable material benefits to those taking part in it and whose roots are implanted in pre-colonial traditions.

This culture lacks space for the performance of modern state duties, such as tax collection, enforcement of law and order, and

provision of services. Hence African states are, in many cases, “quasi-states”, which are sovereign only because the international community accepts them as such.⁷¹ This situation has a direct impact on their ability to deal with the pandemic:

- at domestic level, the state lacks the resources to assist afflicted people, as well as to conduct information campaigns;
- at external level, it lacks the moral authority to oppose externally imposed strategies against HIV/AIDS.

This discrepancy between means available to governments and the response demanded by the pandemic is serious but it could be minimised if governments’ action had not been undermined by a “cultural relativity” which makes people prone to accept insufficient action from the political sphere.⁷² ■

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The Fifth African African-American Summit was a step in the direction of sustainable development - if it goes beyond being a mere talk shop.

By Al Abdulai

They came, they talked, they cautioned

Matters concerning development have engaged the attention of African governments since independence. Sadly, however, efforts in this regard have often yielded little or no result. This situation borders on the apocalyptic; as such, it is as though the continent is destined to live precariously on the edge of survival.¹ It is in this vein that one should appreciate the relevance of the African African-American Summit initiative, which started in 1991 in Abidjan, Côte d'Ivoire, with the aim of creating the necessary environment for the development of the African continent. Four other summits have been held since.

The Fifth African African-American Summit was held in Accra, Ghana, from 15-21 May 1999, to specifically find solutions to African problems through trade, investment and partnerships between Africans and African-Americans. This is, by all reckoning, a step in the right direction. The Fifth Summit, dubbed the Millennium Summit, not only lived up to expectations, but raised the hopes of participants with respect to the creation of a favourable business environment which could lead to the sustainable development of the continent.

The excitement and aura of optimism witnessed at the Millennium Summit have been described by the late Reverend Dr Leon Sullivan, founder and convenor of the African African-American Summit, and Frank Fountain, Chairman of the African African-American Summit Corporate Resource Advisory Committee, in these terms: "Never before has the economic interest in Africa been this significant in terms of potential benefit for the countries in Africa and the United States".² The theme of the summit was "Africa can compete".

Unfortunately, the Millennium Conference was destined to be the last for the founder of the series, as Sullivan later died. His legacy is a challenge to all who have an interest in consumer education, manpower development and employment creation, and who are working to bridge the gap between America and Africa.

The objective of this paper is to examine the proceedings of the Millennium Summit within the context of African development aspirations and challenge.

They Came: Background to the Millennium Summit

There is no doubt that the Millennium Summit will go down in history as one of the most significant events to take place on the African continent at the end of the 20th century. That the issues at stake centred mainly on the development of the continent is hardly surprising, for certainly no other issues are dearer to Africans, either on the continent or in the diaspora. Thus, as participants gravitated towards Accra for the Summit, they were aware that they were not only engaged in a worthy cause, but were on a mission that touches on the very survival of the African continent.

Participants came in their numbers and from all walks of life. They included twelve heads of state, five Vice Presidents or Prime Ministers representing their heads of state, government ministers and corporate executives from the continent and the diaspora. The United States, for instance sent a 47-member delegation led by Alexis Herman, Secretary for Labour. In all, Ghana played host to over 4 000 visitors.³

Understandably, whenever people of African descent set foot on African soil in similar circumstances, they are almost

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invariably overtaken by emotions, irrespective of whether it is their first time or not. This phenomenal demeanour was noticeable among delegates to the Summit:

Upon arrival at the airport, they are filled with emotions. They bend down and kiss the ground to symbolise their love for their motherland. When they look around, they see black faces and feel reassured that they are really at home. They visit the slave dungeons at Cape Coast and when they see where their ancestors were kept in chains, they break down and weep bitterly. They vow that, whatever it takes, they will come back home and settle.⁴

The President of the US Conference of Mayors, Wellington E Webb, summed up the collective feeling of his colleagues: "What a better way is there to tell the story of Africa than to visit the continent ourselves and have a feel of the aspirations and yearnings of the people".⁵ An understanding of this demeanour is necessary to appreciate their conduct and concerns at the Summit as well as their general attitude towards the continent and its development aspirations.

The Millennium Summit was held against the backdrop of four earlier summits: the first was held in 1991 in Abidjan, Côte d'Ivoire; the second in 1993 in Libreville, Gabon; the third in 1995 in Dakar, Senegal; and the fourth in 1997 in Harare, Zimbabwe. The Summit was also held against the backdrop of President Bill Clinton's historic visit to Africa. In fact, the presence of the US delegation at the Summit was portrayed as a reaffirmation of President Clinton's commitment to fostering closer ties with Africa.⁶

The Summit aimed to find solutions to African problems through business, trade and investment, and at fostering collaboration between Africans and African-Americans for mutual benefit. This was remarked upon by Sullivan: "If we are to move forward as a viable race of people and to be viewed as an economic force to be reckoned with, we can only achieve this by forming alliances".⁷

Recent times have witnessed a new awakening which has come with an appreciable growth in African African-American relations. This, in turn, has led to the development of collaborative efforts and partnerships in a number of areas including business. To put things in the right perspective, it would be relevant to examine the forces behind this positive turn of events, which are of great significance to the development of the continent.

The reasons often cited as responsible for this new awakening are as follows:

- The end of the Cold War, which divided Africa into pro-western and pro-communist camps, and led to fratricidal strife and economic, political and social instability – conditions not favourable for foreign direct investment;
- The mass democratisation of African states, which has emboldened African American investors to put their money into projects in Africa;
- Multi-party democracy, which opened the floodgates of the free market economy in Africa, making investment less risky to African-Americans;
- The growing use of the free market system, which encouraged privatisation of state-owned enterprises and underscored the private sector as the engine of economic growth;

- The realisation among the African-American business community of the importance of ancestral and cultural links with Africa.⁸

They Talked: Issues Discussed at the Millennium Summit

Several important issues were discussed at the summit. Leon Sullivan set the tone for what was at stake in terms of expectations and delivery when he reminded delegates that they had gathered for serious business rather than fun and that, "There will be some things said and stated that you have not even thought of before".⁹ These were no vain words for, by the end of the summit, participants had been taken through a litany of thought-provoking issues.

The Millennium Summit provided an environment for sober reflection on the grim situation of the African continent as well as useful hints for the way out. The occasion proved auspicious for discussions, the exchange of ideas, critical appraisal of policies, pieces of advice and words of caution, all of which should be viewed as critical inputs that could provide the necessary clues to draw up appropriate strategies for the development of the continent in the new millennium. The main issues and concerns raised by participants are discussed below.

Objectives of the Summit

It is prudent indeed for participants in a summit of this nature to be reminded of the purpose for which they had gathered. The first summit took off in 1991 with the aim of building a bridge between America and Africa that had never existed before. The purpose of the bridge, on the one hand, was to facilitate movement to Africa by Americans and friends of Africa who would like to assist, in one way or another, in the development of the continent. On the other hand, the bridge also aimed to facilitate movement by

Africans to America to benefit from whatever can be provided. It was expected that the Millennium Summit would complete the bridge-building exercise. The Summit thus took off with participants clearly aware of the main objectives and challenges before them.

Moreover, the Summit was determined to move beyond rhetoric so as to give substance to the notion of a partnership between Africa and the United States. Sullivan argued that, "We are here to help Africa, otherwise everybody should get back on that plane and go back home. We are here to do meaningful things to help the children of Africa especially with education and human development and to help with jobs. So out of this Summit many things will come."¹⁰

Among those who added their voices to the need for a serious approach to the Summit was the Vice President of Ghana, Professor JEA Mills. He asked delegates not to consider the Summit as just a celebration of survival and return; they should rather view it as a determined effort towards the development of a more humane, dignified and prosperous Africa.¹¹

Historical and cultural bonds

The Millennium Summit, like those before it, brought together people in the continent and the diaspora. As expected, therefore, participants made direct and indirect reference to the historical

"If we are to move forward as a viable race of people and to be viewed as an economic force to be reckoned with, we can only achieve this by forming alliances"

and cultural bonds between them. For instance, reference was made to Africa being the cradle of humankind, a point of view widely accepted today. Thomas O'Toole observes in this regard that, "The African savannahs of mixed grasslands and scattered tress which developed as part of a worldwide cooling and drying about 10 million years ago, are the ancestral homeland of all mankind."¹²

The impact of the colonial experience and the subsequent struggles for emancipation, both in the continent and the diaspora, was also cited. There were references to slavery, which, more than anything else, accounts for the dispersal of the African race on the surface of the globe. The suffering, trials and tribulations associated with slavery not only evoke bitter feelings, but, as O'Toole observes, "The equation of black people and slavery persists in the minds of many people, including some blacks, to the detriment of human relations in North America and international relations between African States and the West".¹³

Past heroes on the continent and the diaspora provided yet another point of reference. For instance, in his keynote address at the official opening ceremony, President Rawlings reminded participants of the fact that the day happened to be the birthday of Malcolm X, who spent his last birthday in Accra. The President deliberately mentioned this point, "To bring attention to the other numerous brothers and sisters in the diaspora, who over the centuries, turned to their African roots for the strength and wisdom to sustain them through adversity and struggle".¹⁴

Other heroes mentioned in this regard include Martin Luther King, the civil rights leader, Marcus Garvey, who founded the Universal Negro Improvement Association (UNIA) and whose influence was widespread in Africa, WEB Du Bois, founder of the National Association for the Advancement of Coloured People (NAACP), George Padmore, and, of course, Kwame Nkrumah, who captivated the world with his Pan-Africanist ideas.

Significantly, various speakers referred to the participants as "brothers and sisters". Such direct reference to the bonds between the participants and the potential benefits of such linkages for the socio-economic development of the continent were captured by President Rawlings, who observed that, "Our meeting should serve to strengthen our kinship in a way that will help Africa overcome the problem of poverty and thereby remove a major cause of conflict on the continent".¹⁵

There is no doubt that these historical and cultural bonds were largely responsible for the atmosphere of cooperation and goodwill that prevailed at the summit. The sentiments expressed by participants, as well as their psychological frame of mind, should thus be viewed from this context.

Business, Trade and Investment

Business, trade and investment constituted a core area of concern at the Summit. Cooperation in this regard may hold the key to the development of the continent in the 21st century. For instance, since the first summit in 1991, new investments in the continent amounted to over US \$750 million, and it was expected that the Millennium Summit would generate more such investments.¹⁶ Discussions and presentations at the Business, Trade and Investment Workshop were thus designed to receive

suggestions on how to create the necessary environment to increase opportunities in this regard. It was concluded that African countries need to establish the necessary regulatory framework, and observe democratic practices, the rule of law and human rights. It was also recommended that the necessary steps be taken to minimise corruption, introduce transparent administration and develop the tourist sector which is one of the fastest growing areas in the world economy. It was concluded that, in order to achieve 6% growth per annum in the coming years, Africa would need not less than US \$100 billion, mostly in long-term foreign direct investment.¹⁷

Agricultural Sector Development

That Africa's potential in the agricultural sector is enormous, is a fact that cannot be denied. As a matter of fact, the continent is regarded as "One of the greatest opportunities for agriculture business development left on the globe".¹⁸ However, performance in this sector for the last 30 years leaves much to be desired. This is in spite of the fact that the agricultural sector is the main source of employment, food supply and foreign exchange, and the core activity around which rural development and related programmes and activities revolve.

Given this scenario, it was generally felt that an emphasis on measures to enhance performance in the agricultural sector is the key to the growth and prosperity of the continent in the 21st century. Various issues were thus addressed at the Agriculture Workshop of the Summit. These included strategies that have been successfully used to alleviate

soil erosion and reduce desertification, environmental protection through food production, technologies suitable for developing countries, agribusiness development and trade relations.

