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KABILA ON SHAKY GROUND ... as DRC turns 50



**GETTING
CONNECTED
UNDER THE
SEA**



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GADDAFI
DONE FOR
AFRICA?**



**A DECADE
FOR
AFRICAN
WOMEN**

ISSN: 2073-4956



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Dear reader

On the move in 2010

Best wishes to all of you for 2010. This year is an important one for Africa. A host of countries are celebrating 50 years of independence and it will be a time of reflection and stocktaking of where we are at this juncture in history.

The year 2010 also has a magic ring to it for all of us who have been waiting in anticipation for the big soccer festival, the 2010 Fifa World Cup, to take place in South Africa mid-year. Already the country is abuzz with excitement.

Unfortunately, unhappy events like the attack on the Togolese football team in the Angolan enclave of Kabinda in January just before the African Cup of Nations Games' kick-off are making us all a bit jittery and conscious that nothing must go wrong in the last few months in the run-up to the event which promises to be a huge success.

At the start of the year we focus on Africa's sleeping giant, the Democratic Republic of Congo (DRC). We ask whether the DRC can go it alone, without the United Nations whose presence there is the largest

peacekeeping mission in the world.

Millions of dollars of aid money have been pumped into the DRC in the last couple of years, especially in the run-up to the all-important 2006 elections. The disarmament of rebel groups and their reintegration has also gulped up huge amounts of funding. Yet the results are not what many people would like to see.

Could it be that this aid was given with the donors' own interests in mind, keeping the DRC dependent and torn between all its various patrons for decades to come?

We look at the government of president Joseph Kabila – a man who will celebrate 10 years in power next year. After a decade, is Kabila really in control and what has he done to improve things in his country? The difficulties of governing the DRC after years of predatory rule are evident. In fact, many people are surprised that Kabila is still hanging in there and has not succumbed to a coup or regime-change like his father.

The DRC is indeed the sleeping giant, with a surface of 2,5 million km², a population of close to 70 million people and bordering 9 countries in Africa. Yet life expectancy remains extremely low; basic services that one would expect from any state such as education and health just reach a small minority and those living in the war-torn east are essentially abandoned. They would get no services if it was not for NGO's and religious missions based there at their own peril.

Surely the time has come now to lift this part of the continent out of poverty, especially since it is endowed with vast resources of diamonds, copper, gold, cobalt and other minerals? It is also blessed with ample agricultural resources to feed itself and has vast energy potential to literally light up not only its own cities but also large parts of the rest of Africa.

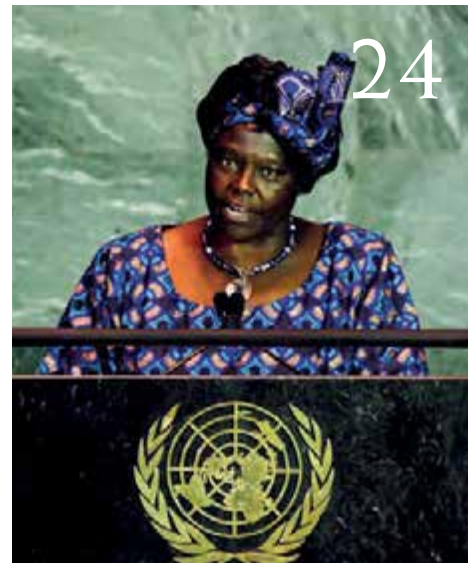
With political stability this could become a reality.

Liesl Louw-Vaudran

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A subsidiary of Avusa Media Ltd

Publishers: Picasso Headline (Pty) Ltd
105-107 Hatfield Street, Gardens,
Cape Town, 8001, South Africa
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Printed and bound by CRR Book Press



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Dianna Games is director of Africa @ Work, a research and consulting company based in South Africa. She looks at how the Chinese investment in Africa is redefining the playing field, with specific reference to the DRC, Guinea and Nigeria.



Bilkis Omar is a senior researcher at the Centre for Justice and Crime Prevention. With the 2010 World Cup round the corner, the South African Police Service (SAPS) has adopted a tough posture on law and order. While acknowledging the much-needed assurances such a strategy provides, Omar cautions that it lacks critical parallel reforms within the force.



Dr Cheryl Hendricks is a senior research fellow with ISS’ Security Sector Governance programme. She looks at the impending African Women’s Decade (2010–2020) in relation to past declarations and argues that until persistent gaps between policy formulation and implementation are closed, progress will remain a pipedream.

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Picasso Headline
105-107 Hatfield Street, Gardens, Cape Town, 8001
Tel: +27 21-469-2400

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Nation Marketing & Publishing Ltd
Nation Centre, Kimathi Street, Nairobi
Tel: +254 2-22122

Zambia

Akine Distributors Ltd
7 Lunzua Roads Park, Lusaka
Tel: +260 211-253-460

Zimbabwe

Publications Distributors
8 Caster Road, Southerton, Harare
Tel: +263 4-668-631

Ghana

Voice and Vision (Ghana) Ltd
13 Agostino Neto Road, Airport Residential Area, Accra
Tel: +233 21-777-118/21-762-340

Upcoming events

2010 marks 50 years of independence in the following African countries:

1 January: Cameroon

This former German colony was divided between France and Britain after World War 11 before becoming independent

27 April: Togo

Sylvanus Olympio becomes president and rules until a coup in 1962

26 June: Madagascar

Following a violent uprising this former French colony becomes independent

3 June: Democratic Republic of Congo

Violence followed the independence of the former Zaire from Belgium

1 July: Somalia

Somalia was formerly under British, French and Italian rule

1 August: Benin

Formerly known as Dahomey, Benin becomes independent on this day

1 August: Niger

A former French colony Niger becomes independent under Hamani Diori

5 August: Burkina Faso

At independence Burkina Faso was known as Upper Volta until the name change in 1984

7 August: Cote d'Ivoire

Former French MP Felix Houphouet-Boigny leads Cote d'Ivoire to independence on this day

11 August: Chad

President François Tombalbaye is elected president of the newly independent Chad

13 August: Central African Republic

David Dacko is the first president of an independent CAR

15 August: Republic of Congo

Following a popular uprising this former French colony becomes independent

17 August: Gabon

Leon M'ba takes over in oil-rich Gabon at independence

20 August: Senegal

Senegal accedes to independence under president Léopold Sédar Senghor

22 September: Mali

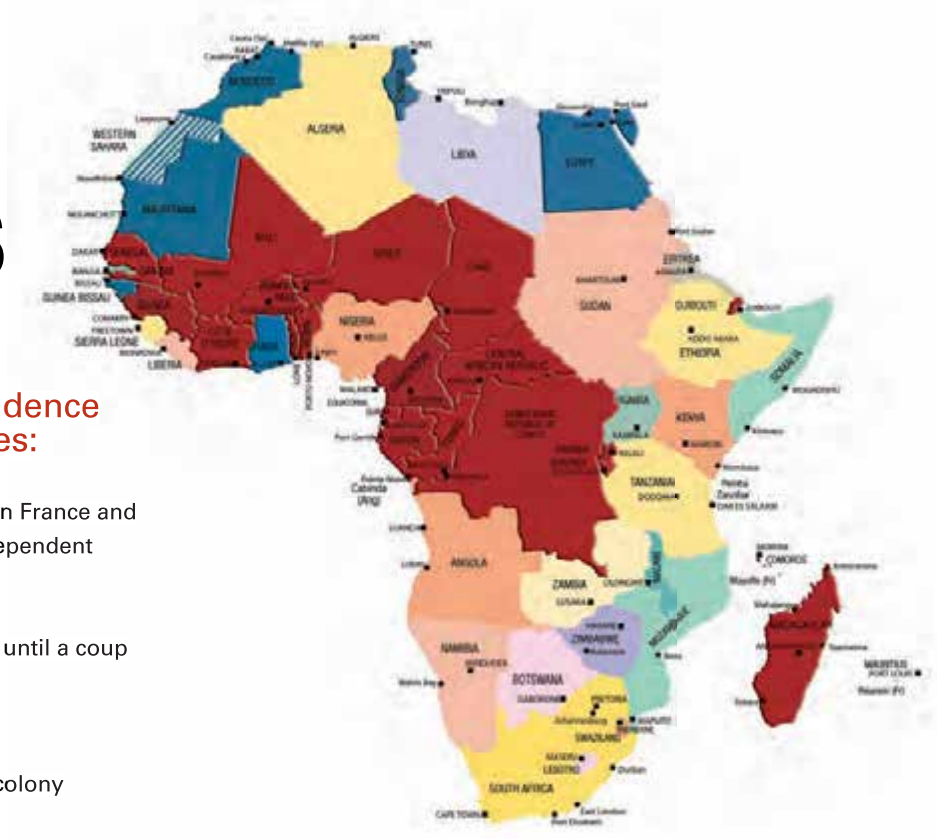
Formerly known as French Sudan, Mali becomes independent under Modibo Keita

1 October: Nigeria

Following independence Abubakar Tafawa Balewa was elected the first Prime Minister

28 November: Mauritania

A former French colony, Mauritania becomes an Islamic Republic on this day



Newswatch

Nigerian power vacuum

It has been several weeks since Nigerian president Umaru Musa Yar'Adua was flown to Saudi Arabia for medical care. While the country could be praised for handling the matter so far with a rare calm there is now a concern about how long the agony will last.

Yar'Adua became president with two major thorns in his side, namely the conditions under which he was elected and his chronic health problems. Although he has seemingly managed to restore his constitutional legitimacy after a lengthy legal battle, his health issues continue to undermine his leadership, generating a highly contentious political/succession debate in the country.

On the one hand, some citizens are praying for the swift recovery of their leader while on the other hand, top political elites, including former high-ranking government officials and the law society have called for his resignation. Two months later, it is hard to see any signs of the president's recovery and a dark cloud still hangs over when exactly President Yar'Adua will be back.

Nigeria's 1999 constitution stipulates that if the president is incapacitated, the vice-president could take over until the next elections slated for April 2011. However, there also exists an unwritten consensus prescribing the rotation of the presidency among the three major ethnic groups in the country. If Yar'Adua is to be declared unfit to rule, will political actors maintain such an ad hoc consensus over the constitutional provisions? This could only be possible in a scenario where the current Vice-President Goodluck Jonathan assumes the presidential office until the next elections in 2011.

The democratic health of Nigeria is clearly put to test – just a decade ago, this health saga would have almost certainly resulted in a coup, bloody or otherwise. But the current debate around a constitutional succession and the use of constitutional channels in an attempt to replace the incumbent clearly indicate a shift in Nigerian politics.

Guinea's military coup-makers caged

A military junta that seized power on 23 December 2008, a few hours after the announcement of the passing away of long-term ruler of Guinea, President Lansana Conté, now appears to be willing to engage in dialogue. The injured junta leader, Captain Moussa Dadis Camara, and his deputy, Sekouba Konate were recently in an emergency meeting with the Burkina Faso president, Moussa Traore.

Despite the junta's initial assurances of speedy return to constitutional rule after the *putsch*, it turned out Camara and his cohorts were preparing for a long spell in power. He soon hinted his intentions to contest for presidency, a situation the pro-democracy movement found untenable. This ultimately culminated in the stadium massacre in September during which more than 150 protesters were mowed down, eliciting widespread international condemnation.


In December a failed assassination attempt was made on Camara, who had to be spirited away to Morocco for bullet-wound treatment. In the meantime, his deputy Konate came in and has been making the necessary moves that point to some power-sharing deal of sorts with the opposition.

On 29 December however the Peace and Security Council (PSC) of the AU, as per the Lome Declaration, gave the junta six months in which it (the latter) should clearly spell out its intentions in regard to the restoration of constitutional order.

Cabinda attack fallout

The main players, the Angolan government and the Cabindan separatists, ironically appear to be the main losers in the aftermath of the pre-Cup of Nations attack on the Togolese national team. The attack that has been variously claimed by both factions: the Forces for the Liberation of the State of Cabinda – Military Position (FLEC-PM) and the Front for the Liberation of the Enclave of Cabinda – Armed Forces of Cabinda (FLEC-FAC) led to the deaths of the team's assistant coach, media spokesman and the Angolan bus driver. Scores of players were also injured.

For one, the Angolan government's arrogance of trying to hoodwink the outside world by staging an international tournament in a territory characterised by low-level insurgency has backfired on them. The 2006 Confederation of African Football (CAF) assessment of Angola's readiness to host expressed security concerns on the enclave, but these were ignored by the government. Neither did the government's alleged reaction of downplaying the attack serve its intended public relations goals.

For its part, the secessionist movement did not gain any mileage out of the ensuing *melee*, beyond recognition of their capability for bloodletting. If anything, based on international response the attack is seen purely as a terrorist act, which has inadvertently even given sympathy to the Angolan government. Obviously, it has not advanced the cause of the struggle for the independence of Cabinda. The diplomatic damage far outweighs whatever gains there could be. The only lesson that could be learnt from this fiasco is for the two parties to seek a negotiated settlement. Cabinda accounts for more than 60% of the Angolan oil output. 



1

Despite unsatisfactory Summit outcome, obviously new friendships were forged and old ones strengthened. South African president Jacob Zuma with Nicolas Sarkozy of France.



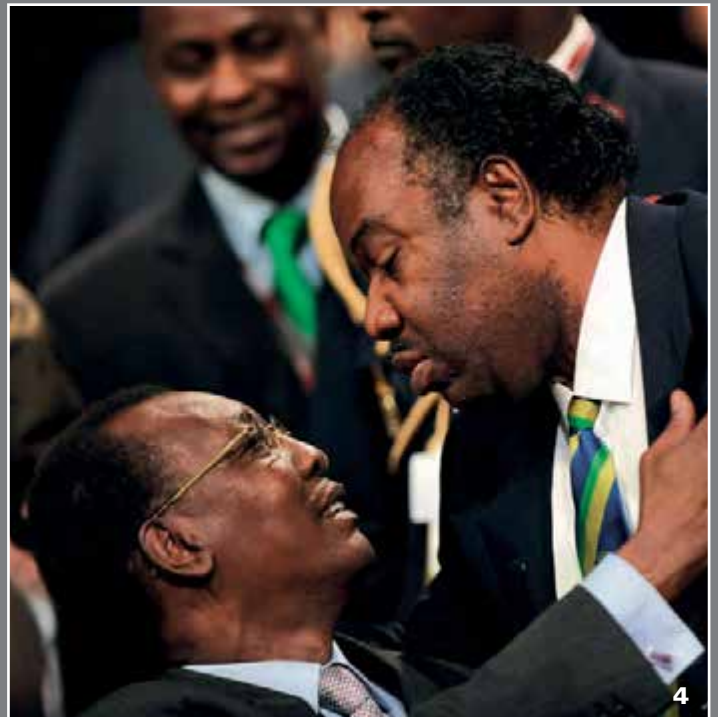
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At least the Copenhagen summit cheered up the often-sombre Zimbabwean strongman, president Robert Mugabe.



3

In the time of climate change, Kenyan president Mwai Kibaki was well kitted for the harsh Scandinavian winter.



4

New arrival, president Ali Bongo of Gabon being welcomed by Chadian president, Idriss Deby.



The Politics of Continuity?

On the eve of its 50th birthday, the internal stability of the Democratic Republic of Congo (DRC), Africa's third largest nation, remains highly volatile, writes **Hans Hobeke***

Despite a successful election in 2006, surges of assertive nationalism against a dysfunctional "international community" tend to mask the major deficiencies of the DRC political system. It is marred by corruption and it is still largely neo-patrimonial in nature.

The 2006 elections had raised

hopes, among the majority of the Congolese and the international community, of a new beginning that would effectively end more than a decade of war and instability.

The two Congo wars (1996-1997 and 1998-2003), were largely the outcome of more than three

decades of rampant mismanagement, corruption and authoritarianism that were the hallmark of the Mobutu Sese Seko era. This system was commonly described as a "kleptocracy". Joseph-Désiré Mobutu's ascendancy to power in 1965 initially appeared to have brought stability to what was basically

Gallo Images/AFP



Waiting and hoping for cessation of hostilities appears to be all these war-weary residents of eastern DRC could do

clearly won by the Mouvement de Liberation du Congo (MLC) of Jean-Pierre Bemba, former rebel leader and one of the four vice-presidents in the complex transitional government arrangement.

Another factor of electoral strength in the west was the Parti Lumumbiste Unifie (PALU) party of octogenarian Antoine Gizenga, a historical political figure with a strong political base in Kinshasa and the Bandundu Province. In the second presidential run-off, Gizenga and PALU allied themselves to Joseph Kabila. This alignment undoubtedly provided Kabila with the critical political base in that part of the country. In return Gizenga (succeeded in 2008 by Adolphe Muzito) and PALU were compensated with the position of Prime Minister and a number of other key ministries that included finance. While in general the

the government had to confront its opponents. For instance, government subsequently acted militarily to quell flare-ups in Bas-Congo Province against the Bundu dia Kongo religious sect and the ever-bolder Congres National pour la Defense du Peuple (CNDP) rebels of the renegade Congolese Tutsi general, Laurent Nkunda in the North Kivu Province.

The conflict in the Kivu provinces continues to have a profound political impact on the DRC. It is here that government strategies were tested and exposed as non-viable. The insistence on a military solution against the CNDP, which resulted in a number of serious military defeats, badly dented government's credibility both nationally and internationally.

It also demonstrated the lack of seriousness on the part of government in dealing with the key issue of

So far, both the peace process and the elected government have failed to improve human security in the eastern provinces where the fighting continues with concomitant serious human rights violations

a chaotic post-independence period. But his rule gradually turned former Zaire into an implicitly failed state.

The 2006 elections were the culmination of a three-year transition period that started in 2003, following the Inter-Congolese Dialogue, a process in which all the political forces of the DRC were represented. The elections revealed a cleavage between the eastern and the western provinces of the country. The eastern provinces voted massively for Joseph Kabila while those in the west were

elections were peaceful in most places, violent incidents broke out in Kinshasa between government forces and armed elements loyal to Bemba.

The lull that followed the elections was short-lived. In March 2007 heavy fighting erupted in Kinshasa between Bemba's rag-tag band of bodyguards and the "Garde Républicaine". In this confrontation the government quickly lost control of the situation until the intervention of their Angolan allies, which restored their edge. It was however not the last case where

Security Sector Reform (SSR). In addition, this heavy-handed approach, undertaken by badly structured and unpaid security forces resulted in major violations of human rights, in both the eastern and western parts of the country. These cases have been well-documented by the UN and NGO's.

The last major defeat in November 2008, in which the Forces Armées de la République Démocratique du Congo (FARDC) government troops effectively retreated and left the city of Goma to the advancing CNDP



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Jafta Family, Nqambeni Village (Eastern Cape)

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rebels, came as a serious political blow to Kinshasa. The regime had become increasingly fragile and it would take a dramatic shift of alliances to reverse the tide for Kinshasa.

An agreement with Kigali to mount a joint operation against the Rwandan Hutu Forces Democratiques de Liberation du Rwanda (FDLR) rebels based in both Kivu provinces, and the arrest of Laurent Nkunda in Rwanda, marked a new partnership between two old enemies. FDLR rebels were previously allies of the Kinshasa government while Nkunda had become increasingly autonomous and his political ambitions were becoming ever more problematic for his handlers in Kigali.

The dramatic shift in the east considerably reinvigorated and reinforced the position of Joseph Kabila, at least within the institutions and at the international level. Ironically, the east of the DRC is supposed to be Kabila's electoral power base, it therefore seemed scandalous of him to seek intervention of Rwandan president Paul Kagame to bring stability to that region.

An important political struggle unfolded in Kinshasa where Vital Kamerhe, Speaker of the National Assembly strongly opposed a collaboration agreement that allowed Rwandan troops to operate in eastern Congo again. Kamerhe originates from South Kivu Province and was one of the key architects of Kabila's political formation Parti du Peuple pour la Reconstruction et la Democratie (PPRD). Under intense political pressure, Kamerhe was removed from the powerful position in the National Assembly, and was soon replaced by Evariste Boshab, one of Kabila's key lieutenants.

