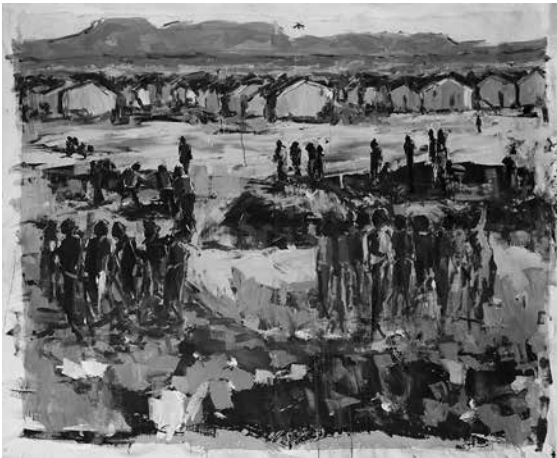


SOUTHERN AFRICAN SECURITY REVIEW 2017



Edited by
Gilbert Khadiagala
and Dimpho Deleglise



Cover Art

Painting: Sibuy eMarikana (we are coming from Marikana)

Asanda Kupa (b. 1981) grounds his work in the experiences of those forced to the periphery of 'New South Africa'. Born in Molteno in the Eastern Cape, South Africa's poorest province, his art seeks to highlight lives and livelihoods that are defined by constant struggle and by lack of access to basic resources.

The work 'Sibuy eMarikana' depicts the main message that Asanda seeks to deliver through his work, capturing the self-determining spirit of his people, as well as grassroots frustrations and hopes around achieving a political regime that supports and values its people.

Asanda Kupa lives in Johannesburg and works from his studio at the Bag Factory. He has exhibited in multiple exhibitions and art fairs in South Africa and internationally, and is represented by Guns & Rain.



Centre for Defence and Security Management
University of the Witwatersrand

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Acronyms

ABC	All Basotho Convention
AGA	African Governance Architecture
ANC	African National Congress
AMU	Arab Maghreb Union
APSA	African Peace and Security Architecture
AQIM	Al-Qaeda in the Maghreb
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
AUCPCC	African Union Convention on Preventing and Combating Corruption
BCP	Basutoland Congress Party
BDP	Botswana Democratic Party
CBO	Community-based organisation
COMESA	Common Market for Eastern and Southern Africa
DC	Democratic Congress
DCEC	Directorate on Corruption and Economic Crime
DDR	Disarmament, demobilization and reintegration
DRC	Democratic Republic of Congo
EAC	East African Community
EASF	East African Standby Force
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EITI	Extractive Industries Transparency Initiative
FATF	Financial Action Task Force
FDI	Foreign Direct Investment
FDLR	Forces Démocratiques pour la Libération du Rwanda
FES	Friedrich-Ebert-Stiftung
FOMICRES	Força Moçambicana para Investigação de Crimes e Reinserção Social
FRELIMO	Frente de Libertação Moçambique
GEAR	Growth, Employment and Redistribution

GDP	Gross Domestic Product
GFI	Global Financial Integrity
GPA	General Peace Accord
ICGLR	International Conference on the Great Lakes Region
IFF	Illicit financial flows
IMF	International Monetary Fund
ISIS	Islamic State of Iraq and Syria
LCD	Lesotho Congress Party
LCS	Lesotho Correctional Services
LDF	Lesotho Defence Force
LLA	Lesotho Liberation Army
LMPS	Lesotho Mounted Police Service
MCP	Malawi Congress Party
MDC	Movement for Democratic Change
MDG	Millennium Development Goal
MMD	Movement for Multiparty Democracy
MNLA	Mouvement National de Libération de l'Azawad
MONUSCO	The United Nations Organization Stabilization Mission in the Democratic Republic of Congo
MPLA	The People's Movement for the Liberation of Angola
MSA	Maseru Security Accord
NARC	North African Regional Capability
NEPAD	New Partnership for African Development
NGO	Non-governmental organisation
OAU	Organisation of African Unity
OECD	Organisation for Economic Cooperation and Development
PCRD	Post-Conflict Reconstruction and Development
PRSP	Poverty Reduction Strategy Papers
PSC	Peace and Security Council
REC	Regional Economic Community
RENAMO	Resistência Nacional Moçambicana
RDP	Reconstruction and Development Program
RISDP	Regional Indicative Strategic Development Plan
RM	Regional Mechanisms

SADC	Southern African Development Community
SADCC	Southern African Development and Coordination Conference
SADSEM	Southern African Defense and Security Management
SANDF	South African Defence Force
SASR	Southern African Security Review
SDG	Sustainable Development Goals
SSR	Security Sector Reform
SWAPO	Southwest African People's Liberation Organization
TCC	Troop Contributing Countries
UNCAC	United Nations Convention against Corruption
UNECA	United Nations Economic Commission for Africa
UDF	United Democratic Front
UNDP	United Nations Development Programme
UNIP	United National Party
UNITA	National Union for the Total Independence of Angola
US	United States
ZANU PF	Zimbabwe African National Union-Patriotic Front

Foreword

Southern Africa has since independence been viewed as one of the continent's relatively peaceful regions. Undeniably, the creation of the Southern African Development Community (SADC) as a regional stronghold against apartheid South Africa and the political solidarities of the liberation struggle have provided the region with a strong narrative for integration, cooperation and stability. Yet, despite comprehensive protocols and agreements, the SADC region faces acute challenges to peace and security characterized by prolonged political and economic crises, tensions between member states, contested elections as well as social discontent. In some cases, there are internal violent protests relating to socio-economic grievances, allegations of corruption and a sense of democratic exclusion. In addition to these threats, there are also new phenomena putting security, safety and social peace at risk in the region. These include transnationally organised criminal syndicates and their state capture agendas, illicit financial and trade flows as well as the threat of terrorist activities, cybercrime and breaches of cyber security.

In dealing with these threats, the demands of sovereignty and 'national interest' sometimes hindered a frank analysis of common threats as well as effective joint action. But even where political consensus is reached, experience has proven that there is no one-fits-all approach that would turn the complexity and inter-linkages of new and old security threats into sustainable peace. This has been proven by resurgent tensions between former war factions after a period of peace and the sudden return of violent social uprisings. This raises a number of important questions on how a more adequate picture of the root causes of insecurity and the complex web of interactions and interests in the region can be understood and analysed. Economics matter, but in what direction and what kind of economics? What is the relationship between governance, democracy and conflict? How do neoliberal economic policies, foreign aid and international financial institutions contribute to the picture? Are the current strategies of conflict management adequate for today's situations of insecurity? Are SADC and the entire African Peace and Security Architecture (APSA) up to the task? Where are the gaps and how could they be tackled?

To address these and other questions, academics and practitioners from SADC member states come together every year in the Southern African Defense and Security Management (SADSEM) network to exchange ideas and produce research on the contemporary security terrain in the region. The SADSEM Network has collaborated in this undertaking with the Friedrich-Ebert-Stiftung (FES) for several years now. Together, these partners have established the ‘Maputo Dialogue’ on peace and security in the region that takes place annually. Its purpose is to contribute to a better understanding of insecurity and development in the region. The Dialogue brings together security practitioners, policy makers and academics, with the intention to bridge the divide between policy and practice in how long-term security and development can be achieved. As part of these efforts, the organisers have over the years; commissioned a series of research papers to be presented at the Dialogue; and these were consolidated into the Southern African Security Review (SASR) publication.

This would be the third edition of the SASR and its focus is on the state of politics, economics, governance and security in Southern Africa; a theme explored during the 2016 Dialogue convened in Maputo, Mozambique. Our special thanks goes to the editors, Gilbert Khadiagala and Dimpho Deleglise for their work and dedication. Forthcoming Dialogues will continue the formula of hosting in-depth academic discussions on regional peace and security involving practitioners, academics, and other non-state actors – and papers presented will be edited and consolidated into the SASR publication. We hope that readers will enjoy this compilation and that the papers contribute to the discourse on sustainable peace, security and the management of conflicts in the Southern African region and beyond.

Tina Hennecken Andrade e Anthoni Van Nieuwkerk

Introduction

Democratic governance, human development and regional integration in Southern Africa

Gilbert M. Khadiagala

THIS INTRODUCTION sets the stage for this volume and establishes some of the major themes that inform subsequent chapters. With the exception of two chapters on APSA and the emerging trends in illicit financial flows in Africa, all the chapters seek to assess the state of politics, economics, governance and security in Southern Africa over the past 25 years since the end of apartheid and the conclusion of civil wars in Angola and Mozambique. These watershed events in the early 1990s significantly reshaped the course of national and regional politics in the direction of enhanced democratic governance, human development, and regional integration. Since the early 2000s, however, the momentum for regional renewal began to weaken and the region experienced reversals in democratic governance, human livelihoods, and efforts to deepen integration. Although in the past two years there are positive trends on the horizons with regard to political change in Angola, Botswana, South Africa, and Zimbabwe, the broader regional picture in terms of democratic governance, human development, and integration is still characterized by profound uncertainties. Most of the themes in this introduction draw from a longer paper I recently published (Khadiagala 2018). Following the identification of the core themes, this introduction provides a summary of the eight chapters.

The 1990s regional optimism and governance

In the formative decade after the end of apartheid, Southern Africa made significant strides in overcoming the past legacies of institutionalized racial discrimination, regional destabilization, large-scale armed conflicts, and

economic deprivation of the majority. These strides stemmed from the resilience that endured during the liberation struggles and the coalescence of collective leadership determined to make a difference in managing diverse adversities. In this respect, the vision of a secure and prosperous region was founded on broadening democratic governance, improving the quality of life of the citizens, and creating regional institutions for collective resolution of problems. Adding weight to these objectives was the emergence of South Africa as the regional locomotive for transformation in Southern Africa.

Following global trends in democratization and pluralism, countries in the region embraced democratic governance as part of frontal efforts to build institutions of accountability, participation, and representation to overcome the legacies of authoritarianism and militarism. The decolonization of Namibia in April 1990 under the Southwest African People's Liberation Organization (SWAPO) ushered the era of competitive politics, periodic elections, and the expansion of civil liberties. Despite the liberation legacy of strong and dominant political parties, the growth of pluralism witnessed major shifts in leadership in most countries in the region. In fact, given the strong legacy of liberation movements led by strong individuals, one of the key tests in the democratization era was whether the dominant parties would tolerate opposition forces, particularly those that did not participate in liberation struggles or, as in Namibia and Mozambique, those parties that had allied with the oppressive white regimes (Bauer and Taylor 2011).

After Namibia, Zambia led the regional democratization trend when Fredrick Chiluba's Movement for Multiparty Democracy (MMD) defeated Kenneth Kaunda's United National Independence Party (UNIP) in the 1991 elections. Zambia's transition started the era in which civil society organizations, notably organised labour, mounted pressures for democratic rule, a trend that came to dominate the rest of the region. Through various leaders, the MMD dominated Zambian politics before it was ousted in 2011. Malawi underwent its democratic transition in 1994 that saw the ouster from power of the Malawi Congress Party (MCP) under its long-serving leader, Kamuzu Banda, by Bakili Muluzi's United Democratic Front (UDF).

South Africa witnessed the most far-reaching changes with the first democratic elections in 1994, completing the process that had started with the release of Nelson Mandela in February 1990 and the unbanning of opposition parties. With the African National Congress (ANC) taking power, there was widespread optimism for political and economic transformations in South Africa and the region. Similarly, after a bitter civil war, Mozambique emerged in the early 1990s with a negotiated constitution that allowed multi-parties and democratic elections. In the 1994 elections, the ruling FRELIMO (Frente de Libertação Moçambique) party retained power while its opponent Renamo (Resistência Nacional Moçambicana), obtained some seats in parliament and local institutions. Throughout the decade, there was no radical shift in Mozambique's power equation, even though new opposition parties emerged on the political landscape.

Botswana, Southern Africa's longest continuous multiparty democracy, entered the 1990s with its exemplary record of adherence to human rights, freedom of speech, the rule of law, and a competent government. Although Botswana had various political parties, politics continued to be dominated by the Botswana Democratic Party (BDP), in power since independence in 1966. This dominance has been checked by the power rotation that sees new leaders every ten years; in constitutional amendments approved in 1997, the presidency was limited to two five-year terms. Similarly, Mauritius commenced the decade with a strong democratic tradition marked by a liberal constitutional framework, a transparent electoral process, and credible electoral management body. All the Mauritian elections in the 1990s were characterized by the building of coalitions and alliance among the three major political parties.

Despite these positive dynamics toward democratization, Southern Africa was also sullied by the persistence of civil wars in Angola and the Democratic Republic of the Congo (DRC), a monarchy in Swaziland, and incomplete democratic transitions in Lesotho, Madagascar and Zimbabwe. Throughout the 1990s, Angola and the DRC suffered civil wars that frayed state institutions, economic infrastructure, and led to large-scale humanitarian emergencies. These wars also prompted the intervention of regional and

international actors in bids to negotiate peaceful settlements. In Angola, efforts by various actors to mediate between the People's Movement for the Liberation of Angola (MPLA) and the National Union for the Total Independence of Angola (UNITA) failed; the civil war ended in February 2002 following the death of Jonas Savimbi, UNITA's leader. The civil war in the DRC started in the mid-1990s after the fall of the dictatorial regime of President Mobutu Sese Seko and the intervention of regional actors on opposing sides of the war. Diplomatic efforts led by South Africa helped end foreign intervention in the DRC and produced a mediated settlement in December 2002 that launched the transition to peace and stability.

Madagascar established a multiparty democratic system in the early 1990s, but subsequently, unconstitutional changes of government and political violence marked its politics. Major political cleavages that were sparked by the highly contested December 2001 elections set the stage for more political turbulence in the 2000s (Ploch and Cook 2012). Similarly, despite Lesotho's democratic breakthrough, severe elite disagreements and the involvement of the military in politics contributed to political violence and constitutional reversals. SADC intervened in 1994 and 1998 to restore constitutional order and launched institutional reforms to pre-empt the resurgence of violence. Swaziland and Zimbabwe bucked the regional democratization trend, with the former beholden to the monarchical system that has remained relatively unchanged in decades. In Zimbabwe, the emergence of the Movement for Democratic Change (MDC) to contest the hegemony of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) was a profound moment in the country's history. The MDC's defeat of president Robert Mugabe's bid to change the constitution through a referendum in February 2000 marked the beginning of political turbulence and economic and social deterioration. Throughout Southern Africa, the dominant trends in democratic governance signalled the growing acceptance of pluralism in contexts where there were very low initial expectations for competitive politics and where the constraints of ethnic diversity, regional differentiation, and economic inequalities persisted. Through these efforts the region demonstrated that it could overcome past legacies; this progress

was also noteworthy because it raised the prospects of building on these gains to expand constitutionalism, civil liberties, and the rule of law.

Human development

Human development featured prominently in Southern Africa's political and economic transformations in the 1990s because of the appreciation that matters of livelihoods and development were vital to peace and prosperity. Thus the concept of human development attempted to address human and livelihood vulnerabilities, particularly poverty, inequalities, and social marginality. The widespread advocacy of human development coincided with the 1994 United Nations Development Programme (UNDP) Human Development Report that regarded it as the expansion of the concept of security to encompass human prosperity and sustainable development. Thus in Southern Africa's transitions from war to peace, states experimented with programs to tackle poverty, social marginalization, and economic inequality (Cilliers 2004). Furthermore, human development was closely linked to questions on the capacity and efficacy of governments to formulate policies that would promote inclusiveness and equity. Ruling parties in Southern Africa that had previously leaned toward socialism gradually adopted pragmatic policies in the 1990s to balance the objectives of equity and growth. In Namibia, for instance, SWAPO jettisoned its socialist orientation and focused on economic management policies to meet the high poverty rates, inequitable distribution of wealth and income, and high unemployment. During the 1990s, Namibia's economic growth grew at an average rate of 3.5 percent, allowing the government to make inroads in prosperity for all, particularly through the expansion of social safety nets (Wren 1990; Melber 2005).

Zambia witnessed similar economic reforms when the MMD government introduced a program for radical social and economic transformation, including the liberalization of key markets, reorganization of the public service, privatization of state-owned enterprises, and revitalization of the mining and agricultural sectors. By the early 2000s, these reforms had yielded mixed outcomes: although there had made some notable reductions in rural

poverty and inequalities because of the agricultural marketing reforms, there were small reductions in urban poverty (McCulloch, Baulch, and Cherele-Robson 2000; McPherson and Hill 2000). Likewise, in the early 1990s, economic reforms in Malawi included fiscal discipline, public spending cuts, greater accountability and a program of privatization that the World Bank and International Monetary Fund (IMF) supported through structural adjustment loans and stabilization programs. In the rural areas, the main focus of these reforms was to redress the policy bias against small farmers in order to increase food production. In the 1990s, Malawi experienced some declines in rural inequities because of donor support for a program of distribution of free small packs of high-yielding maize and legume seeds and fertilizers (Sen and Chinkunda 2002).

In South Africa, the Reconstruction and Development Program (RDP) launched by the ANC in 1994 as the blueprint for post-apartheid policies tried to combine sustainable economic growth, public sector reforms, and equitable goals. Launched in June 1994 with a modest allocation of 2.5 billion rand (about 3 per cent of the total national budget), the RDP was perceived as the first step in undoing the scourges of the past, particularly in the provision of clean water and proper sanitation, quality housing, health care, and the establishment of a social security system. Faced with severe fiscal constraints in implementing the RDP, in June 1996, the government introduced a new macroeconomic policy framework called the Growth, Employment and Redistribution (GEAR) strategy to strengthen economic development, increase employment, and redistribute income (Mohr 2003; Jones and Iggs 2004).

Mozambique made the most spectacular economic gains in the post-civil war period, underscoring the importance of peace to growth and the search for equity. Following the 1994 elections, the government started a series of macroeconomic reforms designed to stabilize the economy and begin the tasks of reconstruction. FRELIMO's manifesto emphasized combining rapid growth with poverty reduction to reduce social inequalities and regional imbalances. By the mid-1990s, Mozambique had met the targets of double-digit growth rates, low inflation and currency stability, and began to channel

some resources to poverty reduction and improved development outcomes. As part of its commitment to social investment, the government shifted resources from military spending after 1994. Thus, in the 1998 and 1999 budgets, the government allocated more capital and recurrent expenditures to education and health than military and the intelligence services (Fauvet 2004). The modest steps toward human development in the region in the 1990s built on the new impetus occasioned by peace, democratic participation, and engagement of external actors optimistic about the determination of local actors to address the huge task of economic transformation and decent livelihoods. Despite the uneven outcomes in countries and across the region, the reforms implemented in the 1990s laid the foundation for a shift from state- oriented to market-based economies.

Regional integration

The August 1992 summit in Windhoek that transformed the Southern African Development and Coordination Conference (SADCC) into SADC articulated a framework and strategy to build an economic community in Southern Africa. Through common action, interdependence, and integration, SADC pledged to ensure harmonious, balanced, and equitable development of the region. The renewed commitment to integration arose from two primary considerations. First, from the conviction that it was vital to build on what unites rather than divides the region. Since the infrastructure for integration had been built over the years through the liberation efforts, it was important to reinvigorate the regional resilience and resolve in finding common approaches to economic problems that individual states could not overcome. Second, integration had additional value to democratic governance because the region could make faster strides and meaningful progress on democratization through both collective learning and reinforcement of best regional practices (Khadiagala 2018). To achieve the mandates of regional integration and community building, SADC advanced about 27 protocols to deepen integration in areas ranging from trade, education, water resources, poverty eradication, natural resource management, industrialization, cultural and social integration, common political values, systems, and institutions, and

peace and security. The SADC 1996 protocol on trade became the linchpin of economic development and poverty eradication. It also advocated for the liberalization of intra-regional trade through beneficial trade arrangements, elimination of trade barriers, harmonization of trade policies, and the improvement of investment and productivity in the region. To boost regional integration, the SADC Regional Indicative Strategic Development Plan (RISDP) established various milestones to be reached, including a customs union by 2010, a common market by 2015, and monetary union by 2016, and a single currency by 2018 (SADC 1992; SADC 2007).

With respect to democratization, the SADC Treaty committed member states to consolidate, defend and maintain democracy, peace, security and stability” in the region. Further it commits states to promote common political values, systems and other shared values “which are transmitted through institutions, which are democratic, legitimate and effective.” Furthermore, SADC set up principles and guidelines governing democratic elections that emphasized the enhancement of transparency and credibility of elections and ensuring the acceptance of election results by all contesting parties (SADC Treaty 1992; Motsamai 2013). Through concerted measures to enshrine the objective of common political values, South Africa alongside Botswana and Zimbabwe intervened in Lesotho in 1994 and 1998 to restore constitutional order following political disagreements among its leaders. Building on the emerging continental African norms around non-indifference, these interventions indicated the determination to use regional institutions as vehicles for political stabilization, in a marked departure from the previous years of non-intervention and respect for sovereign independence.

Regional pessimism since the new millennium

The optimism surrounding democratization and human development as the anchors of peace in Southern Africa started to wane in the early 2000s with the resurgence of authoritarian and populist regimes, political intolerance, and the shrinking of social and civic spaces. In addition, worsening economic conditions, declining state capacity to deliver public goods and services, and the growing scourge of corruption, dampened widespread expectations that

democratic governance would produce conditions for human development. As a result, both the democratic and economic recessions that befell the region contributed to the weakening of state capacity, the criminalization of public institutions, and the demobilization of civic actors and movements that had driven the reform agenda in the 1990s. As some regimes used security forces against opposition parties and civil society actors, new protest movements led by urban workers and students arose to contest economic marginalization, better service delivery, and political inclusion. At the regional level, the impetus for integration was slowed down by the lack of strong regional leadership and inability to implement major protocols on trade integration and democratic governance.

Democratic governance

After the triumphalism that surrounded the democratic breakthroughs of the 1990s, Southern Africa started the 21st century with a mixed political record of democratization. On one hand, a minority of countries with a history of multiparty democracies and strong state institutions tried to consolidate their democracies against the backdrop of severe political and economic strains. The other regional trend, on the other hand, was the continuation of authoritarian political practices in countries that had weathered the storms of democratization in the 1990s. In these cases, ruling parties barely tolerated opposition parties, and at worse, used violence to maintain power. In between these two extremes, the majority of Southern African countries could be accurately characterized as fledgling democracies where the incremental efforts to erect participatory and representative institutions hardly changed the substance of politics. These countries struggled with the teething problems that are typical of transitional democracies: weak political parties and parliaments, strong executives, and apathetic mass engagement in politics.

The countries with strong patterns of democratization—Botswana, Namibia, and South Africa—reveal the contrasting trends that characterized the entire region. In spite of the remarkable records of stable democratic rule, these countries began to witness the weakening of accountability and participatory

institutions. Under former President Ian Khama, Botswana's democracy came under tremendous pressures because of Khama's authoritarianism and intolerance toward the media, civil society, and political opponents. These trends were reinforced by accusations of corruption, nepotism, mismanagement, and abuse of government authority (Mosikare 2016; Mungai 2015; Motsoeneng and Brock 2014). Although Khama secured a second term in the 2014 elections, the BDP lost much of its core support, obtaining 32 of the 57 parliamentary seats, the smallest majority in its history. In South Africa, the second decade since the successful transition to a multiracial democracy was marked by internecine conflicts within the ANC that affected democratic governance and economic development. Former president Jacob Zuma's draconian and opaque leadership style, cronyism, and corruption networks led to the ANC's electoral loss in the 2016 local government elections and his eventual ouster in February 2018. In Namibia, despite the split in SWAPO in 2007, it managed to retain large electoral majorities in the 2009 and 2014 elections. But beneath the democratic façade, there were concerns that SWAPO's dominance had weakened parliamentary control of the executive, blurred the lines between the state and party, and contributed to the rise of corruption (Melber 2009; Melber 2014).

Malawi and Zambia, some of the pioneers of democratization in the region, encountered enormous problems of erecting stable rules of participation and finding leaders that can transform the political systems in predictable directions. In Malawi, the second decade of democratization led to fragmentation and volatility in the party system and splits of both ruling and opposition parties to the detriment of effective governance. Since 2003, Malawi went through a succession of weak leaders who diminished the gains in democratic governance, the rule of law, and civil liberties obtained in the 1990s. The governance profile has continued to deteriorate under the current President Peter Mutharika. Although Zambia managed to build the foundations for political pluralism, ethnic polarization, the deaths of two presidents, and the rise of populist leaders hampered the consolidation of democratic governance. In the lead-up to the 2016 elections, Zambia witnessed increased incidences of electoral violence and intimidation of opposition parties and their supporters. After the elections, opposition

groups challenged the results in the high court, but the court refused to hear the petition. The current President, Edgar Lungu, has used draconian colonial laws to detain opposition figures and muzzle the media and civil society organizations (Redvers 2013; Luyando 2017; Shishuwa 2017).

The countries that faced civil conflicts in the 1990s and early 2000s- Angola, the DRC, and Madagascar, have made some strides toward recovery and reconstruction, but the scars of war continue to weigh heavily on steps to build democratic governance. In Angola, the end of the civil war in February 2002 consolidated the MPLA's hold onto power, postponing efforts toward pluralism. Worsening the governance problems was the MPLA's delays in holding parliamentary elections and reluctance to hold presidential elections. The parliamentary elections scheduled for 2006 were held in 2008 and subsequently, the MPLA used its parliamentary majority to change the constitution to abolish direct presidential elections. Angola's slow transition to democratic governance only started when President Jose Eduardo dos Santos chose a successor, former defence minister, Joao Lourenco, who became president in September 2017. President Lourenco has launched reforms to dismantle some of the dos Santos economic and security networks, but it will take time for Angola to engage on a clear path to democratic governance (Jensen 2017).

The DRC democratic transition has also proceeded in fits and starts since the end of the civil war in 2002. Despite the efforts of regional and international actors to bring peace and stability to the DRC, the elections of 2006 and 2011 did not produce the conditions for deepening democracy. Under President Joseph Kabila, who has been in power since 2001, the DRC has been unable to overcome the combination of authoritarianism and state weakness that have marked its post-colonial politics. Moreover, the failure to end insecurity in the Eastern Congo and the proliferation of rebellions in other parts of the country has adversely affected peace, stability, and reconciliation. In 2016, the DRC was plunged into a new political crisis when president Kabila reneged on the promise to hold elections in December 2016 that would have ended his tenure. Instead the elections were postponed first to 2017 and then December 2018 amidst opposition claims that Kabila was trying to extend his tenure. There are still uncertainties about whether the DRC will

hold the 2018 elections (Vlassenroot and Berwouts 2016; Shepherd 2016; Burke 2016). Like the DRC, Madagascar faced turbulent times at the start of the new millennium when a political standoff between the political elites forced the military to intervene on the side of Andre Rajoelina in March 2009. Sustained regional and international mediation produced a political settlement that led to elections in 2013 and the inauguration of a new leader in January 2014. Despite this transition, Madagascar continues to face elite disagreements that have affected the quality of governance.

Mozambique's democratic consolidation since the early 2000s witnessed hurdles that culminated in Renamo's threat to resume civil war in 2012. In large measure, Renamo's grievances emanated from FRELIMO's long dominance of the political space, the conflation of state and the party, and perceptions of FRELIMO's centralization of economic power. In both the 2004 and 2009 elections, FRELIMO won handily while opposition parties steadily lost parliamentary seats. Following the 2009 elections that were criticized by observers for lacking transparency and integrity, Mozambique experienced the intimidation of opposition parties and the media. (Astill-Brown and Weimer 2010; Orre and Roning 2017). When the former Renamo leader, Afonso Dhlakama, returned to the bush in October 2012, he invoked political and economic marginalization. The government, however, responded quickly to start negotiations with Renamo under international mediation to avert further violence in preparation for the 2014 elections. In the aftermath of the elections, Mozambique's new President, Felipe Nyusi engaged Renamo to narrow down their political differences. After the death of Dhlakama in May 2018, the negotiations gathered momentum on how to rebuild trust in the country's institutions as well as the gradual shift toward decentralized governance (Fabricius 2018; Vines 2018).

Until the military ouster of President Mugabe in November 2017, Zimbabwe epitomised the crisis of democratic governance in Southern Africa. The turbulent decade was marked by ZANU-PF's violence against opposition forces and civil society actors. Violence, in turn, entrenched a de facto one-party rule that centralized power around Mugabe, ZANU-PF, and the military. Following the contested elections in 2008 that the opposition claimed to have won, SADC under South Africa's leadership intervened

to craft a power-sharing agreement between Mugabe and the opposition. The agreement brought some political respite and economic recovery, but fell short of realizing constitutional and electoral reforms in preparation for the 2013 elections. Thus after winning the 2013 elections, ZANU-PF went back to the culture of power centralization, curtailment of individual and media freedoms, political intolerance, and violence. Mugabe's loss of power occurred amidst incessant factional conflicts within ZANU-PF, conflicts that midwifed the transition. The military prevailed over the pro-Mugabe faction and installed the former vice-president Emmerson Mnangagwa as the new president. In the July 2018 presidential elections, ZANU-PF managed to scrape through with only 50.8 per cent of the president vote, revealing the dire decline in legitimacy of the dominant party and the clamour for political change, particularly by the younger generations (Hendricks 2018; Du Plessis 2018).

Overall, the trends in democratic governance over the past decade demonstrate the challenges of building accountable, participatory and competitive institutions in highly divided societies characterized by precipitous declines in the norms and ethos of nationhood. Furthermore, rather than strengthening the participatory momentum unleashed in the 1990s, most countries in the region retained the minimalist forms of electoral democracy where weakly-institutionalized opposition political parties compete with ruling parties that showed limited interest in competition. In countries where dominant ruling parties continued to control state institutions, democratization was retarded by the absence of vital alterations in power and the abuse of state institutions through corruption and state capture.