Health Sector Development

Issues relating to health are also very much at the centre of the continent's development aspirations. The workshop on health, therefore, addressed problems which seriously affect the development of the continent. On account of the rapid manner in which HIV/AIDS is spreading on the continent, especially in poor communities, and also the lack of resources to cater for the needs of the sick, the dying and orphans, Barnett and Blaikie rightly observe that, "In Africa the AIDS pandemic confronts us with the full range of development issues".¹⁹ Not surprisingly, therefore, HIV/AIDS received the greatest attention of participants at the Summit, who called for private sector involvement to curb the spread of the disease. Other problem areas in health delivery discussed included malaria, respiratory infections, sexually transmitted diseases (STDs), diarrhoea, preventable diseases, mental health and parasitic diseases.

Educational Development

The workshop on education revolved around the theme of the human dimensions of technology and globalisation for the development of Africa in the 21st century. Educational challenges facing the continent received the attention of many participants, who generally acknowledged the role of quality education and skills acquisition in the development of the continent. This sentiment was captured by Ekwow Spio-Garbrah,

African countries spend huge chunks of their export earnings to service debt repayments, which severely limits their capacity to embark on programmes to improve the well-being of their citizens

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Ghana's Minister of Education, who argued that, "Africa's only hope for survival in the next century rests on quality education for its citizens to reduce hunger and economic deprivation".²⁰ Leon Sullivan reflected the mood of participants in this regard when he observed that they came to the Summit to assist the children of Africa, especially in education and human development. Towards this end, participants called for radical and far-reaching reforms in the educational systems of the continent, and emphasised the need to build more schools and for collaboration among stakeholders to ensure that the educational system receives the necessary funding. They also concluded that an emphasis on science and technology education, as well as unlimited access to education for the population at large, is an important ingredient for educational development on the continent in the new millennium.

Democracy and Good Governance

The absence of a culture of democracy and good governance has contributed to the prevailing political instability on the African continent. The last decade of the 20th century, however, saw an increasing inclination towards democratic government. Olusegun Obasanjo has argued for the importance of democracy and good governance, noting that, "The non-democratic and autocratic nature of most regimes in Africa has undermined the continent's potential and opportunity for sustainable economic development and growth".²¹

The workshop on democracy and good governance was therefore aimed at developing strategies to increase the effectiveness of democratic institutions throughout Africa and at strengthening relationships among the diverse people on the African continent and in the diaspora. Certainly, the recommendations that good governance should serve as a mechanism for the redistribution of wealth and the use of affirmative action to bring deprived minorities into the mainstream of socio-economic activities are worthy of note.²² These are the ingredients of national integration and peaceful co-existence.

Poverty Alleviation

If there was one issue that was expected to feature prominently at the Summit, it was concerns over poverty reduction. Given its pervasive and debilitating effect, poverty is generally viewed as sub-Saharan Africa's "Achilles heel of development".²³ According to World Bank findings, on average, 45-50% of sub-Saharan Africans live below the poverty line. This is well below what is experienced in any part of the world except South Asia.²⁴ Participants naturally showed concern over this grim situation and lamented the fact that Africa lacks the necessary capital and expertise to exploit its vast resources. Most of the issues raised at the Summit, as a result, were aimed at reducing the levels of poverty on the continent through sustainable growth. Significant among the contributions in this regard was that made by Jesse Jackson, who urged African countries to devote their resources to fight poverty, hunger and ignorance, instead of inter-state and intra-state wars.²⁵

Debt Relief

In addition, the huge and suffocating debts owed by Africa to the industrial countries also came up for discussion. Participants were unanimous in calling for debt relief for African countries. Rev. Sullivan summed up the feelings of participants on this subject when he observed that the challenge of the new relationship between Africa and African-Americans is to press for debt relief for Africa: "We will tell the World Bank, International

Monetary Fund and the American government that Africa needs a special hearing on its debts".²⁶

Africa's debts constitute a major obstacle to the continent's development efforts, because African countries spend huge chunks of their export earnings to service debt repayments, a situation which severely limits their capacity to embark on programmes to improve the well-being of their citizens. This scenario partly accounts for the vicious poverty cycle so endemic in these countries. It is in this vein that the attention given to the debt issue should be seen as a step in the right direction. It can only be hoped that new measures will make some difference so that, as Gordon Brown, British Chancellor of the Exchequer, puts it: "As we leave behind the twentieth century, we can leave behind much of the burden of unpayable debt and the worst of avoidable poverty with it".²⁷

The International Economic Order

Africa's development efforts have been significantly undermined by the international economic system which has constantly put the continent at a great disadvantage in many areas of economic endeavour. Understandably therefore, African leaders have, through various channels including diplomacy, regional groupings, bilateral relations, multilateral efforts at international fora including the United Nations, Cold War-era diplomacy and manoeuvres, rhetoric and so on, spent a great deal of effort on rectifying the situation, but all to no avail. This situation, which has brought with it declining shares in world exports, imports and foreign direct investment (FDI), and deteriorating terms of trade, among other negative consequences, has led to the increasing marginalisation of the continent.

True to tradition, therefore, the Millennium Summit provided yet another forum to address relevant issues. As expected, participants directly and indirectly expressed concern about the fact that the international economic system continues to be plagued by injustice. The feeling of participants in this regard was represented by the remarks of Rev. Jesse Jackson, who pointed out that the African continent has a right to earn a place as a partner in the new world order. Accordingly, Africa must come to the table "not as beggars, but as partners who subsidise the development of Europe and America".²⁸

The summit, therefore, echoed a familiar refrain reflecting the woes of developing countries in general, with respect to the international system which works to the advantage of the developed countries and much to the detriment of the former. In summing up the challenges facing African countries in the emerging world economic system, Obasanjo captured this feeling when he observed that, "The dynamics of the global economy tends to operate against African development".²⁹

Destiny of Africa in the 21st Century

The 20th century witnessed a fierce political struggle through independence movements which culminated in the political emancipation of the African continent. In her description of the economic development goals of the continent, Ann Seidman points out that the key aim is to increase "labour productivity and output of goods and services in order to raise the standard of living commensurate with the potentials of the twentieth century".³⁰ Participants naturally showed great concern for the destiny of Africa in the next millennium. This show of concern and apprehension derived from the fact that, while the economic development goals mentioned above have proved elusive in the 20th century, there is no guarantee that the situation will see any marked improvement in the 21st century.

Table 1: Major international conferences hosted by Ghana on African development

Event	Date
Non-Aligned Movement (NAM) Conference	2-7 September 1991
6th African Ports Symposium	14-18 October 1991
17th FAO Regional Conference for Africa	20-24 July 1992
Liberia Peace Talks	9-12 January 1995
ECOWAS Summit	23 January 1995
6th African Conference on Guinea Worm Education	26-28 March 1996
5th General Assembly of the West African Women Association	5-7 July 1996
Workshop on Regional Integration in Africa	17 September 1996
International Workshop on Africa's Urban Poor Child	11-13 March 1997
13th Meeting of the Conference of African Ministers of Industry	19-25 May 1997
5th African Regional Conference on Ombudsmen	22 September 1997
Launching of the "Decade of Education in Africa"	25 November 1997
African Governance Forum	20 June 1997
Extra-ordinary Meeting of African Shippers' Councils	14-16 July 1998
West African sub-Regional Meeting of First Ladies on Peace and Humanitarian Issues	27-28 July 1998
Oil and Gas Africa '99 Conference and Exhibition	26-28 April 1999
5th African African-American Summit	15-22 May 1999

Source: Accra International Conference Centre (AICC)

It was widely agreed that the necessary strategic step towards the sustainable development is for Africa to take its destiny into its own hands and stop depending on others. This point of view, which is sound for all intents and purposes, and which has been mooted in various circles in the past, was echoed by the Director General of the UNESCO, General Federico Mayor. In a report entitled "The World Ahead: Our future in the making", he pointed out that, despite the end of colonialism, Africa continues to be technologically and financially dependent on the former colonial masters. He therefore urged Africans to take the future of the region into their own hands.³¹ Similar sentiments are embodied in the New Partnership for Africa's Development.

With this kind of thinking firmly embedded in their minds, the summiters saw an urgency in the need to develop the African continent for it to take its rightful place among the comity of nations.

Support for Africa

Support for Africa in its development aspirations was one issue which was relentlessly brought home by delegates. Africa has for a long time been a beneficiary of financial and technical support in various forms from the international community, and the indications are that it will need more support to turn things around. Summiters shared the view that what Africa needs now is investment, education and technical support.

This support for Africa sentiment received a boost with the launching of the People's Investment for Africa (PIFA) fund. In explaining the rationale for this scheme, Rev. Sullivan pointed out that it will be used to support the over 1 000 small businesses which have sprung up in Africa. To set the ball rolling, he contributed \$2 000 to start the scheme. Other participants, in a show of support, pledged about US \$150 000 towards the scheme, which is to be managed by the African Development Bank (ADB) based in Abidjan.³²

In drumming up much needed support for Africa, Jesse Jackson observed that the Marshall Plan, which was drawn up after World War II, was a gift to Europe to help towards its reconstruction and development. He pointed out that Poland and Ukraine were given the same assistance after the Cold War. He therefore appealed to the international community to provide the

same assistance to Africa.³³ With reference to its past exploitation, especially with regard to the slave trade, it was generally felt that Africa deserves special attention from the US. By the end of the Summit, consensus had developed among delegates that the fora provided by the African African-American Summits will continue to serve as a rallying point for support for the development goals of the continent.

The role of women

The role of women in development has received increasing attention in African countries in recent times. This positive trend has come about as a result of the growing recognition of the role of women in the development of the continent. This explains why African governments have, in recent times, pursued policies that would enhance the role of women.

The First Lady of Ghana, Nana Konadu Agyeman Rawlings, observed in her address to the Summit that the special forum for women was "a clear indication that decision-makers and indeed the world at large is beginning to accept and recognise the critical role women can play in the economic and social development of our economies".³⁴ Besides focusing on the role and empowerment of women, there was consensus that men and women need to work in concert to realise the aspirations of the continent. The session also agreed on the need to eliminate negative traditional practices such as female genital mutilation and *trokosi*, which in many ways hamper the development of women on the continent.³⁵

Leadership role

The often ineffective leadership provided by African leaders on the continent received the attention of summiters who, directly and indirectly, pointed out their authoritarian styles, bad policies, callousness, ruthlessness, corruption as well as their lack of tolerance, imagination and vision. For instance, in a reference to the bad leadership which is more of the rule than the exception on the continent, it was observed that, "The African chief who used to sell us into slavery has now become President and has permanently sold his people into poverty".³⁶ However, leaders from the continent and the diaspora who have distinguished themselves were accorded the necessary recognition. Nelson Mandela, for instance, was recognised for his contribution to the dismantling of the apartheid system in South Africa.

Concerns over the role of leadership are legitimate indeed for, if Africa is to make any headway in its development aspirations in the 21st century, then this dimension deserves the utmost attention. There is no gainsaying that many of the woes of the continent can be attributed to poor leadership.

Role of Ghana as the host nation

Ghana has contributed immensely towards the development of the continent, especially in the area of liberation struggles. Ghana was the first country south of the Sahara to attain its independence (in 1957), and the first President of Ghana, Kwame Nkrumah, declared his commitment to see the whole of the continent liberated: "The independence of Ghana is meaningless unless it is linked up with the total liberation of Africa".

Ghana has tried to live up to the challenges of this historic declaration. Since independence, the country has been involved in numerous activities, including the hosting of many conferences focused on African liberation and development (see Table 1).