Interestingly, 2010 and 2011 have been slated as years in which both

local and parliamentary/presidential elections will be held respectively. By 2011, Joseph Kabila will have been in power for 10 years, despite the fact he has only had a popular mandate since 2006. He was parachuted into presidency following the assassination of his father, Laurent-Désiré Kabila in 2001.

So far, both the peace process and the elected government have failed to improve human security in the eastern provinces, where the fighting continues with its concomitant serious human rights violations. Despite this, the government, in an effort to reassert its legitimacy, is increasingly upping the pressure to draw down the presence of the UN peacekeeping force, MONUC. It hopes to capitalize on the mission's lack of popularity.

However, one of the key conditions for such a withdrawal, which is the success of the SSR process, is seriously lagging behind, with little real progress shown so far. As the latest report of the UN Panel of Experts demonstrates, even during the Kimia II operations in South Kivu, high-ranking operatives of the FARDC were continuing their collaboration with the FDLR.

The political strategy of the Kabila government rests on the so-called "cinq chantiers" or "five pillars", an ambitious plan for the reconstruction of the country in five key domains: infrastructure, health and education, water and electricity, housing and employment. Despite a number of projects and the promise of great investment plans linked to the Chinese contracts in the mining sector, the effects of the reconstruction programme remain mitigated.

As regards the organisation of the elections, this will largely depend on the availability of the necessary financial and logistical resources, and

no guarantee exists that the DRC government will make these abundantly available. In addition, legislation on the territorial administration is lacking thereby hindering the updating of the electoral lists.

At the dawn of the 50th anniversary of its independence, to be celebrated on 30 June 2010, the future stability of the DRC remains highly uncertain. Certainly, the 2006 elections were a major step in the right direction, but the challenges ahead remain enormous.

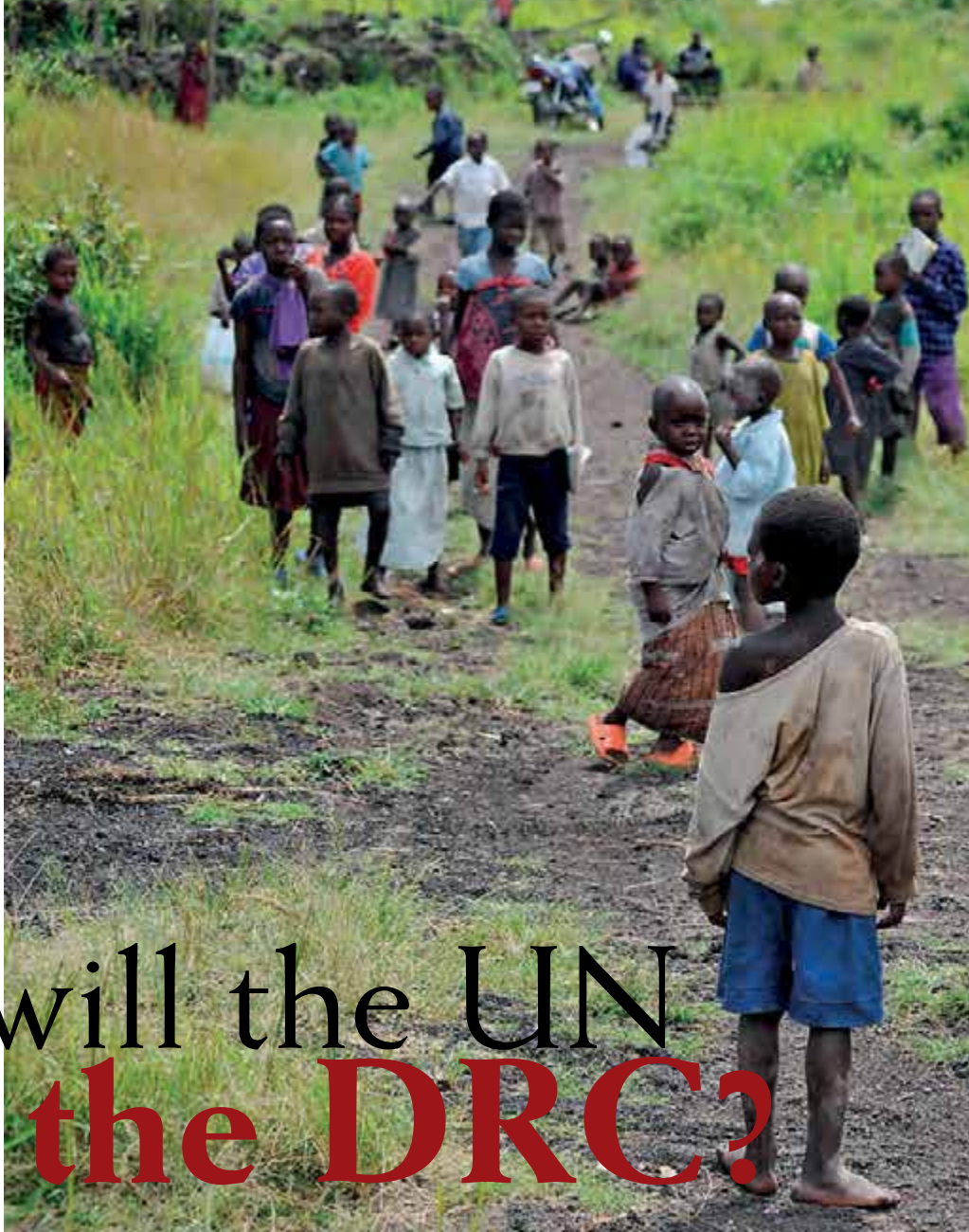
Finally, since the arrest of Jean-Pierre Bemba on behalf of the International Criminal Court – for crimes allegedly committed in the Central African Republic – there is no longer any serious political opposition. Bemba's arrest has effectively decapitated the MLC, Kabila's main contender in the previous elections. Tensions are also said to be rising with the PALU, currently providing the Prime Minister. However, that party is very likely to face serious fragmentation since it is highly unlikely that Antoine Gizenga will be able to participate in future elections, and no clear successor exists within its ranks.

In addition, the political elimination of Vital Kamerhe has seriously incapacitated the national assembly as a political actor. While the ensuing scenario could have reinforced the position of the President, it could have also unwittingly left it without any form of countervailing authority. The combination of these elements leaves a very restricted political landscape for the nurturing of democracy in a region that is facing a difficult and uncertain future. ■

** Hans Hoebeke is a senior researcher at the Central Africa Programme of Egmont (Royal Institute for International Relations)*

The government of the Democratic Republic of the Congo believes it will be in a position to “go it alone” without the UN within the next two years. Military expert and DRC-specialist **Henri Boshoff** questions the wisdom behind sending peacekeepers home in 2011

When will the UN leave the DRC?



The announcement late last year by the Congolese Minister of Communications and Media Mr. Lambert Mende Omalanga that the United Nations Mission in the Democratic Republic of the Congo (DRC), MONUC, would withdraw from that country by 2011 came as a surprise to the UN and the international donor community.

MONUC is the largest UN peacekeeping operation in the world with 18 606 total uniformed personnel and a vast network of volunteers, buildings, vehicles, offices and infrastructure across the country. Some would find the idea of the DRC

without the UN almost unthinkable.

In the conflict-ridden eastern DRC the sight of UN vehicles, tents and offices are such a familiar sight it would seem a different place without MONUC. Still, an “exit-strategy” has been raised many times over the years and there has been a lot of speculation over what would happen once the UN withdraws. MONUC has been in existence since November 1999.

The minister’s statement seemed to be definite, but a lot was left unsaid. Not only was it left unclear as to whether this would be a total withdrawal or merely the beginning of a phased reduction in strength, but

the choice of 2011 was strange. While 2011 marks the 50th anniversary of Congolese Independence, it should also see the holding of the second set of national multiparty elections – a time UN troops might surely be needed.

The minister mentioned the instability in the eastern DRC and the status of the *Forces Armées de la République Démocratique du Congo* (FARDC) and the National Congolese Police (PNC).

This might imply that the Congolese government believes that by 2011 its own forces would be up to the task of providing nationwide security – a conclusion most informed observers



With the proposed withdrawal of UN soldiers in the DRC, who will guarantee the safety of these children at Mugunga camp for internally displaced people in Goma?

advised that an overarching UN strategy should be developed for the DRC, bringing together the focus on peacekeeping tasks in the east and peace consolidation and peace-building in the west. The strategy would identify coordination mechanisms with authorities and partners, as well as cooperation modalities for the UN country team and MONUC to support stabilisation and peace building in the DRC. It will also work out the details and modalities of a handover from MONUC to the country team and other partners to ensure a smooth transition.

It is clear that the principal difficulty lies in assuring stability and governance in the east. The implementation or non-implementation of Security Sector Reform (SSR), Demobilisation, Disarmament and Reintegration (DDR) of the FARDC and PNC as well as the Demobilisation, Disarmament, Reintegration, Resettlement and Repatriation of foreign-armed groups are the biggest challenges here. The lack of unity and sufficiently trained, coherent units within the FARDC, are a legacy of years of war. Integrating former militias and rebel groups in an army already notorious for its lack of basic skills and commitment is no easy task.

The Congolese government has predicated the withdrawal of MONUC in the east upon the successful implementation of the military master plan's short-term vision:

- the training and deployment of 12 battalions of a rapid reaction force drawn from elements yet to undergo *brassage* (training and integration into the army units), as well as from the 18 existing integrated brigades
- the establishment of the legal

would question, even though a redeployment of MONUC forces to the east of the country suggests that the west is now relatively stable.

In 2008 the UN Security Council, in terms of Resolution 1856, had asked MONUC for its recommendations on the progressive handover of its tasks to a UN country team and bilateral and multilateral partners as far as the western part of the country was concerned so as to allow MONUC to concentrate on the eastern DRC.

The subsequent assessment advised that it would take between 6 and 24 months to hand over MONUC's

responsibility to a country team. MONUC also suggested having MONUC police and military response units available if needed.

The technical assessment mission determined that, although both the eastern and the western parts of the DRC faced problems created by the absence of effective state institutions and authority, the challenges in the east were more acute given the prevailing armed conflict.

In the west, however, provincial authorities generally lack effective capacity, and institutions are unstable, under-resourced and underfunded. The Security Council therefore

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Escalating violence in eastern DRC is creating a humanitarian catastrophe and could have tragic consequences for the entire region

framework necessary for army reform, and

- the completion of the transitional disarmament, demobilization and reintegration and army integration programmes

Unfortunately this short-term vision remains just that, and has been delayed because of the ongoing fighting in eastern DRC since late 2007, as well as a lack of coordination between all role players to address the conflict: SSR, DDR, and DDRRR. For example the first rapid reaction battalion trained in 2008 by South Africa at an enormous cost has disappeared from view. The international community is very reluctant to undertake further such training until there is an overarching white paper on defense, a strategy and structure as well as political oversight. MONUC is again seeking to expand its working group on Security Sector Reform to include bilateral partners in addition to the European Union Mission of Assistance for Security Sector Reform, and the European Union Police Mission in an effort to enhance information-sharing and move towards more strategic coordination on this critical issue.

The UN Secretary-General Ban Ki-moon's report on the DRC in December last year recommended that the Security Council extend

MONUC's mandate for six months, instead of a full year. This will give MONUC time to "develop with the DRC government proposals for the future direction of MONUC, including an exit strategy with benchmarks detailing critical tasks to be met before the mission's drawdown." One idea being considered is to shift MONUC's headquarters from Kinshasa to the east, where the mission is most active. This would not be a wise move, since that would mean the strategic hub of MONUC would then be far away from the capital and the seat of government. The long-term plan is to have a gradual shift away from peacekeepers to civilian experts focusing on reconstruction, security sector reform and fighting corruption.

In conclusion, the Congolese base their decision for MONUC to withdraw on the assumption that the FARDC and PNC will be a force capable to deal with the violence in eastern DRC. This seems unlikely. A recent report by a Group of Experts on the DRC as well as Human Rights Watch confirms the opposite: the FARDC is in chaos. Unless this and other issues are addressed very quickly there seems little possibility of a MONUC withdrawal by 2011. Given the slow rate of progress so far, a further five to ten years deployment

DRC fact box:

Why the UN is in the DRC

The DRC's is of vital strategic importance:

- Its size (2.5 million sq km), the fact that it is endowed with 50 per cent of Africa's forests and is home to one of the world's mightiest river systems – that could provide hydroelectric power to the entire continent – make the DRC the natural political center of gravity for Central Africa. No stability in Central Africa without a stable DRC, and conversely.

The DRC is one of Africa's potential economic powerhouses:

- The Central African copper belt – which runs through the DRC – contains one third of the world's reserves of cobalt and one tenth of its copper reserves.
- The DRC contains 80 per cent of world reserves of columbite-tantalite (coltan).
- It ranks among the world's largest producers of industrial diamonds.
- Substantial gold deposits are found in the eastern part of the country.
- Of the thirty-five per cent of its soil (80 million hectares) deemed exploitable, only ten million hectares are used.
- It ranks 167th out of 175 in the 2003 UNDP Human Development Report.
- If the DRC succeeds in building a stable state structure, it will attract the trade and investment for an open and lawful economy on the scale concomitant with immense untapped natural resources.

Source: www.un.org/peacekeeping/missions/monuc

would not seem out of the question.

The remarks by the outgoing deputy head of MONUC, Ross Mountain should be kept in mind. Speaking about the recurring crises in the DRC he said: "Every six months it is like an Asian Tsunami." For now we need the UN to protect civilians and to stave off more Tsunami's in the DRC. ■



Will the DRC retain its attractiveness to investors?

With its abundant and unexploited natural resources, the Democratic Republic of Congo (DRC) is undisputedly Africa's major magnet for investors, particularly in the mining sector. However, **John Kaninda** argues that the country's leadership seems to lack political will to make the DRC a more attractive investment destination

A familiar sight to those regularly visiting the DRC embassy in Pretoria since the end of a near decade-long civil war in 2005 is that of white gentlemen in dark or charcoal suits leaving the premises with passports in their hands and smiles on their faces. They have finally been granted a visiting visa and are on the verge of making the first steps of a journey

to a land seen by many as a mining El Dorado. A land where fortunes have been (quickly) made by those adventurous enough to brave instability, insecurity and a more often than not intimidating business climate.

Investing in the DRC has resulted in various outcomes for waves of would-be investors in that country.

Despite the widely-documented

risks associated with moving into the central African giant, the DRC remains a very attractive proposition to many: its rich mining potential remains vastly untapped and has led to the signing of around 61 mining contracts by the government and various investors during the war (1998-2003); also, there is plenty of room for an array of service providers

(ranging from banks, insurance companies, etc); and the government's recent decision to grant white South African (and it seems Zimbabwean) farmers 90-year-leases on vast and fertile swaths of land across the country has reignited people's interest in the country.

The DRC has also recently adopted a progressive mining code, seen by many as one of the best mining codes on the continent, along with the much-vaunted Ghanaian mining code. Kinshasa has also reviewed its investment code and included many incentives in its provisions in a bid to attract more investors in the country.

No wonder businessmen clad in elegant suits remain regular visitors at the Congolese embassy in Pretoria.

However, despite all the efforts by Kinshasa to make itself an attractive destination for Foreign Direct Investment (FDI), there have been contradictory and worrying signs coming from the government which could, if not corrected, have a detrimental effect on the attractiveness of the DRC as an investment destination.

One such sign is the so-called mining review by the DRC government of the 61 contracts entered into by the country with various mining houses. Launched in 2007, the contract review process aimed to determine which of the contracts would be rejected or renegotiated in an effort to clean up a corrupt mining sector and beef up national revenue from a sector which is the biggest earner of foreign currency.

However, for some mining players the review turned into a nightmare.

First, it took more than one year to complete (mid February 2008) and when the government announced the end of the process, it took another year (until around mid 2009) before

the companies who had been notified of the review's outcome were allowed to sit at the negotiating table.

At the time, in a candid assessment, the governor of the mineral-rich Katanga Province, Moïse Katumbi told Reuters that the extended timeframe taken to review the contract was hurting mining companies. "It's a problem that this revisiting of contract has taken nearly a year. For the moment, it is frozen. Everyone is waiting for the review. Today the bankers don't want to give credits to miners, because the banks want to feel secure," Katumbi was quoted as saying.

...despite all the efforts by Kinshasa to make itself an attractive destination for Foreign Direct Investment (FDI), there have been contradictory and worrying signs coming from the government...

Then the review took a dramatic turn with the government's decision in August 2009 to cancel one of the biggest mining contracts under review, the Kingamyambo Musonoi Tailings (KMT) contract and to not positively close the review of the Tenke Fungurume Mining (TFM) contract. TFM is the local subsidiary of US mining house Freeport McMoran.

KMT is a joint venture between the DRC government (5%) and its mining utility Gecamines (12,5%), Canadian miner First Quantum Minerals Ltd (FQML, 65%), the Industrial Development Corporation of SA (10%) and the International Financial Corporation (7,5%). KMT's main shareholder, FQML is investing close to US\$600 million in an ultra modern

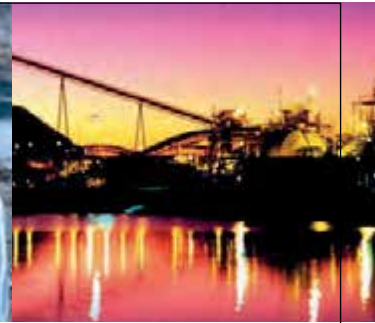
facility with the aim of exploiting cobalt and copper tailings in the city of Kolwezi, the country's economic capital 350km north west of Lubumbashi. Cobalt reserves are estimated at 1.5 million tons while cobalt reserves stand at more than 350 000 tons. The project life span is 22 years.

In a press statement released on 4 August following a cabinet meeting, the government said it had cancelled the contract as FQML had failed to begin commercial production within the agreed timeframe, a claim that was rejected by the company, which said that "all steps undertaken to date regarding the development of this project are

within the terms of the contract".

And in a 16 September news release posted on its website, FQM said the government's decision had been influenced by the involvement of two judicial authorities, the country Attorney General who in his 21 August letter called for the revoking of the KMT contract and ordered the General Prosecutor of Katanga to seal the KMT facility. KMT was shut down on 16 September but FQML's lawyers have said that the two judicial authorities had acted without a court order, thus making their actions illegal.

The failure of the Congolese government to protect a massive investment such as KMT sends all the wrong signals to the investor community and questions Kinshasa's



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The president shoulders the responsibility of making the DRC the investment destination of choice

willingness to protect foreign investment in the land.

An interesting development of late though is that some cabinet members – at the provincial level – are starting to fear that the DRC has tainted its image abroad. A recent report by Reuters quotes Katanga provincial minister of mines, Juvenal Kitungwa as saying that the failure to complete the review of the TFM contract and the revoking of KMT's mining license has brought "uncertainty in the sector. When there is uncertainty in the sector we risk seeing some possible investments no longer happen".

For Kitungwa, it is crucial that the DRC avoid shunning companies like First Quantum "which plans to invest US\$553 million in the KMT project" if the country is to keep its good standing as an investment destination.

The trick for the government is to keep a balanced view of the matter by protecting the investors' interests while at the same time preserving an acceptable shareholding in the mining ventures. "We think that they (the central Government) are right (to review mining contracts). But what we are saying is that given the size of First Quantum's investment it is high time to restart dialogue and find a solution,"

Kitungwa is also quoted as saying.

Will the government in Kinshasa heed such a call?

The answer to such a question will only come from a positive move from Kinshasa, that is if negotiations with FQM are reopened. So far there has been no clear indication from Kinshasa that the contract will be renegotiated and in the absence of such indication, it is unlikely that the DRC will be able to attract massive investments, unless those investments come from China. The Asian giant has an agreement with the DRC whereby it will invest US\$6 billion in infrastructure development in the country in exchange for access to Congolese minerals.


The malaise prevailing in the mining sector could apply for instance to the forestry sector. Despite a 2002 moratorium by the World Bank, the Congolese government has carried on issuing logging concessions to companies that are carving up the rain forest with no regard for damage to the environment and that care little about the population around exploitation sites.

