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South Africa's Foreign Policy: Conflict Prevention in Africa

Phakamisa Siyothula

A research report submitted to the Faculty of Arts, University of Witwatersrand, Johannesburg in partial fulfillment of the requirements for the degree of Master of Arts in International Relations

Johannesburg 2006

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Declaration

I declare that this is my own, unaided work. It is submitted for the degree of Master of Arts in International Relations at the University of Witwatersrand, Johannesburg. It has not been submitted before any degree or examination in this or any other University.

P. Siyothula

Dedication

I dedicate this piece of work to the people who contributed directly or indirectly to my success in life.

Acknowledgements

A number of people and organisations have played a meaningful and notable contribution to the successful completion of my masters degree in coursework and research report. Unfortunately, It is impossible to mention all of them. However, I have random sampled some few people and organisations for their support.

I would start by acknowledging my supervisor and mentor Prof Rok Ajulu for his invaluable assistance and guidance during the compiling of the report. He gave me insightful ideas and suggestions on how to approach my research work. Gratitude also goes to all the lecturers who assisted me in better understanding of research methodology. I would like to express my sincere gratitude to the *Konrad Adenauer Stifting* (KAS), which gave me a financial assistance for my degree through its Masters Scholarship Programme in South Africa. I hope that they will continue to support the young promising students from social disadvantaged backgrounds.

I would like to thank the South African Institute of International Affairs (SAIIA) which through KAS provided me with an opportunity to hone my research skills through its internship programme. Appreciation also goes to all SAIIA staff members for their support in particular my former colleague Analisa, programme co-ordinator, Neuma Grobbelaar, Nkululeko Khumalo to mention but the few. I would also like to thank Leanne Smith, Luleka Mangquku and Allen Hogg for helping me with proofreading of my drafts.

I am equally grateful to all my friends and colleagues. Power, Thandi, Bonnie, Bongi, thanks for social and moral support. To all my relatives, Ntombovuyo, Togisizwe, Nxele and others thanks for your support. Last, I indebted to my parents Manxele and Ndlovu thanks for being there for me.

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Abbreviations

DRC	Democratic Republic of Congo
UN	United Nations Organisation
AU	African Union
PAP	Pan African Parliament
SADC	Southern African Development Community
ANC	African National Congress
WTO	World Trade Organisation
ZANU-PF	Zimbabwe African Union Patrotic Front
CHOGM	Commonwealth Heads of Government
GNU	Government of National Unity
RDP	Reconstruction and Development Programme
US	United States of America
OAU	Organisation of African Unity
DFA	Department of Foreign Affairs
TBVC	Transkei Bophutatswana Venda and Ciskei
SANDF	South African National Defence Force
NEPAD	New Partnership for Africa's Development
ECOWAS	Economic Community of West African States
AFDC	Alliance Democratiques Pour la Liberation du Congo
GDP	Gross Domestic Products
LHWP	Lesotho Highlands Water Project
FPTP	First Past the Post
BCP	Basotho Congress Party
BNP	Basotho National Party
LLA	Lesotho Liberation Army
PAC	Pan African Congress
MFP	Marematlou Freedom Party
RLDF	Royal Lesotho Defence Force
BDF	Botswana Defence Force
FRODEBU	Front For Democracy in Burundi
FROLINA	The National Liberation Front
CNDD-FDD	Consiel national pour la defense de la democratie-Forces pour la defense de la democratie
IMC	National Commission for Demobilisation, Reinsertion and Reintegration
JCC	Joint Ceasefire Commission
NGOs	Non Governmental Organisations
FNL	Forces for National Liberation

Abstract

This study has analysed the experience and legitimacy of South Africa's Foreign Policy in resolving African conflicts, using comparative study of Burundi and Lesotho. The main findings of the study are as follows:

First, since 1994 South Africa's foreign policy has evolved and directed at ensuring peace and stability in African continent. During Mandela era, the policy was dominated by human rights. When Mbeki took over in 1999 the policy was reconfigured and moved towards peace and economic prosperity in African continent to achieve African Renaissance. Second it has been argued that the interventions in Lesotho and Burundi were legitimate and successful despite the controversies in particular Lesotho. Last, the experience and lessons learnt in Lesotho helped to shape South Africa's foreign policy when mediating in Burundi conflict which had led to a notable success.

CHAPTER ONE

1. Introduction

1.1 Background to the study

In 1994, history was made in South Africa, following its smooth and peaceful transfer of power and transition from an apartheid regime to a democratically elected government. Nelson Rholihlahla Mandela was sworn in as a president of the Republic of South Africa. This became a model not only for Africa, but also for other parts of the world. South Africa was accepted back into the international fold. From 1994 till the present, South Africa has emerged as a major power on the African continent and an influential actor in global affairs. The country's foreign policy has undergone a clear shift directed by its quest for peace, stability, growth and the renaissance of Africa. However, to be a regional power imposes a great challenge and responsibility. "The country is expected to play not only a leading role in conflict intervention and prevention, but also in the development of the continent. Its diplomatic and economic policies in Africa and engagement with Western countries and multi-laterals on the resolution of conflict especially in the African Great Lakes (in particular Democratic Republic of Congo (DRC), Burundi, and Rwanda) and West Africa are geared towards realising this vision." [1]

However, there have been ambiguities, which frequently surround the intervention of states into affairs of others. Ayebare (2001:34) states that the earliest definition of intervention explains it as a high and summary procedure, which may sometimes snatch a remedy beyond the reach of law. Nevertheless, Ayebare argues that as in the case of a revolution, its essence is illegality and its justification is its success. Intervention in Africa has been a challenge due to the strong belief in state sovereignty. During the 1970s and 1980s many African rulers refused to entertain criticism of their human rights record,

[1] Radebe T, *Intervention in African Conflicts: Dilemmas Facing South Africa*, presented at South African Association of Political Science Biennial Conference, 21-23 September 2004, University of Transkei.

which unfortunately persist to this day. The outside assistance or monitoring of their performance was disallowed on the grounds that this was a violation of their state sovereignty and territorial integrity. The most recent example of this argument is Sudan's efforts and relative success in keeping the international community from becoming involved in the alleged genocide in Darfur. A less prominent example is that of Equatorial Guinea, where three successive elections ensure that the power remains securely in the Onguema hands.[2]

However, the absolute sovereignty of the state has been increasingly questioned on two grounds. First, who is authorised to act on behalf of the people whose sovereign interests are not represented by their government. Second, who should intervene on behalf of a minority facing extreme repression by a government claiming to represent the will of the majority? The UN has been regarded as the obvious repository of abusing state sovereignty, but in practice, it has not been prepared to assume the responsibility, as the case of Rwanda in 1994 proved. In August 2002, a review of the United Nations Peace Operations (the Brahimi Report) was released. The report recommended that peacekeeping operation responsibilities should be deferred to coalitions of states and regional bodies, mainly because of a lack of financial resources resulting from the late or non-payment of membership dues, owed to both the UN's peacekeeping and regular budgets. The report asserted that financial problems were the major stumbling block that impaired the organisation's ability to fulfill its responsibilities in relation to peacekeeping. [3]

President Thabo Mbeki expressed his opinion on the UN approach, based on this report that seemed to avoid the sort of engagement required of the Security Council with respect to maintaining international peace and security. Given South Africa's influence in Africa, the country now has to determine whether political and military intervention is a suitable option in Africa's conflict-riddled areas, which include low intensity conflicts, instability

[2] UN Secretary General Report. *The Causes of conflict and the Promotion of a Durable and Sustainable Development in Africa*. *www.un.org.* 16 April, 1998.

and genocide. [4] Some of South Africa's interventions have been criticised because of the controversy that they evoke about the new interpretation of sovereignty in contrast to the commonly accepted interpretation as embedded in International Law. South African foreign policy in the region has been geared towards changing Africa for the better, through institutions such as the African Union (AU) and its organs, notably the Peace and Security Council, the Pan African Parliament (PAP) and New Partnership for Africa's Development. On the other hand it has been argued that South African foreign policy formation is based on narrow economic interests. [5]

1.2 Aims and Objectives of the Study

This study has set out to analyse the experience and legitimacy of South Africa's Foreign Policy in resolving African conflicts, using comparative study of Burundi and Lesotho. As part of explaining South Africa's foreign policy, a critical analysis of the legalities regarding South Africa's intervention and mediation in these two countries has been discussed extensively.

1.3 Research Questions

This study will be guided by the following three research questions:

- What are the key principles of South African foreign policy since 1994 with regard to conflict resolution in Africa?
- What are the legalities regarding South Africa's intervention and mediation in African Conflicts?
- What lessons learnt by South Africa, through its engagement in African conflicts in particular Lesotho and Burundi, contributed to shaping its foreign policy?

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[3] Briefing *Regional Security Organisations and the challenge of Regional Peacekeeping*. http://www.una-uk.org/UN&C/regionalsecurity.html.

[4] Africa Recovery. *Brahimi panel proposals for peacekeeping reform. A United Nations Publication*, http://www.un.org/ecosocdev/geninfo/afrec/voll4no3/securbs.htm

1.4 Analytical Framework

Although a legal perspective of intervention has been strongly justified by the theory of realism because of its notion of power and national interest, this study argues that South Africa's foreign policy with regard to intervention in African conflicts is influenced by idealism with a touch of *realpolitik.* Realists believe that the main goal of states is power, supported by national interest. The realists concern with the state comes from concern with security issues of power. The realists believe that the international system is an anarchic self-help system in which states struggle for power. The founding fathers of this theory are Thucydides, Machiavelli and Hobbes. In particular, Hobbes' view of the state of nature in which he argues that life is nasty, brutish and short is extended to the international context. [6] According to this theory, states are the dominant actors in the international system. Military power is also strongly emphasised. [7]

Looking at South Africa's consistent endeavours to export its model of conflict resolution elsewhere on the continent, one can argue that South Africa's foreign policy is not only influenced by national interests. The evidence for idealist dominance in South African foreign policy lies in the attention to painstaking consensus building and compromise in an attempt to resolve conflict between the warring parties and to encourage democratic reforms in countries like Burundi, DRC and Côte d'Ivoire. The South African government has been encouraging the use of regional and international organisations such as South African Development Community (SADC), African Union (AU) and United Nations (UN). Intervention on the African continent by the South African government is strongly characterised by diplomacy and negotiations through promoting democracy and human rights. [8] Snayder Jack (2004) also argues that idealism illuminates

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[5] Ibid…

[6] See Hans Mogenthau, 1978 *Politics Among Nations: The struggle for Power and Peace*, Fifth Edition, Revised. New York: Alfred A. Knopf. P.4-15 and Carr E, H (1981) *The Twenty Years' Crisis, 1919-1939.* London, Papermac.

[7] From this point of view, realists define national interest mainly in terms of whatever enhances or preserves states security, its influence, and its military and economic power. See Rourke, J.T. 2005 *International Relations on the World Stage.* Boston: McGraw-Hill. p.19

the changing norms of sovereignty, human rights and international justice as well as the increased potency of religious ideas in politics. He further states that persuasive ideas, collective values, culture and social identities shape international politics. President Thabo Mbeki often raises these issues, especially with regard to his vision of the African Renaissance.

Theodore and Wolfe (1990) argue that the great variety of proponents of the idealist school includes pacifists, world federalists, humanitarians, legalists and moralists.[9] The principles of idealism include the respect for rules rather than rulers, peaceful and arbitrated change, progressive taxation that allows for gradual redistribution of income and property, fragmented and accountable governmental structures and above all civil rights that guarantee the freedoms of speech, worship, organisation and peaceful petitioning of government.

Brown (1997) states that Liberal Internationalists/idealists believe that the people have a real interest in desire for peace and that democratic regimes, would if given a chance, allow these interests to dominate. The basic premise of liberal internationalism was that the force of world opinion would buttress the League of Nations and that no state would be able to act against this force. The point of collective security under the league was to prevent wars and not to fight them.[10] Baylis J. and Smith S. (2001) state that idealism's idea of the collective security system is a central to organisations such as the League of Nations and the United Nations. Collective security refers to an arrangement where each state in the system accepts that security of one is the concern of all and agrees to join in a

[8] 'Core philosophical tenets of South African foreign policy, such as a commitment to multilateralism, human rights and global governance reform, but also represents the clearest case of idealism informing policy formulation.' *Composers and players: Harmony and discord in South African foreign policy making* by Tim Hughes, September 2004,p.78

[9] This school is identified with great names such as Henri de Saint-Simon, Mahatma Gandhi, Woodrow Wilson, John Locke and Bertrand Russell. Couloumbus A.T. and Wolfe J.H., 1990 *Introduction to International relations: Power and Justice.* P.8-10

[10] Liberal internationalism is renamed Utopianism, later writers sometimes use Idealism, Brown, C. 1997, *Understanding International Relations*.p.26-30.

collective response of aggression.[11]According to Kegley, Jr. C.W. and Wittkopf E.R. (1995) idealists embraced the world collectively on the following beliefs:

- Human nature is essentially altruistic: people are therefore capable of mutual aid and collaboration.
- The fundamental human concern for the welfare of others makes progress possible.
- Bad human behaviour is essentially the product not of people as individuals, but of evil institutions and structural arrangements that motivate people to act selfishly and to harm others including war.
- War is not inevitable and eradicating the institutional arrangements that encourage it can reduce its frequency.
- War is an international problem that requires collective or multilateral rather than national to control it.
- International society must reorganise itself to eliminate the institutions that makes war likely.

The other group of idealist prescriptions emphasises the legal control of war. They call for the use of legal processes such as mediation and arbitration to settle disputes and inhibit recourse to war. Lastly, international organisations adherence to the law, disarmament and democracy could make the world a safer place.[12] However, the touch of *realpolitik* mentioned earlier is evident in South Africa's political and military dominance in Africa. The South African government has deployed a number of military peacekeepers in Africa to restore peace and prevent any other possibilities of war. Marais (1997) argues that South Africa has replenished its military arsenals with a R45.2 billion procument of fighter planes, helicopters and navy vessels for this purpose. The former Deputy Defence Minister Ronnie Kasrils is alleged to have stated, "We will now be able to talk softly and walk with a big stick."[13]

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[11] Many principles of idealism are contained in Woodrow Wilson's fourteen points, in particular the need for an International Organisation to maintain peace and security. Baylis J. and Smith S. 2001 The *Globalization of World Politics (second edition) An introduction to international relations.*

[12] See Kegley, Jr C.W. and Wittkopf E.R. 1995, *World Politics Trend and Transformation*.

[13] Marais, H. *Diplomacy Discarded for Intervention: South Africa Carries a Big Stick*. Le Monde Diplomatique. March 1999, p.3.

1.5 Methodology

The study is qualitative and different methods of data collection have been used. These include both primary and secondary data. With regard to primary data, interviews have been conducted with different stakeholders such as government officials and researchers from South Africa, Lesotho and Burundi. The secondary data has been sourced from various academic publications from Wartenweiler Library, Cullen Africa Library, Jan Smuts House Library and other public, national and university libraries. Different journals published by recognised non-governmental organisations such as the South African Institute of International Affairs, Institute for Global Dialogue, *Konrad Adenauer Stiftung* and Institute for Security Studies have also been utilised. In addition, articles written by prominent intellectuals and academics that have appeared in both the print and electronic media (including magazines and newspapers) have been used. The Internet is also an important secondary search tool that was utilised during the research process. However, there have been limitations when the study was conducted. This research report mainly does comparative case studies of Burundi and Lesotho. One would have wanted to use references to other countries where South Africa has been involved such as Rwanda, Democratic Republic of Congo, Cote d'Ivoire and Zimbabwe, but because of the time constraints, it was not possible to make the case studies of all these countries. Again one wished to have spent some time in particular in Burundi to interact with the people and to assess the situation, but due to financial constraints one had to rely mostly on secondary sources and interviews from different people inside South Africa. The reason being that a lot has been happening recently in Burundi and it would be great to get the first hand information.

1.6 Chapter Outline

This research report comprises of six chapters. **Chapter one** is an introductory chapter, which gives a brief background to the study and what, and how it sets to achieve the stated aims and objectives. The research questions that guide the study are clearly defined. The analytical frame and the methodology used in the study have been discussed extensively in this chapter.

Chapter two gives a brief overview of South Africa's foreign policy with particular reference to conflict mediation and interventions in Africa. It explains how foreign policy has evolved since 1994 from its Eurocentric view to focus on the issues that are of interest/concern to the African continent. This chapter also discusses the major principles of South Africa's foreign policy, which include promotion of human rights, economic development and conflict resolution and peace in Africa. The continuity and reconfiguration of the foreign policy during Mandela and Mbeki years has been discussed extensively. It has been argued that during Mandela years the policy was dominated by human rights. During Mbeki the policy directed towards peace and economic prosperity on the continent and achieving African Renaissance.

Chapter three analyses the legalities regarding interventions in war-torn African countries. It also discusses the debates that surround the issue of sovereignty and third party intervention in the internal affairs of the country. The reference to the Universal Declaration of Human Rights located in the UN Charter and the African Union Constitutive Act have been cited to legal basis of third party interventions. These include the gross violation of human rights, unconstitutional change of government and clear cases of failed states where the central authority is non-functioning and civilian population is at the mercy of militias and warlords.

In **chapter four**, the nature of the crises in Lesotho and South Africa's military intervention in 1998 is discussed extensively. South Africa's diplomatic efforts and military intervention have also been discussed extensively in this chapter. As this

operation was conducted in the full glare of media, the reaction of the media in criticising the intervention and South Africa's response is also discussed. Finally, the legal basis towards Lesotho intervention, South Africa's foreign policy towards Lesotho crisis and lessons learnt has been critically analysed.

Chapter five discusses the background to the conflict in Burundi and South Africa's role in mediating, comparing with the crisis in Lesotho**.** This chapter also discusses Mandela's efforts in bringing together the warring parties that resulted in the signing of Arusha agreement in 2000, which culminated the installation of transitional government. Former Deputy President Jacob Zuma's role in bringing other parties who were not part of the agreement has been discussed. South Africa's role in post conflict building initiatives such as Disarmament, Dimobilisation and reintegration that led to peaceful and successful elections that saw former Hutu rebel group leader Pierre Nkurunzinza sworn in as a democratically elected president on 26 August 2005.

Chapter six concludes by paraphrasing the whole thesis and highlighting the most important aspects of the research. Findings of the study are also discussed and recommendations are made regarding South Africa's foreign policy and legal principles of non-intervention and sovereignty.

CHAPTER TWO

2. Overview of South Africa's Foreign Policy

2.1 Introduction

This chapter examines South Africa's foreign policy prior to 1994 and relations with the international community. The major principles that guide South African foreign policy are stipulated and key points are discussed. South Africa's foreign policy during President Mandela's term of office (1994─1999) is examined and the role that South Africa played outside the country is discussed extensively. The changing nature of South Africa's foreign policy during Thabo Mbeki's (1999─2005) era and its vision for the African continent is also discussed. The highlights and lowlights of South Africa's foreign policy over the last decade are also discussed extensively.

2.2 Background to South Africa's Foreign Policy

The development of South Africa's foreign policy can be traced back from 1948 when apartheid regime led by National Party (NP) was installed. This mean that Pretoria's Foreign Policy can be divided into two phases. The first phase spans the years of National Party rule (1948-1994), and second, the phase of African National Congress (ANC) led government. This phase includes the transition period of 1990-1994 as it formed the foundation of post-1994.[14]

[14] However, there is no official document that exists on South Africa's foreign policy. The declared policy can be determined by analysing the speeches and actions of relevant politicians and officials. The most important sources of information in this regard are speeches of former president, Nelson Mandela, President Thabo Mbeki, former foreign minister, Alfred Nzo, current foreign minister Nkosazana Zuma and Deputy Ministers of Foreign Affairs. Other sources include research papers on foreign policy as well as the policy documents of political parties and foreign discussion of foreign affairs. See Henwood, R. 1997 South Africa's Foreign Policy: Principles and Problems. Monograph 13, Pretoria. Pp. 1-13.

After South Africa transformed into a democratic government, the outside world looked increasingly towards it to play a constructive role in the demarginalisation of the African continent. South Africa has been focussing on Africa's regional organisations such as the African Union (AU) and Southern African Development Community (SADC) to ensure that the principles which guide its foreign policy are applied for the betterment of all the peoples of Africa. In a number of ways the country's foreign policy serves as a framework upon which all African foreign relations are conducted. It determines the manner in which a country will interact with other countries. South Africa is inextricably part of Africa, it is so fundamental that the country's foreign policy reflects and promotes its national interests which geared towards achieving peace and economic development of the continent. It is much easier for anyone to understand South Africa's foreign policy if one examines the historical background of the policy prior 1994. [15]

Habib and Selinyane (2004) argue that there are two distinct perspectives emerging in the debates about South Africa's role on the continent. It is seen either as an emerging power and a pivotal state or a selfish hegemon. In the first position South Africa is seen as a middle power. The term middle power is used to denote, first, a position in a universal hierarchical order of states, second, size and rank in the international division of labour, which confers the opportunity to exert moral influence on the global system and third, an interest in a stable international order that does not seek to impose an ideological preconceived vision of an ideal world order. A middle power operates through multilateral avenues, since it cannot impose its vision on a global scale. South Africa has been exemplary in its control of small arms, voluntary denuclearisation and the ban of anti-personnel land mines; and it played a leading part in the Nuclear Non-proliferation Treaty Review and Extension Conference of 1995 and the prescription of trade in diamonds to finance regional wars. It also stood out as a leading voice lobbying for the Third World at the World Trade Organisation (WTO). The term pivotal gives a character of importance to South Africa's foreign policy that implicitly stresses partnership, multilateralism and non-assertive behaviour.[16]

[15] See, Landsberg, C. 2004 Southern African governance ten years after apartheid. In Landsberg, C. and Mackay, S. Southern Africa Post-Apartheid? The search for Democratic Governance.