Despite these pessimistic trends, there is a glimmer of hope on the regional horizon produced by political transformations in Angola, Botswana, South Africa, and Zimbabwe in the last two years. Apart from intra-party political successions, one of the salient drivers of these transformations is the steady fragmentation of dominant parties, providing space for democratic impulses to flourish. In Angola, there have been inklings of change within the MPLA as President Lourenço signalled determination to embark on governance reforms. In Botswana, the new President, Mokgweetsi Masisi has a leadership style that is expected to differ markedly from former President Ian Khama's

militaristic and autocratic style (INK Centre for Investigative Journalism, Botswana Guardian, 2018). The rise of President Cyril Ramaphosa to the ANC's leadership in South Africa has also occasioned profound optimism about arresting the worsening democratic and economic governance that characterized former President Jacob Zuma's rule. Similarly, the departure of Mugabe from the Zimbabwean political scene has reignited hopes that the country may return to its glory days as a well-governed state and economic powerhouse in the region. Ultimately, the resurgence of optimism about the prospects of democratic governance needs to be tempered by the fact these leaders are new and untested and they still have to deal with formidable domestic challengers stepped in the old mentalities of dominance and exclusivity.

Human development

Since 2000, some key factors have shaped understanding of the possibilities and constraints on human development in Southern Africa. First, the millennium started with the articulation of the eight Millennium Development Goals (MDGs), seven of which spoke directly to human development considerations: eradication of extreme poverty and hunger; achievement of universal primary education; promotion of gender equality and empowerment of women; reduction of child mortality; improvement of maternal health; combating HIV/AIDS, malaria, and other diseases; and ensuring environmental sustainability. Southern Africa embraced the MDGs because they were inspired by the blueprints and visions most countries had adopted to advance human development. Second, in the mid-2000s, Southern African countries were part of the "Africa rising" narrative in which a surge in global demand for commodities generated economic benefits for natural resource-based economies. But the celebrations of the "Africa rising" were premature: in 2008-2009, a combined global food, fuel, and fiscal crisis interrupted the hope for achieving the MDGs and sustaining Africa's economic growth. In addition, a serious energy crisis in 2014 brought up by the fall in oil prices reduced the prospects for economic recovery and inclusive growth.

How did these events affect the pursuit of human development in the SADC region? First, the MDGs reaffirmed the centrality of human development as the amelioration of socioeconomic dislocations, promotion of growth, and poverty eradication. Governments in the region approached these issues through strategic documents such as the Poverty Reduction Strategy Papers (PRSPs) and country blueprints to achieve the MDGs. These strategies also formed the basis for additional economic reforms in the 2000s. Lesotho, Malawi, Mozambique, Namibia, South Africa and Zambia were some of the early adherents to these policies. Although donors remained important players in the articulation of these visions, the bulk of them were, unlike the 1990s, homegrown and locally owned (UNECA 2006). At the same time, throughout the 2000s, these blueprints and visions were plagued by severe constraints, including weak market economic structures, low educational skills, social inequalities, and donor dependence.

Second, Southern Africa's natural resource endowment provided a strong foundation to augment human development. There were initial expectations that the rise in global demand for natural resources would potentially add resources for development financing to drive industrialization, economic growth, poverty reduction and sustainable development (African Development Bank 2007). Hence, supporters of the "Africa rising" discourse pointed to the growth potential of mineral-rich countries such as Angola, Mozambique, Namibia, and South Africa. These countries realized strong economic performance and growth rates of about 7 to 8 per cent from 2000-2014 and bolstered the assumptions of the donor-hyped "Africa's rising" narrative. But these high growth rates concealed worrisome trends: as the World Bank reported in April 2014, rapidly growing economies powered by oil, gas and minerals saw poverty levels fall more slowly than countries without those resources. In some countries such as Angola and Namibia, the percentage of people living in extreme poverty even increased in tandem with the growth rates (World Bank 2014; Beegle and others 2016; Coulibay 2017). Thus when the global economic downturn set in, mineral-rich countries fell into economic doldrums, experiencing sharp reversals and worsening poverty levels.

Third, adding to the despair about economic regeneration in the region was the prevalence of the resource curse. Southern Africa faced the spectre of the resource curse where natural resource abundance engendered governance problems notably corruption, cronyism, and criminality. Furthermore, the resource curse fundamentally signified institutional and governance deficits where political elites are often disengaged from the daily struggles of ordinary people. In more recent years, these deficits have been depicted as state capture, particularly in the South African case. The progress made in the 1990s against corruption, which led to the formation of anti-corruption bodies, and oversight institutions started to ebb in the 2000s as corruption permeated public institutions throughout the region. (Transparency International 2011). The interaction between economic visions for human development, the African rising narrative, and the growth of corruption in Southern Africa can be illustrated through the experiences of Angola, Botswana, Malawi, Mozambique, Namibia, and South Africa. In post-conflict Angola the unprecedented oil boom of the early 2000s made it one of the region's top economic performers. But the economic windfall inured the government from external and domestic pressures to reform the institutions of transparency and accountability. Both during the resource booms and busts, Angola's poverty levels deteriorated. The government responded to urban social protests demanding economic redress and political rights with violence (De Morais 2012; Machado 2017).

Botswana's lustre began to wear off in the mid-2000s amidst mounting concerns about the sturdiness of governance under former President Khama. Although the economy performed relatively well in the 2000s, a slump in world demand for diamonds led to an economic recession in 2009. As a result, the recession sparked social unrest when, for the first time in many years, tens of thousands of public sector workers went on strike demanding better salaries and social justice. Through mass layoffs and heavy-handed police intervention, the government defeated the protestors. The economic deterioration was accompanied by growing concerns about the rise of corruption as opposition leaders questioned the independence of the Directorate on Corruption and Economic Crime (DCEC) under Khama (Throup 2011). In Malawi, rapid leadership successions' coincided

with the worsening of the economy, deepening social vulnerability, and insecurity. Although the flagship fertilizer subsidy program introduced from 2006 to 2008 by former president Bingu wa Mutharika boosted agricultural production to record levels and boosted growth rates, its achievements were short-lived. President Mutharika's successors confronted growing levels of poverty, major corruption scandals, and reduced donor funding (Sommerville 2010; Kimenyi 2012; Kainja 2015).

In Mozambique, the second decade of peace presented a mixed picture with regard to human development. In attempts to broaden the stellar post-war economic growth into equity objectives, the government developed a poverty reduction growth facility (PRGF) in 2004-2005, which was supported by donors. This program did not lead to major reductions in poverty, even though economic growth in the mid-2000s was impressive. In addition, even though Mozambique was regarded as one of the African rising success stories due to the discovery of natural reserves, most of the economic growth was spurred by large, capital-intensive public and private investment projects that did not benefit the poor (APRM 2009). Growing inequities and declines in living conditions, in turn, ignited urban social protests in 2008 and 2010. The 2008 protests were fuelled by increases in the price of transportation and basic food prices while the 2010 ones stemmed from increases in the prices of bread, electricity and water. The youth-led protests also vented their opposition at FRELIMO's leadership (BTI Mozambique Country Report 2012; De Brito and others 2014).

Namibia and South Africa remain some of the world's most unequal societies. Both countries also established elaborate economic blueprints in the post-liberation period to tackle human development, but they have confronted severe obstacles in reaching this objective. Despite the abundance of natural resources and well-governed economy, 40 per cent of Namibia's 2.3 million people live in slums; in 2016, only about 50 per cent of the population had access to electricity, and only 37 per cent had access to improved sanitation facilities. Although in 2016 President Hage Geingob launched a new program, the Harambee Prosperity Plan (HPP), aimed to combat poverty, the combination of persisting inequities and the huge youth bulge present seeds for future instabilities (Donnefeld 2017; Kahiurika 2018;

Hedden 2015). South Africa demonstrates the limits of economic blueprints as vehicles for human development and inclusive growth. After President Mbeki's introduction of GEAR in 1996 to combine social welfare policies and neo-liberal policies but it was replaced in 2005 with a new blueprint, the Accelerated and Shared Growth Initiative for South Africa (ASGISA) to deal with the constraints that inhibited rapid and shared economic growth. When Mbeki left office, the Zuma administration, launched its own blueprint, the New Growth Path in 2010, to focus attention on job creation and equitable growth. Alongside the rhetorical invocation of building a democratic development state, none of the economic plans was able to deliver significant results in human development.

While both the Mbeki and Zuma governments tried to craft a tenuous compromise between economic growth and equity goals, the extreme concentration of resources and the existence of narrow interests in the private sector hampered effective policies to promote a just and equitable society. Worsening the economic conditions under former President Zuma was the upsurge of corruption and cronyism resulted in the decline of public institutions to deliver services and the erosion of the national ethos that had cemented the post-apartheid order. The failure to realize measurable development for the majority in South Africa caused social protests by urban poor, workers, and students. Various strikes and services delivery protests perennially paralyzed some segments of the economy, heightening the social polarization brought about marginality and inequities. These protests almost always harped on poor and unsustainable livelihoods even for the most middle classes, the prevalence of corruption at local levels, and unresponsive leadership. The violent response by the police to the Marikana platinum mine strike in August 2012 underscored the severity of the social crisis (DBSA 2011). Students protests organized under the banner of the #Feesmustfall also paralyzed major public universities for two years in a row, challenging unaffordable and rising fees, the exploitation of workers and alienation of youth.

Regional integration

SADC's broad aspirations as a collective institution for integration, security, prosperity, and promotion of common values came under stresses throughout the 2000s. For the most part, the difficulties of deepening integration pivoted around common approaches, but in a regional context of multiple states that remained beholden to defensive and reactive forms of sovereignty. Thus while collective approaches presupposed ceding of a measure of sovereignty to regional institutions, SADC has remained hostage to narrower inter-governmental institutions rather than transitioning to novel supranational institutions. Of equally critical implications on the performance of SADC was the absence of strong leaders and champions of integration who would forge consensus on common interests, hand-hold laggards, and punish non-compliance. The leaders of the 2000s failed to build on the synergies and collective problem-solving mind-sets that characterized the old generation of leaders, resulting in inchoate and incoherent region building. In the previous years, regional leadership was primarily collective, requiring the coalescence and mobilization of like-minded actors around clear sets of objectives that fed into regional initiatives. In the 2000s, the combination of aging leaders and electoral cycles deprived the region of consistent coalitions of leaders that would champion of integration.

The other dilemma for SADC in enhancing regionalism for democratic governance, human development, and security lay in the sequencing of these objectives. In an ideal context, these goals need to be pursued together. But in Southern Africa in the last decade, governance and security priorities interrupted the frontal focus on the integration of national economies. Thus expansion of SADC membership to countries that faced civil conflicts such as the DRC and Madagascar guaranteed that SADC would be preoccupied with putting out political fires at the expense of economic integration. The scepticism about SADC's "developmental regionalism" stemmed largely from the fact that while it had articulated several protocols to give effect to economic objectives, there are no visible attempts to implement them (Chanda 2010; Peters-Berries 2014). Thus because of capacity and resource constraints, none of the SADC trade integration milestones were achieved.

The inability to implement regional programs is inextricably tied to the dependence on donors. Rather than emulating the Economic Community of West African States (ECOWAS), which has found creative ways of local financing of regional integration, SADC still harps on the centrality of external partners in integration. Similarly, despite regular appeals for the participation of civil society and other non-state actors in regional integration, SADC continued to be project of few states, hobbling its reach to the wider public.

The experiences of the 2000s also show that although SADC had enshrined basic principles and standards on democratic governance, the region's inability to present a common voice on these principles postponed democratic transitions in Angola, the DRC, Swaziland, and Zimbabwe. In Zimbabwe, for instance, regional procrastination in confronting Mugabe's authoritarian rule discredited SADC's last-ditch efforts to mediate between Mugabe and the military in November 2017. Similarly, in the DRC, SADC has failed to take a firm stance on the erosion of democratic governance and, through inaction, strengthened President Kabila's political hands. If there is a resumption of civil war in the DRC, the region will pay a heavy price.

Structure of the book

The book is divided into three sections to lend coherence to the flow of analysis and demarcate its various thematic components. Section 1 highlights the intersection of politics and economics in the appreciation and peace, security, and development. Section 2 probes some of the key actors and institutions that have played prominent roles in shaping the discourses and policy engagement with regional security issues. In section 3, the authors provide detailed analysis of some of the countries that have, alone or with regional institutions, grappled with balancing governance, human development, and security objectives. Du Pisani's chapter on the political economy of conflicts, intervention and sustainable peace sets the ball rolling by casting a wide analytical net on the global forces that impinge on regional security calculus. He proposes the notion of hybridity to capture the complex intersection of global and regional forces that coalesce around democratization, security and development. In a similar vein, Reboile

Mathabe presents a political economy of International Financial Flows (IFFs) that castigates multinational corporations and their local African allies in deepening the scourge of Africa's resource depletion. She proposes collective efforts address the commercial, criminal, and corrupt practices that sustain the phenomenon of IFFs.

In part 2, the opening chapter by Siphamandla Zondi addresses the interaction between SADC and the African Union (AU) in peacebuilding initiatives in Southern Africa. After providing a comprehensive historical perspective of the evolution of continental institutions for security and stabilization, he compares these efforts with those of SADC and, through examples of conflicts in the region, reveals the interface between these two actors and institutions. Jide Okeke's chapter builds nicely on Zondi's analysis of continental institutions by examining APSA in peacebuilding. As a long time insider in the AU, Okeke provides rich insights into the limits and strengths of an institution that is relatively new and has struggled to carve a distinctive role in managing Africa conflicts, including those in Southern Africa. In the final chapter in this section, Richard Irionya discusses relatively new actors—terrorists--on the regional horizon. In light of the publicized upsurge of terrorist activities in Mozambique, the analysis traces the multiple organizations that have been involved in Islamic radicalization in the region drawing inspiration and resources from the global jihadist movements. Equally vital, the chapter highlights steps leading to SADC's adoption of a Regional Counter-Terrorism Strategy in 2015.

In part 3, Dimpho Deleglise and Mafa Sejanamane wade into the divisive debates about the role of the military in Lesotho's politics since the early 1990s. Lesotho has consumed the energies of regional players because the internecine and fratricidal nature of its politics inevitably attracts the military on the side of different actors. The authors suggest that while stable civil military relations hold the key to political stability, in deeply divided countries such as Lesotho more needs to be done in creating institutions that balance civil and military relations. Ultimately, therefore, while SADC has had good intentions in intervening to protect civilian institutions, long term solutions hinge both on the demilitarization of politics through investment in effective institutions of participation and the de-politicization of the military through

more professionalism. Should that fail, the authors suggest that there be serious reflection from the country's leadership on whether the country needs a standing army. Colin Darch's chapter on Mozambique reflects on the resurgence of violence by Renamo in October 2012 against the backdrop of long-standing grievances against FRELIMO; these events provide a broad optic for analysing the Mozambican peace process, its achievements and shortcomings. Darch notes that Renamo's grievances constitute the structural root causes that will continue to impede the peacebuilding project that FRELIMO has adopted since independence. In the final chapter, Cyril Musila examines the extent to which national and regional efforts toward the stabilization of the DRC since the end of the civil war incorporate its war economy. He suggests that weak governance, natural resource abundance, and predatory leadership have combined to produce a dynamic that consigns the DRC to perpetual instability.

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Part One:

Framing the Political Economy of Governance and Security



Perspectives on the political economy of conflicts in SADC

André du Pisani

“Rather than having all the answers, have all the questions. The answers are not going to help the student, but the questions will.” Galileo Galilei (1564-1642)

“The formal political order seems separate from the social and political worlds of ordinary citizens. The state and economic institutions are tools of the governing elite.”

Julian Brown, 2015:148

IN CONTRIBUTING to debates on political and economic governance in Southern Africa, allow me even as a person deeply interested in moral questions, not to have a monopoly on divining what such challenges might be. I am not suggesting that I have all the right questions; for, the humbling experience gathered as a member of a recently completed three-year ‘global reflection group’ taught me the value of speaking softly, of appreciating hybridity and informality in politics and security agencies, orders and provision, of becoming more tolerant of ambiguity, of thinking outside the cachet of order, the state, democratic governance, institutions, and formal politics.¹

At the most general level, the current world system is characterized by complex integrative and fragmentary processes that coexist, and at times overlap, impacting differentially on the regions of the world. Complex interdependence, for example, may tie regional economies more closely with the global economy, while at the same time not significantly reducing the inequality embedded in them. Meanwhile, the rise of identity politics and various forms of security franchising, as well as the outsourcing and privatization of security, provide examples of hybridity. Security provision in most Southern African states, too, reflects different forms of hybridity in the

governance of security and in the actors responsible for such governance. In some cases, hybridity cuts across and challenges the centrality, role, and capacity of the state to provide security. The security agencies are multiple, ranging from private security to private military companies, to other non-state actors, such as vigilantes, 'traditional leaders', churches, trans-national crime syndicates, regional actors and external international and supra-national actors. In some cases, the state mirrors the extractive behaviour of organized crime syndicates, for example in the DRC and with some qualification, Angola. Such states, too, have become partly criminalized.

The implications of these various forms of hybridity in security provision, for security sector governance, transition(s) to democracy, for the very construct of citizenship, for the state and for state-society relations are profound. The work of the recent 'Global Reflection Group' concluded with four quadrants of security provision: the 'UN Chartered World' of inclusive security provision by a multilateral state system with meaningful global legal norms and rules and robust public governance of security; a 'Networked World' with coordinated devolution and coordination, effective state regulation and some outsourcing and/or privatization of security; an 'Orwellian World' with elitist and repressive security provision, with security becoming little more than surveillance, and fragmented security provision within an 'Unregulated World', with the commodification and criminalization of security. In its extreme form, there is security a la carte for the rich and the powerful, and imposed security at gunpoint for others less fortunate. Ultimately, hybridity impacts on the political projects of 'nation-building' and 'reconciliation' and reconfigures the role of citizens and their relationship to the State. It also opens up space for the possibility of different forms of politics. The older and essentially idealist, Weberian construct of the state being invested with a relative legitimate 'monopoly on the use of force' simply does not reflect the social and political reality in many states of the region.

In key respects, states are politically and socially 'disabled' by dynamics and factors beyond their control. The complexity of all of this goes beyond the construct of 'state fragility' – the more fashionable term for what used to be rather crudely called 'failed- or failing states'. For all intent and purposes,

most states in Southern Africa are ideological constructs that function at the level of the superstructure, at the formal arena of power and law, at the symbolic level, and most of them, embody and wrestle with the political and socio-economic legacies of late colonialism. The legacies of late colonialism, include among others: forms of local despotism, notions of binary citizenship and power, new and not so new forms of ‘re-traditionalization’, rural-urban divides, economic disparities, partial democratization, social and political inequality and limited control over their economies (Mamdani 2004).

Of course, it could be argued that all states are unavoidably ideological constructs, and that indeed seems to be the case. In Southern Africa, however, the state has become an arena for elite competition and often lacks the social cohesion necessary for human development, good enough governance, (rather than “good governance”), peace, and national integration. Moreover, where and when states exert their legitimate ‘monopoly on the use of force’, they tend to do so with ambiguity and often through non-democratic, repressive, and violent means. This pattern of repressive force has become evident in several Southern African states, among these: Angola, South Africa, Zimbabwe and the DRC.

Political Space: the topography of the state

The democratic space provided for by the state, as was shown in the case of the 2008 xenophobic attacks in South Africa, became sites of violence, both directly and indirectly, while participatory governance structures – such as ward committees – either directly or indirectly enabled this violence.²

The violence may have been exacerbated by the ‘laxity’ of the state – an unwillingness to act against the perpetrators of xenophobic violence. In an innovative offering on the possibility of politics in post-apartheid South Africa, Julian Brown (2015) argues, that the state, is controlled by a predatory fractured elite, and electoral politics “are characterised by contests between fractions of this elite for control over the resources and capabilities of the state]”. Brown continues to argue: “even at best these actions presume the continuing inequality – not simply economic, but social and political –

between those who can control the state, and its largesse, and those who cannot; and despite this apparent disconnection between elites and other citizens, the existing society is also said to be democratic” (Brown 2015: 148). Perhaps, the use of the term ‘elite’ might be blunted or have lost some traction, because surely everyone in a position to influence and direct the state is a member of an elite group? The very topography of the state created(s) space for citizen-driven campaigns and agency such as #Rhodes Must Fall, #Fees Must Fall and various service-related protests in South Africa and elsewhere (Pithouse, 2016). The state under the watch of President Zuma, as Pithouse (2016) argues, saw, first “the capture of the ruling party, and then much of the state, by increasingly predatory and authoritarian social forces” (Pithouse 2016:1-2). Paradoxically, the State seems to tolerate some citizen-driven campaigns, if only for reasons of manufactured legitimacy. Stephen Chan, an astute and seasoned analyst of the politics of the region, writes that: “Patronage networks have made the ANC a party of corrupt exchanges among its members and no longer a party of service to the wider nation. Here, as in Zimbabwe, there is the curious private discourse that those who earned liberation also earned plunder” (Chan 2016: 18-19).

With due recognition of the specificities of particular states in the region, broadly similar conclusions can be drawn. For example, in an admirable study on post-civil war/post-socialist Angola, Ricardo Soares de Oliveira (2015) writes about ‘oligarchic capitalism, Angola-style’ with its pervasive rent-seeking impulse and concludes as follows:

The capitalism with Angolan characteristics is inescapable political in terms of its dependence on state patronage for access to capital and profit-making opportunities, and the overarching, if informal, role of the president. His discretionary power stands in for the formal (and in Angola, inexistent) institutions of capitalism as the system’s chief regulatory force (De Oliveira 2015: 132).

Such forms of ‘state capture’ redefine relations between citizens and the state.³ It should be emphasized that the state itself reconfigures citizenship) and unlike popular theoretical notions of effective governing political institutions that provide for political expression through forms of

responsible citizenship giving voice to citizens in governance, “citizens do little more than to petition the state, and governing elites, for consideration, or patronage” (Brown 2015:149). One can also add largely for symbolic recognition, for the distance one finds oneself from the state does matter much in politics. These actions presume an inequality between those inside the state and its bureaucracies, and those outside- ordinary citizens - who must petition those who hold power. When citizens, take direct political action, sometimes expressed through public protests, sometimes through other strategies of dissent, as in the recent cases of Angola, Namibia, South Africa, the DRC and Zimbabwe, the possibility for new forms of politics by ‘insurgent citizens’ to invoke Brown’s term opens up. These new forms of politics, however, do not imply that the every tenet of democracy would necessarily be respected. Violence and counter-violence is often a feature of such politics.

In the case of South Africa, for example: “these small insurgencies may be instigated by a recognition of the gap between the lived realities of inequality and the messianic expectations of the immediate past – by the gap between contemporary reality, and the utopian vision of social and economic redress that thrived in an earlier moment. They may also develop in the disjuncture between the state’s rhetoric of inclusion and participation and the experiences of many dissenting communities or repression, violence, and exclusion from the social order (Brown 2015:149).

In Namibia, the *Affirmative Repositioning* (AR) movement led by three youth land activists, has since November 2014, when they without authorization from the Municipality, cleared land in *Kleine Kuppe* (*Small Hills*) an upper-middle class suburb of the capital city Windhoek, signified new forms of direct citizen participation. Since then, AR has produced an AR Housing Charter in July 2015, entered into an agreement with the state on the allocation and servicing of 20,000 urban plots across the country within the next three years, successfully protested against the construction of a proposed new parliament building, and became a member of the newly-established Rent Control Board (AR, 2016). Since November 2014, the country has witnessed a number of unauthorized land grabs in towns and villages and the

occupation of the land of some of the San minority communities by mostly Herero-speaking cattle herders. As in the case of South Africa, a new kind of politics has emerged, with citizens, particularly younger citizens becoming more active, finding space in the cracks that transect the political topography of the state and the limits of neo-Liberal economics.

Another instructive example of such new forms of politics in Namibia, comes from the so-called “struggle kids”; some 4,500 young Namibians that have engaged in dissent and violent action, the closing of roads, and other forms of dissent aimed at the government and the governing party. Initially, they sought to promote their cause through the structures of the governing SWAPO party – but they have engaged directly with government. Towards the end of 2016, the President instructed the Social Security Commission (SSC) to make more than N\$11, million available to the “struggle kids” for training and other purposes. This decision was contrary to earlier public pronouncements by the President that the “struggle kids” would not be entitled to ‘preferential treatment’, but would be treated equally with other Namibian youth. Similar forms of citizenship protests are also in evidence in countries beyond SADC, including Uganda with the self-styled Jobless Brotherhood, directing their ire at members of parliament.

The courts, too, have become more interventionist in the political life of several Southern African countries, even if only as sites for the principle of equality and the rule of law. The latest (2015) Afro-Barometer Survey actually indicated that in many African countries, the rule of law was under threat. Through direct political action on the part of citizens, this new form of politics plays itself out in both ‘invited’ -(state-sanctioned) and ‘invented’ spaces, to invoke the language of MirafTAB (2006) who wrote on feminist praxis, citizenship and politics in South Africa. Where the ‘invited’ spaces are closing down or do not exist, ‘invented spaces’ take on more salience as sites for political action.

Democratic and economic governance

The governance architecture and praxis of the SADC region are manifestly uneven. This is a function of time, space, political will (rather the lack of it), resources, institutional capacity, political culture, and the agenda of most African states at independence or after their attempted transitions to democracy. The latter, the core political agenda that African states faced at independence was, following Mamdani three-fold: “deracializing civil society, detribalizing the Native Authority, and developing the economy in the context of unequal international relations. In a state form marked by bifurcated power, deracialization and detribalization were two aspects that would form the starting point of an overall process of democratization. By themselves, even if joined together, they would not be tantamount to democratization. Together this amalgam of internal and external imperatives signified the limits and possibilities of the moment of state independence (Mamdani 1996: 287-288.) By and large, the limits of the post-independence politics were reflected in deracialization without democratization. This was so, principally because of the failure of the political elites to grasp the specificity of the mode of rule that needed to be democratized. Theoretically, Mamdani writes, “This is reflected in an infatuation with the notion of civil society, by the new political elites, a preoccupation that conceals the actual form of power through which rural populations are ruled. Without a reform of the local state, democratization will remain not only superficial but also explosive” (Mamdani 1996: 288-289).

Historically, in much of Southern Africa, it was the mainstream nationalists who came to power at independence and who inherited the central state. They understood colonial oppression as first and foremost as an exclusion from civil society, and more generally as foreign rule. They aimed to redress these wrongs through de-racialization internally and anti-imperialism externally. The new state power sought to indigenize/localize civil society institutions, for example through ‘patriotic media’, the co-optation of organized labour, revisionist history, and through education policy and ‘national universities’, as well as the restructuring of relations between the independent state and the international political economy and system. In the absence of the

detrimental of rural power and meaningful political decentralization, however, de-racialization could not be linked to democratization. Thus, it is not surprising that few states in SADC have meaningful, democratic local and regional institutions (perhaps South Africa?) as these seem to fly in the face of the need to consolidate power at the centre where the largesse of the state resides and from where it gets consumed and (re)-distributed.

In retrospect, it was a grave mistake to confine democratization to civil society, and later, to the rise of numerous small and mostly, factional political parties. In some states, the institutional basis for de-racializing the civil service and for detribalizing rural power was initially, the single – and subsequently, the dominant or hegemonic party. This mechanism was simultaneously a way to contain social and political fragmentation and to establish political links between rural and urban spaces, which in the eyes of the political elite, was synonymous with a civil society-based on patron-client relations. Such patron-client relations appeared as an attempt to counter the threat of deepening fragmentation and the release of centrifugal forces along ethnic-, and in some cases, along sub-regional fault lines.

When multiparty regimes appeared in the so-called ‘Third Wave of Democratization’ in the 1990s, these tended sharply toward a superficial and explosive democratization of civil society with a whole raft of non-governmental (NGOs)- and community-based organizations (CBOs) populating the political space. This also resulted in various competitive and less-competitive models of electoral democracy. At the same time, single- and dominant parties actively attempted to depoliticize civil society. The more they succeeded, the more the single- and dominant (hegemonic) parties came to colonize the political space at the expense of civil society actors. In some cases, the centre of gravity in the party-state relationship shifted from the party to the state, with the party maintaining its mobilization role, particularly at national elections. In many cases, formal opposition parties remained fragmented and (sub)-regional in their support bases. While the ideological text has indeed changed from the colonial to the post-colonial, from diversity to unity, from dependence to development, the political praxis not only reproduced earlier forms of indirect rule, but reinforced the

power of the hegemonic bloc, in the name of social justice, national unity, peace, ‘development’, and security. Drawn in broad, impressionistic brushstrokes, this was the story of Southern Africa’s democratization experience. Paradoxically, this may become the impetus for new forms of democratic politics. There are scholars that in the case of Angola, for example, argue that civil society formations and opposition parties are unlikely to reconfigure the state towards more inclusivity and democracy. The pressure will have to come from below, from ordinary Angolans as they mobilize and relentlessly press for their aspirations for a more dignified life to be realized (De Oliveira 2015: 218). In the case of Angola, there was, until the recent sharp decline in commodity prices, the hope to support such changes through a viable economy.

Philosophically, the essence of ‘democracy’ a construct that needs to be treated with considerable caution is about what the British philosopher John Dunne calls, ‘the politics of the ordinary’. Democracy begins to happen when the living experience and its embodying possibilities – all of these – are being used by ordinary citizens, in both the ‘invited’ and ‘invented spaces’ in their society. By definition, the state, is non-egalitarian, it is ultimately based on violence, it is about elite competition, the politics of outdoing each other through conspicuous consumption supported by a court-like ethos of prestige, largesse, and has, as Achille Mbembe graphically reminded us, its own forms of ‘the aesthetics of vulgarity’ (Mbembe 2001). The aspirational behaviour of many state elites is a craving for respectability and recognition, often from outside their own societies. More recently, we have witnessed the advent of various governance indexes, some more credible than others. Among these, is the Mo Ibrahim Index of African Governance. Such tools are no doubt of interest to researchers, politicians, international diplomats and those who toil in the ‘development field’, but how can they capture the contradictions within the state, the narratives, the fictions, the disconnections, the superstitions, the gestures, the hope, the violence, the imagined, the absurdity, that collectively make up Africa and the postcolonial condition?