A context similar to the one that led to the mining review is now prevalent in the forestry sector. What happens

if the Congolese government decides to embark on a review of logging contracts? Will investments made under the Forest Code be upheld? Or will the country witness another protracted process that will taint the DRC's reputation abroad?

Meanwhile, there are many locally who have stopped believing in the government's capacity to attract and provide the needed assistance to investors and who have thus decided to take matters into their own hands. They believe that institutions such as ANAPI, the National Agency for Investment Promotion, has failed miserably to provide foreign and local investors with the needed guidance to succeed in their ventures.

The setting up of investment consultancies such as Promo Congo - a group of relatively young professionals from various sectors of the Congolese economy – around the motto "Our Congo, not theirs" (the leaders') is a new trend, which is indicative of the lack of trust in the government's ability to make the best of what the country has to offer in terms of investment opportunities.

There is no doubt that the DRC will continue attracting interest from abroad and that the corridors of its embassy in Pretoria will be crowded with potential investors in slick business suits, but whether they will succeed in their journey into the DRC depends as much on their will as it depends on the political will to make the DRC a more attractive investment destination. Kinshasa has to put its house in order. What investors need is security and stability. Should the DRC be able to provide it, then there would be limitless opportunities to turn its potential into tangible value to the benefit of the country itself and that of the African continent. 

An aerial view of a campsite located near Akwa, in Bakassi – a disputed area between Cameroon and Nigeria

Africa's problematic borderlines

The borders of African states have been mired in controversy since colonial times. African borders are often perceived as “artificial” and “arbitrarily imposed” by Europeans. **Wafula Okumu** argues that there is much more to the problems surrounding our borders than meets the eye

Whenever armed conflicts break out between African states, colonially inherited boundaries are usually cited as one of the causes. Colonialists have been severely criticised for arbitrarily creating artificial boundaries that do not reflect African realities and interests. When such charges are made I try to point out that all boundaries are artificial and arbitrary, as they are man-made. Even the so-called boundaries that are based on natural features such as rivers have been known to change, and cannot be relied upon in many cases.

Boundaries are political creations that reflect the mindset and needs of those in power. At the time of the delimitation of Africa's borders Europeans arrogantly assumed Africans had no states, based on their model of

territorial sovereignty. The nature of present African boundaries can in fact be traced to the way that colonialists carved up the continent and the motivations that drove the quest for African land – either economic motives or desire for sheer space.

In traditional African societies land was indeed neither individually owned nor used, making physical boundaries almost non-existent. There was a general understanding of the span of the area in which the community could grow its food and/or graze its animals.

However, this does not mean that Africans generally did not have linear boundaries, as even pastoralists had a conception of the limits of their pastures. In fact, according to historian Adekunle Ajala, pre-colonial Africa had “systems of using zones or

border marches as buffers between kingdoms. These pre-colonial African boundaries “were not static” and fluctuated “in the period immediately before the imposition of colonial rule and the ensuing boundaries.”

This was the state of things until populations started to increase and Europeans arrived with an ideology of private ownership. Nonetheless this new ideology of individualism did not completely transform how Africans relate to borders due to the cultural practices of reciprocity that allowed use of others' land when needed as long as it did not lead to a permanent occupation.

Beginning in 1885, almost all the current African boundaries were created by colonialists as a rational response to their political needs. These boundaries were adopted

and maintained by the post-colonial African leadership because they also served their political needs.

African boundaries, avers political historian Ravi Kapil, "are of relatively recent origin and thus do not even possess the sanctity that derives from age. The majority of African boundaries were delimited between 1884 and 1904 and the definitive partition was completed in 1920." The speed with which African boundaries were defined and marked, in view of the lack of resources and knowledge about the vast continent, meant that numerous errors were committed, some of which have not been corrected to date.

Despite the ease of delimiting African boundaries, it was a different story when it came to demarcating, managing and administering them. In some cases the period between delimitation and demarcation took as many as 30 years, like the Kenya-Ethiopia boundary, and in some cases like the Ilemi triangle, it has not been done yet. Due to this huge gap between delimitation and demarcation (and administration) of African boundaries, Kapil points out that most of them can be regarded "to have been operationally nonexistent for the major portion of their history."

Why did African governments, on gaining independence, adopt these artificial and arbitrary boundaries that were drawn to divide African peoples and to reflect colonial interests? Why do African governments continue to blame colonial legacy and yet have done nothing to right a wrong imposed on the African people by this historical experience? How is the failure to correct this "colonial error" affecting African security?

Controversy over the OAU resolution on borders

The Organisation of African Unity (OAU) in July 1964 made resolution AHG/Res.16(1) at the

Cairo Summit that bound African states to "respect the borders existing on their achievement of national independence." This principle of *uti possidetis* is generally regarded as playing a major role in preventing conflicts in two ways. First, changing borders leads to more changes, which in turn leads to instability. This is what underlies the "stability of borders means peace" argument. "But stability," argues legal scholar Marta Johanson, "is not necessarily maintained by preserving the status quo or by, as seems to have been the case so far, considering the functionality of boundaries as unrelated to peace."

The "stable borders of peace" argument has its shortcomings.

The second argument in favour of the *uti possidetis* principle is that changing borders through force is not acceptable and would be unsuccessful. This position is based on the understanding that the use of force, either directly or through a proxy, to enhance a country's national interest vis-à-vis another one is banned by international law. However, it should be noted that despite international law proscribing the use of war or threats to use force to achieve national interests, it does not prohibit insurgencies or secessionism. Self-determination to claim territory is not an illegal act in international law. This legal premise presents a conundrum to African States that gained their independence through liberation struggles that were recognized under international law as legitimate and yet may face future secessions in the guise of self-determination to create new states.

Surprisingly, despite the extensive divisions of cultural identities by boundaries, the level of irredentism has been low in Africa. Instead, these divisions have sometimes acted as a check on territorial expansionism in the

guise of unifying a divided population (or culture). But in the final analysis, a boundary only becomes a source of conflict by how it is used, controlled, administered and managed.

Africa's insecure borders

Today, the high level of insecurity on African borders is largely due to the way they are administered and managed, and less to do with how colonialists drew them:

- The few personnel deployed to control and patrol the borders lack adequate skills and are unmotivated due to poor pay and lack of equipment and facilities. They also lack transport and roads to enable them to patrol the borders.

Africa's porous borders:

There are 109 international boundaries (approximately 28 000 miles/ 45 061 km) in Africa. These are highly permeable in the sense that less than 25 percent are marked on the ground. They are "protected" by about 350 official road-crossing points, or one for every 80 miles (128 km) of boundary. Only 414 roads cross borders in Africa, and there are about 70 roads that cross borders with no customs posts. There are even some land boundaries in Africa that are not crossed by road, rail or waterway.

Recent examples of disputes over borders:

- Badme, between Ethiopia and Eritrea
- Miging Island, between Uganda and Kenya
- Abyei, between north and south Sudan
- Bakassi Peninsula, between Nigeria and Cameroon


- Most border points lack office equipment such as machines and computers that could be used to screen backgrounds of those crossing borders.
- On some borders, illegal crossing points have been erected by criminal syndicates or by local communities, who operate abandoned or arbitrarily established posts to earn a living. On some of these borders, one can be smuggled across by paying an equivalent of USD15 but it would cost about USD3 000 to be smuggled across borders to Europe.
- The lack of clear demarcation of most boundaries makes it even easier to set up and operate such illegal border posts, run guns and smuggle human beings and goods.
- Cross-border communities, particularly those with lifestyles that are based on a gun culture, further compound the security problems. Some of these borderland communities downright refuse to cooperate with the governments, that they regard with hostility. Most African governments find it extremely difficult to administer international boundaries that divide

177 cultural or ethnic groups.

Although there have been few cases of these divided communities attempting to secede, there is no doubt that communities in conflict cluster regions such as the Great Lakes, Horn of Africa and Mano River Basin have played various roles in supporting different sides in the conflicts. It is very easy for support to be rendered in cases of extreme marginalization and exclusion of borderland communities. With increasing discoveries of trans-boundary resources on the continent, there is a high likelihood that borderland communities could exploit such natural wealth to fund insurgencies.

It is ironic that while it is difficult to trade across African boundaries it is very easy for cross-border crimes to take place. While arms can freely move across African borders, goods are subjected to specious red tape. It is estimated that it takes an average of 40 paper documents and 200 data elements to undertake one customs transaction across an African border. While it only takes one day to clear customs in Estonia, it takes 30 days on average to clear customs in an African country.

With highly permeable and unmarked borders that are poorly controlled by corruptible, unmotivated and ill-equipped officials, African international borders are highly insecure places characterized by illegal activities that threaten national and regional security. In order to reduce or eliminate this insecurity, African governments must invest more in training border personnel, pay them well, and provide them with adequate resources to fully administer the borders. To properly secure their borders, African governments must clearly demarcate them and involve the local communities in managing them.

Ultimately, African governments would find it easier to stop pretending that they are in control of their borders by tearing them down in the same way Europe is doing to facilitate regional trade and free movement of people and goods. However, this could be a long shot as most African states are far too weak to control their territories and would rather maintain a façade of territorial integrity even when they have non-existent and insecure borders. 



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The department produced the first black South African woman, Madipoane Masenya, to obtain a doctoral degree in the Biblical Sciences. She was the first person at Unisa to produce a



Members from the Unisa team at work in an excavation area close to the harbour of the ancient city of Dor on the Mediterranean coast of Israel.

doctoral thesis in which the OT was read from a gender perspective. Recently Prof. M Masenya became one of the recipients of the Leadership in Research award from the Unisa Women-in-research category of awards. Prof. M le Roux, another female academic from the department, made the department proud when her book, *The Lemba: a lost tribe of Israel in Southern Africa?* was designated in 2008 as the best-selling book in the category of academic books published by the Unisa Press. Two academics, Professors EH Scheffler and WJ Wessels were among the recipients of the prestigious Unisa APEX award.

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Professor Madipoane Masenya, a new generation of an African academic who is now redefining and spearheading an Afrocentric and global approach to research and teaching in Bible and Theology.

At the start of the African Women's Decade, **Cheryl Hendricks** reviews the situation in the 15th year since the Beijing Declaration and Platform of Action on the status of women

Will the women's decade finally herald in gender equality?



Breaking the gender barrier ... Prof. Wangari Maathai, a Nobel Laureate and now the UN Messenger of Peace on the environment and climate change.

This year will be the 15th year since the Beijing Declaration and Platform of Action, organised by the UN Commission on the Status of Women, was launched in 1995. In Beijing twelve critical areas of concern were identified (see fact box) and a specific programme of action agreed upon.

The review process of this programme of action is currently

feverishly underway.

At the same time 2010 marks the beginning of the African Women's Decade (2010-2020). The Women's Decade was accepted by the African Union's 12th Ordinary Summit of Heads of State and Government, held in Addis Ababa in February 2009. A number of follow-up meetings have taken place and a theme, strategies

and a roadmap for the African Women's Decade identified.

If one takes a cynical approach then the sudden hive of activity to implement measures for achieving gender equality is simply so that African governments can show some progress when reporting for Beijing+15. A more measured reading would note that the Women's Gender

and Development Directorate (WGDD) of the AU is, with limited political space and resources, trying to promote awareness of instruments and assist with their implementation. But will the Women's Decade take us much further on the road to gender equality in Africa?

Among the proposals by the WGDD is the establishment of the African Women's Trust Fund, which was mooted at a continental conference hosted by the WGDD in Malawi in March 2008 and accepted at the AU meeting in Sharm El Sheik. The Trust Fund for Women is important. The identification of the need to address

box when it comes to sensitisation, capacity building, "bottom-up approaches" and addressing the 12 critical areas of the Beijing Platform of Action. The experts meeting, for example, proposed the use of faith-based groups, Imams and the media to sensitise women and the society at large, that more emphasis be put on grassroots stakeholders for better impact at the community level and that member states learn from others who have already developed and implemented gender mainstreaming tools. The shift back to grassroots is needed, but much more radical thinking is required to be effective, or

though progress has been recorded there were persistent gaps between policy formulation and policy implementation. The AU WGDD has therefore lobbied for the acceleration of the implementation of the Dakar (Dakar Platform for Action -1995) and Beijing Declarations and the Women's Decade is part of this goal.

What do we do about countries that simply do not adhere to reporting procedures? What do we do about those who continue to simply append their signatures with little intention of actually domesticating the frameworks? We cannot continue to expend our energies identifying measurable indicators to the exclusion of measures to deal with non-implementers. Perhaps, the suggestion of "unsigning" ceremonies is not such a bad one.

The African Women's Decade will only be effective at empowering women when we begin to assertively empower and equip ourselves to hold our representatives accountable for agreed-upon legal frameworks. We must think of concrete ways of doing this. Gender equality is a day-to-day struggle, not one assigned to a specific day, or month, year or decade, although these may be useful for highlighting the issues. The road is long, and there are many competing interests, so we must ensure that the Women's Decade is implemented sincerely, used wisely, and more importantly that it bears the necessary results. For this to happen, we need to rethink that roadmap!

African women actively participated in these world conferences and have been at the forefront of shaping the debates on women's empowerment and gender equality. They have in turn placed pressure on their governments and regional bodies to adopt and implement frameworks,

The gender experts' identified strategies appear to be more of the same activities, advocacy and lobbying exercises that have not taken us very far in terms of implementation

women's issues has not to date been met with appropriate recognition that sufficient funding has to be earmarked to achieve these objectives. But establishing the fund is one step, ensuring that there are adequate funds available is one that we are still going to have a long battle over.

Proclaiming a Women's Decade is not a novel idea, but it does serve to bring attention to the plight of women. The gender experts, I would contend, should have expended much more thought on what is to be done during this decade. Their identified strategies appear to be more of the same activities, advocacy and lobbying exercises that have not taken us very far in terms of implementation. We need to begin to think outside of the

come Beijing+20 we will once again be at pains to stress that we have lots of good policies but not much progress in the gendered dimensions of power, poverty and peace.

The adoption of legal frameworks is usually a relatively easy task. The much harder task is that of implementation. African governments have shown a willingness to sign declarations and protocols, but have been less adept at reporting on their progress and on following up with concrete measures for achievement. For example, thus far only 18 countries have submitted their required baseline reports for implementing the Solemn Declaration on Gender Equality in Africa. Reports on Beijing+5 and +10 indicated that



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Regards

Victoria Shinto
Event Coordinator



For Group Registrations

policies and actions that will lead to gender equality. The work of African gender activists is clearly reflected in the adoption of the Dakar Platform for Action (1995), Article 4 of the Constitutive Act of the African Union, The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003), the Solemn Declaration on Gender Equality in Africa (2004), the adoption of the African Union's Gender Policy (2008) and the many sub-regional and national policies to effect gender equality.

Their proposal for an African Women's Decade (2010-2020) was adopted by the AU's 12th Ordinary Summit of Heads of State and Government, held in Addis Ababa from 26 January to 3 February, 2009. A follow-up meeting by gender experts was held in the Gambia in May 2009. Here they identified the theme, objectives, strategies and roadmap for the African Women's Decade: the theme is "Scaling up Africa's efforts in achieving Gender Equality and Women's Empowerment (GEWE): a bottom-up approach" and the objectives are:

- 1) to create awareness and mobilize continental support and political will in implementing the agreed international, regional and sub-regional decisions and gender commitments
- 2) to re-invigorate commitment to accelerated implementation of agreed global and regional commitments on the human rights perspective focusing on priorities such as education, health, agriculture, women's economic and political empowerment, gender based violence, etc
- 3) to mobilize resources for implementing the Decade
- 4) to energise the African women's

movement with a focus on youth and grassroots women leaders

The strategies revolve around information dissemination, lobbying and capacity building by, for example, strengthening the gender focal points, resource mobilisation and motivation for young women. They also recommended that the 31st of July be marked as Pan-African Women's Day and outlined a road map for the women's decade which is divided into two phases 2010-2015 and 2015-2020 with corresponding intended actions, such as in phase one a baseline study and national consultations, and in phase two a mid term review of the decade and the identification of indicators to measure progress.

A further experts meeting was held in Banjul on the 13th of November 2009 in which the Roadmap for the African Women's Decade, the African Women's Trust Fund feasibility study and the African Union Commission Gender Action Plan was adopted.

The African Women's Trust Fund was mooted at a continental conference hosted by the WGDD in Malawi in March 2008 and accepted at the AU meeting in Sharm El Sheik where the Executive Council mandated that the Trust be set up by July 2009 and that the African Development Bank (AfDB) conduct a feasibility study in this regard. AfDB did not conduct the study and the Directorate commissioned consultants for this so that they could meet their target date. It is reported that the study proposes that the Fund serves the AU as an instrument for resource mobilisation, donor coordination in support of gender equality and women's empowerment, and to enhance policy dialogue. It will also be a grant-making facility. Finance is largely to be derived from borrowing on the financial market

and voluntary contributions. In addition the AU will be tasked to leverage more finance from a range of other sources.

The meeting in Banjul also renamed the fund as the African Union Fund for Women. 

FACT BOX

Beijing was the place of the fourth meeting of a series of world conferences on women organized by the Commission on the Status of Women (CSW), established in 1946 by the U.N. Economic and Social Council to promote the rights of women in political, economic, civil, social, and educational fields.

Under their guidance and persuasion the U.N. General Assembly designated 1975 as the International Women's Year and held the historic First World Conference on Women in Mexico City. The outcome of this meeting was the U.N. Decade for Women, from 1976 to 1985, in which governments had to address the needs of women in relation to equality, peace and development. Follow-up conferences were held in Copenhagen in 1980 and in Nairobi in 1985. It was the Beijing conference, however, that set a specific programme of action. They identified twelve critical areas of concern with attached recommendations, namely:

- 1) Women and Poverty
- 2) Education and Training of Women
- 3) Women and Health
- 4) Violence against Women
- 5) Women and Armed Conflict
- 6) Women and the Economy
- 7) Women in Power and Decision Making
- 8) Institutional Mechanism for the Advancement of Women
- 9) Human Rights of Women
- 10) Women and the Media
- 11) Women and the Environment
- 12) The Girl-child

Governments were essentially to be reviewed in terms of their progress on these critical areas. Beijing+15 is then another period for review.

As South Africa prepares to host the soccer showpiece, the 2010 FIFA World Cup, amid fears that the prevalent runaway violent crimes would spoil the game, the government is resolute in bringing the scourge under control. But is it going about it the right way, asks **Bilkis Omar**

Preparations for the 2010 FIFA World cup had at times been fraught with challenges. Police stand guard as striking workers demonstrate outside Cape Town's Green Point stadium that is to be used for the tournament this June



SA sharpens policing tools ahead of 2010 World Cup

Pronouncements by the new SAPS management and even the Presidency on its approach to harden the stance in the fight against crime have been creating waves amongst some sectors of the public, but more so amongst police and security commentators. This has been highlighted by the increasing number of fatal shootings of innocent people in the past few months. Fears of a militarised police

force and even the apartheid-style police have been bandied about and are exacerbated by other structural changes the police have undergone in the last few years.

The SAPS as a national agency has by far the biggest responsibility for policing in the country. In order for it to function optimally its support structures must be effective, particularly when radical operational

changes are being proposed. Some of the intended changes demonstrating the tougher approach since April 2009 include:

- renaming the Ministry of Safety and Security as the Ministry of Police
- transforming the "service" ethos of the police to that of a "force"
- revising Section 49 of the Criminal Procedure Act – while unclear at this point it appears that this will be



Rather these superficial changes simply reinforce the absence of substantive changes in police focus and ethos. Substantial concerns such as incompetence and discipline within the police and rooting out corruption would benefit the police much more in becoming professional and effective

matter has garnered massive support from a frightened public. The changes have gone a long way in providing much needed reassurances.

The changes however are not undeserving of criticism. The central error lies with SAPS management and their failure to supplement the changes with much-needed support within. There has been a marked lack of parallel strategies and systems to support police members "on the ground" while the changes are being implemented. For example, if the proposed changes to section 49 are implemented, then police members would have to sharpen their shooting skills in order to fire accurately to avoid collateral shooting of innocents, and to enable the police to use their weapons in a non-lethal manner whenever possible.