Needless to say, the Pan-African ideals pursued by the government of the Convention People's Party (CPP), under Nkrumah, served as a source of inspiration to Africans on the continent and in the diaspora. It was thus perhaps not surprising that speaker after speaker made reference to the unique and historic role played by Ghana. For instance, President Abdou Diouf of Senegal observed that it was fitting that the last African African-American Summit before the new millennium was taking place in the land of Kwame Nkrumah.³⁷

President Lansana Conteh of Guinea testified to the role played by Ghana in the liberation struggles and urged the gathering to take inspiration from the attempts made by Ghana and Guinea to integrate their economies in the 1960s.³⁸ President Festus Mogae of Botswana reflected the mood of the Summit when he observed that the role played by Ghana in hosting the Millennium Summit reflected the country's commitment to the emancipation of the continent.³⁹

A similar sentiment was expressed by President Robert Mugabe of Zimbabwe when he remarked that, "...Accra will inspire us anew and reinvigorate us to hasten the completion and fulfilment of our mission, namely, the total emancipation and unity of Africans, both on the continent and in the diaspora".⁴⁰

They Cautioned: Words of Advice from the Summit

As expected in a gathering of this nature, the discussions, presentations and workshops at the Summit were laced with words of caution and pieces of advice. These are not only necessary for promoting greater understanding between Africans and African-Americans, but are critical to the development aspirations of the continent. The following are among the issues that elicited words of caution and advice from summiters.

Appropriate use of the term "Black Power"

There were words of caution directed at African-Americans over the appropriate use of the term "Black Power" as well as their attitude towards this phenomenon. It is relevant to point out that the Black Power phenomenon surfaced in America during the 1960s. In the words of Martin Luther King, Black Power was a "call to manhood".⁴¹ It was also regarded as an "affirmation of racial and cultural pride". Sitkoff sees its merits in the important psychological gains it brought to black Americans.⁴²

In his appeal to African-Americans to assist their fellow Africans, Sullivan cautioned that Black Power is meaningless if it does not translate into helping the needy. Accordingly, affluent blacks may be deceived by their circumstances into thinking that they are all right.

He pointed out, however, that without helping others, especially blacks on the African continent, their wealth means nothing. Blacks were also cautioned against the petty jealousies and bickering that tend to characterise their relations.

These words of caution are extremely relevant to the objective of building bridges between Africans and African-Americans, especially if taken against the background of the belief of many African-Americans that "They do not owe Africa and Africans any allegiance".⁴³ Also, it is quite obvious that assistance to Africa in whatever form could only be maximised amidst co-operation among African-Americans. Viewed from this perspective, the words of caution offered in this regard were not only relevant, but timely.

Peace, order and political stability

Aspirations for African development can only be meaningful within the context of peace, order and political stability, ingredients which have proved elusive on the continent. The words of the Vice President of Burundi, Mathias Sinamenye, are instructive in this regard. He pointed out that the carnage and violence that occurred in Burundi and the wider Great Lakes region in Eastern and Central Africa have had a serious impact on the economies of countries in the area.⁴⁴

Similar sentiments were expressed by other participants. Thus a call for good leadership, democratic practice and good governance on the continent will go a long way towards creating much needed stability.

Dwindling image of the continent

Participants expressed grave concern about the dwindling image of the continent. Over the years, Africa has suffered from a variety of problems including political unrest, drought, famine, corruption, bad administration, poor leadership and slow economic growth. Even though it cannot be denied that these are real challenges facing the continent, the fact still remains that the plight of the continent has sometimes been presented in an exaggerated manner, leading to the formation of stereotypes about the continent. Such situations tend to set in motion a self-fulfilling prophecy, by which the continent is perceived mostly in negative terms.⁴⁵

Participants thus cautioned against such acts and lapses that could further plunge the image of the continent into the abyss. To demonstrate their concern in this regard, the delegation of mayors from the USA disclosed that, among the strategies they have developed to deal with this seemingly intractable problem, is to change the image of Africa presented to the American people. The Mayors thus gave the assurance that they would serve as ambassadors of Africa so as to change the wrongs of the past.⁴⁶

Vicious circle of corrupt practices

Africans, and especially their leaders, were also cautioned against corruption, a canker that threatens the very existence of African states. Corruption in all its forms is not only rampant but has become so vicious on the continent that the mere mention of African governments and public officials evokes an aura of systemic corruption.

In summing up his frustrations and experiences borne out of the image of the continent as characterised above, Sullivan pointed out in an emotional closing address that he had been travelling the world over to seek assistance for Africa, but that corruption on the continent was seriously hampering these efforts. That corruption can indeed be an obstacle in this regard, was vividly illustrated by Clifford Abubacar, the Vice-President of the Boston-based African-American Seafoods. He pointed out that, even though African-Americans were in full support of the People Investment for Africa (PIFA) fund, they were uneasy about the fact that this may ultimately end up in the foreign accounts of African leaders.⁴⁷

Therefore participants, in no uncertain terms, cautioned against corruption in all forms. If heeded, this would pave the way for the much needed confidence, which in turn, would attract the necessary goodwill and assistance for the development of the continent.

Conclusion

African countries have, since attaining independence, faced challenges of epic proportions in so far as their development

aspirations are concerned. The dilemma facing the continent in this regard has been well captured by General Obasanjo in his observation that, "The African coach of development has been delinked from the global train of development".⁴⁸ This challenge requires African states to work together to stem the tide of marginalisation. Herein lies the relevance of the Millennium Summit, as well as preceding summits.

By working within the framework of a clearly stated vision, and by addressing critical development-oriented issues, participants exhibited a thorough understanding of the issues facing the continent in this regard. It must be pointed out, however, that having a clear understanding of the issues at stake is one thing, and taking the necessary steps to face these challenges squarely and with the utmost sense of urgency is another.

Viewed from this perspective, the spirit of cooperation that was exhibited at the summit generally between Africans on the continent and those from the diaspora is certainly a healthy sign. Moreover, the determination of the African-American business community to translate its ancestral and cultural links into an even stronger bond to promote the development of the continent is edifying indeed.

However, it should be cautioned that bridge building in terms of human relations, as was the focus of the Millennium Summit, can never be fully completed. Apart from the fact that there will always be some rough patches that will require more attention, there is also need to nurture and develop relations to take on the desired shape. This should be among the challenges which future summits should address.

But the issues raised at the Millennium Summit will for a long time remain at the top of Africa's development agenda. The late Rev. Leon Sullivan, the initiator of the biennial summit, has certainly shown the way.

A fitting tribute to him would be for all stakeholders to embark on a relentless effort to bring to fruition, in a more palpable sense, the ideas, recommendations and strategies put across by participants so that the African African-American Summit does not become a mere talk shop. What is urgently needed at this point is to take the necessary steps that will bring the millennium home to the African continent. ■

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The African Union: Problems and Prospects

By Nthabiseng Nkosi

The challenges facing Amara Essy, the Secretary-General of the recently launched African Union, are enormous and if they are to be met at all, the collective efforts of all African leaders will be essential. This is perhaps the case now more than ever before in the history of Africa.

Selling the African Union (AU) to ordinary Africans and making it familiar and acceptable is one of the most challenging tasks facing the new continental body, and one that is set to continue for a long time to come. Due to stark differences in capacity and resource mobilisation, however, the functions, activities and even organs of the AU are not understood in the same manner or at the same level in all of the member states. The continued existence of sharp differences between African countries compounds the problem of unity, something the AU needs to effectively deal with, taking into consideration in particular the magnitude of conflicts caused by ethnic and cultural differences. In addressing these differences, the role of the New Partnership for Africa's Development (NEPAD) will be of crucial importance. This is partly because there has been some confusion as to the origins of NEPAD and how it relates to the AU, but also because of perceived notions that it is an "elitist" vision driven only by a "top-down" approach.

It is important, therefore, to spell out that as a vision, NEPAD does not have any institutions and can as a result only be carried forward by the AU as the vehicle through which it will achieve some of its objectives. That said, however, the task that lies ahead for the implementation of

NEPAD is not as easy as it seems, since there are contrasting views even within its implementation committee. Furthermore, of serious contention is the issue of the Peer Review Mechanism as proposed in the NEPAD document, which has been described as a "political discussion forum" and to which membership or adherence is not compulsory, which would then effectively render it almost obsolete. This is due to the fact that there are currently many conflicts taking place in Africa, there are a number of undemocratic and unchallenged governments in place, and there have been a multitude of human rights abuses and corruption, coupled with mostly untransparent and unaccountable governance.

Another major task for the AU, then, will be making sure members democratise and there should be no compromise on this point. Democratisation comes at a heavy price, especially for those countries where there are still human rights abuses and where leaders have centralised and personalised power, becoming *de facto* autocrats. It has become almost fashionable for regimes to amend constitutions to extend their terms of office and to delay or postpone elections so they can stay in power longer. The onus is now upon the AU to rid the continent of these irresponsible and selfish tendencies and to coerce states (if necessary) to hold elections regularly and to oversee that the process is indeed free and fair. To this effect, guidelines were agreed upon and will have to be followed as set out in the *Declaration Governing Democratic Elections in Africa* as adopted by the Heads of State and Government in Durban in July 2002.¹

The AU will also have to strengthen its ability to deal effectively with those countries and leaders that assume power unconstitutionally, as part of its mandate as defined in Article 5(g) of the Constitutive Act is “condemnation and rejection of unconstitutional changes of government”.² This is one of the principles that distinguishes the AU from its predecessor, the Organisation of African Unity (OAU). What action will be taken against those individual member states with high potential to disrupt the AU, NEPAD and Africa’s recovery as well as unity is yet to be seen.

The OAU’s mandate also related to decolonisation and independence on the continent, as well as political unity, and these aspects were often promoted at the cost of human rights violations and supporting tyrant dictators. The new Union will have to act against and even sanction any unconstitutional changes of government and/or leaders who attain power democratically but cease to operate democratically once in power.

Furthermore, it must be ensured that durable peace in conflict-ridden regions is attained and that sanctioned members do not participate in or interact with other regional, international and multilateral organisations. Death, poverty, human suffering and displaced populations are but some of the disastrous effects of conflicts that continue to ravage the continent, devour scarce resources and undermine the capacity for good governance.

Another profound difference from the OAU is the AU’s emphasis on public participation and ensuring the organisation does not become yet another “old boys club”. To this end, the Economic, Social and Cultural Council (ECOSOC), which is a key organ of the union that will ensure broad public participation and information dissemination on the union’s proceedings and affairs, should be set up as a matter of urgency. Failure to do so soon would mean the African populace has once again been left in the dark about the continent’s affairs, that their lives and destiny could be put in the hands of unacceptable leaders and thus have been dealt a severe blow.

There is no doubt that the Union, through various sub-regional organisations and individual member states, will have to keep the public informed as well as be informed itself about the needs of the African peoples. The creation of the Pan African Parliament and Court of Justice are milestones in this regard and in the realisation of the African Renaissance and New Partnership for Africa’s Development, but caution must be taken to ensure the success and survival of these.

The Pan African Parliament will serve the purpose of ensuring broad public participation and keeping the respective member country populations in the light about the Union’s activities through their representative parliamentarians. It would be ironic however, if the Parliament were to be permanently based in Libya, as some have proposed – a country which does not have a parliament of its own.

Indeed, Libya’s recommendation to establish a single African army under the leadership of its Brother Leader, represents yet another of the many challenges the Union faces – that of ulterior motives and personal interest. There are undoubtedly many more leaders out there who have similar ambitions but have yet to voice them.

The African Court of Justice, in turn, will play an important role in ensuring compliance with international law as well as penalising wrongdoers. One of its most important functions will be the prosecution and conviction of war criminals and all those involved in the wrongful death of people through their actions or involvement in conflicts, such as, for example, those in Sierra Leone and Rwanda who have been involved in mutilations, genocide and other human rights abuses and atrocities.