Dube (2003) argues that before 1994, South Africa managed to create more enemies than friends in the international community because of the hostilities of the apartheid regime. Security concerns have dominated the agenda of South African policy objectives given the tense atmosphere that existed between Pretoria and its neighbours. The government spent most time exploring military options to protect the country from antagonistic states that resented the fact that they had to depend on South Africa for a number of essential services. South Africa used its military strength to pursue its foreign policy objectives, which aimed at among other things, creating instability in the region and preserving white minority rule. The majority of South Africans were subjected to discrimination and oppression, while other countries fell victim to destabilisation policies, which left many people dead and others internally and externally displaced. "The estimated damage caused by the apartheid regime in neighbouring countries amount to $65 billion. The destabilisatioin policies of the apartheid regime contributed to an atmosphere of insecurity in Southern Africa. The formation of the Front Line States (FLS) was a desperate attempt to break the bridge that connects South Africa with countries in the Southern African region. However, victory was only achieved with the demise of the apartheid regime in 1994."[17]

"However, there has been confusion in the post-apartheid South Africa as to the nature of foreign policy and the kinds of roles the state should adopt in the region and in the wider world is in no small part attributable to the pull/push effects of this competing triad of theoretical perspectives and the lack of consensus within the ranks of the ruling party that has been generated by the consequent tensions. This has been caused by the foreign policy which is often argued out within a context of competing and often mutually exclusive perspectives-for example, pragmatic demands that ties with Europe and North

[16] Habib, A. and Selinyane, N. 2004 South Africa's Foreign Policy and a Realistic Vision of an African Century. In: Sidiropoulos, E. ed. Apartheid Past, Renaissance Future South Africa's Foreign Policy: 1994-2004.Johannesburg: SAIIA.pp.49-60.

[17] See Dube K.M. 2003 AISA Electronic Monograph. Overview of South Africa's Foreign Policy in Africa. Johannesburg: AISA. Pp. 1-6.

America ought to be paramount, set against socialist and idealist demands that policy ought to be ethical, solidarist and Afro-centric."[18]

2.3 South Africa's Foreign Policy since 1994

"Human rights will be the light that guides our foreign policy".
Former President Nelson Mandela.

As early as 1993, ANC President Nelson Mandela articulated several principles, which would underpin South Africa's future foreign policy. These principles were further elaborated in March 1994, when the ANC published a comprehensive foreign policy document entitled, 'Foreign Policy Perspectives in a Democratic South Africa'. This document advanced seven principles, which ought to guide the South Africa's new foreign policy:

- A belief in and preoccupation with human rights which extends beyond the political, embracing economic, social and environmental dimensions;
- A belief that just and lasting solutions to the problems of human kind can only come through the promotion of democracy world wide;
- A belief that justice and international law should guide relations between nations;
- A belief that international peace is the goal towards which all nations should strive;
- A belief that South Africa's foreign policy should reflect the interest of Africa;
- A belief that South Africa's economic development depends on growing regional and international economic operation; and
- A belief that South Africa's foreign relations must mirror a deep commitment to the consolidation of its democracy.[19]

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[18] See, Graham, E. 1999 Foreign Policy. Spence, J.E. In: After Mandela The 1999 South African Elections. Great Britain: Royal Institute of International Affairs.pp. 66─73.

These principles guide and shape the manner in which the Department of Foreign Affairs conducts official relations within both bilateral and multilateral context. The department seeks to actively serve and promote the interests of South Africa by engaging with the world through foreign representatives in South Africa's accredited representatives abroad, as well as through foreign representatives in South Africa. In order to achieve its principles, South Africa has about 95 missions abroad and has non-resident representation in 50 countries. Currently, it is a member of more than 20 international organisations and has relations with 165 countries. A hundred and one of these countries have resident missions in South Africa, while forty are represented non-residentially. [20]Three main principles of South Africa's foreign policy are discussed below to establish their importance. These are promotion of human rights, economic development and conflict resolution and peace in Africa.

2.3.1 Promotion of Human Rights

During the African National Congress (ANC) struggle for liberation in South Africa was in many ways a struggle for fundamental human rights. Therefore, it is no coincidence that human rights are canonised as the cornerstone in its foreign policy. In addition, the emphasis on the promotion of democracy and adherence to international law embodies the values and norms enshrined in South Africa's new constitution.

Suttner (1997) argues that the promotion of human rights and democracy in foreign policy is easy to state as an aspiration. It is, however, difficult to implement and there are no easy answers as to how it should be done. He further states that the question of human rights is a key aspect of foreign policy projection found in the ANC Foreign Policy document of 1993, which speaks of the need for efforts to incorporate human rights in our international relations and the necessity for a worldwide human rights campaign. The

[19] See Le Pere, G. and Van Niewkerk, A. 2002 ' Facing the New Millennium: South Africa's Foreign Policy in a Globalising World. In: K.G Adar and R. Ajulu (2002) Globalisation and Emerging Trends in African States Foreign Policy-Making Process. England: Ashgate

[20] See, the South African Consulate General, 2005 Foreign Relations. New York: SACG. Pp. 2-6.

commitment has also found expression in various statements by former president Nelson Mandela, President Thabo Mbeki, Ministers and Officials of the Department of Foreign Affairs.[21]

Dube (2003) argues that respect for human rights is the cornerstone of South Africa's foreign policy and is enshrined in the constitution of the country. Since South Africa itself has been the scene of the gravest abuses of human rights and democracy internationally, for the ANC, the struggle is for fundamental human rights. It is no wonder that South Africa's foreign policy places so much emphasis on respect for human rights. Based on this, South Africa is expected not to maintain trade and diplomatic relations with states that violate fundamental human rights. But this has been a centre of criticism in light of the promotion of human rights. South Africa was quick to restore relations with Libya, which is not regarded as a democratic country. It is precisely because Libya played a vital role in helping the ANC during the struggle against apartheid.[22]

The other criticism has been the issue of Zimbabwe. South Africa endorsed the outcome of Zimbabwe's presidential and parliamentary elections although Zimbabwe African Union Patriotic Front (ZANU-PF) supporters allegedly violated human rights. The so-called policy of 'quiet diplomacy' that has been used by the Pretoria government in dealing with the Zimbabwe crises has been strongly criticised.[23]It is also argued that the support of ZANU-PF by the ANC led government has been influenced by the support it gave to South Africa during the apartheid regime. In that sense, South Africa seems to be confronted with the dilemma of pursuing foreign policy goals, in particular, the promotion of human rights and democracy, which clash with the practices of some African states. If that is the case, there are serious concerns when the government cannot draw a line between the party and the state, which ultimately undermines democracy. However, one can never underestimate the role that South Africa has played in trying to

[21] Suttner, R. 1997 South African Foreign Policy and the Promotion of Human Rights. In: South African Yearbook of International Affairs. Johannesburg: SAIIA.
[22] Dube, K. 2003. Op cit. p.4

stop the violation of human rights in conflict-ridden countries such as Burundi, Rwanda and others.

Mills (1998/99) also argues that South Africa has outwardly displayed concerns over human rights and democratisation elsewhere, such as over the East Temorese issue in its relations with Indonesia, in President Mandela's strong outburst against the government of General Sani Abacha at the 1995 Commonwealth Heads of Government (CHOGM) in Auckland, in its attempt to mediate solution to problems in Africa and even the delegation sent to assist in the Northern Ireland peace process. [24]

Schoeman, M. (2002) further assets that South Africa's policy during the early years was not so much the result of an excessive idealism and altruism, but failure to make clear the importance to its direct national interest of government's broader goals. This meant that the country did not develop a strategy to link its goals of security and wealth creation to the broader imperative of changing conditions to help fulfill these objectives. South Africa's commitment to support human rights internationally, peaceful conflict resolution, the promotion of democratic values and to the restructuring of global political economy (ranging from the structure of the United Nations (UN) Security Council to an improvement in Africa's position in the world's economic order) attests to its dual commitment. A changed international environment more conducive to meeting the needs of the South, and Africa as a whole will have a positive effect on domestic conditions. [25]

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[23] Ibid…

[24] Mills, G. 1998/99 South African Foreign Policy in Review. In: South African Yearbook of International Affairs. P.6.

2.3.2 Economic Development

The post-apartheid Government of National Unity (GNU) launched the Reconstruction and Development Programme (RDP) which aimed at sustainable reconstruction and Development in South Africa and in Southern African region. This focussed on social and economic development of the country. The programme includes supplying electricity, water, telephones, sanitation and building houses in disadvantaged areas. Initially, South Africa's foreign policy was influenced and reflected by the objectives of the RDP. It was anticipated that in the long term, the programme would benefit the whole region. However, South Africa abandoned the RDP two years later after criticism by international institutions such as World Bank and International Monetary Fund (IMF). It was replaced by a more ambitious macro-economic strategy the Growth, Employment and Redistribution (GEAR). The introduction of GEAR marked a change in the economic approach of South Africa towards the rest of the continent. A number of South African companies are doing business all over Africa. The major concerns are the trade disparities where South Africa benefits the most from intra-continental trade whereas there are few imports from those African countries.

South Africa's foreign economic policy was characterised by a major attempt to open the country's markets to international competition, reduce the budget deficit, get inflation under control and make the country attractive for foreign investment. It also took on a special relationship with the USA, institutionalised in the Bi-national Commission, overseen by two deputy presidents, Mbeki and Gore. South African foreign policy behaviour during the Mandela and Mbeki eras fits the expectations of a deductive model very well. This literally means that the country starts from general to particular when trying to achieve its foreign policy. This is justified by the commitment to multilateralism that is qualified by the policy elite's concept of the country's position within globalising economy. The GNU has perceived glabalisation as presenting options for attracting foreign investment if only the main suppliers of such investment can be attracted in

[25] Schoeman, M. 2001/02 Objectives, Structures and Strategies: South Africa's Foreign Policy. In: SAYearbook of International Affairs. Johannesburg: SAIIA.

sufficient numbers. The most important steps for its gamble on investment were to provide itself to be a good citizen and to be seen to endorse the hegemonic values of the current world order. Mandela era motivated the GNU policy elite to explain opportunities provided by multilateral institutions to push out the perceived limits and commitment to reformist projects in international system.[26] However, this is not the focus of this study, as this research is looking at South Africa's foreign policy with regard to preventing and resolving conflicts in Africa.[27]

2.3.3 Conflict Resolution and Promoting Peace in Africa:

> *"It is a great irony that at a time when most nations are enjoying what the French called tranquillite d'esprit with each other, as a result of the end of the Cold War or what Francis Fukuyama and Daniel Bell have respectively called the end of history ideology, some nations in Africa are at war with each other, or more specifically with their own people. At least half of the sub-Saharan African countries have experienced violent (mainly civil) conflict over the last five years. This seems to suggest that regional leaders show more respect for each other than they do for their own people."*[28]

Mda (2003/04) argues that in 1994 South Africa entered the discourse on regional conflict with the main aim of assisting the achievement of peace in Africa. Looking at its own experience of resolving internal disputes (which led to the first multiparty elections in 1994), South Africa has been emphasising dialogue and mediation as the main means of resolving conflict. The official mediation being an exercise in conflict resolution facilitated by a neutral third party has been a prominent feature of South Africa's new security policy. It has also emphasised the empowerment of institutions and organisations outside the purview of government. These independent bodies have served not only as

[26] See Nel, P. 2002, Untangling the 'Gamble on Investment' Elite Perceptions of Globalisation and South Africa's Foreign Policy during Mandela Era. In: Globalisation and Emerging Trends in African States' Foreign Policy- Making Process. A Comparative perspective of Southern Africa.
[27] Ibid.p.3-6

[28] Dlamini K. 2001/04 Assessing South Africa's Diplomacy in Conflict Resolution. In: South African Yearbook of International Affairs. Johannesburg: SAIIA. P.6.

watchdogs and advisers to state personnel involved in conflict resolution arrangements, they also provided their services to the parties in opposition in a bid to facilitate a peace building process. A significant part of South Africa's success model lies in co-operation between the state and non-governmental organisations.

Mda (2003/04) further argues that presently, South Africa can boast a short though controversial history in conflict resolution. Perhaps the most notable of this country's experience in this field manifested itself in the events leading up to the DRC conflict in 1996, when the then Zaire was being overrun by rebel forces led by Laurent Kabila. South Africa sought to play an expanded role in African conflicts when the then President Mandela attempted to broker a peace deal between the president at the time, Mobutu Sese Seko and Kabila. South Africa continued to mediate even after Laurent Kabila's death. The DRC has now managed to institute a transitional government and accomplished the momentous adoption of a constitution for the first time due to South Africa's role.

Gwexe (2000) argues that African conflict resolution gained prominence after the Rwanda genocide as it dawned on African leaders that external intervention in conflict situations could no longer be relied upon as an alternative means of managing conflicts.[29]

However, Pretoria's motives were suspicious in the eyes of international community in 1998, when it undertook a military intervention in Lesotho, which cost South Africa dearly. This is further discussed in Chapter Four of the thesis. However, in 1999, South Africa regained respect for its role in pushing for a diplomatic solution to the conflicts in Africa notable the DRC, Burundi and Côte d'Ivoire. Nonetheless, South Africa's efforts at regional peace-making and conflict resolution have not proceeded without hindrance. While the international community aid so-called progressive countries in the region have welcomed South Africa's efforts, others have viewed these mediations with great suspicion.[30]

[29] See Gwexe SG, Prospects for African Conflict Resolution in the next millennium. South Africa's View: African Journal on Conflict Resolution, 1,1,2000.

Solomon (2002) argues that Pretoria views the plethora of wars currently waged on the African continent as anathema to the notion of an African Renaissance. Recognising that there can be no emancipation for Africa's people from socio-economic misery if conflicts persist, the South African government has made the ending of these conflicts one of its main foreign policy goals. In 1994, the South African Ambassador to the United Nations noted:

> *'South Africa believes that in the Southern African context as also further afield, the fundamental objective of our regional policy should be preventative diplomacy, peacemaking and humanitarian assistance' Solomon (2002: 43).*

Six years later, the Minister of Foreign Affairs, Dr Nkosazana Dlamini Zuma, stressed the importance of preventative diplomacy, when she said, 'The regional conflicts wreaking havoc across the continent cast a dark shadow over the prospects of success of the vision of the African Renaissance. It is wrong to think that all conflicts should be resolved through the barrel of the gun. Political solutions should be explored at all times.'[31]

Solomon further argues that preventative diplomacy, which may be defined as action to prevent disputes from arising between warring parties to prevent existing disparities from escalating into conflicts and to limit the spread of the latter when they occur, lies at the very heart of South Africa's regional policy. Solomon argues that South Africa has failed to deal with other African conflicts due to a number of reasons. First, the most salient failure to understand the root causes of conflict. The issue related to this problem of perception and misinterpretation, a lack of conflict prevention capacity inside the Department of Foreign Affairs and bureaucratic infighting, resulting in incompetence.

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[30] For more information see Mda, N. 2003/04 South Africa's role in Conflict Resolution in Southern Africa: Prospects for Co-operation with the US. In: South African Yearbook of International Affairs. Johannesburg: SAIIA.

[31] Solomon, H. 2002 South African Foreign Policy. 'Preventive Diplomacy and false Promise', In: Journal of International Affairs, Volume 9, Number 2, Johannesburg: SAIIA.

Others argue that quiet diplomacy without teeth is bound to fail and that Pretoria needs to show more stick and less carrot in its negotiations with the Mugabe's of the world.[32]

Nevertheless, it should be borne in mind that South Africa's failures in some preventative diplomacy are mirrored in the failure of other peace initiatives. The non-implementation of the Oslo Peace Accords for the Middle East, the disintegration of the Day for the Peace Accords for former Yugoslavia and the problems currently surrounding the Good Friday Accords in Northern Ireland all seem to point a deeper problem relating to the idea of conflict resolution itself. Only a quarter of modern civil wars have found their way to negotiations and two-thirds of internal conflicts have ended in the surrender or the elimination of one of the parties involved.

2.4 Foreign Policy during the Mandela years (1994─1999)

South Africa's return as a full member of the international community commenced with Mandela's inauguration as the country's first democratically elected President. The political reform process set in motion from 1990 to 1994 had led to improved relations between South Africa and the rest of the world. No more a pariah state, after May 1994, South African leadership under Mandela began seeking a new global image for the country. This needed radical changes of direction in foreign policy, to incorporate the views of Mandela and the ANC before the liberation of the country. Despite all too evident legacies of the apartheid era, Mandela and his team began involving new South Africa in the wider world, just as the wider world went out of the way to involve itself in South Africa.[33]

[32] Ibid…

[33] 'South African foreign policy has attempted to steer a neutral path, as one would expect from a Government of National Unity (GNU), A government which inherited a whole range of ideological convictions and past baggage. The principle governing its foreign policy has labelled as universality─essentially the opening of foreign and local doors in reconciliatory spirit that has characterised

South Africa's foreign policy since 1994 has undergone some shifts during Presidents Mandela and Mbeki's term of office. During Mandela, the foreign policy focused on being re-admitted by the international community. He had to go around the world to regain the international acceptance and isolation that South Africa experienced during the Apartheid era. As a result, South Africa has been readmitted to full membership of the UN, to the Commonwealth, the Southern African Development Community (SADC), Organisation of African Union (OAU), Non-Aligned Movement (NAM) and other regional and international organisations. For differing periods, it chaired the UN Conference on Trade and Development, 1998 fifty-fourth session of the UN Commission on Human Rights and the Non-Aligned Movement. It also hosted the twelfth NAM summit in 1998 and in 1999, the Commonwealth heads of government meeting.[34]Mandela's position was to put South Africa on the map and urged the world to accept and provide the country with investments that would create wealth for the poor people. He was very vocal in blaming regimes that violated the rights of their citizens. He was also promoting justice, international morality and human rights.

"For the first five years, the government of National Unity (GNU) was characterised by by two seemingly unrelated tendencies. First, South Africa made quite a name for itself as an active and leading player in the field of multilateral diplomacy. It then took on the leadership of the United Nations Conference on Trade and Development (UNCTAD), the Non-Aligned Movement (NAM), the Southern Development Community (SADC) and the United Nations Human Rights Commission. It also played vital roles in securing the renewal of the Nuclear Non-Proliferation Treaty (NPT) and in effecting two normative innovations in international affairs: the Ottawa Treaty (1997) banning anti-personnel landmines and the Rome Statute (1998), G20+, the G8, Keyto Protocol Negotiations, the Campaign to ban land mines, Commonn Wealth, establishment of African Union (AU)

South Africa's domestic transformation. See Chhabra, H.S. 1997 South Africa's Foreign Policy Principles─Options─Dilemas. New Delhi: Africa Publications.