This would require intensive shooting training as well as in-service

about clarifying the conditions that would constitute a threat for purposes of the use of deadly force, and allowing police to use deadly force to effect an arrest even when they are not directly threatened in cases where serious violent crimes of a specific kind were committed and other methods of arrest are not applicable (the latter amendment has already been endorsed in a constitutional case judgment, in the Walters case, in 2002)

- advocating for a militarised ranking system

- promoting fiery public statements like "shoot to kill" and "meet fire with fire"

It is clear that the tough approach is central to the SAPS's new strategy designed to bring down the high levels of crime. All in all, the intention is sound, especially given the increases in violent crimes since 1994, the level of violence during the commission of the crimes, and the levels of fear the crimes have generated. Additionally, the previous administration's denial of the crime situation and the former national commissioner's silence on the

training on a continuous basis – a facet that is clearly absent in the SAPS presently. At the same time, members would have to raise their fitness levels in preparation for harder combat situations (and to allow them to avoid the unnecessary use of firearms). Protective equipment such as bulletproof vests to ensure the safety of members would also have to be a prerequisite as members are known to be exceedingly lax in utilising such protective gear.

Additionally, police members who use lethal force would need to attend psychological counselling and debriefing sessions to minimise the detrimental effect of the shooting – on themselves and to ensure that the use of force was justified and appropriate. It is through repeated signals that the police will eventually adopt a culture which appropriately constrains their powers.

Alongside this, command and control of police action has to be reinvigorated to ensure coordinated operational responses. Furthermore, to prevent the police becoming a law unto themselves and uniting behind the thin blue line of protection, it is essential that oversight mechanisms be dramatically improved. Internal supervision structures of the SAPS in the form of the national and provincial inspectorates have to be reorganised and strengthened to ensure the provision of relevant oversight of members at police stations.

Most importantly, external oversight mechanisms of the police, such as the Independent Complaints Directorate and the Secretariat for Safety and Security have to be beefed up immediately. In this instance, more skilled staff are essential to ensure effective actions and timeous conclusions of investigations into incidents involving lethal force. Parliament too would have to intensify



Will the South African-hosted 2010 FIFA World Cup be a memorable event for millions of soccer lovers?

the oversight role they perform with regards to overseeing the actions of the police and ensuring that the appropriate legal constraints are legislated.

Another error on the side of the police has been what appear to be superficial changes – such as renaming the establishment and changing the rank structure of officers. While the attraction behind these changes would be to create a more formidable, more disciplined, more forceful and more capable police force, these changes are unlikely to improve command and control or instill stricter authority within the police. Rather these superficial changes simply reinforce the absence of substantive changes in police focus and ethos. Substantial concerns such as incompetence and discipline within the police and rooting out corruption would benefit the police much more in becoming professional and effective.

The final error of the police has been the poor communication of messages via the mass media. The announcement of the amendment to

section 49 of the Criminal Procedure Act and the resultant public outcry could have been averted if statements that section 49 was being brought in line with the constitutional judgment of 2002 supported the position.

Additionally, fiery pronouncements such as "meet fire with fire" and "shoot the bastards" promoting the police's tougher measures – while politically expedient and highly popular among citizens have only served to raise the fear of critics wary of a return to policing reminiscent of the apartheid police.

Adopting a harder approach to fighting the crime problem would require a police agency that is more professional and competent. As it stands, even while legislation relating to either of the proposed changes is pending, the ethos and attitude of police members has changed remarkably – premised on the widespread belief that support for any lethal action will invariably be forthcoming. SAPS have to caution against this belief and ensure that the rule of law is maintained. ■



The real cause of the cattle raids

Cattle rustling is a well-known phenomenon in large parts of Africa, particularly in northern Kenya and Sudan, where it at times leads to armed conflict. **Donald Anthony Mwiturubani** argues that the real cause of these cattle raids is linked to diminishing natural resources.

Fierce cross-border conflicts between people from the Turkana community in Northern Kenya and the Toposa of Southern Sudan have increased in recent months. Similarly, there has been an escalation in conflict between the Turkana and the Pokot people, both of Northern Kenya. This has

forced the governments of both Kenya and the Sudan to deploy police – and in rare cases the military – to restore normalcy.

In general politicians and government officials in both countries tend to blame cattle rustling between these pastoral communities as the main

cause of the conflicts. However, it is evident that the actual causes go beyond cattle rustling.

These communities live and practice pastoralism in a harsh environment that is characterised by unreliable and erratic rainfall and frequent and severe droughts, conditions which are further

Due to their scarcity, natural resources have been illegally privatised by some communities who depend on the location, which denies access to and use of the same resources by members of other neighbouring communities

aggravated by climate change.

Most of the natural resources in these environments, particularly the water and pasture on which these communities depend, have been seriously degraded. The pastoralist communities are therefore forced to migrate with their herds in search of these resources. During such movements they often cross the border either from one country to another or from one district to another within the same country.

Normally movements of pastoralists follow specific routes where there are watering points and pasture. For instance, it has been observed that the Nadapal belt that stretches from Southern Sudan to Lokichogio in Northern Kenya has pasture and water points even in times of severe environmental stress. There is therefore a struggle between the pastoralist communities in these areas to access, use, and even control these

scarce natural resources in the area. As these natural resources continue to diminish, conflict over their access and use leads to hostile clashes.

The situation is further aggravated by the fact that most parts of the international borders are permeable, making it impossible for governments to control this kind of movement. However, although movement of people and their property from one location to another within the country is usually legal this is not the case in most pastoral societies. Due to their scarcity, natural resources have been illegally privatized by some communities who depend on the

location, which denies access to and use of the same resources by members of other neighbouring communities. This situation creates two categories of communities: first communities with water and pasture hence owners of these natural resources, and second communities without water and pasture. In such a situation it is the communities without water and pasture who move with their herds of livestock to the privatised areas in search of water and pasture, hence becoming migrants.

It is in these circumstances where the owners of natural resources tend to take an advantage of the illegal

A man grazes his cattle during morning fog in Limuru, 30km from the capital Nairobi





people requires that young men pay a dowry of up to 30 head of cattle when they want to marry, deaths of livestock due to environmental stress tend to force young men to raid cattle from neighbouring communities to meet this requirement.

The conflicts over access to natural resources in the pastoralist societies also affect other institutions like national parks, management of game and forest reserves, police patrol posts, private ranches and even military bases. Due to the security mechanisms that have been put in place by these institutions in the areas under their control, there are possibilities of accessing pasture and water in these areas even during times of severe environmental stress. Pastoralists, therefore, tend to encroach upon these protected areas in search for pasture and water as well as security, thus causing more conflicts.

Thus it is clear that cattle rustling is the manifestation of a bigger problem and therefore any initiative to resolve these conflicts should take into consideration the availability and location of water and pasture in different seasons – dry and wet. Furthermore, both government and private institutions that operate in areas neighbouring on pastoral societies should consider investing in water resources development – construction of dams and reservoirs to retain runoff water during rainy seasons, and exploitation of groundwater resources. These in turn would minimize movements of pastoralists with their herds and consequently improve both social and economic security of the pastoralists. This requires both political will and good natural resources governance that will take into account the needs of the pastoralist societies. ■

presence of migrants in their localities to raid cattle from them. In most cases it becomes difficult for the migrants to defend themselves against these raids from their "hosts" because they live in temporary settlements which are not secure.

On return to their home settlements during rainy seasons, migrant pastoralists organize themselves and go back for a revenge raid in their former "host" communities for purposes of re-stocking their herds. This prompts the attacked communities to revenge by raiding cattle from the attacking pastoral communities. The vicious circle

continues and it has become part and parcel of the cultural way of life of these communities. Illegal possession of firearms by some members of these pastoralist communities further aggravates the situation, sometimes with serious loss of human life.

Furthermore, due to harsh environmental conditions, especially prolonged droughts, these communities lose a lot of livestock. It has been reported, for example, that during dry seasons the Turkana people of Northern Kenya lose up to 50 percent of their total livestock due to lack of water and pasture. Since the culture of the Turkana



Having been eluded by the cause for Arab unity of the early years of his revolution, the Libyan leader Muammar Gaddafi has since remodeled himself into a champion of African unity

Libyan president Muammar Gaddafi's tenure as the chairperson of the African Union (AU) ended this month.

Amira Ibrahim traces the Libyan leader's often rocky diplomatic journey, along which he collected titles ranging from international terrorism sponsor and African governments' destabiliser to unifier of Africa

Libya, or the Great Socialist Peoples Libyan Arab Jamahiriya, is a country with a unique governmental structure that, although functioning under the same leadership for almost four decades now, seems to have made drastic changes in its foreign policies and external relations.

From an isolated country considered not long ago by many Western countries as a state sponsoring terrorism, it has once again become a country with which it is good to do business. This is the result of two factors.

One is Tripoli handing over two of its nationals in 1999 for trial. The two were suspected of involvement in the crash of an American plane over the Scottish city of Lockerbie in 1989. The other factor is Libya's renunciation of all its nuclear programmes in 2003.

From a history of widespread

The end of Gaddafi's cheque book diplomacy in Africa?

suspicion and accusations of involvement in destabilising many African countries, Libya is now more and more playing a prominent role in Africa. This role is seen by some as constructive, while others still remain sceptical. A case in point here is the divergence of views in relation to Muammar Gaddafi's appointment in February 2009 as the Chairperson of the African Union (AU) for the year 2009.

From the 1990s however Libyan foreign policy objectives and orientations somehow changed in relation to Sub-Saharan Africa. From destabiliser and supporter of rebel movements, Gaddafi's Libya has come to play a leading role in promoting initiatives of African unity and integration. The pivotal diplomatic and financial role the country played in the transformation of the OAU to the AU as well as the establishment of CEN-SAD is tangible evidence thereof. Gaddafi has also become a peace broker, particularly in central Africa, between Chad and Sudan, and in west Africa, in Mali and Niger. He has also been providing financial assistance to many African countries, including some that he had been accused of destabilising in the past, such as Sierra Leone and Chad. Libya's relations with the Western world seem also to have changed after its landmark decision taken in 2003 to renounce terrorism and to abandon its weapons of mass destruction programmes.

These changes notwithstanding, the legacy of the revolutionary period of the 1970s and 1980s still haunt the country and this is clearly reflected in the perceptions that many observers have of these actions. Some are inclined to give Gaddafi the benefit of the doubt or even believe that he has indeed changed and that he is genuine in his

declarations and actions for African unity. Others, however, remain sceptical and cynical. For some of the latter, Gaddafi is engaged in "cheque book diplomacy" in Africa primarily to increase his influence and quench his thirst for leadership or for other insidious purposes. Gaddafi's excesses and low respect for democratic rules at a time when the AU is struggling to infuse universal norms of governance add to these perceptions.

What we are likely to see in the near future is a continuation of this line of Libyan engagement in Africa, but one that becomes more and more realistic with regard to the drastic changes Gaddafi is proposing. Despite the uncertainties linked to the unresolved question of his succession, this does not exclude occasional threatening statements to pull out of the AU should his ideas not be endorsed by others. This argument is based on at least three facts.

The first is that while other African leaders are aware of Libya's financial clout, they have become accustomed to his style and thus savvy about how to handle him diplomatically. The second fact is that Gaddafi feels somehow indebted to Africa, not least because of Africa's stance and solidarity with him when his country was under Western sanctions. He probably also thinks that unlike the Arab world, he can still influence events in Africa, at least in some countries, and have a voice at the continental level. The recent past indicates that the Libyan leader has indeed had a greater influence over African politics than he could have had over Arab politics. In the Arab world, Libyan diplomacy cannot match that of Egypt, nor can its oil money rival that of wealthy Gulf States in the Arab League, and thus in the Middle East.

Gaddafi was one of the main drivers behind the establishment of the AU, which he first initiated during the 35th summit of the Organization of African Unity (OAU) held in Algiers in July 1999. On 9th September 1999, Gaddafi hosted an Extraordinary Summit of the OAU in Sirte, Libya.

His objective in hosting this meeting was to find ways in which to achieve greater economic, political, social and military cooperation between the African countries, leading to the establishment of one government for the whole continent in a "United States of Africa". But most of the African leaders argued that while they appreciate these objectives, attending them should be a gradual process that should start with economic cooperation that will then lead to integration in other fields or through the "cross pillar effect", following the example of the European Union (EU).

In order not to offend Gaddafi and recognising the soundness of the principle of African unity, the gathering African leaders accepted the idea in the Declaration of Sirte but fell short of establishing the USA proposed by Gaddafi. Instead, they decided to transform the OAU into the AU with greater powers and enlarged structures. Thus, the draft Constitutive Act of the AU was later adopted at the 36th summit of the OAU held in Lomé, Togo, in July 2000.

The AU was formally launched in Durban, South Africa on 9 July 2002, as the new body to meet the collective aspirations of the African peoples. Libya provided more than one million dollars to facilitate the transition from OAU to AU. Together with Algeria, Egypt, Nigeria and South Africa, Libya is one of the five biggest financial contributors to the AU budget, equally contributing

a total of 75 per cent of the AU budget. They are generally referred to as the Big Five.


Given this prominent role played by Gaddafi in the establishment of the AU, some initially perceived the new body as a reflection of his presumed personal ambition to rule and dominate the continent. Thus, the Constitutive Act of the African Union, like the OAU charter, is a compromise document between those led by Libya that advocated for immediate and total unification of Africa, and those that favour a gradual approach to this type of integration. The Act sought to accommodate these two competing visions of African unity because while others did not agree with the hasty approach advocated by Gaddafi, they also clearly recognised that "he who pays the piper calls the tune". For one of the major constraints that faced the OAU and is still being faced by the AU has been the lack of adequate financial resources to execute its programmes due to irregular payment of annual subscriptions by member-states, and Gaddafi generously attempts to fill this void.

But it would seem that Gaddafi was not satisfied with this compromise,

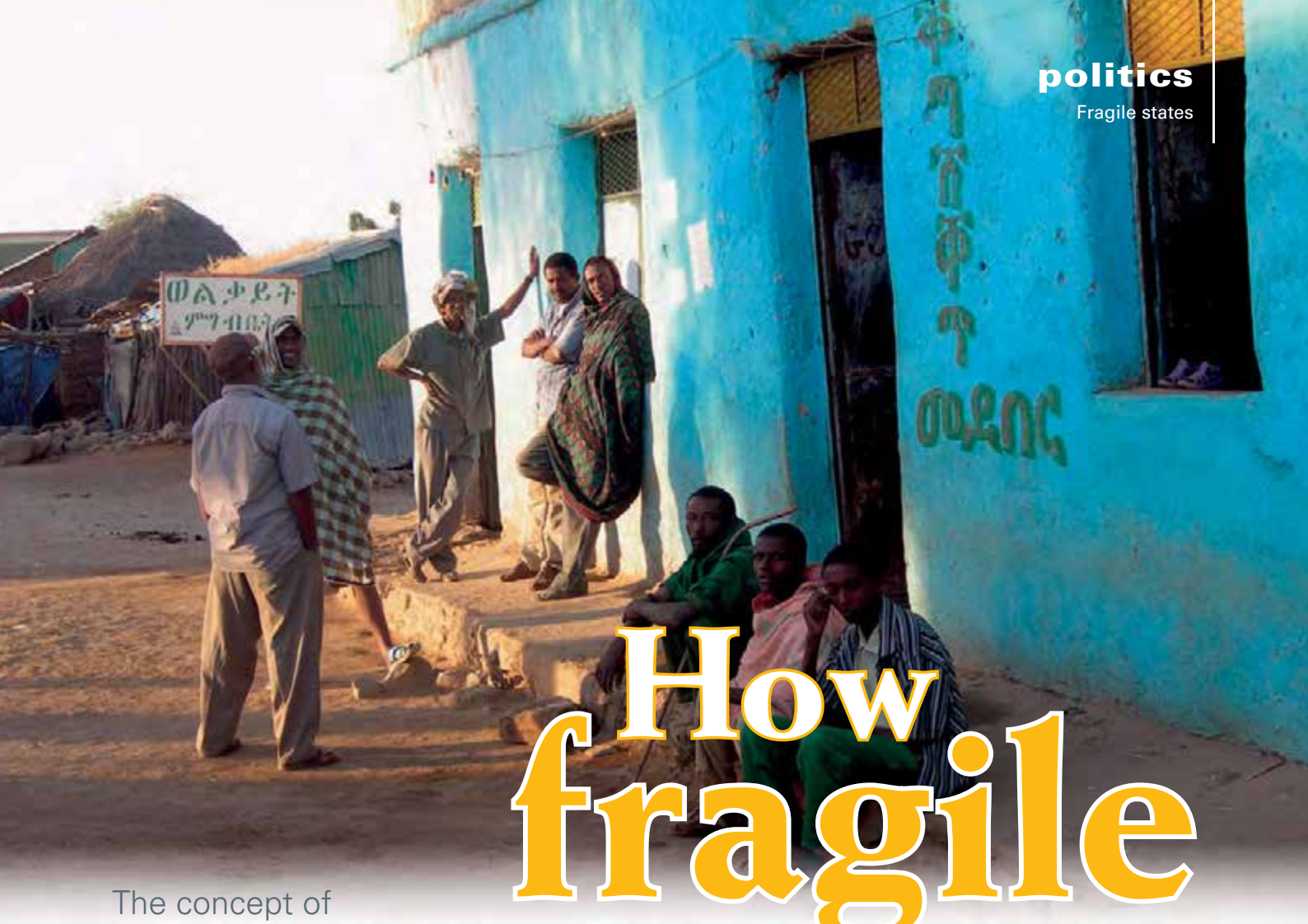
for he has persisted in his call for a Union Government in Africa. For example, during the 4th Ordinary Session of the African Union held in Abuja, Nigeria in 2005, he came up with the idea of instituting an AU minister of defence, foreign affairs, transport and communication and foreign trade. Disappointed with regard to these initiatives, he persisted and managed to have the proposal of a Union Government as the main theme of the July 2007 summit of the AU, held in the Ghanaian capital, Accra. The 8th Ordinary Session of the AU held in January 2008 in Addis Ababa was another opportunity for Gaddafi to press for his proposal but the only decision in this regard was to set up a committee to establish a roadmap and a time frame for a union government.

Gaddafi still did not give up and he multiplied threatening statements with regard to the continued membership of his country in the AU if his peers did not make a concrete commitment to the creation of the Union Government at the 14th ordinary Summit of the AU Heads of State and Government that was scheduled to take place

in Addis Ababa in early February 2009. Again, African leaders politely rejected Gaddafi's idea but tried to accommodate him. In other words, they took note of his campaign but did not endorse it. Instead, the Assembly decided to transform the existing African Union Commission into the African Union Authority with the idea of giving more powers to the latter than the Commission currently has. But these new powers and mandates were not spelt out, which means that the Commission remains in place until such time as the functions and size of the Authority as well as the financial implications for establishing it have been worked out and agreed. Gaddafi was also made the Chairperson of the AU's Assembly for the year 2009 as another gesture, one could argue, to accommodate him.

Gaddafi's tenure is ending this January but there are already speculations that the Brother Leader might be eyeing a second term as the AU chairperson. It remains to be seen, however, whether it is the appeasement or the adherence to democratic principle that will carry the day. 





How fragile are we?

The concept of “fragility” will for the coming years be the privileged tool through which Africa’s problems will be understood and addressed – a not-so-rejoicing perspective at a time when many countries are celebrating 50 years of independence, says **Paul-Simon Handy**. However, he doubts whether this concept will really contribute to greater development on the continent.

Gallo Images

The popularity of the “fragile states” concept is apparent from a number of reports and documents like the European Union’s first ever development report with the title “Overcoming Fragility in Africa”, released in October last year.

In 2011, the World Bank will follow suit and release its influential World Development Report referring to the same concept. A wide range of donors like Britain and the US also uses fragility as the referent for both their problem analysis on developing countries and their funding allocation.