The African Union will also have to play a greater and stronger role in the peaceful resolution of conflicts, which continue to hinder the continent’s development.

Articles 3 and 4 of the Union’s Constitutive Act commit all member states to “promote peace, security and stability on the continent, promote democratic principles and institutions, popular participation and good governance, protection of human and people’s rights in accordance with the African Charter on Human and Peoples’ Rights, the right of the union to intervene in member states pursuant to a decision of the assembly in respect of grave circumstances such as war crimes, genocide and crimes against humanity, establishment of a common defense policy as well as the condemnation and rejection of unconstitutional changes of government”.³

The adoption of a Protocol relating to the establishment of a Peace and Security Council of the AU, which requires a simple majority to enter into force, will undoubtedly go a long way towards ensuring effective conflict management and resolution by the AU.

The first major problem about the Peace and Security Council, however, is the fact that it is established as a “standing decision making organ” not provided for in the AU Constitutive Act, and it is therefore perhaps prone to neglect or not being given the same priority as other organs provided for in the Constitutive Act.⁴

It is envisaged that the Peace and Security Council will be supported by the Commission and the Council of the Wise or Elders. There is still a cloud of uncertainty regarding the composition and criteria for the latter. Nonetheless, since it was suggested at some of the civil society meetings in Durban in July 2002 that only people with a steadfast character, a proven track record and good standing in their communities should be members of this council, it is hoped that the Peace and Security Council will be able to carry out some its objectives.

This Peace and Security Council will be composed of 15 member states: ten elected for a term of two years and five for a term of three years.

Good as it looks, there are many drawbacks anticipated due to a lack of capacity and resources, especially taking into consideration that the OAU was owed a great deal of money by member states who did not pay their dues – estimated at US \$54.5 million.

The estimated working budget of the AU per annum is US \$30 million per annum, almost four times higher than that of the OAU which was US \$9 million a year. Based on these facts, it makes sense that members elected to the Peace and Security Council must satisfy the following criteria:

- Contribution to the promotion and maintenance of peace and security on the continent;

- Participation in conflict resolution, peacemaking and peacekeeping at sub-regional and continental levels;
- Contribution to the Peace and/or Special Fund;
- Sufficiently staffed and equipped Permanent Missions at the AU and UN Headquarters;
- Commitment to honour financial obligations to the AU.⁵

Since the Peace and Security Council is tasked, among other things, with coordinating and harmonising efforts in the prevention of international terrorism and developing a common defence policy, the right to intervene in members states' affairs should automatically follow to ensure stability and ultimately prevent the outbreak of conflict.

To this end, then, it is important that intervention does not occur when war has already broken out since complex peace-building and peacekeeping measures are resource-demanding. The AU should encourage and build capacity in the areas of early warning systems (including the promotion of human rights, promotion of democracy, and building of collective regional security) to detect and prevent the outbreak of conflicts.

Early warning systems are useful since they provide the latitude to choose the most appropriate strategic option for efficient collective security, and are not easily prone to abuse since information gathered is not for use against one country by another. However, in the event of full-scale conflict breaking out and the continuation of current conflicts taking place on the continent, the new Union must be primed to undertake peacekeeping as well as peace enforcement exercises in order to resolve those conflicts.

To this end and due to existing resource limitations, the OAU Peace Fund, a special fund established for the purposes of providing financial assistance to "exclusively support the Union's operational activities relating to conflict management and resolution", must be fully utilised.⁶ The AU should ensure that resources from this fund are used for the sole purpose of conflict resolution and that the existence of this fund does not dry up. The importance of having readily available funds for peace support missions cannot be downplayed, since sometimes this is the only factor hindering effective and successful conflict resolution efforts.

Detailed issues and specifications on costs of peace missions need to always be factored in when and once a decision is taken to intervene. The Peace and Security Council should have the capacity to do all this, based on the amount of readily available resources at their disposal. Should they not have resources, then they should have alternative sources and, to this effect, solicit funding from the UN, the European Union as well as other international organisations and institutions. This would be to prevent a situation where no action is taken at all or where a small number of countries shoulder the bulk of the responsibility and the costs.

The AU will undoubtedly be tasked with building "strategic alliances" with African non-state actors such as churches, business, women's groups, youth groups and non-governmental organisations to mobilise resources so

as to allow the continuation of funded activities, to accelerate and strengthen the broader conflict resolution mechanisms. The importance of coordination of activities and the free flow of information in this regard cannot be overemphasised, especially at the level of sub-regional organisations. The AU must be seen to be credible enough for others to engage with and call upon for assistance. This is especially important as the OAU lacked the capacity to meaningfully intervene in the resolution of conflicts due to financial and military constraints.

If the AU is to succeed, then, these factors must be adequately addressed; thus the importance of conformity, adherence and cooperation. The role of regional organisations, especially in peacekeeping and conflict resolution, cannot be downplayed, and the Union must find measures to cooperate with African regional and sub-regional organisations, including the Southern African Development Community (SADC) Organ on Defence, Politics and Security, and ECOMOG in West Africa.

Cooperation should also be encouraged with non-governmental organisations and other international organisations.

This also helps to ensure the maximisation of resources for effective conflict resolution. Furthermore, the role and importance of the UN as well as forging closer ties with the AU simply can't be downplayed. The UN to date is the leading actor in the areas of peacemaking and peacekeeping because it was established for that purpose and is presently better poised than any other organisation in the world to meet that challenge.

The UN's role should, however, be clearly defined so as to ensure effective coordination of activities and avoid any undermining of the AU's activities and capabilities. Because of the UN's history and capability to be in the forefront of peacekeeping and conflict resolution efforts in Africa, the OAU tended to be reduced to a mere "critical linkage" between the UN and sub-regional organisations rather than a key player in its own right.

It is important that the AU develop the capacity to intervene in African conflicts and this has never been as important as it is now, due to a perception that the UN and the rest of the developed world have shifted their focus away from Africa and deem Asia and the Middle East as areas needing more attention.

The AU will also have to develop the capacity to assist countries recovering from conflicts. This involves helping with repatriation of the internally displaced, food security and other basic essentials as well as the refugee problem faced by many countries.

The AU must be well equipped to assist with the integration of victims of war into their societies and ensure the processes are as smooth and as painless as possible. This applies not only to women, children, the aged and disabled but to returning combatants as well. The importance of efficient and effective demobilisation, disarmament and reintegration at the continental level translates into effective and durable peace at the sub-regional level.

Unlike the OAU, the AU should be in a well-placed position to readily deploy troops in any peacekeeping mission and this implicitly suggests that the organisation

should have a standing peacekeeping army. Chapter 4(d) of the AU Constitutive Act provides for the "establishment of a common defence policy" and with time the policy could be complemented with a ready peacekeeping force, comprised of member states' representatives.

The details of how much each country would contribute to this army could be worked out according to specific countries' ability and capability. This is not to say, however, that countries should now concentrate on building up their armies or justify large expenditure on weapons and arms. Furthermore, the AU should take the lead in eliminating "war economies" and ensuring that mineral wealth is not used to fund wars.

To this end cooperation with the rest of the international community is necessary as there already exists legislation and protocols sanctioning the sale and purchase of diamonds, oil and other minerals from countries currently affected by wars such as Sierra Leone, Sudan and the DRC.

There should be random tests and checks on the source of minerals sold and bought within specific mineral-rich areas and this process will be enabled by the fact that there are ongoing talks among some mineral-rich African countries, such as South Africa, Sierra Leone, Angola, the DRC, Liberia and Nigeria, on cooperation to curtail this trend.

The AU will also have to effectively deal with and eliminate the proliferation of small arms and light weapons as these play a role in perpetuating intra and inter state conflicts.

The Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) as convened in Abuja, Nigeria on 8 and 9 May 2000 will further strengthen the AU's ability and efforts at conflict resolution.⁷ African leaders must take responsibility for conflict resolution and to this end employ the "Mechanism for Conflict Prevention, Management and Resolution" as established by the OAU and as approved in its Memorandum of Understanding at the July Summit in Durban.

The primary objective of the Mechanism is "anticipation and prevention of situations of potential conflict from developing into full blown conflicts" and this presupposes the urgency and capacity for effective preventive mea-

asures.⁸ The AU will have to improve on this greatly and ensure there is adequate funding for this or else it will continue to be deemed ineffective. The security aspect of the CSSDCA encompasses aspects of economic, political, social and environmental life. The AU, therefore, must not only concern itself with military conflict resolution but conflict resolution in all spheres of life as important for a safe and secure continent. To this end, there has been an affirmation to support and strengthen the Mechanism for negotiation, mediation and conciliation through the use of "African statesmen and eminent personalities".

At the continental level, this is already yielding fruitful results in, for example, the Burundi peace talks headed by former South African president Nelson Mandela, which resulted in the formation of a transitional government. The DRC peace talks headed by former Botswana president Sir Ketumile Masire are also underway and peace seems imminent after a long and protracted war that has left hundreds of thousands of people dead. The recent signing of a DRC-Rwanda peace deal facilitated by current chair of the AU, Thabo Mbeki, should also be a step in the right direction and a sure sign that peace is indeed attainable on this continent.

To achieve its desired aims the Union faces an enormous task of ensuring and promoting programmes that enhance social and sustainable development. There is no doubt that added to all these, the AU must consolidate its programmes and activities to be in sync with and help in the realisation of the vision of the African Renaissance and of NEPAD.

The challenges facing South Africa as the first Chair of the Union are even greater since a precedent has to be set and the playing fields levelled to ensure effective, meaningful and durable future interactions as well as efforts at developing and uniting the continent.

This could not have come a better time since South Africa is also hosting the World Summit on Sustainable Development in August and September 2002, and many of the developmental issues to be discussed at the Summit are exactly what NEPAD and the AU seek to address. ■

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NEPAD, as viewed through G8 eyes

By Yasukuni Enoki, Ambassador of Japan in South Africa

Growing international attention toward Africa

President Konare of Mali stated to Prime Minister Koizumi, during his stay in Tokyo to attend the TICAD Ministerial level meeting in December 2001 that, "At present, Africa has a golden chance, without precedent, to face the challenge of African Development with the most attention ever focused by the international community upon Africa". All evidence confirms that Africa has never before received such paramount attention from the world – at least over recent decades – as what it enjoys nowadays.

First, the year 2002 highlights the holding of two very important United Nations conferences focusing on development – the International Conference on Financing for Development held in Monterrey in March, and the World Summit on Sustainable Development, held in Durban in August/September. In light of the fact that the "development problem" is actually almost identical with the "African development problem", the holding of these two UN conferences should persuade the international community to address the African development problem more seriously.

In particular, with the magnitude of global involvement at the WSSD, and the paramount importance of sustainable development as a subject, as well as the very fact of holding the conference on African soil, the WSSD will have a decisive impact for the mobilisation of global concerns regarding Africa.

Secondly, Africa is becoming a centrepiece of G8 preoccupations. Japan took the first initiative to organise the dialogue between leaders from the G8 and the South on the eve of the Okinawa Summit held in July 2000, by inviting three Presidents from Africa, i.e. South Africa, Nigeria and Algeria. This new tide

of dialogue between African leaders and the G8 was continued by Italy, the following G8 president, who hosted another round of the dialogue during the Genoa Summit last year. This Summit adopted the Genoa Plan for Africa, which the Kananaskis Summit took further. The G8 personal representatives group for Africa, which was established at the Genoa Summit, prepared an Action Programme for Africa which was adopted at the Kananaskis Summit.

Thirdly, major donor countries are each presenting, one by one, an individual plan for Africa. It was Canada who led the G8 in launching a special measure for Africa by announcing the Canada Fund for Africa. The UK is reportedly floating the idea of an Emerging Africa Infrastructure Fund.