[34] 'Without exaggeration, President Mandela could therefore declare in1999: for a country that not so many years ago was the polecat of the world, South Africa has truly undergone a revolution in its relations with the international community. See Le Pere, G. and Van Nieukerk, A. 2002 The Evolution of South Africa's Foreign Policy, 1994─2000. In:McGowan, P..J. and Nel, P. Eds. Power, Wealth and Global Equity An International Relations Texbook for Africa second edition. Cape Town: UCT Press.

and setting up an International Criminal Court. In many respects, the ANC-led government has given South Africa a typical middle power foreign policy profile of a good citizen, committed to multilateral institutions and promoting moderate normative reform in global affairs"[35]

It must not be forgotten that South Africa's neighbours suffered great harm in aiding and supporting the struggle for liberation. A number of African countries such as Zambia, Zimbabwe, Botswana and others provided the ANC with material support and formal diplomatic recognition while in exile. Much of the continent enjoyed a special relationship with the ANC and vice versa and Africa's elevation to a foreign policy priority is thus not suprising. There was a certain symmetry between the ethical and normative constructs of the ANC's domestic policies and idealist foundations of its foreign policy emphasis on justice, democracy and human rights was reflected in the above foreign policy principles. The government's initial economic framework called the Reconstruction and Development Programme (RDP) for example also referred to the importance of rebuilding the South African economy in partnership with its regional neighbours and the necessity for integrating trade and foreign policy as part of a broader strategic approach strengthening South-South Co-operation.(Mda 2003:54)

Mandela's government was faced with a challenge of transforming some of the instruments of foreign policy such as the Department of Foreign Affairs (DFA). The foreign policy was aimed in attempts to ward off international sanctions and diplomatic isolation. Mandela government had to incorporate the foreign affairs departments and their diplomatic representatives of the former homelands such as Transkei, Bophutatswana, Venda and Ciskei (TBVC). These TBVC departments were only recognised by the South African government. The TBVC diplomats were retained following the compromise that was made during inter-party negotiations at the World Trade Centre outside Johannesburg. The department had to deal with the issues of gender

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[35] Prof Gerrit, Olivier. Address by Director of the University of Johannesburg Centre for European Studies and former Ambassador to Moscow during the Round table discussion at the South African Institute of International Affairs, Johannesburg, 14 June 2005.

and racial imbalances. The Department of Foreign Affairs as it was still dominated by male white Afrikaners for example, Rusty Evans, who was the Director-General. The status improved when Jackie Selebi, who was an ANC diplomat, was appointed as the new Director-General.[36] "In 2000 most of South Africa's career diplomats were black the total non-politically appointed staff were black and 60% white. Although attempts were made to develop conceptual coherence, strategic direction and operational codes, cleavages of race, gender, style and ideology persisted."[37]

Nelson Mandela articulated the thrust of foreign policy in the post-apartheid South Africa before he became the President. He said, 'Human rights will be light that guides our foreign policy.' Although the guiding principles were clear, the strategies, goals, objectives and plans were hardly clear cut as some might have expected. Nevertheless, Pretoria African policy, which assumed primacy in the country's foreign policy, was very clear. Its stated aim was to put in place the requisite conditions to advance the ideals of the African Renaissance, as the problems and challenges facing the subregion require a collective response from all countries of the South. Minister Nzo said, ' the promotion and attainment of a state of peace and prosperity for our own citizens as well as the citizens of our region, continent and planet. This is derived from the belief that there can be no prosperity without peace, but also no peace without prosperity, both within countries and between countries as well as developed and developing worlds.[38]

Mandela took on the Suharto regime in Indonesia over human rights in East Timor and sent a delegation to assist in the resolution of the Northern Ireland question. He also attempted to convene Angolans to talk to each other, to resolve their own internal problems, but the ruling *Movimento Popular de Libertanauo de Angola* (MPLA) was

[36] Ibid…

[37] Alden, C. and Le Pere, G. South Africa's Post-Apartheid Foreign Policy─from Reconciliation to Revival? Adelphi Paper 362. New York: Oxford University Press.

[38] Mandela's commitment to a human driver foreign policy was vindicated when took on the Nigerian crook Sani Abacha after the murder of Ken Saro Wiwa. Tshwane argued for Nigeria's suspension from the commonwealth in 1995. See Dlamini, K. 2003/04 South Africa Foreign Policy since 1994. In: SA Yearbook of International Affairs. Johannesburg: SAIIA.

upset when Jonas Savimbi, head of the rebel *Uniao Nasional pour a Independencia Total d'Angola* (UNITA) movement visited South Africa and was given what was perceived good treatment. Pretoria's varied approach demonstrates the complexities that are involved in making foreign policy choices, resulting in succession in pursuit of national interest.[39]

It should be noted that, President Mandela determined the foreign policy agenda without much criticism or sanction from other opposition leaders. The decision to write off Namibia's debt of R800 million was made during the president's state visit to that country without any cabinet deliberations or consultation with the ANC, let alone opposition parties. Highly personilised styles of policymaking and decision making were common then, but even more common today under Mbeki presidency. Mandela's towering personality, international prestige, and stature made him an important figure in South Africa's foreign relations. His command and seeming domination of every cabinet, parliament, and the DFA. As a consequence, policy often followed president's public statements, rather than the other way round. Nonetheless, ideally the cabinet and to lesser extent, the parliament should remain the checks and balances on presidential authority. Procedurally, the president has to consult with and get the approval of the cabinet on every major foreign policy decision.[40]

[39] Ibid…

2.5 Foreign Policy during Mbeki years (1999─2005)

> *'I am an African*
> *I owe by being to the hills and the valleys, the mountains and the glades, the rivers, the deserts, the trees, the flowers, the seas and the ever changing seasons that define our native land. My body has frozen in our frosts and in our latter day snows. It has thawed in the warmth of our sunshine and melted in the heat of the midday sun. The crack and the rumble of the summer thunders lashed by startling lightning have been a cause of trembling and of hope. The dramatic shapes of the Drakensburg, the soil coloured waters of the lekoa, iGqili noThukela and sands of the Kgalagadi, have all been panels of the set on the natural stage on which we act out the foolish deeds of the theatre of our day. A human presence among all these a feature on the face of a native land thus defined, I know none dare challenge me when I say─I am an African'*[41]

This phase represents South Africa's foreign policy during the second term of democratic government. Mbeki took over as President from Mandela and new foreign Affairs Minister Nkosazana Dlamini-Zuma was appointed. After Thabo Mbeki was inaugurated in June 1999 as a President of the country several changes were made to the national bureaucratic or policy-making machinery which was believed to be fragmented, costly and inefficient. The key area was the need to restructure the Presidency, which is the centre of the foreign policy formulation and decision-making. Careful planning and preparation went into the restructuring process. The recommendations of a Presidential Review Committee, appointed in 1996, together with various analysis by the office of then Deputy President, were implemented immediately after Mbeki took office and were effectively concluded by late 1999. The relevant main features of the Presidency are, first the staff of 341 functions as a central secretariat or Cabinet Office and integrated Presidency, which its vision is commitment to efficiency and effective executive management of government by the president and the cabinet. Second, three political

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[40] See Venter, D. 2001 South African Foreign Policy Decisionmaking in African context. In: Khadiagala, M. and Lyons, T. Eds. African Foreign Policies Power and Process. London: Lynne Reinner Publishers.

[41] Mbeki T. 1996 I am an African, [Online] Available from: http//www.nathanielturner.com/iamanafrican.htm. Accessed 21 June 2005.

figures-President, Deputy President and Minister belong to the same office, with an integrated administrative establishment managed by one Director General.[42]

Table 2.1: The Presidency

Political incumbents
♦ The President, Mr Thabo Mbeki ♦ The Deputy President, Mrs Phumzile Mlambo-Ngcuka ♦ The Minister in the Presidency, Dr Essop Pahad
The Administration Head of the Presidency, Rev Frank Chikane ♦ Private Office of the President ♦ Private office of the Deputy President ♦ Cabinet Office ♦ Policy Co-ordination and Advisory Services Unit

Source: McGowan, P. J. and Philip, N. eds (2002:55)

Although, is noted that there has been a degree of continuity in foreign policy from Mandela to the Mbeki's era, there has been a shift, which focused more on Africa. Mbeki appreciates that at the core of wealth creation and security is the promotion of democracy and human rights in parts of the world that lack them, especially Africa. The Mbeki presidency places emphasis on making South African foreign policy more predictable and proactive in order to shape world events and deal with regional problems. There are three main reasons for this. First South Africa is Africa's powerhouse in economic,

[42] Van Nieukerk, A. and Le Pere, G. Op Cit. pp. 253─256.

political and military terms. Second, South Africa is a key member of the developing world. In this role, it acts as a *de facto* champion of the interests of the South in international and multilateral arenas. Third, its constitution embraces outstanding norms and values that are widely seen as models for most countries to emulate, to promote those norms and values in Pretoria back-yard-Africa. Largely as a result of this, the international community has accorded Tshwane a key role in international affairs.[43]

President Mbeki is a very skilled statesman in the sense that while still in exile, he was the ANC's chief diplomat, and his outlook is distinctly internationalist. Like Mandela, he has had a hand in fashioning the contours of South Africa's foreign relations. He has been the prime architect of reconfiguring South Africa's relations with Africa by articulating a visionary policy framework around the concept of an African renaissance, which advocates a renewal of African continent by seeking African solutions to African problems. In addition, the Co-ordination and Implementation Unit (CIU) in the office of the president facilitates coordination across all government departments. "However, Mbeki's drive to centralise control and run a backroom presidency which can be seen, for example in the creation of a president's office in excess of 330 personnel and his control over key appointments as well as the circumvention of parliament in policymaking is in itself an illustration of the fine balance between legitimate structuring to ensure effective performance and an authoritarian government. Yet there is a need to imbue the professionals in the Foreign Service with a sense of purpose and direction. They should know where they are heading and what role they can play in contributing constructively to stated goals."[44]

Mbeki's era has been characterised by Afro-centrism where, the voice of Africans should be heard by other bigger nations. The Mbeki's African Renaissance also dominated, as he asked for Africans to unite towards creating peace and development of the African continent. This started when he made his famous speech, 'I'm an African'. He

[43] Dlamini, K. 2003 South Africa's Foreign Policy Since1994In:South African Yearbook of International Affairs.p.8

emphasised the issue of multilateralism and non-interference in internal affairs of the state for example the Zimbabwe crises, Haiti, Cuba and others. The role of regional and international organisations such as Southern African Development Community, the African Union and the United Nations have been in the centre of Mbeki's era in foreign policy.[45]

President Mbeki has been promoting multilateralism before unilateralism in dealing with issues of international affairs. Pretoria has consistently favoured acting in consent with others to find collective solutions to global and regional problems. During the Iraqi war, South Africa was outspoken and criticised the unilateral approach by the US. They emphasised the multilateral approach, which was to be done true to the recommendations of the United Nations. During the Mbeki presidency, foreign policy became more oriented towards further elevating South Africa's profile in international affairs through an assertive approach at the international institutions such as the African Union (AU), the WTO, the World Bank, SADC and others. [46]

President Mbeki is one of the chief architects of the AU. The AU replaced OAU and the initiatives of the latter paved the way for the birth of the former. The constitutive act of the African Union was adopted in 2000 at Lome in Togo and entered into force in 2001. The vision of the AU is to accelerate socio-economic integration of the continent, which will lead, to unity and solidarity between African countries and people. South Africa currently chairs the Peace and Security Council (PSC) of the AU.[47] President Mbeki is also one of the founders of the New Partnership for Africa's Development (NEPAD) which was adopted at the Lusaka summit in 2001. NEPAD was established as a way of recovery plan for Africa. These include accelerating growth and development and promotion of democracy and good governance in Africa. NEPAD gave birth to

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[44] See Mills, G. 2000 The Wired Model: South Africa, Foreign Policy and Globalisation. Cape Town: Tafelburg, p.38.

[45] Ibid…

[46] Selebi, J. 1999 South Africa's Foreign Policy: Setting New Goals and Strategies. SA Journal of International Affairs. Johannesburg: SAIIA.

Africa Peer Review Mechanism (APRM) which its main purpose is to promote democracy and good governance. South Africa will be third country to be reviewed by APRM after Ghana and Malawi. The major focus of South Africa's involvement in these institutions is the promotion of human rights and disarmament and the issue of reforming the UN. This is to ensure that the weak, poor, rich and powerful states are equal and have same voices.[48]

Mbeki's government has also been a keen supporter of rules-based international system. Pretoria's foreign policy activities are the continuous promotion of the interests of the South in the international community[49]. During the global trade talks in Seattle, South Africa together with India and Brazil were in the forefront of the formation of the G20+ group of developing countries that challenged the hegemony of the rich industrial nations in global trade relations. There has been a link between foreign policy and domestic policy as the President Mbeki travelled abroad to sign bilateral and multi-lateral trade agreements in order to attract foreign direct investment, so that poor South Africans could benefit. The other pre-requisite in Mbeki's era has been security, which requires a number of processes such as adherence to international law, conflict prevention and mediation and promotion of democratic and stable regimes. This is seen as a prerequisite for South Africa to become a prosperous nation that can outgrow its developing country status. [50]

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[47] See 'African Union in a nutshell', [Online] Available from: *http://www..africanunion.org.* Accessed 24 October 2001

[49] Ibid…

2.6 Mbeki's African Renaissance

> *'I am an African. I am born of the peoples of the continent of Africa. The pain of the violent conflict that the peoples of Liberia, Somalia, Sudan, Burundi and Algeria experience is a pain that I also bear. The dismal shame of poverty, suffering and human degration of my continent is a blight that we share. The blight on our happiness that derives from this and from our drift to the periphery of the ordering of human affairs leaves us in a persistent shadow of despair. This is a savage road to which nobody should be condemned. Whatever the difficulties, Africa shall be at peace! However improbable it may sound to the sceptics, Africa will prosper! Whoever we may be, whatever our immediate interest, however much we have been caught by the fashion of cynicism and loss of faith in the capacity of the people, let us say today nothing can stop us now!'*
> *'An Africa Renaissance must bring an end to these dictatorships and to the civil wars that have given Africa the distinction of having the largest number of refugees in the world. This business of television pictures showing Africans fleeing war or repression, or dying of desperate hunger because of instability─that must end.'*[51]

President Mbeki reinvented the concept of African Renaissance. This means the rebirth or revival of the African continent to achieve political and economic development. This was not a new concept in Africa. African Renaissance has been in existence during the times of former president of Ghana Kwame Nkrumah and Former Tanzanian leader Julius Nyerere. Mbeki's renaissance has been the revival of the vision of these prominent leaders to unite the continent and achieving peace and economic prosperity. In February 1999 the DFA published a policy document for a higher profile and more assertive action by foreign affairs ministry in both wealth creation and security. It envisages wealth creation through globalisation, the enhancement of South Africa's image abroad, and vigorous pursuit of trade and investment, compliance with international law and active engagement in conflict prevention, management and resolution would be key to security.

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[50] Ibid…

[51] 'We have to address the abuse of the notion of national sovereignty, where terrible things would be going on within the borders of a particular country while the rest of the continent stands paralysed because taking action would be seen as interference. It would be said 'NO! NO! You are interfering in internal affairs, you are violating national sovereignty'. We've got to address that issue.' See Corrigan, 1999 MBEKI: HIS TIME HAS COME. An introduction to South Africa's new president. Johannesburg: South African Institute of Race Relations.

An additional concern of promoting democratisation and a culture of human rights has recently emerged to supplement the aims of creating wealth and security. These objectives reflect President Mbeki's vision of a South African foreign policy anchored in both the developing and developed worlds.

There have been a number of debates in South Africa about the notion of African Renaissance. Despite the fact that renaissance denotes a process of rebirth, renewal, revival, revitilisation, reawakening and self-reinvention, Africa is far from such revival, because it is pathologically diseased, drug addicted, malnourished patient. Mbeki expects South Africa to lead a renewal of the continent and project the cause of the developing world in international institutions. He believes that South Africa will achieve its foreign objective of contributing to Africa's rebirth if it can lead global reforms. Hence, as the most powerful African actor, South Africa seeks a major role in economic development issues. Since these goals cannot be attained unilaterally, South Africa has tried to obtain the co-operation of key international players to reshape the debates about changes in the multilateral system. President Mbeki has advanced the notion of an African renaissance since May 1999, as a foreign policy goal. This notion includes securing the establishment of genuine and stable democracies in Africa, mobilisung efforts against corruption and implementing economic reforms to attract foreign direct investment. These views dovetail with the ANC's own foreign policy document, which has put the concept of an African renaissance as the main pillar of its international policy. However, these foreign policy proclamations need to be evaluated on the basis of whether the idea of the African renaissance lacks conceptual clarity and operational significance, problems that are compounded by its obscure linkage with African identity and African-ness. In addition, it is being articulated at a time when the African continent is best known by conflict and discord rather than peace and stability. [52]

It looks uncertain that the quantity of institutional forms or structures will be sufficient to rehabilitate Africa unless the continent in particular its leaders unconditionally

[52] See the discussion paper of the African National Congress (ANC), ' Developing a Strategic Perspective on South African Foreign Policy.'

acknowledges and admits its problems, develops a sufficient understanding of the problem, expresses a desire and exhibits an unwavering will to solve the problems. Before Africa can be revived, it has to first deal with a number of obstacles. These include encouraging political pluralism and civic nationalism, abuse of power, promoting development, human rights, good governance and accountability and conflict prevention.[53]

2.7 Conclusion

During the last ten years South Africa has transformed itself from a pariah state into a most respectable player in the international system. Pretoria's foreign policy has also evolved and it has been directed towards non-violation of human rights. Both Mandela and Mbeki played a central role in shaping the South Africa's foreign policy. The interventions of South Africa in African conflicts have been geared towards achieving peace and stability in the continent at the same time ensuring the non-violation of human rights. During Mandela and Mbeki eras Pretoria has been strongly involved in mediation efforts in Africa notable in Lesotho during Mandela and Burundi during Mbeki's terms in office. However, some of these efforts have been criticised because of the controversies that surround the third party intervention in internal affairs of other states. It is this reason why the next chapter, clearly discusses and explains the legalities regarding third party interventions.

[53] Venter, D. 2001 Op. cit. p. 170

CHAPTER THREE

3. LEGAL PRINCIPLES FOR INTERVENTION IN CONFLICT-TORN COUNTRIES IN AFRICA

3.1 Introduction

The last chapter overviewed South Africa's foreign policy in particular its engagements in Africa in trying to resolve conflict between the warring parties. It also discusses how Pretoria's foreign policy has evolved since early nineties to focus on the African continent. This chapter examines the legal basis for these interventions as opposed to principles of sovereignty and non-intervention. It is divided into two sections. First, the legal basis of state sovereignty and third party interventions is being examined. This is explained through the reference to the UN Charter, AU principles and the views of other authors and intellectuals. Second, the legal basis of South Africa's involvement in African conflicts such as in Côte d'Ivoire, DRC, Burundi and particularly Lesotho where South Africa was strongly criticised by many analysts as an invader in that country.

3.2 Legal principles regarding state sovereignty and third party interventions

> *'In the wake of recent humanitarian crises and varying international responses to such situations, the debate with respect to international intervention on humanitarian grounds has grown dramatically. There are calls for more intervention, while at the same time, many of those who might be targets of intervention have raised the specter of sovereignty claiming the domestic jurisdiction for their genocidal acts while there is increasing international support for interventions to respond to a variety of humanitarian crises. The issue of the legitimacy of such actions by the United Nations or other bodies has not been fully articulated.'*[54]

[54] See Mills K., Sovereignty Eclipse?: The legitimacy of Humanitarian Access and intervention, p.1

After the establishment of United Nations Organisation in 1945, the principle of sovereignty was pre-eminent, prohibiting the intervention of states in the internal affairs of others. International Law also prohibited any intervention by third parties in conflicts. However, since the end of the Cold War this has changed significantly. The gross violation of human rights by governments, such as discrimination based on sex, colour, religion and resulting in acts of genocide led to a number of third-party interventions in countries such as Burundi, Rwanda, Kosovo, Israel-Palestine, Liberia and Sudan.

Article 2 of the Universal Declaration of Human Rights located in the UN Charter and article 3 of the African Union Constitutive Act provides the justification for these interventions. Some of the legalities regarding third party intervention are:

- First, the right of the union to intervene in a member state pursuant to a decision of the assembly in respect of grave circumstances namely war crimes, genocide, and crimes against humanity;
- Second, when the member states request intervention from the union in order to restore peace and security;
- Third, when there is no respect for the sanctity of human life, the condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities; and
- Fourth, in an event when there is an unconstitutional change of government e.g. a coup.[55]

Kapil (2001) argues that interventions could be defined as an action undertaken on the territory, air space or territorial waters of a state against the wishes of its government. Four possible criteria that could be considered when justifying intervention are:

- Gross and systematic human right abuses, including genocide;
- The suppression of the clearly demonstrated will of the majority, such as the overthrow of a democratically elected government;

[55] See African Union, Available from http://www.africa-union.org.

