

# SOUTHERN AFRICAN PEACE AND SECURITY STUDIES



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## AIMS AND SCOPE

**Southern African Peace and Security Studies** (SAPSS) publishes rigorous theoretical and empirical research in all areas of peace and security studies concerning the region of southern Africa, with a particular focus on practical policy-oriented research. The journal will also address evolving developments within the discipline. Articles address critical themes or case analyses and are contextualized within the scholarly and policy literature and existing debates on peace and security in Africa. Each issue contains a mixture of peer-reviewed research articles, policy briefs and book reviews. SAPSS is an open access journal and all articles published are available online at [www.saccps.org/journal](http://www.saccps.org/journal).

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## Challenges in Democratization and Securitization

**Gladys Mokhawa**  
University of Botswana, Botswana

It is a great pleasure of ours here at *Southern African Peace and Security Studies* to present our second issue. The editor's introduction in our first issue provided an illuminating foreword about peace and security in southern Africa. The issues ranged from challenges of democratic consolidation to interrogating conflict resolution mechanisms in the region. These issues remain relevant as we proceed with the evolution of democracy in the region. The current issue accentuates the need to still forge ahead in transforming the breadth of democracy into a deeper and more meaningful democratic consolidation.

Democracy in the region is at a critical juncture. The dilemmas, that characterized democratization in the southern African region at the turn of decolonization, still remain. The questions marks have not only been whether states were abiding by features of democratic governance, but also about the fallacy of electoralism, exclusionary politics, limited socio-economic opportunities and the limited expansion of the political space. The acid test for these dilemmas has been demonstrated by the just ended South African leadership elections. These elections were particularly interesting because they were conducted in the wake of both political and social malaise. Post-apartheid South Africa is host to high unemployment rates, high income disparity, and industrial strife. Worryingly, there is a disturbing gun culture that has amounted to serious violence in the country.

Moving beyond the understanding of (in) security as constituted by physical threats, there are, in the region, other threats that do not fit the neat categorization of classical security. Issues such as immigration and transnational threats are assuming an even greater importance in the peace and security discourse and practice of southern Africa. This is so because as noted by Heisler and Layton-Henry (1993), immigration can present threats to security in the receiving countries, albeit generally not directly of a military kind. But in southern Africa disturbances in terms of security are attributed to refugees. This has thus modulated a shift in the framing of 'threats': immigration has shifted from uneasiness to existential threat. Huysmans (2006: 47) warns that "migration becomes a factor in a constitutive political dialectic in which security and identity of a community depends on making this very community insecure". As such, framing refugees in this existential question, Huysmans continues to submit, produces and reproduces a political community of insecurity.

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The articles and contributions in this issue span from a variety of themes that express challenges both within the political and intellectual landscape. The hope is that by combining theoretical insights with empirical details a deeper, richer and sophisticated analysis of issues could be achieved. The collection advance arguments that pay closer attention to issues of race and its intersection with social identity, challenges of conflict resolution, peace and security in the region, immigration and worrying political culture.

The article on ‘United in Diversity and Divided in Difference: Belonging and Opposition in Democratic South Africa’ by Carolyn Holmes argues for a political imagination that is inclusive and does not dichotomize social engineering. The article thus suggests a break away from privileging racialized discourse to engage in authentic conversations about the quality and sustainability of the South African democracy. Moving beyond the dilemmas of democratic consolidation, Hussein Solomon, in ‘Critical Reflections of the African Standby Force: The case of SADC Contingent’, highlights the less gloomy picture of African violence and conflict. The article showcases Africa’s commitment to solving its conflict by establishing an African Standby Force. Although Solomon recognizes the creation of the African Standby Force as a positive development he nonetheless points to a few sources of apprehension. Notably, the African Standby Force continues to experience challenges of logistical support in the form of strategic airlift which then impacts on rapid response. For him the greatest threat to a well-functioning Standby Force is the lack of political commitment by the regional leaders. The motivation of this concern emanates from the realization that the leadership in the region seems to be more concerned with “the security of state elites as opposed to the human security”.

Bryson Nkhoma in ‘Transnational threats: The Problem of Illegal Immigration in Northern Malawi’, draws attention to the conjectures regarding of the presence of migrants in Malawi, namely, the generating of fear that immigrants might potentially be sources of insecurity and compete with locals over scarce resources. However, the results of the study that Nkhoma used for this paper suggest that immigrants are not so much of a concern in terms of crimes committed. Be that as it may, Nkhoma cautions that the problem of immigration threatens violent outbursts motivated by xenophobic tendencies. He therefore proffers the strategies that the Malawian government has used to crackdown on the problem of illegal immigrants. In his concluding remarks, Nkhoma intimates on the delicate balance that need to be struck when dealing with such complex, contradictory and conflicting dimensions such as illegal immigration, transnational crimes and refugees requiring protection. He calls for an adoption of a balanced yet holistic approach with locals involved to deal with immigrants like refugees and asylum seekers who still have the right to protection.

Using the analytic devices of critical theory, Lester Shawa employs the big man syndrome to reveal how this has created a security problem in Malawi. In his article Shawa shows how the leadership (past and present) in Malawi has used their power to thwart citizen’s right of expression. This has the potential, according to Shawa, to incite tensions and violence in the country. Thus the paper advocates for “a need for self-reflexivity and argumentation based on

philosophical notions of dialectical reasoning and communicative rationality as ways in which to conceive containment of the big-man syndrome”.

The first issue also elucidated the rationale for *Southern African Peace and Security Studies*. We still reiterate our commitment to policy relevant research and this is evidenced by the policy briefs presented. Our first policy brief in this issue is on ‘Elections in Angola: Understanding the Results behind the Results’. Without disputing the victory of the *Movimento Popular de Libertação de Angola* (MPLA) in Angola’s 2012 legislative elections which stood at 71.84 per cent of the votes, there is still a bigger threat to MPLA strongholds – the problem of abstention. The brief concludes by arguing that “the MPLA’s project of post-war reconstruction, so praised by foreigners, may be effective in guaranteeing peace and a transforming society, but fails in establishing a mature political arena”. Thus, “post-war Angola remains underdeveloped and if anything is not done, Angola may become a ritual for legitimization for the MPLA, where the opposition plays the role of figurants, the masses trade their political passion for subventions, the international community cheerleads and the abstention sits as the elephant in the room”.

Our second policy brief, ‘The Marikana massacre: An Historical Overview of the Labour Unrest in the Mining Sector in South Africa’, demonstrated a delicate paradox of the violence organized against the state and vice versa. This brief showcases violence that is socially organized has the potential of creating adverse conditions. Noting the ramifications of the Marikana Massacre, the brief proposes remedies for post-Marikana. The recommendations include the creation of conditions for peaceful and free union activity, requiring employers to participate in centralized bargaining structures, the renewal of union structures, action to address the living conditions of mining communities, and national engagement on transformation of the mining sector.

Finally, we are excited to present a review of Susan William’s book, *Who Killed Hammarskjold? The UN, the Cold War and White Supremacy in South Africa*, reviewed by Mark Stevenson Curry.

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## Biographical Note

Gladys Mokhawa holds a Ph.D. in international relations from the University of St. Andrews, UK, and is currently a lecturer in the Department of Political and Administrative Studies at the University of Botswana.



## United in Diversity or Divided in Difference: Belonging and Opposition in Democratic South Africa

**Carolyn E. Holmes**  
Indiana University, USA

### Abstract

Building durable peace in post-conflict situations involves not just the cessation of hostilities but the formation of a unified sense of peoplehood and the creation of cross-cutting alliances. In the history of the South African move toward inclusive government, several mechanisms of the transition were engineered specifically to produce a sense of South African peoplehood. However, there exists an imminent tension between senses of belonging to ethnically and racially defined communities that characterized the past struggle and a sense of belonging to a national community. Because both belonging and strategies of opposition vested in parties and outside of them continue to be characterized by racial divisions, rather than through more complex networks of association, the character and quality of democracy in South Africa remains underdeveloped.

### Introduction

South Africa's Truth and Reconciliation Commission (TRC) concluded more than a decade ago. It was part of a path-breaking effort to reconcile former combatants and negotiate a peaceful transition from the racist apartheid system to an inclusive democratic regime. Despite the fact that the TRC has been praised as a success, its efforts to produce a more unified society within South Africa have not proven durable over time. Racial divides and racialized conflict are now as significant, if not more so, than they were at the beginning of the truth commission process (Posel 2001; Fisher 2008). Racial labels and attributions continue to be the source of conflict in schools (Dolby 2001), within and between political parties (Ferree 2010), in the renaming of public spaces (Orman 2008: 125-9) and in the management of public monuments (Coombes 2003). The experience of transitional justice, in some cases, seems to even have strengthened the salience of sectarian racial and ethnic identities (Gibson 2004). Additionally, since the end of the commission, the majority of South Africans seem to be growing more prejudiced (Gibson and Claassen 2010). Why should this be the case?

Although it is certainly true that any one commission, with a mandate to investigate 34 years of a country's history, and with a lifespan of just over two years, cannot be expected to single-handedly produce a unified society. Neither can it be expected that more than 300 years of injustice at the hands of myriad rulers from every corner of South African social fabric could be dealt with and consigned to history within 18 years of democratic rule. The question remains, however, why is South Africa divided along racial lines now, under a universal suffrage democracy and after the efforts of so many to produce a peaceful transition, than it was after decades of racist-exclusionary rule?

The “miracle” transition away from apartheid in South Africa<sup>1</sup> produced a new democratic order, but seems to have stopped short of delivering the conditions necessary for producing the unity of a nation, or the basis on which cross-cutting social and political alliances can be formed. If the goal of the TRC was “to provide a principle of commonality that would ground South Africans, despite their differences of culture, religion, language and race, as a *people*” (Chipkin 2007: 173-4), then the persistence of contentious racialized divisions, and the lack of cross-cutting alliances in evidence, seem to point to a lack of durable and long-term positive change that resulted from the commission.

That a multi-racial/multi-ethnic society should experience conflict among groups is not, in itself, surprising, especially in a young democracy like South Africa. That the conflict should manifest itself through opposition in political parties and outside of them because the identity-based cleavages are salient political movers is not unusual (Posner 2004). There exists an imminent tension between senses of ethnic belonging and national belonging that makes “political personhood a fractured, fractal experience” in South Africa, as in other multi-ethnic societies (Comaroff and Comaroff 2003: 447).

However, in the case of South Africa, the nation that engineered an electoral transition away from apartheid that has served as both “miracle and model” (Graybill 2002; Cole 2009; Shore 2009) for political transitions around the world, the fact that racial and ethnic categories remain so politically salient may indicate that South Africa is “a *nation-state* that both exists, as a state, and has still to be created, as a nation” (Maré 2005: 503).<sup>2</sup> This is borne out in a recent study by Robert Mattes (2012) who finds that racial cleavages that dominated discourse in the apartheid era are being replicated and retain salience for generations born in the twilight years of apartheid and afterward.

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<sup>1</sup> Quoting from an EU report on the first South African elections in 1994: “given South Africa's history of racial discrimination and oppression, its massive problems of poverty and unemployment, and the tragically high levels of violence, the success of the election is little less than miraculous” (Van Kessel 2000, 58).

<sup>2</sup> Later in the same article, Mare observes, “People carry South African identity documents and passports, pay taxes, accept the powers of the police and courts, argue over the independence of the judiciary. And all the time “race” remains, confirmed as the common sense of the essence of social identity” (Maré 2005, 509).

This contention is, in part, due to the persistence of narratives of racialized belonging and opposition that reinforce the contentious identities of the anti-apartheid struggle. Because of these exclusivist and non-permeable forms of both belonging and opposition, the project of building a South African nation and the creation of sustainable and democratic forms of opposition are under threat today in South Africa. Evidence of this can be seen in the lack of inclusive political communities, as well as the racialization of political parties, and citizens' participation in non-party forms of opposition in South Africa, such as strike action, emigration and racialized civil society organizations.

This paper seeks to theorize about the state of both belonging and opposition in South Africa using broad societal trends like the recent incidents of strikes and violence, emigration and public opinion data. Ultimately, I conclude that non-racialized senses of both belonging and opposition are under-developed in South Africa, and the absence of both is hurting the quality and character of democracy in South Africa.

## **Belonging and Opposition: Social Cleavage Theory**

Belonging and opposition are, in fact, intimately connected in the context of a democratic state. Democratic politics necessarily involves contestation, but also a sense of unity that binds it. Indeed, part of the value of the process of undergoing transitional justice mechanisms, like the TRC, is that they try to create an underlying unity that serves to bolster and strengthen the democratic processes of contestation, and engender trust in state institutions that are run by former opponents. Without a clear focus on creating and maintaining the structures of opposition and democratic contestation, the project of creating a political community of belonging is ultimately destructive of democratic functioning, in favour of unity. An excess of unity, or indeed, an enforced kind of unity, is almost certainly undemocratic in practice. An excess of opposition, on the other hand, is profoundly volatile. It is also destructive of democratic politics, in favour of instability. I contend that if we are to take seriously the goal of post-conflict state and nation building, regardless of context, there must be a focus both on creating unity and fostering opposition.

Building durable peace in post-conflict situations involves not just the cessation of hostilities, but also the formation of a unified sense of peoplehood and the creation of cross-cutting alliances. By creating an overarching sense of unity, along with complex networks of affiliation and opposition, based on issues of policy and public interest, rather than simplistic modes of identity-based belonging, political communities also create the foundation of democratic contestation. Sustainable and civil contestation is central to the consolidation of democratic politics in formerly divided countries. Cross-cutting alliances promote such competition and overall democratic stability by “inhibit[ing] the extent to which political alignments intensify along any single dimension,” (Chandra 2005; Chandra 2006; Dunning and Harrison 2010: 21; Lipset and Rokkan 1967).

Although social divides between citizens are inevitable in large democratic systems, the sustainability of democratic political contestation relies on the presence of divides that allow

people to cohere with others in a variety of different ways (Almond and Verba 1989). Cross-cutting cleavages are centrally important in creating stability in ethnically, linguistically or religiously divided societies (Lijphart 1977: 75). The process of political reconciliation is intimately connected with the formation of cross-cutting cleavages, insofar as they promote identities that undermine the salience of conflict-era divisions (Hayner 2002: 161; Verdeja 2009: 3). These networks of intersecting social divisions allow for citizens to be active and politically engaged without the group identities that they possess threatening the political system as a whole. If, instead, the divides roughly coincide, both conflicts are intensified and create the deeper and more fundamental societal divides. In the wake of political violence, the drawing out of social cleavages that cut across, rather than reinforce, the identities associated with the past struggle allows for robust political contestation to occur sustainably.

A long term debate in the cleavage theory literature engages the question of whether social cleavages determine the form of party systems (Lipset and Rokkan 1967) or whether party systems serve to bring about salient social cleavages (Colomer 2000). Regardless of the direction of the causal arrow, it is accepted that when party systems stabilize around a particular cleavage, they keep the divides represented by the system salient as long as the party system remains stable (Zielinski 2002). The determinism of the earlier approaches has been augmented by new scholarly viewpoints on identity formation. This research indicates that social cleavages are, in general, in decline partly because of the variety of new identities that people can claim or abandon. This model of electoral systems, regardless of the direction of the causal arrow, goes some way in explaining the persistence of race, rather than other social divisions like class or region, in South Africa. As will be discussed in more detail below, the party system in South Africa seems largely to be consolidating itself along racial lines.

Just as in consolidated democracies, myriad groups in the public sphere, including parties, pressure groups and non-governmental organizations, present alternative ways of conceptualizing or defining what it means to be a member of some “political we”, which underlies the networks of social cleavages that define the arenas of political debate. For the purposes of this study, I call these narratives of belonging and opposition. These narratives, which form the basis of what Rogers Smith (2003) called “stories of peoplehood”, define who is inside of a community and who is outside, as well as who has the right to speak and to be heard within such communities.

## **Narratives of Political Belonging**

The question of belonging in post-conflict societies and the role of reconciliation processes in creating peaceful coexistence are of the utmost importance in an era characterized by intrastate conflict. Even when armed struggle is over, persistent societal divisions threaten the renewal of civil violence. Who belongs and who does not, especially in post-conflict states, is not only a matter of personal feelings of identification, but also comes to bear on the full range of state power, both in distribution and extraction. These feelings or narratives of belonging go beyond the juridical concept of citizenship, and include the affective orientation of citizens toward one

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another as individuals and as groups. Indeed, citizenship or residence in a territory is an insufficient threshold for belonging, as it is possible for people to be “...born in a particular state, be educated there, be its formal citizens, and yet not be constructed as ‘really’ belonging. For that to occur, they would have to be not just citizens but also members of ‘the nation’” (Yuval-Davis 2011: 80).

When groups are classified as belonging based on seemingly immutable identities or identifications, then the new democracies that emerge in post-conflict states are fundamentally threatened (Gibson and Gouws 2003: 43) because of the seemingly impermeable boundaries of the emerging political community (Yuval-Davis 2011: 21). Some researchers have even gone so far as to argue that, “without some degree of interracial accommodation...the South African experiment in democratic change will founder” (Gibson 2006).

Even if the divisions do not fundamentally destabilize the state, the gradations of belonging have major potential impacts on the functioning of the state, and how individual actors experience it. Concretely, this can manifest itself in terms of fewer public services or lower levels of service provision for certain sub-groups of the population (Habyarimana et al. 2009) or in asymmetrical applications of social welfare policies (Lieberman 2003).

