Conference on the Implications of North Africa Uprisings for Sub Saharan Africa

2-3 April 2012
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Foreword

We are witnessing an extraordinary wave of uprisings that began in Tunisia and Egypt at the start of 2011 and have unleashed a democratic fervor for basic political rights all across the North Africa and the Middle East - a region which, for so long and by so many, had been considered hopeless as regards fundamental democratic change. Yet, this is a political development of global, not just regional, importance. Notwithstanding the vital geopolitical as well as geo-economic importance of the region, the uprisings are pregnant with governance implications whose potential significance extends beyond North Africa and the Middle East. Indeed, the unprecedented "bottom-up" upheavals in Tunisia and Egypt have inspired new forms of popular activism and public dissent in some mature democracies. Their example of self-empowered, barely coordinated, momentous peaceful protests, with no visible leadership, organization, or specific political program, besides expressing angered dissatisfaction with the status quo, has been emulated by protesters in the United States, Western Europe and Asia.

Much that is both new and important has been gleaned from the uprisings about the challenges for authoritarian stability, as well as, opportunities for democratic progress, but much more awaits examination.

The stunning success registered by grassroots movements in Tunisia and Egypt have shaken confidence in the presumed phenomenon of "durable authoritarianism", whose stability and resiliency is underwritten by well-crafted and highly developed institutional forms. Moreover, and perhaps, more importantly, the uprisings in North Africa and the Middle East lend support to the conclusion that economic growth and development in and of themselves do not guarantee political stability, and that, to this end, issues of democratic governance cannot be sidestepped. Hence, a new approach is required for the political analysis of countries that have achieved notable economic growth, yet continue to show a flagrant governance deficit.
In this, and many other ways, the uprisings have created many questions that need to be analyzed and addressed. These questions are of particular relevance to both North and Sub-Saharan Africa which have recently achieved striking economic growth, yet still seek remedies to governance deficit.

In view of the above, it is imperative that due attention be given to the possible implications of the complex uprisings for Sub-Saharan Africa, where there is considerable potential for growing opposition and demand for political rights of citizens. The issues deliberated at the InterAfrica Group (IAG) conference on the North African Uprisings have profound implications, not only for the concerned Sub-Saharan countries, but also for the African continent in general. They also impact on the international community, the major global powers, and international and multilateral institutions of governance and finance such as: the United Nations, NATO, the African Union, the League of Arab States, the World Bank, IMF and the African Development Bank.

It is against this backdrop that IAG organized a conference to provide a platform whereby the various implications and lessons learned from the North African uprisings would be thoughtfully examined and deliberated. To this end, six papers were presented that closely addressed various aspects related to the following thematic questions:

1. Based on the experience of the uprisings in North Africa and the Middle East region, the indicators that signal political vulnerability.
2. The political challenges to assumed legitimacy and stability derived from economic success.
3. The future policy issues that need to be considered on the part of multilateral and bilateral assistance under the new dominant public demand for liberal democratic governance.
4. The future African Union response to growing citizen demand for democracy and change of government in Sub-Saharan member countries.
5. The political dynamics behind the precedence of the NATO intervention in Libya and the implications of such interventions on the issue of sovereignty.
I am confident the six papers that were presented by the knowledgeable experts, and the conference proceedings presented in this publication will offer vital insights about and lessons from the North African Uprisings. IAG hopes they will shed light on policy and strategy inputs to be considered by governments and Civil Society Organizations in Africa and major global powers, as well as by continental, international and multilateral institutions.

In closing, I wish to thank: Professor Helmi Sharawy, Dr. Deredje Alemayehu; Dr. Mohamed Salih; Dr. Samuel Assefa; Dr. Mehari Tadele Maru; and Dr. Alex DeWaal for sharing with us their valuable research papers and expertise.

Tamrat Kebede
InterAfrica Group Executive Director

IAG takes this opportunity to express its deep gratitude to the Royal Danish Government for providing the required funds for the conference.
A conference on the *Implications of the North Africa Uprisings for Sub-Saharan Africa* was organized by the Inter-Africa Group (IAG) at the Pan Afric Sarova Hotel in Nairobi, Kenya, from 2-3 April 2012. Issues discussed ranged from the relationship between economic growth and governance, to the evolving definitions of state sovereignty, as well as legal frameworks that address movements for democratic change.

Ato Tamrat Kebede, executive director of IAG, made the opening remarks at the start of the conference. He pointed out that the Tunisian and Egyptian uprisings unleashed a democratic fervor throughout North Africa. Political developments arising from those events, he said, are of global and regional significance, their implications for governance extending far beyond the confines of North Africa. According to Ato Tamrat, the events have ushered in new forms of political activism devoid of leadership and political programs, and yet with an empowered citizenry exercising peaceful protest -- in the United States, Western Europe and Asia. The uprisings pose challenges to authoritarian rule and stability while underscoring the need for democratic systems. The success of grass-roots movements in Tunisia and Egypt has shaken confidence in the so-called durable authoritarianisms, with the uprisings being proof that economic gains alone are no guarantee for stable governance. This issue is especially pertinent to North and Sub-Saharan Africa that are experiencing high rates of economic growth while being democracy-deficit. Ato Tamrat emphasized that the conference would provide a platform to examine the outcomes of the uprisings. It will also identify indicators that signal vulnerability, challenges to the political legitimacy of institutions, future policy issues that need to be considered regarding multilateral and bilateral assistance in line with the new demands for liberal democratic governance, response by the African Union (AU) to demands for democracy, the political dynamics and precedence of NATO’s intervention in Libya, and the future implications of such interventions in general. Ato Tamrat concluded his remarks by thanking those presenting papers at the conference, the Danish government for providing funding, and Christian Aid for their logistical support.
Dr. Martin Kimani, Director, Conflict Early Warning and Response Mechanism (CEWARN), took his seat as the first moderator of the conference. Professor Helmi Sharawi, former Director of the Arab-Africa Research Center and a member of the executive committee of CODESRIA, who also served as a consultant for the Arab League, was the first to present his paper. He said that he was active in the opposition movement against former Egyptian president, Hosni Mubarak, before the current uprising. The Arab Spring, he said, got off to a good start but adopted a negative connotation because of external involvement. He emphasized that there should be no differentiation between North African and Sub-Saharan African movements, as the movements that are currently being witnessed in North Africa may be compared to uprisings in Soweto in South Africa in 1976. The revolutions in Sudan in 1964 and 1985 also are examples of popular movements for change. There have also been other popular uprisings from 1989-1991 which swept the entire African continent. Since the primary focus of the current uprisings in North Africa express mass expressions of discontent, it would be futile arguing over the success or failure of the movements. Debates over the characteristics, influences and diffusions of these movements only dilute their significance.

