POST CONFLICT SOCIETIES IN AFRICA:
The Role of the African Union

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It is customary in lectures like this one to begin by citing a catalogue of Africa's failures, and, if one is well disposed to Africa, one is then put on the defensive, seeking to justify and explain the unique and exceptional nature of Africa and her ills. That is Afro-pessimism. My approach today is to acknowledge that war and conflict have been a feature of Africa's development since independence. I have no desire to defend, justify or explain that away. What I shall do in this lecture, however, is to spend time analysing the variety of instruments available to advance peace and development in Africa. My approach in particular, will be to take some country case studies, and then focus on the African Union as an agency for reconstruction and development in Africa.

II

In November, Mr Joseph Kabila was declared President of the Democratic Republic of the Congo. Last week, on 5 December, Mr Kabila was officially inaugurated as President of the DRC. The DRC has been mired in conflict since its independence in 1960, leading to the assassination of Patrice Lumumba and then decades of the Mobuto Seseseko kleptocracy. Since 1998 the DRC has been a theatre of war that has involved almost all the neighbouring states and others like Zimbabwe, from further afield: Angola, Namibia, Zimbabwe, Chad and Sudan in support of the Kabila regime, and Rwanda, Burundi, and Uganda backing the rebellion against Kabila. The current President Joseph Kabila's father, then President Laurent-Desire Kabila, was assassinated by one of his own Presidential Guard at the Presidential Residence in Kinshasa 2001, plunging an already unstable Great Lakes region into further chaos. At the height of the war some 1000 people, according to UN estimates, were dying daily. It is now estimated that about 3m people died during this protracted conflict, and about 3.2m people were internally displaced, 500 000 refugees are dispersed across the Continent and overseas. There has been a massive destruction of infrastructure, and a breakdown in structures of central government, leading to rule by warlords in different regions of the country.

The young President Joseph Kabila made it his mission to bring an end to hostilities in the DRC and establish peace among the various belligerents. He found a ready and positive response from his father's erstwhile enemies who sensed that there could be no winner at

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war, and that the people of the Congo yearned for lasting peace and development. Patriotism played a part too, because to have one's country being the stamping ground of foreign armies was unpalatable to Congolese of all political persuasions. The causes of conflict in the Congo were varied and complex, affected no less by the aftermath of the genocide in Rwanda and the conflict in Burundi, as by the contestation for power and resources in an ethnically diverse country.

The final solutions and the rapid moves towards peace are no less so. A Global and All Inclusive Agreement facilitated by President Thabo Mbeki was signed at Sun City in South Africa in 2003, under the aegis of the African Union. The UN Mission in the Congo (MONUC) was established, and all foreign armies were repatriated. By late 2003 a transitional government was established and a comprehensive process for the drafting of a new Constitution put in place. This Constitution received popular approval in a Referendum in December 2005 at which 84% of registered voters cast their votes. The Constitution became the basis for the elections held in July 2006. The elections were hailed as a great success, and after some initial resistance, the losing candidate Jean-Pierre Bemba accepted the final results of the Presidential Poll as declared by the Supreme Court.

Although by all accounts, democracy, as well as constitutional and democratic institutions are in place in the DRC, major challenges remain. These include the challenge of charting a course towards unity and national reconciliation, building democratic institutions, establishing control over the sovereign territory of the DRC, and flourishing all economic resources and institutions for the benefit of the Congolese people in this vast and divided territory. Besides political systems, the DRC also needs to consolidate law and order, and police army and security services that are united under one command.

The DRC is Africa's third largest country, with a population of about 60m people. In fact the country has never been ruled effectively as a unitary state since independence in 1960. The challenge now is to re-establish the sovereign and territorial integrity of the DRC, address the history of ethnic strife and promote social cohesion. The second challenge is to address the scourge of years of militarisation of Congolese society. It is necessary to demobilise, redeploy a large fighting force, address the culture of military rebellion by militias largely politicised and loyal to their war lords, complete the repatriation of foreign combatants (among whom are the *interahamwe* genocidares), especially from Rwanda, Burundi and Uganda, and disarm armed groups especially in the eastern regions of Ituri, Bukavu ,North Kivu, and in Katanga.