- Clear cases of failed states, where the central authority is non-functioning and civilian population is at the mercy of militias, warlords, or criminal gangs, among others and
- The illegal and inhumane use of power by one side or the other during a civil war encompassing an attempt at secession and or ethnic/religious self-determination.[56]

The legal status of humanitarian intervention is highly contested. However, one can say at the outset that, in general, intervention violates most interpretations of customary as well as codified international law. The basis of this prohibition is the recognised status as sovereignty. This literally means that states are regarded as the primary unit of organisation and political integrity in international affairs. International law has been mostly concerned with what happens between states rather than what happens inside the state. The treatment of nationals was generally outside the purview of International Law. This is reflected in article 2(4) of the UN Charter, which states: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any manner inconsistent with the purpose of the United Nations." Article 51 of the UN Charter codified another controversial principle of international law, which allowed the use of force by a state in self-defence. Many countries have suffered attacks by other countries, for example in Iraq the US used a pre-emptive strike claiming that their national security was under threat from terrorists using chemical weapons or weapons of mass destruction. However, at the same time individuals are also considered subjects of international law.[57]

To ensure the protection of individuals as subjects of international law, the Universal Declaration of Human Rights was passed in 1948. Article 2 states that, 'Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind such as race, colour, sex, language, region, political or other opinion, national or social origin, property, birth or other status. Furthermore no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to

[56] An analysis of interventions as justified by the above-mentioned broad criteria reveals the sheer complexity involved in such a course of action. Kapil, K. 2001 Humanitarian Intervention and the Changing Role of UN. In: Sidiropoulos Ed A Continent Apart Kosovo, Africa and Humanitarian Intervention. Johannesburg:SAIIA

[57] See Charter of the United Nations, http://www.un.org/aboutun/charter

which a person belongs, whether it be independent, trust, non-self-governing or any under other limitation of sovereignty'. Article 3 states that everyone has the right to life, liberty and security of a person. Last, Article 5 states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.[58]

Cawthra (2004) argues that the end of the Cold War saw a groundswell of practice and opinion moving towards a concept of relative or even earned sovereignty for states and a concomitant commitment to uphold human rights, even if this meant military intervention in cases of extreme abuse. It is for this reason that former UN Secretary General, Boutros-Boutros Ghali, declared in 1992 that the time of absolute and exclusive sovereignty had passed, as its theory was never matched by reality. It also spawned the doctrine of humanitarian intervention. Present, it is widely accepted, although not universally, and has been incorporated into the principles of the AU and multi-national organisations. [59]

Cawthra (2004) further argues that many critics regard intervention as fine in principle, but difficult in practice. The problem is that the doctrine appears to be applied selectively. Despite the fact that the concept of absolute sovereignty was never really adhered to, it managed to bring some stability into the system of states. If humanitarian intervention is to be treated in the same manner, some clear rules need to be laid down. This issue has become more imperative in the context of the war against terror in which selective intervention has become a strategic necessity. It is now becoming increasingly clear that sovereignty will not protect weak states against external interventions by powerful states.[60]

'The new mantra in international is the slogan of human security. This concept is juxtaposed to the traditional concept of state/national security. State security rests upon

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[58] Universal Declaration of Human Rights 217(III) of December 1948, http://www.un.org/overview/rights.. html

[59] See A conceptual framework for regional security by Gavin Cawthra p.29

the concepts of state sovereignty, non-intervention in domestic affairs and non-aggression. In other words, sovereign states have the obligation to respect the sovereignty of other states and to assure their security. Can the security of a state guarantee human security within that state? Should inter-state relations also guarantee human security, irrespective of the citizenship of the human beings involved? These have become the moot questions of the recent decades.'[61]

These are fundamental questions that states deal with when intervening in the internal matters of others. Many autocratic and brutal regimes use the notion of sovereignty to try and hide the human rights abuses that they commit towards the citizens. Naidu (2005) points out that Article 1(2) of the UN Charter states that when obtaining independence, a sovereign state acquires certain guarantees. First, domestic jurisdiction, which means that no external force, can interfere in the internal affairs of the state without the request or the consent of the state concerned. This principle is known as non-intervention as provided in article 2(7). Second, no state has a right of aggression or breach of the peace and even the threat to the peace of Article 39 of the Charter. Third, Article 51 of the Charter gives the sovereign states the right to self-defense.[62]

However, Naidu (2005) points out that if there is a violation of human rights, then intervention is necessary. He clearly states that the Universal Declaration of Human Rights was adopted by the UN on 10 December 1948, where the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family are the foundations of freedom, justice and peace in the world. Most importantly, Article 3 says, 'Everyone has the right to life'. This gives the UN the mandate to intervene in any country that seems to be violating this law.

According to Adebajo and Rashid (2004), the African Union inherited the Organisation of African Unity (OAU's) existing conflict prevention, management and resolution

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[60] Ibid…p.30

[61] See Naidu M.V. 2004 State Sovereignty, Human Security and Military Intervention,. In; State Sovereignty in the 21st Century Concept, Relevance and Limits. New Delhi. p.52

[62] Ibid…p.53

machinery. The AU, through its Constitutive Act of Union, has a political mandate to intervene against members who violate principles of good governance and the rule of law– an element that clearly sets the organisation apart from its predecessor, the OAU. The Constitutive Act automatically becomes law in all African countries that have signed and rectified it. However, tensions remain high between the principles and objectives outlined in the AU's Constitutive Act, such as intervention in the internal affairs of member states. The African Union explicitly recognises the right of intervention in three specific cases: First, if a regime has been toppled through unconstitutional means, notably through a military coup, second in cases of genocide, last, if instability in one country threatens broader stability in any African sub-region.[63] A recent notable successful application of this act was during the unconstitutional change of power in Togo. After the death of Africa's long serving President Gnassingbe Eyadema, the military installed his son, Faure Gnassingbe. The international community and the AU, in particular, condemned this and Faure was forced to step down to restore constitutional rule.

3.3 Legitimacy of South Africa's engagements in African conflicts

During the past five years South Africa has been intervening in a number of African conflicts. The question that many people ask, is the legitimacy of South Africa's mediation efforts.

Responding to the deteriorating situation in **Cote d'Ivoire** in 2004, the AU appointed the South African President Thabo Mbeki, as its mediator. This choice came as no surprise in view of South Africa's chairmanship of the newly established AU Peace and Security Council. South Africa is also regarded as the African country best equipped to play a meaningful role in peace mediation because of peaceful transition from an apartheid regime to democratically elected government. In addition, many analysts believed that the involvement of a third party from outside the West African region might achieve

[63] See West Africa's Security Challenges, Building Peace in a troubled Region, 2005, p.319

positive results. However, South Africa's diplomatic engagements with Côte d' Ivoire to resolve the conflict received mixed reactions. French President Jacque Chirac expressed the opinion that South Africa not only lacked sufficient knowledge about the nature of the conflict in the region, but also lacked a clear strategy to deal with the conflict.[64]

However, President Mbeki has managed to hold several talks with rebel leaders and President Gbagbo. A progress was made, when peace talks resumed in Tshwane from 3-6 April 2005. It was the first time after the French-brokered Marcoussis agreement, that the warring parties sat down to hold discussions under the same roof. Those in attendance included President Gbagbo, Prime Minister Seydou Diarra Soro, Chief rebel leader Guillame Soume, former President Henri Konan Bedie and former Prime Minister Allasane Ouattara. The outcome of the meeting was fruitful as all parties agreed to halt all kinds of hostilities and disarm their rebels. On 26 April President Gbagbo made a big concession when he agreed to use his constitutional powers in Article 48, which allow for the president to take extra-ordinary measures when institutions or territorial integrity is at stake. Gbagbo allowed his main opposition rival Alaissane Ouattara to stand in the October 2005 elections. Many citizens and the international community have applauded this move and are hoping for peace in this country. The international community, including the UN, commended South Africa's mediating role.

However, despite South Africa's progress in helping the opposing parties in Côte d'Ivoire to reach a resolution, it is too early to celebrate. Pivotal presidential elections should have been held on 30 October, when President Laurent Gbagbo's mandate expired, but weeks before the scheduled polling day mediators and UN officials agreed that a vote was impossible due to "intransigence" by the warring factions. Now, under AU proposals the UN has backed, Gbagbo is to remain in office for up to 12 more months, with the new prime minister bearing the task of organising the delayed polls. South Africa will continue to play a leading role in resolving the conflict.[65]

[64] Lamin A. and Monyae D. 2004 Mbeki's Crucial Intervention. In: Africa Week Magazine, 22-28 November 2004. United Kingdom: Africa Week.
[65] 'Opposition divided over nominations for the prime minister', Irin News. [Online] Available from: *http://www.irinnews.org* Accessed 7 November 2005

"The involvement of Mbeki in Côte d'Ivoire was never doubted as illegitimate by the international community as it has been under the auspices of the AU Peace and Security Council. South Africa efforts have been strongly supported by the United Nations Security Council. Moreover, the Economic Community of West African States (ECOWAS) has also supported these engagements in trying to bring about peace and stability in this country that used to be a political haven and a leading economic power in West Africa, the largest exporter of cocoa and a significant producer of coffee, palm oil and gold. The country has now gone into an economic tailspin after the conflict broke out." [66]

In August 1999, a SADC meeting mandated former South African President Nelson Mandela, the then chairman of SADC, to intervene in the **DRC** conflict in consultation with the OAU Secretary General. The differences of opinion with Zimbabwean President Robert Mugabe, who headed the SADC security committee, constrained Mandela's mediation efforts. Western powers most notable the US, had long supported the authoritarian regime of Mobutu Sese Seko as a bulwark against communism. "However, with the end of the Cold War, his regime came under pressure to democratise. The other regimes that were in a spot light to democritise were Yoweri Museveni's government in Uganda, Paul Kagame administration and the in Rwanda and the Banyamulenge *Alliance Democratiques Pour la Liberation du Congo (*AFDL) under the leadership of Laurent-Desire Kabila, a veteran of the Simba rebellion of 1964─65. Mandela's mediation efforts between Mobutu and Kabila did little to break the impasse. Less than two months later, Kabila's troops marched into Kinshasa. A dying and defeated Mobutu was hounded out of the then Zaire with his tail between his legs. A few weeks later, Kabila was sworn in as president renaming the country DRC. However, rather than establishing a broad-based regime, Kabila alienated many forces which had previously been opposed to Mobutu, and his AFDL regime rapidly became viewed as Tutsi oppressors, even though Kabila and most AFDL leaders were actually drawn from non-Tutsi ethnic groups. After his assassination in 2001, Kabila's son Joseph took over as Congo's new leader. His style of

[66] See, Siyothula, P. 2005 Towards a Sustainable Peace in Côte d' Ivoire. In: South African Foreign Policy Monitor. May/June. Johannesburg: SAIIA.

leadership was different from that of his father and he was keen to bring all the warring parties together in order to bring about peace and stability in the country."[67]

Mbeki then took over from Mandela and his efforts paid dividends right from the beginning. Mbeki's personal involvement helped to broker an end to the five-year civil war in the DRC, which has remained volatile since the rebellion against the late President Mobutu Sese Seko in the early 1990s.[68]

Throughout, 2002 and part of 2003, the South African government hosted the Inter-Congolese Dialogue, bringing together under one roof the government of the DRC's President Joseph Kabila, rebel factions and unarmed opposition groups, at Sun City. The key developments were: the signing of a memorandum of understanding by Joseph Kabila and Kagame in July 2002, whereby the latter agreed to the withdrawal of Rwandan troops and dismantling of the Rwandan Armed Forces and Rwandan Hutu militias in the DRC. A similar memorandum was signed between Joseph Kabila and President Museveni of Uganda, providing for the withdrawal of Ugandan troops from the DRC and for normalisation of relations between the two countries. The culmination of the process was the agreement reached on an interim constitution between competing DRC political groups at Sun City. This allowed for Kabila to remain as President of a transitional government, but with four vice-presidents provided by the three major parties, the Kabila government, Jean-Pierre Bemba's Congolese Rally for Democracy, and the Movement for the Liberation of the Congo and the remaining opposition, the *Rassemblement Congolaise pour la Democratie* (RCD) to take control of the Ministry of Defence, and for holding of an election within two years. A historical event occurred in the DRC in May 2005, when the country's constitution was formally adopted. Mbeki and his ministers were eventually rewarded with a fragile peace deal and arguably South

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[67] Africa Policy Journal, Congo (Kinshasa) : Peace talks update. Online: Available from C; MyDocuments/Congo Peace Talks update.htm. Accessed: 07-07-2005

[68] For more information, see South African Government information. Online Available from: C: MyDocuments/mediation efforts in the DRC..htm.

Africa's first success in mediating in an African conflict.[69]In sum, there is no doubt that South Africa's involvement in DRC has been legal, because of the support it got from the international community, in particular the OAU, the UN and the SADC. In fact, the leaders of SADC officially appointed Mandela to intervene in the conflict.

3.4 Conclusion

This chapter has analysed the legal basis for the third party intervention. Three main issues have been observed that the international law recognises a right to unilateral humanitarian intervention by groups of states and regional actors in internal conflicts. First, when there have been human rights abuses so egregious as to violate the norms of the international law. Second, when a government has collapsed and is spiralling into a state of anarchy. Last, to safeguard democracy when a democratic regime has been violently overthrown against the will of its domestic population. Looking at the involvement of South Africa in conflict torn countries highlighted above one may argue the mediation efforts were legitimate because its interventions has been due to these factors mentioned above. However, the greater analysis of legitimacy of South Africa's engagement in Africa is debated in the following next two chapters where a comparative study of Burundi and Lesotho is made. These two chapters compare and contrast the conflict in two countries, South Africa's engagements and legitimacy of its involvement.

[69] Kristina, A. B. and Southall, R. 2005 An African Peace Process Mandela South Africa and Burundi. Cape Town: HRSC Press.

CHAPTER FOUR

4. SOUTH AFRICA'S MILITARY INTERVENTION IN LESOTHO

4.1 Introduction

South Africa's led intervention in Lesotho in 1998 created a lot of debate about its legal basis. Some analysts said South Africa wanted to act as a big brother, others argued that Lesotho should be South Africa's tenth province. In unpacking these views, this chapter does a case study of Lesotho by analysing South Africa's foreign policy towards Lesotho crisis. The arguments on legal basis of South Africa's military intervention (Operation Boleas) are clearly explained. The operation did not go well as a result Pretoria was strongly criticised and there were lessons that were learnt during the intervention. These are also outlined in this chapter.

4.2 Political and economic overview of Lesotho

The Kingdom of Lesotho is a landlocked country entirely surrounded by South Africa. The official languages are English and Sesotho. About 90% of the population are Christians. The largest denominations are the Roman Catholic, Evangelical and Anglican churches. The population is about 2.8 million and the capital is Maseru.[70] Lesotho is an hereditary monarchy, under the terms of the constitution, which came into effect following the 1993 election. The king, who is the Head of State, has no executive or legislative powers. The college of chiefs is theoretically empowered under traditional law, to elect and depose the king by a majority vote. Executive power is vested in the cabinet, which is headed by the Prime Minister. Legislative power is exercised by the National Assembly, which is elected at intervals of no more than five years through multi-party political system. A system of mixed member proportional representation was introduced at the general elections of May 2002 when the National Assembly was

[70] Wikipedia, the tree encyclopidia, 1998 South African intervention in Lesotho.

expanded to 120 members, 80 elected by simple majority in single-member constituencies and 40 selected from party lists. The upper house, the senate comprises traditional chiefs and 11 nominated members. Lesotho comprises 10 administrative districts each with an appointed district co-ordinator. [71]

In terms of economy, according to estimates in 2002, Lesotho's gross national income (GNI) was $981 million equivalent to $470 per head. During 1990-2002, it was estimated that the population increased at an average annual rate of 1.8%, while gross domestic product (GDP) per head increased in real terms at an average annual rate of 3.9%. Agriculture, forestry and fishing contributed 16.7% of GDP in 2002, and employed some 37.6 % of the labour force in mid-2001. The principal agricultural exports are wool and mohair, cereals and live animals. The main subsistence crops are maize, sorghum and wheat. Industry including mining, manufacturing, construction and power provided 41.6% of GDP and engaged 27.9% of the labour force. Mining contributed 0.1% of GDP and Lesotho has reserves of diamonds, which during the late 1970s provided more than 50% of visible export earnings, but large scale exploitation of these ceased in 1982. However, it is planned to reopen the Setseng-Lou Terai mine and industrial mining at other sites is envisaged. Lesotho also processes deposits of uranium, lead and iron ore and is believed to have petroleum deposits.

The Lesotho Highlands Water Project (LHWP) provides hydro-electricity sufficient for all Lesotho's needs and for export to South Africa. Phase 1A and 1B were inaugurated in 1998 and 2004 respectively. The scheme is expected to be completed by about 2030. Prior to the LHWP more than 90% of Lesotho's energy requirements were imported from South Africa. Lesotho is a member of the Common Monetary Area (with Namibia, South Africa and Swaziland) and a member of Southern African Customs Union─SACU (with Botswana, Namibia, South Africa and Swaziland. Lesotho also belongs to the Southern Africa Development Community (SADC). Impediments to economic development in Lesotho include vulnerability to drought and serious land shortages, combined with the

[71] See the Europa World YearBook, 2004, Volume Part One: International Organizations Part TWO: Kazakhstan-Zimbabwe. New York

country's dependence on South Africa and the Lesotho currency, the Loti, is fixed at par with the South African rand, exposing Lesotho to fluctuations within the South African economy.[72]

4.3 Background to the political crisis in Lesotho

Lesotho was formerly Basutoland, a dependency of the United Kingdom. Since independence on 4 October 1966 from Great Britain, the political landscape in Lesotho has been characterised by perennial struggles between the military, the monarchy and the political parties. A constitutional crisis arose in December 1966, when King Moshoeshoe II attempted to obtain wider personal powers, but in January 1967 the King signed an undertaking to abide by the constitution. The Kingdom's constitutions have since independence been modelled on the Westminster (British) system that requires the prime minister─the leader of the majority party─be head of government who wields executive power. Lesotho's elections were run under First-Past-the-Post (FPTP) system from independence up to 1998. The Prime Minister, like the other ministers has to be a Member of the Parliament. Lesotho's four decades of independence have been marked by recurring political violence linked to elections. [73]

General elections took place in 1970, at which the opposition Basotho Congress Party (BCP) led by Ntsu Mokhehle appeared to have won the majority of seats in the national assembly. The BCP won 36 of the 60 seats in Parliament giving it 50% of the votes cast to the 23 seats of the BNP giving it 42% of the votes, on the other hand the remaining votes were cast in favour of the independent candidates. Chief Leobua Jonathan, the leader of Basotho National Party (BNP), which had governed the country with a slim parliamentary majority between 1965 and 1970, refused to accept the outcomes of the elections, instead he declared a state of emergency, suspended the constitution and arrested several BCP organisers. The election was annulled and the legislature prorogued. King Moshoeshoe was placed under house arrest and subsequently exiled although he

[72] CIA-The World Factbook 2005 Lesotho

returned after accepting a government order banning him from participating in politics. The country was under the Prime Minister's personal control. An interim national assembly comprising the former senate and 60 members nominated by the cabinet was inaugurated in April 1973 and in July the state of emergency was revoked.[74]

However, the following a failed coup attempt in January 1974 by alleged BCP supporters, Chief Jonathan introduced stringent security laws. Mokhehle and other prominent members of the BCP went to exile. The party split into two factions, internal and external. The latter led by Mokhehle was supported by the Lesotho Liberation Army (LLA) which was responsible for number of attacks in Lesotho during the late 1970s and the 1980s. Jonathan continued to govern without popular support for the next 16 years. During this period, he attempted to gain some international credibility by allowing the establishment of the bases for the for the South African liberation movements such as African National Congress (ANC) and Pan Africanist Congress (PAC). This resulted to imposition of restrictions by apartheid government on the movements between the borders of South Africa and Lesotho. These restrictions had major impact on Lesotho's economy.

The parliament act of May 1983 repealed the emergency order of 1970 that had suspended the constitution. In January 1985 the national assembly was dissolved. Legislative elections scheduled for September were cancelled in August, when no opposition parties claimed that their prospective candidates had therefore prevented from securing sufficient signatories to qualify for nomination. The BNP candidates in all 60 constituencies were returned to the office unopposed. On 20 January, Major General Justin Lekhonya, the head of the armed forces, overthrew Chef Jonathan's government in a coup. A Military Council, chaired by Lekhanya was established. The council made a commitment to the establishment of a democratically elected civilian government by 1992. The 1983 parliament act was revoked and it was announced that the executive and

[73] Kabemba, C. ed 2003 From Military Rule to Multiparty Democracy. Political Reforms and Challenges in Lesotho. Johannesburg: EISA.

[74] Rule, S. 1998 Elections in Lesotho, May 1998. Pretoria: Electoral Institute of Southern Africa.

legislative powers were to be vested in King Moshoeshoe, assisted by the military council suspended all formal political activity. Although the South African government denied having any part in the coup, the Lekhanya regime proved to be more amenable to South Africa's regional security policy. In March 1986 it was announced that the two countries had reached an informal agreement whereby neither would allow its territory to be used for attacks against the other. In addition, the Lesotho government did not join other African states in pressing for international economic sanctions against South Africa. The military council also signed an agreement with South Africa that initiated the Lesotho Highlands Water Project. The aim was to exploit the abundant water resources of Lesotho to meet the needs of the expanding needs of South Africans in particular in areas like Pretoria, Witwatersrand, Vereeniging metropolitan region to the north and provide hydro-electric power to Lesotho. Four dams with a potential capacity exceeding 8000 million cubic metres were to be constructed at Maloti Mountains and connected by tunnels, which would feed into the Vaal River catchment area. Thousands of jobs and development opportunities were forecast. However, it was argued that the constituted a rape of the environment, with benefits accruing primarily to South Africa, owing the inexperience of the military government negotiators. [75]

In May 1998 Mokhehle was allowed to return to Lesotho after 14 years in exile. In 1989 the LLA was said to be disbanded and by 1990 the two factions of the BCP had apparently reunited under Mokhehle's leadership. Lekhanya announced that general elections would take place during 1993. However, party political activity remained outlawed. In June 1990 a National Constituent Assembly (including Lekhanya, members of the council of ministers, representatives of banned political parties, traditional chiefs and business leaders) was to draft a new constitution and to prepare for national democratic elections. The interim administration was plagued by controversy in the form of cabinet corruption and replacement of exiled King Moshoeshoe II by his son Letsie III. On 30 April 1991, Lekhanya was deposed in a coup organised by disaffected army officers, whose members were dissatisfied with their salaries. Colonel Elias Phitsoane Ramaema succeeded Lekhanya as chairman of the military council. Ramaema repealed

[75] Ibid…

the ban on political party activity and by July the national constituent assembly had completed the draft constitution. In May 1992 Lesotho and South Africa agreed to establish diplomatic relations at ambassadorial level.[76]

After several postponements, the general elections were eventually held on 27 March 1993. Eighteen parties nominated their candidates amidst allegations of misconduct. The military was accused of collusion with the BCP over a secret hand-over of power. Rumours were triggered by the fact that Ramaema and the BCP leader, Mokhehle had a common origin in the Berea district. The BNP also came under fire for alleged monopolisation of the media coverage of the elections. The brother of Retselisitsoe Sekhanyana, leader of the BNP held the post of the Principal Secretary in the Ministry of Information and Broadcasting, a position which he was accused of abusing. The BCP and BNP were the only parties to contest every constituency. The Marematlou Freedom Party (MFP) led by Moeketso Malebo was the only other serious contender, with candidates in 51 constituencies. It was unlikely that there was going to be an outright winner. In terms of the new electoral law, campaigning or the display of party colours or symbols was forbidden on election day. The local media appeared to be at great to project their neutrality and no publicly expressed opinion favoured either of the two main parties over the other. The problems that arose on the election day were failure of polling stations to open on time, inadequate ballot papers and voters turning up to vote at the wrong polling stations.