The presenter argued, further, that durable authoritarianism is equated with despotism which marginalizes people socially, economically and culturally. The phenomenon needs to be analyzed through the lens of political sociology rather than political science; political science is inadequate because it fails to incorporate social processes.

The movements in Tunisia, Egypt and Libya have different characteristics. In Tunisia, the movement spread from rural areas to cities. In Egypt, it spread from cities to rural areas. Uprisings began in the heart of Cairo in Egypt, which is indicative of the nature of governance itself which was as centralized as it was despotic. The nature of the discontent also differed. Tunisia had a repressive regime despite a constitutional process, while the Libyan system was an outright dictatorship. The security in Egypt focused on maintaining spheres of influence regionally and internationally. Hence, protestors demanded dignity and justice, including Egypt’s standing in the international arena, particularly the Arab world.
The movement in Egypt arose from an accumulation of discontents and disgruntlements. In the past five years, approximately 2,000 protests have been carried out. The number of protests grew following the appointment of Mubarak’s son as successor. The first protests were met with a strong security response. The movement of January, 2011, saw the confluence of diverse elements and methods, such as the use of Facebook as a mobilizing tool. More recent protests in January, 2012, were indicative of a stronger base which encompassed segments of society, such as the youth and the Muslim Brotherhood. Participation by the middle class in the January and post-January, 2011, movements was limited. The middle class become increasingly involved beginning in January of 2012. Marginalized groups, including women and the youth, have also been incorporated. The movements now emphasize socio-economic rights. Traditional political parties and civil society organizations, who were abrogated from involvement in political processes due to donor demands, became involved in negotiations for compromises throughout the movement against the wishes of protestors in Tahrir square.

The presenter next described political mobilization by Islamists in Egypt. There are four groupings in this regard, he said. The Muslim Brotherhood is primarily a socio-economic force which is guided by a global program and led by the elite; financially, it is a well off group. The Salafists are Islamic fundamentalists who believe that the *halifa* (ruler) should not be contested. The Sufis are anti-Salafist and constitute a well organized political force. The fourth group are the Jihadists, or the Jemaah Islamiyah who carried out terror attacks in the 1990s; they have since attained the status of a legitimate political movement. There appears to be division between the Islamists and secular elements, as witnessed in disagreements over constitutional amendments.

Professor Sharawi asserted that external powers should revise their relationship with Egypt. External influence has diminished the country’s role in the Arab world as well as on African issues. In addition, democracy in Egypt has not been defended appropriately. This is partly due to the inability of the left to properly compete for political space. The Muslim Brotherhood has been more successful in this regard, managing, as it did, to win some seats in parliament.
The bureaucracy in Egypt has a pronounced influence, with its leadership having largely police or military background. The military is an institution which is associated with nationalism, particularly due to their primacy during the Nasser period. The institution commands high respect in Egypt. It should be noted that, while they did not prevent the uprising, they did not support it either. The weight of the military is worrisome because of its pervasiveness, not least because the military industrial complex accounts for between 10-20% of the national economy.

The presenter said, further, that the Islamic coalitions that emerged following the North African uprisings will be of concern, because each group will be competing for domination. The Libyan case should be seen separately, as there continues to be sympathy for Muammar Gaddafi and criticism of the West for its rampant intervention and brutality. There is also the perception that external intervention has increased Western influence, as well as created precedence. For example, the Mali government requested for external intervention during the Tuareg rebellion. The assertion for national sovereignty and calls for intervention are also evident in Syria.

After the presentation, participants were invited to ask questions. One participant asked the difference between the Kefaya movement and the protest of January 2011 in Egypt, and why the latter succeeded while all previous attempts failed. A second participant asked about the role of social media in the uprising. A third participant asked how the Arab Spring will influence Arab-Israeli relationship. A fourth participant questioned why the presenter failed to highlight the role of counter-revolutionary forces who appear to be winning in Egypt, pointing out that Islamist forces are beginning to dominate the political landscape.

Professor Sharawi responded by saying that the Kefaya movement was initially elitist in nature and was rejected by political parties. Therefore, it had no grass-roots in the January movement. Political parties had no influence and provided no leadership during the February movement due to the sheer size of the populist movement. The movement may be said to be suffering at present because of friction between factions of the left and democratic parties. This is evident in the presidential election as well. Competition for power is also evident between the Muslim Brotherhood and the Military.
Council. Although the Brotherhood initially decided not to participate in presidential election, they have now reversed that decision. The social media were a strong tool in organizing the youth. From 28-30 January, 2011, the Egyptian government (Ministry of the Interior) curtailed media access, using methods such as shutting down internet connections.

In terms of the Arab-Israeli issue, the fact that there was no confrontation with Israel has been frustrating to the Egyptian masses who are of the view that the Egyptian government deserves respect from the Israeli government. There is a need to establish a clearer, and better, delineated channels in terms of international relations. This is especially important considering the many issues that are arising due to the uprisings. For example, there are large amounts of arms circulating throughout North Africa. Interesting dynamics are also emerging from the Gulf, where support for fundamentalist tendencies has resulted in a paradoxical confluence of Western and Islamist interests. Strangely enough, states like Qatar, who also have strong ties with the West, support the Muslim Brotherhood.