This wave was followed by the US who, immediately before the Monterrey Conference, officially announced the plan to increase ODA by US \$5 billion by 2006. The EU also publicised, at that conference, its plan to increase its ODA by US \$7 billion by 2006.

As for Japan, Foreign Minister Kawaguchi laid special emphasis on Africa by devoting a whole chapter to Africa in her first diplomatic policy speech delivered in March in Tokyo. In the speech, she proposed to designate the next year or so until the convening of TICAD III the "Year for Soaring Co-operation with Africa". Thus it is the firm political will of the Japanese government to exert the utmost efforts towards co-operation with Africa.

Why is Africa so important now?

Why is global attention focused on Africa particularly now? Are there any particular reasons behind this? I detect that there are three relevant factors.

First, there is a general tendency to return to Africa after the departure during the immediate post-Cold War period. It is often quoted that Africa was 'sacrificed' twice, first by the Cold War itself and then by the post-Cold War period.

In fact, the international community witnessed in the early 1990s a massive departure of major conventional role-players from the African continent.

According to a Russian research institute, the former USSR had, over the 30 years from 1960 to 1990, constructed 300-plus industrial facilities in Africa and extended financial assistance amounting to the equivalent of \$20-25 billion to Africa, as well as receiving more than 10 000 African fellowship students. This huge Russian presence has now all but disappeared in Africa. This was symbolised by the termination of a number of Russian missions in Africa after 1990, including four embassies and 20 cultural and language centres.

The large-scale reduction of the embassy network in Africa can also be observed in the case of the Republic of Korea which, after the demise of the Cold War, no longer requires a costly, extensive embassy network in competition with North Korea. Such a tendency of diminishing interests in Africa has much in common with major conventional players such as the UK, France, and the USA, among many others.

Such a reduction of interests in Africa by the international community can be clearly observed in the field of development aid. The ODA amount received per capita in sub-Saharan Africa has declined from \$32 billion in 1990 to \$19 billion in 1998. According to the EAC, the total ODA amount to Africa fell from \$19 billion in 1990 to \$12 billion, and likewise, the regional share of Africa in terms of total world ODA dropped from 37% to 27% in the same period. In brief, ODA destined for Africa has been reduced to two-thirds of its previous level over the past ten years.

It was against such a general atmosphere of major countries distancing themselves from Africa that Japan took, with critical concern for the situation, the initiative to organise the Tokyo International Conference on African Development (TICAD) in 1993. Japanese ODA towards Africa has, since its inception, not been motivated by Cold War strategy, but instead principally by the consideration of the interdependence of the world and by humanitarian causes.

Accordingly, Japan has constantly strengthened ODA efforts to Africa regardless of the continuation or demise of the Cold War, and as a result Japan became one of the top donors in Africa. This obliged Japan to more or less take an international initiative for reminding the international community once again of the seriousness of Africa's development problems.

In the mid-1990s, a 'reversal trend' had already started for Africa. The USA, for instance, started to re-evaluate its relations with Africa, and this resulted in the legislation of the African Growth and Opportunity Act (AGOA) under the Clinton administration. It is well known that the British Blair government is advancing a pro-active policy towards Africa.

This reverse trend, however, could be recognised already in the former Major government policy in the mid-1990s. Likewise, Russia has re-evaluated its African policy to reactivate relations with African countries.

There is, behind this change in trends, the fact that none of the international community can neglect, even without any Cold War-type strategic consideration, the importance of Africa; politically the largest regional group embracing a quarter of the world countries and economically a region blessed with such rich natural resources. For instance, it is not always brought to attention that the USA depends for 15% of its oil imports upon West Africa. The international community may have needed ten years after the end of the Cold War to complete its re-evaluation of Africa to reset its returning full-scale to the African continent.

The second reason for the growing attention of the world to Africa dwells in the fact that the more profoundly the human race prays at the very beginning of the new century for the stability and prosperity in the world in the 21st century, the more seriously it should be concerned with the difficulties Africa faces. This is the reason that Japanese Prime Minister Mori delivered this message to the world, in his policy speech made in South Africa January 2001: "There will be no stability and prosperity in the world in the 21st century, unless the problems of Africa are resolved".

As for the prosperity of the world, it is considered to be a crucial factor whether Africa can be successfully integrated into the globalisation process for restructuring the world economic system in the 21st century. The key to the success of the multilateral trade negotiations of the World Trade Organisation now underway is held by the South, which makes up an absolute majority of international society, and in particular by an Africa that is suffering so from poverty.

Also, world stability cannot be attained without resolving regional conflicts and political instability in Africa. Immediately after the 11 September attacks, African leaders have been seemingly concerned with the possibility that Africa would be overshadowed by the Afghanistan situation attracting world attention. In fact, the effect of the incident was to renew recognition that hotbeds for terrorism cannot be eliminated, unless poverty and political instability are correctly addressed. Thus this resulted in underlining the importance of addressing the problems of Africa. It is believed that the US decision to

increase its ODA by \$5 billion was taken with this basic thought in mind.

Sub-Saharan Africa constitutes 10% of the population, 20% of the land surface and a quarter of the countries of the world. No community can function well, if one quarter of its members remain dissatisfied and without opportunity to enjoy enough benefits from the community. This is why the human race should recognise the importance of Africa commensurately with its aspiration for the stability and prosperity of the world.

One thing I have to stress here is that Africa is not only a source of anxiety, it is also a source of hope for humankind, by way of the expectation for Africa's great potential. We hardly expect dramatic dynamic economic growth from established affluent societies. Some sort of 'hunger' is the locomotive for robust economic growth. Asia has played the role of the world growth centre over the last four decades. It is evident, however, that Asian economic dynamism should wane one day, just as Japan has difficulties in economic management now, after having enjoyed two-digit economic growth over decades. It is strongly

“There will be no stability and prosperity in the world in the 21st century, unless the problems of Africa are resolved”.
- Japanese Prime Minister Mori, January 2001

expected that even in the case of a slowing down of the Asian economy in the future, Africa could replace Asia as a locomotive of the world economy with its rich natural resources and dynamism.

The third factor behind the "Return to Africa" is the presentation of the New Partnership for Economic Development (NEPAD) and the inauguration of the African Union (AU). Africa is currently advancing two new innovative initiatives: NEPAD and the AU. Both of them feature "good governance" as a central concept of the strategy. While the total picture of the African Union has not yet been clearly presented to the outside world, NEPAD is so appropriately defined that its clear message has provided a much stronger impact than Africa could originally have expected. And the presentation of the NEPAD served as a consolidated basis for a "Return to Africa" by international society.

The importance of NEPAD

Ownership

The essence of NEPAD is that Africa has for the first time presented to the world "ownership" and "good governance" as the basic principles of African development. NEPAD is an amalgam of the Millennium African Recovery Plan (MAP) prepared by South Africa, and Senegal's Omega Plan, together with inputs from Nigeria and Algeria, among other countries. Though this amalgamation made the NEPAD document complex in its content and its message a little ambiguous, the G8 attaches great importance to its basic concepts. While we duly appreciate the value of varied sectoral analysis of the document, these are areas which the international community has over many decades already conducted in many research studies. Accordingly the G8 is more interested in the basic philosophy of NEPAD which would serve as the basis for the "new paradigm shift of Africa", as President Mbeki has described it on various occasions.

Why are the G8 interested, then, in the concept of "ownership"? In brief, this is because NEPAD is the first African development strategy which Africa has by itself prepared and presented to the international community through fully exercising its ownership. While the concept of ownership is a little equivocal, "ownership" may be considered as "subjectivity" or "self-responsibility" in a sense. With regard to the ways to apply "self-responsibility" for one's development, we have to distinguish various stages for this. Now it is taken for granted that each country has self-responsibility for the realisation of individual development projects. Then, what about self-responsibility for the formulation and realisation of an overall development strategy? The answer may have been rather negative in the past. The reality was that African recipient countries had accommodated or even pretended to accommodate various development strategies, turn by turn presented with attractive naming by various donors, as far as this was useful to ensure receiving aid financing capital.

A good example of this was the structural adjustment loan programme of the International Monetary Fund and World Bank during the 1980s. Recipient governments did not have access to the loan, unless they accepted or pretended to accept conditional-

ities for structural adjustment imposed by the IMF and World Bank, even when they were not convinced of the basic strategy contained therein. This has been the case even for the development strategy of individual countries. As for a development strategy for the entirety of Africa, which has been prepared and presented by Africa itself, there has been none before NEPAD.

In my speech delivered at the UNESCO seminar on African development held in Paris last year, I presented three findings as experiences of Japan in conducting development aid, namely:

- While many donors present various development strategies to the recipient side, every development strategy or theory should be nothing but a hypothesis.
- Donor governments cannot replace recipient ones, although donor governments always have a temptation to replace the administration machinery of recipient governments for enhancement of aid effectiveness.
- The development aid policy of a donor is more or less a product of the projection of historical experiences in their own development.

Thus, I stressed that the essential for development is that recipients themselves should exert – to the maximum extent – their ownership by wisely choosing the most appropriate development approach from among many options, and then formulate their own development plan.

The basic attitude of Japan to fully respect the ownership of the recipient government in conducting development aid is derived from our own historical experiences in the modernisation process. The modernisation process of Japan since the Meiji Era was a history of harmonising through exercising full ownership, the introduction of modernisation and the preservation of traditional culture. In the second half of the 19th century, Japan annually invited hundreds of foreign experts from the western world in order to absorb western technology and systems.

Though these foreign experts were rewarded with a very high standard salary, even sometimes exceeding that of the Japanese Prime Minister, the Japanese government never allowed them to get involved in its decision-making process so that it could protect its ownership. Japan has advocated consistently since the first TICAD meeting in 1993 that the most essential principle for African development is that Africa should first exert its ownership, and then the international community would extend co-operation through partnership.

We are encouraged by the fact that this basic thought is now rooted in NEPAD as the basic principle for African development.

Good governance

Ownership should be sustained by good governance. It caused some sort of a cultural shock for the international

community that Africa itself claimed "good governance" as the basic principle of African development and officially declared it to the world through NEPAD.

The use of good governance in the development context commenced for political reasons under the World Bank in the early 1990s, in a sense to combat corruption in Africa. Accordingly, African states were rather nervous about the concept of good governance, and attempted quite often to replace it

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with such words as “democratic regime” in the drafting work of UN documents.

Having this in mind as a fresh memory, the international community was happily surprised by the presentation of NEPAD declaring “good governance” to be a basic principle, and became convinced of the seriousness of the message contained therein, which has in turn obliged it to also seriously respond to Africa.

In his presentation to the seminar “States (Political Entities) and Governance in Africa” held in Tokyo last March, Professor Owada, the President of the Japan Institute of International Affairs, stated as follows:

In the NEPAD, Africa for the first time in its history commits itself to good governance and democracy as the foundation of economic and social development. NEPAD seeks to create a new, positive developmental paradigm for Africa, attempting to change fundamentally the context in which African states find and view themselves.

More convincing news about a serious attitude towards Africa is the fact that the second NEPAD Summit held in Abuja in March 2002 adopted in principle the introduction of peer review regarding the performance of African leaders and governments and also decided to officially adopt the “African Peer Review Mechanism” at the next NEPAD Summit. The G8 welcomes such a positive development by way of Africa’s own initiative.

Then the question arises of what the background for this paradigm shift of Africa is? It may be safe to say that the major factor is the historic turnabout since the demise of the Cold War. Under the Cold War structure, any government loyal to either camp could be considered as a good government by that camp, regardless of whether its governance was good or bad. Development aid was mostly extended under this criterion.