Despite the apparent coherence that this concept reflects, the fragility notion glosses over [encompasses] a wide range of issues that complicate

both analysis and policy response. Also, the lack of an African debate around this concept suggests a monopoly of donors’ circles that might reflect institutional and corporatist interests to the detriment of a genuine analysis of Africa’s problems.

A flawed concept

What actually is fragility, why are some countries referred to as fragile and what distinguishes them from others? Is fragility the new term for under-development or is there any objective differentiation between fragile and developing countries? Is there any link between fragility and failure?

In reality, there is no consensual answer to these questions and neither

the European Report on Development nor any other agency has been able to provide a shared understanding of fragility. More generally, the fragility debate takes place amidst a much wider discussion on the use and contribution of development cooperation under the background of differentiation processes, progresses and setbacks, failures and successes in the former Third World.

Since the end of the Cold War, development scientists and practitioners have been confronted with a profusion of terminologies aimed at redefining their object of analysis. From underdeveloped and Third World countries, we have moved to the more politically correct notion of developing countries that indicates a movement towards development and no longer a static picture of under-development.

The post-Cold War era was marked by the emergence of concepts of state failure, which attempted to come to terms with diversification processes in developing countries due to the double dynamics of conflict and state erosion.

In attempting to establish the differences between weak, failing, failed and collapsed states, development agencies and research institutions actually added to a conceptual confusion that still hasn't been solved today.

Even though the OECD's Development Assistant Committee has provided the most precise and in-depth encounter of fragility, the inflation of concepts and definitions that have emerged in the last two decades have been counter-productive.

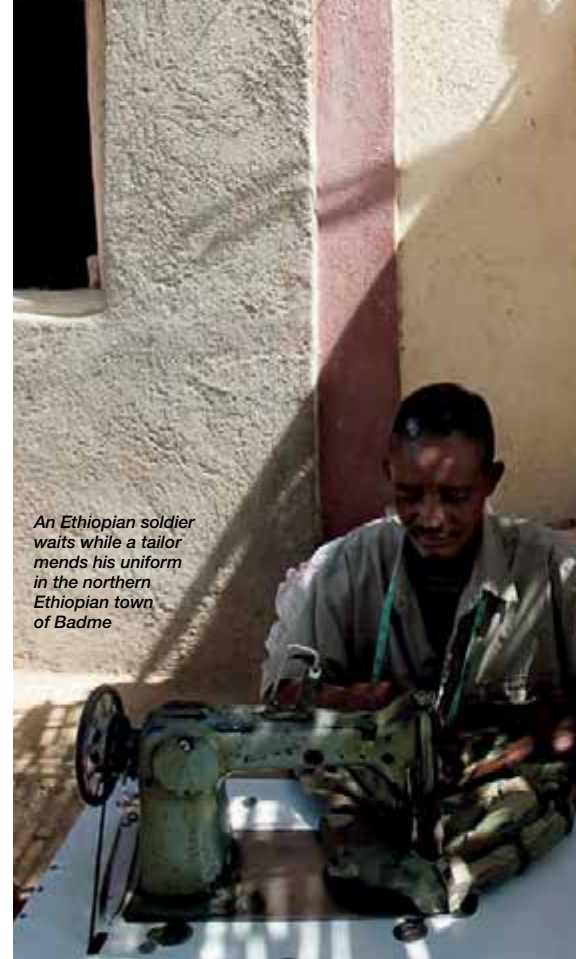
Ranking, naming and shaming?

Even though the main objective of existing definitions is to reflect a condition in which states are not

...the number of countries matching these criteria is so big that both failed and fragile states' definitions lose any practical value

able or willing to perform the core functions expected by the citizens, the number of countries matching these criteria is so big that both failed and fragile states' definitions lose any practical value. The mere fact that definitions of state fragility and its correlate state failure give so much room for interpretation has led to their abuse in the name of various institutional interests in donor countries. Generally, different agencies use different definitions and eventually make different assumptions on how states in Africa perform. This is much more than just a problem of semantics since many donors base their funding allocations on their perception of state performance.

This becomes particularly evident when one considers the huge number of indexes and rankings that claim to measure both fragile statehood and governance performance. Going from a different definition and using different methodologies, indexes and rankings actually measure different things and might even be misleading in assessing a specific country's performance in what they think they measure. They might give an idea about how some administrations comply with specific international governance standards but the rankings don't reveal anything



An Ethiopian soldier waits while a tailor mends his uniform in the northern Ethiopian town of Badme


substantial about the specific constraints faced by these states in running their affairs. Clearly, besides the fact that indexes and rankings do label African states, by indicating what is wrong, they are hardly helpful in revealing how states and societies operate.

In recent years, indexes, rankings and typologies have gained prominence both in academia and in the policy world. Their influence has become so critical for countries' aid allocations that methodologies and indicators have come under closer scrutiny. The most known are the Failed States Index issued by Foreign Policy and the Fund for Peace, the ranking of the Centre for Global Development, the Bertelsmann Transformation Index and, the most popular certainly being the Country Policy and Institutional Assessment (CPIA) of the World Bank. In recent years, the Mo Ibrahim Index has emerged as one of the most influential rankings in the international discourse on state failure and fragility.



(technocratic) approaches to governance. Fragile countries and societies are considered to have capacity problems, which allegedly prevent them from adequately dealing with complexities arising in the political, economic and social management of their societies. By developing their national technical expertise, fragile countries will be able to increase the effectiveness of regulatory intervention.

The most striking element of this widely shared view is its depoliticised nature and therefore its ignorance of the fundamental element of politics: power. If champions of fragility don't integrate the perspective that states are run by people with specific interests, agendas and ambitions who can manipulate reforms for particular purposes, they are either naïve or guilty of wishful thinking. The agency of reformers is at least as important as the technical and procedural aspects of reforms. This basically means that the context in which institutions are shaped and framed has to be understood before generic governance reforms are introduced.

For African scholars and policy-makers, the concomitance of the fragility debate with 50 years of independence must be the opportunity to reflect on post-independence policies and to assess progress and setbacks. The last 20 years don't reflect fragility or failure of African states but rather resilience and renewal. Be it in terms of political and economic governance or even democratisation, medium-term assessments reveal that African countries in their majority have gone a long way. The biggest contribution of the European Report on Development to this debate is to remind us that this progress is not irreversible due to persisting situations of fragility. 

This might come as a surprise but then neither methodology nor theoretical underpinnings of this index are radically new. A substantial number of development agencies like the British Department for International Development (DFID) amply rely on the CPIA to produce their own rankings. Many other academic institutions can be added to the list as well as policy and advocacy organisations like Transparency International. The European Report on Development basically recognises this by presenting an index of fragile states and simultaneously distancing itself from it. One of the reasons is that in addition to methodological shortcomings, fragile states typologies don't allow for a thorough understanding of the specific and complex dynamics that take place within African state contexts.

A donors-driven technocratic debate

Perhaps the biggest challenge of fragility as assessed by donor

agencies is to overcome a couple of basic assumptions upon which much operations rest. The first is to assume that donor's activities are *per se* problem solving in developing countries. As the short-lived "aid fatigue"-discussion suggested, accountability for failed development programmes generally lies in African countries. It is often forgotten however that development activities have the potential to enhance state fragility at the receiving end by virtue of prioritization, the choice of target groups and development sector, the channels they use to inject money etc. Unfortunately, the study of fragility generally puts a much greater emphasis on endogenous factors and neglects major structural factors at international level that to a great extent shape political and economic processes in African countries.

It is therefore no surprise – and this is the second assumption – that solutions to fragility are generally seen in the framework of technical



Despite promises to root out corruption, the big man syndrome still seems to permeate the Zambian political landscape. It is characterised by flux political affiliation, questionable judiciary independence and the stalled constitution-making process, argues **Judy Smith-Höhn**

Musical chairs in Zambia

Former Zambian president Frederick Chiluba

The acquittal of former President Frederick Chiluba on charges of embezzling nearly US\$500 000 in Treasury funds last August was greeted with widespread disbelief, particularly in light of the fact that his two co-accused were convicted of the graft charges brought against them.

Following the Zambian court verdict, Maxwell Nkole, the head of the anti-corruption task force

set up by the late President Levy Mwanawasa, was promptly sacked by the incumbent president. Nkole was reportedly considering lodging an appeal to the ruling. But while some observers may view Chiluba's acquittal as proof of President Rupiah Banda's allegiance to the former, it is worthwhile pointing out that the anti-corruption drive had already faltered during Mwanawasa's term.

A closer look at Mwanawasa's anti-corruption drive would have revealed the protracted nature of the process and a lack of visible results as the proceedings began losing their initial momentum and credibility. For example, charges of graft against senior officials from Chiluba's administration were dropped due to lack of evidence, and a trend appeared to be developing where suspects were arrested and

released, only to be rearrested on different charges, without ever being prosecuted or convicted.

While it may well be that Mwanawasa was not serious about stamping out corruption and perhaps intended it more as a tool to curb Chiluba's influence, the prosecutor's poor handling of the proceedings either deliberately or due to incompetence as well as the difficulty in securing substantial proof in the face of the silence of key witnesses certainly did not aid the process.

Prior to his acquittal and in the run-up to the 2008 presidential elections, Chiluba had again crossed the floor back to his former party, the Movement for Multiparty Democracy (MMD). In 2006, the former head of state had defected from the MMD during Mwanawasa's term in office in support of the opposition Patriotic Front, led by the charismatic Michael Sata.

Instead of putting down Chiluba's chameleon-like behaviour as proof of the changing political environment following Banda's adoption of power, one should acknowledge the continuance of a "politics of the belly" and a perpetuation of the dominance of so-called big men in Zambia's political landscape. While the majority of ordinary Zambians have yet to witness an improvement in their standard of living as a result of the economic improvements on the macro level, the country's ruling elites continue to forge allegiances and strive to weaken opponents in their bid to benefit from the political patronage networks that have become so entrenched in society. With Chiluba now putting his weight behind Banda, who appears desperate to garner support from within his fragmented party ahead of the elections in 2011, it really is only

politics as usual in Zambia.

Meanwhile Zambians continue to wait for the National Constitutional Conference (NCC) to complete its work on drafting a new constitution. The NCC, as the forum for the examination, debate and adoption of the Mung'omba Constitutional Review Commission's proposals, is already months behind schedule and has extended its deadline to produce a draft for referendum a further four months. The body began its deliberations in December 2007 and was supposed to finish its work within 12 months from inception. Given the hefty allowances awarded to NCC delegates – which include sitting and subsistence as well as transport allowances – the body has been accused of deliberately stalling the procedure for the personal financial gains of the delegates, the majority of whom are party members of parliament. Critics were of the opinion that cabinet ministers, in particular, should not be paid for such a service.

The question that should be posed in Zambia, therefore, is why big men (and women) are allowed to abuse their power, and why former presidents enjoy such protection. In order to prevent the perpetuation of the Chiluba syndrome – that is, the continued culture of authoritarian rule and neo-patrimonial governance – the current status quo of the dominance of the executive over the legislative and judicial branches of government must be balanced out.

The lack of separation of powers between the three arms of the state – namely the executive, legislative and judiciary – will continue to be a stumbling block for the Southern African country. While there are no significant constraints on the basic functions involved in the separation

of powers, the executive clearly dominates beyond the powers vested in it through the constitution. Parliament cannot effectively monitor government actions, as it remains poorly equipped, thus enabling the political leadership to pursue short-term political benefits if it so desires.

The judiciary tends to be fairly free when dealing with non-political cases but its independence tends to diminish or entirely disappear in politically sensitive cases, as revealed by the acquittal of former President Chiluba on charges of graft in early August.

As long as politicians are allowed to live lavish lifestyles at the expense of taxpayers and willing foreign donors, Zambia will not win the fight against corruption if it so publicly declares as one of its main objectives.

And as the country's constitution-making body, the NCC has the unique opportunity to inform the debate in parliament, and give Zambia a constitution that provides real checks and balances, reduces the avenues for the dominance of the executive and thus pave the way towards more accountability and transparency of its elected representatives.

These challenges notwithstanding, Zambia has come a long way since independence and some of its neighbours can learn from it. Despite long-standing socio-economic inequity and the looting of state coffers by some politicians, Zambians are allowed freedom of speech, there is no violent opposition clampdown and despite the shortcomings of the judiciary, Zambian politicians regularly choose legal avenues to stake their claims – and not the barrel of a gun. These are perhaps the key reasons behind the continued peace and stability we witness in Zambia today. ■



New job – Peacemaker

***The-african.org:* You have been at the helm of Mozambican affairs (pre and post-independence) until 2nd February 2005 when you decided to step down. Did it feel like off-loading a burden that you had carried for 40 years?**

I felt my aspirations have been fulfilled. It was my desire to stop there. Actually, I stopped a bit late, because elections took place on 1-2 December 2004 and I had planned to have my Christmas as a


free man. But the opposition contested the election outcome so we had to wait until February 2 to swear in the new president. On the whole I felt very much relieved. You feel more relaxed. Freed from the burden as you say. I felt free to think about my life but unfortunately that was short-lived.

How did you spend your first week as an ordinary Mozambican? Did you use

your first days out of office exclusively to yourself and did you find the transition a bit confusing?

Well I was packing. In fact I had to unpack having moved from the State House. I am still unpacking up to now. No, the transition was not confusing at all since this was something I had long planned for. It did not happen abruptly. I knew how I wanted to live after the public service. So by the time I handed over

Gallo Images



Former president of Mozambique, **Joachim Chissano**, who stepped down in 2005, is still a busy man. Chissano enjoys laureateship of several prestigious awards. He is currently charged with unraveling the Madagascar crisis. **Keto Segwai** caught up with him in Maputo

to the new president I was already living in my own house. The handover was smooth. My relaxation was short-lived though as I was soon requested to go back into the international arena, starting with the UN, which kept me busy.

When you stepped down, constitutionally you were allowed to have another five-year term, and you were generally popular with the

Mozambicans. What was the significance of your decision to step down?

As I said it was planned for a long time that at some point in my life I would quit public service. In fact, according to my original plan I should have quit five years earlier. My plan was to do something else while I still had both my mental and physical strengths. I'm not implying that you cannot start a new life when you are old, but I did not know how it looks and feels like to be old.

Having been ultimately drawn back to public service life of sorts, are there any similarities with being a head of state?

Not really, because the degree of responsibility is not the same. The current role is light in comparison with the previous one in that this is a supportive one in which you assist others to try and achieve certain things. This role is admittedly tougher in regard to time and travel requirements than I was in government as it takes me away from my family. For a man who is free I should be doing what I like most, which is farming. I should be helping my wife at the farm now, but I'm still tied up with the Madagascar process.

You have been known not to shy away from revising your approach to issues. Does this cast you as a pragmatist?

Well this is how we worked since the beginning of our struggle for independence. It was through pragmatism, walking with our feet on the ground. We had to turn into ourselves to know what we wanted and look for the ways to achieve it, in accordance with the prevailing situation nationally and the world at large. We reasoned that we should not just do things because it is ideal. In this instance we wanted to liberate the country and we cooperated with all those who could help us achieve that goal, without jeopardising our

principles of freedom, democracy, equality and development for all. With this aim, we started forming partnerships that will help us reach our goal. Similarly after independence we had to mobilise people for developmental tasks, and form partnerships with people of different interests but we had to know how these interests coincided with ours. In instances where they coincided, solidarity resulted.

And do you think the parties that you are trying to bring together in Madagascar can learn something from this pragmatism?

Yes, of course. The reason I am being asked by many organisations to participate in different situations is because they know of my experiences during the time I was leading the country. And some know of my experiences during the struggle. They therefore expect me to talk about practical things. It happens that I participate in gatherings where scholars think in theoretical terms and because of what there are they appreciate the input from those who have lived those experiences. Obviously this compliments their work.

Do you find the negotiations skills you honed leading up to the 1974 Lusaka Accord and the peace pact with RENAMO on 5 October 1992, useful in your post-presidency era of peace brokering?

Yes, in many instances we give these examples. In one instance, we were in a meeting and one of my interlocutors said: "We cannot have a dialogue with terrorists who kill people." And he was referring to a dozen people killed. I said that sometimes you have to negotiate with these people who have killed many people. In my experience, we have negotiated with people (RENAMO) who had killed at least a million people. I am



Chissano is optimistic the Malagasy crisis will be resolved sooner rather than later

not comparing the numbers but trying to illustrate that due to that dialogue, today we are living in peace and we have become a reference point for peace, rapid development and change for the best.

You are currently assisting the Malagasy belligerents to return the country to normalcy. Do you think SADC and the AU reacted timeously to the crisis?

Well, on the whole they did, but after the UN and some European countries had taken the initiative. Perhaps this could be due to the fact that most SADC members, save for South Africa, do not have embassies in that country. SADC sent a team after others had started. But I think they still went on time. Maybe the only problem is that the organisation of the mediation was inadequate because when I came in I found there were at least four mediating teams and it was difficult to establish who was running the show.

However, ultimately when I was asked to lead the process we established a joint mediation team.

How difficult is it to negotiate with four heads in Madagascar comprising Andry Rajoelina, Marc Ravalomanana, Didier Ratsiraka, and Albert Zafy?

It is necessary to bring the four conflicting parties together, particularly in that all these have individual postures. To cite one of last conflicts: Ratsiraka was ousted by Ravalomanana, in what the former considered a *coup d'état*. Anyway Ratsiraka's ousting did not follow the constitutional path. The impasse was however resolved through legislative elections which constitutionally brought Ravalomanana to power. Ravalomanana was also later pushed out through unconstitutional means. Ratsiraka is therefore not necessarily an ally of Ravalomanana. But he would be against Rajoelina because he could not accept this *coup d'état*. Neither

would he accept a *coup* against himself. So Ravalomanana and Ratsiraka are not on the same side. Rajoelina and Ravalomanana are not on the same side. Even Zafy is not on the side of either party, for the simple reason that he was also earlier removed through dubious means.

Is there any consensus among the belligerents on the principle of the unconstitutional usurpation of power?

There is a consensus. On one occasion, some people who are in power now argued that: "we may have taken power through unconstitutional means but don't tell us we have staged a *coup*". So we said: "Today what is unacceptable is the change of power by unconstitutional means". Surprisingly, there was unanimity on this, including those who currently hold the power. They acknowledged that there was an unconstitutional change but further argued they were legitimised by the decision of the Constitutional Court. They argued that the Court's decision normalised their status. But I fail to understand the court's logic in permitting the military to pass power to a particular group of civilians.

In early December, Rajoelina failed to honour the scheduled round of talks held here in Maputo. What were his reasons for non-participation?

They have got no reasons but the pretexts. And the pretext is that they thought the deadlock was only over one item, which is the distribution of two or three ministries. But the fact that there was a deadlock, the more the reason to meet and negotiate. The other pretext was that they thought this item should be discussed inside the country (Madagascar) and not abroad. They argued that they did not want a government of national unity to be formed outside the country.

Well, I say it's a pretext in that earlier they had agreed to go and meet in Paris, if the deal was reached, which is a foreign country. They had also accepted to meet in Brussels as an alternative venue. The others thought Maputo was all right. Further, one of the parties, who is currently not based in Madagascar, did not favour Europe as a venue, but instead insisted on Africa. However, that was not the sole reason we did not meet in Europe, though it was a crucial factor in moving ahead with the meeting. We thought his absence was not desirable. The other critical factor was that some of our organisations in Africa did not favour the meeting in Europe to solve a problem that could be solved in Africa. This is for the simple reason that all mediators are African and all the organisations spearheading the negotiation process are African. There are places in Africa that are quite neutral.

Nevertheless, we ultimately came to the conclusion that it is better to do it step-by-step. As the first step I decided, as the head of mediation, to start with the three leaders who had already travelled to Maputo (Ravolomanana, Ratsiraka and Zafy). Actually I had wanted all of them to come to Maputo, but Rajoelina could not come because his people would not like it.

Now Rajoelina is alleging that a government was formed in a foreign country. I find this a contradiction in that by calling Mozambique a foreign country, they are implying Paris (France) is a home country. This is very awkward. Most importantly, there was no government formed here. The purpose was to get views and suggestions of those who met here (Maputo). It is up to Rajoelina to accept or reject those views. In the final analysis, however, a government will be formed.