The Muslim Brotherhood is a more intellectual and liberal group in comparison to the Salafists or the Sufis. A counter revolution is expected from pro-Mubarak groups, not only among the Islamists but also reactionary social forces who are more worrisome than the Islamists. A participant rebutted that the conservative forces, i.e. Al Nahda in Tunisia and the Muslim Brotherhood in Egypt, have attained majority seats in the assemblies. The effects of the uprising on Sub-Saharan Africa should be contextualized within the framework of realities in Sub-Saharan Africa. The presenter responded by saying that despotism dissipates gradually, and that expecting immediate results may be unrealistic. The movement towards democratization seems to be progressing. For example, the youth in the Muslim Brotherhood have been contesting the decisions of the top brass. The fact that no less than 50 youth coalitions have been created in the post-January period is proof of the attitude of the youth within the Muslim Brotherhood.

A participant asked whether there were debates about democracy in the pre-revolutionary period in Egypt. Another participant said that two facts are evident in the Arab Spring, caution and enthusiasm. The prevailing
assumption seems to be that the ultimate goal has not been reached, so that since the direction and nature of the change remains unknown, gauging the success or failure of the movement is difficult. This is partly due to ill-defined or unknown targets. Change is best achieved when the process is planned and cautious. The rise of fundamentalism may be countered if movements are centered around organizational structures. A participant noted that the slogan of the revolution included dignity, which does not necessarily imply democracy. In Italy, it gave birth to fascism, while in Germany Nazism was the result of such slogans.

A fourth participant said that one cannot know the implications of the Arab Spring with regard to Sub-Saharan Africa without including Syria. There were strong associations between the Tunisian and Egyptian youths, which included coordinating tactics and sharing pertinent information. A fifth participant questioned whether a second uprising is possible due to the continued presence of despotic forces, and the coalition of fundamentalist groups in Egypt.

Professor Sharawi responded by saying that there is a growing fear of fundamentalism, which may be related to the lack of redress in the economic sector. It is likely that there might be a counter-revolution if there are no improvements in the socio-economic conditions of the Egyptian masses. Economic disparities need to be resolved. Overhauling the economic system has not been given thought, but the presidential election scheduled for July, 2012, may create an opportunity for the masses to express their dissatisfaction. The focus at the moment is on political bartering, particularly between the Muslim Brotherhood and the military.

In terms of their regional implications of the revolutions, and responses to them, the Arab League may be said to have been under the influence of Gulf States. The African Union (AU) has done better in responding to the events in Libya and Egypt, although their response have not gone far enough. Professor Sharawi then raised the possibility of a second uprising in the context of the presidential election in July. There have been examples of similar revolutions in Africa during the 1990s in places such as Mali, Benin and Madagascar, he said. The aims of the revolutions were often thwarted within a few years as a result, according to Professor Sharawi, of the
imposition of IMF prescriptions, which weakened the revolutionary spirit. Socio-economic conditions have an important influence on the sustainability of democratic progress. The focus right now is on ensuring the secularization of Egyptian politics. Thus far, it has been successful, which is evident in the activities of the Muslim Brotherhood who have maintained secular rhetoric. The Tunisian state, which was often viewed as modern, has seen the Salafists develop strong political clout, while in Egypt, they have less political influence, though they continue to have a strong cultural influence. Professor Shawari concluded by stating that dignity is a moral value, which has been associated with the Nasser era.

A participant stated that the conjecture that the revolution has been hijacked is rather hasty, stating that a journey may be said to have began whose outcome is still uncertain. A second participant said that the middle class has had a strong and consistent influence in Egypt and Syria. This is because of the spread of secondary and tertiary education. This may imply that revolutions of the type and scale witnessed in Egypt and Tunisia can only occur when these conditions are met. Another participant stated that the movements marked the disruption of continuity by emphasizing secular issues, which is atypical as far as the region is concerned.

The second presenter was Dr. Dereje Alemayehu. His paper was entitled: “Challenges to Assume Legitimacy through Development Success.” Dr Dereje began his presentation with a definition of the state, followed by the essence and role of the state. The reasons for the uprisings, he said, are rooted in dysfunctional state-society relations. State legitimacy can be derived from legitimate expectations of citizens. He said there is no common or established definition of the state among scholars, adding that the elusiveness of the state relates to a lack of empirical value. The state has no intrinsic value; it is only a structure to ensure the safety of the population within it. The state can be conceptualized as a site of compromise, where the interests of diverse segments of society are aggregated. The state can be the site of paradox as well, due to the clash of its inherent duality. On the one hand, it is an institutional setup, and on the other, it is endowed with an oversight over all institutions. It is liable to be captured by particular interests as opposed to societal interests, due to the slightly detached nature of its relationship from society, being both part of it and above it.
Contradictions over the nature of the state extend to the modern state as well.

The state also has a predatory nature; this is particularly visible during state formation, which society aims to tame. The role of the state needs to be contextualized in an historical time period, and societal makeup. In the African context, this means recognizing the effects of rampant poverty, and marginalization of the continent in international relations. The attainment of state legitimacy through economic growth was recognized as a viable option for states. When President Chirac of France was visiting Tunisia as president, he expressed approval for the regime in power on the premise that it was carrying out equitable economic and social development for its populace. A Tunisian human rights activist described the statement as “eat up, and shut up”.