Contours of the political economy

The broad contours of the region's political economy are thus well known. These are normally expressed in terms of human development and poverty indices. More recently, the difficult balancing act of fiscal sustainability and growth, has become ever-more challenging in the context of a decline in commodity prices, rising ratios of public debt to GDP, the difficulty of improving global competitiveness, the impacts and recovery needs of communities affected by El Niño-induced drought and the resultant water stress and deepening food and nutritional insecurity, and land whose productive capacity has been deeply eroded (UNECA 2016). Additional factors that shape poverty dynamics in the region include, but are not limited to, rapid rural-urban migration, external migration into the region from other states, as well as the differential impact of regional integration on the regional economy. Regional integration, impacts differentially on the members of SADC. For some member states, it works in support of more favourable conditions for innovation, strengthens their innovative capacities that in turn, can enhance their global competitiveness and accelerate structural change in national economies.

The principal challenges emanating from the political economy of the region, all require robust governance, many at a trans-national level. This holds for climate/environmental and economic refugees, water management, wildlife management, poaching, health, tourism, land management, and trans-regional crime and security. A study conducted by the International Road Transport Organisation in 2016 demonstrated how African countries implementing the TIR Convention can reduce the costs of trade in southern and eastern Africa, thus saving significantly on transport costs and increasing GDP in their countries.⁴

Comparative perspectives on the construct of the 'developmental state', suggest that various demanding pivotal conditions will have to be met for such states to be successful. These conditions, include: strategic economic restructuring that ensures productive investment, competitiveness, and social and environmental sustainability; democratic domestic politics characterized by accountability, transparency and responsiveness; epistemic

shifts in planning and development policy, and a realization of ecological limits and the transition to ‘green technologies’ – all of these in turn, must lead to a revision in the development goals and strategies of the state and its institutions (Williams 2014). Most scholars would agree that there are, measured against these conditions, very few ‘developmental states’ in southern Africa.

Policy interventions

Within the corset of partial ‘democratization’ as outlined in previous sections, the only interventions that remain are: research, training and capacity building of persons and institutions, inclusive of the executive, legislature and judiciary, and the decision-makers of the security system itself. There is also room for the strengthening of national integrity systems, replete with asset declarations and life-style audits, witness protection and freedom of information laws. On research, it is my view that there should be a type of ‘Reflection Group’ comprising of policy-makers and scholars, that conduct research on a syndicated basis and that have access to SADC and other national policy-makers. The normative agenda that needs to drive such interventions is to strengthen greater transparency, accountability, citizen engagement, human rights, and the rule of law, with a view towards improved forms of ‘good enough governance’. By-and large, the ‘democratization’ experience to date offers no solid basis for human security, social peace and inclusive development. The region may have ‘formal peace’, but social peace seems to escape the citizens of most states of the region.

At the SADC and AU, level there is some scope for harnessing other instruments, these include: early warning, mediation, the observation of elections and the use of electoral guidelines, the AU Panel of the Wise, also as a form of preventive diplomacy, military intervention under the aegis of the African Union’s Peace and Security Council (PSC) by making use of the African and SADC Standby Forces, and using the African Charter on Democracy and Governance and the AU’s Agenda 2063 as policy framings to guide more accountable and responsive governance. In terms of mediation, the SADC Mediation Unit should be strengthened at both

the level of theory and mediation praxis. At the discursive and policy levels, ‘development’ should be understood as the building of capacity to transcend conflict (Galtung, 2000:18).

Conclusion

Against the admittedly impressionistic canvas presented in this chapter, the conclusion is that the region faces both peril and promise. Peril, because most political and economic elites that preside over the state and the economy, have not meaningfully restructured and democratized relations of power and production in their respective countries. All too often, the state has provided a space for personal aggrandizement and for elite factional competition, at the expense of the common good. The ‘democratization’ experience does not seem to offer a firm foundation for enhancing human security and positive or social peace (Williams 2014). Promise, because there are new forms of citizen-based politics that have forged open new ‘creative spaces’ for engaging and challenging the state. While not every ‘creative space’ has been democratic, it did in important respects, set a different policy agenda to that of the state. It should be remembered that ‘democracy’ itself is ‘work-in-progress’ that comes about through hard struggles, mostly by ‘extra-ordinary ordinary citizens’. Democracies are never ‘fully consolidated’, but always in the process of being consolidated.

At the SADC level there is the promise of more accountable and effective institutions and processes in the domains of mediation, conflict transformation, security sector governance and integrated socio-economic planning at the regional level. ‘Development’, too, should be seen as building capacity for transforming conflict as a basis for social/positive peace. Since collective security is pre-eminently state-based, building state capacity should remain part of the regional agenda. Finally, ‘security’ in its different understandings and with its different referents, does not seem to be a robust-enough foundation for peace. Peace and ‘development’ should be rights-based and should enhance the prospects for meaningful social justice. Social justice, as Sen (2009) memorably pointed out, is not possible in the absence of the notion of fairness, and that means: “...central must be a demand

to avoid bias in our evaluations, taking note of the interests, and concerns of others as well, in particular the need to avoid being influenced by our respective vested interests, or by our personal priorities or eccentricities or prejudices” (Sen 2009: 54).

Endnotes:

- 1 The work of the Global Reflection Group started in March 2014 and ended in February 2017. Meetings were conducted in Singapore, Berlin, Mexico City, Geneva and New York. The project’s focus was on the monopoly on the use of force.
- 2 See Crush, J. (eds.) 2004. *The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa*. Migration Policy Series, No. 50, South African Migration Project., Johannesburg; Brown, J. 2015. *South Africa’s Insurgent Citizens on Dissent and the Possibility of Politics*. Johannesburg: Jacana Media, p70
- 3 The “construction of state capture” in South Africa is also discussed by ANC government officials in Jonas, M. 2016. “The commercialization of politics and the hazards of state capture”, *New Agenda*, Issue 62 pp. 10-12; and Tau, P. 2016. “The state as enabler and disruptor”, *New Agenda*, Issue 62, pp. 13-17.
- 4 The report analyzes the comparative costs of using a national bond, the COMESA Regional Customs Transit Guarantee Carnet, and the IRU TIR Carnet, for two types of cargo – containerized load and tanker transporting liquid bulk. The comparisons have been done along four major transit corridors routes; namely, North-South Corridor (Durban to Lubumbashi), Walvis Bay-Ndola-Lubumbashi Corridor, Dar Corridor (Dar es Salaam to Lubumbashi), and The Northern Corridor (Mombasa to Kigali).

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Combating illicit financial flows out of Africa

Reboile Mathabe

THE MASSIVE flows of illicit capital in and out of Africa and measures to combat them have assumed greater importance from African policy makers and civil society alike, as one of the key ways to combat corruption, improve domestic resource mobilization and the continent's overall development prospects. With an estimated annual loss of at least \$50 billion USD in tax revenues and capital annually that could potentially fund the continent's self-sustainable developmental agenda, African finance ministers established a High Level Panel to assess and measure the impact of illicit financial flows and make recommendations that address the commercial, corruption and criminal components of Illicit Financial Flows (IFFs) through collective efforts. In 2011, the 4th Joint African Union Commission / United Nations Economic Commission for Africa (AUC/ECA) Conference of African Ministers of Finance, Planning and Economic Development mandated the ECA to establish the High Level Panel on Illicit Financial Flows from Africa. It was inaugurated in 2012 and led by South Africa's former president, Thabo Mbeki (UNECA n.d). This chapter offers a summary of the report prepared by this panel and insights on their recommendations. As this chapter illustrates, IFFs on the continent are substantial and affect all of Africa's regions, Southern Africa included. The magnitude of transactions is so large that they exceed the amount of foreign developmental aid to Africa. With regards to Southern Africa, the scope of IFFs and corrupt governance in general has been difficult to ascertain. The extractive and natural sectors, which are key drivers of national economies, are most prone to the phenomenon. This is because the sector is characterised by high level of complexity and revenue generating potential; cross border supply chains and high degree of technological specialization (Yeboah 2017). Additional

factors are maladministration, corruption and economic criminality enabled by actors from the public and private sectors.

Conceptual grounding

The commonly accepted definition of IFFs involve the transfer of funds from one country to another earned through activities such as corruption, transactions such as contraband goods, criminal activities and efforts to shelter wealth from a country's tax authorities (Global Financial Integrity, 2013). However funds that are earned through perfectly legitimate activities could also be deemed "illicit" if the transfer of such funds is unrecorded and in direct contravention of a country's capital controls. For the purposes of their work, The High Level Panel has defined IFFs as "money illegally earned, transferred or used, this meaning, flows of money that are in violation of laws of their origin, or during their movement or use, and are therefore considered illicit". The panel places emphasis on the illegality across any stages of such flows to show that a legal act in one geographical location does not nullify the intent and purpose of such outflows, which effectively is to hide money even when legitimately earned.¹ The past 50 years has seen Africa lose an estimated \$1 trillion in IFFs (Kar and Cartwright 2010; Kar and Leblanc 2013). Currently, it is estimated that Africa is losing a total of more than \$50 billion (conservative) annually in IFFs. There is a rather high probability that these estimates may be a far cry from the reality as data from other African countries may not be reliable and accurate. The amount could well exceed the estimated \$50 billion significantly because these figures do not include other forms of IFFs that are by nature secretive. These include funds that are generated through bribery and the trafficking of people, firearms, and drugs.

The Global Financial Integrity (GFI) reported that illicit financial flows from developing countries grew at an average rate of 8.5% to 10.1% a year between the years 2005 and 2014. Sub-Saharan Africa remains the most vulnerable and affected region in the world. It is in light of the above that the High Level Panel on Illicit Financial Flows from Africa was established. Equally, the Panel's mandate is to ensure that Africa grows at an accelerated

and sustainable manner driven by a total reliance on its own resources. The decision to establish the Panel by Conference was underpinned by a growing concern that most of the African countries did not achieve the Millennium Development Goals (MDG) before the 2015-year target and equally important is the concern that the developmental priorities that Africa had itself as reflected in the New Partnership for Africa's Development (NEPAD) need to be realised. IFFs pose a direct threat to the aforementioned developmental goals because the realisation of any developmental agenda remains grim if Africa remains dependent on a resource mobilisation from development partners. Curbing IFFs could translate into a developmental agenda on the continent that is predominantly self-sustainable. The objectives of the High Level Panel on Illicit Financial Flows are to:

- Develop a realistic and accurate assessment of the values and sources of these outflows;
- Gain concrete understanding of these outflows occur in Africa, based on case studies of a sample of African countries; and
- Ensure that we make specific recommendations of practical, realistic, short to medium term actions that should be taken both by Africa and by the rest of the world to effectively confront what is in fact a global challenge (UNECA 2015:2).

IFFs as a developmental challenge for Africa

Africa has a long history with the challenge of sustainable development. A combination of inadequate growth, ineffective policies, mounting external debt burden, weak governance, high levels of poverty, conflict and the changing face of the global official developmental assistance has been at the core of this challenge. Addressing the challenge of IFFs is fundamental to the reduction of the developmental challenges that the continent has to contend with. According to the UNECA (2015) Africa's economies have been growing at an average of about 5% a year since the turn of the century. This rate is deemed positive but effectively inadequate. In comparison this rate fares very low against the double-digit growth that has transformed

parts of Asia. Furthermore, this growth has not translated into much needed jobs but has rather bettered the livelihoods of those that belong in the high-income bracket. This growth inevitably raises equity issues but it is also not sustainable because it could provoke political and social unrest.

Africa has benefited considerably from the global commodity super-cycle, which unfortunately is coming to an end. Macroeconomic factors such as debt reduction might be a once off effect. There is a growing narrative on the continent and globally that Africa is rising. This narrative is supported and given traction by reports of economies growing and Africa being home to some of the fastest growing economies globally and yet poverty continues to be on the rise. According to a 2014 IMF report, the number of people living on less than \$1.25 a day Africa is estimated to have increased from 290 million in 1990 to 414 million in 2010. The reason being that population growth outweighs the number of people rising out of poverty. In addition the GDP per African was somewhere around \$2,000 in 2013, which is equal to a fifth of the level globally (IMF, 2014). Poverty in Africa is multifaceted in the sense that access to healthcare, housing, education, potable water and sanitation is still problematic. It is against this background that the loss of more than \$50 billion a year in IFFs warrants serious consideration and attention. The cost of this financial haemorrhage is very substantial and significant for African countries. Testament to this imperative, the UN adopted as part of its Sustainable Development Goals (SDGs) a goal to significantly reduce illicit financial and arms flow, strengthen the recovery and return of stolen assets and combat all forms of organised crime by the year 2030. The Action Plan on Financing for Development, the African Union's Agenda 2063 and the post 2015 Sustainable Development Agenda share the same mission. Africa is thus no longer oblivious to the impact of IFFs on its development and governance.

The Panel's approach and methodology

The Panel built on existing research on IFFs and agreed on an approach that aligns original research with advocacy, inclusive consultations and interrogating the policy dimensions on IFFs. The advocacy plan, propagated

by the slogan “Illicit financial flows from Africa: Track it, stop it, get it” - is meant to achieve various goals, including creating awareness and increasing knowledge on the nature and practice of IFFs on the continent. It is based on a logic that IFFs constitute a crucial governance concern that needs to be fully understood by African societies who in turn could pressure their governments to be more accountable, and transparent. The Panel’s approach to inclusive consultations involved soliciting insight from a range of stakeholders spanning government and non-governmental entities. These were conducted at regional and country levels. For instance, the Panel convened sub-regional consultations for East and Southern Africa in Lusaka, Zambia and those for West and Central Africa were held in Accra, Ghana. Tunisia hosted the consultations for North Africa. At country levels, visits were held with heads of state and officials from economic, judicial, security and related portfolios. The media, academics, leading civil society organisations were similarly consulted. An example of a CSO working with the Panel is Trust Africa, which has since launched a popular campaign called “Stop the Bleeding” as an important research and advocacy interlocutor (Trust Africa, 2015). The thrust of these meetings has been to assist governments with appropriate and effective policies to enable them to combat IFFs.

The Panel held consultations outside the continent as well, notably with US government agencies, the UN Secretariat and member states and the Organisation for Economic Cooperation and Development (OECD). President Mbeki led the panel twice to the US between 2014 and 2016 and the US government has since agreed to work with the panel in structured way towards a fight against IFFs. Mbeki and his team have also managed to enlist support from international financial Institutions such as the World Bank and the International Monetary Fund to devise more technical measures to track IFFs.

The Panel started the research process by commissioning a background paper on the scale and development challenges of IFF from Africa, on the basis of the disparities in national income accounts and trade data (trade mispricing). Trade mispricing happens when imports are over-priced and exports under-priced on customs sheet translating into money being

transferred between countries illegally and unrecorded. It is effectively the practice of misrepresenting the price of quantity of imports and exports in order to receive more money in other countries (Carbonnier and de Cadena 2016). Trade mispricing can be evaluated by studying a developing country's exports to the world and are compared to the world's records of what was imported from those countries following an adjustment in freight and insurance. Moreover a country's imports from the world are compared to what the world has recorded to export to that country. If there are inconsistencies that are reflected once the insurance and freight is adjusted then mispricing has occurred. These inconsistencies create a direct negative impact on Africa's developmental agenda because it losses billions of dollars in foreign exchange and tax revenues yearly. The Panel also commissioned country studies on IFFs from Africa to acquire empirical country – level evidence and insight into the levels of IFFs and how the practice is carried. The table below presents the countries studied.

Algeria	Algeria is an OPEC member, which means it plays a critical role in the global oil and gas markets. It has the second largest oil reserves in Africa and the ninth largest reserves of natural gas in the world. The oil and the gas sectors contribute significantly to the country's GDP that is estimated at \$273.59 billion. Its GDP per capita is estimated at \$6,978, and its annual GDP growth averages 3.0%. Algeria is estimated to have lost approximately \$25.7 billion of its national revenue through IFFs between 1970 and 2008. The extractive sector, which is one of the primary drivers of economic growth, is prone to illicit flows.
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Nigeria	<p>Nigeria is Africa’s most populated country and a recorded economic growth with a GDP that has tripled to \$490.857 billion. Oil exports are central to Nigeria’s economy and while other sectors such as telecoms account for more than a quarter of its GDP growth, the economy is undiversified which has put it at high risk for IFFs. For instance, sectors such as manufacturing and even the film industry account for estimated 1.5% and 1.7% of GDP respectively.</p>
Liberia	<p>Liberia has an abundance of mineral resources, water and a favourable climate for agriculture. Due to this, it has attracted its fair share of multinationals and other similar entities. The country exports mostly timber and rubber. Liberia however still relies on FDI to increase GDP, estimated to be at \$3.3 billion in 2012. GDP per capita is approximately \$767 and the growth rate averages at 7.8%. With the country’s focus on redevelopment, Liberia is open to exploitation, tax evasion and the country being used by foreign investors as a hub for an offshore banking and a tax haven.</p>

<p>Kenya</p>	<p>Kenya is an important player in East Africa and also boasts an extensive communications and logistics hub. The country's extractive industry is a contributing factor in the steady growth of the economy. However, trade invoicing has caused Kenya approximately \$1.51 billion between 2002 and 2011. The Danish Government funded a study on five priority countries (Ghana, Kenya, Mozambique, Tanzania and Uganda) which found that Kenya's tax loss from trade mis-invoicing by multinational corporations and other actors could be as high as 8.3% of government revenue which derails economic growth.</p>
<p>DRC</p>	<p>The DRC has a vast concentration of natural resources and mineral wealth. The country is the second largest producer of diamonds in the world as well as the largest exporter of cobalt ore in the world. ECA estimates the GDP of the country to be a little over \$57 billion, with GDP per capita of \$854 and annual average GDP growth 6.4%. Years of internal conflicts have reduced the national output and in return government revenue. Conflicts have also made the monitoring of IFFs almost impossible. The immediate curbing of IFFs in the DRC is important because its mining sector provides the economic foundation for the country's post – conflict reconstruction.</p>

Mozambique	<p>Mozambique has recorded an impressive growing economy since its civil war. The country has also seen dramatic progress in its growth rate, with its GDP growing to \$29.975 billion in 2012. Its GDP per capita grew approximately to \$1,160 and its growth rate averages 7.3%. Agriculture is a sector that forms the basis of the Mozambican economy but recently investment projects in titanium extraction as well as the oil and gas sector are expected to help strengthen the economy. However if not well managed, Mozambique faces the challenges of trade and tax related malpractices.</p>
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How IFFs take place

The Panel disaggregated IFFs into three components: commercial activities, criminal activities and corruption. It referred to existing estimates, which quantify commercial activities to account for 65% of IFFs, criminal activities for 30% and corruption for roughly 5%. The commercial component comprises the largest component of IFFs. The intention behind these is to hide wealth, evade tax, customs duties and domestic levies. This is done in many ways including transfer pricing.¹ While it is not illegal for corporations to trade within companies in the same group it is however illegal if they do not comply with the “arm’s length principle” for them not be accused of engaging in base erosion and profit shifting. Corporations benefit from transfer pricing as countries have varying tax rates and they can use transfer pricing to increase profits (Singh, 2007). The Panel found that abusive and unregulated transfer pricing was occurring at an alarming rate on the continent. Only three countries in Africa had transfer-pricing units in their internal revenue services. The issue is thus considered to be the most controversial and one that requires careful inspection in future. There is trade mispricing as well. This occurs when the price, quality and quantity of goods are falsely recorded on customs documents. Imports are over-priced

and exports are under-priced. Trade mispricing is often driven by the intent to evade customs duties and domestic levies and to export foreign exchange abroad. Another common practice is the mis-invoicing of services and intangibles such as intra-group loans, intellectual property and management fees.³ According to the report of the Panel, these practices are increasingly contributing to IFFs due to the sharing of services in a globalized world.

Actors in the IFFs industry

Actors involved in IFFs include those active in the illicit movement of capital and those committed to dismantling it. This includes actors from governments, private sector, criminal networks and international financial institutions. A distinguishing factor between these actors is that the range of expertise and capacity to perform and counter illicit transactions vary. The Panel found that most African governments had a strong interest in the stemming out IFFs and some efforts were in place including the existence of anti-corruption agencies and financial intelligence units. The Panel however found a relative lack of knowledge about the true character of IFFs and that African governments lacked fundamental capacities in law and finance to fight it. Part of the problem was found to be the uneven and in some cases, lack of measures to combat IFFs along with a prevailing culture of a lack of transparency, secrecy and difficulty in obtaining information and data.

With regards to the private sector, it was found that actors are involved in abusive transfer pricing, trade mis-invoicing, the mis-invoicing of services and intangibles and the use of unequal contracts. In Africa, they have managed to succeed in immense proportions through exploiting the lack of information and capacity limitations of governments. Civil society organisations are an example of an actor that is actively campaigning against IFFs on the basis of social justice. The organisations have used various ways to advocate against the practice. They range from advocacy campaigns, naming and shaming perpetrators and research that proposes policy solutions. The role of criminal networks in IFFs is very clear. They engage in laundering money from the continent with the obvious motive of hiding their activities and concealing the illicit flows. The Panel found that there are indeed global actors in IFFs,

which led them to understand that IFFs are a trend in Africa that has a global solution.

The Panel's findings and recommendations

The report concluded that the secretive and covert nature of IFFs made research into the scope and scale of it in Africa difficult. Existing data cannot always be verified. But, based on existing research, obvious inconsistencies in economic transactions recorded between Africa and the rest of the world, and studies on gross outflows focusing on trade mispricing- the reality is revealing. According to the report, African countries suffered a loss of up to \$407 billion from trade mispricing alone (ECA 2015: 33). On the basis of this research and extensive consultations, the Panel made the following findings:

- *IFFs are large and increasing.* If flows intensify over time they will compromise both development and state security.
- *Combating IFFs is political.* Illicit practices are mostly indicative of weaknesses in political governance. The negative effect of the IFFs on the state and society further lends it serious political significance.
- *Transparency is needed across all aspects of IFFs.* Access to information should be available to everyone and African countries should take advantage of global initiatives that offer support by sharing information willingly and openly.
- *Commercial routes of IFFs need closer monitoring.* Policy development in this area and resourcing the institutional capacities required needs support.
- *The dependence of African countries on natural resources extraction makes them vulnerable to illicit financial flows.* A fundamental policy consideration is that Africa needs the capacity and technology to monitor extraction of its mineral resources. The continent also needs to maximize its use of information and support it receives from existing mechanisms that promote transparency in the natural resource sector. Africa also

needs to diversify its economies and lessen dependence on the natural resources industry – now more than ever.

- *New and innovative means of generating illicit financial flows have proliferated.*
- *Tax incentives are not usually guided by cost-benefit analyses.* The continent needs to grant tax incentives from a more informed basis underpinned by a good cost – benefit analyses. This particularly includes tax holidays for FDI.
- *Corruption and abuse of entrusted power remains a concern.* Most African governments are yet to incorporate or domesticate provisions of international and continental frameworks combating IFFs, like the United Nations Convention against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption (AUCPCC).
- *More effort is needed in asset recovery and repatriation.* Policy must be implicit in its pronouncing on the establishment of regulations and mechanisms to ensure that the financial sector must be resolute in rejecting IFFs
- *Money laundering continues to require attention.* Policy should also be responsive to the dichotomy between revenue and law enforcement agencies regarding the sharing of information generated from tax audits.
- *Weak national and regional capacities impede efforts to curb IFFs.* African countries must move towards the establishment of relevant agencies to curb IFFs such as revenue authorities, transfer pricing units, customs services, anti-corruption agencies and financial intelligence units. Collectively countries could establish regional authorities through forums such as the African Tax Administration.
- *There is an inadequate architecture at the global level for tackling illicit financial flows.*
- *Financial secrecy jurisdictions must come under closer scrutiny.* Political pressure on enabling jurisdictions should be consistent and unapologetic.

- *Development partners have an important role in curbing IFFs.* African countries should advocate for the support of development partners to tackle IFFs and measures should be coordinated across regional and international frameworks.

The report made the following thematic recommendations:

- On tackling the commercial component of IFFs: The intentional and inaccurate stating of price quantity, quality of trade goods and services should be made illegal. Companies should be registered for tax purposes. Custom services should utilise available databases to compare prices, which can put pressure on countries to start collecting trade transaction data. On the issue of transfer pricing, national and multilateral agencies should make timely presentations of data on pricing of goods and services in international transactions. African countries should as a matter of urgency establish transfer-pricing units. Multinationals should be legally required to provide the transfer pricing units with a comprehensive report showing their disaggregated financial reporting on a country-by-country or subsidiary-by-subsidiary basis. In reference to base erosion and profit shifting, there should be an automatic exchange of tax information among African countries and globally.
- On tax registration: There should be a requirement of beneficial ownership information. This information should be provided when companies are incorporated or trusts are being registered. There needs to be a review of current and prospective double taxation conventions, particularly in countries that are destinations to IFFs. There must be maximum usage of regional integration arrangements to introduce accepted standards for tax incentives to prevent destructive competition that could potentially hinder foreign direct investment. Countries need to join initiatives such as the Financial Action Task Force (FATF) and the Extractive Industries Transparency Initiative (EITI).

- Strengthening institutional capacities: Independent institutions and government agencies responsible for curbing IFFs should be strengthened and capacitated to do their work effectively. These include revenue, anti – corruption, financial crime, customs, anti-fraud and financial intelligence agencies. These should produce regular reports on their activities, share information on a regular basis.
- Global partnerships: The international community should engage the continent with a high level of transparency in financial transfers and money laundering. A stronger collaboration between Africa and the US, EU, G8 and G20 that advocates greater transparency in international banking should be pursued. The global governance framework for asset freezing, management and repatriation should be elaborated and successful global laws should be replicated as best practices and standards. Additionally the UN, IMF and World Bank need to assume a more visible role in the fight against IFFs.

Conclusion

The AUC/ECA led initiative to establish the High Level Panel on Illicit Financial Flows from Africa and the latter’s report and recommendations present an important research milestone in curbing IFFs on the continent. The report has managed to bring a considerable level of awareness and agitation on the issue at the level of the AUC as well as within the civil society space. There is now greater consensus that the curbing of IFFs can contribute to domestic resource mobilization, self-reliance and improved development for African countries. But the report is not self-implementing and requires substantial efforts from African governments to improve financial accountability and economic governance overall.

In cases where political elites are party to IFFs, it is important to underline that if they are allowed to continue to loot state coffers with impunity, the

impact will be most felt by millions of ordinary citizens across the continent. As the report has highlighted, some of the issues it covers might be technically complex. But all the issues covered speak to political governance as well and the willingness of political actors and leaders to turn the tide against economic exploitation. The willingness to do so remains a challenge.

Endnotes:

- 1 Critiques of the report consider the definition of the IFFs by the High Level Panel to be somewhat narrow, arguing that it fails to accommodate grand corruption, which is extremely rife on the continent and is proven to be one of the greatest threats to Africa's development. Another critique is that it singles out multinationals and organised criminal organisations as major culprits while being silent on the role of government officials who enable IFFs.
- 2 Transfer pricing is the price charged by one associate of a corporation to another associate of the same corporation. This can be also explained as when one subsidiary of a corporation in one jurisdiction of a country sells services, goods, and expertise to a subsidiary in another jurisdiction in another country, the price charged for these goods is called a price transfer.
- 3 The World Intellectual Property Organisation defines intangibles as property that cannot be touched in contrast to physical goods such as consumer goods. This term encompasses intellectual property, which is defined as "creations of the mind, such as inventions; literary and artistic work; designs; and symbols, names and images used in commerce" (WIPO 2011).

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Part Two:

Regional and Continental Actors in Governance and Security



Optimizing African peacebuilding: Lessons from SADC-AU Relations

Siphamandla Zondi

AFRICA IS more prepared for managing conflict and reinforcing peace than at any other point since independence. The current methodology for peacebuilding is borne out of African experiences, trial and error, reflections and innovation, all in the face of complexity and ever-changing conflict situations. It is born in Africa's search for control over its own destiny—establishing a Pax Africana—while contending with the paradigm of violence that global coloniality has bequeathed to her. It also draws on successes and failures from elsewhere, including approaches imposed through external funding. Africa's relatively successful interventions in countries like Burundi (at least prior to 2015), Liberia, Sierra Leone, Comoros, Madagascar and Zimbabwe, as well as continuing interventions in the Central African Republic, South Sudan, Sudan, and Somalia attest to this ownership of African problem solving.

The main argument of this chapter is that there is an emerging framework for peacebuilding in Africa that has a long history of evolution, which began back in the days of the Organisation of African Unity (OAU). Secondly, this framework hinges on cooperation and coordination between the AU and its regions to achieve shared peacebuilding goals. Thirdly, it suggests that there is a sound and functional interface between the AU and its RECs. This chapter explores the efficiency of this framework through the interaction between the AU and SADC in peacebuilding. It has become widely accepted that regional organizations like SADC are meant to serve as the building blocks for continental integration and development, implemented through initiatives such as NEPAD and the AU Agenda 2063. They also ought to be the first to respond to conflicts within their regions and to take the lead in post conflict reconstruction. However, the continental governance and

peacebuilding systems are fragmented and the interface between regional organizations and the AU is far from refined. The AU acknowledged this fragmentation in its 2007 Audit Report and, more recently, in the Kagame Panel report on resource independence, which included discussions on AU-RECs interface and the inclusion of non-state actors in peacebuilding (AU 2017).