It is perhaps too early to declare the DRC as a post-conflict society. There can be no doubt that peace is fragile and much depends on developments in the neighbouring states like Burundi and Rwanda, Angola; and on the ongoing support and involvement of the AU, UN, Zambia and South Africa who brokered the final peace deal. It seems important to focus on

the integration of the Armed Forces, creating thereby a professional army, to establish credible law enforcement agencies, and to control all aspects of the economy effectively. As part of the strategy for reconstruction and development, the Kabila government must draw on the resources of society as a whole, civil society (including the churches), NGOs and higher education institutions, to address the causes of instability including ethnicity, poverty, corruption, and the large-scale looting of the wealth of the Congo by foreign interests. It would seem logical to say that any reconstruction project for the DRC should best be developed as part of a regional strategy for development of the Great Lakes states: DRC, Rwanda, Burundi, Uganda, and Tanzania. Moves towards the re-establishment of the Great Lakes Economic Community (CEPGL) must be encouraged. Finally it would be foolish for MONUC and the AU to beat a hasty retreat from the Congo, as their presence could serve as the guarantor of peace, reconciliation, reconstruction and development.

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The Sudan is a very different story. Here there has been consistently, a strong central government, a confident - even arrogant - army with a history of intervention in political affairs through *coups d'etat*; and there has not been any direct military involvement by her neighbouring states in recent years of internal conflicts. That is as far as the differences go.

The Sudan is Africa's largest country whose population of over 100 million people is second only to Nigeria's. The Sudan, however, has been involved in internal conflicts since independence, seeking as it does to govern a country with different histories and political cultures from Khartoum: South, West and North/east, all expressing dissent from time-to-time. As far as the South is concerned at least, the Islamisation and some would say, Arabisation, of the country was a denial of the traditions, culture and religion of the southern peoples, who are Bantu in culture and anthropology, rather than Arabic, and Christian and animist in religion rather than Islamic. At the heart of the conflicts in the Sudan as well, has been the inequitable, maldistribution of resources between the regions, and the resultant concentration of power in Khartoum. With the declaration of *Sharia* law as the basic law of the Sudan, the exclusion, alienation and exclusion of the non-Islamic peoples of the Sudan was complete.

After 50 years of conflict, the Comprehensive Peace Agreement was signed at Naivasha, Kenya in January 2005, between the Government of the Sudan and the Sudan Peoples' Liberation Army/Movement. The CPA agrees that the "unity of the Sudan, based on the freewill of its people and good democratic governance, is and shall always be the priority for the parties." It therefore seeks a comprehensive solution to conflict and to the economic and social deterioration of the Sudan, and to agree a reconstruction and development strategy for all areas affected by war in the Sudan. The Machakos Protocol secured the right to self determination for the people of the Southern Sudan to be determined by referendum six years

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after the establishment of the CPA structures in the Sudan. It was also agreed that the *Sharia* law should no longer apply to non-Islamic people against their expressed will, across the Sudan. The CPA also provides for protocols on power-sharing in the Government of National Unity, and on wealth-sharing. Interestingly, disputed matters such as the Abyei Conflict and Southern Kordofan and Blue Nile have separate arrangements.

The CPA was hailed as a major breakthrough by the international community, sponsored as it was not just by IGAD, but also by Britain, Norway and Italy. Undoubtedly, much of it was secured through the agency of, and personalities (as often happens in these matters) of Vice President Taha, the main negotiator on behalf of the National Congress Party Government of the Sudan, and the late Dr John Garang, the legendary leader of SPLA. Sadly, within three months of the inauguration of the Government of National Unity, and before the Government of the Southern Sudan was established, Garang died in a freak aviation accident in Uganda in July 2005. General Salva Kiir succeeded Garang as leader of SPLA, as 1First Vice President in the GNU, and as President of the Government of Southern Sudan.