There were other justifications for the belief that economic growth will lead to state legitimacy. The trickle down effect asserts that money will trickle down from the rich to the rest of society. However, economic growth alone may not solve problem such as poverty and inequality. Economic growth can actually aggravate inequality in both absolute and relative terms, due to the uneven distribution of the benefits of growth. Economic growth should be seen as just one aspect of addressing development related deficiencies, but not as the only tool. Often, scholars view poverty alleviation as being relegated to a specific segment of society as compared to inequality, which is a more important consideration in relation to its political and social impact. Inequality is not limited to the economic realm; inequality in terms of political representation and access to social services can arise as a byproduct of income inequality. The mobilization of citizenry over a broad consensus through consultative and transparent processes would allow states to ward off suspicions that they are being influenced by interest groups. Development should be conceived of as national and holistic. So far, however, many regimes in Africa have been seeking to stifle dissent by maintaining passive acquiescence through coercion instead of seeking active consent. Dr. Dereje concluded his presentation by stating that, hopefully, the uprisings will allow for a re-evaluation of state-society relations in Africa, so as to base them on a right holder, duty bearer relationship. This includes building an institution that can promote social transformation.
Discussions began with a participant stating that consensus and consent can be extracted through illicit means. The relationship and definitions of consent-consensus, voice and participation need to be modified. Well informed, and free consent and consensus, should be the ultimate goal. A second participant said that one of the causes of the uprisings is the perception that the state is enriching itself. If issues of poverty are not properly addressed, revolutions or uprisings are likely to occur again and again. The issues of growth and inequality need to be addressed simultaneously by investing in sectors involving as many people as possible. The nature of the state needs to be changed, both conceptually and structurally. A third participant added that growth and development as concepts need to be defined. This is because, as framed currently, it may be deduced that neither growth nor development will lead to legitimacy. The participant asked whether there are mechanisms for legitimizing consent, and whether there are legitimate mechanisms for discontent.

Dr. Dereje responded to some of the questions. Acquiescence can be achieved in different ways -- acquiescence by intimidation, passive acquiescence, etc. Development is often viewed as a technocratic process. Institutions are fundamentally inactive, their role being primarily ritualistic in the sense that they are implementers of decisions of the state. The overriding characteristic of legitimacy is when the government asks for consent from the population. Dr. Dereje added that the distinction between growth and development is that the former does not necessarily lead to the latter. Issues of development need to be dealt with politically; economic growth will not sufficiently address development related matters. Inequality needs to be looked at from a relative standpoint; if the rich are getting richer at a faster rate than the poor, it only increases inequality.

A participant questioned whether a regime can bring about transition from authoritarianism to a fairer rule while still retaining legitimacy. A second participant stated that, in developing states such as China, even if there are some expressions of discontent, they are mostly found on the margins of society and do not grow into movements. In Africa, civil society or non-governmental actors are capable of providing the services usually associated with the state. The state has been concentrating funding and efforts in areas
considered beyond its core functions, while depending on relief and development aid to fund what would traditionally be considered core sectors. A participant stated that this might indicate the dawn of a new age of state formation, which is influenced both by international and national entities. A fourth participant referred to the Maslow hierarchy of needs which claims that once basic needs are met, people’s needs will continue to grow. However, in oil-based economies, the provision of services is linked to silencing democratic issues. This reward system may have run out of steam in the Arab region.

The presenter responded by saying that the state is a necessary construct that should be mended and maintained. The functions of non-state actors should not be to “de-responsibilize”; rather, it should ensure that the state fulfills those functions. Non-state actors have taken on the role of state building in some instances. One example of this type of interference was the Structural Adjustment Programmes (SAP) in Africa, which delegitimized the state. State-society relations need to address entitlements and obligations. Interventions by non-state actors do not have those components clearly outlined. Dr Dereje added that China should not be used as an example of a successful authoritarian state, since the absence of protests should not be linked with widespread satisfaction. According to Lenin, “…it is not enough that people are unsatisfied with status quo for revolution to occur, it is necessary that the rulers are incapable of ruling the way they used to rule.” Poverty and inequality in the economic realm will ultimately result in inequality in the political and social realms as well. A healthy state-society relationship needs to be pursued to amend inequality and attain legitimacy.

A participant correlated the events in pre-revolutionary Egypt with those in China, where there are many social protests. Another participant stated that most states deal with coercion and consent in various forms, while consensus is the norm in democratic states. Maghreb societies had previously been typified as passive, which is not a correct characterization, considering that there have been numerous instances of revolts in the mid-20th century, e.g. the Algerian revolution, the Egyptian revolution, etc. The participant asked if consent in non-democratic societies is achieved through coercion and intimidation, and the point at which the populace may seek to change the status quo. The participant related this to the Arab Spring; the
timing and confluence of issues that led to the revolutions must be studied. A third participant mentioned that a recent study on inequality in different regions at the local, national and regional levels over a thirty-year period was conducted by UNESCO. According to the study, the rate of inequality had not changed in the Arab region, and that there was relative income parity among countries in the region. This contradicts assertions that inequality was a major contributing factor to the uprisings. The study also shows that inequality is decreasing in Sub-Saharan Africa. According to the conclusion of the study, factors leading to the uprisings need to be re-evaluated.

A fourth participant stated that voice and participation should be considered as basic needs. This is especially applicable to the Tunisian uprising, where demands were centered around those issues. The Ben Ali regime was maintained with the assistance of international powers, which supported the attainment of economic needs at the expense of democratic ones. During the Ben Ali period, there were 9,000 associations, which maintained the façade of democracy. A participant asked the plenary whether growing equality as opposed to inequality may contribute to social disruption, and whether this can be seen as the case in Tunisia.

A participant stated that Sub-Saharan African governments are all illegitimate, according to the criteria listed by the presenter. Thus, uprisings are inevitable in Sub-Saharan Africa because states are illegitimate. The issue of concern becomes whether one should support uprisings or not. Uprisings are movements arising from frustrations. However, unless they are well organized, they can have disastrous consequences. A disorganized movement can lead to disintegration instead of change. For example, the take over by the Derg in Ethiopia was a fragmented and ill-organized event that resulted in 17 years of harsh rule. A second participant stated that the majority of people do not seem to want or approve of similar movements in Sub-Saharan Africa. Ultimately, the expectations of societies change over time, and the state needs to address changing dynamics. A participant stated that many of these events should be viewed incrementally. Seventeen years of the Derg rule in Ethiopia resulted in what came after. A fourth participant stated that uprisings are spontaneous, so that attempting to predict whether or not one will occur is bound to be futile. Some of the underlying factors that create a conducive environment for uprisings include
unemployed youth, the presence of frustrated and voiceless medium- to-large middle class segment, access to knowledge facilitated by access to the internet, and growth of functional civil society organizations which empower the people.