The Malagasy military is suspected to be the power behind Rajoelina's throne. Have there been any suggestions on bringing the military to the negotiating table?


No. The military want to be left on their own. Their argument is that they have already undertaken conciliatory processes among themselves. They do not want to spoil that reconciliation by getting mixed up with the quarrelsome politicians. We know there is some kind of division within the military ranks. I don't know how much anyone of the four politicians can claim (the) total allegiance of the military. Politically, each of the military leaders can have his ideas or preference of political leaders but what they told us is that they are not interested in actively supporting any particular leader. The problem though is that now there is someone in power who gives orders and in some cases the military may obey those orders. But I believe there are some orders that they can reject because they are contrary to what the military is there for.

What is the attitude of Rajoelina's regime towards reconciliation or any peace deal? Can we expect the country to go the Zimbabwe way?

Sometimes I have a feeling that Rajoelina wants a settlement where he is recognised as the head of state, the president, the leader of the whole process and to be recognised as a candidate after this process. Yet a give-and-take process has its own ground rules. Rajoelina wants to start from a premise that he is a leader – as if he was elected by the people. He is not seeing that these talks are aimed at trying to create conditions that are conducive for the holding of peaceful elections only. So the attainment of power is the final goal now. However, the negotiations are set within a framework – just to create conditions

for a peaceful election that will lead to that very power. But the behaviour is as if he has already been elected as a leader by the people. All the time he (is) talking about 'the government of the people' or 'the president of the people.' But the Malagasy people have yet to express themselves through a peaceful, free and fair election. In my opinion, there is a lack of experience on the part of Malagasy in dealing with the world. They had been so much confined to themselves that they have difficulties in understanding what their obligations are, in relation to the different international organisations to which they belong. Initially they interpreted the SADC or AU's interventions as interference, but we explained to them that their membership to these organisations comes with obligations. That there are certain shared principles to which we want to bring them back to.

With this kind of attitude should we expect any amicable resolution any time soon?

Definitely. We'll see change into the regime's attitude. The international community is very clear that it expects nothing less, and it is prepared to apply punitive measures. Recently, the US imposed economic sanctions on that country and that means invaluable opportunities offered by AGOA will be missed. It could have been good for the solution to be found expeditiously without having to resort to extra pressures on the regime. Rajoelina could have meant well initially, but he is now surrounded by individuals whose main interest is power. You can feel it, particularly when it comes to the distribution of ministries. Each one of them wants to be there. Yet this is supposed to be a transitional arrangement which is now left with only 10 months of the original 15 months, to prepare for the elections. 



Telecommunications workers
ringing the continent with cables.

A sea change for Africa

The past year, 2009, has been an eventful one for the continent's telecommunications industry. The entire African seaboard was a scene of heightened activities as consortiums laid out undersea cables. Similarly inland, governments were heavily investing in compatible terrestrial infrastructure. **Steve Song** navigates the connectivity waters that hold the promise of transforming the continent

Africans have waited a long time for the promise of high-speed connectivity to be fulfilled. As early as 1994, AT&T promised to ring the continent with their AfricaOne project. The project died as telecoms investment resources dried up after the dot.com crash in 2000. In 2002, businessmen in East Africa dreamt up the East African Submarine Cable System (EASSy) cable but that project is still not due to be completed until June 2010. A little cynicism might be forgiven.

In the past few months, however,

two new undersea cables have lit up the continent. Is the promise of undersea fibre connectivity in Africa a little brighter?

What's live?

Since 2001 the SAT3 cable has been the only undersea cable linking sub-Saharan Africa to the rest of the world. But SAT3 has done comparatively little to advance connectivity on the continent because it was controlled by a telecommunications cartel that was more interested in maximising

profit than expanding connectivity. In many cases, SAT3 prices were so high that satellite access often proved a cheaper option.

That all changed in July 2009 when SEACOM, a majority-African-owned private investment initiative completed and lit up a 1.28 terabit/s capacity cable offering connectivity from London to Egypt, Djibouti, Kenya, Tanzania, Mozambique, and South Africa. SEACOM is unique because it is the only African undersea cable initiative that does not have

telecommunications operators as investors. As a result, SEACOM has broken with the cartel model preferred by telecommunications operators and opted instead for an Open Access policy, which offers connectivity on an equal footing to all customers.

Around the same time that SEACOM lit up its cable, another initiative, The East African Marine System (TEAMS) cable, completed construction from Mombasa, Kenya to Fujairah, United Arab Emirates (UAE). TEAMS went live in September 2009 with a design capacity of 1.28 terabits/s. Like SEACOM, however, only a portion of this total was initially lit up for service. The TEAMS initiative was inspired and driven by the Kenyan government that had grown frustrated with bickering and complications over the control and financing of the East African Submarine Cable System (EASSy) cable. TEAMS means that, in the space of a few months, East Africa has progressed from no fibre connectivity, to two options and the potential for much-needed competition.

Seeing this competition emerge, SAT3's investors have not been idle. In October of 2009, SAT3 completed an upgrade. It has almost tripled its capacity (from 120 gigabits/s to 340 gigabits/s) with the SAFE cable that extends SAT3 into Asia upgrading to a capacity of 440 gigabits/s.

With potential capacity increasing from gigabits to terabits, 2009 has been an "annus mirabilis" for backbone connectivity to Africa.

What's coming in 2010?

Yet this may be the tip of the iceberg. The long-awaited EASSy initiative appears to have a realistic deadline: its operator seems confident that the cable will light up in June 2010. This will bring an additional 1.4

terabits/s of capacity to the east coast of Africa from Port Sudan to South Africa, thereby linking nine countries including South Africa, Mozambique, Madagascar, Tanzania, Kenya, Somalia, Eritrea, and Sudan to a high-speed international backbone.

Things look promising on the west coast of Africa as well. The GLO1 cable, owned by Globacom Nigeria, is expected to go live very soon and to offer the potential capacity of 2.5 terabits/s to Nigeria, Ghana, Senegal,

In the past few months, however, two new undersea cables have lit up the continent. Is the promise of undersea fibre connectivity in Africa a little brighter?

and Mauritania. This should be followed in June 2010 by Mainstreet Technologies' MainOne cable that promises 1.92 terabits of capacity to Nigeria and Ghana. Like the EASSy cable, these initiatives have revised their completion dates several times and it has not been clear if they would proceed at all. However, GLO1 and MainOne now seem ready to be part of a dramatic change to the connectivity landscape in West Africa.

Has Africa gone from famine to a feast of international connectivity? Is there an impending connectivity glut? Not according to telecommunications operators; two additional cable initiatives have emerged in the last year.

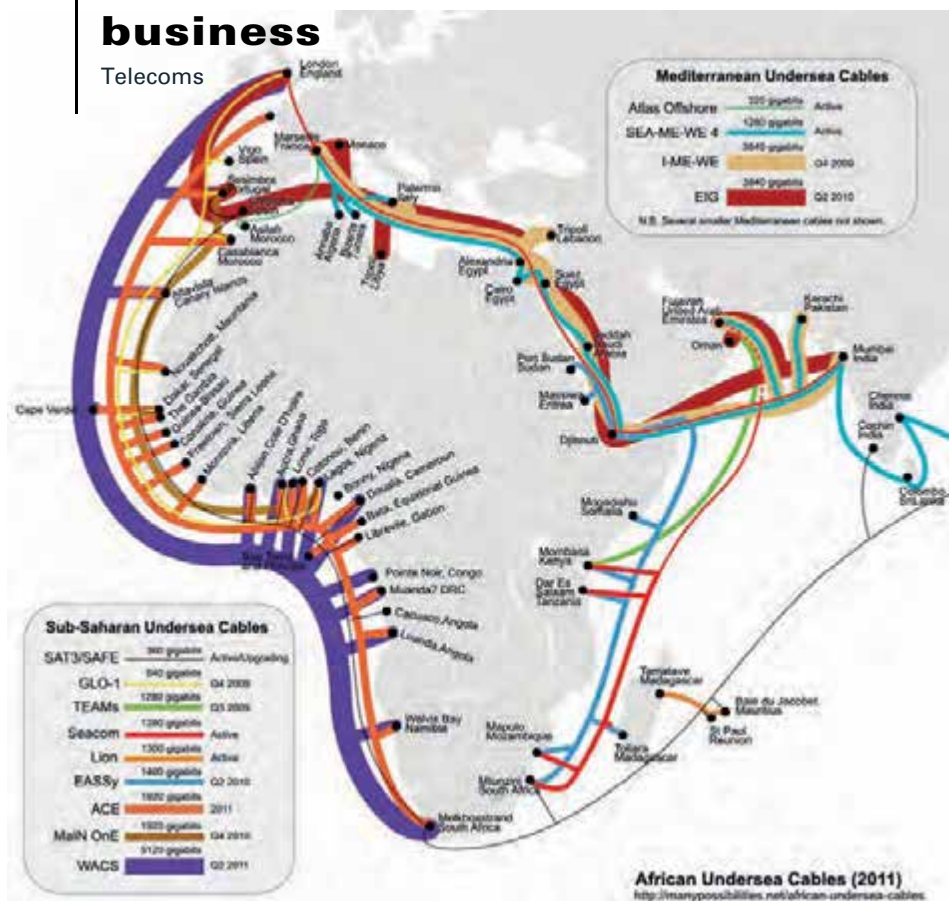
The West Africa Cable System (WACS) initiative has a design

capacity of a mind-boggling 5.1 terabits per second and is scheduled to go live in the second quarter of 2011. WACS is owned by the four South African telecommunications operators (Telkom, MTN, Vodacom, and Neotel) and promises to connect not only South Africa but also Namibia, Angola, the Democratic Republic of Congo, Congo, Canary Islands, Cameroon, Nigeria, Togo, Ghana, Cote d'Ivoire and Cape Verde to the world.

And last but certainly not least, France Telecom announced the ACE (Africa Coast to Europe) cable which promises to link over 20 African countries along the west coast of Africa with a planned design capacity of 1.92 terabits/s. It is also expected to become operational before the end of 2011. France Telecoms strategy with ACE is unique in that they have targeted many smaller African countries that have been excluded from other undersea cable initiatives.


This brings the planned capacity of undersea cables reaching Africa in 2011 to over a dozen terabits per second. Given current usage on the continent it is difficult to conceive of this sort of demand.

One thing to keep in mind however is that all of these initiatives speak of their cable in terms of "design capacity." This refers to their total potential capacity as opposed to what the cable will actually carry initially. SEACOM, for instance, has a design capacity of 1.28 terabits/s but has initially only "lit" 80 gigabits/s of capacity. These capacities speak to the scalability of the cables rather than current or planned initial use. It is significant that many of the above-mentioned cables have upgraded their design capacity since announcing their initiatives. For example, the TEAMS cable, now designed for a maximum



typically controlled by incumbent telecommunications operators who have not rushed to pass on savings to customers. In the case of South Africa, operators may actually be passively obstructing access to SEACOM to protect their investments in the EASSY and WACS cables.

That said, the arrival of undersea cables has spurred a wave of investment in terrestrial infrastructure. Virtually every country on the continent is constructing and/or upgrading their backbone infrastructure. It really has been a case of "build it and they will come" in the case of fibre connectivity. It is hard to motivate the case for building terrestrial fibre infrastructure when there is nothing to connect that infrastructure to. Now with the promise of vast and hopefully inexpensive international capacity, African countries are falling over themselves to catch up.

This brings us to the last and perhaps biggest challenge on the continent, that of enabling a pervasive and affordable "last mile" of connectivity for Africans. We can only hope that communications regulators seize the day in opening up these international links to the sort of domestic competition that will make for cheap and ubiquitous access on the continent. Undersea cables are part of a sea change of connectivity that holds the promise to transform the continent. 

Steve Song is the Shuttleworth Foundation's telecommunications fellow based in Cape Town.

capacity of 1.28 terabits/s was originally conceived of as a 40 gigabit/s cable. What seemed like massive capacity only two years ago seems barely adequate today.

Financing undersea cables is a complex and risky business. Casualties are entirely possible before all of these initiatives come to fruition.

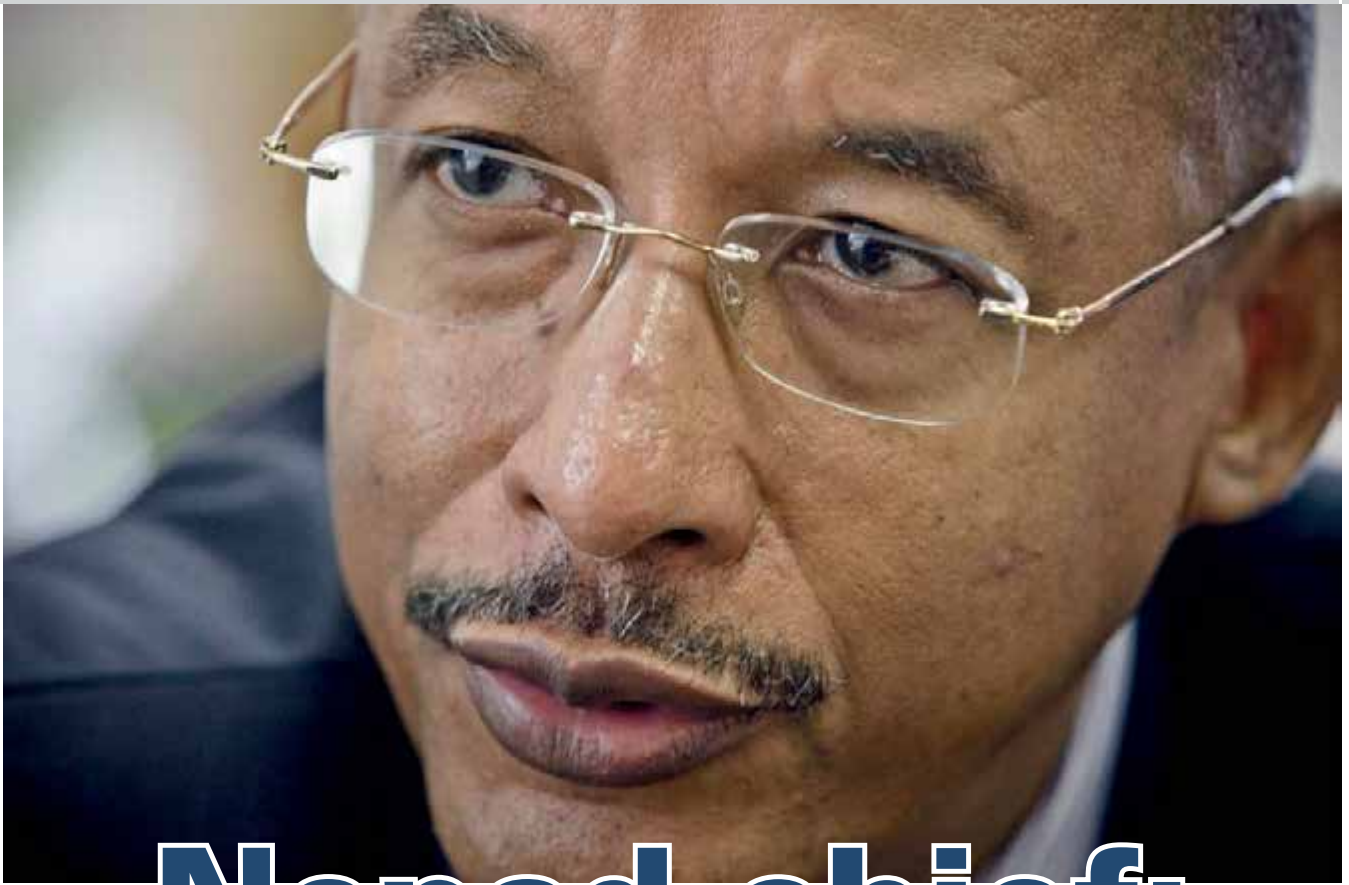
Has the arrival of new international connectivity options for eastern and southern Africa brought dramatic drops in the cost of bandwidth? No. In both Kenya and South Africa there has been disappointment expressed by consumers and governments alike that the cheaper international

connections have not translated into real consumer savings.

There are a couple of reasons for this. One is that history has shown that two and even three competitors in the telecommunications market is typically not enough to provoke real competition. It is only when competition increases to four and more competitors that we see the kind of pressure that creates an efficient marketplace.

Second, while international connectivity has improved, terrestrial backbone connectivity on the continent is still in a parlous state. Existing terrestrial backbones are

African Undersea Cable Players							
	SEACOM	EASSy	TEAMS	WACS	MainOne	GLO1	ACE
Cost (millions of USD)	650	265	130	600	240	150	???
Length (km)	13,700	10,000	4,500	14,000	7,000	9,500	14,000
Capacity	1.28 Tb/s	1.4 Tb/s	120 Gb/s – 1.28 Tb/s	5.1 Tb/s	1.92 Tb/s	640 Gb/s	1.92 Tb/s
Completion	July 2009	June 2010	Sept 2009	Q2 2011	June 2010	Nov 2009	Q4 2011
Ownership	USA 25% SA 50% Kenya 25%	African Telecom Operators 90%	TEAMS (Kenya) 85% Etisalat (UAE) 15%	Telkom Vodacom MTN Tata (Neotel) Infraco et al	US Nigeria, AFDB	Globalcom (Nigeria)	France Telecom



Nepad chief:

Our farmers need to become entrepreneurs

Former prime minister of Niger Ibrahim Mayaki last year became the new CEO of Nepad, the continental agency set up as part of the African Union in 2001 to improve regional development strategies. **Liesl Louw-Vaudran** spoke to him about climate change, the global economic environment and his plans for Nepad.

The African.org: **Africa is presenting itself as the victim when it comes to climate change and negotiations like those in Copenhagen. Is this a good strategy to follow?**

Mayaki: I don't agree with the idea of compensation: that we weren't responsible for pollution and now we should be rewarded for this. A lot of

journalists focus on this, but if you really look at the African position, it is much more detailed than that.

For the first time we have a united position adopted by the African Union presented by the Ethiopian prime minister Meles Zenawi. Our position is we are the least responsible for climate change, but we are the ones who suffer the greatest

impact. The total carbon footprint of a farmer in Burundi is the same as that of a television in sleep mode in Norway. Yet the impact on agriculture has been considerable in the last ten years and we should have the means to adapt to the effects of climate change.

So the resource we ask for is for development. Without this states

become more and more fragile and that creates a number of problems like insecurity, immigration and even a greater terrorist threat. Somalia is a good example.

You took over the reigns at Nepad at a bad time of global economic crisis. Have many of the projects been scrapped or put on hold? How is Africa going to cope?

The crisis has forced us to redefine our priorities when it comes to development, focusing specifically on agriculture and on infrastructure. Secondly we need to reflect on mobilising our internal resources and thirdly the crisis forces us to better define our policies within these frameworks.

Agriculture is now clearly a priority, as we saw from the speech by president Barack Obama at Aquila and the G20 resolutions in Seattle. Commitments of up to \$20 billion were made at Aquila. So in this sector there won't be fewer resources but an increase.

Everyone agrees that improving agriculture is an essential tool to reduce poverty and reducing poverty is what is going to permit us to stabilise the continent politically, given the structure of our societies and given that we have the highest unemployment rates in the world. Secondly, improved infrastructure is a priority to improve integration and to give our farmers access to markets. Here we should be very clear: we shouldn't embark on huge and unrealistic projects without concrete feasibility studies.

A very concrete idea taking root amongst the political decision makers is the idea of development corridors where transport is important to improve access to markets, to education and other things. South Africa is actually the one behind this concept with its Special Development Initiatives.



What internal resources are there to be mobilised?

Agriculture imports in Africa amount to up to \$30-\$40 billion per year. Meanwhile the capital flight is estimated between \$20-\$30 billion per year. Part of this capital flight is due to corruption and other factors. It isn't economic orthodoxy to put these two figures next to one another, but it illustrates that we do have internal resources. In Asia 80% of the money that leaves through corruption is reinvested. We don't want to encourage corruption but it won't be too bad if this money comes back to Africa.