The CPA, however, is running into difficulties. In part this has to do with the untimely death of one of its main protagonists, John Garang, but also because the Government of the Sudan has been so embroiled in the Darfur and other unresolved internal conflicts that it has sought to short-change attention and resources to the CPA. John Garang was a historical figure in the politics of the Sudan having been a major player since Independence. In many respects, he held the historical link between the Sudan at independence and throughout the period of conflict. Somehow he could be said to genuinely hold a national vision for the Sudan which few others could emulate. The governing National Congress Party continued to seek influence and power in the GNU through the distribution of ministries, the re-assignment of responsibilities in the Ministries, departmental leadership in the civil service, and general control of the resources. Some of the critical institutions of the CPA took far too long to establish (such as the crucial Petroleum Commission), and the Government of Southern Sudan operated without a budget for almost a year. As a result the demobilisation and integration of the Army were delayed, the Government of Southern Sudan was there in name only, and the Southern civil service was slow in establishment.

It would seem that although Salva Kiir is in his own right a formidable army general, the Khartoum-based NCP may not find him an interlocutor that they revere in the same way as they might have done Garang. Some have argued that part of the strategy was to delay and allow divisions within SPLA/M to surface, and thereby delay the ultimate implementation of the CPA, or to allow time for the other conflicts with which the Khartoum Government is embroiled to become resolved, and as such bring the whole country into one comprehensive peace deal. The SPLA/M has now found that the Ugandan rebel group LRA is ensconced in its territory; armed, equipped and supported by Khartoum, and has the potential (and some

may believe, the intention) to destabilise the GoSS. The likely result of Khartoum's gerrymandering is to undermine the integrity of the CPA, as well as confidence in their partner SPLA/M. The SPLA/M is not without its own internal problems either. Clearly, some of its nominees for government positions are no longer operating under a SPLA/M mandate, and divisions regarding strategy have surfaced. Whereas in discussions with the leaders of SPLA/M, I am aware that they hold the hope that the CPA could become a model for the reunification of the Sudan, and the means by which all other conflicts could be resolved, nobody wishes to have the CPA held ransom by the intractable difficulties caused by the politics of the Khartoum regime, and to be sucked into those conflicts which are not of its own making. The National Congress Party seems to hold a different view.

Darfur, sadly, has overshadowed the bright promise of the South. In Darfur in the West, the Sudan Liberation Army and the Justice and Equality Movement are waging an armed rebellion against the central government in Khartoum. It is thought that elements of these rebel movements have the support of Chad or are associated with some of the Chadian rebel movements. Over half-a-million people, mostly civilians have died and about 3m (by far women and children) displaced during this conflict. The United Nations has declared Darfur an exercise in ethnic cleansing and guardedly (but with a crescendo) as "genocide". There is no longer any denying that the Janjaweed, the armed militia engaged in scorched earth, root and branch hostilities in the area, do so as a surrogate force of the Khartoum government, armed and supported by the state to fight alongside the SFA as a counter-insurgency force.

Negotiations to bring lasting peace are continuing in Abuja, Nigeria. The Inter-Sudanese Peace Talks are sponsored by the AU and chaired by former OAU Secretary General Salim Ahmed Salim. The Abuja Conference adopted the Protocol to Improve the Humanitarian Situation in Darfur (November 2004). The signatories include the Government of the Sudan, Minni Arkou Minawi, then Secretary General of SLA/M, who has since joined the Government of National Unity with his faction of the SLA/M (who signed a separate Agreement with the GoS), and Ahmed Mohamed Tugod Lissan on behalf of JEM. The Agreement was served by Nigeria, Chad and the AU Commission. Remarkably, the Protocol allowed free movement and access for the purpose of providing humanitarian relief, enabling cross border movement to do so, and to protect civilians against attack, protect the IDP camps as civilian zones, protect IDPs and refugees. I say remarkably, because nobody really intended to do what the Protocol provided. It is evident that the Protocol was merely an exercise in buying time. Before the ink was dry in the document, IDP and refugees were being attacked and scattered, atrocities were being committed, and impunity was in place both by Chad (who have a perverse interest in the escalation of the conflict for their own domestic difficulties) and Khartoum, which sponsors the *Janjaweed*, and seeks to divide the rebel forces.

That was in November 2004, but since then hostilities have escalated, the movement of refugees and IDP continues, and relief operations are hampered. The AU Peacekeeping Force and the AU Mission in Sudan (AMIS) are not coping with the scale of the tragedy, despite several agreements between the parties. The Abuja Talks continue, although the draft Enhanced Ceasefire Agreement for Darfur has not yet been signed by all the parties.