The BCP secured all 65 seats in the new national assembly, winning 54% of the votes cast. As a consequence of majoritarian constituency-based electoral systems, the parliamentary representation of opposition parties were curtailed, inspite 25% of votes cast in the elections, the opposition parties between them won no representation in parliament. Contrary, the BCP received 75% of votes and 100% of the seats in parliament. Although international observers pronounced the election to have been free and fair, the BNP which took 16% of the votes rejected the result alleging that there had been widespread of rigging and electoral fraud and later declined the new

[76] Mills, G. 1991 Lesotho: Palace coup ends Lekhanya's troubled ruler. 31(6). Africa Institute Bulletin.

administration's offer of two seats in the restored senate. On 2 April Mokhehle was inaugurated as Prime Minister and King Letsie swore allegiance to new constitution under the terms of which he remained Head of State with no executive or legislative powers. The executive authority was vested in the cabinet.[77]

Table 4.1 General Election for the National Assembly, 1993

Party	**No. of votes**	**Percentage of vote**	**No. of seats**
BCP	398 355	74.7	65
BNP	120 686	22.6	0
MFP	7 650	1.4	0
Other	6 287	1.2	0
Total	532 978	100	65

Source: Southall and Petlane (1995:30)

In November a mutiny of about 50 junior officers in the national army, the Royal Lesotho Defence Force (RLDF) was apparently precipitated by a proposal to place the military under the command of a senior member of the LLA as part of the government efforts to integrate its former armed wing with the RLDF. Skirmishes near Maseru in January 1994 escalated into more serious fighting between some 600-rebel troops and a 150 strong contingent of forces loyal to the government resulted in deaths of five soldiers and three civilians. Following the mediation efforts involving the representatives of Botswana, South Africa, Zimbabwe, the Commonwealth, the OAU and the UN and a truce entered force, the rival factions surrendered their weapons and returned to barracks. However, in April the Deputy Prime Minister Selometsi Baholo was killed during an abduction attempt by disaffected troops. In the following month police officers demanding

[77] See, Southall, R. and Retlane 1995 eds Demilitarisation and Democratisation in Lesotho: the 1993 General Election and its Aftermath. Pretoria: Africa institute.

increased pay and allowances briefly held hostage the acting finance minister, Mpho Malie.

A commission to investigate the armed forces unrest of January and April 1944 began work in July. In that month Mokhehle appointed a commission of inquiry into the dethronement of King Moshoeshoe II. In August King Letsie petitioned the High Court to abolish the commission on the grounds of bias on the part of its members. On 17 August Letsie announced that he had dissolved the national assembly, dismissed the government and suspended sections of the constitution, citing popular dissatisfaction with the BCP administration. Although several thousands of people gathered outside the royal palace in Maseru in support of the deposed government, army and police support for Letsie's royal coup was evident and subsequent clashes between demonstrators and the security forces reportedly resulted in five deaths.[78]

4.4 Crippling crisis and South Africa's diplomatic effort

The suspension of the constitution was widely condemned outside Lesotho. The Presidents of Botswana, South Africa and Zimbabwe led diplomatic efforts to restore the elected government, supported by the OAU and the Commonwealth. The USA withdrew financial assistance and several other countries threatened sanctions. Following negotiations in South Africa in September 1994 King Letsie and Mokhehle signed an agreement guaranteed by Botswana, South Africa and Zimbabwe providing for the restoration of Moshoeshoe II as reigning monarch and for the restitution of the elected organs of government. The commission of inquiry into Moshoeshoe's dethronement was to be abandoned, all those involved in the royal coup were granted amnesty from prosecution, the political neutrality of the armed forces and public service was to be guaranteed and consultations were to be undertaken with the aim of broadening the democratic process. Moshoeshoe was restored to the throne on 25 January 1995; undertaking not to interfere in politics and Letsie took the title of crown Prince. In 1995 government representatives and military officials from Lesotho met with their

counterparts from Botswana, South Africa and Zimbabwe to discuss progress in the restoration of constitutional order in Lesotho. The conference examined the recommendations of the commission of enquiry into the army mutiny of 1994. These included a streamlining of existing forces, a clearer definition of their functions and improved training. The leaders also adopted a diplomatic approach by condemning the coup and threatening economic sanctions unless the legitimate government was restored. After several deliberations, with South Africa putting more pressure, threats and military demonstration by South Africa on the border, agreement was reached early in September to restore Mokhehle's government. A memorandum of understanding was drawn up, whereby troika became the guarantors of Lesotho's democracy.[79]

The process and outcome of the 1998 election was not fundamentally dissimilar from that of 1993 except in respect of the following:

- An Independent Electoral Commission (IEC) administered the election.
- The number of constituencies was further increased from 65 to 80 and this meant reconstruction of the constituencies and another rigorous process of constituency delimitation.
- Voting age was brought down from 21 to 18 and this meant an increased challenge for voter information and education, and increase in the voting population. This in turn raised the anxiety of political parties as each prepared to capture the decisive youth vote.[80]

[78] Ibid…

[79] See Mathoma, PT, 1999/2000 South Africa and Lesotho. Sovereign independence or a tenth province. In: South African Yearbook of International Affairs. Johannesburg: SAIIA.

[80] Lodge, T., Kadima, D. and Pottie, D. 2002 Compendium of Elections in Southern Africa. Johannesburg: EISA.

Table 4.2 General Elections for the National Assembly, 1998

Party	No. of Votes	Percentage	No. of seats
LCD	355 049	60.7	79
BNP	143 073	24.5	1
BCP	61 793	10.5	0
MFP	7 460	1.3	0
Total	584 740	100.0	79

Source: Independent Electoral Commission (IEC), Provisional Results, May 27, 1998.

The 1998 election resulted in one-party rule with all the implications for legitimacy, representativeness and inclusiveness. The ruling Lesotho Congress of Democracy (LCD) won 61% of votes but secured 79 seats out of 80 parliamentary seats. The BNP won 25% of votes but secured only one seat in the National Assembly while the MFP received about 1% of the votes but not even a single seat in Parliament. The Lesotho Independent Electoral Commission (IEC) and International observers declared the election process and its outcome more or less free and fair. The main opposition party felt cheated and the other parties felt excluded by the system. The opposition parties vented their anger in the street for they had no room in Parliament to challenge the ruling party. The alliance managed to intensify its mass mobilisation campaign by calling for an indefinite stay away until the government is in the hands of the people. After weeks of encampment outside the palace, the alliance strengthened its calls for the resignation of Prime Minister Pakalitha Mosisili (Mokhehle had retired after the elections) and his cabinet, and the formation of a government of national unity to steer country towards another election. They also urged King Letsie III to pronounce royal coup once again and dissolve government just as he had done in 1994. Political tensions rose and Lesotho teetered on the brink of civil war. Protestors locked gates of parliament and warned anyone tampering with the lock they did so at their peril. They went from door to door in

government buildings and commercial offices, ordering civil servants and staff to leave. Demonstrators also forced the Lesotho bank to close its doors.[81]

As internal efforts by various non-governmental organisations (NGOs) failed to bring the belligerent parties to the negotiations, external forces got increasingly involved. South Africa tried to resolve the dispute by sending a delegation to Maseru, made up of Mbeki, Nzo and Modise. A commission of inquiry comprising legal experts from Botswana, South Africa and Zimbabwe headed by Pius Langa of South African Constitutional Court was established. The main mandate of the Commision was to investigate allegations of irregularities during the election and make appropriate recommendations. The work of the commission proceeded at a very slow pace and the conflict kept escalating. When the Langa Commission came out on 17 September 1998, its substance and recommendations only hardened positions of the belligerent parties in that it was too ambivalent and inconclusive. It provided both sides with sufficient political missiles to fan the conflict more and more. Given its vagueness and inconclusiveness, the Langa Report provided another recipe for the escalation of the conflict. The military were drawn into a general conflagration that nearly sparked a civil war in Lesotho. [82]

4.5 South African military intervention

In responding to the deteriorating situation in Lesotho, at 6h30 South African time on Tuesday, 22 September 1998, 600 troops crossed the border into Lesotho in an armed intervention designed to quell the unrest in Maseru and purported mutiny of junior officers in the Lesotho army. This followed an appeal from the Prime Minister, Pakalitha Mosilili that his elected government was in danger of being overthrown by a creeping military coup. He asked help from SADC in general and South Africa in particular. The basis of Mosilili's appeal was based on troika agreement that they will condemn all the unconstitutional change of democratically elected government. Lesotho's plea came by chance, when Mandela, Mbeki and Nzo were all out of the country in different parts of

[81] 'Lesotho coup in the offing', BBC News, 16 September 1998, http://news.bbc.co.uk

the world. Buthelezi an acting president at the time consulted by telephone all major figures abroad and the Botswana and Zimbabwe governments. The probability is that the decision would have been the same, whoever had made it, but the absence of the three major figures when the crisis reached its boiling point, presented an image of poor intelligence, weak-co-ordination and indifference to regional problems within government as the senior figures in the Department of Foreign Affairs learned of the intervention on their radios. That was the beginning of peace enforcement by SADC operation in an effort to deal with the security situation in the mountain kingdom of Lesotho. The military intervention was called Operation Boleas. Although it was said to be a combined military task force, consisting of the South African National Defence Force (SANDF) and the Botswana Defence Force (BDF), it was until nightfall on 22 September that approximately 200 Botswana troops arrived in Maseru.[83]

The mission of the combined task force was to intervene militarily in Lesotho to prevent any further anarchy and to create a stable environment for the restoration of law and order. The battle concept was described as the deployment of forces in order to locate and identify destabilisers, disarm, contain and strike where applicable with the necessary force to eliminate the threat. The two main objectives of the operation were:

- To create a stable environment in Lesotho; and
- To restore law and order to enable negotiations to take place between the political parties in Lesotho.

Although South African government was strongly criticised as invading Lesotho, it insisted that military intervention did not constitute an invasion. The decision was based and justified by the fact that SADC was directly approached by the Prime Minister of Lesotho, Pakalithi Mosilili requested intervention on the basis that the intervention was based on agreements reached in SADC, that all attempts at peacefully resolving the dispute had failed, and that South Africa had intervened to protect certain interests such

[82] Lodge, T., Kadima, D. and Pottie, D. Op cit…

[83] Communitas South Africans botch military intervention in Lesotho.

as the Katse Dam water scheme. In addition, the Lesotho government was democratically elected, despite certain irregularities during the election process and that it was increasingly required of South Africa to play a role in regional peacekeeping efforts. Furthermore, it was stated that the decision had notified ambitions elements in the military forces in the region that in no member state would the political aspirations of any military faction be tolerated, and that South Africa's commitment to the development of the region.[84]

From South Africa's point of view, it was not just a simple and insignificant operation in a small neighbouring state, it was a dramatic event and a milestone for the new South Africa. It was the first time that the post apartheid government ever deployed troops on foreign soil in a conflict situation. By doing so it changed its relationship with Lesotho and the region. However, South African troops were expecting no resistance as a results they were lightly armed and arrived handing out leaflets, which said they had come to prevent anarchy and to help restore order. Those expectations proved wrong as they met armed resistance from elements of Lesotho army and order collapsed in the main towns, as mobs looted and burnt shops and offices. The violence and infighting claimed more than 100 soldiers and civilians were killed including eight South African troops. Pretoria responded by sending reinforcements with heavier arms. Eventually up to 4,000 South African troops were deployed and they soon restored order. A political settlement followed whereby an interim political authority was installed to oversee affairs until the elections were held within 15 to 18 months. South Africa troops remained in Mountainous Kingdom until the end of 1998. [85]

[84] Barber, J. 2004 Mandela's World. The International Dimension of South Africa's Political Revolution 1990-99. Oxford: James Currey LTD.

[85] Ibid…

4.6 Media reaction

The other important point is the fact that the operation was conducted in the full glare of the media. The result of the operation was described in journalistic terms as a loss of innocence as it announced the arrival of different South Africa. Moreover, a heated debate had been heard eliciting a variety of viewpoints from reporters, analysts and government spokesperson on the appropriateness of SADC'S intervention in Lesotho.

As far as media reports were concerned, the intervention operation in Lesotho became South Africa's school of hand knocks, especially in light of the higher than expected rate of casualties. Newspaper headlines referred to Operation Boleas as 'the incursion that went wrong', 'fearful milestone for South Africa', 'South Africans botch military intervention in Lesotho', 'South African peace efforts look more like war' and 'SANDF blunder'. Moreover, as arson and looting in Maseru resulted in several deaths, the effect of the operation was described as a city mined by bungled intervention. The reports reflected and typified the general attitude of a large part of the media. These are some of the reports made by political commentators:

'Their peacekeeping operation in shambles, South African military leaders gave their troops shoot-to-kill orders yesterday to suppress mutineers in Lesotho, where looters and arsonists rampaged through the capital'.[86]

'They achieved the exact opposite. Moving in against fierce resistance, with poor information from their intelligence apparatus, they failed to secure their objectives timeously, and stood by while the Basotho basically looted and burnt down their own capital. The major causes of this failure were due to a lack of intelligence as the situation on the ground, and the fact that they were understrength militarily for an operation of this nature'.[87]

[86] 'South African peace efforts look like war', The Machigan Daily, 24 September 1998.

Dr Theo Neethling in his article ' Military Intervention in Lesotho: Perspectives on Operation Boleas and Beyond' quotes some of the reports reflecting general bias on the side of the media:

'Burning and smoldering buildings, indiscriminate and unchecked arson and looting. At least 66 people killed. A once thriving city practically destroyed. These were costs of this week's SA-led peace keeping mission to Lesotho following almost two months of protests by opposition parties against the results of the mountain kingdom's May elections. During those weeks, the opposition loudly proclaims only five people were killed and not a single window was broken. Anyone present in Lesotho this week would have found it difficult to argue with that point of view. The situation was rich in irony, however well intentioned and legally correct Tuesday's dawn incursion by 600 SANDF troops may have been. Its legal correctness is under dispute, as is the motive behind what is variously described as an invasion, incursion or intervention depending upon to whom one speaks,' and 'Apartheid South Africa had a history of being cruel and arrogant towards Lesotho that very few people outside Lesotho ever heard of…They (our neighbours) maintain that the new South Africa is a very bit arrogant towards them as the old South Africa was…The real damage has been done at home. Mistakes that cost money can be explained away. Mistakes that send boys in body bags demand straight answers. We need some assurance that they will not happen again.'

The SANDF was also heavily criticised for what was perceived as severely underestimating its task against mutinous LDF. One reporter potrayed the general outlook as follows. 'The South African forces were also dangerously understrength, more than likely because of poor intelligence about the level of resistance anticipated, and entered the country prepared for a best-case rather than a worst-case scenario. So instead of securing the capital and preserving peace and stability, as was the mission's intention. SANDF troops became tied up in a protracted battle with mutineers, giving opposition supporters the opportunity to plunder, loot and burn the city center.' Another reporter presented the following view;

[87] Communitas op.cit

‘Before entering Lesotho, South Africa should have rattled more sabres and if then decided that intervention was unavoidable, it should have gone in with enough force to keep casualties to a minimum and prevent the widespread rioting that destroyed the Maseru city centre. Militarily, the operation was bungled due to poor intelligence about likely level of resistance, inexperience and a lack of co-ordination with the Botswana forces which arrived a day later’.

In its media statement, the South African Council of Churches (SACC) expressed deep dismay over South African military intervention. in Lesotho. SACC said such act ca not contribute towards a peaceful settlement of deep divisions within that nation. They further said the act denied the basic premise upon which our own democratic nation was founded, the principle of negotiated settlement and peaceful resolution of differences by the parties concerned without any dominating intrusion outside forces. The act denied the independent statehood of Lesotho and constituted an invasion of that nation on the part of South Africa. (SACC Media Statement: 22 September 1998)

4.7 Government response

It became clear that the media played a pivotal role in interpreting news and events in respect of Operation Boleas. Then the tag of war began as predicted between government spokespersons and media in trying to respond to the aforementioned reports. The media establishment was challenged for its perceived inaccurate or biased reporting on the operation. A legal advisor in the office of president in South Africa, Fink Haysom blamed the media for its blindness to the values and sacrifices behind the Lesotho intervention as a result of an unprofessional rush to fashionable and superficial judgement. Furthermore, the late presidential spokesperson Parks Mankahlana, publicly claimed the following:
“The candidness of our government does not deserve to be rewarded with verbal abuse and disingenuous disregard for facts as we saw…neither should it legitimize sloppy comment and lackadaisical appraisal of what we believe most South Africans regard to be serious national and international developments. Perceived executive errors do not give licence to the prostitution of the truth or the manipulation of fears of an impending

apocalypse or even conventional stereotypes about government on the African continent as understood by cynics and detractors of both our government and everything that is African. We all depend on them (the media) to know what is happening in the country and the world. There is therefore an obligation on the part of the media not only to report accurately, but to offer informed comment as well. True, the media has an entertainment role, but entertainment of the opponents of the government cannot happen at the expense of decent comment."[88]

Former President Nelson Mandela also defended South Africa's military intervention in Lesotho. He said it was necessary to restore stability to the Kingdom, which has been gripped by unrest since general elections in May-elections, which the opposition said, were rigged. He said that to ensure peace and stability, the Basotho [the people of Lesotho] themselves can sit down and explore a political solution.
Zimbabwean President Robert Mugabe also supported Mandela as they were all part of the troika agreement (BBC News: 24 September 1998). On the other hand the opposition spokesperson of BNP said against a background of gunfire, the intervention would be unpopular with the majority of the population. She further stated that Mandela sent troops to butcher Basotho people. She further that the intervention was a reversal of South African foreign policy. Mandela refused to send troops to the Congo to prop up the regime of Laurent Kabila. She argued that there are no other SADC troops that have taken part in the operation apart from 300 Botswana who joined the South African troops (Talbot: 1998: 2).

The Deputy Minister of Foreign Affairs Aziz Pahad made his statement in parliament on 3 November to justify the intervention. Pahad said on 22 September 1998, Acting President Buthelezi informed Parliament about the SADC intervention in Lesotho. He admitted that from some sectors of the opposition and media there was a barrage of criticism. He said that was understandable because the individuals and media were responding from ignorance, lack of information or simply political opportunism. He also

[88] Neethling, T. 1999 Military Intervention in Lesotho: Perspectives on Operation Boleas and Beyond. The Online Journal of Peace and Conflict Resolution. [Online] Available from www.trinstitute.org/ojpcr.

denied the allegations that the SANDF had embarked on an orgy of rape, murder and looting and the prediction of long drawn-out guerilla warfare and the destruction of all possibilities of finding a political solution. He then praised South African intervention by saying, "I am happy to inform the Parliament that within weeks of SADC intervention and despite the prophets of doom and gloom, the Lesotho Parliament has passed the Interim Political Authority Bill. In terms of this Bill an Interim Authority, composed of two members each of the twelve political parties will be established to prepare for the holding of general elections within a period of eighteen months. Its mandate will be to review the electoral code and promote conditions conducive for holding free and fair elections and the levelling of the playing fields for all political parties and candidates. This Bill is a triumph for stability and democracy and it confirmed our view that unless the coup in Lesotho was ended and the security situation normalised, it would be impossible to deal with the political problems. In welcoming this development we must express our congratulations to the Lesotho Government and opposition parties. We must also acknowledge the important role played by the SADC facilitating team led by Minister Mufumadi and the invaluable role of the SADC interventionist forces" (The Department of Foreign Affairs, Cape Town, 3 November 1998).