There is evidence that these kind of insidious divisions within the South African populace are affecting a number of different aspects of democratic governance, including individuals’ evaluations of the government itself and optimism about the future. Several surveys, including the Afrobarometer, have shown a durable and statistically significant difference between racialized sub-populations in individuals’ evaluations of the post-apartheid government and the possibility for creating a unified, reconciled South Africa. Two questions, in particular, are of interest for evaluating this difference. In the first, which asks respondents whether they believe that a unified South Africa is desirable, the race of the respondent has not been statistically significant for the last two rounds of data collection.

By contrast, the second question, which asks whether a unified South Africa is possible, has demonstrated a remarkable level of racial division. Put another way, race remains a highly statistically significant (at the 0.00001 level) indicator of how a respondent would view the possibility of creating a unified South African nation, but there is no statistical difference between racialized subpopulations on their view that a unified South Africa is desirable. A 2004 Kaiser Family Foundation poll found that a white respondent was five times more likely to be pessimistic about the future of South Africa than a black respondent (Hamel et al. 2006: 359). This lack of confidence in the possibility of interracial reconciliation, but expressed desire to see it implemented, seems to belie the simplistic, racism-based explanations for continuing divisions in South Africa. It does, however, point to the persistence of differential evaluation between racialized sub-groups in South Africa.

Evidence from South African media sources also seems to suggest a level of violence and intolerance based on race. A recent upsurge in violence against rural white landowners, with reported murders occurring at an average rate of two times per week, has sparked outrage among the Afrikaner community. To make matters worse, this is happening while ANC spokesperson

Julius Malema invokes apartheid-era imagery of killing off the ‘foreign’ whites to drum up support, more than 15 years after the conclusion of the anti-apartheid struggle (Marrian 2012; Allen 2010). Because of the incident, Malema, the president of the ANC Youth League, has been suspended. At the announcement of his suspension, however, a crowd of about 500 people gathered in support of Malema and vowed that they would “kill for Malema” if given the chance (Prince and Chauke 2011).

Narratives of belonging that are based on identity, rather than compliance with laws or residence in a territory, such as those being developed in post-apartheid South Africa, stand in contrast to the ideas of civic, non-racial nationhood for which the ANC and other groups had historically fought. According to Gibson and Gouws, “People learn where they belong in society, and this knowledge of belonging often leads to beliefs about not belonging. This process of adjustment results in people learning who their enemies are, which then leads to perceptions of threat and ultimately to intolerance” (2003, 94). This connection between reconciliation and opposition, between belonging and alienation, lies at the heart of the project of democratic consolidation.

Interestingly, while the gap between the rich and the poor in South Africa remains large and appears to be growing larger since the transition to democracy in the country, there is little or no political language that directly addresses class-based interests as separate from racial interests. In a famous 1998 speech in Parliament, then-President Thabo Mbeki characterized South Africa as being divided into “two nations, the one black and the other white,” (Cited in Nattrass and Seekings 2001: 45). Although seeking to address economic inequality and poverty, Mbeki reverts to the language of race, as opposed to class, to address the issue. He uses this language, regardless of the fact that, “In South Africa, black and white are *no longer* synonymous with rich and poor” (Nattrass and Seekings 2001: 47, emphasis in original text). The middle- and upper-classes of South African society, according to the 2011 census, are increasingly multiracial, though black families still form the vast majority of the poorest households.

The community of political belonging in South Africa remains fractured and deeply divided based on the identities associated with the struggle against apartheid. In the struggle, the creation of the racialized “us” along with the racialized “them”, as the basis of both governance and resistance to apartheid, fundamentally shaped both the experience of being South African, and the ways that opposition was expressed (Lieberman 2003). This continues to be true, both in the realm of party politics and the non-party modes of political participation that are utilized in South Africa.

## **Narratives of Political Opposition: Parties**

South African political parties seem to be crystallizing around the issue of racial exclusivity, with some parties being consistently labelled as “white” while others are labelled as “black” or “African” (Ferree 2010; Maloka 2001; Maré 2001). Additionally, the voting patterns of the South African electorate fall, in large part, along racial lines, with black voters supporting black parties and white voters supporting white parties. This argument is complicated by Ferree (Ferree 2006;

Ferree 2010), who argues that the existence of the racial-census elections in South Africa is not due to primordial attachments or even racial/identity voting, but because of the importance of racialized and exclusive party images. These party images are produced by politically calculating elites in the dominant African National Congress (ANC) as a move against opposition parties, in order to prevent voters from abandoning the ANC. Therefore, it is not the individual attachment to race, but the continued use of race as a party label that drives the vote choices of South Africans.

Electoral contestation in South Africa provides myriad data, in the form of public speeches, election returns, and voting patterns. We also see evidence that the racially-organized parties of the opposition are polarizing politically around the twin problems of ethnic ownership and racial externalization. In a recent article, opposition leader Helen Zille accused the ANC of still being “caught in a toxic trap of racial nationalism” (Zille 2011). This is played out through the rhetoric of opposition in South African democracy, which is plagued with deeply undemocratic tendencies. White opposition leaders, even those firmly left of centre, who lead coalitions that are multi-racial and multi-ethnic, are frequently accused of being Nazi or apartheid sympathizers, or of committing treasonous acts by criticizing the ANC (Maré 2001). Ballentine (2004) argues that this “re-racialisation of the public sphere” is a direct strategy of the ANC government, and is aimed at silencing opposition, especially from white South Africans.

...the government [of South Africa] and some of the new elite have sought to organise what has been called a ‘blood bond’ and to line up a ‘blood enemy’: all ‘Africans’ – racially defined – against, in particular, all whites. As the *Washington Post* observed in February 2001, any black who supports to opposition is now branded as a ‘race’ traitor, and any criticism of the government is equated with racism (116).

Interestingly, although racial party labels have persisted, ethnically organized parties, especially those purporting to speak on behalf of a cultural nation within South Africa, have not fared well since 1994. Two prime examples of this are the Vryheidsfront Plus (VF+) and the Inkatha Freedom Party (IFP). Since the first inclusive democratic elections, both parties have lost significant shares of the Afrikaans/Afrikaner and Zulu votes, respectively. This result holds true, despite the apparent resurgence of ethnic sentiments, and the persistent salience of language and group-rights issues within politics. With Afrikaans/Afrikaner voters largely supporting the multi-racial (but “white labelled”) Democratic Alliance (DA), and Zulu voters flocking to the Jacob Zuma-led ANC, the ethnic claims of these parties stand on weak ground.

Many scholars of developing democracies have viewed opposition as coterminous with electoral competition. This conception of opposition has led some scholars, like Huntington (1991: 267), to propose a threshold of two electoral turnovers of power to achieve the status of consolidated democracy. Although the importance of this threshold has been debated by scholars (like Lindberg 2006; Karl 1995; Seligson and Booth 1995; Bratton 2004; 1998), the idea of party turnover remains an important one in evaluating the consolidation of young democracies.

Scholars tend to focus on party competition and elections as the major vectors of contestation and opposition within consolidating democracies. Merely looking at electoral competition, or vote choice among racial or ethnic subpopulations, however, provides an insufficient view of the state of democratic culture in practice.

What seems to be missing from this conversation is a more robust and philosophically informed conception of what forms opposition takes, especially in post-conflict democratic spaces. Opposition itself is vital to the democratic process and it is incumbent on democracies to "...foster and value informal deliberative enclaves of resistance in which those who lose...can rework their ideas and their strategies, gathering their forces and deciding in a more protected space in what way or whether to continue the battle" (Mansbridge 1996: 46-7). By examining opposition, not just through the contesting of elections, the discussion about the content and quality of democratic dialogue in South Africa can be more comprehensively evaluated.

### **Narratives of Political Opposition: Non-Party Action**

Given that South Africa has been ruled by the ANC since the end of apartheid and that the party has won by large margins in every national election, the exclusive focus on political parties as vectors of opposition seems to be unnecessarily limiting. An exclusive focus on this kind of opposition can lead the observer to overestimate the importance of small electoral changes, and miss the ways in which the very idea of what it means to be a post-apartheid South African is being contested. By employing a wider definition of opposition, in concert with the idea of belonging, it will become clearer how the process articulating demands and proposing new ways of being South African are vital to the formation of both a reconciled public and a consolidated democracy.

Unsurprisingly, many people in South Africa have turned away from party politics in their effort to express opposition in South Africa. Although the vast majority of the South African public does vote in Parliamentary elections, only 29 per cent reported trusting political parties in 2010, and the majority of voters said the most effective way to address poor party performance was through loyalty, rather than party change (Human Sciences Research Council 2011). This perplexing voting behaviour may be better understood when taken in context with other strategies of opposition that are currently being pursued by groups in South Africa.

### **Strike Action, Street Violence and Popular Culture**

In 2012, violent protest in the gold and platinum mines in South Africa, including the deeply troubling clash between strikers and police at the Marikana mine in Rustenburg (Anon 2012) brought protest action to the forefront of political discussions in South Africa. These strikes represent just one portion of a growing set of strike actions undertaken in recent years in South Africa. Nathi Mthethwa, Minister of Police reported to Parliament in March 2012 that each year since 2009/2010, there had been an average of 10,864 "crowd management incidents" in South

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Africa, with an average of 1,024 of those “incidents” involving violence (Alexander 2012).<sup>3</sup> There is evidence that individual strike actions, as well as encounters between strikers and police are becoming more violent (Chiviru 2010).

The intensity and nature of protest action in recent years in South Africa, whether to protest poor service delivery or in relation to workplace grievances, indicates a growing unrest within the population. Strikes, like other forms of social unrest, are often used by people who have lost faith in existing institutional channels, and use extra-institutional means to make their voices heard (McAdam et al. 2001). The violence, concentration and frequency of the strikes in the current South African situation seems to point to a particular level of desperation among demographically defined section of the population; that is, poor, black and supportive of the ruling party (Lavery 2012).

What remains compelling, however, is that the language of class largely eclipsed by racial language in the mass gatherings in the wake of these violent actions. Just taking the example of the Marikana incident, when the youth leader Julius Malema addressed striking miners, he argued that the government failed to protect “its own people” because it was “benefitting with white people” from the labour of black miners (du Plessis 2012). Later, in a briefing on the state’s actions in trying to manage the protestors, Jacob Zuma defended the actions of police by saying, in fact, this did not signal a return to an “apartheid system” in South Africa, despite the accusations levelled against his government (SAPA 2012).

In the lead up to the December 2012 ANC Elective Conference in Mangaung, factionalism in the ANC seemed to contribute to the proliferation of strikes, but as of the time of this publication, it seems that there will be no major opposition candidates, even within the ANC that would have a reasonable chance of removing Jacob Zuma from office. Because of this apparent lack of meaningful choice in leadership, both at the national and party level, it is unsurprising that people who feel that their economic and social needs are not being met would turn to alternative channels to express their discontent.

## **Immigration, Semigration and Removal from Public Life**

Another extra-institutional channel that South African voters from a different socio-economic background are choosing to exercise their discontent is exit, whether completely or in part, from the South African political community. Exit or claims to exit, form an important set of political

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<sup>3</sup> Interestingly, the Afrobarometer finds a steady and durable decrease over time in the number of South African citizens who report having protested in the last year. Equally durable, however, is the number of South Africans who report their willingness to protest if given the opportunity, which remains near 30 per cent since 2000. Additionally, those citizens who report protesting also are most likely to come from the section of the population that also reports the greatest amount of economic and food insecurity (Lavery 2012).

speech acts. Using Hirschman's (1970) model of voice, exit and loyalty,<sup>4</sup> I see this choice to exit the political sphere as a kind of opposition. The huge number of émigrés from among the Afrikaner community seems to indicate a level of unrest or instability in the political placement of the white, and especially Afrikaans-speaking white population (Griffiths and Prozesky 2010; DeGelder 2004; Van Rooyen 2000). According to statistics compiled by the South African Institute of Race Relations, the white population of South Africa has shrunk by more than 16 per cent between 1995 and 2005 (Andrucki 2010: 359). In addition to emigration outside of the country, there exist opportunities for internal relocation to ethnically defined and “protected” spaces within the bounds of South Africa. The most definitive of these projects is the settlement in Orania, which seeks to establish a *volkstaat* for Afrikaners, with the dream of one day becoming a sovereign territory (Vestergaard 2001: 32–34).

Although emigration and the persistence of ethnically-protectionist communities within South Africa presents one set of possibilities for exit from political community, other, more quotidian actions are undertaken by large swaths of the South African population. A recent proliferation in gated communities in major South African metropolitan areas, and the reliance on securitized (and therefore class- if not explicitly race- segregated) spaces for leisure activities present a kind of internal exit from larger and more inclusive forms of political community (Griffiths and Prozesky 2010). This phenomenon, sometimes called *semigration*,<sup>5</sup> divides South African public spaces and makes wider associations difficult (Ballard 2002).

I contend that this expression is, in itself, a kind of opposition. It is not immediately clear, however, what the content of this opposition is. Both internal and external exit present serious difficulties for the development of a wider sense of political community by segregating sections of the population based on race- or ethno-linguistic group. As stated above, the lack of meaningful electoral possibilities for change leads many citizens to feel a sense of futility about participation in institutional politics (Human Sciences Research Council 2011). This frustration, in turn, could be leading to a desire to quit the political and social sphere in South Africa and retreat to segregated spaces.

## Civil Society Organizations and NGOs

There are avenues for participation in politics that don't directly deal with parties, like civil society organizations or NGO's, but in large part, these organizations display the same racialized labels and labelling as the political parties in South Africa. Groups like Afriforum, the Transvaal Agricultural Union or the FW De Klerk Foundation have formed to respond to particular issues

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<sup>4</sup> By citing Hirschman, I do not mean to imply that South Africa is deteriorating, as the firms about which he theorizes are. I only mean to employ his tripartite categorization for leverage in understanding forms of opposition.

<sup>5</sup> Semigration is defined as “withdrawal from democratic south Africa, to achieve some of the effects of emigration without actually leaving the borders of the country. Spatial practices such as gated communities and enclosed neighbourhoods are examples of this” (Ballard 2002, 2).

in South Africa, like the protection of private property and civil or workers' rights, but have consistently been involved in campaigns that seem to service only subgroups of the population. Afriforum, for example, has been instrumental in the campaigns to classify Julius Malema's song "Dubul'ibhunu (Shoot/Kill the Boer)" as hate speech, to seek special protections for white farm-owners who have been the targets of attacks, to seek protections for Afrikaans language, music, and literature, and to stem the trend of white emigration. The calls from these organizations for protections of minority rights are not often explicitly framed in terms of race. However, whether fairly or unfairly, they are consistently labelled as fighting only on issues that affect the white community in South Africa.

Other organizations that seek to represent the interests of the economically disadvantaged in South Africa, like *Abahlali base Mjondolo* (the Shack Dwellers Movement) use a de-racialized language of class to argue for land reform and social welfare programs. The yawning economic divides between the rich and poor in the country are no longer strictly racialized as in the past (Durrheim et al. 2011: 151-2). In the context of the South African economy at present, however, the vast majority of those people living in informal settlements, or demanding service delivery through civil society organizations are Black African. The issues of land reform and service delivery, therefore, although they are being addressed in many ways on the basis of class, are labelled and discussed racial issues. Why should this be the case? I contend, that at least in part, it is because the political language of class, as divorced from race or ethnicity, is not yet a salient political issue within South Africa.

The apparent separation of issues and issues-based organizations into racialized sub-populations mirrors the process happening with political parties in South Africa. The absence of issues or groups that allow individuals to cohere in ways that complicate social divisions does indeed allow for "political alignments intensify along [a] single dimension", namely race divisions, as Dunning and Harrison (2010) warn. Some multi-racial issues that could prove salient in the future, like class or region, seem to be developing salience. However, without a meaningful vector through which to express these interests, or the politically resonant language with which to articulate them, it is more difficult to consolidate these interests into meaningful bases of such coalitions.

## Conclusion

Less than 20 years into the new democratic dispensation, it is difficult to render final judgment the character of the democratic culture in South Africa. However, given the prominence of the South African case within the international community of practitioners and scholars of political transitions, it remains important to understand in detail the complexities and progress of South African democracy post-apartheid.

Communities of belonging remain fractured in South Africa, as evidenced by the startling incidence of racial hate-speech and violent rhetoric from all political sides. Modes of opposition, both within the political party system and outside of it, remain racialized and issues become the province of racially defined sub-national communities. The persistent salience of race-based

categories for defining communities of belonging, as well as strategies of opposition within South Africa, points to the lack of cross-cutting alliances and divisions within South Africa. These trends, in the long term, could seriously hinder the development of a culture of democracy in South Africa, especially because of their recurrence among even post-apartheid or 'born free' generations. Because categories of belonging and opposition continue to be defined in terms of racial divisions in South Africa, a vicious cycle is emerging in which these divisions are being intensified and therefore continuing to define the political landscape further.

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### **Biographical Note**

Carolyn E. Holmes is a Ph.D. student at Indiana University, Bloomington. She is a visiting researcher at the University of the Free State.

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# Critical Reflections of the African Standby Force: The Case of its SADC Contingent

**Hussein Solomon**

University of the Free State, South Africa

## Abstract

The conflict-ridden nature of the African continent has compelled the African Union (AU) to establish an African Standby Force or ASF. The envisaged 25,000-strong ASF operating through five regional brigades was to be the backbone of Africa's new peace and security architecture. This paper examines the Southern African Standby Force at both military and political levels and raises deeper questions as to the underlying assumptions underpinning this important initiative.