Meanwhile under AMIS the AU has deployed about 7000 personnel in Darfur, consisting of some 700 military observers, 1400 civilian police, 28 international civilian staff and a protection force of 5000 troops. Inadequate and under-resourced as the AMIS force is in Darfur, and in the light of the imminent termination of their Mandate, the Security Council, with the agreement of the AU, resolved that the UN should replace the AU force. This has been fiercely resisted by the GoS fearing that this could be the thin end of the wedge, to become, as President al Bashir has bluntly put it "like another Iraq". One can somehow understand the perceptions of negative effects of the US and British military and foreign policy manoeuvres from an Islamic government that stands accused of supporting or harbouring al Qaeda, and in recent statements, the threat of a No Fly Zone in the Darfur Region. At the AU Peace and security Council meeting in Abuja, Nigeria recently agreed that the AMIS force would be extended by six months as of end of December, and a new UN Peacekeeping Force would be deployed with troops drawn mainly from the member states of the AU, under the command of an African general. This is the UN force of 20 000 troops promised by retiring UN Secretary General Kofi Anan under the resolution of the Security Council. There is no indication as yet whether the Sudan will now accept the UN Peacekeeping Force under the arrangements approved by the AU Peace and Security Council.

Darfur is part of the sovereign territory of the Sudan. It appears, however, that the Government of the Sudan has no control over the territory and is unable to maintain legitimate law and order. There appears to be a case of the government using militia and intervention forces to seek to enforce its will. In the process, the Darfur Conflict has become a war against the civilian citizens, and no safety and security is guaranteed by government; authority appears to be in the hands of the various rebel forces, and humanitarian aid is provided by international organisations in areas controlled by the various rebel movements. The Government of Sudan does not have a strategy for the resolution of the crisis, except an ineffectual military campaign. Evidently, the unleashing of the *Janjaweed* on the civilian population has been counter-productive. And yet one would have thought that the CPA holds pointers to a possible solution. Mutual restraint with Chad should limit interference in each other's affairs. It would seem fair to say that the Comprehensive Peace Agreement on Southern Sudan will never realise its ambitions in an environment of unresolved conflicts in other parts of the Sudan. All that will happen is that the Southern Sudanese will be drawn, on the side of the GNU, into a conflict that is not of their own making.

The Constitutive Act of the African Union was adopted by the Assembly of Heads of State and Government of the Member States of the OAU at Lome, Togo in July 2000. The Constitutive Act, 2000 marks a qualitative departure from its predecessor Organisation of African Unity, in that it seeks definitively to dispose of the baggage occasioned both by the neo colonial era, and the responses thereto by Africa. In some respects the Constitutive Act builds on the achievements and principles developed by the OAU during its almost four decades of existence. The Constitutive Act retains the principles of infallibility of national boundaries acquired at independence, and in accordance with evolving international law, refines the principle of non-interference in the domestic affairs of states. The Act gives the African Union Commission stronger leverage to respond to the demands of the Continent, as a self regulating mechanism, including sanctions, and in terms of its comprehensive vision as an economic community as per the Treaty of Lagos.

The Preamble states that the Constitutive Act is guided by a common commitment to seek a common vision for the problems besetting the Continent, and to act in partnership with states and civil society, and with the international community, to find African solutions to African problems. It also states that conflicts in the African Continent are an impediment to socio-economic development, and it thus commits to promote peace, security and stability "as a prerequisite for the implementation of our development and integration agenda."

The Constitutive Act then sets out a range of objectives and principles for the establishment of the African Union, namely to
  ➢ Promote peace, security and stability… democratic principles and institutions of popular participation and good governance;
  ➢ To promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights;
Among its Principles, the African Union will seek to establish a common defence policy towards a peaceful resolution of conflicts; respect democratic principles, human rights, the rule of law and good governance; and promote respect for the sanctity of human life, condemnation of and rejection of impunity, political assassinations, acts of terrorism, and subversive activities. These are very important principles because they mark the difference between the AU and the OAU where often member states fermented dissension and revolts against fellow member states, and harboured rebel groups who sought to overthrow legitimate governments in neighbouring countries.