4.8 Was Operation Boleas a legal intervention?

There has been much confusion within the South African government, SADC and among many political commentators about the South African and Botswana government's legal mandate to intervene in Lesotho. Some analysts argued that it was not legal whereas the others argued that it was legal. In his article Southall, argues that the intervention does not seem to have been founded on sound international legal ground. South Africa/SADC cannot be faulted for helping a legitimate government recently elected, which requested assistance. However, this does not have sufficient grounds to validate a military intervention. On the other hand SADC's argument is based on two principles. First, the South Africa, Botswana, Zimbabwe guarantee of Lesotho's stability forged in 1994. Second, SADC'S own inter-state security arrangements particularly Article 5 of the

protocol on politics, defence and security. This protocol permits intervention where there is a large scale evidence between sections of the population or between armed or paramilitary forces and sections of the population, if the legitimate authority of the government, or if any crisis could threaten the peace and security of other states. However, neither of these instruments was formally ratified.[89]

One of the greatest difficulties pertaining to Operation Boleas was clearly its political justification from regional perspective. Much confusion surrounded the modalities for security co-operation under the auspices of SADC. SADC became the focus of international attention when Angola, Zimbabwe and Namibia decided to take part in an intervention operation in DRC on August 1998. This decision was based on the requests made by the late President Laurent Kabila for military assistance after DRC joined SADC in 1997. South Africa specifically emphasised the need for a peaceful solution and declined to send troops. The South African decision eventually proved to be wise, since Rwanda and Uganda decided to engage in the conflict in support of the rebel movement, while Chad and Sudan were subsequently in to fight on the side of Kabila.[90]

On 31 August, the UN Security Council issued a statement calling for a cease-fire in the DRC, the withdrawal of all foreign forces, and opening of political dialogue towards national reconciliation. The statement also repeated an earlier call for an international conference on peace, security and development in the region, to hold under the auspices of the UN and the OAU. However, on 13 and 14 September 1998 at the 18th SADC Summit held in Mauritius the SADC Heads of State and Government welcomed the initiatives by SADC and its member states intended to assist in the restoration of peace, security and stability in the DRC.

In September 1998, shortly after Kabila's request for assistance, South Africa and Botswana intervened in Lesotho in trying to assist the Lesotho government in restoring

[89] 'A cleanly conducted, successful operation might have avoided objections on the international legal grounds. But the operation is a mess and now governments in the region must deal with consequences'. See Southall R. Op. cit. p.6

law and order following the election-related unrest. The undertaking was labelled as a SADC force in name after a series of phone calls between the relevant heads of state. The intervention was immediately questioned as some observers claimed that the operation went beyond existence in international law as only the point that South Africa had intervened to protect certain South African interests, such as Katse dam would seem to have clear existence in international law. It was also specifically pointed out that there were no clear guidelines on the part of SADC regarding military responses to internal conflicts in SADC member countries.[91]

South African Acting President at that time Mangosuthu Buthelezi said the political mandate of the SANDF and BDF was to restore stability in Lesotho. The mandate had three components, to restore order in security establishment, to secure the Katse dam and clear protesters from the Royal Palace, but the Operation Boleas confiscated the entire LDF armouny, thus literally disbanding the Lesotho army. It is this reason that many commentators argued that in doing so South African government has exceeded its mandate and was threatening the sovereignty of Lesotho.

Article 2.4 of the UN Charter stipulates that member states of the United Nations may not use or threaten force against another member states. However, there are three exceptions to this rule in the UN Charter. First, article 51 of the UN Charter provides for the right to self-defence only against an armed attack, not a coup or an act of force short of an armed attack. Second, the UN Security Council may authorise use of force and the third exception is that it may authorise a regional organisation to use force.[92] Unfortunately none of these three exceptions applied in the case of Lesotho. The legal debate around the question of whether the intervention was use of force against a state or something less than the use of force as defined in international law. South African government responded to a call by the Lesotho government to intervene in the country legitimises the action. Although they disagree with the manner in which South Africa intervened in

[90] Ibid…

[91] Neethling, T. Op.cit…

Lesotho, it is undeniable that Lesotho citizens were looking to the outside world for help at the time.[93]

There are various reasons that necessitated South Africa's intervention in Lesotho. First, the 1994 SADC Memorandum of Understanding in terms of which the democratically-elected government of Prime Minister Mokhehle was reinstated after the 17 August 1994 royal coup by King Letsie III. Under this agreement, South Africa, Botswana and Zimbabwe became guarantors of democracy, peace and stability in Lesotho. Second, the Kingdom of Lesotho is completely surrounded by South Africa, on which it is entirely dependent economically. Third, as chairperson of SADC, South Africa was obliged to uphold the organisation's principles, particularly those calling for securing human rights, democracy and the rule of law. Finally, some analysts claim that national interests in Lesotho, in the form of the Highlands Water Project also drove South Africa. South Africa has invested billions of rands in this project, and political or a military coup would have jeopardised the flow of water to Gauteng, the economic heartland of South Africa.[94]

4.9 South African foreign policy towards Lesotho crisis

The intervention was handled in a way that made post-apartheid South Africa appear little better than its apartheid predecessor. South Africa's perceived new economic hegemony had already invited a growing resentment throughout the region. Now there was a danger that South Africa will be seen to be throwing its military weight around. The intervention also showed an inconsistency in South Africa's apartheid policy. It was promoted as a programme based on principle rather than pragmatism with human rights and peace making at the front. When South Africa protested the extension of military

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[92] See United Nations Charter, Available from www.un.org

[93] Lambrechts, K. ed 1999 Crisis in Lesotho. The Challenge of Managing Conflict in Southern Africa. FGD African Dialogue series No2. Johannesburg: Foundation for Global Dialogue.

[94] Hence, South Africa was forced to head Mosisili's call for military intervention either to forestall a coup or to return Lesotho to normality, and to make it possible the resumption of political negotiations to break the impasse. Mathoma, P.T. 1999/200 South Africa and Lesotho-Independence or a tenth Province. In: SA Yearbook of International Affairs. Johannesburg: SAIIA.pp 71-77.

support by other SADC countries to the dubiously democratic regime of Kabila in the DR Congo. It earned praise on moral and logical grounds. In contrast the armed intervention to impose a political solution in Lesotho has rightly aroused concern.[95]

Southall further argues that Lesotho intervention was a typical case where countries used the pretext of international organisations to further their own interests. South Africa's intervention in Lesotho was viewed as a response to the power politics being played out between Presidents Mugabe, chairperson of the SADC Organ on Politics, Defence and Security and Mandela, chairperson of SADC. This tension stemmed partly from Zimbabwe's view that South Africa was becoming a threat to its political stance in the region since it joined SADC in 1992. This resulted in a tussle at the SADC level between Nelson Mandela and Robert Mugabe over the leadership of SADC Organ on Politics, Defence and Security and its relationship with the entire SADC structure. Lesotho case was seen as a victim of the tussle between two hegemonic forces in Southern Africa.[96]

It is also argued that South Africa's intervention in Lesotho represented a paradigm change from Mandela to the Mbeki era. The negotiated and political solution to the DRC crisis advocated by President Mandela differed greatly from the military response to the Lesotho crisis, managed mainly by the office of the deputy president. Furthermore, it was before 1999, where Mbeki was to take over and was expected to have gained necessary experience to implement new people-centred security concerns in the Southern African region, which are reflected in most South African policy documents on peace operations, arms trade and regional security. It also claimed that the intervention was driven more by material interest than political and humanitarian imperatives. When the South African government declared that it would not send military reinforcements to the Kabila government along with Zimbabwe, Angola and Namibia, it claimed that its position was based on principle. When it went into Lesotho with Botswana it also claimed that its decision was based on principle. The principle appear to contradict each other, indicating

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[95] Southall, R. op.cit...

that its benefit was rather based on pragmatic cost benefit considerations in addition o strategic and economic interest calculations.[97]

The intervention also led to the question of who was in charge of South Africa's foreign policy. Numerous critics pointed out that neither Mandela nor Mbeki were in the country at the time. However, Acting President Mangosuthu Buthelezi consulted both Mandela and Mbeki before sending South African troops to Lesotho. The role if any played by the department of foreign affairs remained unclear, beyond post-justification by Deputy Foreign Minister Aziz Pahad. He stated that Botswana, Zimbabwe and South Africa were mandated to act on behalf of SADC to restore the democratically elected government. After intensive negotiations and threat of military intervention by SADC forces, the democratically elected government was restored to power and soldiers returned to their barracks.[98]

4.10 Lessons Learnt

There are number of lessons that have been drawn during Lesotho military intervention. South Africa learned on a very hard way in Lesotho and had to change the way it engaged itself in other African countries including Burundi. First, Pretoria promoted the diplomatic engagements in resolving conflicts than military intervention. This was caused by the fact that the military intervention in Lesotho was strongly condemned because it led to a number of casualties. Second, the intelligence was blamed in Lesotho for underestimating the extent of the crisis, which resulted into violence, and looting. The commander of the operation Colonel Robbie Hartsfield even conceded that he had led the troops into Lesotho on the basis of poor or even false information. He further acknowledged that they had inadequate knowledge of the political situation, of the strength and disposition of the Lesotho troops, and the Lesotho people. They crossed the

[96] Ibid…

[97] Ibid…

[98] Statement by the Deputy Minister of Foreign Affairs, Mr Aziz Pahad, to the National Assembly, 2 November 1998.

borders believing that the vast majority of the population would welcome them and that there would be little or no resistance from Lesotho forces.

Due to what happened in Lesotho, a number of lessons were learnt from the Operation Boleas could improve the performance of the SANDF and also other Southern African forces in future operations. These lessons include the following: First, the parameters of possible future intervention operations needed to be clarified in terms of South Africa's foreign policy. Second, the degree of resistance of armed soldiers, in particular those who are not commanded by a formal structure should never be underestimated. Third, intervention operations should be conducted with an outlook approach of expecting the worst under hostile conditions and should move on a continuum from enforcement action towards a peacekeeping role. Fourth, planning for future intervention operations needs to address all foreseeable contingencies and successful operation is possible only when an appropriate plan exists, covering all possible aspects of the anticipated action and response. In the event where no contingency plan exists, enough time must be allowed for the full spectrum of deployment drills. Fifth, military staff who understands intervention operations or rapid deployment under hostile circumstances needs to be in control. Sixth, the challenge of interoperability and the deployment of the SANDF in a combined or regional force need to receive continuous attention at all relevant levels. Seventh, military intelligence resources should be deployed prior to intervention to provide real time and timely intelligence during execution and the personnel should be trained and skilled to execute their functions under hostile conditions. Eighth, communication with the media and other relevant role players such as local population is a critical factor if intervention operations are to be successfully conducted. Ninth, mandate for intervention operations should provide for all possible collateral incidents, such as looting and arson and the necessary powers for example powers of arrest to deal with such incidents should be provided. Last, the entrance into an area of conflict should be preceded by a sound assessment of the situation. All the decision-makers must be provided with a thorough evaluation of the nature of conflict, prospects for a political solution to the conflict, the

extent to which military intervention will facilitate conflict resolution and the political objectives of the intervention.[99]

4.11 Conclusion

In assessing these events in Lesotho, it has been concluded that increasing poverty and economic dependence on South Africa has compounded these struggles. These struggles have led to severe competition for access to state resources, particularly ministerial and senior management positions in government, parastatal, army and other institutions. The result has been interminable challenges to the legitimacy of the government in Lesotho. It is this reason that Mathoma (1999) argues that every time a faction of the political elite has lost the election in the past it would claim that the election was rigged and then call for the monarchy and the military, which would become immediate allies in its attempt to win what it could not in the election as this was the case in 1965, 1970, 1990, 1993 and 1998. It was no surprise therefore that the 1998 political crisis in Lesotho sparked off by the opposition alliance's challenge to the legitimacy of the 1998 elections

This chapter has critically analysed the perspectives, views and lessons learnt during Lesotho intervention. It has clearly discussed how South Africa was criticised by political analysts and media for its foreign policy decision making to intervene in Lesotho conflict. Some of the reasons for its criticism were the understrength military and poor intelligence that led to a number of casualties. Second, the damage caused by the intervention was enormous and it took some years to make recovery. It was also recommended that South Africa should become involved in traditional peace keeping operations in Africa, rather than peace enforcement operations. Third, a structure needed to be established at SADC level to decide on the form and mandate of peacekeeping operations in the region. South Africa has also learned some lessons in dealing with the issue of Lesotho. First, South Africa's foreign policy principles proved to be ambiguous, and/or to clash with other principles and interest. For example the sovereignty was an issue in the Lesotho case, where principle of non-interference in the internal affairs of another state clashed with the

[99] Neethling 2000: 1─12 Op cit…

principle of upholding democracy. Further, while Pretoria claimed it was intervening in Lesotho under SADC's banner, critics accused it of pursuing its ambition to absorb Lesotho and to protect its interests and investments there. Second, the military intervention in Lesotho also revealed internal differences within the foreign policy makers. At the time of the intervention a draft white paper on South Africa's contribution to international peace mission was in its final stages of wide ranging discussion within the government. The paper recommended a diplomatic approach, with the emphasis on peace making and keeping, rather than peace enforcements by military means. Yet, Lesotho was an example of the latter. Third, the case of Lesotho further obliged the government to recognise that its self-perception and its espoused values were not necessarily shared by others. In South Africa's view it had acted benignly to preserve Lesotho's democracy and a legitimate government within the terms of SADC remit, and the request of the legitimate government. However, the critics inside and outside Lesotho, who accused Pretoria of harbouring and bullying hegemonic ambitions, challenged the perception. Last, the South African government failed to appreciate the importance of sound intelligence and planning prior the action. This followed the campaign Lieutenant General Deon Ferreira claimed that the intervention had been badly planned and initially inadequately equipped and armed. After these challenges and recommendations on South Africa's foreign policy with regard to conflict resolution in Africa, Pretoria seemed to have learnt some lessons in Lesotho crises. It should also be borne in mind that it was Pretoria's first peace operations after the apartheid government. It is this reason that the next chapter will look at the Burundi conflict to appraise South Africa's conduct in Bujumbura's conflict.

CHAPTER FIVE

5. SOUTH AFRICA'S MEDIATION EFFORTS IN BURUNDI

5.1 Introduction

South Africa's intervention in Lesotho was strongly criticised by a number of commentators and analysts. Through this experience South Africa learned some lessons in a very hard way. It is argued that the South Africa's foreign policy also shifted and South Africa engaged itself more on constructive engagement with contrast to the peace enforcements. Drawing from the lessons and experience from Lesotho that has been discussed in the previous chapter, it was clear that South Africa had to use another strategy when dealing with other conflicts in Africa to avoid the mistakes that occurred in Maseru. This chapter examines how Pretoria conducted itself during mediation efforts in Bujumbura by making a comparative analysis with Lesotho.

5.2 Political and economic overview of Burundi

Like Lesotho, the Republic of Burundi is a land-locked country lying on the Eastern Shore of Lake Tanganyika in Central Africa, a little south of Equator. Rwanda borders it to the north, by Tanzania to the south and east, and by the Democratic Republic of Congo to the west. The climate is hot and humid in the low lands and cool in the highlands with an irregular rainfall. The population is composed of three ethnic groups: the Hutu 85%, the Tutsi 14% and the Twa 1%. The official languages are French and Kirundi, while Swahili is used in addition to French in commercial circles. More than 65% of Burundians are Christians and being Roman Catholics. Large minority still adheres to traditional animist beliefs. The national flag consists of a white diagonal cross on a

background of red (above and below) and green (hoist and fly) with a white circle, containing three green-edged red stars in the center. The capital town is Bujumbura.[100] Burundi is a resource-poor country with an underdeveloped manufacturing sector. The economy is mainly agricultural, with roughly 90% of the population dependent on subsistence agriculture. Its economic health depends on the coffee crop, which accounts for 50% of exports and 80% of foreign exchange earnings. Therefore, the ability to pay for imports rests largely on the climate and the international coffee market. A combination of flood and insect infestation led to severe drop in coffee production in 2003, which resulted in approximately a 20% loss of revenues from those of the previous year. In 2002, food accounted for 9.4% of imports. The Food and Agriculture Organisation (FAO) reported that the number of households receiving agricultural assistance had risen from 103,300 in 1999 to 210,000 in 2004 and would probably reach 250,000 in the near term. Burundi's high transport costs and distance from the sea weigh down industrial development. As has been the case with Lesotho, Burundi's economy has been strongly affected by conflict. The economy has been stagnant over the past few years because of the ongoing violence.[101]

[100] See Gregory Mthembu Salter, Burundi: Pain staking Progress In: *South African Yearbook of International Affairs 2001/02*

Gregory M.S. Ibid…PP.145-150

[101] Giralt, N. 2004/05 Central Africa: A Review of the Region. In: *South African Yearbook of International Affairs. Johannesburg: SAIIA.*

Table 5.1: BURUNDI: Basic indicators

Population (2003)	6.1 million
Birth rate (2003) (per 1,000 population)	39.7
Death rate (2003) (per 1,000 population)	17.8
HIV/Aids infection rate (2001) (% of adult population)	8.3
GDP (2002) (billion)	$3.8
GDP per person (2002)	$600
Real annual GDP growth rate (2002) (%)	2.1
Health expenditure (2000) (% of GDP)	3.2
HDI ranking (2003)	171 out of 177

Sources: CIA World Fact Book 2003, World Bank, World Development Indicators 2003;and UN Development Programme, Human Development Report, 2003.

5.3 Background to the conflict

The modern day political instability can be traced back to 1993 when a democratically elected President Melchior Ndadaye who was a Hutu and six other senior government officials from Front For Democracy in Burundi (FRODEBU) were assassinated during an attempted coup conducted by the military. This sparked tension within the country, which led to mass killings of population from both sides of the societal divide. These years of armed conflict have turned Burundi into an open theatre for the illicit arms trade, whose lethality has made almost every citizen a victim. In the aftermath of the death of Ndadaye fighting, mainly between Hutu rebels and the military, which were dominated by Tutsis, caused many deaths and rendered large areas of the country unsafe. Although, Hutus are demographically dominant, but often see themselves as vulnerable to the political and military power of the Tutsis. On the other hand, many Tutsis consider themselves part of a threatened minority. The ethnic strife has made all Burundians a target for violence,

with many fleeing to avoid fighting. These internally displaced persons are frequently viewed as dangerous by opposing group.[102]

However, as is case with Lesotho, the deeper roots of Burundi's crises lie in divisions, which pre-date the colonial period and which, were exacerbated under colonialism. In addition, the shape of contemporary politics owes much to a counter-revolutionary reaction to events that took place in neighbouring Rwanda at independence in 1962. Sporadic social conflicts between the Hutus and Tutsis of Burundi started way back in 1962 and intensified in 1972, 1988 and 1993. These resulted in the formation of Hutu militia groups such as Palipehutu-FNL, The National Liberation Front (FROLINA), and *Consiel National pour La defense de la democratie-Forces pour la defense de la democratie* (CNDD-FDD).[103] In previous years the government had been dominated by Tutsis who are not even half of the Hutus. Some other leaders of Hutus were also assassinated and were never allowed to participate in government. The military force and other strategic positions have been dominated by Tutsis. On 6 April 1994 Ndadaye's successor to the presidency, Cyprien Ntaryamira was killed when the plane he was travelling in with the Rwandan President Habyarimana, crashed after being hit by the rocket attack while approaching Kigali airport on 6 April 1994. The perpetrators of the attack were unknown, but their actions precipitated an agony of violence in Rwanda which made previous massacres in the Great Lakes pale into significance. In accordance with the constitution, Sylvestre Ntibantunganya was named interim president. Although Burundi's politics is so often reduced in analytical shorthand to being centred on ethnicity is far from absolute. However, one can not overlook the issue of ethnicity, as there is still the importance of Hutu-ness or Tutsi-ness. The colonial and post-colonial political economy upon Burundi's socio-democratic composition, had encouraged the ethnicity as a form of political identification rather than more unambiguously promoting an overarching sense of national identity and shared citizenship. [104]

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[102] See Bently, K.A. and Southall, R. 2005 *An African Peace Process Mandela, South Africa and Burundi.* Cape Town: HSRC.

[103] Onekalit, C. 2005 Focus on the Great Lakes Region. In: Conflicts Trends 2/2005.Durban: ACCORD.