## Introduction

Africa remains arguably the most conflict-prone continent in the world today. In North Africa the ructions of the Arab Spring have brought not just democracy in the case of Tunisia but the potential of greater civil-military strife in Egypt and the potential for Libya to slide into inter-clan warfare. In West Africa, the violent Islamist Boko Haram in Nigeria continues its murderous attacks on churches and government institutions whilst the Tuareg and radical Islamist Ansar Din in northern Mali have forged closer ties to Al Qaeda in the Islamic Maghreb. These developments are also mirrored in the Horn of Africa where Islamic extremists in the form of Al Shabab continue to do battle with Transitional Federal Government (TFG) and African Mission in Somalia (AMISOM) troops.

In the very heart of Africa, the situation in the eastern Democratic Republic of the Congo (DRC) continues to deteriorate as rebel troops, ostensibly with Rwandan assistance, continue to challenge the sovereignty of Kinshasa. Elections, meanwhile, long meant to demonstrate the popular will of citizens have brought new challenges as incumbents refuse to accept the popular mandate of citizens. The Ivory Coast and Laurent Gbagbo come to mind as countries like Kenya head to the polls.

In other countries, notably South Africa, we are witnessing an upsurge of increasingly violent service delivery protests as citizens protest against an uncaring and often corrupt state. Unemployed and frustrated youth living in slums often form the core of these protestors as government belatedly responds to demands with ad hoc measures sure to cause further alienation.

All over this blighted continent we are witnessing the resurgence of the politics of identity: in Kenya between Kikuyu and Luo, in Nigeria between Hausa-Fulani and Igbo, in Algeria a resurgence of Berber identity, in central Africa a virulent ethnocentric nationalism in the form of Banyamulenge Tutsi identity, in Mozambique between Shangaan and Ndau, in Angola between Ovimbundu and Mbundu, and in South Africa rising tides of xenophobia pitting a narrow South African nationalism against the proverbial other.

More than ever before, there is an urgent need for robust responses to the challenge of peace and security on the African continent. Unlike its moribund predecessor, the Organisation of African Unity (OAU), the African Union's (AU) Constitutive Act does provide for such a robust response. Article 4h of the AU's Constitutive Act creates not only a legal basis for intervention but also imposes an obligation for the AU to intervene in grave circumstances which includes genocide, crimes against humanity and war crimes (Dersso 2010: 4). Such an approach is in keeping with international thinking on the 'Responsibility to Protect'. Whilst the AU's Constitutive Act recognises the principle of non-interference in the domestic affairs of member states, it also mooted the principle of non-indifference to the plight of those suffering under the yoke of an oppressive government. In this way a fine balance was created between the twin principles of sovereignty and responsibility to protect.

In May 2003, the African Chiefs of Defence and Security began deliberations on how to operationalize such an intervention. Towards the end of 2004 what emerged was the creation of an African Standby Force or ASF, operating under the auspices of the AU's Peace and Security Council (Cilliers 2008: 1). The purpose of this paper then is to examine the ASF from the perspective of the southern African region. Whilst some discussion will take place on the military instrumentalization of such a force, the paper will also focus on the political dimensions which might well impede the widely accepted norm of responsibility to protect.

## **The African Standby Force**

From the very beginning, the Peace and Security Council of the AU understood the complexity of the security context in which African peacekeepers are to be deployed and insisted that the ASF should not only include military elements but also civilian police and other capabilities on account of the multiplicity of roles they saw the ASF playing. These included preventive deployment, peacekeeping, peace building, post-conflict disarmament, demobilisation and reintegration of armed combatants, and humanitarian assistance (Cilliers 2008: 1). In the language of the United Nations, then, the ASF was envisaged to be both a Chapter 6 traditional peacekeeping mission and a more robust Chapter 7 peace enforcement mission. The establishment of the ASF is also in keeping with Chapter 8 of the United Nations which allows for regional arrangements to establish peace and security in their specific region.

The ASF was to be organised into five regional brigades: the Southern African Development Community brigade (SADCBRIG), the East African Peace and Security Mechanism known more commonly as the Eastern Africa Standby Brigade (EASBRIG), the North African Regional Capability brigade, better known as the North African Standby Brigade (NASBRIG), the

Economic Community of West African States brigade (ECOBIG), and the Economic Community of Central African States brigade (ECCASBRIG) also known as the Multinational Force of Central Africa – each comprising 5,000 personnel, bringing the total to 25,000 personnel (Dersso 2010: 7). Figure 1 (below) clearly demonstrates the need for a light, flexible and highly mobile force.

**Figure 1: Key Components of a Regional Brigade (Cilliers 2008: 3)**

Unit	Personnel	Light Vehicles	Armoured Vehicles	Light recce	Helicopters
Brigade HQ	85	15	As required		
4 x infantry battalions	3,000	280	As required		
Helicopter unit	80	10			4
Recce company	150		15	13	
HQ support company	65	16			
Military police unit	48	17			
Light signals unit	135	47			
Field engineer unit	505	65			
Logistic specialisation unit	190	40			
Level 2 hospital	35	10			
<b>TOTAL</b>	<b>4,293</b>	<b>500</b>	<b>15</b>	<b>13</b>	<b>4</b>

There was an attempt then to co-locate the ASF with each of the existing five regional economic communities (RECs) on the continent thereby reinforcing a common sub-regional identity. Such an approach, however, is not without its problems especially in the form of overlapping regional membership. Angola and the DRC, both members of the Southern African Development Community (SADC) REC are part of both the central region and the southern region from the perspective of the ASF. Similarly both Madagascar and Mauritius who are members of SADC, from the perspective of the ASF are members of both the southern and eastern regions (AU 2003). From an operational point of view this leaves such countries overstretched and mechanisms of coordination that need to be worked out between the respective regional brigades in order to ensure that overlapping memberships do not hinder the deployment of a brigade in times of crisis. In theory, such overlapping memberships should not be a problem given the coordination between the AU and the respective regional brigade.

Conceptually, once a peace and security operation has been launched, the Peace and Security Operations Division (PSOD) of the AU becomes the strategic headquarters whilst the regional planning element becomes the operational headquarters with constant communication between

the two (correspondence from Captain (SAN) Kobus Maasdorp, 26 June 2012). In my discussions with various security officials within the AU and the regional structures however, there continues to be a lack of clarity as to where the PSOD lines of authority end and where those of the REC begins. Moreover, smaller countries like Mauritius, feel themselves overburdened by belonging to two such regional command structures.

In an effort to prevent anymore Rwandas, the ASF was called upon to be able to deploy within two weeks from the provision of a mandate by the Peace and Security Council (PSC) of the AU (Cilliers 2008: 9). In practice, the lack of a strategic airlift capability on the African continent is preventing such rapid deployment. A case in point is the deployment of AU troops to Sudan's troubled Darfur region. Months after the PSC mandated troops in 2007 to go there, Rwandan and Nigerian troops waited in their respective countries whilst the conflict in Darfur claimed ever more lives. Eventually in 2008 the United States Air Force transported these troops in C-130 Hercules transport planes. Once on the ground the North Atlantic Treaty Organization (NATO) assisted in equipping these peacekeepers. The point being made is a simple one: unless the ASF is adequately resourced, it will remain a nice idea impossible to truly implement.

Besides overlapping memberships and scant resources, a third problem related to the manner in which the ASF was conceptualised has also come to the fore. At its conceptualization it was assumed that any ASF mission would be deployed for a period of between one and two years after which a UN mission would replace the force (Dersso 2010: 8). In practice we have seen AU missions lasting much longer – consider here the length of the African Mission in Somalia (AMISOM). Moreover, instead of an AU mission leading to a UN one, we are increasingly witnessing hybrid UN-AU peace missions such as that of the United Nations African Mission in Darfur (UNAMID) and that in the DRC. On both these counts, it is imperative that the PSC go back to the drawing board – taking on board these new realities.

There is a final problem as to how the ASF was conceived. The sub-regional nature of the AU's peace and security architecture together with issues of a practical nature, such as the lack of a strategic airlift capability, means that the regional brigades will be utilised for crises pertaining to their respective region as opposed to engaging in extra-regional peacekeeping or peace enforcement missions. Whilst such an approach has certain advantages such as increased knowledge of local conditions (language, culture, terrain), there is an overwhelming disadvantage in that neighbouring states may have a vested interest in who is victorious at the end of a conflict or who gets to be president. In other words, national interest considerations may well thwart regional considerations. Consider here the case of Kenya, a key member of the AMISOM mission. Given its own restive Somali population in the North-East, Nairobi has been eager to intervene and create a buffer zone between itself and Somalia in the Juba valley (Solomon 2012: 95). It is, however, doing this under the cover of an AMISOM mission. Whilst this mission is aiming to defeat Al Shabab terrorists and to strengthen the Transitional Federal Government (TFG) in Mogadishu, Nairobi's interests are in a balkanized Somalia, not one united Somalia under central government control.

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Having briefly examined the ASF and the challenges it confronts we now turn to the Southern African Development Community's (SADC) regional arrangements.

### **The SADC Standby Force (SADC SF)**

Soon after its conceptualisation, the name SADCBRIG fell away and that of the SADC Standby Force (SADC SF) was adopted on account of the multidimensional character of the force consisting not only of military elements but also police and civilian components (correspondence with Brigadier-General Lawrence Smith, SANDF, 21 June 2012).

Since its establishment in August 2007, the regional component of the ASF has been making steady progress. The SADC SF already has a function planning element co-located with the SADC secretariat in Gaborone. Understanding the need for building effective cohesion between the national forces, the SADC SF has already completed developing a common doctrine, operational guidelines, standard operating procedures and logistics concept (Cilliers 2008: 14). To further foster cohesion, common training is done at the Regional Peacekeeping Training Centre in Harare. Courses here include staff officer as well as command, logistics and other related courses. In addition, national forces train in their respective countries according to the AU and UN peace support operations doctrine which further fosters greater coordination and inter-operability (correspondence with Brigadier-General Lawrence Smith, SANDF, 21 June 2012).

Despite the tremendous progress being made, significant challenges remain. First, the problems of inter-operability, specifically in the sphere of communications, remain. Consider here the language question. SADC consists of Anglophone, Lusophone and Francophone elements. It seems to me that investment in language training at the different military colleges should be a priority. Communication is further hindered by the fact that most countries use different types of communication equipment from different original manufacturers – causing severe inter-operability challenges as was found during the recent SADC peacekeeping training exercise – Operation Golfinho. Whilst there is an expectation that this problem could be resolved by the Brigade Headquarters providing command and control communications downwards to the subordinate commands (correspondence with Brigadier-General Lawrence Smith, SANDF, 21 June 2012), this then raises the question of where the funding is to be sourced for this additional expense?

Second, whilst there has been much progress in the sphere of the military, the civilian and police components of the SADC SF have been lagging behind. Indeed, Operation Golfinho has also made it clear that this is also preventing effective synergy from developing between the military, police and civilian components. Ultimately this undermines the multidimensional character of the force and undermines success if deployed.

Third, there is the problem of national countries pledging forces which are still committed elsewhere, notably in the DRC, thereby hampering the creation of a roster of troops being contributed (Cilliers 2008: 14). In other cases, key elements of such a force, notably the marine elements and special forces are not pledged by any SADC state (correspondence with Brigadier-

General Lawrence Smith, SANDF, 21 June 2012). These omissions undermine the very effectiveness of the SADC SF and needs to be corrected as a matter of urgency.

Fourth, given the resource constraints among some countries, South Africa has come to occupy a dominant role within the SADC SF. For example, no medical battalion group, no maintenance unit or field workshop was offered by any SADC country. As such the SANDF agreed to provide these during Operation Golfinho over and above its other pledges since no brigade plus strength force can be sustained in the field without these critical components. In a similar vein, whilst Tanzania pledged a brigade headquarters in 2009, it was never operationalized, compelling the SANDF to also pledge a brigade headquarters for command and control purposes. Sensitive to member states' fears of South African domination, the SANDF has ensured that the Deputy Commander, staff officers and military observers emanate from other member states (correspondence with General Lawrence Smith, SANDF, 21 June 2012).

Despite the challenges posed, the SADC SF has been making steady progress in a resource-constrained environment. Military personnel, in particular, have demonstrated remarkable leadership in operationalizing the SADC SF under difficult circumstances. However, as Solomon Dersso (2010: 17) reminds us, "The deployment of the ASF is not merely a technical matter. It is in important respects a political affair". In order to understand the political constraints which might adversely impact on the operationalization and deployment of the SADC SF we now turn to the SADC Organ on Politics, Defence and Security Cooperation (OPDSC).

## **The SADC OPDSC**

In order to ensure peace and security in the southern African region, SADC established the Organ on Politics, Defence and Security (OPDS) on 28 June 1996 in accordance with Article 4 of the SADC Treaty (SADC Communiqué, 28 June 1996). However, the OPDS never became operational and a variety of problems plagued it. First, there was the issue of the permanency of the chair of the OPDS. Zimbabwe's President Mugabe was appointed the first chair of the Organ. Despite the fact that the chair was to rotate annually, he managed to secure himself as chair for an additional four years – until 2001, when SADC Heads of State forced him to give up his position (Muleya 2001). Second, there was the problem that the OPDS functioned independently of SADC. Indeed, President Mugabe wanted the Organ to have its own Summit, while others, like President Mandela of South Africa, wanted it to be integrated within only one Summit for the whole of SADC. The relative independence of the SADC Organ vis-a-vis SADC proper allowed President Mugabe to use his chairpersonship of the OPDS to justify his country and his allies – Angola and Namibia – intervening in the DRC as a SADC force. It should be noted that most of the other members of SADC did not recognise it as an intervention done in the name of the SADC Organ but as an initiative of Mugabe. The third set of problems confronting the OPDS revolved around a weak organisational structure incapacitated by a shortage of financial resources, poor political direction and a dearth of skilled professionals (Solomon 2004: 184). By March 2001, a critical review of all operations and structures was finalised (Report on the Review of Operations of SADC Institutions, March 2001).

Following the recommendations of the SADC review, a new structure, the SADC Organ on Politics, Defence and Security Co-operation (OPDSC), was adopted by the SADC Heads of State Summit in Blantyre, Malawi later that year. The OPDSC was clearly superior to its predecessor, the rather moribund OPDS in that it lost independence and became an integral part of SADC (Protocol on the OPDSC 2001: 6). This is a positive development for two reasons. First, it reinforces notions of a holistic, expanded and integrated security. Following from this, it emphasises that issues of peace and security cannot be separated from developmental and governance issues. Thus the aims of the Organ were both security (narrowly defined) as well as peripheral issues associated with security such as democratic consolidation and good governance. Second, on a more practical level, it prevents abuse by one state of the Organ for national or even personal reasons as we saw in Zimbabwe, Angola and Namibia's decision to intervene in the DRC (Solomon and Ngubane 2003).

Moreover, in a further effort to prevent abuse, and to encourage accountability and collective ownership, the annual SADC Summit elects the chairperson of the Organ and the term of office was restricted to one year only. This stands in sharp contrast to the five years that President Mugabe stayed on as chair and must also be seen as a positive development. Furthermore, the Protocol establishing the OPDSC makes it clear that whilst the Chairperson of the Organ is responsible for the overall policy direction and the achievement of the objectives of the Organ, this can only be done in consultation with the other two members of the Troika in charge of the Organ – the Incoming and Outgoing chairs (Protocol on the OPDSC 2001: 7-8). This also was meant to prevent abuse.

Despite these positive developments, there are also shortcomings which may adversely impact on the deployment of the SADC SF. Article 8(c) of the SADC Protocol establishing the OPDSC stipulates that decisions shall be taken by consensus. This is problematic. Consider the following scenario: a SADC member state engages in gross human rights violations and hangs on to power by means of fraudulent elections. Should other member states believe that intervention is needed in this country through the deployment of the SADC SF, then this country would simply vote against such a decision. In this way, one recalcitrant member holds the SADC Organ hostage. In other words, decisions by consensus are effectively a right to veto the majority decision. As such, it is recommended that the SADC Organ follow the example of the AU's predecessor, the Organisation of African Unity in its latter years that decisions should be reached by consensus minus one (Solomon 2004: 190).

Then there is the question of sovereignty. In an increasingly interdependent world where sovereignty is challenged on a daily basis, the Organ has chosen to interpret sovereignty in an absolute sense. Consider here the following statement to be found in the Protocol: "Recognising and re-affirming the principles of strict respect for sovereignty, sovereign equality, territorial integrity, political independence, good neighbourliness, non-interference in internal affairs of other States" (Protocol on the OPDSC 2001: 16). This absolutist notion of sovereignty is extremely problematic. The SADC position on sovereignty contradicts that of the AU which allows for state sovereignty to be disregarded in order to protect human life. From the

perspective of the SADC Standby Force, given this absolutist notion of sovereignty, will it ever be allowed to deploy?

A related question, which has been posed by Maxi Schoeman (2002: 20), is whether the OPDSC, "... will be used by heads of state and governments to protect each other, or whether, in the spirit of the SADC Treaty it will be used to protect the people of the region". Simply put, is security about citizens or political elites? Time and again, the SADC leadership has answered this question in favour of the latter. When Malawi's former president Bakili Muluzi was harassing the political opposition, SADC stood by the incumbent president (Solomon 2004: 193). When Robert Mugabe unleashed a reign of terror against his own people, SADC refused to act to protect the innocent. As the situation deteriorates in Swaziland, SADC has remained aloof as King Mswati III, Africa's last feudal monarch, has refused to give in to the demands of the pro-democracy demonstrators – thereby risking a civil war in this tiny kingdom. Under these circumstances, can we see a situation where SADC, under whose mandate the ASF contingent falls, approves of the SADC SF entering a country to save innocent live, as was the AU's intention with its creation?