The presenter stated, in response, that he did not want to single out one factor as the most deciding element in establishing legitimacy. However, growing inequality is the biggest challenge to the global system. Although levels of inequality may have not increased in the Arab region, they were still there. States need to facilitate interactions with their social base, and when consent is not possible, consensus should be attempted. The citizenry needs to participate in government policy. Uprisings are unwelcome events and the preferred scenario would be the prevention of such disruptions through the creation and maintenance of proper state institutions.

A participant stated that governance in Sub-Saharan Africa is not wholly negative as depicted by most participants. Another participant stated that factors legitimizing governments work in coalescence and should not be viewed separately. The participant added that the role of international actors in the uprisings in North Africa should not be undermined; he also said that the Egyptian uprising should be viewed as an example.

A third participant stated that the presence of a significant middle class contributed to the uprisings. The majority of the youth who took part in the movements have their roots in this segment of society. The participant added that the disparity between political and economic development can cause discontent, especially when political developments lag far behind economic growth. Revolutions are innately unpredictable, which is related to the unpredictable nature of triggers. Short- and long-term goals of revolutions need to be identified. In the case of the uprisings in North Africa, the removal of the regimes imply that short-term goals have been met. However, long-term democratic aspirations may be facing a setback due to the domination of Islamists in the political arena. A fourth participant stated that the Egyptian uprising was not completely spontaneous. Young revolutionaries received some instructions and adopted methods described in Eastern European manifestos outlining non-violent protest. The
participant added that uprisings are necessary when democratic avenues are blocked for achieving change.

The third paper, “Development Aid Conditionality & Popular Demands for Democratic Governance in Sub-Saharan Africa: Implication for North Africa” was authored by professor Mohamed, who is professor of the politics of development at the department of political science at the University of Leeds. The presenter of the paper was Sally Healy who has worked as a fellow at the Africa Program of Chatham House. She worked at the Foreign Commonwealth Office as a specialist and undertook research on political and developmental issues in Africa with focus on countries of the Horn and East Africa.

Ms Healy began by stating that the paper looks at the political economy of aid and criticizes donor behavior and policies in relation to a deeper struggle of how states and societies in Africa can be improved. The implementation of SAPs by the IMF and World Bank in response to the economic crisis in Africa in the 1980s resulted in the rolling back of the state. State intervention was put aside in preference for SAPs. African states lost control of vital public policy decisions. The failure of SAPs was linked to the failure to recognize that public and popular participation was vital to the process. But the failure of SAPs was also linked to the democratic failings of the African states due to factors such as corruption. This led to a shift in SAPs’ conditionalities.

The shift to good governance conditionalities was driven by three political developments that occurred across Africa: an agitation for popular participation in development, the so-called triumph of the neo-liberal paradigm following the end of the cold war, and people’s demand for democracy, respect for human rights and rule of law. The basic creed of good governance was spelt out in the 1989 report on Sub-Saharan Africa. Governance is defined as encompassing institutional arrangements, the processes for formulating, policy decision making and implementation, information flows within governments, etc. Good governance called for an effective state as opposed to rolling back of the state.
In the context of the effective state, political accountability emerged as a new area of concern, i.e. participation of citizens to be matched by responses to citizens’ concerns. Ownership was also transferred to the recipient countries. The term democracy was not used in the new conditionalities, because the IMF is not supposed to get involved in political processes. Professor Salih criticizes this process because it attempts to fortify the state, yet does not address political processes. The process was depoliticized and contained to the technocratic level.

The transition to the era of aid effectiveness began in 2005 following the Paris Declaration and the European consensus. This is not a big shift, in comparison to SAPs’ good governance shift. Aid effectiveness concentrated on national development strategies aligning aid with partner countries’ priorities, and a growing emphasis on public finances. Professor Salih outlined progress in the aid agenda, specifically the aim to eradicate poverty via sustainable development. Economic partnerships agreements that were offered to Africa were unfavorable to African states; consequently, countries did not want to participate in the partnerships that were being offered.

Presently, the EU works in five-year chunks and is developing the post-2015 development cooperation policy. It is currently framed as “increasing the impact of EU development policy, defining a future approach to EU budget support to third countries.” The Agenda for Change states that basic policy principles will not change, i.e. the overarching objective of poverty eradication via sustainable development. Greater reciprocity with partners with mutual accountability of results is one of the aims of the new strategy. The Agenda for Change states that the European Commission will pursue human rights, democracy and other key elements of good governance with incentives for results-oriented reform and meeting people’s demands and needs. The document also ties fragile states with undemocratic ones. The Agenda rests on a large number of items, including gender equality, public sector management and service delivery, corruption and transparent management of natural resources. The EU will be tighter on direct budget support, and policy dialogue would be a key part of package. It would strengthen contractual linkages between the EU and partner countries.
The shift from governance conditionality based on ownership and mutual accountability to contracts may be faced with challenges, but the popular demands for democratic governance are being addressed in the post-2015 strategy. The paper lastly deals with North Africa where donor-recipient relationship was markedly different. The containment of radicalization and limiting the number of migrants going to Europe were the EU’s political objectives in North Africa. Development in those countries was seen as a way to ensure that they do not leave in search of a better life elsewhere. Development cooperation with North Africa was based on trade, which was different from the cooperation with Sub-Saharan Africa. The laxity of donor conditionality in relation to North Africa has been brought up during the uprisings in North Africa. Issues like terrorism, socio-economic uprisings and emigration have also re-emerged as concerns following the upheavals. Some see the uprisings as an opportunity to re-evaluate future flows of aid to North Africa. EU has produced a joint communiqué on the revolution in North Africa emphasizing the need to build and consolidate democracy.

Professor Salih pinpoints some challenges that may impede the application of conditionality in the region. Europe’s incentives may clash with the incentives of other actors. Gulf States are investing heavily, and China is showing increased presence in the region. In addition, conditionality is not easily applicable in non-democratic states, and is easier to apply in countries which are moving towards democracy. The EU will be applying conditionality on a country-by-country basis.