This chapter is premised on the argument that the AU peacebuilding framework, including its interface with RECs, needs to be understood within the context of its evolution from the OAU's travails in regards to the idea of peace and development. It is important to place the discussion of African approaches to peacebuilding in the context of the continental governance institutions that are ultimately responsible for shaping the normative, ideological and practical parameters of what is called African peacebuilding framework. It will be shown that the normative underpinnings of African approaches to peacebuilding were fashioned out in the belly of a much troubled OAU. The discussion also elaborates on the significance of the Cairo and Kampala processes and their relevance to the African approaches to peacebuilding since the establishment of the AU in 2002.

The continental and regional context for peacebuilding

Between 1995 and 2002 during the transition from the OAU to the AU, peacebuilding approaches evolved in response to shifts in global geopolitics and domestic situations within Africa. This included changes in the patterns of conflict and violence on the African continent, such as a growing incidence of intra-country conflict. The consensus view is that this happened because there was a decline in military governments on the continent, as African governance systems improved under the influence of the OAU from the late 1980s. In the same period, the international community broadly became more intolerant of military take-overs and wanton violence in pursuit of personal political power by generals and their backers.

There was also a growing rejection by Africans of military juntas as alternatives to civilian dictatorships. This is not to say Africans preferred one form of

oppression over another, but that they often supported efforts to remove longstanding injurious dictatorships, including through coups. As Francis Ikome (2007) explains in his paper ‘Good coups and bad coups’, there are many instances in the 1980s when citizens supported coups, hoping that they would bring an end to oppressive civilian regimes. Most of these ‘rescue coups’ began as military juntas that subsequently converted themselves to civilian governments. In the end, however, they themselves could not be removed by popular vote and brutally suppressed protestors. Citizens hoped for greater political freedom and the rescue coup plotters were made aware that they had been supported in order to remove dictatorships, not to become the new dictators. In some cases, the coup plotters did hand over power to civilian governments and democracy expanded. But in others, coup plotters entrenched themselves into power, leading to counter-coups ostensibly responding to popular desire for freedom from dictatorships yet again. This led to a complex phenomenon of coups that were considered good and bad, depending on their end result, but overall increased the levels of intra-country conflict.

Another reason for the changing face of conflict and violence lies in efforts to advance the cause of political freedom in the hope of economic prosperity—the very idea behind the fight against colonial rule decades before. Liberation simply meant that people wanted to enjoy their rights and freedoms, including the right to choose their governments and freedom from conflict. As Nzongola-Ntalaja explains in *Revolutions and Counter-Revolutions*: “The struggle for genuine liberation involves the transformation of the inherited structures of the state and the economy in order to make them capable of serving the interests of the African workers and peasants” (Nzongola-Ntalaja 1987). He further quotes Amilcar Cabral, the liberation leader of Guinea-Bissau, to explain the failure of economic transformation following the liberation struggle: “Genuine liberation implies the fact of regaining not only one’s historical personality as a free people but also one’s own initiative as a maker of history” (Nzongola-Ntalaja 1987: 37). In summary, the transition from colonial to neo-colonial realities was marked by the domination of governments by political elites pursuing their own interests at the expense of expanding both political and economic freedoms

to their populations. The common response was a rejection of this status quo through subtle or open revolutions.

The OAU, which was initially designed to be the defender of people's hard-won freedom and help unite them in pursuit of full liberation from all vestiges of colonialism and its aftermath, faced a difficult task responding to what Nzongola-Ntalanja (1987) calls the counter-revolution, which led to the installation of violent dictatorships and military juntas in the aftermath of independence. The African Charter of Human and People's Rights in 1981 and number of OAU resolutions in the 1980s sought to address the fact that Africa was facing major conflicts. The Kampala Document, produced at the Conference on Security, Stability, Development and Cooperation in Africa in Kampala, Uganda in 1991, was premised on the acceptance that the demons of violence and instability in many African countries impaired their capacity to advance intra and inter-African cooperation and transform the continent into a peaceful and prosperous one. In response to this challenge, the OAU, meeting in Cairo, Egypt, in 1994, expanded its procedures for the prevention, management and resolution of conflict with emphasis on both intra and inter-country conflict. The very existence of the OAU was intended to eradicate the colonial/neo-colonial legacy of what Maldonado-Torres calls the ubiquitous paradigm of violence that has been present in the modern colonial world since the late 15th century (Maldonado-Torres 2008). It was intended to deliver on the imaginaries of the liberation struggle out of which the post-colonial states emerged and the OAU was formed. This expectation was premised on the prism of peace and the hope that the African elites that assumed leadership at independence, including former liberation heroes, would not become entrapped in the same paradigm of war they were elected to prevent (Maldonado-Torres 2008:3).

AU thinking on Peacebuilding

Many of the lessons learned from experiments in peacebuilding during the latter years of the OAU were integrated into the African Post-Conflict Reconstruction and Development (PCRD) Framework. Its development began when NEPAD's implementation committee decided that Africa's

peacebuilding approach should be an all-embracing strategy based on five pillars: restoring security, managing political transition, anchoring socio-economic development, promoting human rights and justice, and resource mobilisation. When the PCRDR framework was adopted in Banjul, Gambia, in 2006, the AU added a sixth pillar to it, focusing on women and gender. Whilst the initial five pillars could be found in many peacebuilding frameworks at the time, this was the first to include gender. The six pillars were designed to be mutually reinforcing and complementary, to be pursued simultaneously. This broke with the chronological sequencing model introduced in Boutros-Boutros Ghali's 1992 report *An Agenda for Peace*. The AU framework, by contrast, rejects the assumption that you need one element to be fully in place before the next kicks off, as is often the case with mainstream approaches to peacebuilding represented by dominant voices in the literature on this subject.

The AU's PCRDR framework also emphasises that peacebuilding needs to be locally owned, context-specific and flexible, in order to be responsive to the specific needs of each situation. There are eight key attributes of this framework. The first is that it is grounded in the uniqueness of Africa's historical experiences and, as such, underscores the importance of fundamentally transforming the neo-colonised post-colonial state and its relations with the former colonial empires, in order for permanent peace to take root. Secondly, it is based on a holistic concept of peace that embraces the six pillars of the PCRDR framework. Thirdly, it is comprehensive, ranging from early warning to situations of post-conflict reconstruction and development, although this aspect remains underdeveloped especially due to resource constraints and low political will to build the architecture on the part of African governments. Fourthly, the framework is delegated, anchored on the balance between continental leadership and regional responsibility for peace. However, not all RECs are ready to give effect to this, both in terms of capability and the political will to act, and there is limited horizontal coordination in building sustainable peace both among RECs and among individual countries. Fifthly, the framework remains state-centric, similar to traditional approaches of Western powers and the UN, premised on the assumption that governments are the primary actors

responsible for building peace. Yet in some cases the very governments can spur instability. Sixthly, it encourages the participation of non-state actors in supporting state-driven peace processes. However, most Africa governments view the participation of non-state actors in peacebuilding with suspicion due to a number of reasons including their sources of funding, which often comes from external donors. Seventhly, there is an attempt to develop a multidisciplinary approach to peacebuilding interventions. In this case, AU peacebuilding teams comprise a variety of expertise, from military to police personnel, mediators, peace envoys and monitors, and technical experts. Lastly, there is emphasis on African ownership of peace interventions. But this is undermined by the fact that peacebuilding missions remain externally resourced. Until adequate resources can be mobilised within Africa, this will remain an unattained ambition.

SADC experience with AU peacebuilding

The African peacebuilding framework has been shaped by its historical evolution, African experiences in peacebuilding and the unique approaches of RECs. It must be borne in mind that members of RECs are also members of the AU. The evolution in thinking at the AU also concerns the experiences of states that drive the conduct and decisions of RECs. Of course, there are nuances that set the AU and RECs apart. But, for the most part, AU decisions derive from regional experiments and can cascade or be replicated in regional efforts. The section that follows reflects the cross-pollination between the AU and RECs in relation to the evolution of peacebuilding with a focus on the experiences of SADC. The AU's peace and security architecture provides for RECs and regional mechanisms to take responsibility for peacebuilding and to prevent and resolve conflict situations in their own regions. This architecture encourages subsidiarity, the idea that sustainable peace is best achieved when conflict resolution mechanisms are driven by the actors who are closest to the conflict and most affected by it (Adibe, 2003). RECs are regional bodies with a mandate to implement regional integration in line with the provisions of the Lagos Plan of Action of 1980 and the Abuja Treaty towards the establishment of the African Economic Community of 1991.

Regional mechanisms are initiatives of a regional nature that advance peace and security. No other continent uses regional structures for peacebuilding in the same fashion. To this end, the AU has established an African Standby Force (ASF) consisting of five regional standby brigades, as well as police and civilian capabilities, which enables the AU to respond rapidly to violent conflicts. The ASF consist of three RECs—ECOWAS, SADC and the Economic Community of Central African States (ECASS)—as well as two regional mechanisms—the North African Regional Capability (NARC) and the East African Standby Force (EASF).

The AU's peacebuilding architecture is based on the assumption that RECs are the building blocks for continental integration and cooperation, as envisaged in the Abuja Treaty. It was thus expected that RECs would become the instruments for achieving continental goals. However, this vision has proved difficult to implement. Firstly, most RECs predate the Abuja Treaty and therefore have their own reasons for their existence that cannot be subordinated to the decisions of continental initiatives. Secondly, the evolution of RECs has not followed the AU's neat idea of a continent comprised of four regions. Instead, there has been a significant overlap in the membership of RECs and a breaching of regional boundaries, with a number of RECs bringing together countries from more than one region. While the AU sees this proliferation of RECs as a problem, given that it assumes that RECs are its building blocks, the situation has been sustained by real conditions that led to the birth of each of the RECs. Therefore, the AU discussions and consultations about rationalizing RECs from 14 organizations to 5 has simply failed because it has misunderstood that conditions that gave rise to the existing RECs have not changed. The AU does not have the exclusive prerogative to decide which RECs should exist because it was not its decision to establish them in the first place. A stalemate has therefore developed as regards the identity and functions of the RECs in relation to AU's continent-wide vision.

This complicated relationship between the RECs and the AU could hamper cooperation and alignment of peacebuilding paradigms between the AU and the RECs. However, in practice the outcomes have proved to be broadly

functional. This is because member states take AU decisions, practices and innovations to their regional bodies, which adopt something similar. This has been the case with AU peacebuilding frameworks, including the emphasis on post-conflict reconstruction that now finds expression in REC approaches to peacebuilding generally. There is also evidence of functional cooperation in the form of occasional meetings and consultations between the staff of the AU secretariat and the RECs. In the past few years, RECs have also sent representations to represent their interests directly at the AU headquarters.

Interface between the UN, AU and RECs

Some conflicts in Africa require interventions led by the United Nations for a number of reasons. The first is if the conflict involves some non-African actors, as is the case with the conflicts in Somalia and Libya that have dimensions related to international terrorism, as the AU should not be burdened with the responsibility to address international violence. The second is that some conflicts or peace interventions are already subject to the UN resolutions of one form or another. Often such resolutions already define a central role for the UN's peace and security architecture. The conflicts in Burundi, the DRC, Sudan, Somalia and South Sudan are cases in point. Thirdly, there are conflicts that require expensive multi-disciplinary teams that only the UN can afford; often such conflicts have strong spill-over effects that make them a lot more international than national, such as the conflict in the DRC.

While there have been successful cases of UN-AU coordination in peace interventions such as in Sudan, where there is an UN-AU hybrid mission in place, and in the Central African Republic, where the UN and AU coordinate with ECCAS on the ground, these interfaces are still a work in progress. There has been some more formal interaction, especially at the AU Commission and UN Secretariat levels, since the passage UN Security Council Resolution 2167 (2014) on coordination with regional bodies. However, there is still insufficient thinking on ways of creating synergies between peacebuilding frameworks and the institutional mechanisms for

practical coordination on a broader scale, beyond specific missions. As a result, the coordination remains ad-hoc and based on specific cases.

SADC-AU interface in peacebuilding

In a number of cases, SADC has operated relatively independently from the AU. These include its role in facilitating mediation processes in Lesotho, Madagascar and Zimbabwe, where it took the lead. It also deployed stability forces in Lesotho and took the lead in peacebuilding initiatives there, including training, confidence building, reconciliation, security sector reform, reform of electoral systems, long-term election monitoring and strengthening of the public service and governance systems, mostly without substantial involvement from the AU. The exception, arguably, is SADC's intervention in the DRC, in which the interface with the AU has been more important. The SADC representatives reported regularly to the AU Peace and Security Council, where they also sought endorsement for their peacebuilding efforts and looked for refreshed mandates. The AU provided political capital, on the basis of APSA and the PCRDP policy, in support of SADC's mediation efforts and it also became a key guarantor of the process. The AU relied heavily on the ability of SADC to provide political, security and financial resources. The ability of SADC to organise itself into a cohesive single actor, through careful selection of an envoy, the creation of a support mediation structure, and its political-diplomatic capital enabled it to have observable effects on conflict situations. But in reality, SADC has relied on willing and able member states to underwrite all this, because its own formal structures are inadequate.

The devolution of peacebuilding responsibilities between AU and RECs may strengthen REC capacity to respond swiftly to crises (Zondi 2014; Zondi and Khaba 2014). SADC's intervention in the DRC has been complex in comparison to its previous missions because of the DRC's geography. It shares borders with nine countries that straddle three of the AU's regions: east, central and southern Africa. It is also one of the most complicated conflicts in the modern world, involving multiple factors such as competition over resources, elite competition for political power,

contestations among regions within the DRC, the spill-over of conflicts between the DRC and its neighbours, a war economy, state decay, and a plethora of external interventions. It is a conflict that manifests differently on the east coast from how it manifests in the centre, south and west of the country. The DRC conflict required a regional approach because of its geography and the potential for regional spill-overs.

SADC's intervention in the DRC has evolved from its initial approach in the late 1990s, where its focus was on getting an agreement between contending military and political elites, to seeking to rebuild the state. This transition is a product of long periods of mishaps and failures. The initial intervention was laden with division among SADC countries on the right response to the crisis and this led to two parallel military interventions by AU member states, with some fighting in support of Laurent Kabila's government and others backing the rebels opposing him. This approach saw the deployment of the SADC Allied Armed Forces—formed by Angola, Namibia and Zimbabwe—to support Kabila against the invasion by rebels supported by armed forces from Uganda and Rwanda. It contributed to the signing of the 1999 Peace Agreement, although only short-lived and the conflict soon reemerged.

It is for this reason that SADC changed its tact in the DRC from direct military intervention to diplomacy. This included peace missions led by Sir Ketumile Masire and Thabo Mbeki that led to the 2002 peace accords which facilitated the withdrawal of Rwandan and Uganda forces from the DRC. This also paved the way for the much-vaunted Sun City Inter-Congolese Dialogue in 2002 that sought to find a solution involving all political actors, military actors and civil society constituencies, in a process that was expected to produce a new state, society and constitution (Shephard 2014). Intense mediation using seasoned political figures from states with political capital to buttress the mediation continued in the run-up to and aftermath of the 2006 elections, which resulted from the Sun City dialogue. This led to the 2008 peace agreement, which brought more rebel groups on board and paved the way for their participating in the 2011 elections. After the elections, SADC mediation continued into its thirteenth year with a focus on getting all of

DRC's neighbours to commit to preventing their domestic conflicts from spilling over into the DRC.

This process led to the signing of the 'Regional Pact on Peace and Security and the Peace, Security and Cooperation Framework for the DRC' by 11 countries in 2013 (United Nations 2013). In all these processes, SADC worked closely with the AU, ensuring AU and UN endorsement of each major step in the peacebuilding process. From 2013, the military aspect of the SADC intervention also matured with the formation of the Force Interventions Brigade involving SADC, the International Conference of the Great Lakes Region and the UN Stabilization Mission in the DRC (known by its French acronym, MONUSCO). This 6000-strong force helped to eliminate a new militant rebel group, called M23, which was a major threat to peacebuilding (Mutisi 2016). But the SADC intervention failed to force the government to seriously pursue peace, stop its violation of the dignity of many Congolese people and prepare for timely elections.

The case of the SADC's intervention in the DRC is however instructive in understanding the AU-REC interface in peacebuilding. Firstly, there was some degree of functional devolution from the AU to SADC. Unlike the moribund Arab Maghreb Union (AMU) in the north or the largely inefficient Economic Community of Central African States (ECCAS), SADC has shown a sufficient level of coherence in policy, ideological outlook and political action to give effect to what might be considered a relatively effective track record in peacebuilding through mediation. It has also benefited from the contribution of countries like South Africa, Angola and Botswana that underwrote SADC activities using their own resources, diplomatic capital and military capability. This underwriting is what helped SADC's relatively successful interventions in Comoros, Madagascar, Lesotho and Zimbabwe.

Secondly, the AU's interface with RECs suffers from poor coordination generally, but can vary significantly according to the willingness of the leaders charged with managing this interface at any given time (Obuoga 2016). RECs worry that sometimes the AU plans interventions without the participation of RECs and only bring the RECs into the processes at advanced stages of such preparations, as was the case in Somalia, the Central

African Republic and currently in Guinea-Bissau. This applies often in cases where the relevant REC is either slow and unable to reach consensus on interventions, or in cases of crises that threaten AU principles. Often times, RECs can move a lot more quickly than the AU, resulting in them taking greater responsibility for peace interventions with the AU only providing token support, mainly by legitimising regional initiatives. This has been the case with all the SADC interventions, where there is often generalized consensus among key SADC states, greater will to take an initiative quickly, and willingness to deploy resources to enable the SADC decisions to be implemented. The SADC experience give credence to the principle of subsidiarity, by the AU initially devolves its responsibilities to regions closer to problems, while providing broad support to the regional efforts. The AU has provided support in the form of granting legitimacy, political support, international linkages and resolutions to all the SADC interventions. The regions need to understand that this principle is about giving them a chance to take regional responsibility for promoting and protecting continental principles, values and decisions.

Thirdly, in spite of the evidence of constant interface between the AU and SADC, formalised through the appointment of a SADC envoy to the AU, the interface still suffers from weak institutionalization. Like other REC envoys, the SADC envoy remains more in the form of good offices than effective institutional linkages. Their role at the AU remains undefined, thus relying on the personal goodwill and rapport that envoys create in AU diplomatic circles. The AU Constitutive Act of 2000 does not make provision for these envoys, nor does it really explain the interface between the AU and RECs. There is no legal and formal political basis even for the secretariats of the AU and the RECs to interact and coordinate in relation to implementation of decisions on shared priorities. In this regard, there is weak planning on both sides about how envoys should be institutionalised into peacebuilding proper.

Fourthly, horizontal coordination and harmonisation between the RECs remains weak. As a result, there is hardly an example of outstanding REC-REC coordination in a peace initiative. However, SADC's record of

interacting with other RECs has improved remarkably in recent years as a result of its involvement in the DRC, which has required coordination with the International Conference on the Great Lakes Region (ICGLR), a regional mechanism that includes a mixture of SADC, ECCAS and EAC member states. It has also done so through non-security pacts, for instance the tripartite free trade area being developed between SADC, EAC and COMESA. Although this is an economic and trade agreement, it is an example of cooperation with other regions that could be used as a basis for cooperation on peacebuilding as well. Lastly, RECs require well-developed institutional mechanisms to deliver on the promise of sub-regional responsibility for peace, including fully operationalizing their standby forces and their other institutions for political coordination of, mediation, peacebuilding and post-conflict reconstruction (Odigie 2016). SADC's security organ oversees its peacebuilding policy and action and it has recently established a mediation support unit, which is still in its infancy. As a result there is an inadequate basis for building, enhancing and consolidating institutional memory on any aspect of the peacebuilding framework.

Conclusion

Africa has evolved a relatively unique peacebuilding framework that places strong emphasis on conflict prevention and peace diplomacy. This approach is a product of a long history of trial and error by the OAU and then the AU, while drawing on the lessons of global peace frameworks under the auspices of the UN. This framework requires vertical and horizontal alignment, resource independence, and inclusive approaches. However, the AU-RECs interface is still a work in progress, with successes in some cases but many challenges that remain. SADC's peacebuilding efforts provide a useful case study for these challenges. Like the AU, it does well in bringing parties to the negotiation table in times of crises and facilitating the signing of peace accords, but it is less effective in enforcing their compliance. The SADC experience demonstrates some of key factors that can contribute to successful RECs approaches to peacebuilding, including sound policy frameworks, broad policy consensus, political will including financing peacebuilding

projects and missions, and effective use of the AU's subsidiarity principle. However, SADC experience also points to some underlying structural and systemic issues that need to be address to create a more a healthy interface between the RECs and the AU.

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Making the African peace and security architecture fit for purpose

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APSA HAS been conceptualized, developed and implemented by African Union as a tool for the prevention, management and resolution of crises in Africa. Likewise, AU member states have undertaken ad hoc preventive measures aimed at fulfilling the APSA's mandate. More prominently, the AU has sought to demonstrate its promotion of hard security through the authorization or mandating of peace support operations. These operations are typically deployed in ongoing conflict, with the associated risks for both civilians and African peacekeepers. Since its first mission in Burundi in 2003, the AU has deployed 11 peace support operations across the continent, a number argued to be high in comparison to the number of its mediations. This has led some critics to argue that the AU has privileged hard security through the use of force over soft security. The latter relates to measures that promote dialogue, reconciliation, human rights and other forms of non-military responses to conflict and insecurity. Even though sometimes necessary, there are also inherent deficiencies associated with the dominance of hard security, especially in addressing contemporary security challenges linked to violent extremism, terrorism and transnational criminal activities. The persistence of terrorist activities by groups such as Al-Shaabab in Somalia and Boko Haram in the Lake Chad Basin region have defied protracted military operations. Rather than eliminating the threats posed by terrorist groups, the use of force has led to their adaptation and the increase in asymmetrical methods of warfare. Attempts by the AU and RECs to prevent a relapse into conflicts through post-conflict reconstruction and development projects have also been limited. Limited political will, technical and financial resources gaps and a lack of a clear strategy for translating existing normative and policy guidance into concrete implementation have hampered a regional

approach to peacebuilding. In short, the APSA is experiencing a crisis of relevance in successfully addressing contemporary security challenges in Africa.

The need to adapt, reconfigure and develop synergies between APSA and other relevant tools remains the most credible path for the survival and relevance of the AU's security architecture. This chapter argues that the APSA will benefit from close linkages with the African Governance Architecture (AGA). The AGA was established as a non-binding framework to promote democratic governance and human rights in Africa. It is based on the logic that the consolidation of democratic governance and the promotion of human rights are important drivers for conflict prevention. They represent structural prevention indicators that must be enshrined within AU member states' national frameworks and plans of action to mitigate the risks of conflict, address them when they occur and avoid a relapse. By promoting increased synergies between the APSA and AGA, it can be strongly argued that the AU will increasingly balance hard security with soft security. It will also complement conflict prevention with structural prevention more directly. The synergy between the APSA and AGA can best be achieved through enhanced collaboration within the AU Commission and between the African Union and RECs and regional mechanisms (RMs), resourcing from within the continent to promote effective partnerships for sustainable peace.

Contemporary security challenges in Africa

Traditional security challenges were often characterized by the dominance of inter-state conflicts during the Cold War and the proliferation of intra-state conflicts in the immediate post-Cold War era. The latter was often described as slovenly, violent and turbulent with the attendant humanitarian crisis characterized as a 'scar on the conscience of the world' (Blair, 2001). Primarily, this was caused by the implosion of intra-state conflicts and the unprecedented scale of human tragedy associated with these security challenges. This pattern of intra-state conflicts witnessed a significant decline

at the turn of the new millennium. A possible cause and consequence of this was because of increased waves of democratization on the continent, macro- and micro-economic prosperity and the quest for greater political and economic intra-Africa integration following the establishment of the AU. Consequent to this trend, the negative narrative of Africa's political and developmental outlook was precariously transformed, with pundits describing the continent as experiencing a renaissance or as a rising actor in the global political economy. These traditional forms of conflict have not been eliminated but have been increasingly supplanted by what has sometimes been referred to as 'new' wars (Kaldor 1999).

The improved level of security, stability and development in Africa is waning, and in fact, being threatened by a new wave of security challenges in Africa linked to terrorism. Terrorism across East Africa and the Sahelo-Saharan region has become prominent and enduring, involving the utilization of unconventional and asymmetrical tactics. These threats are not only transnational but also trans-regional, as illustrated by the regional impact of activities of groups like Al-Shaabab, Al-Qaeda in the Maghreb (AQIM), and Boko Haram in sub-Saharan Africa, as well as their global jihadist linkages (Cook 2011). Criminal groups, such as Seleka and Anti-balaka groups in the Central African Republic, have undermined the possibility of democratic stability in such countries (African Union Peace and Security Council 2012). As demonstrated by sustained civilian protests for greater political and economic dividends in Zimbabwe and South Africa, the insecurity is of a different nature in the Southern Africa region. These pose challenges to human security and development (Tana Forum Secretariat, 2017). In addition, health epidemics such as the outbreak of Ebola virus, are becoming a securitized phenomenon. Arguably, overall, the problem of governance deficits in some African countries is increasingly making the continent less stable, at least since the optimism that heralded the emergence of democratic stability from the late 1990s.

The establishment of the APSA following the transformation of the Organisation of African Unity into the AU provided robust conflict management to prevent, respond and resolve crisis situations in Africa.

Indeed, this watershed normative and institutional arrangement, which underpinned the African Union Constitutive Act and the APSA, led to the likelihood of a more stable and prosperous continent. Besides, the growth and rapid development experienced by some post-conflict and post-authoritarian societies coincided with the establishment of the APSA, which increased the prospects for liberal peace in Africa. Accordingly, the Peace and Security Council (PSC) was established in the *2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union* as the primary decision-making organ for the prevention, management and resolution of conflicts in Africa (African Union 2002). Alongside the PSC were the establishment of its supporting structures, namely: the African Standby Force, Panel of the Wise, Continental Early Warning System, Military Staff Committee and the Peace Fund. Additionally, the recognition of RECs/RMs as the building blocks of the APSA increased the prospects of timely response to crisis on the continent. Yet, it seems that the APSA has not succeeded in addressing the prevailing security challenges in Africa. It is, therefore, important to begin rethinking the APSA and its relevance in dealing with insecurity on the continent. Subsequent analysis provides an explanation on the current pattern of and inherent challenges to crisis interventions in Africa. Afterwards, it provides alternative thinking of how the APSA could be adapted and the capabilities that may be required to deal with the contemporary security threats on the continent.

The militarization of peace in Africa

Global politics, especially since the September 11 2001 terrorist attacks in the United States of America have been dominated by conducting military operations to achieve worldwide stability. Protracted military incursions by external powers led by the United States (US) in Afghanistan, Iraq, Libya and Syria are notable examples. This pattern of pursuing stability through the overwhelming use of force has been described as part of the increased securitization of the peace process (Shani 2007). As noted by Duffield (2007), the post-9/11 world has led to the securitization of bare life; the consequent biopolitical separation between the insured peoples of the

industrialized world and the uninsured peoples of developing countries, often experiencing various forms of security challenges across Africa. Africa has not been an exception, both as an active actor and a theatre, for the deepening securitization of peace. International partners, including multilateral institutions like the United Nations provide support (e.g. financial, technical, logistics) to the AU in its pursuit for peace and security in Africa, primarily through the use of force. In the last decade, the AU and its RECs have demonstrated willingness and capacity to address security threats on the continent through this medium. The promotion of peace, security and stability in Africa, especially by regional actors, has been skewed towards the deployment of peace support operations rather than through soft measures relating to conflict prevention and mediation. Accordingly, the current pattern of regional security has been described as the militarisation of peace, because it privileges hard security approaches over long-term prevention, effective mediation and sustainable stabilization measures.

In Table 1, the twelve peace support operations that have either been mandated or authorized by the African Union since 2003 are represented. The mandates of these operations have ranged from small, limited stabilization operations to protracted counterterrorism operations, involving offensive military deployments. The former type of operations is not explicitly consistent with most of the African Union policy documents, like the African Standby Force doctrine. Yet, the African Union has willingly demonstrated flexibility to deploy or coordinate the deployment of these types of operations. In 2007, the AU deployed its mission in Somalia to degrade the capacity of Al-Shaabab. In 2015, the African Union further authorized the deployment of a regional coalition against Boko Haram led by the Lake Chad Basin states and Benin. Some concerns have been raised in respect to these deployments, such as command and control, the dominance of voluntary resourcing from partners and overall operational effectiveness. These challenges are not the focus of this chapter. Rather, these peace support operations powerfully convey the argument that the AU has demonstrated relevance as an important regional actor in the promotion of peace and security through the dominance of hard security approaches to peace, as opposed to leveraging its political legitimacy, geographical proximity (especially through regional economic

communities and regional mechanisms) and time-sensitive approaches to conflict prevention and effective mediation.