## Conclusion

The creation of an African Standby Force was a positive development for Africa and its one billion citizens. Given constraints at the UN level – both resource and political (the use of the veto), the establishment of the ASF was truly ground-breaking in that it operationalized the norm Responsibility to Protect or in traditional African parlance concretising the notion of ubuntu – our common humanity. Despite problems from sourcing funding, developing common command and control, improving communications, overlapping memberships of the regional brigades and the danger of one state dominating the regional brigade, military officers across nations and regions have demonstrated tremendous leadership in moving the concept of the ASF from the drawing board and into military academies and onto the battlefield.

Unfortunately, the greatest challenges are political, not military, as to the success of the ASF. The SADC political leadership has proved deficient in terms of the values it represents – preferring to keep incumbents in power as opposed to allying themselves with long-suffering citizens. Simply put, the SADC political leadership seems to exist for the security of state elites as opposed to the human security of citizens under the yoke of political oppression by the likes of Robert Mugabe and King Mswati III. Their absolutist notion of sovereignty stands in sharp contrast to the position of qualified sovereignty that the African Union has embraced – allowing for intervention in order to save human life. Such an absolutist notion of sovereignty together with the ruling of decisions by consensus allows one to conclude that intervention by the SADC SF will not take place. Irrespective of the great military strides undertaken, the underlying political values of SADC's political leadership prevent the effective deployment of such a force. For this reason, conflict and tragedy will continue to be the bane of southern Africa's existence.

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## Biographical Note

Dr. Hussein Solomon is Senior Professor in the Department of Political Studies and Governance at the University of the Free State, Republic of South Africa.

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## Transnational Threats: The Problem of Illegal Immigration in Northern Malawi

**Bryson G. Nkhoma**

Mzuzu University, Malawi

### Abstract

Immigration is one of the transnational threats affecting the economy, society, politics and ecology of many countries. In the Malawian context, the origination of immigrants from war-torn areas of Mozambique, Somalia, Ethiopia, Democratic Republic of Congo (DRC), Burundi, Rwanda and Sudan has been a major cause for public and scholarly concern. The present paper, therefore, sets out to understand the extent to which illegal immigration threatens the security of the country. Evidence from the case study, northern Malawi, suggests that, although the numbers and crimes associated with illegal immigration are relatively low compared to those committed by Malawians, the illegality of their presence undermines the sovereignty of the country to control immigration. While appreciating the necessity of cracking down on illegal immigration, the paper draws attention to the complex nature of the exercise. The observation here is that immigration has conflicting dimensions of illegal immigration, transnational threats and refugees, with the latter requiring protection under international mandates. Critical should be the desire to eliminate unsustainable and illegal immigrants while upholding international conventions of immigrants' rights as well as ensuring that *bona fide* immigrants and refugees are protected.

### Introduction

In the past two decades, Malawi has seen an increased number of immigrants largely from Mozambique, Somalia, Ethiopia, Democratic Republic of Congo (DRC), Burundi, Rwanda and Sudan (Malawi Police Service 2010). Until the late 1990s, Mozambique was the largest generator of immigrants who relocated themselves in different countries within the region as refugees (Callamard 1994). Presently, most of the immigrants originate from the Great Lakes region (Kainja 2012). While most of the immigrants are legally located in the country, there has been an increased number of immigrants who locate themselves illegally without due documents. As of 2010, the total number of illegal immigrants in the country was reported to be 279,000 (Malawi Police Service 2010). The report indicated that the country was receiving an average of 5,000 illegal immigrants per annum, the majority of which entered the country through the northern districts of Karonga, Chitipa, Nkhata Bay, Rumphi, Nkhotakota and Salima. Between

2008 and 2009 over 350 illegal immigrants were arrested and 2,000 were deported to their original homes. Despite the arrests and deportation, the number of illegal immigrants continued to increase in the country. For example, over 500 illegal immigrants were convicted and 3,000 deported between 2009 and 2010 (Malawi Police Service 2010).

While immigration is a normal globalisation process and while it plays a positive role in enhancing human resources, international trade and revenue, it (in both legal and illegal forms) has also been associated with transnational crimes such as terrorism, human and drug trafficking, armed robbery, money laundering (Bowers and Parke 2009). Since the September 11 attacks in the USA in 2001, for example, that country has become exceptionally careful in dealing with the inflow of immigrants whom they fear might cause a similar attack (Finckenauer 2000). Globalisation and its associated economic and technological advances have made the process of international movement easy, and more so, have given advantages to immigrants who intend to commit transnational crimes (Finckenauer 2000). While the most opportune target of transnational criminals<sup>1</sup> has been the richest countries, most of the transnational criminals are from less developed countries, who at times use less developed countries as conduits for their operations (Saari 2006; Shelley and Picarelli 2010). In Malawi, there is ample yet unsubstantiated evidence of the existence of crimes related to illegal immigration such as human trafficking and smuggling (Chizimba *et al* 2011; Kainja 2012).

The paper aims at enhancing our understanding of the extent to which immigrants threaten the security of Malawi as a country. After exploring the scholarly context of immigration and transnational threats, the paper attempts to examine the growth of illegal immigration and its associated threats as well as the effectiveness of the crackdown campaigns against the practice in the country. The results of the study seem to suggest that illegal immigration is not so much a source of concern beyond the obvious illegality of the presence of immigrants, especially when rated against crimes committed by nationals in the country. However, it will be argued in the paper that, despite the relatively low crime rate associated with illegal immigrants, the illegality of their presence undermines the sovereign power of the state to control immigration. The presence of illegal immigrants, who largely originate from war-torn areas, is contributing to an atmosphere of fear and xenophobia with greater potential to generate conflicts with the nationals. The paper also brings attention to the complex nature of dealing with immigration owing to its conflicting multi-dimensions of illegal immigration, transnational threats and refugees. It agrees therefore with Koser (2005)'s observation that dealing with immigration presents the challenge of eliminating unsustainable and illegal immigrants while upholding international conventions of immigrants' rights as well as ensuring that *bona fide* immigrants and refugees are protected.

The paper uses a case study qualitative approach. The idea of a case study was to get an in-depth understanding of illegal immigration in the country. The case of Northern Malawi was particularly suited as it acts as the entry point for immigrants from the Great Lakes region which

<sup>1</sup> The United Nations defines transnational crimes as offenses whose inception, prevention, and/or direct or indirect effects involve more than one country. For details see United Nations (1995).

is the greatest source of immigration into the country. The intention of collecting and analysing data qualitatively was to capture and assess the opinions and perceptions of both the local people and officials from security departments (immigration, intelligence and police) on matters related to immigration and transnational threats through oral interviews, key informant interviews, newspaper and document reviews. The results of the study were first presented at the launch of the Malawi Chapter of Tropical Outreach Program Series (TOPS) which was accompanied by a symposium on security and development in democracy held between 24 and 26 July 2012 in Lilongwe, the capital city of the Republic of Malawi. Between 24 and 28 September 2012, the paper was further discussed at the security sector governance executive course organised by Centre for Security Studies of Mzuzu University in Lilongwe.

### **Immigration: Threat or Opportunity?**

The issue of immigration in transnational threat discourse has been a subject of public and scholarly debate. Traditionally, it has been argued that immigration should not be considered as a transnational threat. If managed properly and in an orderly manner, goes the argument, immigration is beneficial to the interests of both the sending and receiving countries as well as the immigrants themselves (Collinson 1999; Hugo 2004). Through migration, the sending countries gain foreign exchange, revenue, alleviate the burden of excessive labour, and are able to promote international trade. Receiving countries, on the other hand, benefit from the expertise of immigrants for their own national development. In North America and USA, for example, it has long time been a policy to open the border doors wide for the entry of immigrants, especially those with high qualifications and expertise, of course in the pursuit of the so called ‘melting pot theory’<sup>2</sup> of American social development (US Department of State 2008). In France, Germany and Spain, it has lately been their policy to open doors for people from other countries, especially those from the third world, in order to meet the demand for cheap labour. Other scholars call for the consideration of immigration as a normal process of globalisation (Collinson 1999; Finckeneuer 2000).

However, in the aftermath of the September 11 attacks, the consideration of immigrants as a beneficial factor for developed countries has been heavily debated. To a degree, immigration has come to be treated as a transnational threat. There are five situations in which immigration is considered as a threat to the security of nations:

1. Unsustainable immigration: This happens when the levels of immigrants exceed the social, economic and ecological capacity of the hosting countries. Competition between nationals and immigrants over resources develops giving birth to xenophobia.
2. Illegal immigration: This happens when immigrants, for reasons best known to them, choose to enter into a country without following the normal immigration procedures. This

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<sup>2</sup> The melting theory held that America was a crucible of the people from different nationalities which together has enriched the American identity and development.

undermines the sovereign right of states to control people crossing their borders (Koser 2005).

3. Transnational crime: This is a situation whereby immigrants begin to engage themselves in criminal activities such as terrorism, human trafficking, human smuggling, money laundering, armed robbery, corruption and drug trafficking.
4. Military and political activities: This happens when immigrants use hosting countries as bases for organising military activities against their home countries. This present the possibility of breeding wars between the sending and receiving countries.
5. Societal disruptions: This happens when immigrants instead of adapting to the existing cultural norms of the hosting countries choose to form a “cultural, linguistic, religious, and racially distinct minority within the hosting country thereby altering the social character and strength of its society” (Stivachtis 2008: 18). In this case, immigration threatens the collective identity of hosting countries.

In view of the apparent threats created by immigration, securitisation of immigration has been a common practice in most countries (Stivachtis 2008). While this is critical in dealing with immigration problems, the effectiveness of securitisation is limited by globalisation, human rights legislation, social networking, corruption by immigration officials, the work of migrant smugglers, and nationals who help illegal immigrants to enter into their country (Koser 2005). Securitisation of immigration has the potential to undermine the need to protect genuine immigrants and refugees. In some cases, the process may lead to the acceleration of illegal immigration, human smuggling and trafficking, as immigrants tend to operate underground to evade police thereby creating more insecurity problems. There is also a danger that over securitisation of immigration would cause other states to reactively develop xenophobic attitudes towards immigrants from other countries.

However, we need to note that threats associated with immigration are not universal, rather conditional to certain circumstances. It is argued that immigrants, like other factors, do not cause transnational threats in themselves, but:

Rather, they facilitate crime, and in some cases, they are criminal opportunities in themselves. For example ... [t]he desire to immigrate may cause people to violate immigration quotas and regulations and may lead to illegal immigration, which in turn is exploited by criminals (Finckenauer 2000:1).

Even where illegal immigrants commit crimes, it is difficult to distinguish between perpetrators as the same crimes are committed by nationals or indeed the so called regular immigrants (Finckenauer 2000; Kicinger 2004). According to Koser (2005), threats caused by immigration needs to be critically substantiated statistically and empirically. He is of the view that immigrants, especially illegal immigrants, come in fairly small numbers to cause significant threats to countries and that not all immigrants are criminals or carriers of infectious diseases as has been commonly alleged. As noted above, demonization of immigrants leads to the perpetuation of

illegal immigration and its deterrent to refugees to publicly seek asylum. Consequently, for fear of deportation, immigrants operate underground or indeed seek the assistance of human traffickers, a situation which results in the exploitation of women and children in domestic work and the sex industry.

The present paper argues that although immigration is a critical factor that perpetuates transnational threats, the subject needs to be handled with a great deal of soberness and prudence to avoid discriminating *bona fide* immigrants like refugees and asylum seekers who have the right to protection under UN conventions. As it will be seen from the paper, this is however, quite a complex process especially in the context whereby refugees refuse to declare their status, and cross several peaceful countries before settling in the country as well as opting to flee from refugee camps and settle among the locals. This presents a dilemma for Malawi in choosing whether to protect such people as refugees in accordance with the 1956 UN Convention and 1964 OAU convention or to deport them.

### **The Growth of Immigration in Northern Malawi**

The growth of immigration in northern Malawi should be understood from its geographical, economic, and social-political context. Geographically, the region shares Lake Malawi and the Nyika mountains as borders with Tanzania and Zambia. The borders are porous and open for the entry of illegal immigrants into the country. Within this geographical context, Karonga, Chitipa and Nkhata Bay in particular are conveniently located for the growth of illegal immigration. At Songwe border, over 20 unchartered routes exist which were created by illegal immigrants to facilitate their movement and entry into the country. The presence of Songwe River, which forms the border between Tanzania and Malawi in Karonga, has also made it easy for illegal immigrants to enter into the country through canoes organised by Malawians. In terms of communication, the region forms part of the northern corridor connecting Southern Africa to Eastern Africa. It is through this corridor that immigrants flow into the region.

Economically, the region has great potential resources that attract illegal immigrants. These include the Chikangawa forests, Kayerekera mines, and rice farms in Nkhata Bay and Karonga. The opening of Kayerekera mine in Karonga, which is already well-placed for illegal immigration, has accelerated the growth of illegal immigrants from Zambia and Tanzania who have located themselves to conduct informal business and provide commercial sex services to home-alienated workers in the area (Masina 2010).

Socio-politically, the country is yet to issue national identity cards to discriminate between immigrants and the nationals, the absence of which has been exploited by immigrants who seemingly share common ethnic characteristics to stay in the country.<sup>3</sup> The prevalence of peace and tranquillity as well as the history of food security are other factors that encourage

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<sup>3</sup> Note that the inhabitants of northern Malawi originated from Tanzania, Zambia, Mozambique and the DRC. It is therefore very difficult to distinguish between nationals and immigrants as they all share similar physical and social characteristics.

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immigration in the country in general and the region in particular. Whether founded or not, there is a belief held by immigrants, especially from Tanzania and Nigeria, that it is easy to obtain a passport in Malawi with which to travel to countries like South Africa and USA where their entry is highly regulated (Kainja 2012).

The flow of immigrants into the region is as old as the national history of the country itself. People that have come to be called Malawians in the region (Tumbukas, Chikulamayembes, Ngondes, Ngonis and Tongas), came as immigrants, be it illegal or regular, or as refugees. The oldest tribes were the Tumbukas, but these were joined by Chikulamayembes, Tongas and Ngonis. As early as the late 1780s, the Tumbukas had already handed over political hegemony to Chikulamayembe, a long distance trader of iron hoes (Phiri 1988). The Ngonis, who fled from the devastating wars of Chaka Zulu in South Africa, were the last to settle in the region (Shillington 1989). Despite being late comers, however, using their military prowess, they managed to conquer and control the Tumbukas in Mzimba (Phiri 2004). Though a minority, chieftainships in Mzimba have been the monopoly of the Ngonis subsequent to these conquests. The implication here is that Malawi has people with historical and ethnic linkages that perpetuate common cultural identities and informal interactions which facilitate what might be seen as illegal immigration.

In the 1980s and 1990s, Mozambican refugees created the largest number of immigrants, and most of them settled spontaneously among Malawians in the Likoma and Nkhata Bay districts (Callamard 1994). Between 1976 and 1987, the refugees existed more or less as illegal immigrants as Malawi had not ratified UN conventions on refugees (Callamard 1994; Nkhoma 2006). The refugee status of Mozambicans in Malawi was only accorded in 1987. Although the majority of Mozambican refugees were repatriated by 1997, there were some who, for reasons of marriage, memories of war and/or personal interest in the country, chose to stay in the region. Similarly, some Malawians joined refugees during the repatriation for similar reasons (Nkhoma 2006).

In recent times, the Great Lakes region and the Horn of Africa have been the greatest generators of immigrants, with people from Burundi, Somalia, Rwanda, Ethiopia and Tanzania settling in northern Malawi. Besides these groups are immigrants from Nigeria, Zambia and Zimbabwe. While the latter come both as regular and illegal immigrants to exploit business opportunities in the region, the former are more or less refugees. In the past, refugees were assembled, processed and conveyed to Dzaleka, the only existing refugee camp in Malawi, found in Dowa district of central Malawi. Other refugee camps were closed because of security concerns, refugee management capacity, the relatively low number of refugees in the country, as well as the understanding that Dzaleka, which used to be the largest yet also a notorious prison, had the capacity to accommodate a large number of refugees. Since most of the refugees entered the country through northern Malawi, a transitional camp for refugees was established by the Karonga Police to process refugees before sending them to Dzaleka. The Karonga transitional camp has since 2010 been closed due to the lack of capacity to manage the refugees by the police and immigration as well as to minimise cases of theft and immorality involving refugees in the

township. There were also misunderstandings between the Police, UNHCR, and immigration authorities over the control of the camp (Mtambo 2010).

The management of refugees in Malawi has been problematic. There is a group of refugees who do not fit into the UN and AU definition of refugees in the view of the Malawi Government. These are refugees who refuse to declare their refugee status and those who cross various peaceful countries like Kenya and Tanzania before settling in the country (Masina 2010). It is assumed that these refugees lose their status, and are therefore disqualified from protection in accordance with UN and AU Conventions on refugees. Oral evidence seems to suggest that these refugees look for economic opportunities rather than political refuge. According to the District Commissioner for Karonga, the refugees refuse to declare their status for fear of being sent to Dzaleka refugee camp or indeed being repatriated back to their home of origins. There are also reports that most the refugees who fail to declare their status are in transit to join their relatives who have settled or are doing some form of business in South Africa.