But the Constitutive Act does not end there. It goes on to attack the historic principle of non-interference in the domestic affairs of other states, by providing that non –constitutional changes of government will not be tolerated and in certain circumstances, the AU states may

intervene "pursuant to a decision of the Assembly in respect of grave circumstances, namely, war crimes, genocide or crimes against humanity"; or where member states request such intervention "in order to restore peace and security."

In July 2002, the Protocol relating to the Establishment of the Peace and Security Council was adopted in Durban, South Africa. The Protocol provides, among others, for the provision of a humanitarian action and disaster management function in the AU, as well as an African Stability Force. The PSC will seek to "promote peace, security and stability in Africa in order to guarantee the protection and preservation of life, property, the well-being of the African people, and the environment, as well as the creation of conditions conducive to sustainable development". The PSC will thereby undertake the responsibility to advise the Assembly; to anticipate and prevent conflicts, peacemaking and peace building and post conflict reconstruction. The Constitutive Act was amended in 2003 to insert these provisions on the PSC into the Act, and to establish the PSC as one of the organs of the AU to become a "standing decision-making organ for the prevention, management and resolution of conflicts."

The PSC must, I believe, be addressed alongside the recently established African Court on Human and Peoples Rights (the African Court). The Court conflates two instruments originally found in the Constitutive Act and separately, in the protocol to the African Charter on Human and Peoples' Rights. The Court, to be based in Arusha, Tanzania, now has a President, and officials are now in place. The judges were elected at the Khartoum Session in January and sworn in, in Banjul in July. A third session of the Court was held recently in Addis Ababa, Ethiopia. The Court will interpret the Constitutive Act, resolve all conflicts arising therefrom and additionally, it will interpret the provisions of the African Charter, and at the request of member states, "provide an opinion on any legal matter relating to the Charter or any other human rights instruments…" It would seem therefore that Africa now has a judicial instrument for resolving interstate disputes, and for enforcing the provisions of the Constitutive Act and the treaties attendant to it. Besides, the African Union now has an instrument of enforcement in the African Stability Force, and means, through the provisions for intervention in other states, or the application of sanctions.

It will be evident from the Protocol Relating to the Establishment of the Peace and Security Council, that the AU recognises its role in post conflict countries, in ensuring timely and effective intervention and resource mobilisation, and humanitarian action. This is necessary to prevent a relapse into violence, or the ascendancy of counter-democratic forces. It was consistent with this objective that the AU in Maputo (2003) established a Ministerial Committee for Post Conflict Reconstruction and Development in Sudan chaired by South Africa, the first such AU mechanism for post-conflict reconstruction and development.

The Policy Framework for Post Conflict Reconstruction and Development was adopted by the PSC. Its elements include Peace and Security: monitoring, early warning and advising on the maintenance of peace and ensuring security that is viable and sustainable. This should ensure that there is a security plan for the demobilisation, deployment and resettlement of previously fighting forces, training of civil society peace activists, security around excessive small arms proliferation, retraining ex-combatants, and ensuring a stable economic and political system. On Political Governance and Transition this will include testing the viability of the political systems, their inclusivity, marginalisation and ethnic discrimination, appropriate distribution of power, wealth sharing, civic education, and support for political parties. On Human Rights Justice and Reconciliation, the organ will promote the establishment of institutions to promote and protect human rights and democracy, enhance popular participation, and good governance, and effective parliamentary systems.

Somehow the emergent society must find means to deal with its past, forms of justice making in transition and promote reconciliation. Humanitarian/Emergency Assistance to respond to emergency situations, meet the needs of the most vulnerable, attend swiftly to those internally displaced and the return of refugees, together with their relocation and other forms of humanitarian assistance, including health care, land and water, housing and education must also be attended to. Reconstruction and socio-economic development is crucial. This is what gives confidence and get popular buy-in and commitment to the democratic dispensation, the democratic and peace dividend; engaging civil society in its own development programmes.