Table 1: Mandated and Authorised AU Peace Support Operations (2003 to 2017)

Mission	Country	Years active
<i>African Union-mandated missions</i>		
African Union Mission in Burundi (AMIB)	Burundi	2003-2004
African Union Mission in Sudan (AMIS)	Sudan	2004-2007
African Union Observer Mission in the Comoros (MIOC)	Comoros	2004
African Union Mission for Support to the Elections in the Comoros (AMISEC)	Comoros	2006
African Union Mission in Somalia (AMISOM)	Somalia	2007-present
African Union Electoral and Security Assistance Mission in the Comoros (MAES)	Comoros	2007-2008
African Union/United Nations Hybrid Operation in Darfur (UNAMID)	Sudan	2008-present
African-led International Support Mission in Mali (AFISMA)	Mali	2012-2013
African-led International Support Mission in the Central African Republic (MISCA)	CAR	2013-2014
<i>African Union-authorized missions</i>		
Operation Democracy in the Comoros	Comoros	2008
Regional Coordination Initiative against the Lord's Resistance Army (RCI-LRA)	CAR, DRC, South Sudan, Uganda	2011-present
Multinational Joint Task Force (MNJTF)	Cameroon, Chad, Niger, Nigeria	2015-present

Source: Compiled by the Author from AU PSC Communiqués 2003-2017

Explaining the AU's preference for hard security

The AU has prioritised hard security over soft security for several reasons. First, the history of non-intervention in the midst of large scale violence against civilians, as illustrated in the 1994 Rwanda Genocide, led to a reconceptualization of African-led interventions to include legitimate and robust military interventions to protect civilians. The provisions in Article 4(h) of the AU Constitutive Act and other relevant AU legal and normative frameworks afford legitimate authority for the promotion of peace through a wide array of means, including the use of force. Secondly, there have been increased incentives for some African troop-contributing countries to second their forces to address regional or continental security challenges (Bellamy and Williams 2013). These incentives range from addressing over-capacity and under-capacity in national security institutions of Troop Contributing Countries (TCCs), such as in Uganda and Burundi, respectively. In addition, the Contingent Owned Equipment (COE) reimbursement, combined with troop allowances, are a significant part of fiscal budgets for some of these TCCs. Besides, the promotion of national security interests through regional security have led some countries, like Ethiopia and Kenya, to remain a source of force generation by both the AU and UN in peacekeeping missions in neighbouring countries such as Sudan and Somalia. Thirdly, international partners are increasingly maintaining their security presence in Africa, sometimes under the cover of regional organisations. In the last decade, deployments of US Special Forces have risen tremendously -by 1,600 percent- from 1% in 2006 to 17.3% in 2016 (Bergengruen 2017). Additionally, there is widespread international recognition, as reinforced in the 2015 Report of the High-Level Panel on United Nations Peace Operations, that the AU typically deploys in high intensity operations, which defies traditional UN peacekeeping doctrine. The fourth reason is that the AU has not been able to enhance its strategic policy formulation on preventive diplomacy and post-conflict reconstruction and development. To illustrate, the AU has yet to develop strategic guidance or a framework for preventive diplomacy. Its Mediation Support Unit still needs to be established and operationalised. There are compelling arguments why hard security through the use of force

may be necessary for immediate stabilisation, but it is never sufficient for promoting sustainable peace. In fact, the failure to balance hard security with soft security measures will most likely lead to unintended negative consequences. Unfortunately, the AU policies and structures remain more biased towards hard security measures. This is a serious gap in its quest for sustainable peace.

Can the African Governance Architecture make a difference?

The APSA's preoccupation with the practice of hard security can be balanced through the implementation of the AGA. The AGA was established during the 16th Ordinary Session of AU Summit in Addis Ababa, from 30 to 31 January 2011. It presents a basis for harmonizing instruments and coordinating initiatives in governance and democracy (Assembly of the Union, 2011). The AGA was established on the recognition that strengthening democratic governance and promoting human rights are fundamental pillars for sustainable peace in Africa (Mukundi 2017). Therefore, it is the overall political and institutional coordinating framework for the domestication of shared values on democratic governance and human rights. In other words, the AGA is geared towards tackling structural drivers of conflict situations. It thereby contributes to the continent's overarching peace and security aspirations, primarily through addressing structural conflict prevention.

The conceptualization of the AGA suggests that it mutually reinforces the APSA. In fact, the foundational legal framework of the APSA, such as the AU Constitutive Act, Protocol of the PSC and other constituent instruments, clearly recognises the AGA as an important dimension for promoting sustainable peace in Africa. For example, Article 4 of the AU Constitutive Act defines principles, including the "respect for democratic principles, human rights, the rule of law and good governance", as a fundamental belief of the AU (African Union 2000). Similarly, Article 3 of the Protocol of the PSC outlines the scope and functions of the APSA: "promotion of democratic practices, good governance, and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and

international humanitarian law, as part of efforts for preventing conflicts” (African Union 2002). The emphasis on the duality of governance and security that underpins the APSA and AGA is clear. However, at the institutional level, there are insufficient instruments to synthesize both frameworks in a way that leads to structural conflict prevention and an effective response to African crises situations.

Through its ambitious Agenda 2063, the AU has reinforced its promotion of synergy between the APSA and AGA, which seeks to promote a more prosperous and peaceful continent, with the immediate goal of ‘Silencing the Guns’ by 2020. In October 2017, the Chairperson of the AU Commission, Moussa Faki Mahamat, appointed Ramtane Lamamra as the AU High Representative for the ‘Silencing the Guns’ initiative. It is anticipated that one of the core pillars of his mandate will be to increase the institutional collaboration within the AU Commission with relevant structures, including the RECs/RMs, which could facilitate this lofty but important ambition. Without strengthening the synergies between the APSA and AGA, it will be impossible to achieve these aspirations. The subsequent section explains some key findings that should be addressed for increased synergy between APSA and AGA, including the heightened relevance of the RECs/RMs and the promotion of effective partnerships with international partners.

Reflections on improving synergy between the APSA and AGA

The APSA remains an important framework for promoting peace and security in Africa. It must be adapted for the architecture to respond better to contemporary security challenges, especially those relating to transnational crimes, terrorism and other forms of crises emanating from governance deficits. The following recommendations are highlights of how the APSA can be more responsive to contemporary security challenges in Africa, particularly through its improved synergy with the AGA:

- *Breaking the silos:* The limited collaboration between the APSA and AGA structures is a principal challenge. There is also growing coordination within the AU Commission to bridge gaps between the

APSA and AGA. This is demonstrated in an array of collaborative and inter-departmental taskforce arrangements being undertaken by the Department of Political Affairs and the Peace and Security Departments of the AU Commission through mediation, peace support operations, post-conflict reconstruction and development, as well as elections. However, limited capacity, institutional competition and overall leadership gaps, notably at the technical level, continue to stifle effectiveness. This has led to ad hoc arrangements rather than a structured and predictable process to provide technical support on the strengthening of APSA and AGA to its member states by the AU Commission. This challenge is compounded by the limited inclusiveness and buy-in from other AU organs, RECs/RMs and member states to ensure a more effective AGA.

- *Conflict prevention is overwhelmingly political:* It is often assumed that early conflict analyses could mitigate the risks of conflict escalation in most African countries. The empirical evidence of recent conflicts suggests that there has been failure in early response, rather than in conducting analysis on early warning signs. While the AUC continues to face capacity challenges in early warning, it is possible to garner real-time information and analysis about growing threats to peace if it collaborates with relevant civil society organisations and AGA organs. The most profound challenge is how it reacts to the information timeously. Unfortunately, the AU PSC has tended to favour state sovereignty, despite the tools it has at its disposal to prevent and respond to crises. Consequently, most decisions to intervene early in a conflict are heavily guided by government dictates of the target state, which may be culpable in sustaining the conflicts. This pattern of state-centric approaches to conflict prevention and mediation has been demonstrated in the cases of Burundi, the DRC and South Sudan. Without a shift towards a human security approach, as clearly embraced in the AU Constitutive Act and other constituent instruments, current challenges of conflict prevention and mediation may persist.

- *Enhanced collaboration with RECs and regional mechanisms.* The political and working relationship between the AU and RECs must improve to promote timely responses to crises and effective tools for sustaining peace. The current relationship does benefit from existing strategic agreements between AU policy organs and RECs. Nonetheless, the operational relationship remains unclear- sometimes competitive and incoherent. Policy regulations on how this relationship ought to be managed are provided in two key documents: the AU Peace and Security Protocol (2002) and the 2008 Memorandum of Understanding between the AU and RECs/RMs. Although AU members have signed both documents, their implementation is uneven. For instance, clarification is required on the roles and responsibilities of the respective secretariats of the AU Commission and RECs, an issue not elaborated in either document. This explains why there often have been moments of tension, and even competition, between the AU and RECs in crisis management. The AGA could be an important mediating tool through dialogue to galvanise cooperation and ownership from the RECs. More importantly, it is a necessity to develop a working mechanism that ensures the outcomes of interface between the regions and member states are fed into the AU decision-making structures. Until there is a mutual commitment in relation to improving governance and security to develop and implement working-level guidelines regarding burden sharing between the AU and RECs, the optimization of this collaboration will be a distant reality.
- *Resourcing from within the continent:* One of the most pivotal impediments to APSA and AGA effectiveness has been the overdependence on external resources. Almost exclusively, international partners have funded the implementation of PSC decisions on peace and security. Similarly, the AGA Secretariat remains fully funded by external partners. The reality is then that external partners, financially drive the AU's political roadmap for promoting good governance and addressing crises as opposed to AU countries that directly implement and benefit from these initiatives. Efforts being made by the AU to

operationalize the Peace Fund, which was established in 1993 and remains part of the APSA, is a crucial step for promoting the overall effectiveness of APSA. In June 2016, the AU Heads of State and Government developed an initiative to contribute 0.2% of eligible tax towards the AU from imports coming from outside Africa. 25% of this amount will be earmarked to address peace and security challenges in Africa. AU member states have begun to implement this decision; but there is still limited political consensus among them on the implementation modalities. The point is that successful implementation of this initiative would improve the AU's financial capabilities for diplomatic and conflict interventions.

- *Partnership for peace:* The emphasis on resource mobilization from AU member states does not discount the need for collective security and for partnerships with non-African organisations and international stakeholders. There is a growing consensus that no single actor or institution can provide all the requirements for building sustainable peace in Africa. Accordingly, there is a need for the AU and RECs to collaborate with the UN and other international partners, on a case-by-case basis, to implement the APSA and AGA. The Framework for the Enhancement of Peace and Security in Africa, which was signed by the UN Secretary General and the AU Commission Chairperson, represents an important foundation to enhance the coordination for international support (UNOAU 2017). The reference to conflict prevention and peacebuilding in the Joint Framework further provides an opportunity for the UN to support the AU through a comprehensive approach. This entails the need for improved synergy between the APSA and AGA.

Conclusion

Africa has continued to face a myriad of security, stability and developmental challenges. Governance deficits have been a consistent driver for the persistence and reproduction of these provocations. The fluid nature of security challenges has often belied the progress made in the continent's

aspiration towards a sustainable peace dividend. In addition, the implementation of the APSA has often adopted a hard-security approach when addressing prevailing security challenges. This approach has proved to be inadequate. The containment of security threats, including those posed by terrorist groups through military operations, have been necessary yet have failed to ensure sustainable peace. An important dimension in addressing this gap is to urgently adapt the APSA to strengthen linkages with the AGA. At a conceptual level, the APSA has provided a firm foundation for direct prevention, the deployment of peace support operations and provides for the implementation of post-conflict reconstruction and development. On the other hand, the AGA is an important institutional and political coordination framework to address the root causes of conflict or promote structural prevention through the enhancement of democratic governance, rule of law and human rights. The intrinsic linkages between the APSA and AGA are a necessity for the promotion of sustainable peace, stability and security in Africa. As reflected in this chapter, these linkages can be strengthened by eliminating the silo-based approach within the AU Commission and with its organs; promoting a political approach to conflict prevention; increased collaboration with the RECs/RMs; greater mobilization of African financial resources to ensure accountability and effectiveness from within the continent on programmatic initiatives; and, enhanced and equal partnership with international partners. Africa is at a crossroads and the extent to which it can address these challenges will define the prospects for sustainable peace on the continent for decades to come.

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The threat of international terrorism to the SADC region

Richard Iroanya

SADC ADOPTED a regional Counter-Terrorism Strategy in 2015; the first of its kind in the organisation's history. The strategy is meant to help it identify and manage potential terrorist activities across its member states. Because the southern Africa region has largely remained insulated from terror attacks and not understood to be a hub for terror activities compared to other parts of Africa like West Africa, North Africa and the Sahel, the move was unprecedented (Institute for Economics and Peace 2014) Unlike other regions, terrorist activities have not affected the basic fabric of Southern African states. This is the case, for instance, in the Horn of Africa where extremist Islamic group al-Shabab has rendered Somalia a virtually failed state. In the Sahel and West African regions, Algeria, Chad, Cameroon, Niger and Nigeria continue to battle Islamic extremist groups intent on overthrowing legitimate governments and replacing them with Islamic states. Similarly, the consequences of Libya's destabilization have fomented political, economic and socio-cultural instability in northern Mali. In return, the Tuaregs who fought in the Libyan war for Muammar Gaddafi revived the latent struggle for independence from the Malian state under the auspices of the Mouvement National de Libération de l'Azawad (MNLA). Contrary to the past, the Tuareg rebels have been joined by Islamic State from Iraq and Syria (ISIS) and other al-Qaeda linked groups. In the Lake Chad Basin, Boko Haram's sustained suicide bombings, mass kidnappings, killings and social media propaganda have destabilized north-eastern parts of Nigeria and communities in Chad, Cameroon and Niger. It is thus undeniable that international terrorism poses an existential threat to the Africa continent.

Interestingly, the SADC-led region has largely remained insulated from terror attacks. Security experts like Solomon (2013) attribute this relative

insularity to the foreign policies of most SADC member states that appear neutral and, in some cases, sympathetic to Arab and Islamic causes. For instance, South Africa, the regional economic powerhouse and political actor, adopts a seemingly pro-Palestinian position in the Israeli-Palestinian conflict. Solomon further reasons that a sustained neutral position on issues that motivate terrorism would certainly continue to shield Southern African countries from terrorist attacks. As Cawthra and Van Nieuwkerk (2004) aptly put it, SADC countries appear to grapple more with internal domestic instability than with international or even transnational terrorism. However, the perception of insularity from terrorist attacks does not suggest the threat does not exist or that SADC neglects it. The threat of terrorism is in fact identified as one of the regional security threats in all two versions of the Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SADC 2004, 2010). Recognition of these concerns, coupled with increasing waves of terrorism on the African continent, laid the ground for the adoption of the regional counter-terrorism strategy in 2015.

This chapter discusses the scope of vulnerability of the SADC region to the threat of international terrorism. It argues that while the face and shape of terrorism in the SADC region is not as clear-cut as those where clear links international Jihadist movements exist; there are some common characteristics that render it vulnerable to terrorist activities. Contrary to the region's perceived insularity from terror attacks, SADC countries are vulnerable to threats from terror groups such as Boko Haram and al-Shabaab. The chapter discusses how the catalysts of terror activities in these regions can equally manifest in Southern Africa, albeit to differing degrees. The first section of the chapter covers the general definition of terrorism and reflection on how SADC conceptualize it; the second section looks at how terrorism in other African regions constitutes a security threat to Southern Africa; the last section analyzes the conditions amplifying the region's vulnerability to terrorism and broad recommendations on preventing it.

Defining international terrorism

Despite the existence of international legislation against terrorism, there is still disagreement over its exact definition. Thus, the adage “one man’s terrorist is another man’s freedom fighter” is frequently referenced during terrorism discussions. In the African context, the pressure to reconsider its definition of terrorism and to bring it closer to that of the US increased after the September 11, 2001 coordinated terrorist attacks against the US. US President George W. Bush’s then declared the war on terror, that “...every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists” (The Washington Post, 2001). Bush then signed a new “anti-terrorism” law in October 2001 which granted law enforcement authorities sweeping powers not only limited to terrorism investigations but also to criminal and intelligence investigations and to instances of political dissent. (Global Policy Forum nd). The US Department of State (2002) defines terrorism as “premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience”.

This definition had significant social and political implications in Africa as most countries adopted it. But over time, it became clear that there was no universal agreement on the definition. Another definition comes from the *International Encyclopaedia of Government and Politics*. It describes terrorism as “the deliberate use of intimidation and physical force by sovereign states and sub-national groups.” (Magill 1996: 1350). This description suggests that terrorism is a warfare strategy and acknowledges that it can be employed by individuals, sub-state actors as well as state actors in pursuit of defined objectives. However, the definition’s weakness is its implicit tendency to view terrorism as thoughtless and irrational acts of violence without a specific purpose or objective. Wilkinson (2005:13) attempts to provide the missing link in the above definition by noting that terrorism is neither a philosophy nor movement but “a systematic use of coercive intimidation, usually to serve political ends.” This definition disagrees with the standpoint that terrorism is a mindless and irrational act of violence that lacks specific objectives. On the contrary, terrorism has an underlying reason, which is

usually political in nature. Netanyahu (2001: 9) agrees with Wilkinson by considering terrorism as “the deliberate and systematic murder, maiming, and menacing of the innocent to inspire fear for political ends”.

It is however important to highlight that the OAU initially provided its own definition before the September 11 attacks. The 1999 OAU Convention on the Prevention and Combating of Terrorism (The Algiers Convention) describes terrorism as:

(a) Any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number of or group of persons or causes, or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated to:

- (i) intimidate, put in fear, force, coerce, or induce any government, body, institution, the general public or any segment thereof, to do or abstain or abandon a particular standpoint or act according certain principles; or
- (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
- (iii) create general insurrection in a state;

(b) any promotion, sponsoring, contribution to command, aid, incitement, encouragement, attempt, threat, conspiracy, organising, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to (iii).

The difference between this definition and others previously discussed lies in the fact that it was heavily influenced by African’s unique historical context.. For example, while the term sub-state actor can include known terrorist groups such as Boko Haram, ISIS and al Qaeda, and the so-called freedom fighters attempting to change the prevailing political situation in a state by the use of force (e.g. Mau-Mau in Kenya or Hamas in Palestine), the Algiers Convention does not agree that the latter groups should be categorised as

terrorists despite the use of similar methods. Thus, Article 3 (African Union, 1999) of the document further states:

- Notwithstanding the provisions of Article 1, the struggle waged by peoples in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces shall not be considered as terrorist acts.

The definition provided by the AU acknowledges that not all acts of violence or crime constitute terrorism. The document notes that for an act to be regarded as terrorist it would need to satisfy certain criteria. First, it must be intended to intimidate, cause fear, coerce or force a government, body or institution or the general public to adopt or abandon a particular standpoint that otherwise would not have been taken or abandoned. Second, the presumed acts must be targeted at disrupting public order and service or creating general insurrection in the state. Foremost, the Algiers Convention equally regards such acts (i.e. promotion, sponsoring, contributing to command, aid, incitement, encouragement, attempt, threat, conspiracy, organising, procurement of any person with the intent to cause harm or realise a cause) as terrorism.

The Algiers Convention does not expressly include state and state sponsored international terrorism in its definition. However, recognizing activities like aiding, sponsoring, encouraging, conspiring, promoting and inciting of acts of terror are equally meant to address state and state sponsored international terrorism. This is because states' involvement in international terrorism is frequently recognizable in these identified forms (Iroanya 2009). Although the link between terrorism, organised crime and guerrilla warfare is recognised, terrorism remains a distinct form of political violence intended to advance social, political, economic or religious objectives (Hewitt 1993: 1; Iroanya 2009). It differs from organised crime or any other common law offence. Mainly, the difference between the two lies in the motive behind the acts. While the underlying reason for terrorism is not necessarily financial gain, but political, religious or ideological inducements, organized criminal syndicates engage in crimes for financial benefits. Similarly, Wilkinson

(2005) notes that terrorism and guerrilla warfare are not the same despite guerrilla fighters occasionally employing terror tactics. In this regard, Kiras (2016:211) notes that “terrorism seeks to bring awareness to a political cause but rarely, if ever, results on its own in political change; guerrilla warfare, by contrast, is an attempt to bring about political change by force of arms.” Ganor (1997) further insists that guerrilla fighters respect the rights of non-combatants to a large extent, while terrorists do not respect the rights of non-combatants and do not have limits on the means used, including widespread assassination and deliberate killing of innocent civilian populations.

SADC’s characterization of terrorism is based on that of the Algiers Convention. The SADC region characterizes terrorism as illegitimate but strategic use of force to cause and spread fear, and fundamentally change existing social order or oppose structural changes to the existing social order. The phenomenon of terrorism is often the preferred strategy of sub-state actors seeking to realize political, economic, socio-cultural and religious interests (Iroanya 2009). In recent times, the frequency of terrorism by radical/extremist Islamic groups has been closely associated with radical Islamic fundamentalism. While this is not necessarily the case, terrorist activities are also conducted by white supremacy and right-wing groups.

Terrorism as a new regional security threat

Despite the arguments of insularity from terrorism, terror threats in the SADC region have been reported, particularly in countries such as South Africa, Mozambique, Zambia and Tanzania. These threats have been linked to al-Qaeda, al-Shabaab and ISIS terrorist groups. For example, a local Al-Shabab Islamic terrorist group launched deadly attacks on three police stations in Mocímboa da Praia in Mozambique’s northern province of Cabo Delgado in October 2017 (Fabricius 2017) The attacks resulted in the death of two police officers and a community leader. Similarly, in January 2018, Mozambican police arrested 24 suspected members of the terrorist group after an extensive investigation into radical Islamic fundamentalism in the country (News24 2018). Moreover, attacks by RENAMO in Mozambique create instability and insecurity, which are also regarded by the government

as acts of political terrorism. In Tanzania, terrorist groups linked to ISIS and al-Qaeda continue to carry out deadly attacks in the north-eastern region of the country. What this implies is that the nature and scope of activities that can be considered as acts of terror differ across the region. Buzan (1991) argues that context is crucial to understanding the causes of violence and the form it takes. He refers to the need to show the referent object being threatened; the intensity and high probability of occurrence and historical antecedents. These are discussed in detail below:

- *The state as the referent object:* The UN recognizes terrorism as a threat to national, regional and international security. The referent object for terrorism then becomes the state and its people. Terrorism has the capacity to cause large-scale death, impact life expectancy and undermine the existence of states as basic units of the international system. This depiction explains why global efforts to combat terrorism aim, among other things, to defeat, deflate and deny terrorists access to nuclear, radiological, chemical and biological weapons. The objective of terror movement also highlights the state as the referent object. For example Boko Haram's stated objective is to overthrow the Nigerian government and establish an extremist Islamic state. This is also the case for AQIM in Algeria, and Mali where the Islamist Ansar Dine wants to establish an Islamic state in northern Mali. Should these groups be successful in one region, they may embolden others to attempt the same in others.
- *Intensity and high probability of occurrence:* the intensity of terrorism refers to its degree and scope. This is assessed by the number of recorded cases and deaths as well as quantifiable values of economic, social and political infrastructure destroyed or disrupted. Based on the 2015 Global Terrorism Index produced by the Institute for Economics and Peace (IEP), terrorist groups in Africa (e.g. Boko Haram, al-Shabaab) are classified among the world's deadliest, averaging 14 deaths per attack (IEP 2015). Thus, al-Shabaab's terrorist attacks on state institutions have ensured that Somalia remains largely a failed state. Quantifying the value of economic and social infrastructure that has been destroyed as a result of terrorism in various parts of Africa is

complex. Whole villages and towns have been deserted, with few of its residents coming back in the foreseeable future. The intensity of terrorism, coupled with its proximity (physical and virtual presence) in space and time, increases the vulnerability of African states and regions.

- *The probability of terrorism* is determined by widespread membership of such groups and access to electronic media for recruitment, indoctrination, propaganda, organization and planning. While physical presence enhances training and operations, the virtual presence of terrorism enhances communication and coordination of activities in general. In the SADC region, the likelihood and probability of terrorism has manifested itself in the existence of “sleeper cells”. Sleeper terrorist cells are established in target countries and regions for easy activation when needed (Roberts and Everton 2011). The period of sleeper cell inactivity is used for recruitment, indoctrination, training, organization and consolidation. Al-Qaeda, for example, existed undisturbed in Sudan in the 1990s and used its period of inactiveness to effectively organize itself into a potent force. Therefore, the presence of sleeper cells in the SADC region implies that the region may have already become a terrorism target. This explains why Khalifa Khamis Mohammed, a key suspect in the US embassy bombings in Tanzania and Kenya in 1998, was able to cross into Mozambique, and subsequently into South Africa, undetected (Rifer, 2005: 108). By the time he was arrested in October 1999, he had lived and worked in South Africa for a year with false identity documents (CNN nd). Another alleged al-Qaeda financier was arrested in South Africa in 2011 (IEP, 2015). Furthermore, a British citizen linked to al-Shabaab, Samantha Lewthwaite (a.k.a. the White Widow), lived undetected in South Africa for two years prior to the attack in 2013 on Nairobi’s Westgate shopping mall (Chutel 2016). Investigation by Kenyan authorities revealed that the Westgate attacks were commissioned, planned and financed by al-Shabaab operatives in South Africa.

- Some South African nationals sympathetic to ISIS have been arrested and stopped from traveling to Syria to join the terrorist group. This includes the case of a 15-year-old girl recruited online (Cachalia and Schoeman 2017:5). Similarly in 2017, the twin Thuslie brothers were arrested in South Africa for their links with ISIS. Their arrest provided credence to several terrorist threat alerts issued by the US. Embassy and others. Solomon (2013) further confirms the presence of a few South Africans in al-Qaeda safe houses in Pakistan. All of these examples indicate that terrorist sleeper cells exist in the SADC region- recruiting, indoctrinating, financing and coordinating activities. The combination of physical and virtual presence, as well as a strong motivation by terrorists to carry out attacks at all cost, increase the probability of Southern Africa becoming a terrorist hotspot. Recently, this is supported by the foreign embassies, like the US., issuing several terrorist threat alerts in some SADC countries. While none of the advised terrorist attacks were carried out, the alerts put the entire SADC region in a state of unease, exposed the region's vulnerability to large scale terrorist attacks and debunked the view of the region's minimal risk to the threat of international terrorism.
- *Historical antecedents:* Historical antecedents also support SADC region's susceptibility to terrorism. The region has passed through severe periods of political instability and insecurity. Apartheid South Africa, for example, was characterized by violent struggles. Mozambique and Angola surmounted a long period of liberation struggles and civil wars. Political liberation struggles in the SADC region involved the use of terror as part of broader strategy of guerrilla warfare. In post-apartheid South Africa, the organization People against Gangsterism and Drugs (PAGAD) was designated as a foreign terrorist organization under the category Other Groups of Concern (OGC) by the U.S. State Department in the 1990s. Among PAGAD's alleged terrorist acts against American and Jewish interests in South Africa were the bombing of Planet Hollywood in Cape Town, 'Wynberg Synagogue' bombing in 1998, and the attack on Kentucky Fried Chicken (KFC) in Athlone in 1999 (USNews 2016). In 2004, two South Africans,

Feroze Abubaker Ganchi and Zubair Ismail, confessed to plotting to attack institutions such as the Johannesburg Stock Exchange JSE, Union Buildings, Sheraton Hotel and the US. Embassy in Pretoria. Among several consequences of the region's long history of protracted conflicts are illegal arms proliferation, human trafficking and drug trafficking routes that terrorists can exploit to move weapons, as well as organize and coordinate attacks.

Factors driving the region's vulnerability to terrorism

In various SADC countries, several socio-economic conditions exist that can facilitate terrorism. SADC countries differ in geographic, economic, military, infrastructural and political capabilities. These diverse characteristics expose them to international terrorism to varying degrees. For example, vast under-developed and under-governed areas combined with poor communication infrastructure in relatively poor countries such as Tanzania, Malawi, and Mozambique can provide safe havens or conducive breeding grounds for terrorist organizations. These conditions can facilitate recruitment, indoctrination, planning and execution of terrorist acts. Several factors contribute to the vulnerability of relatively wealthy SADC countries to terrorism as well: efficient transport networks; greater global integration into the cyber world; democratic principles of freedom of movement, association and worship; flexible immigration policies; and, sound financial infrastructure. These conditions are amplified by other challenges such as porous borders, illegal migration, and smuggling. These are discussed in detail below.

First on the issue of porous borders within the region - countries in the Southern African region are linked by land borders which simplify legal and illegal migration since large areas of these borders are porous and largely unpatrolled. Cross-border criminals, terrorists among them, illegally cross national borders relatively undetected. However, when identified, reports show that corrupt border officials accept bribes and allow criminal activities to continue (SALRC, 2006; HSRC, 2010). Illegal border-crossing in itself constitutes a violation of the sovereignty and territorial integrity of states and

raises national security concerns. Similarly, the region's relative proximity to coastlines, coupled with weak maritime security, make it more vulnerable to terrorist attacks as well. Noticeable weaknesses in domestic security and the relative ease of obtaining certain visas types (i.e. tourist visa) equally make Southern African countries vulnerable to terrorism (Lyman 2013). Compounding these regional problems are the exposure of a small but significant Muslim population to extremism and abuse of Islamic charity practices.

There is also the question of Islamic fundamentalism and the existence of charities supporting terrorism. Solomon (2013) has noted that there are some Southern African citizens in Iraq, Syria and Pakistan who have been exposed to extremism (Solomon 2013). Exposure, experience and training received in countries such as Iraq, Syria and Pakistan can help build, consolidate and coordinate sleeper cells and terrorist activities in Southern Africa. Precedence from advanced democracies show that terrorist groups exploit democratic principles like respect for human rights and rule of law. Thus, fiery, hateful, inciting sermons are preached at places of worship by radical or extremist Islamic clerics, exercising the right to freedom of speech, religion, association and worship. In the future, the integral components of indoctrination and incitement are capable of making the Southern African region a potential terrorist hotspot.