The manner in which refugees travel raises more questions in terms of whether they should be accorded refugee status or not. Often, they are male refugees within the age range of 18 and 35, and they travel in groups ranging between 20 and 60. They carry maps with which to guide them in terms of the routes to be used and the location of police check points to avoid (Kainja 2012). They travel at night with the help of Malawians who offer them transportation and other related support. In addition to porous borders, some immigrants enter the country through official borders after corrupting officials to grant them entry into the country. Sometimes, the refugees present themselves to police officers. According to the District Commissioner for Karonga, the self-presentation of refugees to police is a matter of running away from being caught as well as getting social help in form of food and medical care after staying in hiding for a long time. There are reports that these refugees sneak out from Dzaleka and travel to their destination of choice, South Africa.

Of the 279,000 illegal immigrants recorded in the country in 2010, 15,000 were considered refugees (Malawi Police Service 2010). Before the closure of the transitional refugee camp at Karonga in 2009, this category of refugees entered the country at a rate of 300 people per week through Karonga and Chitipa (Chione 2010). Between 2011 and 2012, there have been an increased number of cases of refugees who were arrested as published in the media. In 2011, for example, four incidents of arrests were reported in Nkhata Bay and Mzuzu. Most of them came from Ethiopia and Somalia. Between January and September 2012, similar incidents took place in Karonga and Chitipa. A number of refugees drowned in a ship on Lake Malawi, and some suffocated to death in Tanzania while returning to their home country. In July 2012, a group of 60 refugees were caught in a forest in Chitipa. Just recently, a senior chief from Chitipa was honoured by the president for intercepting refugees from his district. In one instant, the refugees showed up to his house looking for food but he took them to the police station in Karonga where they were apprehended and sent back to their home countries. Within the same district, police caught over 37 refugees who were cargo-like loaded in van owned by a Malawian. Meanwhile, immigration officials estimate the total number of illegal immigrants in northern Malawi to be

close to 15000, with the majority being refugees from the Great Lakes region. The annual growth rate of illegal immigrants is estimated at 4.5% (Kamwana 2010). However, most of the immigrants are in transit to the central region of the country, and, thereafter to South Africa.

### **Associated Threats of Illegal Immigration in northern Malawi**

Broadly, immigrants seem to threaten the security of the region in a variety of ways. Firstly, some illegal immigrants are engaged in prostitution. There are cases of prostitutes from Tanzania and Zambia who camp in rest houses in the region as commercial sex workers. This has resulted in the spread of HIV/AIDS in the region. A study conducted by Wiseman Chirwa recorded that HIV/AIDS spread into the country through the northern corridor (Chirwa 1998). This was also confirmed by Lwanda who noted that the first case ever tested positive of HIV/AIDS at Queen Elizabeth Central Hospital in 1985 was a referral case from Ekwendeni hospital, one of the well-known places for prostitution and social entertainment in Mzimba (Lwanda 2002; 2004).

Secondly, some illegal immigrants are involved in cross-border crimes such as money laundering, black market foreign exchange (especially along the border areas of Karonga and Chitipa) as well as drug and goods trafficking. The common drug trafficked is *chamba* or Indian hemp alleged to be grown in Nkhata Bay and Nkhota Kota. In addition, goods such as timber from Chikangawa, tobacco from Rumphi and rice from Karonga and Nkhata Bay are being smuggled to other neighbouring countries. The contributory factor here is that these products are competitively the best in the region yet their prices are deplorably low. Some immigrants take advantage of this to smuggle them for a better price outside the country.

Although evidence of human trafficking did not come forth from the study, Chizimba *et al* (2011) shows that the problem exists in the region especially in Rumphi and Nkhata Bay. Illegal immigrants seem to organise this in conjunction with Malawians. Women and Children are often abducted using false agreements and once taken are exploited as sexual workers and children labour. The study shows that Nkhata Bay and Karonga were the leading districts where human trafficking was organised, with Nkhata Bay taking the lead (Chizimba *et al* 2011).

Organised crime in the form of armed robbery and car hijacking are also committed by some illegal immigrants in the region. Armed robbers from Tanzania and Zambia locate themselves in the region to steal vehicles and exit with them to Zambia through Hewe and Jenda. Two incidents have been identified from the study. The first one involved the High Court Judge Justice Dingiswayo Madise who was abducted with his car from Chibanza in Mzuzu in 2007. The armed robbers hijacked his car together with him, and he was later dumped down at Mpherembe in Mzimba. The armed robbers were caught later, and it was found that they were from Tanzania. A similar incident took place in 2008 in Nkhata Bay where an official from an international non-governmental organisation project was shot dead and his car hijacked by gangsters from Zambia when he was arriving at his house.

There have also been cases in which immigration has increased pressure on the region's social amenities, such as land, medical care and education. In Chitipa, for example, 60 illegal immigrants were found in August 2012 too sick due to long travel and hunger, and all these were

admitted at Chitipa hospital which naturally has limited bed space for patients. This attracted public outcry from the people of Chitipa who felt it was not justifiable for them to fail to access hospital beds due to the presence of illegal immigrants.

The growth of conflicts between nationals and immigrants is also reflected through the undue socio-economic competition that emerges in the business arena. Malawians complained of being deprived of trade monopoly by immigrants at Chikangawa as well as business centres like *Taifa*<sup>4</sup> market and *matabwa* or timber market in the city of Mzuzu. The major problem is that immigrants sell goods at relatively cheaper prices thereby attracting more customers than Malawian traders. These conflicts generate feelings of xenophobia and the invasion of shops belonging to immigrants during the demonstrations of 20 July 2011<sup>5</sup> provides evidence of this.

It is important to note that there is no statistical evidence to enable us to appreciate the extent to which illegal immigration is a cause of transnational threats. The absence of statistical evidence, however, should be understood within the context of the sensitive nature of the subject as well as the fact that most illegal immigrants operate underground beyond the casual notice of security officials. Illegal immigration and its associated crimes touch on the security fabric of the country, and therefore, security officials tend not to bring the subject to public debate (Mzuzu University 2012a). However, rudimentary studies seem to suggest that crimes committed by illegal immigrants in northern Malawi when compared to crimes committed by nationals are relatively lower. Within the city of Mzuzu, a few cases of armed robbery by immigrants were reported. In his study, Chiundira (2010) noted that of nearly 6,000 crimes committed in the city of Mzuzu in 2007, only 800 were committed by illegal immigrants. The crimes were categorised as organised crimes, violent crimes, sexual crimes and petty crimes. Among other things, organised crimes included car hijacking, armed robbery, drug trafficking, fraud and forgery while violent crimes included cases of burglary, house breaking, fighting, and so on. Crimes committed by illegal immigrants followed this pattern:

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Organised crimes	42%
Violent crimes	24%
Sexual crimes	24%
Petty crimes	10%

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**Source:** Chiundira (2010: 26)

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<sup>4</sup> *Taifa* market is a nickname for the Chinaware market located in the city of Mzuzu. Most of the shops in this market are owned by Tanzanians where Chinese goods that enter through Tanzania are sold.

<sup>5</sup> On 20 July 2011, members of civil society organised national demonstrations against the government which claimed the lives of 20 people, 18 of them from Mzuzu alone. During the demonstrations, people from Mzuzu invaded and looted goods from various shops, mostly those owned by immigrants.

Singo (2012) also made similar observations in Karonga. He noted that only 8% of the crimes committed in 2011 in the district were associated with illegal immigrants while 90% were associated with the indigenous people, and 2% were associated with unknown people.

Drawing from these rudimentary evidences, one might be tempted to conclude that illegal immigration should not be regarded as a major source of security concern. However, this can be disputed in four ways. First, it is important to note that the conclusion is based on an absence of authentic statistical evidence on crimes committed by illegal immigrants owing to the sensitive nature of the subject (Mzuzu University 2012a). The absence of this data does not, therefore, entail that illegal immigrants are not a threat in the country. Second, it is noteworthy that most of the illegal immigrants originate from war-torn areas such as Mozambique, Somalia, Ethiopia, Democratic Republic of Congo (DRC), Burundi, Rwanda, and Sudan. There are fears that among these immigrants would be war mercenaries who might at one point cause military conflicts (Silawe 2010). Third, while numbers of illegal immigrants and their associated crimes are comparatively small, the illegality of their presence undermines the sovereign right of the country to control immigration. Fourth, and related to the above, crimes like armed robbery and sexual abuse are serious in nature, and for an immigrant to be involved in them, should cause alarm to any government (Chione 2010). Furthermore, the settling and activities of illegal immigrants alone raises questions about their motives in the country. The assumption here is that illegal immigrants intend to conduct dubious activities that they do not want the government to know about. It is in this context that we should understand the rationality of the illegal immigration crackdown exercise that the government of Malawi has undertaken since 2010.

### **Problems of and Prospects in the Fight against Illegal Immigration in Malawi**

The government responded to illegal immigration by launching a crackdown campaign against the practice in the region. Some of the notable strategies included the closure of the refugee transitional camp at Karonga, patrolling of the border and Lake Malawi for immigrants, establishment of Chilumba garrison and mounting of regular and *ad hoc* roadblocks and checkpoints along the main roads in the region. Besides this, the government conducted awareness campaigns on illegal immigration and empowered the communities in terms of dealing with illegal immigrants through the Community Police Branch (Silawe 2010; Maseko 2010; Mapeto 2010).

In 2010, the government intensified efforts to deal with illegal immigrants. A community based approach to stop illegal immigration was launched in Blantyre, Lilongwe and Mzuzu through the community Police Service, aimed at dealing with human trafficking and illegal immigration in general. It was in this year that the Karonga Refugee Transitional Camp was closed for creating more insecurities than it was preventing as noted above (Mtambo 2010).

Two initiatives are worth mentioning here. The first one was the “Stop Illegal Immigrants Initiative” which was aimed at encouraging communities and all stakeholders to assist in the fight against illegal immigration in the country. The communities were called upon to report to police the presence of suspected illegal immigrants in their areas (Malawi Police Service 2010).

Among other areas, the programme targeted Karonga, Chitipa and Nkhata Bay, which were reportedly the key entry points of illegal immigrants. The intensification of border patrols, however, forced immigrants from Karonga to resort to using the lake, through Usisya and Nkhata Bay, in order to enter the country (Chione 2010). The police reacted by establishing the Marine Police at Nkhata Bay to patrol the lake and conduct community policing forums on illegal immigrants. It is reported that over 550 illegal immigrants were arrested and deported from the Stop Illegal Immigrants Initiative in 2010, and of these 126 were arrested in Karonga, 328 from Nkhata Bay, 68 from Rumphi and 28 from Mzimba (Malawi Police Service 2010). Most of these were caught as a result of reports by the communities in response to the sensitisation campaigns conducted through the initiatives.

The second initiative was “Operation *Bwerera*” (return) which was conducted later in the same year. *Operation Bwerera* was a joint venture by the Malawi Police Service, Intelligence officials and the Northern Region Immigration which involved hunting down illegal immigrants in the city of Mzuzu, especially at the *Taifa* market, *Zigwagwa* or timber market and surrounding locations. During the operation, nearly 1,000 illegal immigrants were caught, largely from Ethiopia and Somalia (Chiundira 2010). However, most of the illegal immigrants arrested were released from Dzaleka to collect their belongings, and most of them did not return and no follow up was done to trace them (Mzuzu University 2012b). This reflects a lack of capacity to repatriate illegal immigrants.

The success of the securitisation of illegal immigration in the region, however, was undermined by such factors as corruption by security officials, inadequate resources by security officers, homogeneity of the ethnic composition of Malawians and immigrants, existence of unchartered routes, absence of national identity cards, existence of a porous border, especially along Lake Malawi as well as Songwe River, and the collaboration of Malawians in supporting illegal immigrants (Kainja 2012). The lack of harmonised legislation and policy to deal with illegal immigrants also presented a major challenge to the success of the anti-illegal immigrants’ campaign. Malawi continues to use the outdated 1967 Immigration Law to deal with the current wave of globalisation which has made illegal immigration more complicated (Kamwana 2010).

The problems of dealing with illegal immigrants have also been aggravated by a lack of coordination among players in the sector both at local and international levels. At the international level, for example, one wonders how refugees and illegal immigrants from Ethiopia and Somalia reach Malawi passing through Sudan, Kenya and Tanzania (Mzuzu University 2012c). Within the country there are conflicts of interests and approaches among players such as the Office of President and Cabinet, the Malawi Police Service, UNHCR, trade and industry, civil society, immigration, army and the intelligence (Masina 2010). Often, there are accusations and counter accusations related to attempts to deal with illegal immigration. The police, for example, accuse the army of interfering in domestic security which falls exclusively under their domain. While the UNHCR considers the immigrants as refugees that need their protection, the police consider them as illegal immigrants who have to be arrested, fined and deported to their

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countries of origin (Mtambo 2010). Meanwhile, the Malawi Revenue Authority (MRA) enjoys the custom revenue which immigrants bring into the country through international trade.

It should be noted that dealing with illegal immigrants who may be refugees is quite problematic. Often security officials are faced with the dilemma of deciding either to observe international conventions designed to protect refugees, or to round up and expel the immigrants from the country. While the latter appears to be morally and legally wrong, tolerance of refugees who refuse to declare their status is problematic. It is in this context that we should understand the complexity of cracking down on illegal immigration while protecting immigrants that require protection like refugees and asylum seekers as well as regular immigrants who contribute significantly to the social and economic capital of the region in the country.

## **Conclusion**

The foregoing account has attempted to discuss the problem of illegal immigration in northern Malawi within the prevailing discourse of transnational threats and crimes. The major observation of this paper is that although the growth of illegal immigration and its associated threats is not statistically substantiated, the fact that most immigrants originates from war-torn areas (notwithstanding the refugee-illegal immigrants debate) is cause for security concerns in Malawi. Besides, the illegality of their presence undermines the state's sovereign right to control immigration and creates undue competition with the nation for the pre-existing meagre social and economic opportunities. Illegal immigration also creates an atmosphere of fear and xenophobia which if not handled properly could be a recipe for the growth of conflicts as was manifested in the 20 July 2011 demonstrations.

Recognising the threats illegal immigration causes, the government launched a crackdown campaign through which entry points were blocked and illegal immigrants were rounded up and expelled from the country. However, the impact of these efforts were limited by corruption, inadequate security staff, homogeneity of ethnic compositions of immigrants and nationals, the existence of porous borders and unchartered routes, and a lack of harmonisation of security related policies, just to mention but a few of the obstacles. The greatest challenge has been dealing with refugees. The failure of refugees to declare their status has placed before the government the temptation of arresting and deporting them to their countries of origin, contrary to its obligation under international mandates to protect them.

The conclusion here is that immigration is a complex phenomenon with contradictory and conflicting dimensions such as illegal immigration, transnational crimes and refugees requiring protection. While cracking down on illegal immigration is the mandate of every responsible government, in the light of the above complexity, there is a need to do this with a great deal of prudence and soberness so that a situation of discrimination against immigrants, such as refugees and asylum seekers who have the right to protection, is avoided. Effectiveness on this requires an adoption of a balanced yet holistic approach with the locals being critical players. The government needs to stamp out corruption, intensify the campaign for national identities as well as close up the prevailing uncharted routes in the region. Furthermore, a multinational approach

is paramount in dealing with illegal immigration. Since the problem of immigration is transitional, concerted efforts have to be made at a regional level and not just at a national level. Together with the UNHCR, the government should embark on a process of screening refugees from illegal immigrants, and improve on policies and strategies of dealing with and protecting refugees.

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### Biographical Note

Bryson G. Nkhoma is a Senior Lecturer in the Department of History at Mzuzu University. He also teaches courses on Migration and Development at the Centre for Security Studies at Mzuzu University. He holds an MA in African Social History from the University of Malawi. His research interests are largely concerning social and cultural transformations with a focus on irrigation transformations, migration and security, and urbanisation.



## **The Big-Man Syndrome as a Security Threat in Malawi: A Critical Theory Perspective.**

**Lester Brian Shawa**  
Mzuzu University, Malawi

### **Abstract**

Socio-political life in Malawi reveals immense security threats stemming from neopatrimonial aspects such as the big-man syndrome. This paper takes a critical theory approach in exploring this phenomenon in Malawi with examples from the university sector and the July 2011 country-wide demonstrations. A critical theory perspective aims at revealing distortions in society in order to effect positive or emancipatory social change. Similarly, in this paper, a critical theory stance is employed to show how the big-man syndrome has in recent years posed as a security threat in Malawi so as to suggest social change. The paper starts by conceptualising the notion of the big-man syndrome and providing recent examples of security threats posed by the syndrome with examples from the university sector and the recent country-wide demonstrations. Finally, the paper proposes a model of social change based on philosophical notions of dialectical reasoning and communicative rationality.

### **Introduction**

The big-man syndrome is a notion associated with the concept of neopatrimonialism, which has permeated social-political life in Malawi rendering it anti-democratic in many ways (Booth et al. 2006: 8-13; Shawa 2011: 24). This paper takes a critical theory approach to show how the big-man syndrome poses as a security threat in Malawi and to suggest ways of containing it. The paper uses examples from the university sector and the July 2011 country-wide demonstrations. Neopatrimonialism is also associated with the notions of clientelism, patronage and misuse of resources for political legitimacy. The big-man syndrome and the related notions are briefly explained below.