What happened after the end of the Cold War? Donor governments became unable to get domestic support for ODA, unless justified as supporting the democratisation process of African countries. Likewise, it was shown that African countries also could not obtain international support for development or private capital flow without flagging for “good governance”. Under such general circumstances, the democratisation process in Africa was considerably advanced, thus realising the abolition of military rule virtually everywhere and introducing political pluralism to almost every African country.

Two symbolic historic incidents with direct impact on the new paradigm shift were, in my view, political changes within two regional superpowers of Africa: Nigeria and South Africa. In South Africa, the apartheid regime collapsed in 1991 and President Mandela’s new government came to power in 1994. Then, following a democratic process, Mbeki’s government succeeded Mandela after only one term up to 1999. In Nigeria, Olusegun Obasanjo was democratically elected president in 1992 after 16 years rule by a military government. If Africa had claimed “good governance” under a continuation of the apartheid regime and Nigerian military government, it would be nothing but a joke. President Abdoulaye Wade of Senegal is also a symbol of African governance in the sense that he is the first president born after the democratic transition from a ruling party to

opposition party. When these three presidents, as symbols of African democracy, attend the dialogue with G8 leaders to advocate “good governance” by way of NEPAD, the message for a new paradigm shift in Africa is convincingly received by the international community.

Challenges of NEPAD

Though the G8 are expressing their high appreciation and expectations for NEPAD, as I mentioned earlier, NEPAD faces a number of challenges to overcome. I wish to summarise some of these challenges as follows.

Will NEPAD be used merely as another instrument for ODA fund raising?

There exists some scepticism on the part of the donor community that NEPAD could be used as yet another instrument for mobilising ODA for Africa, while claiming “ownership”. Since NEPAD is an amalgam assembling the aspirations and desires of so many African states, it is feared that a majority of African states would be inclined to simplify, through a preparatory process, the *raison d’être* of NEPAD as a vehicle for the mobilisation of aid finance, though the original philosophy of its authors is genuine in attempting to establish ownership. We can recognise the existence of such scepticism in the donor community, for instance, in its reaction to the frequent change of names from MAP (Millennium African Development Plan) to NAI (New African Initiative), then from NAI to NEPAD. In particular, change from the “African Initiative” of the NAI to the “Partnership” of NEPAD made donors sceptical about the real intention of Africa, which may expect more for the role of partners along the ‘traditional style’, rather than seek Africa’s own ownership.

Looking from the other side of the coin, Africa argues that it is determined now to undertake various innovative initiatives on its own to tackle difficult issues such as governance and peace, and that to effectively pursue these challenges, Africa legitimately needs increased assistance from the international community for this venture. This argument by itself seems convincing.

Since its first meeting in London last October, a number of joint meetings between G8 leaders’ personal representatives for African problems and NEPAD representatives have been held. All through these processes, the G8 has tried to caution NEPAD followers not to unreasonably increase expectations for additional finance, while the NEPAD side tries to convince the G8 vice versa. Thus there exists a certain kind of tension between two arguments.

I believe, however, that the truth exists somewhere between the two. Africa and the international community are destined after all to work closely through mutual trust; thus both ownership and partnership are needed. It should be welcomed that mutually reliable relations have been forged between the G8 and NEPAD through a series of joint works to date.

The NEPAD Financing Meeting held in Dakar in April 2002 was also recognised positively by the G8 for its serious and constructive approach in seeking closer collaboration with private sectors instead of characterising it as a sort of fund-raising meeting in a hasty manner. The G8 is also attempting to respond pos-

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itively to the serious approach shown by African leaders, resulting for example in the announcements to increase ODA from Canada, the USA and the EU.

One reality is stronger than a hundred theories

It should be noted that one incident may nullify the efforts of the NEPAD-promoting countries, even though they are so sincere in their intention. If a *coup d'état* takes place in any one of the NEPAD core countries, it would immediately make NEPAD's claims of democracy or good governance hollow. It is truly said that one reality is stronger than a hundred theories. It would not be surprising for us to see in the future many more incidents such as regional conflicts, coups, and political turmoil or corruption cases in this vast continent of Africa. We have to be realistic in this respect. The essential is, however, how NEPAD core countries representing an African conscience will react to each of these incidents. The international community is very mindful of this.

In this sense, it may be an important test for NEPAD core member governments to react to the Zimbabwean situation. The G8 has mixed feelings in this respect. While highly appreciating the mediation efforts exerted by such countries as South Africa and Nigeria to reconcile the Zimbabwean political parties, ZANU-PF and the MDC, through political dialogue, the G8 feels very uncomfortable with the conclusion of the South African election observation team report which is so remote from the international majority view. We appreciate and expect much from the introduction of peer review among African countries about the governance of each respective government. How NEPAD core members react through peer review to each incident will certainly constitute a severe test for the NEPAD for the rest of the world.

Validity of so-called African way of governance

We hear some arguments by Africans in the NEPAD process that a Western style of governance cannot be applied in its entirety to the reality of Africa. It is argued, for instance, that it is not workable to bring a Western concept of governance into Africa without respecting the traditional rules of African rural communities. Peoples' participation in national politics through elections is not the only way, while the involvement of traditional communities through traditional methods is indispensable. The definition of human rights should also be different from the Western world in Africa. It is unrealistic to expect post-conflict governments to perform governance at the same standard as others. And so forth.

I think that these African arguments have to some extent justifiable grounds. Japan may be in a position to better understand them, since the Japanese development process has a history of harmonising a Western value system and Japan's own traditional one. How was it possible to harmonise the Japanese traditional imperial system with democracy, social stability and individual rights, or a top-down approach with a move towards consensus in the decision-making process?

All these are only a part of our long trials. Thus Japan has developed its own identity through the modernisation process.

This is why Samuel Huntington in his work *The Clash of Civilizations* categorised Japanese civilisation as being the only case of one country in one civilisation.

Even admitting the value of endeavours to develop the African way of governance as a premise of the African Peer Review Mechanism, it is not easy to establish such a concept with criteria satisfying impartiality, fairness, objectivity and transparency. As far as a criterion for African governance is to be used for African development, it should be convincing enough for the observers of the international community. Otherwise Africa would not be successful in attracting external development assistance as well as private investment. Should "African governance" be judged by the international community as a mere instrument to defend one another among African countries, NEPAD would lose its magnetic power. Thus due attention should be given to the need to convince the international society of its validity, while elaborating on the concept of "African governance".

The selectivity of good performers and bad performers

When the NEPAD adopts "good governance" as its basic principle for development and for seeking external development assistance, it leads as a logical consequence to the requirement that good performers of governance would be rewarded favourably by external assistance, while bad performers would not be. This approach may be basically right in a sense that rewarding good performers would be a good incentive for others to follow the same way. And this is exactly what the donor community has been advocating. This has led to charges of NEPAD being elitist or selective in its application.

Here a question arises, however, whether we can disregard bad performers so easily. Post-conflict countries or least developed ones which are not blessed with enough capacity for governance may be more needy for external assistance. This remains a basic question, which we cannot remove from our minds.

The ideal may be to reward good performers with additional aid, while the current level of aid to bad performers would be more or less maintained. It is not an easy task to judge precisely how much more aid is required, because ODA volume designated to Africa has

been reduced already by one third over the last 10 years during the 1990s. Moreover each of the donors cannot necessarily be in a position to increase their ODA level. It may be contentious to shift ODA resources from bad to good performers, given that the total pie is not sufficiently increased or even remaining more or less at the same level. It is also necessary to scrutinise whether or not to distinguish really bad performers and those requiring special consideration such as post-conflict countries.

These may be questions, which the G8 should address in formulating their policy for responding to the NEPAD as much as African countries should do. I suggest that the G8 should explore some reasonable way to prepare certain safety nets even for bad performers, whilst supporting positively good performers. ■

This paper was first presented at the Africa Institute of South Africa, 16 April 2002.

Should "African governance" be judged by the international community as a mere instrument to defend one another among African countries, NEPAD would lose its magnetic power.

Romania and Africa: Old Traditions, New Opportunities

By Radu Gabriel Mateescu, Ambassador of Romania in South Africa

Many papers have been delivered on subjects relating to Africa and the relations between the Republic of South Africa and important economic and political entities of the world or industrialised countries, members of the G-8. Colleagues representing those countries and entities have spoken at length about the visions of their respective governments concerning the future of Africa and their ties with African countries, including this beautiful and resourceful land which is South Africa, about programmes of assistance, about NEPAD and how their countries plan to contribute to its success.

By contrast, one may wonder what a democracy in transition and a country like Romania which cannot compete with the affluent nations may have to say on those subjects and, moreover, what new light may be cast on them. However, we suggest that as our world is surrounded by the infinite and the infinite is an endless resource of possible and actual approaches, the vast topic which Africa and the African Renaissance make nowadays allows of an ampler vision as to their future.

General remarks

Before going any further and attempting an assessment of Romania's ties with Africa in general, with a few references to South Africa in particular, this may be a good place to stop for a moment. We should recall that the degree of general knowledge in Romania and South Africa about the other country and nation is, unfortunately, very poor and limited on either side. The average South African may have heard of a soccer player called Hagi or a famous former world champion in gymnastics by the name of Nadia Comaneci, but would find it difficult to point to Romania on a map. The knowledge in my country about South Africa is not satisfactory either, although it might look slightly better. I do not mean to say by this only that it would be easier for the average Romanian to point to South Africa on the map, considering its descriptive name. What I mean is, primarily, that everybody in Romania, including the young generation, is very aware of the traditionally good rela-

tions of friendship existing between Romania and the African countries, of the strong and active support Romania gave the African nations in their struggle for freedom from the colonial yoke, of Romania's resolute stance at the United Nations and other international fora in favour of meaningful assistance to consolidate their independence and build a prosperous life for themselves. South Africa is remembered from the time when Romania was vocal and resolute in its stance against apartheid and sponsored or co-sponsored several UN resolutions condemning that hateful regime. One will recall that Romania also held the chair of the UN committee on the decolonisation of Namibia and also that the ANC was officially recognised by Romania as the representative of the oppressed majority population of South Africa. Moreover, many South African young people completed their studies in Romania.

Some basic guidelines to Romanian foreign policy

Romania's foreign policy has for many years been characterised by continuity in its basic tenets. Since the Revolution of 1989, when Romania rejoined the democratic community of the world, the foreign policy pursued by the several governments in Bucharest has been the product of the common will of the major political parties in Romania and has also enjoyed the endorsement of the majority of Romanians, as highlighted by several media surveys conducted since then.

The present government in Bucharest, which was sworn in at the end of the year 2000, worked out a foreign policy programme defined not only by continuity, but also by a new spirit of pragmatism. Central to this programme is the active pursuance of two main guidelines: the integration of Romania into NATO and the European Union. Strong emphasis is laid in this programme on the need to step up the integration process and to ensure good governance and respect for human rights. Both of these had been utterly neglected during the previous regime so that, alongside controlled economic management, which turned out to be mismanagement, bad governance and disrespect for

human rights gave Romania an unenvied position in the late 1980s.

The struggle to win social freedom, and the intensity of a belief in the values of democracy and the market economy have given Romanians a strong desire to turn their lives around and to make a difference within the Euro-Atlantic structures.

The fundamental objectives of Romania's foreign policy are accession to NATO and to the European Union. Romanians believe they are justified in wishing their country to be a member of the Euro-Atlantic community, considering that Romania is a European country politically, economically and culturally. Moreover, full membership of NATO and EU is viewed as the shortest and fastest way of safeguarding its national interests and especially its security and stability. It can also ensure more accelerated growth on the basis of a more developed, functional and competitive market economy. In other words, it can provide the context for the faster building of a blossoming democratic society in Romania.

The question may arise: why is Romania so keen to be a member of NATO and of the European Union?