Ms Healy concluded the presentation by making a few points of her own. The good governance agenda has been applied erratically in Sub-Saharan Africa. The changes in Europe should be recognized, and the establishment of a foreign policy has allowed for the inclusion of political actors and rhetoric in the development sector. Prior to this, development was concerned with performance legitimacy, while political actors had a more multi-dimensional perspective of legitimacy. It appears that both approaches are converging. Managing donor demands and disparate realities may also be more complex, in comparison to the way it is presented in the paper. The governance needs of North and Sub-Saharan Africa are different; for
example, Tunisia was first in the human development category of the Mo Ibrahim index of Africa governance summary.

Discussions began with the chair alerting the plenary on the data aggregation process and how reliance on overarching categories may undermine diversities. A second participant divulged views of the EU delegation to the AU. The participant added that the relationship is now a partnership in that both sides are getting benefits from remaining in that relationship. The issues of concern--controlled migration, trade and security--were stipulated in the presentation. Theoretically, if African governments do not want aid money, the European continent would lose access to the stated areas of concern. Continued partnership is still in the interests of the European contingent. Following the operationalization of the Africa Standby force in 2015, questions will arise as to how the relationship will proceed. A third participant stated that there should be a differentiation between foreign aid and policy conditionality; the latter disrupts the aims of foreign aid. There is no political legitimacy for conditionality. Aid is distributed according to geopolitical importance, not need. Thus, conditionalities are selective and patronizing. The participant also stated that an unequal relationship between two entities cannot be called a partnership. David-Goliath’s motif is evident in the Africa-donor relationship.

A fourth participant pointed out that there are other options available for Africa. By 2050, trade with Brazil, Russia, India and China (BRIC) will be 13 trillion USD, while trade with China will increase to 300 billion USD from 107 billion in 2008. So, why would African governments want conditional aid, since non-conditional aid is emerging as a readily available alternative. A fifth participant stated that aid may be a symptom of a guilt complex. Things like the common agricultural program and unfair market access have created an unlevel playing field. These distortions have denied Africa access to the global market, creating a cycle of dependency. The participant questioned why these issues had not been addressed in the paper. Ms Healy responded that there is a section on trade in the paper that addresses issues mentioned above.

A participant asked what state building contracts entailed. The establishment of donor criteria can be problematic because recipients
sometimes tailor their proposals to match donor criteria, even if they do no
match the state’s priorities. A second participant stated that donor assistance
has been erratic due to mixed motives and agendas. A third participant
pointed out that the discussions are layered, asking whether aid is necessary
at all. Democratization emanates primarily from within, with external actors
playing only a supporting role. A fourth participant argued that there are no
definite answers when it comes to the relationship between donors and
recipients. There are examples of countries like Eritrea which practices self-
reliance partly through the endless conscription of youth in national services.
Since the total rejection of aid may not be the proper answer, a healthier
partnership should be sought. Another participant stated that the EU has
focused on bilateral engagements when a multilateral one would work as well.

The last paper of the day was presented by Ambassador/Dr. Samuel Assefa,
who began with the premise that the future of authoritarian states in Sub-
Saharan Africa will be influenced by the outcomes of the North African
uprisings. The upheavals are particularly set apart by their uniqueness, which
partly relates to their proximity; other movements have not had the same
effects on Sub-Saharan Africa. The uprisings will have major ramifications
throughout the continent. There is a heightened sense of susceptibility to
contagion. However, although the impact is obvious, the outcomes are still
unknown or unmapped. Governments’ responses to these events will be one
of the factors influencing the perceived outcomes of the uprisings.
Governments will devise pre-emptive or preventative measures in order to
counteract possible emulation. The presence of external powers and possible
shifts in policy towards Sub-Saharan Africa is another factor that will affect
outcomes.

The presenter identified three challenges for authoritarian states, which
relate to the three uprisings in the Middle East and North Africa (MENA)
region.

- Uprisings in Tunisia have generated widespread skepticism that
economic growth and development are sufficient sources of
legitimacy independent from a popular basis of authority
(performance legitimacy). Compensation for the lack of democracy
through economic growth is no longer a fool proof system. However, most of the preemptive measures in the MENA region have been economic measures, e.g. Gulf States. Considering the evidence, this appears to be a short-term solution, with limited credence for the longer term.

- The concept of durable authoritarianism, which was exemplified by Egypt, has been dealt a considerable blow. The pre-emptive value of using coercion instead of reform is questionable.
- The erosion of state sovereignty in favor of human rights and humanitarian intervention was especially evident in the case of the Libyan uprising. Adjustment in the policies of the superpowers towards the continent can be linked to this change in sovereignty-human security dynamics.

The major conclusion from the uprising in North Africa and the Middle East is that economic development is not a substitute for democracy. Performance legitimacy can no longer compensate for democracy-deficit. Under the Ben Ali regime, Tunisia experienced significant economic and social development. The country’s gross national income per capita based on PPP almost tripled during the three decades of his rule. The 2010 UN Human Development Report which ranks a country’s progress in that category rates Tunisia highly. Five MENA countries including Oman, Saudi Arabia, Tunisia, Algeria and Morocco are amongst the top ten of that list. All these countries have seen protests to some degree.

The phenomenon of jobless economic growth and an unemployed educated populace in countries with a non-agricultural base did contribute to the initiation of the movements. Growth in the MENA region was primarily linked to the availability and increasing price of oil; consequently, it did not correlate with job creation. However, while it is worthwhile to identify these factors as contributing to the uprising, they should not overshadow the root causes of these movements. The primacy of liberty and political rights over economic growth was a central theme in the movements, as exhibited in Bahrain and Oman where street protests intensified following the announcement of economic concessions. This was despite high youth unemployment in both countries. Claims that the young bourgeoisie were a
crucial part of the uprising can be countered, because of countries such as Yemen, which is a considerably poorer country.