[104] Ibid…

During the first half of 1994 ethnic tensions increased as the armed extremist factions within Hutu and Tutsi communities attempted to establish territorial strongholds within the country. Violence continued to escalate throughout 1996, which led to successful bloodless coup that saw Pierre Buyoya reinstated as the interim president of a new transitional republic. In contrast, the Lesotho crisis was less devastating compared to the Burundi conflict. In Burundi, the civil claimed about 300 000 lives whereas in Lesotho the figure is far less than that. In March 1998 the government initiated negotiations with the national assembly that saw the national assembly and the government enter into partnership agreement that led to the adoption of a Transitional Constitutional Act, opening the door to political negotiations. A number of African statesmen have spearheaded mediation efforts to end the Burundi conflicts. The first facilitator was the former Tanzanian President Julius Nyerere until his last days, followed by Nelson Mandela, the former South African president, and former South African deputy president, Jacob Zuma.[105]

5.4 Mandela's mediation role

After Nyerere's death South Africa played a significant role in trying to resolve the conflict. Unlike in Lesotho, South Africa intervention was hijacked when Former President Nelson Mandela was chosen by the Great Lakes region leaders to replace the late Tanzanian leader Nyerere. It should be noted that at first South Africa did not have plans or rather immediate interest to voluntary take part in the conflict as it was the case with Lesotho, but because of Mandela's stature he was asked to play a leading role in bringing about peace and stability in the country. Mandela acted as chief mediator on behalf of South Africa. In choosing Mandela to replace Nyerere, regional leaders hoped to reestablish the broad-based international attention to Burundi that had faded during the interminable debates about sanctions and the standing of Nyerere's mediation. At the same time, Mandela had sufficient regional legitimacy and leverage to sustain the continuity of an African process. Mandela's regional anchor was critical from outset in

light of the Burundian government's bid for South African mediation as means to circumvent the region, particularly Tanzania. Mandela's mediation was an opportunity for external actors to assert more control over the mediation since previously the international community unquestioningly allowed Nyerere to handle the Burundi peace process and disregarded the Burundi government's reservations toward him.

In January 2000 negotiations resumed and Mandela chaired those negotiations. From the beginning, Mandela signaled a departure from Nyerere on the CNDD-FDD participation in the negotiations: "We cannot sideline anybody who can create instability in the country and so we must find ways of accommodating them in these discussions either by inviting them to join or addressing them separately. The process must be all-inclusive, otherwise there can be no guarantee that the armed groups on the ground, even if it is unanimous, will respect the decision of 18 parties. Please join the modern world. Why do you allow yourselves to be regarded as leaders without talent, leaders without vision? Why are you lagging behind? When people in the West hear about the daily killings and massacres they say "Africans are still barbarians, no human being could do what they are doing. The fact that women, children and the aged are being slaughtered every day is an indictment against all of you".[106]

Mandela emphasised the issues of inclusiveness, trust and forgiveness and suggested ways to overcome some of the stumbling blocks in the negotiations. First, amnesty was key to security. Second, Hutu rebel fighters should be integrated into the army. Third, elections should not be held until everything has been discussed and settled in Arusha. Fourth, a transitional regime should not remain in place for more than five years. Lastly, property rights of returning refugees must be seriously considered. Mandela also used international prestige to refocus the attention to Burundi, mobilising international pressure to lend added weight on his efforts. As a result, on 19 January 2000, the UN, Security Council held a special meeting on Burundi that affirmed its determination to

[105] See the Europa World Year Book, 2004 Volume 1 Part One: *International Organisations Part two:Afghanistan-Jordaan, 2004*

[106] Khadiagala, G.M. 2003 Burundi. In: Boulleen, J. Dealing with Conflicts in Africa: United Nations and Regional Organisations. New York: Palgrave Macmillan.

support the Arusha peace process and underlined its concern about the worsening situation in Burundi. The Security Council went on to pass a resolution that endorsed Mandela's role, condemned violence and called on the international community to provide increased assistance to peace process. [107]

He criticised Tutsi domination of public office and urged equal representation of Hutu and Tutsi armed forces, while denouncing Hutu rebel attacks on civilians. In April 2000 Mandela visited Burundi for the first time where he met government and militia leaders. When he came back to Johannesburg, Mandela announced that Burundian president agreed to ensure equal representation of Hutu and Tutsi. In July 2000 Ndayikengurukiye a leader of the CNDD-FDD accepted invitation to participate in the peace negotiations

Salter (2002) argues that Mandela's major contribution in Burundi's peace process was the signing of Arusha peace Accord in August 2000. This paved way for transitional government, the formation of other committees, power sharing where Hutus were to be represented by 60% and Tutsis by 40% in the national government and the committees responsible for DDR process. The Arusha Accord for Peace and Reconciliation was a partial agreement designed to lock the sides into a framework from which real peace could gradually grow. Power sharing, integration of army, and transitional government for three years were the key issues in the peace accord. The transitional government was to be responsible for overseeing judicial and institutional reforms to bring about ethnic balance. The constitution would be sent to a referendum before holding general elections. Contrary to Lesotho, the Burundian government was faced with a challenge of de-mobilization, disarmament and re-integration (DDR). This meant that government had to bring the parties who were on conflict and the leaders who were in exile to take their ministerial positions. Secondly, the refugees had to come back and re-allocated to their villages where their safety would be guaranteed. The disarmament of rebels and re-integration of army dominated by Tutsis and ensure that the former cadres are part of the army. Transformation of the role of army, where it had to protect the citizens rather than

[107] Ibid…

oppressing them. This conflict had already claimed more than 300, 000 deaths. However, two rebel groups refused to sign the agreement. These were *The Counseil National pour La Defense De La Democratic forces* (CNDD FDD) and *the Forces Nationale de liberation* (FNL). Political instability prevailed throughout 2002 and it was not good for the majority of Burundians, whom more than 70% live below the poverty line. The army was successful as there were few incidents involving South African army and Burundian people.[108]

After the signings of Arusha Agreement Mandela continued to use the mixture of moral pressure, regional and international influence to negotiate transitional institutions and a cease-fire. An important institution created by the Arusha agreement is the International Monitoring Committee (IMC). Since its creation in November 2000 the IMC has helped establish commissions on political prisoners, refugee repatriation and reintegration and launched sensitisation campaigns to publicise peace accord. In conjunction to IMC's role, Mandela led negotiations for transitional institutions. After six months of fruitless talks on transitional arrangements, at regional summit of heads of state in February 2001, Mandela proposed a compromise that involved the three-year transition: a Tutsi president and Hutu vice president in the first half, followed by a Hutu president and Hutu vice president in the second half. However, there were deadlocks among parties for the candidates for these positions, and Mandela announced a compromise in July 2001 that retained Pierre Buyoya as president and a Hutu, Domitien Ndayizeye. As a consequence for this position, Mandela imposed 11 conditions on Buyoya:

- Implement all provisions of a peace agreement;
- Include representatives of all the signatory parties in the transitional government;
- Invite the international community and the region to provide troops and peacekeepers to strengthen security and protect the political leaders returning from exile;
- Reform the Tutsi-dominated army by integrating armed groups and Hutus into it;
- Co-operate fully with the UN High Commissioner for Refugees on the return of refugees to Burundi and the resettlement of internally displaced persons;
- Offer full protection to all political leaders, especially those returning from exile;

[108] Gregory M.S. Ibid…pp.145-150.

- Refrain from victimising political opponents;
- Release all political prisoners;
- Co-operate fully with IMC;
- Promptly vacate office at the end of the 18-month; and
- Make these commitments before a regional summit.

In July, Buyoya accepted these conditions before regional leaders who threatened sanctions if he violated them. When the Burundian parties were are unable to set up a special army unit of Tutsis and Hutus to protect returning exiled leaders, Mandela prevailed on the South African government to provide a 700-man force. The troops were drawn from a number of SANDF units, and included paratroopers from the 44th Parachute Brigade; medical orderliness from the SA Military Health Service; VIP protection units from SA Air Force; and signalers from Wonderboom Military Base. Headquarters personnel was made up of troops from the 43rd SA Brigade. The South African National Defence Force (SANDF) contingent was mandated to protect about 150 Burundian political leaders, who have returned from exile to participate in the country's power-sharing transitional government, which was installed on 1 November 2001. This was later followed by peacekeeping troops from Ghana, Nigeria and Senegal. This last agreement, reached at a regional summit in Pretoria in October 2001, paved the way for the inauguration of the transitional government on November 2001. Overshadowing the marked progress on transitional institutions was inability of the regional and international actors to reach cease-fire between the government and the rebels. Cease-fire negotiations that began in January 2001 have dragged on inconclusively in South Africa, the DRC, and Gabon. Mandela handed over to Zuma to play a leading role after the Arusha agreement was signed. [109]

[109] Conflict Trends, 3/200, p.32-39. Africa Confidential,31 August 2001.

5.5 Zuma's mediation efforts

Apart from Nelson Mandela, former South African Deputy President Jacob Zuma also played a pivotal role on behalf of South African government in the mediation process throughout 2002. Mandela assisted by Zuma undertook several missions in a bid to induce the rebels stepped up their attacks within Burundi, briefly occupying parts of Bujumbura in 2001. During a meeting in Pretoria in July 2001, Mandela, Zuma and Gabon's President Omar Bongo mediated the establishment of technical committees between the Burundi government and CNDD-FDD to cover the seize-fire.

Zuma then replaced Mandela as a Chief Mediator. He hosted a new series of consultations between the militia groups and Burundi government. Some militia groups did not want to participate, opposing Zuma's involvement in the cease-fire process. As it was also the case in Lesotho where other countries such as Botswana and Zimbabwe were part of the mediation efforts, Tanzania, Uganda and Gabon also took part in the mediation process in Burundi. Towards the end of 2002, further conflict erupted where the government troops slaughtered more than 170 000 civilians. This interrupted the repatriation of civilians who were from neighbouring countries such as Tanzania that had about 345 000 from Burundi. Deputy president Zuma chaired a number of negotiations and some agreements were signed by major faction groups such as CNDD-FDD led by Jean Boco Ndayikengurukiye and FNL led by Alain Mugarabona signed cease fire agreement. On 3 December 2002, following mediation from Uganda and South Africa, the government finally reached cease-fire agreement on February 2003. The AU cease-fire agreement observer mission comprising of 35 monitors from Burkina Faso, Mali, Togo and Tunisia to monitor the peace agreement. In April 2003 AU mission in Burundi (AMIB) arrived and comprised of troops from South Africa, Ethiopia and Mozambique to assist in enforcement of cease-fire between government and rebel forces. On 8 October 2003 after four days of peace discussions in Tshwane, South Africa under the mediation of Zuma and Thabo Mbeki, Ndayizaye signed an agreement with Nkurizinya on political, military and security power sharing.[110]

[110] Sidiropoulos, E., Makhubela, E, and Schroeder, *Central Africa: The Review of the Region.*P.99-100

5.6 Post conflict peace building initiatives

The post conflict peace building is multifaceted and it is normally carried out under the auspices of the UN. The purpose is to prevent conflict from resurfacing. It also helps the countries to get back into normal life and move societies to sustainable peace. One of the key components of any peace building process is DDR, which D is Disarmament, D is Demobilisation and R means Reintegration. Disarmament involves the physical removal of weapons from combatants on all sides of the conflict. In Burundi the National Commission for Demobilisation, Reinsertion and Reintegration (NCDRR) manages the process and UN Operation in Burundi oversees the programme. The weapons are taken from the combatants because it is difficult to achieve a peace process in the presence of armed movements especially combatants. Disarmament involves the dismantling of military units and transition of ex-combatants from military to civilian life. Reintegration issues in DDR involve security, reconciliation, human rights, police and judiciary reform.[111]

5.7 The DDR process

The Lesotho conflict was different to the Burundi conflict, as it did not undergo the full Disarmament, Dimobilisation and Reintegration (DDR) process. It is precisely because the extent of conflict did not really require this process. However there was integration where the Lesotho army was reintegrated into one national army bringing together some of the militants that were opposed to government. With regard to disarmament, the UN Security Council authorised United Nations Operation in Burundi (ONUB) to use all necessary means to ensure respect for the cease-fire agreements through monitoring their implementation and investigating their violations, to carry out the disarmament and demobilisation activities of the national DDR programme combatants and to continue to monitor the illegal flow of arms across the national borders. As a way of enhancing efforts for a peaceful transition period, ONUB's mandate includes the creation of security

[111] Conflict trends, 4/2001,p.42-46. Africa confidential, 8 October 2004.

conditions for the provision of humanitarian assistance and facilitating the voluntary return of refugees and internally displaced persons. It includes the contributing to the successful completion of the electoral process stipulated in the Arusha Agreement by ensuring a secure environment for free, transparent and peaceful elections. It is always important to ensure that the disarmament process is successful so as to ensure that country does go back to the war.

A progress has been made in as far as Burundi DDR programme is concerned. A multidimensional regional trust fund established by the World Bank estimated the cost of DDR programme in Burundi at US$80 million. Under this plan, the demobilised soldiers will receive salary for 18 months, payable in three tranches. The ex-soldiers may get less if their numbers surpass the estimates.[112] After the designation of the pre-assembly areas, combatants will proceed to cantonment sites, to disarmament corridors and to integration and demobilisation areas. During this entire process the government troops would return to their barracks, while their weapons are deposited armouries. Demobilisation for the new army would commence based on criteria designed by the parties to the Technical forces Agreement (TFA). Combatants who failed to meet the conditions for recruitment into the new security forces would be demobilised and handed to the National Commission for Demobilisation, Reinsertion and Reintegration (CNDRR). The NCDDR has been advanced in various ways. In April 2004 the World Bank donated US$33 million Burundi toward the establishment of a project on demobilisation, reinsertion and reintegration.

In order to accompany the demobilisation process and facilitate the transformation process of the ex-combatants, the National Programme on Demobilisation, Reinsertion and Reintegration (NPDRR) was created. This programme is mandated to study lessons learnt from similar programmes in other countries such as South Africa, Mozambique, Chad, Sierra Leone, Eritrea, Ethiopia and Rwanda. The NPDRR has three main objectives. First, demobilisation of the military and the Armed Political Parties and

[112] ' Burundi: peace process reaches critical phase with launch of DDR process.' IRIN News, Online Available from: *http://www.irinnews.org.asp? ReportID*. Accessed on 15 May 2005.

Movements (APPMs). Second, to facilitate the reinsertion of those mobilised into civilian life followed by socio-economic resources from the defence sector to the social and economic sectors. According to the NCDRR document detailing the commission's basic conditions, the assistance programme will cover four stages, namely disarmament, demobilisation, reinsertion and reintegration. On disarmament, the document spells out that the responsibility for disarmament will reside with Joint Ceasefire Commission (JCC) and ONUB. On the disarmament, the document stipulates that the ex-combatants will either present themselves voluntarily or will be identified and taken to demobilisation centres where the arms will be recovered, registered, stocked and destroyed.

The challenge to the Burundi DDR process has been the NCDRR procedure document which was general and non-conclusive on various issues such as women and child soldiers. It stated that the DDR programme would give women soldiers special attention related to their specific needs such as security (by housing separately from men in demobilisation centres) and hygiene, and offering them social-economic support that will allow them to reintegrate into society and the type, and amount of support accorded to women ex-combatants is not specified. With regard to child soldiers, the document stated that support to child soldiers will include family reunification with parents or guardians, social-psychological support to the traumatised, facilitation of access to education, and recreation in their communities of reintegration, while those over the age of 15 will be given professional training. Concerning the disarmament of the defence militia and armed civilians, the disarmament programme will target the government defence militia, *gardiens de la paix (*often composed of mainly youth militia), and civilians. For ordinary civilians in possession of arms, the transitional government intends to create a special fund that will support an arms collection programme that will encourage civilians to hand in their weapons. This was supposed to be a voluntary arrangement, where those who prefer to keep their arms would be obliged to obtain permits, so that the government is able to record and keep records of who possesses what types of weapons. [113]

[113]Alusala Nelson, *Disarmament and Transition in Burundi: How Soon?* ISS Paper No 97, January 2005.

The DDR process in Burundi as proposed by the NCDDR, has been set to run for four years, with two objectives. First, the programme will focus mainly on demobilisation and integration. Second, it will gradually reduce its integration process to coincide with a time frame of four years. The reality is that the DDR process may take more than four years as human growth and development take time. Societies also do not heal immediately, hence the need to sustain the integration of the DDR programme for some time, or at least extend benefits to certain affected groups such as children. In 2004 a number of efforts to initiate the DDR process under ONUB. There were 11 pre-cantonment centres around the country by June 2004. These centres are located in the militarised areas, with varying numbers of excombatants awaiting the beginning of the DDR process.

Table 5.2: Centres and number of ex-combatants

Centre	**Number of ex-combatants (approximate)**
Kibuye	7,000
Ntamba	2,430
Gashingwa	3,000
Denga	321
Bambo	687
Kabumburi	251
Makamba	210
Kabonga	3,000
Bukeye	3,000
Karindo	6,000
Muyange	150

Source: ISS Paper No 97

These reception centres spread across the country and contain mostly the former combatants signatory of the Arusha Agreement. Within the camps, ex-combatants were

grouped into 10-15 people to maintain order, especially when receiving food rations from the humanitarian agencies and other donors supporting the feeding programme. [114]

There has been a progress in as far as disarmament and demobilisation is concerned in Burundi. According to spokesperson for the ONUB, Burundi has disarmed and demobilised 7,282 former combatants since December 2004 under the ongoing programme that included their reintegration into society. The figures state that 6,315 were men, 328 women and 639 children. The two disarmament centres in the west central province of Bubanza and another in the central province of Gitega had been emptied of ex-combatants. Some have integrated into the country's security forces and others reintegrated into the civilian life. Upon disarmament at pre-disarmament assembly centres, former combatants were sent to cantonment sites where under ONUB protection, they decided whether to rejoin civilian life or be integrated into either the army or the police. Those entering the army are sent to a harmonisation centre at Tenga north of the capital, Bujumbura, where they meet/ mix with other ex-combatants destined for the NDF. Those joining the police force are taken to police training centres. The DDR plan is scheduled to run for four years with formation of an initial 45,000-member National Defence Force, which would later be reduced to 30,000 and finally to 25,000 troops. On this DDR programme ONUB worked with the Joint Cease-fire Commission, the integrated Military Command and their joint liaison teams.[115]

5.8 Physical and political reconstruction

Despite the fact that reconstruction is not an integral part of the DDR process, due to the nature of the conflict in Burundi there is a need for reconstruction as part of the post-conflict building initiative. Arusha broadly defines reconstruction as the restoration of the living conditions of the population to their best previous level. This literally means the whole range of activities to be conducted in order to attain the highest, and hence the

[114] Ibid…

[115] 'Burundi: Thousands disarmed since December, UN official says, IRIN, Online available from: *http://www.irnnews.org* Accessed: 27 May 2005.

most significant, socio-economic indicators in the past. Thereafter the term is divided into two separate aspects—physical and political reconstruction.

Physical reconstruction includes measures to facilitate the return of refugees and displaced people, and an inventory of infrastructure of key sectors such as health, housing, water and educational facilities. Arusha agreement stipulates that between 150,000 to 200,000 houses must be rebuilt at an estimated cost of 25,000 Burundian Francs per house. The primary issue of land tenure and ownership should be addressed first before the houses can be rebuilt. The huge amount of resources needed to implement reconstruction can be gauged by the fact that the cost of one kilometre of water piping is estimated at around US$10,000. Aside from rehabilitation of infrastructure, Burundi faces the challenge of revitalising essential public sector services. The country needs to recruit more professionals such as doctors, nurses, teachers and others as many of them left the country to seek greener pastures in other countries. Although NGOs and aid agencies temporarily fill this vacuum, they are constrained by donor funding and therefore may have to withdraw from the country on this basis.[116]

Political reconstruction refers to the measures taken towards the establishment of the rule of law and which will foster national reconciliation. The reform of judiciary, advancement of women, democratisation of institutions and support for parliament, civil society and the media make up core areas for political reconstruction. First, there should be promotion of impartial and independent judiciary. In this respect, all petitions and appeals relating to assassinations and political trials shall be made through the National Truth and Reconciliation. Commission. The judicial machinery has to be reformed at all levels with a view to correcting ethnic and gender imbalances. It has to amend the laws such as criminal code, code of criminal procedure, civil code, nationality act and others if necessary. There should be reform of the judicial service commission so as to ensure its independence and that of the judicial system. Judicial training programme should be organised through the establishment of a national school for the magistracy. There should be provision of adequate human and material resources for the courts as well as the

[116] Arusha Peace and Reconciliation Agreement for Burundi (Arusha: 28 August 200)

establishment of the post of ombudsdperson. Second, the other concern is the human rights. In March 2004 the UN's special reporter on human rights reported that political progress had yet to produce any significant improvements in both the humanitarian situation and in respect for human rights. The report states that throughout the period under consideration, the same human rights violations observed before were continuing in differing degrees of intensity. There are number of abuses of civil and political rights of the citizens. The impunity of categories of people such army and rebels ha attributed to the numerous cases of abuse. These include the violation of the right to life, physical integrity, liberty, freedom of movement, opinion and expression. These kinds of abuses are severe for women and children as will be outlined below.[117]

Third, the promotion of the advancement of women and children is the major obstacle in political reconstruction in Burundi. Although, the Arusha accords encapsulate the major challenges facing women, and recommend sound steps to redress, such reforms are still lacking. According to Arusha, women must be included as peace mediators and on management of bodies for transition. In addition, they must compose 30% of parliamentary positions. Presently, there are only three female ministers out of total of 27, while only 20 senators out of a body of 54 are female. One can take into consideration the fact that 79% of labour makes up of women. The most pressing factor is formal education. The United Nations Populations Fund reports that over 72% of Burundian females over the age of 15 are illiterate. Rape has been used as an instrument of war in Burundi. The definition of rape is not specified in the country's legal code and loosely translates as obscene behaviour and it is not viewed as a serious crime. Human rights workers maintain that there is almost no chance of prosecuting rapists in the formal court system as the traditional *Bashingantahe* mediation mechanism often recommends marriage between victim and perpetrator to avoid social stigma. There is a widespread mistreatment of widows, who do not have men to protect them. They resort into prostitution in order to survive, then contract HIV and perish leaving behind their children who turn to delinquency, begging and banditry to survive. [118]

[117] See Jooma, M.B. ISS Paper, 106 May 2005, 'We can't eat the *constitution' Transformation and socio-economic reconstruction of Burundi*.
[118] Ibid.