If you say there are promises of money for agriculture at Aquila and elsewhere, how sure can we be that this money will actually reach Africa? Often these figures are bandied about, but it never really gets paid out.

I agree, but we do see a difference. Firstly we've now agreed on a priority, which is agriculture and there is a real

commitment to put resources into agriculture. We do see this happening within the World Bank for example. But whether it will really be at the level of what has been promised, I don't know. Because if you look at the promises made in the past, they haven't been fulfilled.

When one travels around African countries like Niger, where you are from, it seems there is a lot to be done in order for agriculture to improve and for people in villages to make a living, especially with the effects of climate change. What exactly is it that should be done on this level?

It is clear that one of the big mistakes made by our politicians was to expropriate our rural populations. If you remember, the well-known agronomer René Dumont once had a conversation with Abdou Diouf telling him he should invest in the rural areas. Diouf responded: "But it is in town that I have the most problems." Because it is town

where people went on strike, where they wrote in the newspapers etc.

So these masses of rural people who helped Africa feed itself, using very rudimentary techniques, have never really been taken into account. And until such time as we invest massively in training these people it will be difficult to improve our agriculture.

Our small farmers must be transformed into entrepreneurs. They should be trained in technical skills and how to manage their capital. This is the real solution; the potential is there since 60% of our population lives in rural areas.

Are the politicians conscious of this?

I do believe there is the realisation taking place, because the problems we had with the city-dwellers are now coming from the rural areas. In a country like Niger we have 200 000 young people and only 60 000 jobs in the public and private sector. More than 80% of these young people come from the rural areas to town, there are no jobs for them. So if there is trouble, they are the ones breaking things – it's like a bomb ready to explode.

You are now in charge of Nepad – an institution many people have doubts about. Some even wonder whether it will continue to exist now that former South African president Thabo Mbeki and former Nigerian president Olusegun Obasanjo are no longer around.

If we can start off by putting it in context: Nepad as a programme was formulated in 2001. The African Union didn't exist yet, it was the OAU. So a secretariat was put in place to implement this programme. As you know it was born out of the Millennium-plan of former president Mbeki and president Wade's Omega-plan. Both of these were characterised by the necessity to use regional integration as a factor of development. But this

secretariat didn't have a legal mandate approved by the African heads of state.

When the AU was put in place it was decided that Nepad would be integrated into the structures of the AU, not the AU commission. Following this, an agency was created and the process was completed in October 2008 when we were accorded diplomatic status by the South African government as an agency of the AU based in South Africa.

The host agreement signed between the AU chairperson and the South African minister of foreign affairs requires that I present my letters of credence as the representative of the AU.

The total carbon footprint of a farmer in Burundi is the same as that of a television in sleep mode in Norway

Does that mean you are no longer moving to Addis Ababa?


No, that is no longer an issue. According to the host agreement with South Africa we have a headquarters, provided by South Africa, with diplomatic immunity – we have the status of diplomats here. We are moving to new offices in Midrand (between Pretoria and Johannesburg in South Africa) with around 100 employees. In this building will also be the secretariat of the African Peer Review Mechanism.

Is this part of your plan to give Nepad new life?

Giving Nepad a new dynamic will be done under a new mandate that is

directly linked to implementation. There have been many initiatives and many continental frameworks developed in Africa, but generally we find there is a lack of capacity to implement. We always have good plans, but when it comes to implementation we face constraints of capacity. There are constraints linked to the quality of human resources, linked to management systems, linked to adopting efficient administrative systems.

What is your mandate?

Nepad is based on the concept of development through regional cooperation. What does that mean? Firstly that the regional blocs should be organised, that they constitute a market, secondly that the regional economic communities cooperate amongst themselves to lead to the integration of the continent in the long term. The different sectors that these regional economic communities are working in are defined by the AU commission. But to implement these projects they need to be defined, we should make sure they are coherent, have good systems etc. And this is where we come in. We come in to support the regional economic communities and the countries to implement these projects because of the capacity problem. Our role is incubating projects, implementing them and thirdly a role of knowledge management. How do we take from what we're doing to create a body of knowledge? This knowledge is what will permit us in the long term to become a think-tank. If the capacity is established within the regional organisations and within the AU the only role Nepad will have is one of a think-tank with advisory services and so on. This is where we are going. 



Mineral investors on shaky ground

China's thirst for mineral resources and the sweetened investment packages it offers to Africa could redefine the playing field for other foreign investors, writes **Dianna Games**. She looks at the examples of the DRC, Guinea and Nigeria

Are the billions of dollars China is pouring into African countries changing the playing field for western investors in African markets?

There are already signs that the rules put in place, or certainly espoused, by many African governments are flouted the moment a big Chinese investment comes along.

Zimbabwean president Robert Mugabe, desperate for new friends and a measure of international legitimacy, was quick to jump on this bandwagon. He courted his Asian partners fervently, hoping for money to prop up his pre-unity government regime.

Western mining companies were a favourite target, given the Chinese thirst for resources, and they were subjected to open threats of nationalising assets and the possibility of being forced to cede part of their holdings to new Chinese partners paying over the odds.

Western companies cannot compete with China's ability to sweeten their deal for a stake in Africa's mineral riches by including government funding for infrastructure as part of the package.

It also potentially puts their investments on shaky ground,

particularly in the minerals and oil and gas sectors where the rules are particularly vulnerable to being broken.

Take for example the Democratic Republic of Congo – China recently offered the government \$9 billion for mining concessions and infrastructure projects in return for metals worth about \$50 billion at 2009 prices, mostly cobalt and copper.

Of this, \$3 billion is earmarked for financing a joint venture between state miner Gecamines and Chinese mining interests under the umbrella of Sicomines Sarl. The terms of the joint venture include generous interest-free

loans to the DRC government for its 38 percent stake in the venture, as well as goodwill contributions to the national budget.

Due to become operational in 2011, the joint venture aims to produce up to 400 000 tons of copper and 19 000 tons of cobalt a year.

Against this backdrop, several large western investors are having difficulties with the DRC government, the reasons for which are opaque.

In one case, the biggest resources investor in the DRC, Tenke Fungurume Mining, is in limbo while the government decides whether it will renew, renegotiate or cancel its operating licence.

Meanwhile, mining giant First Quantum has suspended its DRC copper project after the government of Katanga province issued, without prior warning, an order to seal the facilities of Kingamyambo Musonoi Tailings, part of the large copper/cobalt Kolwezi mine. The project is 65 percent complete and the company has already sunk \$600 million into it.

The government claims the company is in violation of agreements relating to the operation, which the company (which has filed for international arbitration) denies, saying the sealing order is illegal.

Sources say the real reason the government has confronted the miner is because it wants to increase its current 12.5 percent stake in the consortium but does not want to pay for the shares.

If these companies were to withdraw from the DRC, Chinese investors waiting in the wings would probably be eager to negotiate more favourable terms with the government for the operations than those currently in place.

In Guinea, western mining investors have been given a tough time by successive regimes, firstly that of

Lansana Conte and more recently by the illegal regime of military leader Moussa Dadis Camara, who seized power in December 2008 after Conte's death.

Although poverty is widespread, Guinea has large deposits of bauxite, diamonds, gold and uranium. And despite a punitive operating environment, some of the world's largest miners have invested there, including BHP Billiton, AngloGold Ashanti, Rio Tinto, Aloca and Rusal.

Over the years, the companies have had to stare down some significant challenges, including ad hoc bans on export of minerals and threats to ownership of concessions.

In 2009, Camara ordered a review of all mining contracts, citing concerns about corruption. The announcement must have sent a shiver down the collective spine of the mining industry.

Can one trust a young military hothead with huge power, running one of the world's most corrupt and dysfunctional states, to conduct the process in a completely fair and transparent manner?

Although the process has not affected the industry yet – if it has even started – mining companies continue to be harassed by the state.

AngloGold Ashanti, for example, was ordered to shut down its gold mine after a company director failed to attend a meeting of mining executives. Soon afterwards, Camara's government also placed an embargo on gold exports, citing environmental concerns at the mine.

Exports resumed after the company agreed to a \$35 million provision for environmental rehabilitation of the Siguiri mine, \$10 million of which was advanced upfront.

Rusal and Rio Tinto, which has earmarked at least \$6 billion for the Simandou iron ore project in Guinea,

have conflicted with the state over the removal of mining licences without explanation.

In 2008, the government not only unilaterally handed part of Rio Tinto's \$6 billion Simandou concession to an Israeli investor, it also offered the rest of it to Chinese state-owned miner Chinalco in return for the building of infrastructure.


Chinalco refused, saying it would have negative international repercussions but it may have set an unfortunate precedent.

In mid-2009 Camara signed a \$7-billion investment with the China Investment Fund, a controversial private sector deal that the Chinese government has distanced itself from but which seeks to exploit whatever minerals and oil deals it can. If the deal comes off, there may be further ownership disputes over lucrative concessions already awarded to western miners.

In Nigeria, several state-owned oil firms are in talks to secure a stake in the oil industry. A \$50-billion offer is apparently on the table and the Nigerian government is said to be using China's interest in its oil concessions as leverage in the renegotiation of contracts with western operators.

International companies usually include the right to international arbitration in their entry investment agreements. But this can be a long, costly process.

Investment in resources, always a risky business in Africa for foreign companies, could be exacerbated by China's interest in the relevant sectors.

The Chinese, notable among other new emerging market investors with long pockets such as India, Brazil and Russia, are taking the commodity search seriously and money is no object. This could precipitate a significantly changed playing field for other foreign investors down the line. 



The writer (right) with Coco Reinartz and Mama Valentine Yaya, a trader at the Congolese market in Yeoville, Johannesburg

Cuisine

African cuisine offers many possibilities for fine dining – “Afro-chic” mixtures of the contemporary and the traditional can be served in the world’s best restaurants, writes **Anna Trapido**

Food is undoubtedly the international media flavour of the month. Where once matters culinary were relegated to an occasional appearance in the low status lifestyle sections of serious newspapers they are now afforded considerable column inches. But despite the epic amount of media attention devoted to eating and food, African culinary genres and restaurant cultures almost never receive press coverage. On the rare occasions that African eating habits are reported on it is almost invariably the food of poverty and dispossession that is presented.

And yet Africa is home to some spectacularly expressive food traditions. The flavours found in the cooking pots of Africa are as

deliciously diverse as the people who stir them but from the quince- and honey-infused tagines of Morocco to the paprika-rich aromatic berbere of the Ethiopian wot pot and the ferocity of Mozambican piri-piri there is no shortage of fabulous food. From the opulent generosity of Congolese palm pulp Moambe sauce to South Africa's syrup infused koeksisters, Africa is richly marinated with culinary creativity.

From his Johannesburg restaurant, Sel et Poivre, Chef “Coco” Fathi Reinartz is attempting to serve up an alternative African alimentary experience. He says, “I was born in Burundi and I have lived all over the world. I can and do cook in a range of styles but I love the ingredients, cooking methods and

inspiration that can be drawn from this continent and I want to reflect that in my work. What I am trying to do is show a set of cuisines that deserve to play a role in the international arena. African food is seldom put into a fine dining context but that is not because there is nothing of value to serve. Rather its value hasn't been properly put on display. Part of a chef's job is to take simple, every-day classic dishes and transform them into something special. All over the world simple food is remade and served up in smart restaurants – Italian peasant food such as risotto, polenta and the like is on offer in the finest restaurants so why not African culinary classics? That is what I aspire to do at Sel et Poivre.”

Those sitting down to dine chez Coco will find an Afro-chic menu where South African amasi soured milk is set into luscious caramel-topped mouthfuls of heaven and Ivorian fried plantains arrive crisply complemented by coconut gratinated crab. There are aromatic saffron-laden Moroccan tagines and a Tilapia Carpaccio that offers up the greatness of the Great Lakes to an appreciative audience.

Chef Reinartz acknowledges that customers are often unfamiliar with such an approach and that "restaurants are about pleasure so it is important to allow people space to discover new tastes or to re-evaluate the tastes that they know but have never thought to include in a fine dining space." He says of his menu: "My mother ran a restaurant in Kinshasa for many years and she taught me that there is no reason why African and European food genres can't exist side by side and complement each other. My formal training was at the École Hôtelière Provinciale de Namur in Belgium and I was head chef at Château de Sombreffe, but I've never forgotten my earliest taste memories. There is no reason why plantains can't be served with Champagne, but if you rush it you lose your audience. You need to take it slowly and let them adjust to new ingredients and flavours. My menu changes regularly and when I started it was purely classic French, then I introduced just one African dish at a time. Now I always have at least two starters, two mains and a dessert with an African slant. But it's Africa on my terms. I'm a modern, world citizen; African by birth and choice. And my food reflects that."

He warns against African chefs becoming bound by culinary conventions that are no longer relevant to modern life. He argues that "modern chefs like me need to recognize that food traditions are

never static but rather respond to societal change. My life is not the same as that lived by my grandparents and the result is that I don't cook in exactly the same way. It doesn't matter if it's food of the Loire Valley or that coming from the bustling city streets of Johannesburg we all live contemporary lives. Our food needs to change to reflect that. We can be inspired by our great ancient traditions without being held hostage to them. Modern African food forms must be able to adapt to take their rightful place in the world food arena."


He reflects that "there are double standards when it comes to the way that African food is presented in the media. No one judges European food on the basis of desperate people surviving on tulip bulb soup during the World War II Dutch famine but somehow such moments of collapse are all that get seen with regard to African food. No one is suggesting that the suffering of poor people anywhere in the world should be disregarded but it is a mistake to ignore the creativity that comes from African cooking pots grand or humble. All human beings reflect their identity in the way that they cook, eat and serve food. To ignore the beauty of African food genres is tragic both for those who miss out on some great tastes and also for those who created them."

The chef feels that it is important to see "how complex, multi layered, ancient and modern and most of all international the food of Africa is." He talks lovingly of the great fusion foods such as Afro-Lusitanian cuisine of Mozambique and the boerekos of South African Afrikaners. He remarks that "Cap Classiques and pinotage wines are African. We need to place them with palm wine, umqombothi beer and Tej Ethiopian honey wine as an outpouring of African gastronomic skill and talent. There are world class



Prawn Liboke, a scrumptious traditional dish from Burundi

Ethiopian restaurants in Washington and great Congolese restaurants and markets in Paris. They too are part of the modern African eating experience. All of this is part of what makes African food so exciting. The impact of West and Central African food on the cuisine of the Americas is enormous. It's important to see Africa as part of a broader world community full of give and take.'

Anyone who has ever eaten at Sel et Poivre will know that give and take doesn't come any more delicious than this. While Chef Reinartz is wielding a knife and a whisk Africa will always be the order of the day. 

Chef Coco's five favourite African restaurants

La métisse in Brussels, Belgium.
32 (0)2/654 1875 (West and Central African cuisine)

Zemara in Pretoria, South Africa
072 7562057 (Central and East African cuisine)

L'aubaine in Kinshasa, DRC 243 / 81
50 85 586 (classical Congolese food)

L'oasis in Paris, France 01 40 11 47 23
(North African food)

La Bache Bleu in Abidjan, Ivory Coast
225 21 26 05 28 (West African cuisine)

Lost in translation

On a trip to Cameroon **Takawira Musavengana** wished he had paid more attention in French class

on this particular evening, faced with a predominantly French-speaking world, my knowledge of French simply vanished.

After mutilating the language of Charles de Gaulle and parting with a handsome tip for assistance with directions, I finally found myself in one of the rickety yellow taxis to a 'five-star' hotel in the sprawling city of Douala.

A little background to this is in order. In 2006, I had the privilege of coordinating a team of 115-odd election observers during the historic elections in the Democratic Republic of Congo. At that time, I had no reason to worry about language – in fact I didn't even need to speak French or Lingala – for I had a professional interpreter with me all the time. And it was my able interpreter who taught me to ask for a "five-star" hotel whenever I was not on familiar turf because "five-star" hotels have multi-lingual staff. Once you get there, you can get further directions to affordable lodgings.

After spending the night at a certain Hotel Sawa – which boasts three stars but only in name – I was joined the following morning by parliamentarians from (French-speaking) ECCAS member states for the trip to Yaoundé. Again, the language barrier

The challenge of language could belie the inviting and picturesque Yaoundé

There is a saying that a man who has not travelled thinks his mother is the best cook. And so it is that when one has existed in a world in which the English language is dominant, one is lulled into the false assumption that one's world begins and ends with the English language.

So it was that one evening I landed in Douala en route to Yaoundé for a regional seminar on the role of Parliaments in Security Sector Governance in Central Africa. This was my maiden visit to the

land of that great soccer prodigy Samuel Eto'o and his compatriot, the legendary Roger Milla. I had expected someone to meet and greet me at the airport, but, customs and immigration formalities completed, I was parachuted into a cacophony of small time entrepreneurs – an army of street-level moneychangers, touts and taxi drivers – all speaking French. A few weeks before my sojourn in Cameroon, I had joined the French class at the office and all seemed plain sailing – and exciting too. However

resurfaced. Save for the picturesque views and the absorbing scenery, it was the loneliest 4-hour drive of my life. There was so much going on around me that I wanted to share with someone but couldn't. The parliamentarians were a jovial group talking and laughing all the way – but in the wrong language. A familiar name – Robert Mugabe – kept coming up in their conversation. How I wish I could follow what it was that my president had not done this time? I found solace in a book: *Wizard of the Nile* by Matthew Green.

Finally we arrived at Hotel des Deputes in Yaoundé. No-one will convince me that it is at this hotel that the honourable members of the National Assembly of Cameroon are accommodated when the parliament is in session. For all its imposing architecture, the hotel suffers from serious neglect, certainly not befitting "honourables" as I know them from my previous life.


Officially, the conference was conducted in English, French and Portuguese. Dear reader, in my previous career with the SADC Parliamentary Forum, I did not fully appreciate it when on one occasion, a delegation from one of the Portuguese

speaking countries – which shall remain unnamed – walked out of a meeting because documents were not available in Portuguese, even though simultaneous translation was available. I always thought as politicians, they were "politicising" issues and making mountains out of molehills. We would always argue that although we as the secretariat had not had adequate time or the means to translate all the documents into the different conference languages, this could be compensated for through simultaneous interpretation. Many seemed to disagree.

A large part of the three days of proceedings in the hallowed law-making chamber of the Cameroon National Assembly were, both literally and figuratively, lost in translation. Either there were two languages coming through the headphones, or the interpretation was, for lack of a better word, atrocious. One particular interpreter would either create words that did not exist in English or abandon incomplete sentences to chase the speaker's train of thought. When it was my turn to make a presentation – the only one from Southern Africa – I could see the world collapsing

around me. Not only were my PowerPoint slides in English in a 95 percent French-speaking audience, but I was also acutely aware that one of the interpreters was out of his depth with the English language. You know that you are not communicating when you crack a joke and, save for a few giggles, the rest of the audience stare at you with blank faces.

After your presentation, one or two participants attempt some idle conversation with you and ask for your business card, and so your day ends.

On the eve of my departure, I had occasion to go to the "market" to sample Cameroonian music, crafts and curios, and lo and behold, many Cameroonians actually speak English. Maybe I was too guarded when I arrived. Maybe, I just didn't try hard enough or perhaps, the first people that I bumped into – at customs and immigration – created the impression that French was the lingua franca and nothing else. Even the good-looking young woman who assisted me with directions at the airport on the day of arrival, suddenly said "I hope you enjoyed your stay. See you next time". It was my turn to say, "Au revoir!" 



Denial in Mbeki's time

The Poverty Of Ideas: South African Democracy And The Retreat Of The Intellectuals.

Authors *William Gumede* and *Leslie Diken*

Reviewed by Liesl Louw-Vaudran

Anyone interested to know how former South African president Thabo Mbeki suppressed dissenting voices within government and within the ANC when it came to his controversial AIDS policies and his “quiet diplomacy” towards Zimbabwe should read this book.