Furthermore, Muslim populations in Southern Africa participate in Islamic charitable organisations. These organizations act as mechanisms for proselytizing the Islamic religion. Through charitable work, the suffering of the less privileged is alleviated, thus fulfilling one of Islam's cardinal tenets. However, extremist Islamic groups also exploit this practice. Some Islamic charitable organisations channel or divert funds to terrorist causes. The fact that the African Muslim Agency is implicated in terror-related activities demonstrates this. The Kuwaiti-based charitable organisation provides social assistance such as construction of mosques, schools and hospitals to poor Muslim communities in Africa. However, the organisation was alleged to have provided funding to extremist Islamic groups operating in Tanzania (The Jamestown Foundation 2003: 1). Similarly, the CIFA Development Group and a Saudi-based petroleum company, Oilcom, were also implicated

in funding terrorist groups through their charitable works in Tanzania. Another Saudi based organisation, al Haramain Islamic Foundation, was also implicated in funding Islamic terrorist groups in eastern Africa. This Saudi-based Muslim charitable organisation built religious schools and created social programmes for refugees in the Somali dominated Dadaab refugee camps in northern Kenya. The organisation worked closely with the terrorist group al-Ittihad to provide extremist Islamic education geared toward making the camp's young Somali refugees into future terrorists. According to the UN Sanctions Committee, al Haramain Islamic Foundation also provided support for terrorist activities in other parts of the world (US Department of State 2004: 68). The success of these groups in funding terror activities, in many cases, comes from exploiting loopholes in the national and regional financial sector.

Terrorists are known to exploit financial institutions in order to launder illegal funds used in subversive activities. Groups such as al-Qaeda take advantage of the loopholes in most African banking systems (US Department of State 2004). Funds are channelled through money laundering to terrorist purposes. Agents of al-Ittihad, for example, exploit shortcomings in Kenya's banking system to siphon funds to terrorist causes. Furthermore, the Somali diaspora utilizes the trust-based Hawilaad or Hudi banking system to divert funds to international terrorist causes. From this perspective, the practice of Hudi, weaknesses in the financial services of SADC countries and existing Islamic charitable organisations, coupled with the considerable migration from terror prone regions of Africa and the Middle East exposes the Southern African region to terrorism threats. Al-Qaeda and other organizations have also been reported to raise funds and recruit new members, particularly in South Africa, Nigeria and other countries in the Sahel region (US Department of State, 2005: 45).

Collaboration among terrorist organisations cannot also be ruled out, Linkages, cooperation and collaboration between Islamic terror groups as part of a broader global strategy poses a threat to regional security, sovereignty, territorial integrity, and national economies of Southern African countries. Similarity of purpose and strategies between terrorist groups fosters alliances. Forging linkages makes terrorist group membership considerably fluid and

encourages participation or involvement at different levels. In all SADC states, all of these factors have implications for law enforcement. For example, profiling or associating potential terrorists with a particular group has become difficult due to membership in multiple organisations. Terrorist groups also carry out attacks on behalf of one another. Due to collaboration and complex linkages between groups, target foreign governments and interests in the SADC region are at risk. The SADC region attracts international terrorists because of generally poor security and specifically, the presence of foreign-owned assets or properties.

In this regard, Hough (2002:66) observes that in Africa the Southern African region in particular “foreign property (including embassies) is often not as well protected as those in regions where international terror attacks are more frequent”. This makes foreign assets easy targets for terrorist attacks. As target Western countries tighten security, it is increasingly difficult for terrorists to operate. Therefore, these groups shift attention to African countries, such as those in the southern Africa sub-region where security is lax, corruption is rampant and where interests of targeted Western countries exist. Collaboration and linkages between terrorist groups expand and escalate the intensity and frequency of terrorism beyond the sub-regions currently affected. Through collaboration with affiliates, terrorist groups such as ISIS, al-Qaeda, al-Shabaab and Boko Haram are able to establish and expand operational and membership bases in the Southern African region. Besides carrying out terrorist attacks, collaboration between such groups increases cross-border criminality like arms and natural resources smuggling, drug and human trafficking, as well as money laundering as a means to raise funds (Ogbonnaya, Ogujiuba, and Stiegler 2014; Ogbonnaya 2016).

Conclusion

Terrorism in the SADC region may not be as apparent and rife as is the case in other African regions where there are strong links to international terrorist movements. However, the increasing waves of terrorism in the rest of Africa constitute a security threat to the SADC region. The intensity, probability of occurrence, proximity of space and time, along with historical antecedents

and the forging of collaboration between terrorist groups clearly demonstrate this threat. Moreover, the SADC region, to an extent, shares some socio-economic characteristics with regions described as terrorist hotspots in Africa. Thus, while the adoption of a regional counter-terrorism strategy indicates recognition, commitment and readiness to fight all forms of terrorism, effective implementation of the strategy is vigorously encouraged. The regional strategy should not nominally fulfil the requirements of counter-terrorism legal frameworks such as the UN Conventions and Protocols to the AU's Algiers Convention. In this regard, the regional strategy's focus on the international dimensions of terrorism, especially recruitment and training, financing, and operations, is commendable as it calls for stronger cooperation in intelligence gathering and sharing among security agencies of member states.

SADC's counter-terrorism strategy relies heavily on member states developing and implementing national counter-terrorism strategies based on local conditions and the harmonization of these strategies at inter-state defence and security committees. While this approach is politically expedient, it has the potential to negatively impact the fight against terrorism as some states may delay in developing or effectively implementing their counter-terrorism strategies as a result of inadequate resources or capacity. Resource limitation is known to cause a reduction in the size of security forces and underinvestment in the defence modernization necessary to implement counter-terrorism strategies. Poor implementation of national strategies will affect harmonization, cooperation and collaboration at the regional level. Thus, for a regional strategy to be effective, national capabilities have to be strengthened through adequate resources and training. Lastly, no region can be spared the spillovers from terror attacks. SADC needs to explore and strengthen inter-regional cooperation, especially on asymmetric warfare, training, cyber security, and intelligence sharing with affected African regions, especially as it concerns cross-border activities, financial transactions, tracking, detention, and extradition of suspected terrorists.

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Part Three:

Country Case Studies



To reform or disband? The future role of the military in Lesotho

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THE ASSASSINATIONS of Lesotho military top brass in September 2017 reignited a fierce debate in Lesotho over whether the Lesotho Defence Force (LDF) can effectively be reformed or should be disbanded and incorporated into the country's other security structures. The assassinations followed those of the former commanders of the LDF, Lt.-Gen. Maaparankoe Mahao in 2015, and Lt.-Gen. Khoantle Motšomotšo on 5 September 2017 among other officers, who were killed by their army colleagues. Since 2014 – the year when Lesotho witnessed an attempted military coup, there were numerous accounts of retribution like murders and extrajudicial arrests committed by LDF members, signalling that the military has increasingly become a law unto itself (Mokethi 2017). Despite some arrests, many of these crimes were yet to be prosecuted. The prevailing status quo has arguably created a culture of military impunity, one of the driving forces behind continued criminal military offenses in Lesotho. Smooth civil-military relations hold the key to political stability in many democracies as well as an efficacious management of external and internal security. However, civilian control of Lesotho's military, especially since Lesotho's 2014 coup attempt has been undermined by frequent Government turnovers to the extent that it destabilised the functioning of government and its institutions. This eventually compelled the SADC to send a regional contingent of military, intelligence and civilian experts to help the country implement security sector reforms – a move that detracted from preferred diplomatic pressure and treating military issues as internal and discretionary (SADC 2017). In the past, SADC had papered over Lesotho's security crisis, treating it like a political matter to be handled by the incumbent administration. However, due to the historically politicized nature of the LDF, this chapter argues that effectively reforming Lesotho's security sector and the military in particular, is complicated and

potentially impossible. It is for this reason that some academics, analysts and policy makers have suggested a rethink on the future role of the LDF some arguing that Lesotho did not need a military at all. This chapter aims to contribute to this debate. It explores some of the challenges in reforming the LDF as well as the confines of Lesotho's Security Sector Reform (SSR) process. It discusses the LDF's relationship to Lesotho's successive coalition governments, and the possibilities of dissolving the country's military, based on the country's legal parameters.

The political context and the military

Until now, Lesotho's post-colonial history has generally revolved around the contestation for power during and after elections, unresolved issues of political impunity, and periodic military intervention in the country's political processes. Since independence in 1966 until present, there have been four military coups d'états involving government changes, as well as two attempted coups (Motsamai 2015). SADC's latest mission in Lesotho is the organization's fifth major intervention in the country's history. It came on the heels of an unstable political and security situation, which dominated 2014 to 2015. At its heart was the collapse of the country's first coalition government, elected in 2012, which culminated in the prorogation or suspension of its parliament for several months. The country's then Prime Minister, Thomas Thabane, had reported to SADC that an attempted coup had taken place. This compelled his exile, along with other opposition and security officials. At the time, the Prime Minister had asked SADC for military intervention; a request that was not granted by SADC. In fact, the failure of SADC to investigate the attempted coup and address its military aspects contributed to what would become the decline of civilian control over Lesotho's military since 2014.

Lesotho's cyclical conflicts share a common heritage of economic stagnation and faltering democratic rule that have undermined state capacity and legitimacy for several years. The conflict equation also exhibits several features: it follows or is precipitated by power struggles in the military, power struggles within governing parties or a change in government. In February

2015, there was a change of regime in Lesotho after SADC recommended early elections to address a deadlock in its governing coalition. The early poll, recommended by SADC's facilitation mission, led by South Africa's Deputy President Cyril Ramaphosa, was expected to restore Lesotho's political stability and security after the coup attempt. Additionally, the facilitation mission was able to achieve the Maseru Security Accord (MSA) to calm tensions between the country's key security structures: the LDF and the Lesotho Mounted Police Service (LMPS).¹ Furthermore, it was an important decision to send the country's security chiefs out of Lesotho on a 'leave of absence' while bringing elections forward to February 2015. The Maseru Security Accord was arguably the first official report from SADC to detail the politicized nature of Lesotho's security structures. Nevertheless, it offered no concrete solutions on SSR, probably as an attempt to be neutral and respect Lesotho's sovereignty. To demonstrate support for the MSA, SADC also facilitated the signing of an MOU on the joint cooperation between the LDF and the LMPS. The two groups were to cooperate and establish joint operation centres prior to the 2015 elections as a confidence building measure.

Contrary to anticipation, the 2015 polls resulted in another coalition government headed by the country's former opposition – the Democratic Congress (DC). The coalition was not only the second in Lesotho's history, but also the second in two years. Like the previous administration, the country was governed by a coalition that had a relatively slim majority, with 54% of seats in the legislature and faced strong political opposition in 46% of seats (Sejanamane 2017:192). The electoral race had been close, and so was the fierce longstanding competition between Lesotho's political parties. Now on opposite sides of the fence, the antagonistic nature between the ruling DC coalition and the opposition prevailed, as did divergences in their interpretation of events following the 2014 alleged coup. Shortly after these elections, a newly installed DC-led coalition government announced a coalition agreement that suggested modified relations and the intention to reform its institutions (Government of Lesotho 2015). But, after three months in office, it reneged on these commitments. In a surprising and polarizing move, the new government made changes to its

security structures- this had sparked the initial SADC mission. It removed Lieutenant General Maaparankoe Mahao as LDF Commander and replaced him with his predecessor Tlali Kamoli, who had been discharged from this position by the previous government.

At the time, Prime Minister Tom Thabane accused Kamoli of an attempted coup and other violations. Thus, Kamoli remained a polarizing figure in Lesotho politics. Officially, no one has been held accountable for the reported coup attempt. Rather, in June 2015, Kamoli commanded the LDF to press mutiny charges against roughly 50 LDF members from the coup's time period. Mahao was fingered, but never charged or detained prior to his killing. In June of the same year, the political and security situation deteriorated starkly, when the former LDF Commander Mahao was killed during an operation to arrest him for the alleged mutiny (Vollgraaff and Ralengau 2017). According to the official Pakalitha Mosisili government version of events, he was shot dead while resisting arrest. This version was later dismissed by the SADC Phumaphi Commission of Inquiry, which had been set up by SADC to investigate the circumstances leading to Mahao's murder. Simultaneously, the country's main opposition leaders who feared for their security fled the county.

Furthermore, the opposition parties indefinitely boycotted parliament, demanding Kamoli's removal. South Africa, the SADC Organ Chair at the time, labelled Lesotho's security situation as 'explosive' following Mahao's assassination by his military peers. In response, it convened an extraordinary Double Troika Summit in Pretoria that decided, among other items, to deploy a 10-member Commission of Inquiry led by Botswana High Court judge, Mpaphi Phumaphi to investigate the developments and make recommendations towards Lesotho's democracy and political stability (Motsamai 2015). The commission's specific tasks were to investigate the fatal shooting of Brigadier Maaparankoe Mahao; review the investigation into the alleged mutiny plot in 2014; examine the alleged kidnappings of former LDF members and killings of opposition members; scrutinize the allegations from the opposition and civil society that Lieutenant General Kamoli's reappointment had led to political and security instability; and

inspect the legality of the removal/appointment process around top LDF leadership, particularly the late army officials Lieutenant General Kamoli and Brigadier Maaparankoe Mahao (SADC 2015).

Yet, the SADC Commission of Inquiry and its report became a source of diplomatic tension between the DC-led Lesotho government and SADC (Motsamai and Petlane 2015). The Lesotho government had challenged the Commission from the onset, questioning its mandate, terms of reference and jurisdiction. Later, it refused to accept the final report while a court case by one of the LDF commanders to nullify the commission's findings in Lesotho was still pending. Plus, the government proceeded with the court martial case involving 23 LDF officers accused of mutiny, who were subsequently incarcerated at the Maseru Maximum Security Prison. It must be highlighted that the SADC Commission of Inquiry concluded that the LDF's case against the alleged mutineers was "highly suspect". Its recommendation was that they be granted amnesty by the government. Afterward, the 23 accused officers were all released from the Maseru Maximum Security Prison — folding under international pressure over the Mosisili-led government — and placed under open arrest. In Lesotho, critics accused Mosisili of manipulating the court case because implementing the Commission's recommendations would loosen his grip on power. Likewise, the Prime Minister had made it clear on several public occasions that the Commission's recommendations would not be prosecutable in Lesotho or legally bind to the government. In response, SADC warned against interfering with the Commission's work and reminded Lesotho of its obligations as a member state to abide by SADC decisions, in particular those to depoliticise the military and government institutions (Motsamai 2015:16). The Phumaphi Commission concluded its work in October 2015, but its report had not been published. Lesotho refused to accept it while a court cause seeking to nullify it was pending termination. The Commission's report was officially handed over to the government in January 2016, after another emergency SADC meeting, in which Lesotho was threatened with suspension should it refuse to receive the report and its recommendations. While the Lesotho government eventually accepted the report, it claimed that it had discretion over the reforms to be implemented.

The government's discernment was influenced by the standoff with SADC, which did not bode well domestically for governance and donor perceptions of its commitment to accountability by partners. The Lesotho government only submitted to SADC its roadmap for implementing the suggested reforms in December 2016 when its parliamentary majority was slipping as a result of the split within Mosisili's party.

By the end of 2016, Lesotho's implementation of SADC decisions on its political and security situation remained in flux. The progress noted in SADC Summit communiqués was more diplomatic than substantive. For instance, the Lesotho government's update to SADC stated that progress has been made in convening a Security Sector Reform Workshop. Among other concessions, the government would establish a Lesotho Security Reform Committee to design, drive, and manage a roadmap for an inclusive process (SADC 2016). Realistically, this was not the case. While the last DC-led government established a Security Reform Committee by the end of 2016, it was neither inclusive nor transparent in its work. SADC was to support this process in Lesotho by deploying an Oversight Committee to serve as an early warning mechanism and to assist in the implementation of the constitutional and security sector reforms. Due to logistical and financial considerations, SADC support for implementation was delayed for several months.

Meanwhile, the DC-led coalition began to haemorrhage a few months before the end of 2016. In early 2017, the country was compelled to hold another snap election following a collapse of the DC-led coalition brought about by a successful motion of no confidence in Prime Minister Mosisili's administration. Thomas Thabane returned to power after the June 2017 National Assembly elections. His party, the All Basotho Convention (ABC), emerged as the winner with 48 Parliamentary seats, but short of the 61 necessary to form a government on its own². As such, the ABC formed a coalition with two other parties to create a government. The new government's first move was to pronounce its support for implementing the SADC Phumaphi commission recommendations. So far, this serves as the main SSR framework. The new government has halted the court martial proceedings, with a commitment to dismissing it.³ Additionally, it has held

meetings with the exiled officers to discuss their return terms. In October 2017, twenty-three officers from the LDF and the Lesotho Correctional Service (LCS) returned to Lesotho from exile, as part of the government's implementation of the SADC Commission of Inquiry decisions. All the soldiers who had been in exile are on leave pending their re-integration for those who want to continue in the force, while those who want to retire will also be accommodated.

The evolution of the LDF

The current complexities within the LDF and challenges to restore civilian control over it date back to the 1960s. At that time, the LDF was just beginning its development as a police mobile unit (PMU). Like other countries in the SADC region, at independence, Lesotho did not have an army when it gained independence from Britain in 1966. Prior, all security in the country was in the hands of the British-led police force. Post-independence, this unit, the Lesotho Paramilitary Force (LPF), was transformed into a separate entity from the Lesotho Mounted Police in 1978. In August 1979, it was formally declared an army and subsequently elevated to a proper defence force during the 1980s, when it assumed the status of the Lesotho Defence Force. Parallel to the LDF's evolution was an unstable political situation following independence. There was a power struggle between the newly elected government and the King, who was supported by the opposition. The police served as the state's main security instrument and increasingly became both militarized and politicized. For this same reason, when Lesotho held its first post-colonial elections, a militarized unit within the police had already been established (Mothibe 1999).

From its inception, the Unit's founding principle was to quell internal opposition to the regime rather than defend the country against external threats. However, from 1975, the PMU was largely focused on fighting a low-intensity war with the South African-backed Lesotho Liberation Army (LLA), which was established by the exiled opposition leadership of the Basutoland Congress (BCP) party. Most likely, this shaped the perceived threat leading to formally transforming the PMU into what was later known

as the Lesotho Paramilitary Unit (LPF) (Molise-Ramakoae 2003). The PMU blew up electricity pylons and assassinated government leaders along with supporters who no longer believed in the exiled leadership. Prominent amongst those who were assassinated were a Lesotho Government minister, Matete Majara, and a dissident BCP Secretary General, Koenyama Chakela. Domestically, the Unit's focus was reinforced in 1970 when the then Prime Minister, Chief Leabua Jonathan, refused to accept electoral defeat. Jonathan suspended the Constitution and ruled until 1986, when he was overthrown by the military with the tacit support of the former South African apartheid regime. The Unit was renamed the Lesotho Paramilitary Force in the 1970s. Later, it was renamed the Lesotho Defence Force as it is currently known. The Force's operational concept has remained constant from that period, except that it has added defence among its functions. In some of its documents, the LDF elaborates on its role to "... protect the territorial integrity and sovereignty of Lesotho and uphold the Constitution of Lesotho". From here, it is possible to inspect the LDF's evolution from a police force that contributed to its own image as a squad meant to suppress internal disorder as opposed to a corps meant to protect the country's territorial integrity. Moreover, in 1995, when the law formalising its existence came into operation it specifically assigned both military roles of defence and national security as opposed to only those of defence. Thus, there is an overlap of military and police duties. SADC has pinpointed this discrepancy in its most recent intervention in Lesotho.

Significantly, almost all those who have led the LDF, except Mahao, who was murdered before he took control, emerged from the transformed police force. In a sense, they aspired to be an army, yet continued to be influenced by their origins as a repressive police unit. The impact of the military evolving from the police ranks is evident in the founding LDF legislation that allowed them to be part of the internal security structure. From its police origins, the Lesotho military has been indirectly, but heavily involved in politics, as illustrated by its direct intervention in 1986 when it staged a sustained coup until 1993 when a civilian administration eventually took over. Since then, there have been several political interventions by the military, provoking external reactions. Briefly in the 1990s, the LDF was involved in two

interventions in the political arena. The first occasion was provided through active support for what came to be called the ‘Royal Coup’ in 1994, where the King overthrew his Government and took control for slightly over three weeks. The government was only restored by concerted efforts by SADC through the governments of Mozambique, South Africa and Zimbabwe to ensure that a democratically elected Government was restored (Sejanamane 1996).

Secondly, in 1998, the LDF worked openly with the opposition to debilitate the government. SADC, through the use of both the Botswana Defence Force (BDF) and the South African Defence Force (SANDF), intervened and brought order to the country. Nonetheless, this was not before the wanton destruction of property in Maseru and several other towns. The Unit, whose focus was to be internal security, had instead become the source of Lesotho’s crisis. The aftermath of the intervention by SADC troops heralded the reform and professionalization of the LDF. Unfortunately, as the events over the past few years have demonstrated, the intervention was unfruitful. Those in government during this period believed that as long as army officers who were politically aligned to them were appointed, the reform was considered complete. Thirdly the 2014 attempted coup and the subsequent security environment illustrate this point. If the hallmark of an army is discipline, then the argument stands that those who bear arms without discipline are either a reflection of the army command or are in rebellion along with the command. On record, the 2014 coup attempt was fuelled by some politicians, and later supported by the government, which took control following the 2015 elections (Sejanamane 2017).

During this period, there are three related incidents that indicate the existence of a military rebellion and that civilian government had lost control over the military. The first incident relates to how the LDF’s Special Forces are implicated in the country’s political battles. Captain Hashatsi of the Special Forces, who answered directly to the LDF Commander Kamoli, pronounced that the Prime Minister could not remove the latter from office ‘as long as he was alive’ (Zihlangu and Molomo 2014). For reprimanding Hashatsi, a senior officer, then Brigadier Mahao, was court-marshalled. Later Hashatsi reiterated his stance publicly while giving evidence before the Phumaphi

Commission, which had been established by SADC following the murder of Lt. General Mahao who had earlier been appointed Commander of the LDF by the previous government. A second clearly defiant act relates to bombings orchestrated by some LDF members in January 2014 of the residences of both Prime Minister Thabane's partner and that of the Police Commissioner. Probably, this was an assassination attempt but also an ominous sign that there was a rebellion against a sitting head of government. In March 2014, at a press conference, Kamoli made it clear that neither Thabane nor anybody else could remove him as Commander. This was unprecedented and indicated that an army rebellion was now in full force.

Finally the rebellion showed itself directly when the Prime Minister attempted to remove Kamoli as Commander of the army. He refused to accept that and staged an attempt to take over of government that consequently forced the Prime Minister to flee to South Africa. When he returned to the country he was now under the protection of SADC security detail. The security vacuum that existed then was a result of a rebellion, which had now blossomed and was not suppressed. Under these circumstances, Lesotho held elections in 2015. Those elections were held in a security vacuum where the Prime Minister had no control over the military (Sejanamane 2016). In many respects, the period after the 2015 elections represented a triumph for the rebellion as the new government relented to the soldiers that had defied the previous Prime Minister. However, that the government did not last. The 2017 elections, its outcome and the murder of Motšomotšo signal that there is a fundamental problem in Lesotho politics concerning the LDF. Merely professionalizing the army and emphasizing the need for policy reforms may not be enough.

SADC and SSR Reforms in Lesotho

Lesotho has become one of the most frequent recipients of diplomatic interventions for SADC, where the struggles between civilian authorities and the military must be prioritized. As discussed in the preceding section, the urgency to address this conflict equation is paramount given that this unrest has led to government overthrows or attempts thereof. It has also led to killings within the military itself and among civilians (SADC 2015).

The regularity and extent of SADC's intervention in Lesotho has increased, pointing to the nature and extent of the crisis. On September 5, 2016, Lt. General Motšomotšo, then Commander of the LDF, was shot dead in his office by three senior Army officers who accused him of selling them out to the Police and the government (Muzofa 2017). The fact that an army commander can be assassinated by his senior officers is indicative of the crisis that the military has brought to the country. Once again, this murder jolted SADC to intervene. As a result, SADC dispatched a Fact-Finding Mission to Lesotho under the leadership of Angolan Foreign Minister Georges Chikoti to assess the circumstances of the assassination. Unsurprisingly, the fact-finding mission found the situation calm on the surface, but noted that the situation was volatile due to various factors, including divisions within the security establishment. Accordingly, it was deemed necessary to ensure that the Lesotho government was assisted to bring about law and order. The SADC mission surmised that "based on Lesotho's political instability, lack of security as demonstrated by, among others, the two assassination incidences of the Chiefs of Defence, the tension and divisions within the LDF, the Lesotho government required support if it is to restore law and order, address impunity tendencies (within the army)..." (SADC 2017). The Ministerial Fact-Finding Mission made the following conclusions and recommendations:

- An urgent deployment of a technical military and security fact-finding team from the SADC Double Troika to assess the security environment and requirements to ensure that peace and security is brought back to Lesotho. The Terms of Reference of the team should include an assessment of SADC interventions in Lesotho prior to 1998.
- Re-train and mentor the LDF while weeding out politicization within the LDF. Ensure that the law prohibits politicians from interfering in the LDF's work.
- Review the King's role in the overall control of the army.

Three observations can be made from SADC's response to the country's security developments. Firstly, SADC clearly acknowledges that Lesotho's

security sector challenges require multilateral assistance. In the past, SADC focused on diplomatic engagement and short-term political solutions by deferring military problems to the Government. This is evident from the MSA facilitation, which avoided identifying the military defects in Lesotho's stability. Questions will always remain about SADC's 'softly-softly' approach and its preference for pacification rather than finding long-term solutions to the country's military-linked political instability. Indeed, the SADC Phumaphi Commission, whose report was explicit on both the politicization of the LDF and inherent impunity, abandoned this pacification. Still, there were no multilateral mechanisms to ensure implementation of the Commission's recommendations when the Lesotho government made concerted efforts to protect its military allies. The murder of Motšomotšo was a direct result of the earlier prevarication to eradicate criminal elements in the LDF and officers who had committed serious crimes over the years.

Secondly, there is ample acknowledgment that Lesotho's core challenges lie in the unprofessional military and the political manipulation of the same by politicians vying for power. With regards to the former, the SADC fact-finding report recommended specific amendments related to the operational competencies of the army and the police. In detail, the government was advised to revise specific Sections in the Constitution, specifically the amendments of the LDF and LMPS Acts to ensure separation of roles between the Army and the Police. The third observation is SADC's recognition that Lesotho's military issues are longstanding and date back to its previous interventions. By implication, it admits to the failure of its intervention in Lesotho to help professionalize the LDF after its 1998 intervention. Crucially, it has recognized that there have not been any dividends from earlier interventions in this area. It implies an evolution in SADC's approach to Lesotho; a recognition that its mediation ought to be less ad hoc and that each intervention should feed upon another.

Reform or Disband the LDF?

It must be emphasized that current the Lesotho government is not inclined to disband the LDF. More recently, it has underlined that the LDF's existence is a constitutional requirement further supported by the Defence Force Act, and that the country is a sovereign state with the constitutional prerogative to have an army (Lesotho Times 2017). As opposed to disbanding it, SADC also leans toward reforming the LDF. But the exact detail, design, process and end goals of the SSR exercise are yet to be elaborated by the new Lesotho government. The significance of detailing this approach is underscored by literature on effective SSR processes and what SSR should really be. For instance, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) background paper on SSR argues that SSR is frequently misinterpreted to include any change that affects how security organizations function. However, SSR is different from other types of security reform because it focuses on improving both effectiveness and accountability (DCAF 2015). Five key considerations are what make SSR different from other kinds of security reform.

The first is to acknowledge that SSR is about good governance. This logic argues that reforms will not amount to SSR unless they also provide for accountability within a framework of democratic civilian control, rule of law and respect for human rights (DCAF, 2015:5). The second DCAF consideration stresses that SSR is both about state and human security. As such, the process should not result in pitting state security against human security, or providing security for one part of the population at the other's expense. Thirdly, the process should be rooted in national and local ownership. According to the DCAF, this not only means that national and local actors lead it, but also that it is carried out in a participatory, inclusive and respectful way, considering the distinct security and justice needs of individuals and communities. Furthermore, SSR is holistic since security provision depends on how the security sector functions as a whole. This should also include the effectiveness of parliamentary oversight on the reform process and how the security structures are governed. The last highlighted consideration is that SSR should be understood as a long-term process; not one that is linear. As

the guideline explains, it involves changing expectations, habits and norms as well as institutional rules and professional practices. Some improvements in security sector governance can be made relatively quickly, but achieving good SSG takes decades or generations, not months or years (DCAF 2015:5).

Writing about military reforms in transitional democracies, Hutchful emphasizes four objectives of reform: democratic subordination of the military, economic sustainability of the military establishment, military efficiency, and military institutional stability (1998). All of the above is inadequate when applied to the LDF. But more importantly, those who advocate for the retention and reform of the LDF have not been able to provide answers about the institution's perceived threat and capabilities. Lesotho is completely surrounded by South Africa, a regional power in its own right and a country that does not pose an external threat to Lesotho's territory. An army without an external threat perception is not only expensive to maintain but may also be a source of political instability. It is more likely to venture into domestic law enforcement since its external role is limited. This is one of the principal reasons the LDF can easily be pulled into domestic politics. Even if the threat perception existed, research points out that Lesotho's military has insufficient capabilities to protect the country's territorial sovereignty (Kruger and Martin 2013).

When looking into the military's economic autonomy and power, the economic sustainability of the LDF is also a critical point. For decades, the LDF's economic autonomy and power was based on the compliance of civilian rule when it came to making, spending, and accounting for its military budget. However, the powers of the Lesotho parliament were curtailed in controlling and monitoring the LDF's finances to the extent that the sitting head of state had monopoly over its budget (Kapa 2013:48). These economic decisions also affect the bureaucratic autonomy of the military when it comes to promotions, appointments, and removals. Because Lesotho's political transition and economic development are intimately entwined, this is an issue that ought to be discussed in the broader context of Lesotho's political economy. Scholars that analyse Lesotho's recurrent political turbulence suggest that inherently the country lacks a solid domestic economic

foundation to mount a sustainable political and developmental trajectory, largely due to its economic dependence on South Africa and foreign aid. Matlosa has argued that there is real contestation over the economic spoils of the state by the political elite, either for self-preservation or wealth accumulation (2015). To Matlosa, political economy calculus explains almost everything about the 2012 and 2015 elections, particularly how the coalition governments were formed, and how the military has become politicized. He concludes that governing coalitions are cobbled together for regime survival and regimes have survived on military support and protection.