Romania's aspiration to become a full-fledged member of the North Atlantic Treaty Organisation stems from the belief that the country's security can be better safeguarded within a political defence organisation like NATO. NATO has been the only organisation of democratic nations that could bring together old foes and also keep in check simmering tensions in a Europe which saw the devastation of two world wars.

True to these aspirations, Romania was the first candidate country for NATO membership which became a member of the Partnership for Peace arrangement and, also, the first candidate country which has offered to participate directly in the operations of the North Alliance, thus regarding itself a *de facto* NATO member. It is our strong hope that the forthcoming NATO enlargement in Prague will include Romania too, which will no doubt lend strength and assertiveness to NATO in southern Europe. In fact, Romania has offered participation with land, naval and air forces to the European fast reaction contingent and the common police to be established in the foreseeable future.

As to Romania's wish to become a member of the European Union, we feel that belonging to a European economic and social system will help us to belong to a system of real values. Consequently, under the present government, Romania has followed the path of irreversible political and economic reform conducive to integration in a united Europe. This way, we trust, Romania will be more successful in meeting and dealing with the challenges of globalisation.

In the past twelve years, Romanians learned again, at huge human and economic cost, the true tenets and values of democracy and sovereignty, based on the rule of law and human dignity. They believe now, in overwhelming majority, that integration with NATO and EU is the most important warranty and safeguard of democratic sovereignty and the most certain path towards national prosperity. Those are very important reasons for us to aspire to membership of NATO and EU and they are perhaps even more understandable when viewed against the background of the paramount role played by the two organisations in ensuring wider scale security and stability.

As a European country, Romania is interested in a political, economically and socially secure continental background, which is absolutely necessary for its own development. Threats to security derive nowadays no longer mostly from military conflicts or tensions between states. Economic instability, social restlessness, terrorism, organised crime and drug trafficking are all

factors which threaten security. They hinder economic development, endanger social cohesion and have a negative impact on the daily life of each and every individual. Europe has continued in the past few years to be confronted with tragic developments and with plenty of examples that progress and democracy are simply not possible against a background of poverty and social problems left unsolved.

In this context, Romania views the Organisation on Security and Cooperation in Europe (OSCE) as an important forum to discuss and advance solutions for those problems and takes an active part in its proceedings. Romania's activity in OSCE is another pillar of its foreign policy. Indeed, Romania's Minister of Foreign Affairs, Mircea Geoana, was the OSCE Chairman-in-Office in the year 2001. Under Romania's chairmanship, OSCE pursued activities aimed at identifying and harnessing funding and resources for reconstruction projects in the western Balkans, to assert a proactive and preventive diplomacy and to emphasise even more the worth and value of the human dimension through an emphasis on human rights and the protection of minorities.

Romania and third-world countries

As is obvious from the above, Romania as a European country is naturally focused on European affairs, much the same as the Republic of South Africa, like all the other African countries, is focused on the establishment of the African Union, on NEPAD and other African matters.

At the same time, however, as another major foreign policy guideline, the present Romanian government attaches great importance to relations with the third world countries, including those in Africa. As noted by Mircea Geoana, Minister of Foreign Affairs of Romania:

High importance will be given to restoring our traditional relations with countries in Asia, the Middle East, Africa and Latin America. There is a huge capital of sympathy and mutual understanding in Romania for these regions, as well as in those countries for Romania. It is amazing to rediscover forgotten but enduring links. Important dignitaries from those countries have been trained in Romania. Many Romanians still recall the years of work in Africa and the Middle East.

In an era of globalisation and common challenges, we need to pool up all our forces and resources, support one another and try to seize the opportunities of an interconnected world, as well as minimize its risks and dangers. As I speak I am thinking of China and India, great Asian powers, ... of Brazil and Argentina, of Egypt, Jordan, Syria, Lebanon and Iran, of South Africa and Nigeria and of so many other important states, established democracies or countries striving to build up a new future, states which are historically and economically tied to Romania.

As one can see, South Africa is singled out as an African country whose great potential and ample resources make it an important political and economic partner. As mentioned earlier, the links of Romania with the liberation movement in this country go back to the 1960s and 1970s. Romania was also among the very first countries to hail the abolition of the apartheid regime and to re-establish official and diplomatic relations with the new South Africa.

Several official visits have taken place, at various government and parliamentary levels, including a presidential visit from Romania to South Africa. Indeed, the President of Romania, Ion

Iliescu, headed his country's official delegation to the World Summit on Sustainable Development which was held in Johannesburg at the end of August this year. It is hoped that we shall see more South African officials and delegations go to Romania as well and, also, that the overall positive bilateral relationship existing nowadays will make even more significant strides ahead.

Romania's view on some international subjects of general interest

Since it is not my intention to make a detailed presentation of the Romanian-South African bilateral relationship, I shall stop there and turn to the new opportunities for partnership between Romania and the African countries. My contention is that one starting point for such a partnership is the similar view and approach which Romania and Africa continue to have nowadays with respect to the international problems and challenges for mankind at the beginning of the third millennium. I believe that a strong and broad partnership can be worked out on that basis between Romania and the African countries.

Globalisation has already become an assertive trend and all countries are mindful of it. It will likely shorten geographical distances further on, build closer cooperation among the world's nations, accelerate the advance and welfare of mankind. It has, however, its own challenges, which, unless properly tackled, might place certain nations at a greater disadvantage and widen the existing divide between rich and poor states.

Like many African countries, Romania believes that globalisation should unfold in such a way as to ensure that poor countries are not marginalised and to ensure a harmonious economic and social development for all nations.

The existing economic gap has always been acknowledged as a major potential threat to peace and stability of our planet. The further widening of that gap against the background of a shrinking earth cannot but make that danger even greater and more real. That is why, we believe that all problems related to globalisation should be dealt with with the utmost care and always with an eye to the larger and more immediate needs of the third world.

In this context, Romania views the World Summit on Sustainable Development in Johannesburg not only as one more event looking at securing a healthy planet for the generations to come, but primarily as a venue for political decisions and a plan of action conducive to the betterment of human condition on our planet. Like the African countries, we believe that the business sector has a major role to play in this respect and should be called in for the implementation of various economic and environmental projects. Similarly, we believe that environmental problems can find more effective and, often, less expensive solutions through regional and sub-regional co-operation. Starting from that principle, Romania has promoted a number of sub-regional cooperative initiatives, including the organisation of a Summit on Environment and Sustainable Development in the Carpathian-Danubian region.

In fact, regional cooperation can and should play a more important role in the process of sustainable development. Co-operation between neighbours is essential in setting priorities and allocating resources. It generates self-confidence and a spirit of

ownership. Only thus will the states of one region cease to be part of the problem and become part of a solution. This assertion is highlighted by the activity in Eastern Europe of the Organisation for Economic Cooperation of the Black Sea countries, which has proved to be most fruitful so far. Romania is an active member of the Black Sea Organisation and believes that establishment of formal links and close cooperation between the Southern African Development Community and the Black Sea Organisation could be mutually beneficial. Within the context of that political partnership, Romania could play a linking role.

Security is another goal common to the foreign policy of Romania and the African states – indeed, of all countries. A peaceful and stable environment is a 'must' for the economic and social development of each nation and is actively pursued by all countries. Peace, security and stability are to become priority objectives of the African Union which came into being in July in Durban and all African states are keenly and directly interested in seeing that those objectives become reality, in view of their vital relevance for NEPAD.

Romania has a sizeable experience in this respect which, in the spirit of partnership, could be shared with the African countries. Security enhancement is another objective which can be obtained more easily and effectively through regional and sub-regional cooperation. Romania is a member of the Stability Pact and the South Europe Cooperation Initiative (SECI). While the former is a political arrangement aiming at enhancing and ensuring stability in Europe (as the name aptly describes it), the latter is a sub-regional organisation based in Bucharest, the objective of which is to fight organised crime and drug trafficking. More recently, since the events of 11 September 2001 in the USA, it is also its aim to counter regional terrorism.

The world at the beginning of the 21st century and the third Millennium is, unfortunately, still simmering with tensions which more than once in the past turned into more or less local wars. This is true of both the European area Romania belongs to and the African continent. Consequently, crisis management and peacekeeping cannot but be most topical for the foreign policy of my country and a great number of African states. Here again Romania has some experience which could be shared with interested African countries. Not only was Romania the first signatory of the Partnership for Peace arrangements, but Romania actively participated in several peacekeeping operations, such as IFOR, SFOR and KFOR, that have been fielded in the western Balkans since 1996. The country is also a member of SEE-GROUP, a consultative structure on security which also includes Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Macedonia, Slovenia and Yugoslavia, and also of SEEBRIG, a brigade which includes Bulgarian, Greek and Turkish troops and has been used as a multi-national peacekeeping force in the western Balkans.

The Africa of today should turn more and more to itself, that is it must depend less and less on the outer world. Considering the various degrees of tension still existing nowadays on this continent, Africa is called upon to play a more active role in crisis management and peacekeeping operations. Consequently, African countries may be interested in a partnership with Romania for a meaningful dialogue and exchange of views on those subjects.

Regional cooperation can and should play a more important role in the process of sustainable development. Co-operation between neighbours is essential in setting priorities and allocating resources.

We have referred so far to similarities in the foreign policies and views on the world situation of Romania and the African countries. In certain cases, a few similarities can also be noted with respect to the internal situation.

In the case of Africa, the success of NEPAD, which is viewed as the only radical solution for the economic and social development of the nations on this continent, depends to a great extent on good governance and the rule of law in its countries. It has become evident that only genuine democracy can make up the political environment for international support in the implementation of programmes and projects likely to bring about the much needed economic enhancement of Africa.

Romania is an emerging democracy as well, the same as the Republic of South Africa. Most of the African nations are also geared towards building genuine democratic societies. We in Romania strongly believe that good governance, rule of law and transparency make the main pillars of democratic society, the best, that is the most humane, society that mankind has ever evolved. The absence of those pillars poses serious threats to the harmonious social and economic development and endanger stability and security, internally and externally – even more seriously nowadays, considering the globalisation process. Good governance and the rule of law are not luxury assets, they are the only valid and long term solution for every country.

We also believe that economic freedom, social justice and environmental responsibility are key factors for prosperity. A transparent and predictable environment creates incentives for investment and thus facilitates economic growth. Conversely, corruption makes an unstable environment for investment, slows down economic development or makes it downright impossible. If corruption becomes characteristic of a county and, indeed, touches its institutional structures, it will erode the legitimacy of its government as a result of the distrust of its citizens. If democracy is gone, social and economic flourishing are also gone.

The development of democratic institutions, strong political will and government commitment to the rule of law and transparency, the participation of all citizens, including minorities and civil society, in the decision making as to the broad government guidelines are key requirements of good governance. We in Romania are fully aware of their importance and the present Romanian government has taken active steps to turn them into realities. Legislation has been passed by the Parliament of Romania with respect to all those aspects. Specific steps have been taken towards the integration of the Roma or Gypsy communities in the country's political, social and economic life. There is a special Department of Minorities in the government and the political party of the Hungarian minority in Romania is a member of the governing coalition.

Fighting economic crime and uprooting corruption have been two other important objectives of the present Romanian government. A special economic police corps, very similar to South Africa's "Scorpions" unit, has been established with the task of combating fraud and serious transgressions of economic legislation. The question is how many other similar economic police corps there are on the continent outside the South African Scorpions? Romania is ready to cooperate with African countries, in the spirit of partnership, and assist them in wording out legislation on transparent economic activities, in the establishment of enforcing agencies and so on.

The bottom line is that, if partnership means pooling assets and resources in order to obtain a goal, assets should not be seen in material terms only. Romania is a country with limited material resources, but, having faced a number of great social, political

and economic challenges lately, and as a result of actively pursuing full membership of NATO and EU, the country has gathered a sizeable amount of knowledge and experience in democracy building and good governance. We are ready to share that experience with African nations. By establishing a political partnership, I think, Romania can be of assistance to African countries in creating the political, social and stability background which is a prerequisite under NEPAD for investment from rich donors in specific economic projects.