5.9 National Truth and Reconciliation Commission (NTRC)

The National Truth and Reconciliation Commission was established on 05 January 2005 in Burundi as one of the mechanisms identified for the purposes of national reconciliation. This model has been successful in South Africa and Sierra Leone. This did not apply in Lesotho since the ethnicity was not an issue, it was just the struggle over power among the political parties and the monarchy. South Africa had a major influence in particular former president Nelson Mandela to integrate this commission as a way of finding reconciliation among the people of Burundi. The commission takes its origins in the Arusha Peace Accord.[119] It has the following functions: first, it shall bring to light and establish the truth on all acts of violence perpetrated in Burundi since independence on 1 July 1962. This will establish responsibilities and the identity of those responsible. Second, the NTRC shall propose to the competent institutions or adopt measures likely to promote reconciliation and forgiveness, order indemnification or restoration of disputed property or propose any political, social or other measures it deems appropriate. Third, the commission shall be responsible for clarifying the entire history of Burundi, going as far back as possible in order to inform Burundians about their past. This purpose of this clarification exercise shall be to rewrite Burundi's history so that all Burundians can interpret it in the same way.

The commission is expected to work independently through autonomy in managing the material and financial resources to be allocated to it. The Commission shall propose when necessary the additional reconciliation mechanisms and shall be free to set up sub-commissions as appropriate. The public authorities shall have the obligation to do their utmost to enable the commission to accomplish its mission without hindrance by providing it with sufficient material, technical and financial resources. Last, the NTRC has to conduct its work over a period of a two-year period. At the end of two years, the

[119] Burundi establishes NTRC, News24.com. [Online] Available from *http://www.news24.com/news24/africa/news.*

appropriate transitional institutions will assess the work that has been done and may decide on an extension for one year.[120]

5.10 Elections

One of the peace building initiatives are the organisation of peaceful, free and fair elections. When the transitional government was installed, it was expected to be in power for three years. During this period, a Tutsi leader (Pierre Buyoya) was to be a president and Hutu a Vice president (Domitien Ndayizeya) for the first 18 months and Hutu president and Tusti vice president in the second half. Although this happened, the elections, which were scheduled for November 2004, were postponed due to lack of readiness by the government. The elections were scheduled for April 2005, but again were postponed for further six months, to the dismay of the international community. Below is the Burundi's final electoral calendar before the new government took over.

Table 5.3: Electoral calendar for Burundi's elections

4 June 2005	Communal elections
4 July 2005	Parliamentary elections
29 July 2005	Senate-the upper chamber of parliament
19 August 2005	Presidential elections
26 August 2005	Inauguration of President

Source: IRIN news.org: 25 April 2005

Hopes for peace have been eminent recently in Burundi, after successfully holding peaceful elections, the 3 June communal, 4 July legislative and 19 August presidential elections, with minor reported incidents. An historic event took place on 26 August when

Pierre Nkurunzinza, the young leader of former Hutu rebel group *Conseil National pour la défense de la démocratie-Forces pour la défense de la démocratie* (CNDD-FDD) was sworn in as a democratically elected president. These developments in Burundi happen after more than a decade civil war that claimed about 300 000 lives. [121]

5.11 Conditions for lasting peace

South Africa has been playing a pivotal role in resolving the conflict between the warring parties in Burundi and it has become a key model for resolving intractable wars after the experience of the transition from apartheid to democracy. Nelson Mandela's stature as a peacemaker was forged in the crucible of the negotiation process in South Africa, notable between 1990 and 1994, and elaborated by the mission of national reconciliation which he pursued during his during his subsequent presidency. Hence it is that in recent years outsiders have often looked to Mandela personally, and South Africa more generally, to help bridge differences between governments or to make peace between warring communities.[122] Although the Burundi is in post-conflict stage, a lot still needs to be done in terms of creating certain conditions for success in this peace process to ensure that the country does not go back to war.

First, exclusion of civil society in particular women from a role in government is a matter of concern. Talks have been held between the rebel leaders and political elites, the needs and interests of Burundian citizens have been largely ignored. The marginalisation of the broader society has resulted into power struggles linked to the personal interests of the leaders, while the grievances of the ordinary people have been ignored. The first task of the new government should be to ensure that all the marginilised groups are drawn into the process of government. The successful democratic elections do not automatically

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[120] Burundi: Peace Agreements Digital Collection-United States Institute of Peace Library. [Online] Available from *http://www.usip.org/library/pa/burundi/pa_burundi_08282000_pr1.html*. Accessed 6/1/05

[121] Burundi: Elections calendar issued, Reuters Alertnet, [Online] Available from: http*://www.alertnet.org/thenews/newsdesk*.

[122] Kristina, A. and Southall, R. 2005 op.cit. p.163

mean an end to the war. If we remember the conflict in Burundi started in 1993 after the assassination of democratically elected Hutu president, Melchoir Ndadaye. It is for this reason that there is concern about the political agreement made in terms of Arusha Accord, giving Hutus and Tutsi representation in government of 60% and 40% respectively. There is no representation for the minority group, the Twa, who have been marginalised for many decades. It is essential that the new government ensure that all the marginalised groups, civil society and various civil organisations are given a role in the process of nation- building and rapprochement. The population should be educated particularly youth in positive traditional values such as solidarity, social co-operation, forgiveness and mutual tolerance. The National Truth and Reconciliation Commission should resume with its mandate after several false starts, to ensure that those who committed atrocities against others are brought forward to create peace. It is a matter of concern that the NTRC is still in its embryonic stage and has yet to function. Among other things, its primary mandate is to adopt measures that are likely to promote reconciliation, and forgiveness, order indemnification or restoration of disputed property or propose any political, social or other measures it deems appropriate (Jooma 2005: 1─10).

Second, the new government should ensure that it addresses the issue of land-ownership in this small, land-locked country. Many people lost their land during the conflict when they became internally and externally displaced. Several protests by destitute citizens regarding land have taken place. Given the limited availability of agricultural land in Burundi, it will be difficult to accommodate the growing population. The government needs therefore to put in place a proper legal framework to ensure that all the citizens receive fair treatment. Closely linked to the above is the issue of agriculture.

Since farming would continue to be the main source of financial income for the majority of Burundians, there would be dire need for agricultural reform in the country in the country to find innovative ways of developing viable farming. Excavation and mineral research would be also a key to the country's reconstruction and economic development. There would be a need to raise resources in order to make the most already discovered mines and to prospect actively for Nickel deposits. Burundi could also exploit its strategic

location within the Great Lakes Region. Given its assets of a capital port and airport facilities, the country could serve as an ideal trade and transportation link between Eastern Congo and North-East Tanzania. At social level, there should be ways and means to fight against HIV/AIDS in the country.[123]

Third, the government should ensure that it enters into talks with the *Forces Nationales de Liberation* (FNL) led by Agotha Rwasa, the sole rebel force still fighting and not part of the peace process. Ignoring this group could jeopardise the progress that Burundi has made towards lasting peace. This has been evident because there has been reported attacks by NFL already and this might draw other groups who were the loosers in the elections to take the arms in order to be included in the government.

Fourth, there should be total reform of the judicial system. It should perform its without any influence especially from the government. There should be promotion of compulsory education for all that will ensure gender parity through joint financial support from the state and communes. There should be restoration of the rights of girls and boys whose education has been interrupted as a result of the Burundi conflict or of exclusion by effectively reintegrating them into working life. This will ensure that the country will produce professionals such as lawyers, judges, educators and doctors in order to replace those who left the country due to conflict to work abroad. There should be transparent administration committed to the sound management of public affairs. [124]

Last, there should be the revival of the economy. In any country that is in war, the economy collapses because foreign investors leave the country and the infrastructure was destroyed. There should be urgent implementation of an economic recovery programme with a view to combating poverty and raising the income of the people and of a programme for the reconstruction of destroyed economic infrastructures. There should be equal distribution of national resources throughout the country. This usually becomes a major factor especially in countries like Burundi where the resources are limited. The

[123] Manirakiza, M. 2005 Nation-Building in Burundi. History and its Impacts on the future. In: Conflicts Trends 2/2005. Durban: ACCORD.

[124] Ibid…

people resort to conflict in order to acquire these resources. The government should ensure that it introduces sound economic policies that will benefit all the Burundian citizens. The legislation and structures such as tax legislation, customs legislation and legislation on public markets should be put in place in order to combat financial crime and corruption. Government should appoint a commission that will recover state property that was plundered by some citizens during the war. There should be introduction of incentives for economic development in the context of fairness and harmony. There should be development of the private sector by means of incentives with a view to creating new jobs and reducing the burden and pressures on then public sector. They should also ensure that the high levels of corruption by the government officials that have been rife in the past years are curbed. This will attract the foreign investors that will be able to come into the country and create more employment opportunities for the people.[125]

5.12 Lessons Learnt

It has been evident that the lessons learnt in Lesotho were not forgotten because of the success that South Africa accomplished in Burundi. The way South Africa conducted itself showed that lessons and experience in Lesotho have led to success in Burundi. However, Pretoria learnt some more lessons in Bujumbura during the mediation efforts. The lesson learnt was that it is advantageous to use an eminent person like Mandela to lead the mediation efforts as he commands respect to all the parties in conflicts. This also legitimise the efforts and gives him more leverage to find a solution to the crisis. Second, it is also important that the mediator should be neutral so that all parties involved can respect him. Last, South African troops need to receive more training in terms of how to deal with civilians as there were few reported incidents involving the soldiers. The next chapter summarises the whole research report and discusses the main findings of the study.

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[125] Ibid…

5.12 Conclusion

Despite the ambiguities that surround the involvement of states into the affairs of others, there is little doubt that South Africa's engagement and other key players in the Burundi peace process fully enjoy the sanction of international law, having the full backing of the AU and the UN. Nevertheless, this does not mean that because an action is internationally legitimate, there will be international will to support it. This has been the case in Africa, where the international community as a whole appears peculiarly reluctant to get to grips with major crises, however disastrous for human rights these might be. This has been demonstrated by the ambivalence of the UN towards becoming involved in Burundi's internal affairs.

CHAPTER SIX

6. CONCLUSION

6.1 Summary and Findings

South Africa's transition from brutal apartheid regime to democratically elected government has been one of the few success stories in the African continent. It is this reason why South Africa still commands respect all over the globe in particular former president Nelson 'Madiba' Mandela. Madiba, his clan name, has been seen as the Messiah of the South African people. He spent 27 years in jail fighting for the liberation of South African people who were oppressed and became the first democratic president of the Republic of South Africa. Mandela played a vital role in crafting South Africa's foreign policy. Before 1994, there was a lot of discrimination where blacks were strongly marginilised. They did not have any representation in the parliament and did not have the right to vote. It was this reason that Madiba because of the injustices of the past and disrespect of human rights by apartheid regime, human rights will be light that guides South Africa's foreign policy.

This is also reflected in South African Constitution that was adopted in 1996 to become the supreme body that guides all the South African citizens. The Constitution states that everyone has the right to be equal before the law. Second, the state may not unfairly discriminate against anyone on the grounds of race, gender, sex, pregnancy, marital status or social origin, colour, sexual orientation, age, belief, culture, sexual orientation, disability, language and birth. These rights became part of the Universal Human Rights that was adopted back in 1945 of which South Africa was one of only eight countries that abstained from voting partly because government was already laying the foundation for implementing an apartheid programme which would systematically violate everyone of the right recognised in the Universal Declaration of Human Rights. It was through this experience that South Africa spread this vision all over the Africa to try and stop the

countries that were abusing the rights of their citizens for example Sani Abacha's regime in Nigeria, Mobutu Sese Seko in Zaire and others. This research report has set out to analyse the key aspects, lessons and experience of South Africa's foreign policy in resolving conflicts in Africa, using comparative case studies of Burundi and Lesotho. As part of explaining South Africa's foreign policy, a critical analysis of the legalities regarding South Africa's intervention and mediation in these two countries has been discussed extensively. This study also explains how South African foreign policy has evolved since early 1990s that has seen the country playing a leading role in resolving African conflicts.

Chapter one discusses a brief background of South Africa's foreign policy. When South Africa was readmitted to the international fold, it became the member of regional and international organisations such as the OAU, SADC, NAM, UN and many other organisations. South Africa also voluntary dismantled its nuclear programme and became a member of Non-Proliferation Treaty (NPT). By joining these organisations, it was trying to regain its status and prestige to the international community. However, this has not been smooth sailing. South Africa was criticised for acting as a big brother to regain the hegemonic status. Again the involvement of South Africa in number of issues such as conflicts was seen by other analysts as part of its foreign policy geared towards changing Africa for the better, through institutions such as the African Union (AU) and its organs, notably the Peace and Security Council, the Pan African Parliament (PAP).

This study has been guided by the three main research questions:

- First, what are the key principles of South African foreign policy since 1994 with regard to conflict resolution in Africa?
- Second, what are the legalities regarding South Africa's intervention and mediation in African conflicts?
- Third, what lessons learnt by South Africa in its engagement in African conflicts in particular Lesotho and Burundi contributed to shaping its foreign policy?

Chapter two analyses South Africa's foreign policy as being divided into two phases. The first phase starts from 1948─1994, when the power was held by the Nationalist Party government. This is where South Africa was expelled from the international community. South Africa could not do any activities around the world for example they could not participate in any international sports and cultural competitions. The UN applied sanctions on the regime. The second phase starts from 1994 till the present. This is when South Africa was readmitted to the international community after so many years in isolation. South Africa has been playing a number of leading roles in the African continent such as mediating in conflicts, hosting prestigious events such as World Summit on Sustainable Development and others. South Africa's foreign policy key principles include:

- A belief and preoccupation with human rights which extends beyond the political, embracing economic, social and environmental dimension.
- A belief that just and lasting solution to the problems of human kind can only come through the promotion of democracy worldwide.
- South Africa's foreign policy should reflect the interests of Africa. and
- South Africa's economic development depends on growing regional and international economic co-operation.

South Africa's foreign policy after 1994 has been further sub-divided into two phases. The first phase starts from 1994─1999 when Mandela was a Head of the State. The second phase started in 1999 till the present, when Thabo Mbeki took over as the second democratic president in South Africa. It has been noted that there has been a great of continuity in foreign policy from Mandela to Mbeki as South Africa continued to play a leading role in a number of global issues and became a voice for the developing countries. These two leaders have played a central role in shaping South Africa's foreign policy. Mandela's term was characterised by non-violation of human rights. When Mbeki took over the foreign policy was reconfigured and it shifted from being Eurocentric and focussed on issues that are of interest to the African continent. This has resulted to rebirth of Mbeki's African Renaissance, which calls for unity, peace and economic prosperity in African continent.

Chapter three discusses the controversies surrounding the issue of sovereignty and third party interventions. This chapter also looks at the legalities of South Africa's involvement in African conflicts. The findings are that after the establishment of the UN in 1945, the principle of sovereignty was eminent prohibiting the intervention of states in the internal affairs of others. However, this changed after the collapse of the Soviet Union in 1990 when many countries were transformed to democracies. It has been found that most countries were using the notion of sovereignty to block other countries to intervene in the matters that involve gross human rights violation. The notion of sovereignty was no longer absolute and states could intervene in the event where there is unconstitutional change of government. Second, where there are grave circumstances such as war crimes, genocide and crimes against humanity. Last, when there is no respect for the sanctity of human life, the condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities.

The findings are that that most of South Africa's interventions in African conflicts were legal despite some of the criticisms. First, South Africa intervened in Lesotho with Botswana under the auspices of SADC. They were also intervening because they were trying to protect the democratic government, which was about to be outsted. In addition, South Africa and Botswana intervened to honour the troika agreement made by these two countries and Zimbabwe. In Burundi, the Great Lakes leaders, the AU and the UN supported South Africa's involvement, as a result it was widely perceived as legitimate.

Chapter four studies the case of Lesotho and its political crisis. The findings are that as from 1966 there have been perennial struggles between the military, the monarch and the political parties. These struggles led to military intervention by South Africa in 1998 after the opposition parties accused the government of rigging the elections. This led to protests accused the government of rigging the elections. This led to protest outside the royal house and the coup was eminent. South Africa was strongly criticised after its led intervention resulted into looting in Maseru and number of casualties. The blame was put into South Africa's poor intelligence that underestimated the crisis in Lesotho. This led to

South Africa sending few troops who were less armed thinking that there would be less resistance.

However, Pretoria managed to stop the conflict between the worrying parties. The main problem in Lesotho has been its First Past-the Post system that only favours the winning party. For example in 1998, the LCD won 61% of votes but secured 79 seats out of 80 parliamentary seats. The BNP won 25% of votes but secured only one seat in the National Assembly while the MFP received about 1% of the votes but not even a single seat in the parliament. Through South African efforts Lesotho had revised its electoral system so that the loosing parties have representation in the National Assembly.

In chapter five, it has been found that the crisis in Burundi was more severe than in Lesotho as it claimed about 300 000 lives. Contrary to Lesotho, the Burundi conflict had been between the Tutsi dominated government and Hutu rebels. The issue of ethnicity that was later politicised dates back from the former colonises who divided Burundian people. This led to Tutsis dominating all the government circles including army, whereas Hutus did not form part of government.

South Africa's mediation efforts in Burundi were different from that of Lesotho in the sense that Pretoria was in diplomatic engagements contrary to military intervention. Mandela played a leading role as a Chief Mediator on behalf of South African government. He managed to bring together the warring parties into the negotiations. His efforts led to Arusha Accord signed in 2000. This paved way for transitional government, which saw Pierre Buyoya leading the transitional government in the first half and Domitien Ndayizeye in the second half. Former President Jacob Zuma replaced Mandela as a chief negotiator. He managed to bring parties who were not part of the Arusha agreement to sign the accord. South Africa was the first country to send the troops to Burundi to protect the political leaders who were from exile to become part of the government. South Africa's efforts led to the peaceful elections that saw Pierre Nkurunziza inaugurated as a president on 26 August 2005.

In Burundi, South African troops were more prepared and well trained to deal with the conflict. That is why there were less reported incidents involving South African troops in Bujumbura. The mediation efforts were successful as South Africa managed to stop the conflict and Burundi peacefully returned to democracy after more than a decade civil war. After the blunder in Maseru, Pretoria was forced to keep its house in order with regard to its foreign policy makers. For example at the time of intervention in Lesotho, a draft white paper on South Africa's contribution to international peace mission was in its final stages of wide ranging discussion with the government. This paper recommended a diplomatic approach with the emphasis on peace making and keeping, rather than peace enforcements by military means, but Lesotho was the example of the latter. South Africa had to learn to be consistent in their approach to deal with African conflicts.

Last, it should be noted that South Africa's involvement in conflict mediation in Lesotho was for the first time after 1994. It should be noted that the intervention was likely to have some mistakes, as it was the case in Maseru. However, Pretoria should be commended for learning from its mistakes and managed to engage itself in Burundi successfully. Through these lessons and engagements in African conflicts one hopes that, South Africa will continue to lead by example. This will show the world that Africa has the ability to solve her own problems without the reliance from other countries outside the continent. With that kind of success, the vision of African Renaissance will be realised. This will lead to Africa that is peaceful, united and high degree of 'Ubuntu' that has been always synonymous with the peoples of this continent.

More over, one can argue that South Africa's mediation efforts in both Lesotho and Burundi were successful. Although things did not really go well in Lesotho, but South Africa managed to resolve the conflict. Pretoria also managed to assist Maseru in revising its electoral system, which has been a major source of conflict. The First-Past the Post system that has been used was disadvantageous to the loosing parties in the sense that they were not represented in the National Assembly. The revised mixed system, which was used in 2002, allowed more opposition parties to be represented in the National Assembly. As a result there were no reported incidents after the general elections. It is evident that South Africa's experience and lessons learnt in Lesotho shaped its foreign

policy, which led to a notable success in Burundi. Finally, one hopes that this piece of work will make a meaningful contribution to the discipline of international relations. Moreover, one also hopes that the other aspiring scholars and relevant officials will find this study useful for their understanding of the dynamics of South Africa's foreign policy in particular with regards to conflict prevention and better life for all the peoples of Africa.

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