While the debate to dissolve the LDF seems closed from the government side, there is possibility to do so within the confines of Lesotho's law. This could be initiated and enacted through a Constitutional amendment. As highlighted, the LDF is legally established by Section 146 of the constitution that there "... shall be a Defence Force for the maintenance of internal security and the defence of Lesotho" (Constitution of Lesotho 1992). Amendments to the Constitution are guided by Section 85, which specifies how those can be made. Most sections are entrenched and others are double entrenched thus requiring a two-thirds majority in separate sittings in both the National Assembly and the Senate. Those that are double entrenched also require holding a referendum. Section 146 of the Constitution, however, is not entrenched and can be changed by a simple majority in the National Assembly. In a similar manner, the 1995 Lesotho Defence Act only requires a simple majority for an amendment or repeal.

The constitutional review that is envisaged in Lesotho could form the basis for organised civil society to call for and move such amendments or repeals. Two developments will precede the constitutional review. Civil society organisations are to organise a national debate on the procedural and substantive issues that should be covered by the review. A report will then be provided to the government and political parties, as a campaign and public consensus tool on how to proceed. Second, with the support of SADC, the review will be preceded by a government-organised national dialogue to determine the issues that will be handled by parliament when the exercise begins. In several communiqués, SADC has insisted that the process must

be inclusive and transparent. This means that civil society organisations have a role to play in the debates of the future role of the LDF in Lesotho.

Concluding remarks

For over three years now, Lesotho has been urged to implement major military reforms as part of broader SSR, aimed at transforming the LDF into a depoliticized force under civilian control. A continued shift from the country's authoritarian and military past would require structural reform within the military, affecting the military command structure, organizations and related agencies. Still, three difficult realities in Lesotho's polity pose significant challenges for these reforms. They relate to the militarized nature of Lesotho politics, the LDF's politicized nature and weak mechanisms for criminal accountability and reconciliation. This chapter emphasises the need for the military reform process to fully take into account the deep and complex roots of civil-military relations in Lesotho and design a more localised and sustainable military reform process that is engrained in Lesotho's future democratic governance model. In this respect, the chapter offers the following recommendations for the future process.

- Elaborate on the goals of SSR and where SSG fits: Beyond implementing the SADC Phumaphi recommendations, the government is yet to develop its own military reform policy and detail the broader goals of its SSR agenda. Emphasis should be placed on good security sector governance (SSG). SSG describes how the principles of good governance apply to government management of security provision and oversight.
- Need for a robust Defence Review: Lesotho could establish a Defence Review Committee that maps out the military's future direction and strategic posture over the next 10 to 20 years. This should be based on the resultant transformation of the LDF; public consultations on SSR to provide a framework for what Basotho expect the LDF's positive role to be; and, changes in Lesotho's domestic and external context.

- More inclusivity and transparency in Lesotho's SSR: Because a broad range of state and non-state actors are involved in security and justice, the participation process should be open to Lesotho's non-state actors, including academia, non-governmental organisations and the media. This should entail improving public access to information.
- Sustained SADC presence in Lesotho: SADC initially delayed establishing its oversight committee in Lesotho; therefore it had no visibility on the ground for many months. Its ground presence is required to broadly support government capacity to implement more sustainable reforms in the military and security structures.
- Exploring the LDF's dissolution into other security structures: Experts and academics could be called on to research this possibility and the extent to which it does not undermine the country's internal security and external defence goals.

Endnotes

- 1 These are discussed in more detail in SADC Facilitator's report to the SADC Summit on the SADC Observer Mission to the Kingdom of Lesotho (SOMILES), January 28 2015.
- 2 After bi-elections in September 2017 ABC increased its parliamentary seats to 51.
- 3 The Court martial was reconvened and all the accused were discharged after the soldiers who had been lined up as witnesses withdrew their confessions since they were fabricated and had been extracted under torture.

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A success story gone wrong? Reflections on renewed conflict in Mozambique

Colin Darch

OPINION ABOUT the devastating sixteen-year armed conflict in Mozambique and the subsequent quarter century of peace has shifted significantly over time. The war between the FRELIMO Government and the rebel group RENAMO began in 1976 shortly after independence and ended in 1992 when a General Peace Accord (GPA) was signed. By the mid-1990s, Mozambique was widely regarded as a role model for a successful, economically and socially stabilising post-conflict society (FCO 1999; Manning 2002; Phiri 2012). But in the second decade of the twenty-first century, the country no longer occupies its former position as a ‘beacon of hope’ and a rare success story demonstrating the effectiveness of models of post-conflict reconciliation that help to produce sustainable economic growth. The Mozambican peace process, and its juridical expression in the GPA, is being interrogated anew, and the question – unthinkable ten years ago – is being asked: “Is peace failing?” in Mozambique.

The unravelling of the country’s image, especially in the last five years or so, has largely been the consequence of two factors. First, the dramatic return to low-level armed conflict by RENAMO, now the main opposition party, between 2013 and December 2016 when a cease-fire came into effect. The second factor is the revelation in April 2016 that massive and secret loans had been negotiated in 2013–2014 by elements in the state security structures and the ruling party in complete disregard for existing judicial and democratic norms (the so-called “secret debt”). In May 2016, as soon as the existence of the secret debt was discovered, the international community, led by the IMF, cut off a significant part of its economic assistance. At the time of writing, with relations between the donor community and the government in stalemate, economic growth continues to slow, and the IMF has maintained

its demands for complete disclosure of information about how the secret debt was transacted, alongside cuts in government spending and a significant restructuring of existing and inefficient state enterprises.

The purpose of this chapter, in this context, is to analyse the structural roots of the present situation and to identify the key factors in Mozambique's post-independence history which have contributed to and perhaps determined the current, ongoing and destabilising political-economic crisis.

The history of the conflict

The history of armed conflict and violent unrest in Mozambique goes back a long way and is part of the inheritance of colonialism. During most of the colonial period, Portugal was generally not strong enough to impose any kind of unitary and organised rule over the whole territory of what was to become Mozambique. Indeed, until the early-20th century the colonial state was in constant and usually armed competition with various powerful local African polities. The Portuguese campaign in Bárue was the last of a series of “pacification campaigns” in the late-19th and early-20th centuries that finally established colonial rule over the whole territory. But Mozambique did not remain “pacified” for long, even if decades of colonial oppression count as merely negative peace. In less than half a century, the nationalist movement FRELIMO had launched the armed liberation struggle, leading to independence in 1975, after ten years of fighting. Within two or three years, armed conflict was renewed yet again when the RENAMO movement launched its rebellion against the new government, a rebellion that lasted until 1992, when the GPA was signed.

Even after the end of fighting and the implementation of the GPA, sporadic political violence has continued to occur (e.g. food price riots, political assassinations). Nonetheless, the country has appeared for a couple of decades to have achieved viable, if imperfect, peaceful settlement. Unfortunately, both the material and political conditions for further conflict were still present – the main opposition party, RENAMO, still controlled a small army with quantities of arms and ammunition that had never been surrendered.

The administrative structure of the Mozambican state remained highly centralised both nationally and at provincial and local levels. Last, and perhaps most importantly, the growing exploitation of significant mineral and natural resources raised high elite expectations of access to “windfall” rents.

In the run-up to the December 2013 municipal elections RENAMO leader Afonso Dhlakama moved to his bush headquarters in the Gorongosa mountains, to protest electoral legislation and the composition of the electoral commission. RENAMO boycotted the municipal elections and began to launch armed attacks on transport routes and other targets. Eventually, in September 2014, after months of armed clashes, a “cessation of hostilities” agreement was signed to allow RENAMO candidates to run in the national legislative elections in October of that year. Tensions rose again after the elections, as RENAMO accused FRELIMO of fraud and violent suppression of opposition and demanded direct control of six provinces (initially as “autonomous regions”) where it had allegedly won a plurality of the popular vote. It was and remains unclear whether such a demand could have been satisfied within the existing constitutional framework, but any genuinely open debate was chilled by the assassination in March 2015 of the academic constitutional lawyer Gilles Cistac, apparently for exploring positive ways to realise the proposal (Darch 2016). Nevertheless, things began to calm down again in late December 2016, after a direct and apparently unmediated telephone conversation between President Filipe Nyusi – who had been chosen as the FRELIMO Party’s candidate in the 2014 elections and had been sworn in in January 2015 – and Afonso Dhlakama. The telephone call was followed by an announcement by Dhlakama of a New Year’s cease-fire, which was subsequently extended and which remains in force at the time of writing. By February 2017, the establishment of two small technical working groups had been agreed, focusing on the question of provincial governorships and on a greater role for RENAMO in the armed forces. In February 2018, President Nyusi announced that agreement had been reached on decentralisation: both provincial governors and mayors will be nominated by the majority party in the elected local councils (assemblies)

for appointment by central government. However, governors will not have powers in such areas as taxation, natural resources (including minerals), energy, or land issues.

This so-called “return to the bush” was not driven primarily by electoral calculation, although RENAMO’s share of the vote did improve after years of decline, but was probably linked to natural resource discoveries, especially given that lucrative natural gas contracts were about to be signed. It also seems likely that the government’s military response to the new low-level conflict was at least partly facilitated by the strengthening of the “forces of defence and security” through the notorious undeclared loans of around \$2 billion USD that were revealed to the public in April 2016. It is evident that the 16-year conflict that ended in 1992, and the conflict that started in 2013 (and seems to have ended, although it has not been resolved), are fundamentally different in their origins and character: the current circumstances require new solutions, more far-reaching than those outlined in the GPA.

To understand the processes that have led to the present situation it is necessary to examine a series of defining issues and moments in Mozambique’s post-independence history. These are, first, the long-term effects of the process of coercive “reframing” of Mozambican political discourse that FRELIMO initiated in 1975 and continued into the 1980s; Second, the disputed and fluid nature of the sixteen-year conflict with RENAMO and its importance for understanding the GPA; Third, the GPA itself, seen not so much as an innovation but as an attempt to stabilise existing power and property relations; Fourth, the incomplete character of disarmament, demobilisation and military integration after 1992-1994; Fifth, the partial character of administrative decentralisation; sixth, the elite expectation of natural resource windfalls and their impact on political process; The last is the question of whether some form of “parliamentarization” is possible, and if so, whether it might provide a solution to what might be perceived as a likely future scenario of ongoing conflict.

Structural features of conflict and peace

The national liberation movements of Southern Africa, including FRELIMO, came to power in the 1970s, 1980s and 1990s in positions of significant party-political dominance, on waves of popular support deriving largely from their success in expelling the colonial power and/or breaking settler supremacy. In 1974, FRELIMO's central demand in the negotiations that led up to the *Acordos de Lusaka* – the agreement with the Portuguese granting unconditional independence – was quite explicit: recognition as the only legitimate representative of the Mozambican people, and hence as the only possible political organisation. FRELIMO was thus able, from a position of hegemony, to occupy all available political space, to delegitimize all other political positions and forms of nationalism, and to exercise complete freedom in the composition of the government and the definition, not only of the policy agenda, but also of what constituted “*moçambicanidade*” or “Mozambican-ness”. The definition was very simple and entirely logical: if you supported FRELIMO you were Mozambican, if not, you were something else.

With hindsight, we can see that the liberation struggle in Mozambique – like those in neighbouring countries – had as its primary objective not so much democracy in the formal sense of a multiplicity of political parties contesting for power in regular elections, but rather membership of the community of sovereign nations on terms of full equality. Roger Southall (2013) has called this democracy for “peoples” as nations rather than for “people” or persons as individuals. FRELIMO's success in winning this specific kind of liberation initially guaranteed the party a high level of popular support, and its position as the only legitimate political organisation meant that this support did not have to be tested electorally. Indeed, the idea that competitive elections might be held at all was dismissed out of hand. However, this dominance was exercised in a situation where the ruling party had not established full and effective control over the state apparatus – as the later need for the various “*ofensivas*” or campaigns clearly shows. These campaigns in the early 1980s were centred on issues such as legality, politics, and organisation, and clearly arose from FRELIMO's almost visceral mistrust of the apparatus of

public administration inherited from the Portuguese. Mozambique was also threatened directly or indirectly by interests hostile to its socialist project and to its principled support for liberation struggles in Rhodesia and South Africa.

All this led inexorably to increased central control; the takeover of the administrative structures of the state by the party, and the delegitimization of alternative forms of nationalism and opposition, whose adherents were characterised, not always unjustly, as infiltrators, the enemy, *xiconhocas* (a corrupt and opportunistic cartoon character), and saboteurs. Nevertheless, even if we agree that the primary objective of liberation is in most cases not structured democracy, the actual moment of national liberation is likely to contain within it the “democratic moment” as defined by the Italian scholar Luciano Canfora (2006; 2009), a moment in which existing social, political and property relations are threatened by the large excluded majority (the “demos”), those without property or power. This was likely the case in mid-1975, as the vast majority of impoverished Mozambicans saw their former colonial masters fleeing, but the moment passed. FRELIMO never saw any point in establishing formal structures and institutions that would have constituted a wider and more conventional form of pluralism.

The process that I have called “reframing” or “*reenquadramento*” elsewhere (Darch and Hedges 2013) began in earnest soon after the Portuguese coup in April 1974 and even before formal independence in 1975. The purpose, explicitly or implicitly, was to establish a new form of transformed political discourse and behaviour. In the analysis of political rhetoric, reframing describes the attempt to shift basic assumptions about society towards a new kind of politics – in the Mozambican case, the politics of independence and socialist transformation. The formerly dominant colonial discourse was thus supplanted, in such a way that there was no socially sustainable rebuttal available to those who disagreed or opposed particular policies. This process continued into the early 1980s, and had the effect of appropriating all available political space, as already mentioned. There are multiple examples of this reframing at work. The series of speeches that were delivered by Samora Machel in May and June 1975 during the *Viagem Triunfal* – the

triumphal journey, passing through every province and introducing the new FRELIMO provincial governors (Darch and Hedges, in press) – are early instances, and indeed there is testimony that the speeches were heard as discourse differently by different segments of the population. Africans seem to have heard them as often astonishingly frank critiques of colonial discourse, while the Portuguese heard them as menacing and openly hostile (Rita-Ferreira 1988).

The reframing process went beyond rhetorical coercion, into what might be termed political performance. The *Viagem Triunfal*, apart from the daily speeches broadcast and excerpted in the newspapers, can be understood as a kind of symbolic spatial inscription of *moçambicanidade*, with the new provincial governors presented as representatives of a new source of power. Other events such the parading of traitors at FRELIMO's Nachingwea camp in southern Tanzania in early 1975 or the identification of the *comprometidos* (compromised ones or collaborators with Portuguese colonial fascism) in December 1978 and the subsequent meetings in February and May 1982 can all be seen as part of the same prolonged process of defining what it meant to be fully Mozambican in the new circumstances of independence. The inevitable consequence of this coercive reframing process was the growth of a discourse in which any opposition was represented in terms of sabotage and conspiracy by enemies of the people. This is not, of course, to say that the Mozambican socialist project was not under real threat by real enemies: it is rather to draw attention to the long-term impact of a political discourse framed almost entirely in such binary and even Manichean terms.

Despite the formal introduction of political pluralism and the ending of the planned economy after 1992, the reframed discourse of the victorious liberation movement continues to inform contemporary Mozambican politics in multiple ways, up to the present. When former President Armando Guebuza testified, on 28 November 2016, to the Parliamentary Commission of Inquiry on the secret loans, his remarks illustrated implicitly and exactly this sense of unchanging entitlement based on sacrifices made in the past. “If we had to make the same decision today”, Guebuza remarked, “we would do exactly the same thing today, in defence of the beloved homeland”, adding

that he had played his part in the liberation struggle, and was proud of his patriotism and his achievements as president (Hanlon 2016: 3; Nhampossa 2016: 2). The tone and implications are clear, the sentiments widely shared, as the weekly newspaper Canal de Moçambique picked up on its front page that week. The headline, next to a photograph of a smiling Guebuza, read “*Libertei este país*” – I freed this country.

Nature of the Conflict with RENAMO, 1976-1992

At present the term “civil war” is widely used in academic and popular discourse to describe the 16-year armed conflict between the Mozambican government and RENAMO. At the time, however, the characterisation of the conflict was the subject of controversy, not least as a result of the refusal on both sides to concede even minimal legitimacy to their opponents. It is significant that although the so-called “12-point document” circulated informally by FRELIMO in June 1989 as an opening gambit in the peace process insisted that the conflict was “a destabilising operation that must not be confused with a struggle between two parties”, it went on to argue that constitutional and legal change could only be brought about through democratic participation – in other words through recognition of the status quo, however unsatisfactory it might be. RENAMO’s response, in the “16-point document” asserted its own political legitimacy – “RENAMO is a political force that is active in the Mozambican political arena” – and criticised “insulting verbal attacks” and propaganda from the government as unhelpful wishful thinking.

Clearly the conflict did exhibit the key characteristic of civil war – it was fought between two organised groups, primarily within the national territory of Mozambique, and was, despite government rhetoric, in fact “a struggle between two parties”. Historically, however, it is both possible and desirable to construct a periodization of the war as it shifted over time from one driven primarily (but not exclusively) by the desire of the Rhodesian and South African white minority governments to destabilise Mozambique, to one in which RENAMO gradually developed the capacity to take advantage

of unpopular government policies (e.g. the communal village programme) and to sustain military action more-or-less on its own. A grasp of the fluid and contested nature of the conflict as it was realistically and over time, in sharp contrast to the analytical rigidity of the positions of the protagonists, is essential to understanding the complexity of the process(es) that eventually led to the GPA.

This inflexibility in FRELIMO's analysis of the changing nature of the conflict with RENAMO was the logical consequence of the process of "reframing" already described, that aimed to establish FRELIMO as the only possible legitimate political expression of national political will. FRELIMO was logically incapable of recognising the RENAMO movement even as a movement, much less as articulating any kind of legitimate political grievance. The group was consistently and invariably referred to as merely "armed bandits". This was not an entirely irrational position. RENAMO had originally been founded and supported by the Rhodesian secret services as the MNR or Mozambique National Resistance (even the name, at that point, was in English). It had been put together opportunistically from various dissidents and others who had reason to dislike FRELIMO's socialist project. After Zimbabwean independence, the role of support and direction was taken over by the South African apartheid regime, but RENAMO's basic character remained the same for a considerable time.

FRELIMO's position did not change throughout the 1980s. In March 1982, in a memorable and contemptuous turn of phrase, President Machel characterised the relationship between the South African regime and its agents, RENAMO, as being analogous to that between an organ-grinder and his monkey (National Forum Committee 1985: 47). It followed, therefore, as Sebastião Mabote insisted in a speech in August 1985, that the conflict could not logically be described as a "civil war" because it had not arisen from a domestic Mozambican dynamic, but was driven by the interests of property owners who had been expropriated by the nationalisations of the late 1970s (FBIS 1985). The conflict could therefore only be seen as a war of aggression or destabilisation – the position taken in 1989 in the 12-point document. The now-dominant political discourse, the "reframed" view of

the essence of the independent Mozambican state, allowed no rhetorical or conceptual space for even the possibility of legitimate forms of opposition.

The book *“La cause des armes”* (The origins of the war), published in 1990 by the French anthropologist Christian Geffray, had the effect of opening up heated academic debate about the character of the war. To summarise his argument in extremely schematic terms, Geffray attributed a much more important role in the origins of the conflict to peasant dissatisfaction with government policy and to attacks on local belief systems. The role of Rhodesia and then South Africa was given much less emphasis: what was important was an internal, local dynamic.

This is all, of course, ancient academic history, but it is important to recognise that simple acceptance of the term “civil war” may serve to obscure significant points about the development of the conflict over time, and about how it ended. These points have implications for the present situation – first that multiple regional and international interests were in play in the context of the late Cold War; and second that these profoundly affected the way in which peace was finally negotiated. Regionally, interested parties included not only late-apartheid South Africa, but also Mozambique’s regional allies Zimbabwe and Tanzania, and conservative states such as Kenya and Malawi. The great powers – the United States and the Soviet Union – saw Southern Africa as contested terrain. Portugal was also involved as the former colonial power, with an ongoing interest in Cahora Bassa, and with its government under constant pressure from organised ex-settler groups (*espoliados* or expropriated ones).

From this broad international context flowed not just a single “peace process” but a complex and fluid matrix of peace initiatives, starting as early as 1984, with a range of possible intermediaries, out of which, in the end, emerged a single solution. The process of settling on an intermediary who could be trusted by both sides was lengthy. In late 1988, the South Africans suggested a mediation role for the United States, but the idea was rejected by RENAMO, and not pushed by the government either (FBIS 1989). The initial contacts with RENAMO, undertaken by church leaders with the quiet encouragement of President Joaquim Chissano took place

in Kenya in mid-1989. However, the FRELIMO government mistrusted the then Kenyan president, Daniel arap Moi, who was in any case unable to persuade the two sides to speak directly to each other. Attempts at mediation involving the British businessman Tiny Rowland and the Malawians failed for similar reasons (Vines 1998). Conversely, Zimbabwe and its President Robert Mugabe were seen by RENAMO as firm allies of FRELIMO, and hence unable to act as honest brokers. But the real sticking point was the government's long-drawn-out refusal of direct negotiations with RENAMO.

The GPA as an attempt at stabilisation and reconciliation

In the end, the GPA was hammered out in Rome between representatives of the government and RENAMO, with the mediation of the Catholic Community of Sant'Egídio. The actual text consisted of seven protocols and four attachments, covering inter alia the recognition of political parties, electoral law, the make-up of the military and the cease-fire. The GPA has been, perhaps even more than the revised constitutions of 1990 and 2004, a touchstone for Mozambican politics for over two decades. It is revealing that when RENAMO wanted to emphasise the seriousness of the then still developing conflict in October 2013, the threat that was made was to put an end to the Rome agreements, which it saw as the real touchstone.

The political system that emerged after the GPA can perhaps best be understood, not as a radical democratisation and abandonment of FRELIMO's framing of the dominant political discourse, but as a reconfiguration that made room for such institutional arrangements as free elections and a multiplicity of political parties but did not fundamentally change the existing map of power. The new electoral legislation, for instance, imposed stringent requirements for party registration and a threshold for representation in the *Assembleia* (Parliament) in such a way as to make it difficult for small parties to do anything more than just participate in electoral competitions. It resulted, effectively, in a binary rather than a multi-party system, with access to political participation excluded for all except for the two (armed) parties. In addition, while elected deputies were linked to geographic regions in a formal sense (the provincial party lists), there was no mechanism that made them

answerable to particular communities or constituencies. This arrangement has the advantage – from a party viewpoint – of limiting the possibility of political figures building local bases of power, which has actually happened in recent years with the directly elected “mayors” of municipalities. The most notable example of this was the successful candidacy of David Simango as an independent mayor of Beira in 2008. The news in January 2018 that the government and RENAMO had agreed to the nomination of provincial governors by party leadership, rather than by popular election, tends to support the view that both parties disapprove (Hanlon 2018: 1-2)

In this way, the sequence of five national elections – all won by FRELIMO – have basically functioned to reinforce the grip on power of the already powerful. Unsurprisingly, public frustration and disillusionment with the capacity of the electoral process to promote change or even well-being has expressed itself in such ways as sporadic outbreaks of rioting over prices and low levels of voter turnout, to say nothing of RENAMO’s adoption of a debased form of armed struggle.

In this sense, although the GPA in 1992 successfully brought fighting to an end and established a new juridical framework within which the two major political forces could operate, it was much less successful in achieving reconciliation in the broadest sense. This is not to deny that serious and innovative programmes were developed and implemented, like the social reintegration of instrumentalised children into their communities of origin (see, e.g. Honwana 2002). However, broader reconciliation in the social and quasi-theological sense of releasing the resentments of the past in a spirit of mutual forgiveness has proved much more difficult to achieve. This is perhaps attributable to a popular perception of a Faustian bargain in which the egalitarianism of the revolutionary period after independence, with its concomitant limitations of individual freedoms, has been replaced by notional forms of political liberty accompanied by sharp increases in social and economic inequality. As already mentioned, Southall has argued that in Southern Africa generally “the struggle for liberation was more one for majority rule than it was for political democracy” (2013: 69). FRELIMO’s revolutionary project was always one in which suspicion of the character of

the (inherited) colonial state combined with Marxist theory in support of the idea of party supremacy. In a situation in which maintaining or gaining power is regarded as something to be achieved at any cost, there is low tolerance for opposition and little chance of reconciliation – including the mutual acceptance of electoral outcomes.

Mozambique has not yet achieved a shift to a system in which political opponents are viewed as co-participants within a stable and responsive system in which differences are debated and worked through – in other words, to an acceptance of a new and broadly democratic idea of national unity. A statement in a recent interview by Afonso Dhlakama is, in this respect, less than encouraging, in its complete refusal to let go of past resentments:

Remember that I never lost the elections. I was always cheated and RENAMO knows it. I consider myself President of the Republic since 1994. What I have done for this country and for my party – without wanting to boast, I think I am above a President of the Republic [*Lembre-se que eu nunca perdi as eleições. Sempre fui roubado e a Renamo sabe disso. Considero-me Presidente da República desde 1994. O que já fiz por este país e pelo meu partido, sem querer vangloriar-me, sinto que estou acima de um Presidente da República*] (Dhlakama 2018).

Incomplete disarmament and military integration

The return to armed struggle in 2013 was made possible by the earlier, and ongoing, failure to completely disarm RENAMO in 1992-1994, and fully to implement the GPA's military agreement. In part, this can be attributed to the attitudes of ONUMOZ, the United Nations peace-keeping mission which operated from 1993 to the end of 1994. The mission was generally considered to have been a success, “despite certain deficiencies (failure to demine, an inadequate disarmament process, shambolic handling of demobilisation)” in the possibly ironic assessment of the British Foreign Office (FCO 1999: 4). As late as 26 October, a day before the voting started in 1994, Aldo Ajello – who apparently never really believed that disarmament was a priority for ONUMOZ – warned that large quantities of weapons and ammunition

were still hidden in various parts of the country, and refused to respond when asked if he was personally confident that these weapons would not be used again (Savana 1994). Ajello, former President Joaquim Chissano, and the senior FRELIMO figure Teodato Hunguana are all on record as believing (with hindsight) that this was a missed opportunity, and subsequent research has shown that the misjudgement was even more serious than it was thought at the time, mainly because the quantities involved turned out to be much larger than earlier estimates (Vines 2013: 200, 381; Littlejohn 2015; 23). However, it seems to have been agreed between ONUMOZ and the government, with the recent example of the collapse of the Angolan peace process after the unsupervised 1992 election in view, that insisting RENAMO submit to a rigorous and comprehensive disarmament process was to risk pushing them too hard.

The relative equanimity of ONUMOZ – and indeed, FRELIMO itself – about the incomplete character of disarmament, as part of the larger process of DDR (disarmament, demobilization and reintegration) turned out to have been misplaced. The caches have turned out to be larger than estimated, in circumstances in which trust between the parties and between the population and the government has eroded (Littlejohn 2015). The hoarding of weapons may not have been, from a RENAMO military viewpoint, an irrational strategy however, given the government's outright rejection (following perhaps the Angolan example) of the idea of a power-sharing government of national unity, despite some international pressure (Africa Confidential 1994). Subsequent and much more recent attempts at disarmament have been significantly more problematic: for example, RENAMO refused to consider demobilisation during talks in the first half of 2014 and still had a small army after the October elections of that year.

Various efforts at disarmament have taken place in the intervening years, including over 20 missions known collectively as Operation Rachel, carried out in cooperation with a specialised unit of the South African police, which collected over 50,000 small arms between 1995 and 2008. Other campaigns have included TAE (Transforming Arms into Ploughshares), set up by the Christian Council, which collected nearly 8,000 weapons, and FOMICRES

(*Força Moçambicana para Investigação de Crimes e Reinserção Social*) which emerged from a reorganisation of TAE in 2006 and collected a much smaller quantity of weapons. Despite the efforts of these various missions and campaigns, it soon became clear that most of the arms and ammunition in hidden caches had not yet been recovered (Littlejohn 2015).

Closely connected to the failure of disarmament was the failure to complete the integration of the two armed forces according to the GPA's prescriptions. It had been agreed a 30,000-strong army would be formed, with 15,000 soldiers coming from the government side and 15,000 from RENAMO – at the time, the numerical strength of the two sides together was around 110,000 fighters. Nevertheless, the process was made more difficult by low morale and poor discipline, with intermittent mutinies on both sides. The new army was eventually able to recruit only a little over 12,000 soldiers, of whom 8,600 were from the government and 3,600 from RENAMO. Integration was made more difficult because many RENAMO fighters lacked basic qualifications. Middle-level officers were over-represented, and eventually troop strength dropped to 11,500 in total. In subsequent years, despite the appointment of RENAMO's Mateus Ngonhamo as deputy chief-of-staff, it has been argued that the government was concerned about the future loyalty of an army made up of significant numbers of former rebels, and former RENAMO cadres were deliberately marginalised. Certainly RENAMO has complained about what it alleges were compulsory retirements and a general lack of access to senior positions. By 2013, the most senior former RENAMO commander in the army was a major-general.

The question of the incomplete implementation of the GPA military agreement emerged in 2013 as one of the two main RENAMO demands, together with a reorganisation of the electoral commission – quite possibly because high military rank was seen as providing a path to access to resource benefits, rather than from any practical desire to reconfigure the armed forces. Nevertheless, these two factors taken together – the availability of weapons, and dissatisfaction of one kind or another over the armed forces – provided most of the means and at least part of the motive for a re-launching of political violence.