The big-man syndrome or presidentialism refers to the dominance of one individual or group of individuals who strive to exert or achieve absolute rule or control over others deemed as ‘subjects’ (Bratton and van de Walle 2002: 63). Engel and Erdmann contend that “clientelism means the exchange or brokerage of specific services and resources for political support, often in the form of votes. It involves the relationship between unequals, in which the major benefits accrue to the patron” (Engel and Erdmann 2007: 106-7). Thus, clientelism facilitates personal favours such as job offers or appointments by the big man to individuals in order for the big man

to sustain rule or power (Booth et al. 2006: 8-13). Patronage is a form of clientelism applied to groups of people such as providing development finance within the logic of patrimony (Engel and Erdmann 2007: 107).

Without strong reference to notions of clientelism, patronage and misuse of resources for political legitimacy imbued within the notion of neopatrimonialism, this paper concentrates on showing how the big-man syndrome poses as a security threat in Malawi. The understanding of a security threat is a broad one, encompassing policy or decision-making processes including policy-steerage mechanisms that limit citizens' rights of expression that have the potential to incite tension and violence within a country.

It is pertinent to note that events in this paper are discussed within the context of a political situation in which former President Bingu wa Mutharika, had passed away before finishing his term of office (scheduled to end by 2014) and during which the then Vice President, Joyce Banda, assumed office amidst political uncertainty. This situation provides some lenses assisting our understanding on what was happening at this time in terms of policy changes.

The paper has four sections: The first section conceptualises the notion of the big-man syndrome. The second locates the syndrome as a normative aspect within the socio-political life of Malawi. The third uses recent socio-political examples to show how the syndrome has in recent years been a source of security threats in Malawi. Finally, drawing on a critical theory perspective, the last section proposes a model of social change that advances aspects of self-reflexivity and argumentation based on philosophical concepts of dialectical reasoning and communicative rationality respectively.

### **Conceptualising the Notion of the Big-Man Syndrome**

As noted, the big-man syndrome is a concept associated with the term neopatrimonialism (Engel and Erdmann 2007: 97). Political scientists have used Max Weber's notion of the patrimonial state, which describes pre-industrial states in which the ruler owns all the wealth such that power operates on a private basis, to explain the notion of neopatrimonialism (97). While under patrimonialism, power depends on personal relations determined by the ruler and there is no difference between the private and the public, under neopatrimonialism, power operates in both private and public domains. Neopatrimonial rule thus combines aspects of patrimonialism and the modern demands of democratic rule (105). The challenge, however, is that the private and public domains under neopatrimonialism permeate each other in ways that are mostly anti-democratic as has been the case in many modern African countries (von Soest 2007: 621-5).

A society that exhibits the big-man syndrome suffers from the dominance of its leaders who strive for absolute power. In such societies there is usually a lack of democratic decision-making mechanisms characterised by a lack of transparency, misuse of funds and a concentrated power structure that depends on the big man (Cammack 2007: 600-1). In this way, the big-man syndrome facilitates a powerless-powerful relationship in society (Shawa 2011: 27).

From a critical theory perspective, the big-man syndrome can be explained using Habermas' notion of lifeworld (Habermas 1987: 130). Habermas describes the lifeworld as a background to

behaviour or a cultural and social context in which a shared societal meaning is derived. He posits that the nature of behaviour and decision-making mechanisms in society are influenced by the lifeworld. However, the danger is that this shared context in which the nature of behaviour and decision-making mechanisms are derived could be informed by distortions, such as the big-man syndrome (Carr and Kemmis 1986: 130). Habermas thus argues for a need to expose the lifeworld to criticism and deliberation or argumentation to expose distortions in order to effect social change (Habermas 1984: 70). In this paper, these insights are pertinent in that to contain the big-man syndrome there is a need to expose it to criticism and argumentation.

### **The Big-Man Syndrome in the Socio-Political Life of Malawi**

Neopatrimonialism in the socio-political life of Malawi has deep roots. In general, the aspect of the big-man syndrome seems to be posited normatively due to differences in power relations such as those between the rich and the poor (Booth et al. 2006: 8-13). Gilman posits that since the social situation in Malawi is highly stratified the poor population is less powerful and is prone to be susceptible to blind loyalty to the rich and powerful. This results in a reality “in which the ruling elite controls and owns most of the country’s economic and political resources, while the majority of the population is hoping to attain any little bit through the goodwill and generosity of these same people” (Gilman 2001: 46). This powerful/less-powerful behaviour thus translates deeply at every level of the socio-political life in Malawi in which, for example, the big men who have power want to exert absolute control over the led or the less powerful (Booth et al. 2006: 8-13).

The powerful/less-powerful behaviour is exacerbated by the traditional governance system or rule by chiefs who traditionally exert great authority over their subjects in most of Africa (Hendricks and Ntsebeza 1999: 99-126). Moreover, in Malawi, the chiefs tend to be susceptible to the ruling party as such they also get authority over their subjects through the political space. It follows therefore that the chieftainship can be used as an arena for social control by the government. As a normative aspect in the Malawian society, this big-man syndrome can be regarded as part of a lifeworld that determines ways of acting or behaviour in the socio-political life. It is this normative stance, the taken-for-granted, that requires change in order to avoid security threats that result from the big-man syndrome.

To give an example from the Malawi Congress Party and the Kamuzu Banda regime (1964-1994), it is clear that President Banda used ideological leadership to sustain his big-man syndrome (Chirambo 2004: 148). This was manifested in the way he created a special idolised image of himself: He was the Father and founder of the Malawi nation; he was the only person that Malawians wanted to rule the country, and, like Jesus Christ, he was chosen by God before he was born to save Malawi (148-9). He was thus called, His Excellency, Ngwazi Dr. H. Kamuzu Banda, the Life President of the Republic of Malawi.

The special image that Banda created about and for himself was reified through folk music and dance that people performed for their saviour (Chirambo 2001: 206). For example, this big man

and saviour was the “biggest” in the whole of Africa as the members of the Women’s League from Ntcheu district of Malawi portrayed in one of their songs:

*Kunoku Malawi kuno*  
*Ngakhale mu Africa*  
*KulibewinapuresidentiwoposaKamuzu*  
*Mbumbazikunyadira*  
*Ife tikunyadira, kulibewinapurezidentiwoposaKamuzu*  
Here in Malawi  
Even in the whole of Africa  
There is no president as powerful as Kamuzu  
Women are happy  
We are happy  
There is no president as powerful as Kamuzu

President Kamuzu Banda’s behaviour reflected a one-man show in which everything belonged to him, the most powerful being. All national policy-steerage in the country depended on the big man Banda. Thus, normatively, Malawians believed or were meant to believe that Banda was really chosen by God hence no one would equate to him. It follows that anyone who differed with Banda was imprisoned or exiled creating fear and tension in the country (Kerr and Mapanje 2002: 79). The following section shows how the big-man syndrome poses as a security threat in the democratic era in Malawi.

## **The Big-Man Syndrome as a Security Threat in the Democratic Era in Malawi**

As noted, this paper posits a broad understanding of a security threat, encompassing policy or decision-making processes including policy-steerage mechanisms that limit citizens’ rights of expression and have the potential to incite tension and violence within a country.

With the dawn of multiparty democracy in 1994, it was expected that most issues surrounding governance would change for the better. However, the big-man syndrome has been carried over to the democratic rule revealing how ingrained it is within the socio-political life of Malawi. For example, both multi-party presidents: Bakili Muluzi (1994-2004) and Bingu wa Mutharika (2004-2012 [2014])<sup>1</sup> have in their own ways sustained the big-man syndrome in their rule. Cammack quotes an informant’s account of when Bingu wa Mutharika was addressing his ministers:

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<sup>1</sup> President Binguwa Mutharika passed away before finishing his second term of office which was supposed to end by 2014

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No one should question. He has reached the point that the cabinet has to clap hands and sing. The same songs we sang for Kamuzu, we sing for him. This is a human being living in different era and this era is not good for him because it requires that you have to listen and compromise...when he makes a statement in cabinet, everyone has to agree. When you do not, you are seen as a barrier (Cammack 2007: 6).

As per the above sentiments, the big-man syndrome facilitates misuse of power at the expense of democratic tenets within a society or a nation. In the recent past, some of the activities of the Malawi Government and the Democratic People's Party (DPP) under president Binguwa Mutharika have constituted security threats as they limited [some] citizens' democratic rights. Following are examples of how the big-man syndrome has been a source of security threats in Malawi in the recent past.

### **The Academic Freedom Saga in Malawian Universities**

The example here shows how the big-man syndrome facilitated the stifling of academic freedom in Malawian universities. Academic freedom can be defined as the ability of academic staff to teach, conduct research and publish without outside interference (Anderson and Johnson 1998: 8). Contrary to this understanding, on 12 February 2011, an associate professor in the Department of Political and Administrative Studies of Chancellor College, a constituent college of the University of Malawi, was summoned by the Inspector General of police for questioning over what he presented in the classroom during a political science lecture. This used to be the case during the dictatorial time of Kamuzu Banda (1964-1994) (Kerr and Mapanje 2002: 79), where the Malawi Government had spies in university classrooms to report issues that were perceived to be against the government.

The summoning of the lecturer sparked intense controversy and a demand for academic freedom, with lecturers at the University of Malawi demanding an apology from the Inspector General of police and an assurance of safety in university classrooms. However, supported by the Malawi president and in a big-man fashion, the Inspector General of police refused to apologise. The lecturers then boycotted classes in demand for academic freedom to which the Malawi Government responded with threats to fire lecturers, freeze salaries and eventually closed the campuses of the University of Malawi. In big-man fashion, President Bingu wa Mutharika who was also chancellor of the university, publicly denounced lecturers' actions and threatened to fire and replace them within a short period of time. Thus, while academics stood their ground in demanding for academic freedom, the big-man wa Mutharika was not ready for any constructive talks and instead he went on blaming academics during some of his party rallies.

Given that academic freedom provides freedom to research and teach without outside interference (Anderson and Johnson 1998: 8), the Malawi Government can be said to have stifled academic freedom by interfering with what was presented in class. President Bingu wa Mutharika and his DPP Government showed a lack of communicative rationality to solve issues using reasoned arguments. The adamant position taken by the DPP Government in tackling the

academic freedom issue attracted demonstrations by concerned citizens, who were largely not listened to within the big-man environment. Stifling of academic freedom is a good example of how the big-man syndrome facilitates security threats in a country. The second example regards the university selection by quota system that was also conceived and implemented within the big-man environment.

### **The University Selection by Quota System**

This example shows how the quota policy conceived within the big-man environment lacked deliberative mechanisms and caused security threats in the country. In its way of solving university access to university education, the DPP Government established a quota based on district of origin in its selection of university students. Although this policy is contested as it talks to people's identities and was controversially challenged in court when the former dictatorial regime pursued it (1989-1993), the DPP Government in 2009 advanced the policy without any proper deliberative mechanisms. In big-man style, President Bingu wa Mutharika dismissed any person who talked against it [the big-man had decided and no one was to challenge the decision].

The former Malawi Congress Party Government of Kamuzu Banda first introduced the policy in 1989. Against this policy then, four students: Charles Mhango, Ambokire Salimu, William Kaunda and Christopher Chilenga who were admitted to the university on a non-residential basis challenged the University of Malawi Council's decision to admit them on that basis and on the basis of district of origin other than on merit (Malawi Law Reports 2003). Following their application to the court, the High Court of Malawi on 16 July 1993 rescinded the quota policy of selection based on the following arguments:

- That the university council adopted a government directive without making its own decision on the issue in accordance with the University of Malawi Act and thereby fettered its powers under the said act.
- That the university council had implemented an academic policy without consulting the senate as it was required under the act.
- That the decision to base university selection on district quota other than on merit was discriminatory and of no solid foundation (Malawi Law Reports 2003).

However, despite this High Court rule of 1993, in 2009 President Binguwa Mutharika and his DPP Government decided to reintroduce the policy. The policy attracted demonstrations by concerned citizens who generally saw the policy as discriminatory especially as it based its quota on district of origin. While interested citizens sought judicial reviews more than once, the recent quota policy has been maintained by the courts because unlike in 1993 those challenging it were not directly affected by the policy.

In big-man fashion, the DPP Government's university policy-steerage machinery did not give room to dissenting views. The quota policy of university selection attracted multiple voices from

religious leaders, university students, university lecturers, the civil society and many others from which the government could have benefited in terms of debate. Notable among groups or organisations that commented on the policy are the Public Affairs Committee (PAC): a grouping of all faith groups in Malawi and the Livingstonia Synod: a Presbyterian Church operating in the northern region of the country. Against the quota policy generally and the policy-making process, in its press statement, the Public Affairs Committee argued as follows:

- That the quota system as a policy issue could have benefitted from a proper consultative process required in a democracy.
- That the discussion culminated into political discourse and unleashed tribal, regionalist and divisive sentiments in the country.
- That the president's declaration amounted to top down policy approach.
- That the president should avoid publicly making comments likely to divide Malawians

As the press statement rightly captures, the stand of the president culminated into a political discourse that unleashed tribal, regionalist and divisive sentiments in the country. These divisive aspects are intrinsically embedded within the patron-client thinking alluded to earlier, which can be argued to have been a way envisaged [probably wrongly] by the big-man Bingu wa Mutharika to garner political support. This is so given the fact that the policy was largely seen as negatively affecting the minority northern region, but not than the larger south and central regions from which Bingu had comparatively more political support (Shawa 2011: 23).

On its part, the Livingstonia Synod in its press release generally argued that the quota policy is anti-democratic and that it should not be used as an excuse for not expanding the higher education sector in Malawi.

The policy attracted demonstrations by frustrated Malawians who were interested in social justice. It can be argued that the big-manism in Bingu wa Mutharika and his DPP Government yet again facilitated a source of security threat in the country due to a lack of listening or communicative rationality (Habermas 1984: 86). The other examples hinge on the 20 July 2011 mass demonstrations in the country that were dealt with in a big-man fashion by the DPP Government.

## **The 20 July 2011 Mass Demonstrations and Killings of Some Demonstrators in Malawi**

The mass demonstrations of 20 July 2011 provide excellent examples of security threats that followed the big-man syndrome behaviour of the DPP Government generally. The mass demonstrations were organised by the civil society due to concerns over governance, human rights and economic problems in the country. Problems included fuel shortages, rising cost of living and the general stifling of democratic values in the country. The civil society had tried its best to engage with the government on how to solve the problems but did not manage to get a "reasoning together" from the government.

Some of the issues that exacerbated the demonstrations are the two policies advanced by the DPP Government: the injunctions bill and section 46 of the penal code. The injunctions bill was passed by parliament on 16 June and came into law on 8 July 2011 when President Bingu wa Mutharika assented to it. The bill barred *ex parte* granting of injunctions against the government or public officers. The law caused public outcry as it limited citizens' rights to challenge the government and its machinery. The bill would have allowed the government to manipulate citizens' rights and continue to enjoy total control over Malawians. Despite reactions from the civil society against the bill, in big-man fashion the government did not heed to the people's wishes.

In big-man fashion, the DPP-led government amended the constitution with a section 46 that empowered the Minister of Information to reject information that was deemed dangerous to society. In this vein, if the Minister of [information] had reasonable grounds to believe that the publication or importation of any publication would be contrary to the public interest, he would, by order published in a gazette, prohibit the publication or importation of such publication. This bill infringed citizens' rights to information.

It can be argued generally that the 20 July mass demonstrations were a kind of a last resort to beg the government to address the many issues that hinged on poor governance, human rights and economic woes. However, during the demonstrations and in big-man fashion, the demonstrators were shot at by the Malawi police leaving about 20 people dead across the country. Thus, instead of facilitating a "reasoning together", in big-man fashion the DPP Government responded with violence to impede people's democratic rights of expression, hence facilitating security threats in the country.

While dismantling the cult of the big-man syndrome shall take time, some of the actions by President Banda need notice. With the death of Bingu wa Mutharika, Banda facilitated the repealing of both the injunctions bill and the amendment of section 46 of the penal code during the June 2012 parliamentary sitting. This is important in containing the big-man syndrome. However, changing the syndrome requires a change of attitudes and developing a culture that can allow for democratic rule. It thus requires President Banda, in collaboration with other actors, to bring about a sustained way of containing the syndrome. The next section suggests a philosophical grounding to contain the big-man syndrome.

## **A Philosophical Grounding to Contain the Big-Man Syndrome**

As argued earlier, a critical theory perspective proposes a need for humans to realise that they can engage and change distortions that happen within their societies (Carr and Kemmis 1986: 130). This requires identifying agents of change and suggesting ways to effect change. This paper advances a need for self-reflexivity and argumentation based on philosophical notions of dialectical reasoning and communicative rationality as ways in which to conceive containment of the big-man syndrome.

## Agents of Change

This paper identifies the following agents of change: the civil society, the Malawi Government and the international community. These actors are identified because of their potential role both directly and indirectly in democratising the Malawi nation. The understanding of civil society is a broad one and it encompasses the non-governmental organisations (NGOs), the church, university institutions and the general public sphere. The civil society in the country has shown great interest in fighting the big-man syndrome. This is very important in order to advance the democratic rights of the people. The new government led by President Banda seems to be interested in listening to its citizens as exemplified by the recent repealing of some of the anti-democratic laws. The international community is important in making sure that Malawi follows its protocols that hinge on human rights that the country has signed thereby promising to uphold.