This series of contributions from a wide range of writers is in fact less about the role of the intellectuals in society than explaining how intellectuals were silenced during the Mbeki-years.

William Gumede, author of the 2005 bestseller “Thabo Mbeki and the battle for the soul of the ANC” explains how Mbeki dealt with critics and activists by labeling them disloyal and not following “the Africanist agenda”. Gumede waves an accusing finger at all those who, through their silence conspired with Mbeki.

“If more senior ANC leaders had questioned the Mbeki government’s controversial AIDS policies, antiretroviral drugs might have been made available at state hospitals much earlier, thousands of lives would have been saved and the devastating social consequences of the AIDS pandemic could have been reduced.”

In an even stronger worded article on this issue Mandisa Mbali, a postdoctoral associate in the Section of the History of Medicine at Yale University starts with a staggering fact: estimates are that 330 000 people might have died due to government AID policies between 2000 and 2005. She attempts to explain why Mbeki was so easily convinced by the denialists

and how he “viewed AIDS through a racialised lens”. The “wider confusion” and “myths” around AIDS in South Africa generally meant that Mbeki could at that time get away with it and that there was no political cost for his denialism, argues Mbali. Whether there will be any cost for him now, after his retirement, remains to be seen.

For Gumede the fate of the intellectual in South Africa does indeed go further than Mbeki and is also tied up with the fact that the ANC hasn’t transformed totally from a liberation movement. Thinkers are taken up in government and “serve” the ideals of the party and the government.

Well-known commentator on education issues and vice-chancellor of the University of the Free State Jonathan Jansen broadens the debate on the role of the intellectual by looking at the cost for academics trying to work outside the imposed “developmental agenda of the state”. He admits that during the Mbeki era hardly anyone spoke out against his agenda on Zimbabwe, the AIDS-policy and “the dismissive position on crime.”


Managerial constraints and fear of not receiving funding influenced this. Moreover, while a sense of “loyalty” would ideally be defined as loyalty to a set of principles, in South Africa it is largely seen as party-political loyalty. Jansen mentions the pro-Zuma demonstrators outside court during Zuma’s rape trial as an example.

But Jansen admits, “It will of course be very difficult to engender such an elevated sense of loyalty in a country



where the past is still very much with us, where racial emotions are still raw and where the struggle to build a new society remains a very long-term project amidst dire inequalities that have not diminished since 1994.”

Silencing of intellectuals who don’t tow the line are subtle – like funding drying up, certain academics not being allowed to speak and their expertise ignored by government. Some get disqualified from senior positions. This forces the intellectual “to make a cost-benefit analysis”.

While this book makes a contribution to analysing the past, the intellectuals who contribute here should have little to be ashamed of. In fact, many thinkers like Jansen and Gumede have played and are still playing an important role in shaping debate in South Africa. 

Book details

The Poverty Of Ideas: South African Democracy And The Retreat Of The Intellectuals.

Publisher: Jacana Media (Pty) Ltd
2009

ISBN: 978-1-77-009775-9

Aid falling into the wrong hands

The Paradox of Humanitarian Action: Condemned to Repeat?

Author *Fiona Terry*

Reviewed by Leandro Oduor

Fiona Terry was head of the French section of *Medicins sans Frontières* when it withdrew from the Rwandan refugee camps in ex-Zaire because aid intended for refugees actually strengthened those responsible for perpetrating genocide.

Condemned to repeat? is a provocative, analytical treatment of the inevitable dilemmas that arise when humanitarian action is undertaken in a post war environment. Fiona Terry writes with the authority that comes from several years of working in emergency relief programs in different parts of the world. The book's main contribution is its identification, discussion, and analysis of the predictable negative consequences of humanitarian intervention when it is directed toward perceived losers in war. Aid herein is manipulated to resuscitate the wounded combatants (warrior refugees), and the displaced population is used as a buffer protection prior to regrouping.

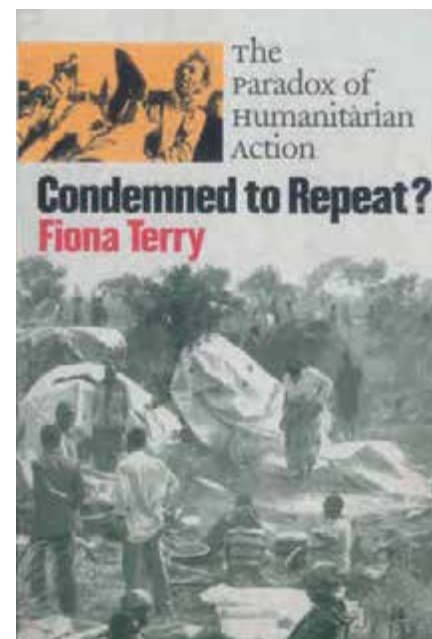
The book analyses the spectacular failure of humanitarian action based on four themes, that is: protection; war economy; population control and legitimacy, and explores case studies from the Afghan refugee camps in Pakistan, the Nicaraguan and Salvadorian refugee camps in Honduras, the Cambodian refugees camps in Thailand and the Rwandan refugee camps in Zaire. In both cases aid was used complicity with favored groups.

The book's thesis is that aid organisations have failed to guarantee


the minimum conditions necessary to assure that aid is reaching those in need and not those chosen by the regime (both local and international). "Aid organisations are unable to conduct independent needs assessment, freely distribute their aid or monitor and evaluate the impact of the aid." Consequently humanitarian aid has ended up being counterproductive by benefitting the oppressor rather than the victim. Fiona suggests that "aid organizations should focus on the bigger picture and conduct some hard-headed analysis", rather than just assuming that aid is intrinsically "good".

The book is a compelling treatise on the politics of humanitarian aid and succinctly indicts aid organisations over complicity with Western governments, mostly the US, in carrying out their operations. What is interesting about the book is Fiona's quiet fortitude to exonerate the French section of *Medicins sans Frontières* from any wrong-doing in its operation whether in assisting Rwandan genocidaires in Kivu, Zaire, or Cambodian refugee camps in Cambodia. In this, the book seems like an MSF publicity book.

Terry has successfully exosed the greed and callousness of aid groups that are willing to go to any extent to secure funding for their operations and ensure their continuous survival. She calls on humanitarians to remain focused on their primary mandate of seeking to minimize negative consequences of interventions. The terrible reality that the book further



highlights is that aid agencies and humanitarian activists are condemned to repeat the same mistakes.

Condemned to Repeat?, written by an insider, is a passionate challenge to the ethical side of humanitarian practice, and further enlightens the humanitarian debate. It is a critically researched book with an extraordinary reach that contributes richly to both theory and practice in the spectrum of political science. It stands highly recommended as an ethical guide to practitioners in the humanitarian field. 

Book details

The paradox of Humanitarian Action: Condemned to Repeat?
Cornell University Press (2002)

Turning AU rhetoric into action



Tim Murithi.

Once again the Ethiopian capital Addis Ababa is to host the African Union summit on 25 January to 2 February 2010, under the theme "Information and Communication Technologies in Africa: challenges and prospects for development."

This carnival of political and diplomatic showmanship brings together the African heads of state and governments to decide on key issues relating to the continent. The annual summit is preceded by a series of preparatory meetings whose decisions are ultimately either accepted, rejected or recommended for a review by the Assembly of Heads of State.

The AU has convened 13 summits since its inception in 2002. Despite the pomp surrounding these events, observers have questioned their practical value. It is not so much the importance of the developmental sectors covered by these decisions that deserves scrutiny but rather their implementation. If the AU member states decided tomorrow to uphold the majority of their well-intentioned declarations the African continent would indeed be a different place. Alas, the divergence between the AU's rhetoric and its actions in reality is all too glaring even to the casual observer.

One of the dominant issues of recent summits has been the creation of an AU Authority to replace the existing AU Commission. This essentially is a debate between two camps of the AU, one of which would like to see the accelerated integration

of the AU towards the formation of a US of Africa in 2017, and a group of countries that would prefer a gradual transition to continental integration based on greater cohesion within the Regional Economic Communities (RECs). Libya and Senegal have been the most vocal for a transition towards the Authority, whereas South Africa, Zambia, and Kenya have led the chorus of those opposed to a precipitous integration.

The proposed AU Authority would in theory acquire more powers with which to oversee and direct deeper continental integration. However, national governments are loath to hand over power to a nebulous supranational entity, due to the autonomy they currently enjoy within their own borders.

Another issue that will dominate the summit this year is the election of new members to the AU Peace and Security Council (PSC). The PSC is a vital component of the African Peace and Security Architecture (APSA). The 15 countries on the council are elected by the wider AU membership during a summit.

The PSC will have a heavy workload in 2010. The crisis and constitutional manipulation in Niger have already drawn the ire of the Council, which met at the level of Heads of State to issue a robust warning to the country's President Mamadou Tandja. Somalia has remained a conundrum that defies easy resolution. Even though the former Special Envoy of the UN and AU to Darfur has declared the crisis

as a "low intensity" conflict it is clear that the dispute is far from being resolved, particularly given the close to two million displaced persons. 2010 will also feature a litany of elections that will undoubtedly keep the Council busy, notably in Cote d'Ivoire, Sudan, and Guinea.

You could ask where the African citizens are in this ceremonial extravaganza. A persistent feature of all AU summits has been the absence of the voice of the African people. Many African leaders would say that they are the voice of the people. While the AU waxes lyrical about the importance of civil society participation in their affairs, and speaks of a people-driven continental organisation, this does not hold up to examination.

Typically, the summit concludes with the identification of the venue for the mid-year summit. Current indications are that Uganda might be the host. AU summits also conclude with the election of a new chairperson for the coming year. Observers have suggested that the incumbent Muammar Gaddafi would not be averse to serving for another term. This would be more his inclination to do so rather than the AU Assembly's willingness to make it so. A potential "second" term for Gaddafi would be unprecedented in AU's brief history. When making this decision the Heads of State should recognise the importance of demonstrating a commitment to democratic principles, inclusion and wide ownership of the African Union. ■

The run-up to the 2010 FIFA World Cup kicked off in spectacular fashion with the Final Draw held at the Cape Town International Convention Centre in South Africa on 4 December 2009.



Johannesburg's Soccer City Stadium.



Charlize Theron and Jerome Valcke draw South Africa.



South African President Jacob Zuma and FIFA President Sepp Blatter.



Matthew Booth, Makhaya Ntini and Simphiwe Dlodlu have a laugh during the draw.

African images

Your pictures

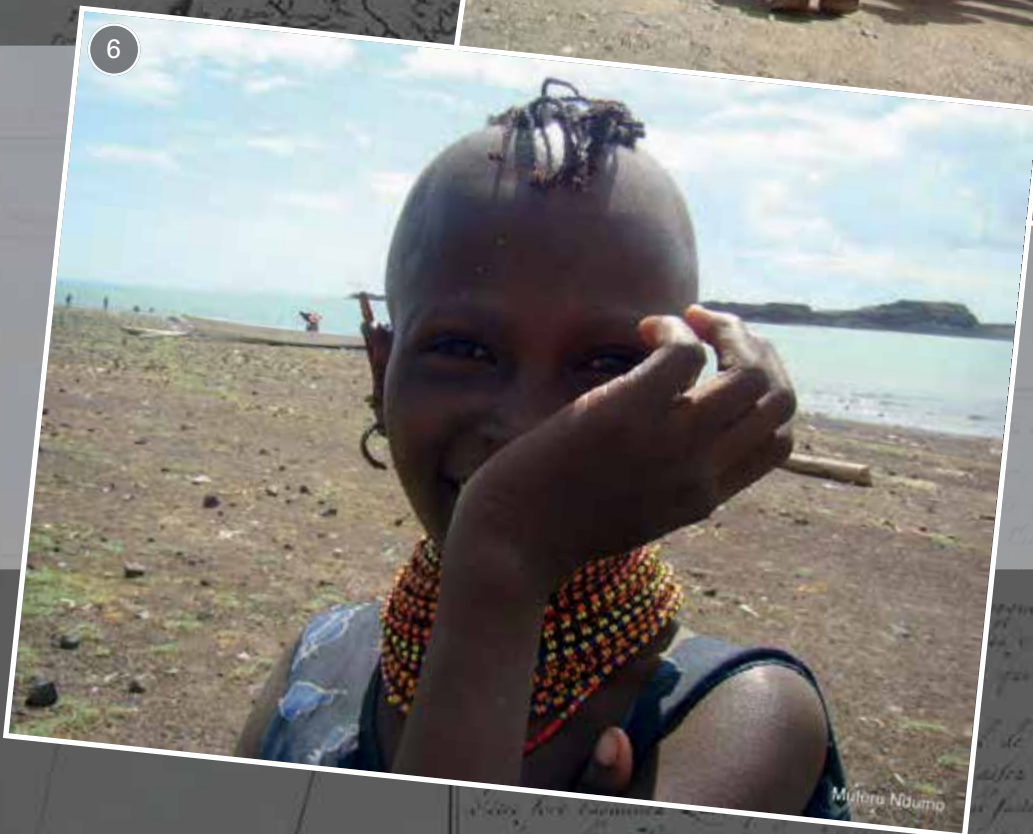
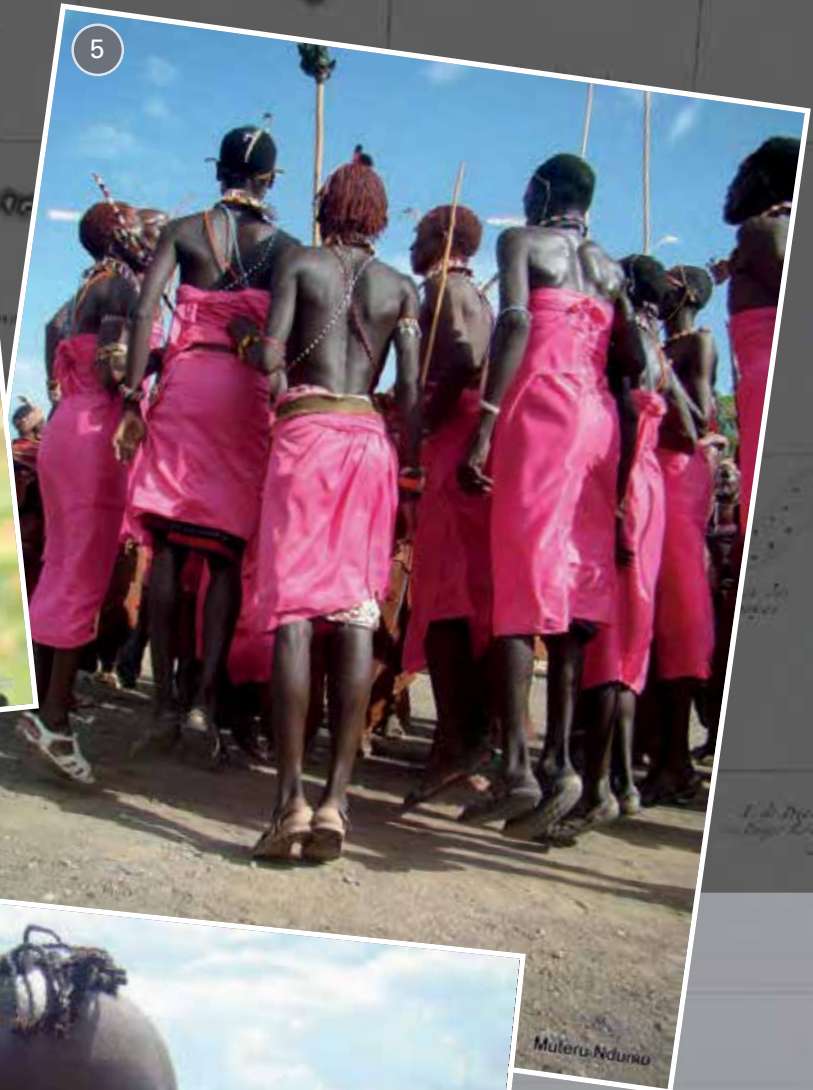


1. Members of the Gabra community attend a dance during a pastoralist cultural festival in Loiyangalani, Kenya.
2. A Turkana girl draws water from a shallow well in Lokiriana to water the camels.
3. A Samburu man adorned with traditional regalia and ornaments during the pastoralist cultural festival in Loiyangalani, Kenya.
4. A woman from the Pokot community in Kapenguria, Kenya.
5. Members of the Samburu community perform a dance during a pastoralist cultural festival in Loiyangalani, Kenya.
6. A young El Molo girl at the banks of Lake Turkana, Kenya.



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Photos Alfred Muteru





Keto Segwai

SABC **Bill**

Africa's only Public Broadcaster, the SABC, is in big financial trouble. But will the new proposed legislation save it? **Keto Segwai** asks whether the SABC's financial problems are not being used as an excuse to make dramatic changes that will turn the SABC into another State propaganda machine.

The South African Broadcasting Corporation (SABC)'s *Interface* current affairs program recently hosted the minister of Communications Sphiwe Nyanda and veteran journalist and Wits University professor, Anton Harber.

They were asked to debate the Broadcasting Bill, which is to be presented before parliament this year.

SABC presenter Tsepiso Makwetla asked the two panellists pointed questions on merits and demerits of the proposed communications law.

The significance of this encounter lies in the fact that the public broadcaster that is the SABC found nothing unusual in hosting the debate. This is in marked contrast to how State broadcasters elsewhere in Africa operate. A similar debate would be unlikely and even unthinkable in many countries since the government of the day will interpret it as an attempt to expose the honourable minister, and by extension the government, to public ridicule.

The standard practice under such regimes is to have a stage-managed interview by a characteristically tame presenter asking the minister to explain the Bill to the viewers.

If it was to cede to State broadcasting, the South Africans might as well bid farewell to the popular call-in radio programmes of the SABC, whose stations account for at least 77 percent of all SA radio listenership. Similar programs have been removed

off-air across Africa's state-controlled broadcasting services. Instead, listeners will be fed the staple of: "President/minister/councillor so-and-so has appealed to the residents of area-xxxx to make full use of the newly-opened maximum prison in their area..."

Among others, South Africa's proposed Public Broadcasting Bill 2009 seeks to end TV license fees and replace them with a 1 percent tax; establish a Public Broadcasting Fund; create three new advisory boards on local content and create a panel to evaluate performance of the SABC board.

The Bill is being presented as a way to end the SABC's financial woes, but media professionals and pressure group Save Our SABC fear that government is in fact intent on turning what is effectively a public broadcaster into a State broadcaster, under the veil of "saving the SABC".

Critics of the Bill do sympathise with the SABC's apparent logistical problems with the collection of TV license fees and some view the establishment of the fund as a positive move, since it would be accessible to other broadcasters on public service broadcasting matters.


But the clauses that raise the ire of stakeholders are those for the creation of the three boards, which gives the minister unprecedented powers to control the SABC.

The Bill also seeks to create a new international division, whose

responsibilities include promoting South African foreign policy. The danger is that this will translate into denying airtime to commentators with divergent views from those of government's foreign policy.

Just when everybody thought the concept of "developmental journalism" was long dead and buried, Nyanda is poised to resurrect it. He talks of "aligning the broadcasting system to the developmental goals of the Republic."

Under this concept, which made its impact in the early 1970s, African governments owned and controlled all media (radio, TV, newspapers and magazines). With the advent of multi-partyism that swept the continent in the 1990s, and its attendant calls for freedom of expression, African governments grudgingly allowed independent newspapers and radio stations. To an extent independent TV stations were allowed to operate, though mostly under difficult trading conditions. Apparently, governments took solace in the fact that most of these did not reach the majority rural-based populace. Ironically, multi-partyism was also accompanied by sometimes wholesale privatisation of the state ventures, which curiously did not include the media.

As it is, the SABC is respected as the continent's only real public broadcaster. Only efficient and prudent management can save Africa's lone public broadcaster. 

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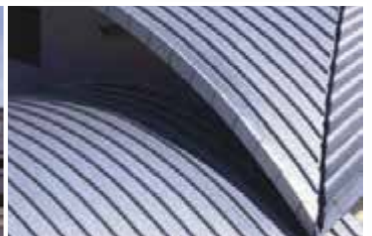
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