In an interview in late 2017, Dhlakama advanced a security justification for the demand for parity in the armed forces. He argued that the attacks in September 2015 on a motorcade that he was travelling in, and on one of his residences the following month, showed that President Nyusi was not completely in control of the army and security forces, and that there were military personnel who were following a secret agenda. Full integration of RENAMO military personnel at parity was therefore necessary (Dhlakama 2018).

The decentralisation of political power and administration

The constitution promulgated at independence in 1975 explicitly described the new republic as being the fruit of the struggle led by FRELIMO (Article 1). Articles 2 and 3 continued along the same line, emphasising the supremacy of the liberation movement: power belonged to the people united and led by FRELIMO, which was described as the leading force in both state and society. All true patriots would support the party. These formulations were logical corollaries of the process of “reframing” described above, and an implicit acknowledgement of FRELIMO’s weak grasp of the inherited state apparatus, against which the movement could only juxtapose its limited experience of administration in the former liberated zones. Both the constitution and the new nationality law were apparently approved just before independence in June at the 7th Central Committee meeting in Tofo, in Inhambane, but little is known about this meeting or the processes that produced these two key judicial instruments: there certainly seems to have been no public debate.

The constitutional framework thus laid down unsurprisingly resulted in an extremely high degree of centralised control of administration in the provinces, districts and localities. Local state functionaries (who combined the role of local party secretary) were appointed by and were responsible to central government in a system that did not require them to answer to the communities that they administered. For example, under presidential decree no. 1/81 of February 1981 the government directly appointed 99 district administrators and in a second decree laid out the specific powers and

responsibilities of provincial governors. A few months earlier, in October 1980, President Machel had called the first meeting of district administrators from all over the country, and in a lengthy speech, had emphasised that the primary responsibility of each one of them was to the party and the state, in other words, upwards to the centre.

FRELIMO's highly centralised administrative practices in the late 1970s and throughout the 1980s were not only the consequence of practical considerations of tight control. Decentralisation seems to strike at the heart of FRELIMO's ideological conception of Mozambique as a unitary state, itself an idea that can be traced back to the years of the armed struggle (Darch 2016: 320-321). Key components of the grand narrative of that struggle are that FRELIMO was established through the unification of competing nationalist movements and forged into a cohesive group by the victory of the revolutionary position in the "struggle between the two lines" in 1968-1970. FRELIMO's fear of ethnic, regional or ideological fragmentation and the need to prevent it was a political constant, reflected in such specific areas as, for example, language policy. It is easy to see that the theme of national unity is an unbroken thread running through the discourse of FRELIMO in general, and Samora Machel especially, from the late 1960s onwards.

Even before the conclusion of the GPA, in 1994, there was an attempt to legislate some kind of devolution of both power and control of resources to local level (Law 3/94). The GPA did not deal explicitly or adequately with the issue of the centralised system of governance and administration, or regional and provincial inequalities in access to resources and control over policy. RENAMO's success in the 1994 elections, when it won 38% of the popular vote and 112 seats in the 250-seat legislature, alarmed FRELIMO and made the party more cautious, slowing down the pace of change even further. Legislation was passed in the mid-1990s which enabled the selective devolution of specific powers to elected local authorities: there was some resistance on constitutional grounds. It was clear that conservative elements within FRELIMO were concerned about what was termed "back door federalisation" and loss of control, often couched in the familiar discourse of "national unity." In 1997, some elected municipal councils were established, with more added in 2007 and again in 2013. In the second iteration

of local elections in 2003, RENAMO managed to win control of five of these municipalities. It must also be recognised that the relative autonomy achieved benefited FRELIMO at the local level, freeing local power-brokers from central control that had previously been justified in the name of national unity. In 2003, some more specific powers were devolved to local government.

Decentralisation of administrative functions to the local level, together with the responsibility for the delivery of services was not initially accompanied by a sufficient decentralisation of finances, either in the form of direct subsidy from the centre, or by allowing for the levying and collection of local taxes. This has, however, now begun, with legislation on municipal finances passed in 1997, and reformed in 2008, mainly in the form of the transfer of funds from provinces to districts, but not from the centre (Weimer and Carrilho 2017: 75-76).

Political contestation about decentralisation continues. The existing model is inefficient and effectively discriminates between municipalities, where citizens are voters, and districts, where citizens are the subjects of administration, and almost certainly, as a consequence, in a weaker position in the competition for financial and human resources, investment, infrastructure, and so on. Decentralisation remains a highly problematic and contested concept, to be approached with caution. While local democracy is clearly virtuous, there are real dangers of fragmentation, as RENAMO demands at various times for partition and/or autonomous regions have indicated.

The “Resource Curse” and the expectation of windfall rents

Known natural resources in Mozambique at present consist of natural gas, coal, hydro-electric energy, mineral sands, and (possibly) oil. Much ink has been spilled in debate around the idea that there is an inverse relationship between natural resource wealth and broad socio-economic development in poor countries, a concept known as the “resource curse”. Broad statistical indicators sometimes point to substantial growth in macro-economic terms;

but they do not necessarily show whether overall poverty has been reduced or socio-economic inequality, between social classes or between geographical regions, has dropped. Indeed, the opposite effect may be seen, caused by the inflow of foreign direct investment pushing up domestic prices, the creation of scarcity of capital and labour as the new resource sectors absorb whatever is available, and the absence of wider impact benefits in the economy as a whole.

Large-scale investments in mineral resource exploitation began in the 1990s during the mandates of President Joaquim Chissano, who was seen as technocratic in his policy orientation, with significant decision making powers passing to bureaucratic structures rather than to party functionaries *per se*. Major projects included MOZAL (the Mozambique aluminium project), and SASOL's natural gas developments in Pande and Temane (including the Temane-Secunda pipeline). Exploitation of the Moatize coal fields was also renewed. These "megaprojects" have been subjected to criticism over the years for their failure to provide tax revenue, new infrastructure, employment opportunities or pretty much any kind of spill over benefits even to nearby communities.

Under the leadership of President Armando Guebuza, however, expectations of an imminent gas and coal-fuelled economic boom rose sharply, not least as a consequence of the president's and the government's optimistic rhetoric about poverty reduction, job creation, and social security measures, leading to the possibility of Mozambique climbing up the development ladder to middle-income status. FRELIMO had apparently not learned the lesson, after the "decade of victory over underdevelopment," about the risks of giving hostages to fortune. In any event, as Macuane, Buur and Monjane argue (2017), the now entrenched expectation of future resource-based prosperity with large revenue windfalls has had a significant impact not so much on the actual ideological terminology of the ruling party, as on its meaning and content. The focus on national unity, with its roots in the dangers of factionalism during the struggle against the Portuguese, reinforced to some extent by the terms of the GPA and the politics of the intervening twenty years, has now come to assist in the construction of networks of "patronage

and clientelism” that consciously exclude the weakened opposition, and are designed to weaken it further. “FRELIMO” can now be operating at some level as a horizontal coalition or network, while factions or parties that are excluded are unable to exert any leverage within existing political institutions at national level, such as parliament. In the absence of meaningful decentralisation they have no opportunities at local level either. For as long as FRELIMO’s networks continue to control access to rents, this situation is unlikely to change.

The appeal to unity has also been deployed in the “legalisation” of the secret debt (itself a consequence of raised resource expectations). As Macuane, Buur and Monjane have persuasively argued “...the state guarantee is ... more than just a guarantee of debt, it is also what allowed the civil war to end, as the war-mongers among the ruling FRELIMO elite were protected from financial liabilities. The move also allowed the continued drive towards maintaining ‘national unity’ organized in and around the continued dominance of the FRELIMO party, not only as the sole legitimate government of the country, but also as the continued guarantor of peace ... (2017: 23). We can therefore begin to see that the question of peace cannot be considered in isolation from the current (and historical) politico-economic features of the structure of the Mozambican polity.

Is ‘parliamentarization’ desirable or doable?

A constitution is considered – at least by legal realists who see law as a social phenomenon and not just an enclosed and self-referential thought-system – as a map of power. What then are the prospects for an institutional reconfiguration that might restore popular trust in the political process? The term “parliamentarization” as used by Charles Tilly (1997), described a perhaps idealised political process in which the legislature assumes an increasingly important role in influencing and acting as a check on executive decision-making, by exercising “significant collective control over ... the decisions of government.” Importantly, the legislature also begins to provide a mechanism for “protecting citizens from arbitrary state action.” As the process advances, popular confidence in the effectiveness of the legislature

(and by extension, the state) rises, and discontented citizens become less likely to resort to violent means to assert their rights. The practice of popular politics changes, as does the exercise of broad and equal citizenship.

Parliamentarization in this sense has not yet taken root in Mozambique, as various indicators show. When popular feeling about some aspect of daily life reaches a certain temperature, the outcome is not peaceful demonstrations or parliamentary pressure, but citizens resorting to violent protest (e.g. the food price riots of the period 2008 to 2014 (Brito and others 2015; Brito 2017). RENAMO's resort to armed propaganda is in itself a strong indicator. If measured by voter turnout, it also seems that Mozambican citizens do not believe that "multi"-party elections will make much difference in their lives. Voter turnout dropped steadily over the first three general elections, from a high of 88% in 1994, to 68% in 1999 to 34% in 2004. The last two elections were marked by a slight upturn (to 44% in 2009 and 48% in 2014).

Mistrust is not only focused on FRELIMO. RENAMO has a record of poor party management, and when in power at the local level, has failed to achieve adequate service delivery. Afonso Dhlakama, after decades as leader, has shown himself to be unequal to the task of transforming RENAMO into a modern-day political party and is widely seen as continuing to view politics as a form of combat and the party as a kind of militia. The opposition has been notably ineffective as a parliamentary opposition, and has never really threatened FRELIMO's hegemonic position. This weakness had the effect of creating the opportunity for the rise of the MDM as a third party, but more importantly, has blocked, and will likely continue to block, the emergence of an effective "parliamentarization" in which citizens see the opposition as an effective means for channelling grievance, limiting corruption, influencing policy, and blocking arbitrary state action.

Conclusion

The purpose of the chapter has been to examine some structural social, political and economic features of the Mozambican polity since independence, as well as the key choices made, over time, by key actors within that structure.

The focus has been on the ways in which liberation movement objectives and ideology have been ill-equipped to deal with shifting political, social and economic pressures in the domestic, regional and international arenas, and have, to a significant extent, pre-disposed Mozambican political actors towards a resort to conflict as a means of finding an (imposed) solution.

The key points in the analysis of Mozambique's two decades of success in establishing negative peace, alongside the broader failure to develop the necessary elements of a positive and egalitarian peace in which structural forms of violence are absent can be summarised as follows. First is the absence of generalised political tolerance even after the fighting stopped: members of "other" political groupings in functioning democratic systems are usually considered to be opponents rather than enemies, and to have the same ends in view – prosperity, full employment, economic and social development, etc. – even though there is probably disagreement as to the means of achieving them. Second, closely related to the absence of tolerance is the high level of mistrust and consequently violence – not improved by the policies of the two Guebuza administrations – between political actors, both individuals and parties. Dhlakama's flight to Gorongosa in 2013 in fear for his life, the assassinations of public and political figures, such as Gilles Cistac in March 2015, the MDM's Mahamudo Amurane in October 2017, two FRELIMO Party officials in Dondo in the same month, RENAMO's José Naitetele in December 2017 – amongst other cases – are manifestations of this mistrust in an atmosphere of intimidation and suspicion.

Third, legalistic but non-trivial squabbles over the implementation of the provisions of the GPA have functioned as both cause and consequence of mistrust and intolerance. The purpose of the GPA – to bring an end to fighting and to provide a broadly stable political framework – meant that its provisions could not realistically serve as touchstones for the development of democratic behaviours and practices, parliamentarisation, or "justice-and-reconciliation". These objectives, essential for positive peace, required more confidence, altruism and ambition than was generally available in the system at the time. Indeed, the GPA essentially locked into place a two-party rather than a multi-party system, a situation that clearly needs to change. In addition (and fourth), the continued availability to RENAMO of arms and

ammunition, together with the generalised failure to complete the DDR process, meant that the objective conditions for a return to conflict were permanently present, despite attempts to negotiate a mediated solution.

Fifth, despite the successful organisation of a series of presidential, legislative, and municipal elections in difficult conditions, the process of administrative and political decentralisation has proceeded at a snail's pace. The party list system used in elections means that political figures cannot build local bases of support, and conversely, local electorates – in the absence of any kind of geographically-defined parliamentary constituencies – have no organic connection with their supposed representatives. Accountable governance becomes a chimera. Indeed, it is clear from the recent agreement on the nomination of provincial governors that both major parties actively want to prevent the development of genuine local political dynamics, and to retain central control over their own cadres.

Sixth, but by no means of lesser importance, is the impact of and contestation over windfall rent-seeking by narrow groups of political elites. As long as competition over access to benefits from mega-projects with little infrastructural or employment impact continues, it remains highly unlikely that the basic reasons for popular discontent will be addressed. Finally, and closely related to elite behaviours, is the fact that economic growth, although sustained at high levels over long periods after the GPA, failed to deliver concrete benefits (prosperous positive peace) to the wider population, especially in rural areas and in the north (where Islamist fundamentalists began violent attacks in late 2017).

In a paper jointly published in October 2016 by IESE, CIP, the Fundação MASC, and the OMR, authors identified several key conditions for a hypothetical constituent assembly, to establish conditions for sustainable peace in Mozambique. These were:

- Negotiation of the cease-fire and restructuring of the defence and security forces, under non-partisan premises;
- To rethink the foundations and rules of the game of the political-administrative system, the public services, the tax system, the economy,

the justice sector, the electoral system, etc., and the interrelations between them;

- Make amendments to the 2004 constitution, reflecting the results of the first and second processes; and
- Invest in a culture of citizenship based on universal human rights of tolerance, respect for the other, and the recognition that individual and collective selfishness and cultural, social, economic and political exclusion or marginalization are major causes of conflict and war (IESE and others 2016).

Without going into detailed discussion of these four conditions, which are both reasonable and appealing, it seems to me that they – and similar radical proposals for change – rely heavily on the as-yet-unproven idea that the present crisis is intolerable to the political elite. They provoke a key question that should be considered in the light of an historical understanding of the roots of present-day Mozambican political discourse, ideology, and practice, namely: why would the political elite agree to such changes? In what way would it be more advantageous to accept them than to refuse them – in other words, how would the political cost of maintaining the status quo be worse than the high risks of adopting a new and unpredictable constitutional system?

One hypothetical answer, given President Nyusi's and FRELIMO's intransigence regarding the stand-off with the IMF and the donor community over the suspension of aid because of the "secret debt" (Nyusi 2017), is that some combination of a major electoral shock in 2019, loss of control of provincial structures and perhaps even quasi-secession, and popular expressions of discontent may change the calculus unexpectedly and irrevocably. The fall of Robert Mugabe in Zimbabwe and the premature recalling of President Jacob Zuma in South Africa have both shown that the old systems can indeed be shaken in unanticipated and unpredictable ways. Whether such a process would be as tidy and democratic as the IESE-CIP-MASC-OMR proposals seem to suggest remains to be seen.

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Illegal mining and insecurity in the Democratic Republic of Congo

Cyril Musila

DESPITE SEVERAL peace treaties and military operations aimed at ending conflict and ensuring security in the DRC, insecurity in the Kivu and Katanga regions has persisted. These regions have faced armed conflicts and rebellions, weaponized attacks on villages, ambushes against the Congolese army and travellers, as well as kidnappings and rape. In other regions such as Kasai, insecurity has been sporadic due to violent eruptions by the Kamwina Nsapu militia between 2016 and 2017. The role of natural resources in the violence and insecurity in eastern DRC and the Great Lakes region has been well-documented, as is the role of neighbouring countries (mainly Burundi, Rwanda, and Uganda) in sponsoring armed groups or facilitating the mineral trafficking (Lezhnev and Prendergast 2017). The most significant accounts of the regional conflicts show that armed groups use natural resources to finance their war efforts and to enrich themselves. Most prevalently, this occurs in the extraction of “conflict minerals”: gold, tin, tantalum and tungsten.

The illegal exploitation and export of conflict minerals is one of the DRC’s primary drivers of ongoing insecurity. Numerous reports and studies published by the UN as well as various NGOs and international research institutions have thoroughly documented this conflict cycle. The reports demonstrate that armed groups, responsible for mass exterminations and rape, opportunistically use insecurity to meet their needs and illegally control the international mineral trade. Additionally, they highlight the link between minerals and conflicts in the Great Lakes region, as well as the role of corruption and the absence of governance in conflict. Along with political behaviour, particularly from a governance perspective, this article analyses the relationships between the actors, the economic factors and structures

in connection with the insecurity in the eastern DRC region. This chapter examines insecurity in its various forms, including the socio-economic and governance dimensions of natural resources in the country. It focuses on both institutional and non-institutional actors. The discussion is in three parts. The first relates to the social-economic aspects of illegal mining in the DRC. The second is on the political dimensions, while the third proposes a regional perspective to address the illegal exploitation of resources fuelling the conflict.

Social-economic aspect of illicit mining

Illegal barriers and tax collection are some of the major fiscal insecurity causes in the DRC. Actually, these barriers and the taxes collected by some institutional actors generate uncertainty for businessmen, as they never know how much they pay in taxes and the amount they lose. In the province of Maniema, for example, the involvement of certain local authorities in the mineral trade resulted in the adoption of specific economic behaviours, namely illegal tax collections and setting up of barriers for personal interest. This province appears calm in terms of security as there are no conflicts between militias and army, but its seven territories regularly face many challenges along the minerals supply chain, between the quarries in the forest and the markets in the city. As such, the Maï Maï ‘Raïa Mutomboki’ militias, whose area of operation is in the centre of the provinces of Maniema, South-Kivu, and North-Kivu (towards Walikale), also intervene by creating hurdles and preventing private enterprises (such as the Canadian BANRO Corporation) from exploiting minerals. All of this is done under the pretext that the resources belong to the locals and, therefore, foreigners should not profit from Congo’s natural resources. However, the militias still tax their own communities (Buvaku and Kindu interviews, 2015). Public authorities such as the police and army, among other state services, also block roads and erect barriers to collect taxes for personal gain. Like the militias, their main strategy is to create several blockages along the minerals supply chain: for example, the barriers found along the Oosso-Mengwe axis, the Kindu-Kalima or the Punia-Kindu axis.

False mining cooperatives and conflict

The scale of the artisanal mining sector dramatically increased during the 1980s. Ordinance-Law n° 82/039 of 5 November 1982 promulgated by President Mobutu authorised the artisanal exploitation of precious materials outside of concessions covered by mining titles. This opened the possibility for young Congolese, especially the *creuseurs* (artisanal miners), to invest in mineral mining and commercialization. As artisanal mining became official, legal, and recognised by legislation, it marked the beginning of confrontations between artisanal miners and concessionaires, the holders of mining titles, who did not hesitate to utilize the Police or the Army to protect its concessions. The sector's organization is controlled by a legal and regulatory framework. Hence, the mining law specifies that this activity must be done within Artisanal Exploitation Zones (*Zones d'Exploitation Artisanal* [ZEA]) dedicated for this purpose. The Mining Registry Service determines the ZEAs based on geological and economic criteria of the deposits. There are two objectives in regulating the artisanal mining sector. The state seeks to organize the artisanal miners into cooperatives and exercise complete control over this sector to extract more revenue. For this, the artisanal mining sector is administered by the provincial Mining Divisions, whilst the Office for Assistance and Supervision of Small-Scale Mining (*Service d'Assistance et d'Encadrement du Small-Scale Mining* [SAESSCAM]) is charged with organising and providing technical supervision to this sector, while ensuring strict adherence to on-site security norms.

On the ground, however, the Congolese government faces enormous difficulties because this sector has evolved independently and does not benefit sufficiently, or at all, from the technical supervision in question (Byemba 2012:8). Instead of acting as a mechanism to formalise artisanal mining by organising miners into state-recognised and supervised structures, the cooperatives have become a covert strategy for the political-military presence in the sector. Many are instruments that allow political actors to appropriate mining outputs by using their positions to divert the cooperatives from their objectives. Creating a cooperative is subject to numerous conditions. In fact, it is because of these conditions that artisanal miners say it is difficult for them

to be recognised by the state. This fosters professional uncertainty among the miners, as they are forced to work illegally. Nevertheless, according to several civil society organizations (Maniema civil society organizations, 2015), if one considers the declared number of cooperatives versus their real activities, it is evident that many are fictitious and that authorities disregard the mining legislation as well as human rights (Maniema Liberté 2015). Besides cooperatives, the other strategy is the “patronage” of firms by notable members of key institutions. Such people make every effort to not only favour these firms, but also exempt them from state control (SAESSCAM Kindu and CSOs in Maiema and Etoile d’Orient, Kindy, 2015). The aim is to grant these firms a monopoly over the mineral trade, although a legal monopoly on purchasing minerals does not exist in the DRC.

Mining governance

In the Orientale Province, the majority of authorities, such as politicians and public enterprise executives, have dredges at their disposal for alluvial gold mining, or they own mining concessions that are managed by close relations. When approached by the Mining Administration these authorities refuse to comply and block the validation process. Indeed, as the first step to ensure the traceability of minerals, validation cannot be performed without the support the mining concession owners. In these cases, the validation process is seen by these authorities as an attempt to deprive them of an important means of accumulating wealth and influence. Furthermore, these same authorities are involved in escorting illegally exploited minerals and wood to be trafficked for export. According to Groupe Lotus (a human rights NGO active in the old Orientale Province), numerous armed groups and public institution agents are implicated in illegal mineral exploitation, which has led to regional insecurity. Indeed, Groupe Lotus alleges that the rebel leader Mai Mai Morgan, whose group was implicated in mineral trafficking and sowing insecurity in this eastern DRC region, was assassinated during his transfer to Bunia to stop him from testifying against these Congolese public institution agents (Groupe Locus, 2015). These allegations contradict the official version that stated that the warlord attempted to escape from his military escorts (Radio France Internationale 2014).

Moreover, some public officials are accused of setting up isolated armed groups to pose them against each other by fomenting tension and insecurity. They exploit these tensions and supply these groups. When the army is deployed to intervene in the violence, it leaves its weapons in the hands of individuals so that these individuals may control the mining areas. When the administrative services intervene and arrest people guilty of fraud, notable locals intervene to both free the criminals and recover the seized products. In addition, it can be observed that the systems are intentionally organized to favour politicians. As in the Bondo or Ebakala areas, where state-recognised mining companies have been sidelined to benefit politicians who have been granted forged exploration licenses by the Mining Registry. The output from these mines is then fraudulently transported to Djouba in South Sudan. Combined with army incursions into mining sites and severe structural problems (e.g. lack of infrastructure and governance, corruption), all these practises involve politicians and military members, which partially explains why the mineral validation and certification process does not get off the ground.

The patronage of smuggling

To hinder governance and transparency in the mining sector, numerous institutional actors have an entire system geared towards organising and concealing smuggling operations (CSOs in South Kivu, 2015). This system involves political actors, members of the military, as well as judicial and administrative players. This type of network has promoted fraud and insecurity in South Kivu. In a context of poverty and unemployment, where the young have no access to paid work, the illicit and fraudulent mine exploitation is backed by members of the military and politicians. Such is the case of the Luntukulu site, where wolframite is produced, about one hundred kilometres from Bukavu. Its production is fraudulently exported to neighbouring countries with the support of military segments and politicians on both sides of the border.¹ In September 2015, a two-ton load of cassiterite

1 Author interviews with agents of the Mining Division in Bukavu, 2015.

was seized by South-Kivu anti-fraud agents. It was illegally exploited in a concession belonging to the Canadian firm BANRO and was certified by state services and by the association of producers. According to BANRO, this example demonstrates that the Mining Code was violated and created judicial uncertainty for companies (RFI, 2016).

The militarization of some mining sites in east DRC, such as in Ituri, where armed men loyal to the warlord Morgan (despite his assassination in 2014) and the Patriotic Forces of Resistance of Ituri remain. This means that close to 60% of gold production circumvents official precious materials purchase and export channels. The traceability and governance of gold evades the state's services. An infinitesimal portion is bought through the official coffers; the rest will go to diverse destinations, like supplying weapons to armed groups.

Regional perspectives

The DRC's neighbouring countries play an important role in sustaining and facilitating insecurity in the country's eastern region. Several reports by NGOs – such as “Save Act Mine” or the “Support Group Towards Traceability and Transparency in the Management of Natural Resources” (*Groupe d'Appui à la Traçabilité et la Transparence dans la Gestion des Ressources Naturelles* [GATT-RN]) of Goma – highlight shortcomings in regional economic structures. Additionally, they highlight how multinational companies fuel insecurity as major global economy actors by purchasing or exporting illegal natural resources. The land-locked Kivu province depends on Burundi, Rwanda, Uganda and Tanzania for imports and exports. Geographic dependence creates cross-border connections and networks between the eastern DRC and these neighbours through migration, trade or cultural and political links. Many Congolese rebellions in the eastern DRC, like the M23, were backed by Rwanda and Uganda whose armed groups are active in the DRC, for example the Rwandan FDLR (*Forces Démocratiques pour la Libération du Rwanda*) and the Ugandan LRA (Lord's Resistance Army) or ADF (Allied Democratic Forces). Armed groups control some areas where minerals are exploited. Illegal natural resources exploitation and trade by

these types of groups fuelled conflicts and violence in the eastern DRC. Subsequently, illegal production joins the countries' national production before exportation through the neighbouring countries' ports of Mombasa and Dar-es-Salaam. Such shortcomings promote the entrenchment of insecurity in Kivu or in the Oriental Province, two regional enclaves within the DRC. Illegal exploitation and trafficking benefit these countries where minerals transit before exportation by private or national public companies. Transit countries like Uganda, Rwanda, and Burundi have been identified by UN and NGO reports as instigators or beneficiaries of this insecurity. To illustrate, Rwanda's business climate and technological access positions it to recover fraudulently produced goods and export them for its own benefit.

To solve the insecurity in the eastern DRC, SADC member states were very active during negotiations between the DRC Government and the M23 rebellion. They created a brigade within the United Nations Organization Stabilization Mission in the DRC - MONUSCO to fight against M23. In November 2004, eleven Heads of State and Government of the member countries adopted the Declaration on Peace, Security and Development in the Great Lakes Region in Dar-es-Salaam, Tanzania to address the root causes of the country's intractable conflict and development constraints. In 2006, they signed the Pact on Security, Stability and Development in the Great Lakes Region, including the Dar-es-Salaam Declaration, Programmes of Action and Protocols. To address Western investment, the OECD collaborated with the ICGLR to implement the ICGLR natural resources initiative. The initiative is a key mechanism for the ICGLR to fight against illegal mineral exploitation and trade in the Great Lakes region since it requires mineral certifications.

While institutions are willing to fight against illegal mineral exploitation and trade, the behaviour of political and economic actors that support armed groups do not favour mining sector governance or security. Specifically, from an institutional perspective, some political leaders exert varying degrees of influence and pressure while gauging the ICGLR's effectiveness in implementing regional political initiatives aimed at improving natural resources governance; and consequently, security in mining regions.

Several institutional actors are implicated attempting to halt or slow down the Analytical Fingerprint technology implementation, which identifies the origin of minerals through their geological fingerprint (European diplomat, 2015). To identify the mineral (e.g. coltan, cassiterite, tungsten, tin) researchers use scientific techniques to distinguish the mineralogical, geochemical and geochronological compositions specific to the Great Lakes Region. Up until the end of 2015, the laboratory in charge of implementing this mechanism was still not operational. According to analysts, the lack of will or pressure by political leaders is blocking this process.

Conclusion

Facing armed conflicts and indiscriminate violence, the Kivu province in the eastern DRC illuminates how the scramble for natural resources can instigate violence and insecurity. At the domestic level, Congolese actors from both government and the private sector further perpetuate this mode of economic activity as they use their official position to promote fraud and undermine public security. Moreover, by sponsoring and backing armed groups or by facilitating minerals traffic, DRC neighbouring countries play a pivotal role in Kivu's insecurity. In this case, it is apparent that the regional political economy of insecurity is combined with the influence and power of multinational companies. Efforts by regional institutions, like SADC or ICGLR, to generate solutions and the political or economic behaviour of some influential political actors to sponsor armed groups, paradoxically sustain insecurity in the eastern DRC. Clearly, this is a challenge not only for regional institutions but also international ones struggling to address the country's mineral resourced conflict for decades now.

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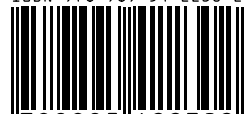
Friedrich-Ebert-Stiftung
Mozambique Office

SOUTHERN AFRICAN SECURITY REVIEW 2017

This version of the SASR focuses on the state of politics, governance and security in Southern Africa; a theme explored during the 2016 Dialogue conference jointly convened by the Southern African Defence and Security Management (SADSEM) and the Mozambique office the Friedrich-Ebert-Stiftung (FES) in Maputo, Mozambique. Discussions reflected on the true nature of insecurity in the SADC region and how the demands of sovereignty and national interest affect the attainment of positive peace within the SADC region. This book is a compilation of these debates and is structured into three parts that lend coherence to the flow of analysis and demarcate its various thematic components. The first part highlights the intersection of politics and economics in the appreciation of peace, security, and development. The second probes some of the key actors and institutions that have played prominent roles in shaping the discourses and policy engagement with regional security issues. In the last section, authors provide detailed analysis of some of the countries that have, alone or with regional institutions, grappled with balancing governance, human development, and security imperatives.

Contributors to this volume are linked to the SADSEM network, an association of eleven tertiary institutions, which seeks to contribute to peace and security in the region by strengthening the democratic management of its defence forces and other security organs. SADSEM and the FES Mozambique office host the Maputo Dialogue on an annual basis. The conference is organized as a policy and practitioner's workshop on regional security, and it produces the SASR as a knowledge and research product on enhancing peace and security in the SADC region.

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