Economic disparity among the different countries of the MENA region dispels notions of an underlying socio-economic factor for the uprisings. The common denominator was grievances in relation to dignity and governance. Despite this evidence, most pre-emptive activities concentrated on economic dispensation. The example of the Gulf States, which used economic concessions to quell potential upheavals, may not reverberate with the African context because the economic leverage of those states far exceeds those of most African states. The pre-emptive measures taken by Morocco and Algeria may be more applicable for Sub-Saharan Africa. There was a two-pronged effort by the two countries - job creation and space for public dialogue. Both have been able to assuage their youth population. However, it is still questionable whether job creation is a temporary tool or a long-term solution in uprising prevention. Job creation and price controls are tools that are more in the realm of crisis management rather than crisis prevention, since both are utilized in response to catalysts such as unemployment. This is a difficult approach because volatilities preceding catalysts are difficult to identify, since catalysts are inherently unknown until events in relation or due to them occur. It is also unrealistic to deny that some of the grievances that may be construed as catalysts will not be expressed through some form of dissent. Instead of denying expressions of dissent, political sustainability is more likely achieved through the creation of an internal system to redress these consequences.

Citizens must feel a sense of allegiance to the state if they view it as a guarantor of their basic rights. States that deny their citizens’ rights are, in turn, denied their shield of impunity. Though a necessary factor, democracy-deficit is not the only factor contributing to state collapse. China is the best example of economic success alongside being democracy-deficit, and they have had to increase security measures in recent months. This buttresses the point that preventative measures in the economic arena are not sufficient.

Dr. Assefa returned to the concept of durable authoritarianism and argued good crafting was seen as the central component for maintaining a durable state. This view was shattered following the downfall of Mubarak. Whether
the heightened awareness of the weaknesses of authoritarian state will lead to reform or tightened controls depends on perceived costs and benefits of either option. It is difficult to allot probability values to the extreme costs of revolutions. Revolutions and uprisings of this nature are very unpredictable. Although the uprisings had the element of surprise, they did not come out of nowhere. They were a reaction to continued repressive rule. The simultaneous generation and dispersal of political power in the uprisings marked a new type of revolution. This harkens back to a classical form of anarchism, with the celebration of spontaneity and self organization.

The uprisings showed that bottom-up and lightly coordinated groups can have regime ending consequences. This model for resistance allowed for protestors to circumvent issues of ethnicity and religion. The lack of a rallying ideology, and of a leadership structure, indicate that there was a minimization of pre-requisites for staging a successful resistance. It also minimizes the need for public space in the pre-revolutionary period. The lack of pre-requisites or pre-conditions allows for the easy communicability and replication of the movement across countries and contexts. Self-organizing processes are not dependent on the public spaces, communication medium and political parties that movements would traditionally rely on, and therefore are harder to shut down or control. Technology was an important factor in both the Tunisian and Egyptian uprisings; it amplified the vulnerability of authoritarian regimes and served as revelations of atrocities. However, the conflict in Syria shows that showcasing atrocities is not enough; the allegiance of national militaries has a conclusive effect on the efforts of protestors. Limiting access to technology may be futile, due to the wide variety of available technologies.

The uprisings as self-organizing pre-conditionless phenomenon would not have occurred without the backing of modern technology. The influence of technology in Sub-Saharan Africa is limited in comparison, for example, to internet penetration which is limited. Technological determinism dictates that bottom-up revolutions are unlikely in the region. There are examples that contradict this assumption. Protests occurred in Yemen despite the fact that the country lags behind Sub-Saharan Africa in terms of internet access (2% versus 7%). The dependence on technology for horizontal coordination and bottom-up creative strategies is contestable. Communication technology
is more important in public relations aspects, which requires limited infrastructural support. Moreover, other sectors of society can assist in that process, for example, the Diaspora and sympathizers in countries with abundant technology can serve as mediums.

Dr. Assefa concluded by positing the costs of democratization versus costs of suppression for authoritarian rulers. The favorability of democratization depends on keeping the costs of democracy lower than the costs of authoritarianism. Therefore, the move towards democracy will rely on lowering the costs of democracy. A high cost of democr

Discussions began with a participant stating that both authoritarian and democratic regimes are attempting to catch up with the spread of technology. The disparate approaches in contending with the use of technology in social movements has been seen in instances like the London protests, where the British government shut down social networking sites, yet praised the usage of technology in the North Africa uprisings. A second participant asked whether contagion/contamination, i.e. emulation is inevitable. The movements in North Africa were unprecedented in many ways. Most questions have been about how the movements will progress, and how they will end. But the question of how they started needs to be addressed. Thus far, there have been Western examples in emulation, e.g. “Occupy Wall Street”. However, they lacked the spontaneity of the Arab uprisings. This indicates the more original an event the more difficult it is to replicate. Certain aspects can be replicated, but not all.

Dr. Assefa responded by saying that uprisings are unpredictable. They cannot be started, rather they happen. The kind of considerations that should be highlighted for authoritarian states is, firstly, that atrocities are no longer tolerated. Consequently, the capacity of a state to intervene once uprisings begin is very low. Secondly, the bottom-up self-organized uprising is even more difficult to shut down because there are no leaders to target or public spaces to shut down. These are bad times for authoritarian leaders. Prior to this period, democracy was not a priority due to the war on terror which allowed for the suspension of democratic goals, and the rise of China which led to a devaluation of democracy. Due to these developments, democracy was tagged with many prerequisites, e.g. economic growth.
Following the uprisings, the anti-democratic tide and authoritarianism have been questioned.

A participant stated that the socio-economic data on Tunisia may be misleading or possibly incorrect. The high level of unemployment among the educated class is one of the precedents for an uprising. Reaction to the uprising from different parts of Africa have pinpointed one aspect of African society which may make it problematic to emulate such movements, namely, the multiple divisions within society, which may aggravate violence if such uprisings were to occur. The participant added that the media exaggerated the social media element. The rural and poorer segments of society did not have access to those platforms. A second participant stated that the role of Facebook should not be downplayed. The news of the death of a young businessman in Alexandria was posted on Facebook during the initial days of the revolution, and served as a galvanizer. The participant added that the uprising in Egypt was inspiring, but subsequent events have been disappointing. There seems to be a preference for stability over democracy which may have slowed progress towards the adoption of democratic systems. A third participant stated that the Syrian uprising invalidates Dr. Assefa’s thesis in that the regime has been resilient despite the ongoing upheavals.