The problem, of course, is that much of this is well beyond the capacity of the AU, and of any one African country to achieve. For one thing the resources required are enormous, and even if available, the capacity and skills required to spend such large amounts of money may not be available. In circumstances of a collapsed state, or where state power has not yet been established, development must go side by side with security. The dream is beautiful but one wonders whether it is viable. However, in order to bring coherence and effectiveness to this objective, NEPAD has now undertaken to be the mechanism for Post Conflict Reconstruction and Development. Implementing agencies can be sourced from elsewhere in the Continent and internationally, and in partnership with local NGOs and churches. It is critical though that the government must own or be a partner in this programme and champion it nationally. In 2003, the African Humanitarian Action based in Addis Ababa, Africa's only Pan African humanitarian and disaster management agency, deplored the fact that most humanitarian programmes in Africa were undertaken without African participation that would allow for local conditions to be learnt and understood, ensure knowledge transfer and capacity building, and thereby sustainable and credible local institutions for reconstruction and development projects. To achieve that the programmes have to be knowledge-based, flexible and responsive to local conditions and needs, participatory in that local resources must be involved, renewable and sustainable, and subject to regular review.

In its capacity as the Chair of the Ministerial Committee on Post Conflict Reconstruction in Southern Sudan, the South African Government, at the request of the SPLA/M Government of Southern Sudan, with funding provided by South Africa's Department of Foreign Affairs, requested that the University of South Africa embark on a very comprehensive programme for development, training and capacity building of the people of Southern Sudan. A delegation of Ministers from member states went on a fact-finding mission to Southern Sudan in March 2005. A Comprehensive Strategy for Post Conflict Reconstruction in the Sudan was then developed by the Ministerial Committee. The programme was designed by a committee made up of Unisa, the Department of Foreign Affairs of South Africa as advisors, and the SPLA/M focal point at ministerial level. The SPLA/M delegates then had the programme approved by SPLA/M, identified the training needs, and the candidates for such training. Unisa, for its part, developed the training programme and certificated those who achieved the agreed standards.

The programme commenced in February 2005, with a high-level visit to Southern Sudan and consultations with the leadership of SPLA/M. Afterwards, a delegation of the leadership visited Unisa to explore facilities. The first group came for a period of six weeks in March/April to attend a specially designed course on diplomatic training. Others followed on civil service and public administration. On this occasion, candidates were paired with various government departments under a supervisor, to observe and to learn all aspects of public administration. There was another session on the justice system, the judiciary, and the magistracy; another on law enforcement agencies like military, policing, corrections service, security. The programme is continuing but my information is that nearly 500 Southern Sudanese have attended one or more of these courses since 2005. The purpose of these initiatives is to enable the people of Southern Sudan to take charge of their government with speed and efficiency, and to be knowledgeable participants in the Government of National Unity. The programme is coordinated by the Centre for African Renaissance Studies, is interdisciplinary and practical by nature, but has built in theory and case studies. This programme has been welcomed and appreciated by SPLA/M, and for some of them, it may provide a bridge to further academic studies.

With the Comprehensive Peace Agreement at such a perilous point, it is necessary that further international pressure be applied on Sudan to honour the letter and spirit of the CPA, and stop playing a strategy of brinkmanship. Among the guarantors of the CPA, are not only IGAD countries in East Africa, but also the AU and the UN. It is critical that the countries that made the pledges in Oslo should made good their pledges in order to give capacity to Southern Sudan Government to undertake much needed infrastructure and socio-economic development. Among the sponsors of the CPA are US and EU (Britain, Norway and Italy); the

UN also undertook to deploy a 10000-strong UN Mission to support and monitor implementation of the Agreement. In fact, so the ICG charges, activities in Darfur are financed from the resources pledged to Southern Sudan by Western Governments. Most worrying says the International Crisis Group in a recent Report, is that the international community are not engaged in the implementation of the CPA.