## Dialectical Reasoning and Communicative Rationality

From notions of dialectical reasoning and communicative rationality, this paper advances ideas of self-reflexivity and argumentation respectively as ways of containing the big-man syndrome. The idea of dialectical reasoning entails understanding things as they are now and what they might be in the future (Adorno 1982: 38-9; How 2003: 3-4). For example, for Hegel, dialectics meant that the particular and the universal were interdependent (How 2003: 3-4), revealing the idea that reality is a becoming. Thus, dialectical reasoning demands constant questioning or reflexivity conceived as involving three moments: thesis, antithesis and synthesis (Carr 2000: 212). In this questioning, reality embodies the reflexive mind that negates the self-evident nature of reality (Horkheimer 1978: 26-48). For Adorno (1982: 38-9) dialectical reasoning also entails seeing the new in the old other than just the old in the new. Like Hegel, Adorno holds that the dialectic always involves asking questions about, what a future might be, from what is now. As such, other than viewing matters in nomothetic terms, dialectical reasoning demands continuous questioning of reality (Carr 2000: 217). For example, “for human justice to exist, to be justice at all, it must suggest the potentiality of fairness, rightness, equity and so forth” (How 2003: 3-4). To contain the big-man syndrome in Malawi, state presidents, politicians, government officials, the civil society and the general public sphere ought to start looking at reality within the realms of dialectical reasoning.

To contain the big-man syndrome, however, dialectical reasoning ought to be complemented by the Habermasian theory of communicative action or rationality that allows for argumentation. The theory of communicative rationality is against instrumental reasoning. The phrase instrumental reasoning was coined by Horkheimer following on Weber’s argument that in western society, reason was being used for social control by some people (Rasmussen 2004: 14). This meant for Weber, that reason became devoid of its emancipatory role as it was being used for manipulative purposes (14). It is this manipulative nature employed through reason that Horkheimer termed instrumental reason or force of reason for social control (Grubbs 2000: 222-223). It is against the domination and colonising effects of the powerful through instrumental

reasoning, that this paper suggests that communicative rationality as argued by Habermas would be helpful to contain the big-man syndrome.

Habermas posits critique within communicative action in which actors seek to reach common understanding and coordinate actions by reasoned arguments, consensus and cooperation, rather than instrumental reasoning or strategic action aimed at manipulation (Habermas 1984: 86). He advances the idea that communicative action is complemented by a theory of the lifeworld (70) in which he contends that subjects acting communicatively always come to an understanding in the horizon of a lifeworld or a cultural, social and shared meaning context (1987:130). As such, the “lifeworld provides context in which actors come to know themselves, where they ask questions of each other raising validity claims about what is true or force, right or wrong, about what should or should not happen” (How 2003: 128). As noted, the lifeworld is also posited as the taken-for-granted. The danger is that this shared context in which meaning is derived could be informed by distortions and anti-democratic practices, and thus, the need to rationalise or contain the lifeworld through argumentation (Carr and Kemmis 1986: 130). In other words, there is a need to question the taken-for-granted. Habermas posits as follows:

The more cultural traditions predecide which validity claims, when, where, for what, from whom, and to whom must be accepted, the less the participants themselves have the possibility of making explicit and examining the potential grounds on which their yes/no positions are based (Habermas 1984:70).

Rationalisation (containing) demands that validity claims that may be influenced by the lifeworld need to be exposed to criticism and deliberation based on reason (Habermas 1984: 337). This means that argumentation facilitated through communicative rationality is, as such, key in rationalising or containing the lifeworld. In this paper thus, argumentation is important in containing the big-man syndrome.

### **The Role of Dialectical Reasoning and Communicative Rationality**

Dialectical reasoning is pertinent to containing the big-man syndrome in that it presents social reality as in a constant transformation through human on-going reflexivity. Communicative rationality is significant in its use of reason, inclusivity, freedom from domination, equality and consensus in policy-making. Communicative rationality entails that government policy-steerage ought to be a democratic affair in which domination is avoided in favour of rationality.

Embracing dialectic reasoning at a political level shall be helpful in producing politicians that take their actions as a constant reflection to improve the sector rather than to control and manipulate fellow citizens. State presidents, politicians and government officials who embrace dialectical reasoning are bound to begin by questioning themselves as requiring change before seeing what changes ought to be in others. Such thinking is important for them to guard against the big-man syndrome.

Embracing communicative rationality would allow all concerned stakeholders to engage in a deliberative way in policy formulation and create an enabling democratic environment in Malawi.

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For example, the quota selection policy would have benefited from such engagement if those steering it did not harbour instrumental use of reason. Both dialectical reasoning and communicative rationality would help politicians, as well as government officials, to rethink their uncritical stances, that foster anti-democratic practices.

In trying to curb instrumental reasoning, there is a need to strengthen democratic institutions in the country. A serious starting point is a need to uphold the rule of law as stipulated in the constitution, such as in following the principle of separation of powers. For example, following the principle of separation of powers would allow for an independent police service that would not be manipulated by the government as was the case in some examples of the big-man syndrome cited. In this way, rule shall be premised on the rule of law and not on the big man.

With strengthened democratic institutions, there is a need for establishing a strong national communicative community or public sphere in which the identified agents could employ the force of reason to deliberate on security threats such as those stemming from the big-man syndrome. There is a need for a strong civil society to initiate deliberation on major issues that affect the country.

There is a need to revisit the whole education sector from kindergarten to institutions of higher learning so as to instill moral tenets within the curriculum that hinge on dialectical reasoning and communicative rationality. For example, there is a dire need for universities to start genuine training for citizenship education in which learners learn to formulate arguments, listen to other people's arguments, appreciate diversity and be able to develop their critical minds within the realms of a deliberative community. In this way, as a nation, citizens will be better equipped to criticise and rationalise distortions such as the big-man syndrome.

Drawing on a critical theory perspective, the model of social change presented in this paper is based on establishing a conducive environment for democratic rule in which the big-man syndrome can be contained. The concepts of self-reflexivity and argumentation based on philosophical notions of dialectical reasoning and communicative rationality are pertinent in fostering such an environment. The model advances practical ways of achieving such an environment: personal growth in terms of self-reflexivity which needs to extend to the whole community and nation, forming a deliberative public sphere that provides checks and balances within policy-steerage, systemic changes such as in strengthening democratic institutions and adhering to the principle of separation of powers, and attitude changes. In these areas, the educational system has a role to play.

## **Conclusion**

This paper has drawn on insights of critical theory to engage with the big-man syndrome as a security threat in Malawi. The paper has shown that societies that exhibit the big-man syndrome like in Malawi suffer from the dominance of its leaders who strive for absolute power. In such societies there is usually a lack of democratic decision-making mechanisms. It is argued that the big-man syndrome has posed as a security threat in that it has facilitated poor policy-making that has limited citizens' democratic rights. The paper gives three examples, which show how the

syndrome has posed as a security threat: the stifling of the academic freedom in Malawian universities, the policy-making process of the quota system of university selection, and the mass demonstrations of 20 July 2011 that reacted to the general demise of democratic values in Malawi. In a critical theory fashion, the paper identifies agents of change and proposes a philosophical grounding of change within dialectical reasoning and communicative rationality.

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### **Biographical Note**

Dr Lester Brian Shawa obtained his PhD (Philosophy & Higher Education Policy) from the Victoria University of Wellington in New Zealand in 2011. He lectures Philosophy of Education and Education Policy at Mzuzu University in Malawi, where he is also the deputy dean of the Faculty of Education. He is a visiting lecturer at the Catholic University of South Africa (St Augustine) as well as a Research Fellow at the University of the Witwatersrand in South Africa. His research borders on critical theory, deliberative democracy, policy-praxis, quality discourses in higher education and citizenship education.



## Elections in Angola: Understanding the Result behind the Result

**Mathias de Alencastro**

University of Oxford, United Kingdom

Having hundreds of thousands of supporters marching on the streets, inaugurating colossal projects, organizing a multi-million electoral campaign run by foreign advisors, gaining international recognition and receiving 71.84 per cent of the votes may not signify an overwhelming victory.<sup>1</sup> For the *Movimento Popular de Libertação de Angola* (MPLA henceforth), Angola's 2012 legislative election was not about convincing the convinced, but about confirming the MPLA's domination of Angola's political arena. As the results behind the result indicate, the party, in power since the country's independence, failed on that score.

As an estimated ten million voters went to the polls in early September, the debate was not whether the MPLA would win, but whether the MPLA would confirm the exceptional score of 81.76 per cent in 2008, ten years into an oil-fuelled post-war reconstruction. On the eve of the elections, the circumstances appeared to be most favourable: the former rebel group *União Nacional para a Independência Total de Angola* (UNITA henceforth), converted into an opposition party with the same name, faced internal quarrels and seemed unable to mobilise the population around its post-conflict political project. At the same time, a party that emerged as a potential contender at the regional level, the *Partido para a Renovação Social* (PRS henceforth), imploded after a successful 2008 election, joining the many smaller parties of the opposition with little leverage in the population, making an overwhelming victory of the MPLA inevitable.

Ten years ago, when the MPLA and UNITA signed the peace deal, the stars were aligned for Angola to enter its most prosperous decades. With an economy booming at an average of 14 per cent growth, a victorious party with a clear mandate, and a queue of foreign investors at the door, conditions were created to transform the face of the country, and pave the way for a long lasting domination of the MPLA. However, despite a decade of myriad investment projects announced with pomp and ceremony, the economy has seen little diversification, and the rural areas have

<sup>1</sup> All results for the 2012 election used in this article are available at the National Electoral Commission's website: Abstention results were not communicated, and are an estimation of the author, based on official results.

seldom emerged from their misery. Meanwhile, in the capital Luanda, a minor strand of the population has evolved into a consumption-driven class whose priorities moved from securing basic needs to acquire the latest electronic gadgets in a matter of years. In a context where being a party member is a *sine qua non* condition for professional success, politicians as well as civil society leaders have been jumping off the opposition ships to benefit from state and private sector positions that remain conditioned to political affiliation. Countless are those who have joined the MPLA after years criticizing its policies. As the subtitle of Windeck, Angola's most popular soap opera goes, “rising in life has a price”.

Outside the country, the MPLA's crafty multilateral diplomacy has secured close relationships with former enemies in Washington and Pretoria, and long-time friends in Lisbon and Brasilia. Systematically partial towards the MPLA since the end of the conflict, Western institutions and countries dismissed the importance of the election. Neither bothered sending election observers, seeing the election merely as a referendum on the MPLA's post-war project, and not a defining moment such as the 1992 election. Little attention was paid to signs of social tension and malpractice in the months preceding the elections. In October 2011, a protest was brutally repressed in Luanda, showing that the Angolan police have yet to learn how to behave in democracy. Violence broke out again at other times over the year, leading to an increasing mobilization of the suburban youth of Luanda in social networks ahead of the elections. In May 2012, a close ally to President dos Santos was named head of the Electoral Commission, raising questions about the impartiality of the electoral process. Late decisions made on the distribution of electoral lists and the registration of voters added to a general sense of disorganization. As a result, even if the government cannot be pointed to as being solely responsible for flaws in the electoral process, it evidently failed to create the best possible environment for the elections to be held.

On Election Day, there were few accounts of protests and cases of misconduct, though widespread according to local sources, went unnoticed in the western press. From Fidel Castro to Barack Obama, messages of congratulation flowed into Angola's Presidential Palace, seeing in the “free and fair” elections a sign that Angola was becoming a mature democracy. Nonetheless, despite the overwhelming success, neither the population nor the political observers consider the MPLA's electoral sweep a proper triumph.

There is no doubt that the MPLA still a major force compared to its rivals. The party won the majority of the votes in every province and never came close to being tailed by another party. The province where the second party came the closest to the MPLA was Cabinda, where the latter won 59.40 per cent of the votes and UNITA scored 24.46 per cent. As one MPLA politician put it to me: “we know the elections were far from perfect, but had they been perfect, we would have won them largely” (personal communication). Nevertheless, the party is constantly haunted by Eduardo dos Santos' fading age and the ruthless will of the new generation to take over. It is worth noting that the MPLA has already largely demonstrated its capacity to rip itself apart during the horrific repression following the Nito Alves coup in 1977.

The main protagonist of the elections, however, one to which the Angolan press did not devote much attention, was the abstention. The “second party in Angola”, achieved exceptional results

even in the MPLA's historical strongholds. In Malange and Cunene, two historical pro-MPLA provinces, 44 per cent and 45 per cent of the population did not show up to vote. In Luanda, the province where the MPLA has the most pervasive influence in social neighbourhoods and where the population is arguably the most informed, abstention reached as high as 47 per cent. In Moxico, a heavily controlled area where the government's grip is comparable to the authoritarian one-party system of the 1980s, only 68 per cent of the population went to vote. In stark contrast, 87 per cent of the registered voters participated in the 2008 election.

The percentage of abstention in each province, ranging from 47 per cent in Luanda to 29 per cent in Cuanza-Norte, does not fit into any analytical framework. The numbers were as high in pro-MPLA provinces as they were in pro-UNITA provinces, so there is no way to connect abstention with community rejection. Abstention is therefore the object of different interpretations in Angola. While government officials dismissed the abstention as secondary, opposition members celebrated abstention as a defeat for the MPLA. A prominent Luanda pundit came up with the distinction between "technical" and "political" abstention, the latter being voluntary and the former being "occasional". João Melo labels as "technical abstention" those who did not renew their voting registration, excepting for those who did so for political reasons, and therefore fall in the "political abstention" category. He points myriad reasons for explaining the rise in "technical abstention", ranging from opposition pressures to Angola's typical *laissez-aller*. Although he acknowledges that "political abstention" may be seen as a protest against the MPLA, he fails to provide any explanation as to why voters protested by absconding their vote (Melo 2012).

The argument that the rise in abstention is a result of the population's growing scepticism against the system as whole also does not stand on its feet. UNITA, the second largest party, almost double its score, from 10.36 per cent to 18.66 per cent, proving that its political base is larger than the Ovimbundu ethnic group, a stereotype promoted to the collective imagination of Angolans through the MPLA's campaigns. More importantly, CASA, created only six months ago, reached 6 per cent. Other minor parties did not make out of their irrelevancy, limiting themselves to less than 2 per cent of the votes. How does a seemingly stalling UNITA and a newly arrived CASA amass almost a quarter of the total votes? And, perhaps more importantly, why did abstention claim almost as many votes as the MPLA, whose political capacity for mobilization seemed endless?

If the results tell us one thing, is that despite the MPLA's efforts to mobilise the population around the election, the commitment of those who joined meetings and marched on the streets did not follow through to the ballot box. The MPLA's project of post-war reconstruction, so highly praised by foreigners, may be effective in guaranteeing peace and a transforming society, but it fails in establishing a mature political arena.

In a trend that can be traced back to the early formation of party politics in post-independence Angola, the lines between political and instrumental affiliation to the MPLA have become increasingly blurred. In some hostile or remote regions, joining the party is an economic rather than political choice, leading to a vicious relation between parties and the society. The regions of Lunda Norte and Lunda Sul, that voted massively for the PRS in 2008, were deprived of state investments and had their traditional authorities replaced, while neighbouring regions supporting

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the MPLA were rewarded with roads, and access to electricity and water. Everybody is aware of the political nature of state-led development in eastern Angola. As a community leader in Lunda Sul told me: “if you are not part of the MPLA’s activities, you will not have access to state services” (personal communication).

This has led many Angolan citizens, those who were not members of the MPLA – to adopt an instrumental relation with a party that tries to instrumentalise them. Many have not hesitated in joining the party meetings, becoming a member of party committees or even campaigning for the party, but only for the purposes of their public life. In private, they carry their own opinions and criticisms. The words of a schoolteacher in Malange echo those of the community leader in Lunda-Sul: “people are MPLA during the day and from the opposition at night” (personal communication).

Abstention and the rise of the opposition parties are therefore the result of the confusion between state building and party politics, which fails to generate a genuine political ground reflecting the aspirations of the post-war generation of Angolans. President dos Santos, whose authority has been strengthened in the 2008 constitutional revision, may go a long way saying that Angola has achieved peace only ten years ago and much has been done since then. He can say that the “state is here” in the hinterland provinces. He can put forward the slogan brought up by a Brazilian marketing advisor, “Angola: growing more and distributing better”. But, as the results behind the result indicate, for Angolans, it is more important to take part in the hierarchies and norms of the MPLA than to effectively place a vote for the party in the ballot box.

The great spectacle of elections must not obscure the fact that the political arena of post-war Angola remains significantly underdeveloped. If nothing is done against this, elections in Angola may become a ritual of legitimisation for the MPLA, where the opposition plays the role of figurants, the masses trade their political passion for subventions, the international community cheerleads, and abstention sits as the elephant in the room.

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## Biographical Note

Mathias de Alencastro is a DPhil candidate in Politics at the University of Oxford.



# The Marikana Massacre: A Historical Overview of the Labour Unrest in the Mining Sector in South Africa

Chitja Twala

University of the Free State, South Africa

## Introduction and Historical Background

This article is aimed at explaining and interpreting the events, causes, and the aftermath of the Marikana Massacre which happened on 16 August 2012 in South Africa. Furthermore, the article gives a historical overview of the fiduciary responsibilities of the African National Congress (ANC), the mine owners and labour unions in trying to create a conducive working atmosphere in the mining sector. The historic Marikana Massacre proved that some of the aforementioned stakeholders showed in one way or the other their handicaps in attempts to solve the mine workers' problems in South Africa. Consequently, in recent months, incidents of violent activities have escalated across the country with none of the above stakeholders wanting to take responsibility. These incidents posed a threat to a relative labour stability which had prevailed within the country since the dawn of democratization in 1994.