Speaking of NEPAD and economic projects, Romania can be a partner to the African countries in certain economic areas as well. It is well known that many African countries are faced with severe food shortages, as a result of an underdeveloped agricultural sector. There is a dire need in this respect for wider irrigation systems, more agricultural implements and better quality seed for the main crops. It would also be important for Africa to have more developed education and research structures for farming, husbandry and veterinary activities.

Likewise, Africa is the continent where several fatal or disabling diseases affect a huge number of the population. There is a great need for medicine in Africa, first against HIV-AIDS, tuberculosis and other severe conditions, of course, but also against common ailments like influenza. There should be no African household, for instance, without such basic medicines as aspirin. Romania has a growing pharmaceutical industry producing several pharmaceutical products. We have also managed to eradicate most severe diseases, while others, like HIV-AIDS, are successfully kept under control.

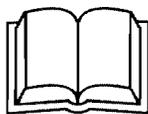
NEPAD is a programme for Africa, worked out by Africans, to be implemented by Africans. In fact, it is more than a programme, it is a process which will undoubtedly span several years. We know that a number of specific projects are to be worked out and forwarded to prospective investors. Again, on the basis of its expertise and know-how in several economic and production areas, Romania is ready to be of assistance to the African countries in drawing up their feasibility studies and draft projects in the areas mentioned above. Economic efficiency and cost-effectiveness are two fundamental features of all such projects and, of course, the higher those features are rated in each individual case, the higher the chance for the respective project to find investors. This would be an economic and intellectual partnership. And Romanian engineers, doctors and researchers in various scientific fields will always be prepared for such an intellectual partnership.

To sum up, Romania stands ready to offer a partnership to the African countries in their effort to improve their overall economic and social condition. This stance is based not only on the traditional bonds of friendship which characterise Romania-Africa relations. It also stems from the strong awareness that our world calls more strongly than ever for unity and for the participation of all countries in meeting and finding solutions to today's challenges.

Romania looks forward to getting better acquainted with the specific projects to be worked out under NEPAD, in order to assess the extent to which we can contribute to their implementation. At the same time, Romania believes that a democratic political and social background is paramount for the success of NEPAD and is certain that it can make a modest contribution to its success within the framework of an intellectual partnership with the African countries. ■

This paper was first presented at the Africa Institute of South Africa as part of the Ambassadorial Forum series.

The challenge of making educational ends meet



Education Financing and Budgetary Reforms in Africa: The Swaziland Case Study by Oluyele Akinkugbe and Vusi Kunene. Paris: Association for the Development of Education in Africa. 2001. ISBN: 2-86978-102-4

Reviewed by Charl Wolhuter (Professor: Comparative Education, Graduate School of Education, Potchefstroom University)

Post-independence Africa has been the scene of impressive educational expansion. Education has been regarded as the most powerful instrument to effect economic growth and to forge national unity. Education, therefore, rose to the biggest single item on the public budgets of virtually all African countries. These plans founder on one basic cause, namely budgetary constraints. Starting with the 1973 oil-crisis, followed by the slip in commodity prices, accumulating budget-deficits, spiralling foreign debts, and finally enforced Structural Adjustment Programmes from the World Bank and International Monetary Fund, economic crises in Africa have, at the best of times and places slowed down educational expansion, but often brought such programmes to a grinding halt, or even reversed gains already made. Research on the financing of education is, therefore, very timely.

Education Financing and Budgetary Reforms in Africa: The Swaziland Case Study, by Oluyele Akinkugbe and Vusi Kunene, is one of a series of case studies on the financing of education in Africa, produced under the overall supervision and guidance of CODESRIA (Council for the Development of Social Science Research in Africa, based in Dakar, Senegal), as part of the working group on education and finance of the Association for the Development of Education in Africa (ADEA). The goals of this project include helping ministries of Education and Finance to formulate and implement sound policies and budgets, helping education planners and economists to develop new skills and techniques that will ensure that existing funds are managed as best as possible, and to disseminate best practices.

The book was written by an officer in the Planning Unit of the Swaziland Ministry of Education, and a researcher of the Department of Economics, University of Swaziland. The publication commences with an outline of the economy and demography of Swaziland as shaping forces of the country's education system. This is followed by a discussion of the development of education policy in Swaziland since the Imbokodero Manifesto of 1972, the administrative system of education in Swaziland and the structure (school types, levels and programmes) of education. The second part of the book is a critical analysis of planning and budgeting for education in Swaziland, and of expenditure and costs in education. The publication concludes with proposals for change in the pattern of educational financing.

The authors' basic thesis is that there should be a shift in public expenditure on education, from the tertiary to the primary and secondary levels. Public unit costs of education are at present E (Lilalangen) 628,63, E 1707,40, and E 34 580,19 respectively for primary, secondary and tertiary education. The public share of the total costs of education amounts to 47.37%, 47.5% and 99.5% respectively. Given that primary and secondary education rates of return are higher than that of tertiary education, and that universal primary and secondary education remains an elusive ideal for Swaziland, considerations of economic efficiency, equality, and the view that primary (and even lower secondary) education is a basic human right, the authors make a case for their recommended shift in public education funds from the tertiary to the primary and secondary education sectors. They further based their recommendations on the rising schooled unemployment of tertiary graduates in Swaziland, and the fact that teachers' salaries amount to 99.8% and 97.0% of public primary and secondary education expenditure in Swaziland, leaving virtually nothing for other inputs, such as buildings, books, laboratories, furniture, and stationary. The burden of tertiary education sector financing should be shifted from the public to the private domains; supplemented by targeted scholarships in areas where there is a shortage of graduates.

What will reduce this publication's intellectual impact, is that the authors' main recommendation is a repetition of a key ingredient of the plan for African education proposed in the 1988 World Bank study on education, *Education in Sub-Saharan Africa: Policies for Adjustment, Revitalisation and Expansion*. This recommendation is that African governments should cut their disproportional high expenditure on higher education, coupled with a policy of the selective (in fields where the national economy shows a clear need) expansion of higher education. Thus the book presents no new insight or creative response to the financial crisis facing African education. This, however, is not to degrade the publication's graphic illustration (based on a meticulous collection and analysis of education statistics) of this stark truth, that virtually all Africa countries still have to face.

The authors' treatment of the demographic and economic realities as shaping forces of education in Swaziland – instead of giving an artificially, clinically narrow picture of educational financing – is to be commended. What is absent in this regard, is the inclusion of the political situation and history, especially the regular socio-political disruptions, and how these have impacted on education. After one such bout in the 1970s, for example, the large contingent of expatriate South African teachers were sent home, which had a significant effect on the supply of teachers in the country. Such an inclusion would have helped the reader to understand the problems of under-qualified teachers in Swaziland in the late 1970s and 1980s, which the authors discuss in the book.

Another lacuna is the failure of the authors to factor into their future scenario, the potential explosive socio-political impact that the drastic cut in tertiary student funding would probably have.

In all, this book is commendable reading material for any student of African affairs. Follow-up studies to this volume would be potentially rewarding exercises. Firstly, a similar study on the South African case is a dire need. Secondly, in line with the stated goals of the series, a volume comparing and synthesising the insights derived from all the six case studies in the series would be valuable not only for students of Africa, but also for African governments, all of whom are grappling with the problem of making educational ends meet. ■

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Book

H Singer, J Wood and T Jennings, *Food aid: The challenge and the opportunity*, Oxford: Clarendon Press, 1987, p 6.

Chapter in an edited volume

E Clay and E Benson, 'Triangular transactions, local purchases and exchange agreements in food aid: A provisional review with special reference to sub-Saharan Africa', in E Clay and O Stokke, *Food aid reconsidered*, London: Frank Cass, 1991, p 147.

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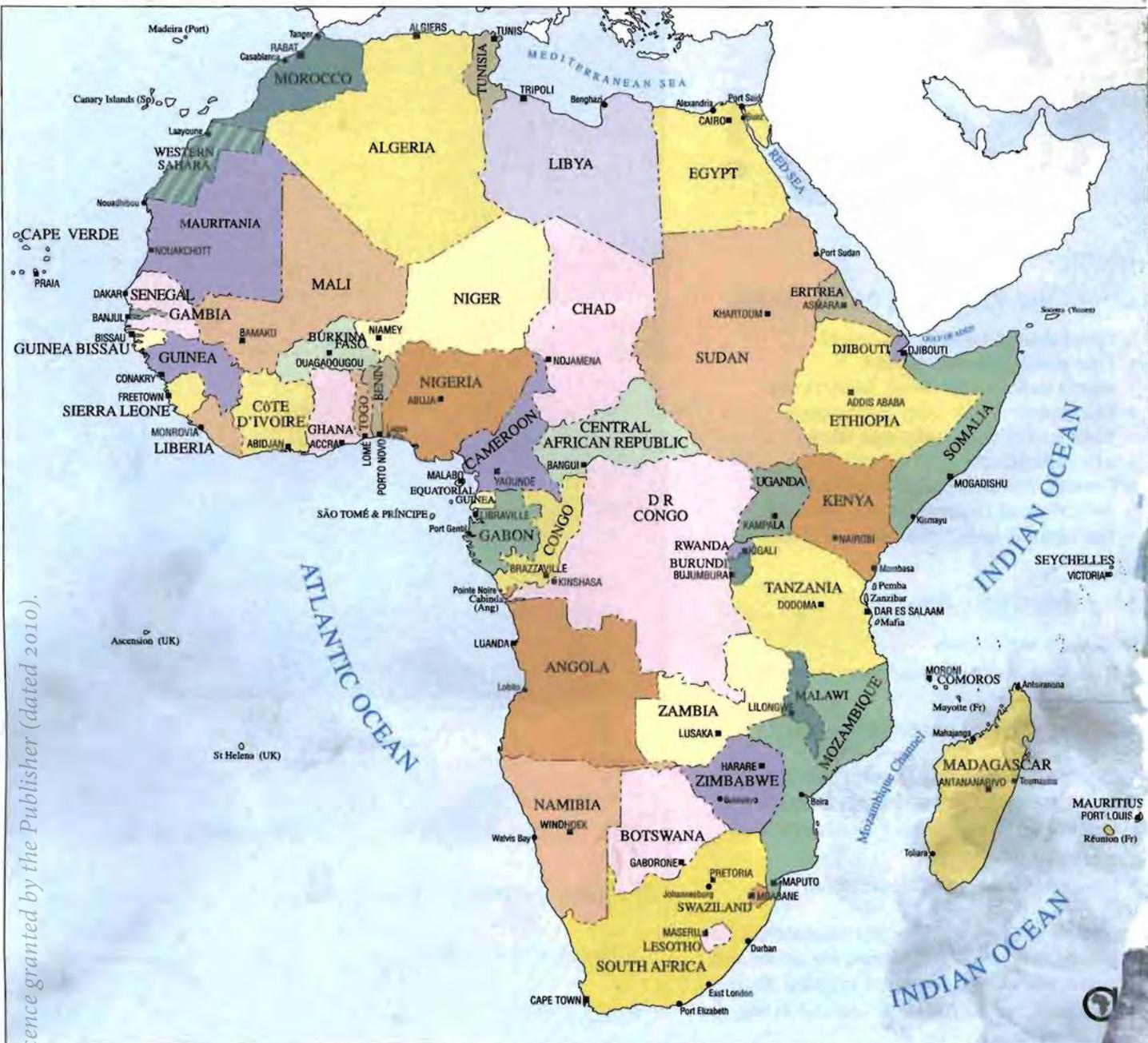
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