VI

I have used the Democratic Republic of Congo (DRC) and the Sudan as case studies to compare and contrast different ways in which Post Conflict societies in Africa emerge. I am suggesting that there is hardly a "post" conflict society in the immediate aftermath of intractable intra state conflicts. One could just as well have examined the post Conflict situations in the Meno River Basin: Liberia, Sierra Leone, Cote d'Ivoire, and Guinea Conakry. Ethiopia/Eritrea after the overthrow of Mengistu provides other lessons as well, Rwanda and Burundi, as well as Somalia also provide some lessons. The causes of conflicts and their resolution depend on a variety of factors the resolution of which will take years of ups and downs and stumbling. In other words, conflict in post conflict societies is always lurking under the surface. It is also true that sustaining peace requires resources and management beyond those often available to the emerging state itself, and often dependent on developments it hardly has any control over. For example, the demobilisation of ex-combatants has a lot to do with both the power of the state to enforce compliance, as well as the incentives available to such ex-combatants. What has been demonstrated, though, is that states must guard against the development of some Taliban-type "ungoverned spaces" as Patrick Mazimhaka and Iqbal Jhazbhay express the phenomenon. There must be no 'no go areas' beyond the reach of the central authority. The problem with Darfur is that the legitimacy of the Khartoum government is under question, and as such, it is not able to assert its authority in the area. That is a dangerous development.

These developments raise questions about the nature of the state in Africa today. For one thing, a state can no longer be defined simply on the basis of its capacity to exercise power and coercion over its territory. There are many non-state actors who confront the power of the state, there are also other 'business' interests who exploit the resources of states in some remote regions without accountability to any central authority and for their own benefit; maybe this is the phenomenon of "blood diamonds", or oil for arms. The state in Africa needs more than its own resources to exercise state power effectively. It needs legitimation both by its own citizens, as well as by the multilateral bodies like the AU and the UN. It also needs the support and goodwill of its neighbours; it must be compliant with the African Union as its security shield under the new provisions of the Peace and Security Protocol to provide common defence to member states, and the amended Constitutive Act that allows the possibility of seeking the assistance of other states to maintain peace and security. In the DRC, although far from actual achievement, one can foresee that the Kinshasa government

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will grow its internal and external legitimacy, and can then exercise control over its sovereign territory. That, after all, is how the Rwanda Patriotic Front legitimised itself. It seems to me that the government of the Sudan in Khartoum has not quite understood the force of this legitimation principle. As for the SPLA/M Government of Southern Sudan, Andrew Natsios of USAID Sudan said:

> The legitimacy of the new government will be judged in part by its ability to deliver needed services to its people. The task for donors is to manage expectations while providing resources and assistance that make the peace dividend credible.

Ends

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REFERENCES

1. Michelle Small: PRIVATISATION OF SECURITY AND MILITARY FUNCTIONS AND THE DEMISE OF THE MOIDERN NATION-STATE IN AFRICA; Vol 1 No 2 2006; Durban Accord Occasional Papers;
2. Patricia Dalley: *Challenges to Peace: conflict resolution in the Great Lakes Region of Africa;* Third World Quarterly, Vol 27, No2 pp309-319, 2006;
3. Patrick Mazimhaka and Iqbal Jhazbhay: *Security, Governance and Development: The Braided Strands of Future Prosperity in Africa;* in AFRICAN SECURITY, COMMODITIES AND DEVELOPMENT, Whitehall Report 4-06, Edited by Terence McNamee; RUSI Publication;
4. John S Paul: THE NEXT LIBERATION STRUGGLE: Capitalism, Socialism and Democracy in Southern Africa; 2005: The Merlin Press London & UKZN Press Scottville;
5. Barbara Barungi & Karanja Mbungua: *From Peacekeeping to Peace Building: Post Conflict Reconstruction in Africa;* ACCORD, Durban;
6. Andrew Natsios: *Implementing the Comprehensive Peace Agreement in Sudan;* 2005;
7. The Comprehensive Peace Agreement: A Summary Booklet; www.lwkenyasudan.org/Comprehensive_Peace_Agreement.htm;
8. Daniel P Sullivan: *Sudan's Comprehensive Peace Agreement at One Year of Age;* Working Paper FG6.2006/02; Research Unit, Middle East and Africa, German Institute for International and Security Affairs;
9. International Crisis Group: Africa Report No106-31 March 2006: *Sudan's Comprehensive Peace Agreement: The Long Road Ahead;*
10. The Constitutive Act of the African Union;

11. *Policy Framework for Post Conflict Reconstruction and Development; AU;*
12. *African Post Conflict Reconstruction Policy Framework; NEPAD Secretariat,* June 2005.

www. Africaunion.org