Mining is a very important economic activity in South Africa. In 2009 mining contributed 8.8 per cent directly and 10 per cent indirectly to the country's gross domestic product (GDP), sustained approximately one million jobs and created roughly 10.5 billion rand in corporate tax receipts (Van der Schyff 2012: 131). Due to the fact that access to the country's mineral treasures in the pre-1994 South Africa was intrinsically bound to ownership of land, mining also contributed to the unequal distribution of wealth and the perpetuation of labour unrest. In an effort to bring about equitable reform, the Mineral and Petroleum Resources Development Act, 28 of 2002 (MPRDA) was promulgated. According to Van der Schyff (2012: 132), one of the most controversial features of the MPRDA was that it acknowledged that the country's mineral and petroleum resources belonged to the nation and that the State was the custodian thereof. It is argued in this article that perhaps due to the misinterpretation of the above Act and other related acts that the mine workers deemed it necessary to demand for what they claimed to be a 'living wage' of 12,000 rand.

## The Causes of the Marikana Massacre

The traumatic and tragic events at Marikana and in the Rustenburg Platinum Belt have raised a number of questions among commentators and activists in the labour movement. It is

acknowledged in the article that the Marikana event presents myriad challenges for the country's democracy in general, and in particular for employers, the government and the labour movement.

In attempts to trace the causes of the Marikana Massacre, Neil Coleman (2012: 4) wrote in the *Mail and Guardian* that the following questions need some answers:

Will the Marikana events turn out to be the democratic era's equivalent of the 1973 strikes? Have workers rejected their unions as being ineffective and unaccountable, just as the old toothless Trade Union Council of South Africa (TUCSA) was rejected? Is the most powerful and largest union federation in Africa on the brink of collapse? Does Marikana represent the nascent emergence of a new, powerful, independent union movement and, more broadly, a political movement that will realign politics in the country?

The above questions are important and needed answers. One tends to agree with Coleman that the above set of questions and the possible answers provided could help in sharing some light on the actual causes of the Marikana Massacre. Without doubt, the causes of the Marikana Massacre are complex and contain many layers; therefore, one dimensional analysis could lead to superficial responses. It is argued in the article that what was initially perceived as a wage strike by the mining workers became a climax of the more problems the workers experienced in the mining sector. The following were some of the miners' grievances:

■ The brutal role of employers and the mining industry

In the recent years since 1994, the massive platinum boom in the Rustenburg area "has generated 'fabulous wealth' for companies and executives, but social squalor, tensions and poverty for workers and communities" (Coleman 2012: 4). The industry "deliberately fragments its workforce of 180,000, about 82,000 of which are employed through labour brokers and exploited" (4). With workers consciously divided on ethnic, racial and regional lines, "huge frustrations" have resulted among workers, from whose perspective the industry and employers continue to become rich, while they "sweat underground, face death on a daily basis and sink deeper into poverty" (4).

■ The government's ineffectiveness in implementing the Mining Charter

In 2010, South Africa launched a new mining charter to facilitate the sustainable transformation and development of its mining industry, with emphasis on a target of 26 per cent black ownership of the country's mining assets by 2014. The new charter aimed at addressing various shortcomings in the implementation of the Mining Charter of 2002.<sup>1</sup> The Mining Charter

<sup>1</sup> The South African government, like many other governments globally endowed with abundant mineral resources, had developed market-related policies to accelerate the pace of the transformation of the mining sector. On 11 October 2002, the Department of Minerals and Energy together with mining industry stakeholders, including the Chamber of Mines, South African Mining Development Association and the

of 2002 was accused of having failed to consider the rights of communities in terms of community consultation; community input into planning for mining developments; direct community control of shares in mining companies (Tapula 2012: 3). The workers complained about the government's ineffectiveness in the implementing the Mining Charter, which among others required companies to provide housing for all. They claimed that there was no serious attempt to enforce the industry's legal obligations, let alone transform it.

■ Ineffectiveness of the labour movements to handle the workers' grievances

South Africa was famous for its solid and sound labour relations culture, particularly in the post-1994 period. Its collective bargaining, with clear guidelines spelling out the responsibilities of employers, the labour movements and workers, was among the best in the world. It took years for South Africa's labour movements to gain recognition in the eyes of the law and took more years to get buy-in from employers and would-be employees in the collective bargaining process. It had served this country so well for many years, ensuring workers earn a living wage, and that the environment in which they work in was safe, but that edifice seemed to collapse when the mine workers downed tools in the mining industry demanding better wages. The ineffectiveness of the labour movements and the continued 'finger pointing' contributed to the collapse of unity within the workers entity.

Sthembiso Msomi (2012: 4) wrote in the *Sunday Times* that all the above gains over the years were undone overnight by the labour movements who failed to represent the workers effectively in the bargaining chambers. Many workers belonging to the labour movements claimed that they were expelled from being members if they voiced discontent against the leadership. This was attributed to the poor communication between the leaders and the members. Consequently, there was no proper feedback given to the members on the labour issues raised in their meetings. In most cases after collective bargaining, the leaders would simply tell them about the wage increases without explaining much on their working conditions and other related perks (4). One other factor which contributed to the labour unrests was a decision by the labour movement, namely, the National Union of Mineworkers (NUM) which deducted money from its members without their consent for a funeral scheme. Without doubt, such a situation led the members to lose confidence in their labour movements.

It was also interesting to note the disagreements and evolution of hatred that existed between the members of the NUM and the Association of Mineworkers and Construction Union (AMCU) over the dominance of the mining sector. AMCU leaders accused the NUM of collaborating with the 'enemy', namely, the employer (Mabuza 2012: 2). One worker belonging to AMCU was quoted in the *Sowetan* as having said: "We were attacked when we were on our way to a meeting. Those NUM leaders killed us because they are protecting the employer", and that "They (NUM

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National Union of Mine Workers signed the Mining Charter. Stakeholders agreed to meet after five years to review the progress and to determine what steps, if any, need to be made to achieve the objectives of the Mining Charter.

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leaders and the employer) have called the police to come and kill us. We are not afraid because we work underground and our lives are forever at risk" (2).

NUM leaders blamed the labour unrests on the rival AMCU and indicated that its members were forced to join the unprotected strike. The situation was further complicated by the Congress of South African Trade Unions' (COSATU) strong ties with the ruling ANC, which often resulted in labour leaders graduating into key positions in government and big business. While this relationship had over the years helped the labour movements to score major legislative victories for their members, there were perceptions that these labour movements were used as a bargaining tool to gain positions in the ANC (Twala and Kompi 2012: 176-9; Buhlungu and Von Holdt 1994: 48-56).

As early as February 2009, Lucien van der Walt, a sociologist from the University of the Witwatersrand stated that COSATU was experiencing problems due to the splinter unions such as AMCU. He continued his argument further in February 2012 stating that "Smaller unions bring with them energy and a new way of doing things that attract workers", and "that they are seen as independent counts in their favour. COSATU is seen as too close to the ANC and therefore can't fight for their rights" (quoted in Sosibo 2012: 14). The unionists under COSATU were accused of having forgotten their mandate, namely, that of representing and protecting the labour rights of their members (Anon. 2012a: 12).

As mentioned above, the role played by the labour movements in the bargaining chambers became suspicious to the workers. In reality, in the bargaining chambers, the representatives of the workers had to put the interest of the workers at the forefront. Frans Barker argued that collective bargaining was extremely important in the labour relations, primarily because of the role it plays in building employment relations (Barker 2007: 86). This argument by Barker was lacking during the wage negotiations prior to the Marikana Massacre, something that led to the massacre. Robert Venter and Andrew Levy opined that while collective bargaining was more often than not seen as a mechanism for reconciling conflicting interests that arose from, and were inherent to, the employment relationship, it remained important to bargaining with the interest of the workers in mind (Venter and Levy 2009: 369).

- Criticisms against the ANC and the State machinery in their perceived failure to address the workers problems

The ANC as the ruling party was not spared in the criticisms over the escalation of labour unrest across the country. The leaders of the ANC, including President Jacob Zuma, were accused of being obsessed with patronage rather than dealing with the plight of the mine workers. The mine workers accused the ruling party of having unleashed the police in dealing with the striking miners rather than forcing the employers to further negotiate with them. ANC spokesperson Jackson Mthembu said the issue of the striking miners needed an investigation in order to determine who had caused the confrontation between the police officers and the miners (Anon. 2012b: 5).

It was ironic that the ANC, through the utterances by Mthembu, pretended to only have known about the plight of the miners during the shooting at Marikana. Although one would agree on the opening of an investigation into the Marikana question, but an investigation is also required into the whole question of striking workers in South Africa. It is clear that the strikes had detrimental effects on the socio-economic status of the country. Furthermore, the country earned a negative reputation throughout the international community, something that the ANC could not afford (politically) at this point in time. Without doubt, the labour unrest in South Africa tarnished the international image of the country because the trade union as well as the country's political leadership has been found seriously wanting in its response to the crisis. This was evident from the fact that for almost a week after the Marikana shooting, there was silence from Zuma's office, when he should have said something on such a serious issue that has the potential to affect foreign investment in the mining industry in the country.

The police have also been criticised as a State organ for the way in which they have handled labour and service delivery protests in South Africa in the recent past. Paul Graham of the Institute for Democracy in Africa said that although after 1994 police training emphasised the use of less lethal methods in crowd control, "This seems all to have gone out the window. There is a real problem with training and procedures. Even the special task force of the police which was present at the shooting seems to lack specific procedures" (quoted in Anon. 2012c: 6). The new Police Commissioner Riah Phiyega issued the following statement to the police after the shooting: "As commissioner, I gave the police responsibility to execute the task they needed to do" (quoted in Ndebele 2012: 25). She also later stated to police colleagues, at the funeral of an officer allegedly killed by miners, that "Safety of the public is not negotiable", and advised that they should not "be sorry about what happened" (25). This statement from the commissioner was an indication of acceptance of guilt from their side.

## **The Events of the Massacre**

The tragic events in Marikana left 34 miners dead and 78 others wounded. The Marikana event took shape against a backdrop of unemployment, weaknesses in public service delivery, and overall socioeconomic inequalities. There have also been assertions regarding "the weakening of the post-apartheid social consensus built around dialogue and eroding industrial relations", and mine workers who find themselves carrying "an added social burden of supporting a complex social arrangement spawned by the migrant labour system that was the legacy of apartheid" (Qobo 2012: 3).

Various theories have been advanced by political/labour analysts, journalists and academics in trying to relate to what exactly happened on 16 August 2012 when the miners were killed by the police. Camera footage and other media accounts seemed to support the initial theory that armed mine workers attacked the police (with at least one miner firing shots), who then fired on the miners in self-defence. It later emerged that, "rather than being motivated purely by self-defence, the police killings of miners was more premeditated than initially thought" (Duncan 2012: 15).

## The Aftermath of the Marikana Massacre

The Marikana Massacre has had a significant impact on the labour relations landscape in South Africa. In some respects, Marikana was a tragic continuation of the trend of strike action being associated with violence and criminal striker behaviour. Perhaps one of the biggest ramifications of Marikana, aside from the tragic deaths of so many, is the perception that the anarchy that was associated with the strike benefitted the strikers. The labour movements across the country never envisaged unprotected strikers, armed to the teeth, and threatening to murder mine managers. Regardless of the legitimacy or otherwise of the worker's grievances, no civilized democracy could condone the behavior of the rampant strikers at Marikana.

The country's President Jacob Zuma appointed a Commission of Inquiry (Farlam Commission) to investigate as to what exactly happened in Marikana. The Chairperson of the Commission Ian Farlam was tasked to ascertain as to whether the police were the instigators of the massacre or the miners were to blame. Different stakeholders testified in front of the Commission and to date (November 2012) the commission still continues with its investigations.

## Conclusion

It is clear from the above that the events in Marikana which led to the massacre had some unwarranted consequences for the mining industry in South Africa. Therefore, in order to speedily remedy the situation in a post-Marikana South Africa, the following is recommended: the creation of conditions for peaceful and free union activity, with regards to all structures legitimately representing workers (including action against those who terrorize union leaders or prevent workers from assembling and organizing peacefully); requiring employers to participate in centralized bargaining structures, which need to be able to address the concerns raised by workers; the renewal of union structures to ensure that there are proper processes of democratic representation and accountability by union leaders; action to be taken in addressing the living conditions of mining communities and to ensure decisive implementation of Mining Charter commitments; and national engagement on transformation of the mining sector and the economy as a whole.

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### **Biographical Note**

Chitja Twala is a senior lecturer in the Department of History, Faculty of the Humanities at the University of the Free State.



## Book Review

Susan Williams

***Who Killed Hammarskjöld? The UN, the Cold War and White Supremacy in Africa***

London: Hurst & Company, 2011. 256 pp. ISBN 978-0-231-70320-8

Reviewed by: Mark Stevenson Curry, De La Salle University, Philippines

At the end of Susan Williams' investigative historical account, *Who Killed Hammarskjöld?*, a fellow researcher explains that his own publication on the death of Patrice Lumumba was an effort to verify findings, draw disparate pieces of information into perspective and thus provide a new and more complete representation of what was well known about the event. The same can be said of Williams' new work. Though she does not provide a smoking gun to clearly answer the question of her book's title, she deftly gathers officially ignored or discredited accounts from multiple sources and locations, stretched across the span of the past 50 years, and assesses them thoroughly, at first hand as well as through processes of elimination and cross referencing. The result is a well-paced and lucid examination of one of the 20th century's enduring mysteries, and of a particular decade notorious for prominent assassinations. This book marks the 50th anniversary of Hammarskjöld's death and is a timely assessment of the available data.

The investigation begins with a glowing account of Hammarskjöld's life and work before settling down to a crisp, tight background of the Congolese tragedy amid the sweeping wind of decolonization, Belgian intransigence, and the determination of British colonial administrators and white settlers in southern Africa to maintain a buffer for their own protection and access to resources. This brings Moïse Tsombe's hopes of secession for Katanga province from the newly independent Congo into perspective, along with the roles of mercenary soldiers, and the mining industry. Thus the intervention of the UN is precipitated with Secretary General Hammarskjöld's direct act of peacemaking by flying to central Africa. We are in more turbid waters in the immediate week preceding the crash of Hammarskjöld's airplane. Here Operation Morthor initiated by Conor Cruise O'Brien and UN soldiers on the ground in the Congo amid the turmoil of communiqués from and across the Western world and southern Africa is not an easy introduction to new readers of Africa's colonial experience. However, the narrative clears in the crash aftermath and the following chapters provide an intriguing and often moving account of the relevant events and factors.

Williams' investigative work and evidence of her scholarly acumen gather pace with more of her first person present tense narrative style. She reviews the evidence of the crash site and witness testimonies, meets living witnesses like Chibesa Kankasa in Zambia, and sifts through archives from the UN to those of colonial overlords like Roy Welensky and Lord Alport. She engages with a US listening post officer of the NSA who was in Cyprus at the time of the crash, Charles Southall, and proceeds to deliver a sharp précis of the French mercenaries in the Congo and the aerial tactics used in the Katanga conflict, all of which have some conjectural bearing on the fate of the UN flight. More recent analysis includes the possible role of a shadowy South African-UK intelligence and operations organization.

What comes across most poignantly, and which could have been more elaborated, is the witness testimonies of ordinary Zambians who claimed to have heard more than one aircraft above Ndola in the night of 17-18 September, 1961. Their reports to authorities were ignored and the crash site was only officially discovered 15 hours later. The high regard of Zambians for Hammarskjöld is a detail of great pleasure to the reader given the struggle of Africans in general to overcome intense racial prejudice and inequality. Equally importantly, the work of other scholars like Georges Nzongola-Ntalaja who seek to create a future for Africa and Africans out of knowing and owning the truth about the past is neatly underscored. The result is a master class in how to write marketable narrative history as well as a key to how scholarship in the era of peak neoliberalism can connect with the ideals and the sense of service to human dignity and emancipation that Hammarskjöld embodied.

Nevertheless, occasional issues deserve to have been given more attention or balance. For example, Williams recounts the hyperbole verging on hysteria of Welensky, the Rhodesian Federation's prime minister, but does not indicate whether his references to atrocities by UN soldiers in Katanga were justified. Likewise, the relations and communications between O'Brien and Hammarskjöld in the week before the crash could have been unfolded in more detail. Elsewhere, the text mentions the existence of photographs and other evidence that might have been more compelling than less relevant shots such as of Southall meeting King Hassan. And somewhat curiously, Williams ends the *Cha Cha Cha* chapter pondering whether the wreckage of Hammarskjöld's plane exists and might yet be examined, a question that we never return to. While she has a keen eye for disinformation in the interests of equanimity before the facts, it is clear by her use of first names – Dag for Hammarskjöld, Charles for Southall – where her sympathies and confidences lie, and this can detract from an otherwise admirable approach. A reader's quibble is the editorial oversight of 'attitude' for 'altitude' on page 177.

The problem and the engine for Williams' inquiry is that Hammarskjöld was an intensely divisive figure for a variety of interests deeply committed to keeping white, Western control of central Africa and its resources. While Williams is convinced that Hammarskjöld's DC-6 airplane was attacked above Ndola in Zambia on 17-18 September, 1961, any independent enemy or combination of the interests in mining, mercenary war and secession in the Congo, and racial or geopolitical ideology could have had the capacity and determination in central Africa to eliminate Hammarskjöld's influence. Nevertheless, what Williams makes clear is the gravity of

the loss of a man who was not only critically valuable to the complex time in which he worked, but also in commitment to ideals, principles and vision for the international community, extraordinarily ahead of it.