A fourth participant asked whether there could be a dialogue among stakeholders in order to make uprisings superfluous. A fifth participant raised the possibility that the regimes may have ended as part of a natural life cycle as opposed to a fundamental downturn in the legitimacy of authoritarian states.

Dr. Assefa responded to some of the queries. The costs of suppression and cost of liberalization are based on a model for democratic change. The assertion that ethnic and sectarian cleavages serve as deterrence to an uprising occurring in Sub-Saharan Africa falls under the general skepticism that seems to dominate when the question of emulation of the uprisings in Sub-Saharan Africa arises. Ethnic and sectarian divisions were also present in the MENA countries, and they were able to mobilize around concepts of citizenship rights by circumventing questions about identity.
There are liabilities to spontaneous movements. The non-Libyan examples provide greater hope, because non-violent means of self-empowerment are enduring. However, consistent enforcement of human security is impractical because realpolitik has an important influence as well. For example, Bahrain has been able to get away with calculated and implemented atrocities because the superpowers have no vested interest in helping protestors. Yet, the majority of the evidence back the assumption that the validity of authoritarian states is weakening. It is unclear what kind of preemptive policies could work in abstaining uprisings because of the unpredictable nature of the movements. Since they do not use traditional political spaces or political systems, legal systems or traditional media, the state has a reduced capacity to shut them down.

Dr. Martin Kimani provided closing remarks to the first day of the conference. He concluded that in preparing for such an event a state is ultimately preparing for the past, and will be met with new variables and methods. He thanked the plenary for their input and discussions. Mr. Tamrat added that social science remains an elusive and ever-changing discipline.

The second day of the conference was chaired by Dr. Peter Robleh. The fifth paper, entitled “The North African Uprisings under the AU Normative Framework”, was presented by Dr. Mehari Taddele. The paper addresses the many issues surrounding the uprising in Libya, including whether it was authentic or a coup d'etat, and who influenced the process. The paper attempts to explain the compatibility of the North Africa uprisings with AU norms. A slightly altered version of his paper was presented by the Institute for Security Studies (ISS) to a joint plenary session of the Permanent Representatives Committee in July, 2011, upon the request of the Peace and Security Council of the AU.

Dr. Mehari began by identifying the AU as a multilateral institution with 54 member states. The criticisms, ideals and values associated with the institution are well known. In the past ten years, the institution has produced more than 200 policy frameworks, instruments, norms, treaties, charters, etc. It conducts more than 300 meetings per year. In relation to the Libyan
revolution, there are three areas that need to be addressed to identify the relationship between the events in Libya and AU normative frameworks.

1. The key elements of the AU instruments: democracy, governance and unconstitutional change of government.
2. How the different normative frameworks define unconstitutional change of government.
3. AU’s responses following revolutions in the past, particularly coups d’etat.

Dr. Mehari added that he views revolutions as extra-constitutional events, where limitations of legal apparatus are apparent, although the movements may be embedded in the will of the people. People have the right to revolution, yet they are beyond constitutional mechanisms. Dr. Mehari stressed that there is a difference between unconstitutional and extra-constitutional civil disobedience. Three major instruments that are relevant to the events in North Africa include:

1) The AU Charter on Democracy, Elections and Governance. It is a compilation of universally accepted principles on the three elements. It has been ratified by 15 countries as of January, 2012.
2) The Lome Declaration on Unconstitutional Changes of Government. It started in Algeria with a declaration in response to increasing coups d’etat in Africa. It was partly a marriage of inconvenience with some rulers using it to validate their regimes.
3) OAU’s Conventions on Mercenarism.

The main legislative intentions of the instruments include the establishment of constitutional democratic regimes in Africa to end unconstitutional replacement/change, or injections through constitutional manipulations, and reinforcing a sense of popular will and sovereignty of the people. The Lome Declaration addresses the illegal accession to power, which was a major concern during the time of its formulation because more than ten countries were facing coups d’etat, for example, Algeria. The case of Niger was also mentioned, where the president was attempting to remain in power for a third term, and a coup d’etat led by the military replaced him. This case presented a dilemma, because despite the support for the coup d’etat,
mercenary interventions and rebel insurgency were looked upon as illegal for accession to power.

Provisions against the illegal retention of power are included in the Lome Declaration and Addis Charter. Emplacement of oneself without term limits and without free and fair elections is considered unconstitutional and liable to different kinds of sanction regimes in the AU. Tampering with constitutions outside of the appropriate realm is also abrogated. Constitutional amendments via national consensus or a referendum, if necessary, is acceptable. Interventions by mercenaries is considered as crime against peace and security, and against the self determination of the people. These instruments also provide different types of sanctions. States that have ratified these conventions are to prevent conditions for unconstitutional changes of government preventing citizens and foreigners from engaging in mercenarism and armed conflict affecting other member states. Unconstitutional changes of government carry penalties.

The Addis Charter is also a compilation of universally accepted principles on election, democracy and governance, but it is a binding charter which provides claimable rights for citizens. The ultimate objectives of the Charter include a representative government, pluralistic and multiparty democracy, and regular and credible elections. It also provides three elements of constitutionalism. All instruments support democratically elected governments and provide institutional support from the AU and RECS to maintain the democratic make up of states. They support broad-based popular demands for change. The credibility of broad-based movements, i.e. revolutions, is established through three criteria: the violation of substantive rights (gross and systemic violations), violation of the trust of the people, and the absence of constitutional mechanisms for redress. The credibility test also includes the assumption of internal, broad-based frustrations.

The AU made varied responses to the uprisings. In the case of Tunisia, it provided sluggish support, while in the case of Egypt, the AU made a faster response. However, there were concerns over the transfer of power from the president to the military council, which was not completely legal/constitutional. There is suspicion that the process was hijacked to ensure the military’s continued dominance, which has a large stake in the
Egyptian economy, implying that they have some interest in maintaining the status quo. The military has emerged as the extra-constitutional guarantor of the constitution and has partly used the threat of Islamists to maintain power.

The AU’s response to the Libyan uprising was different, because it was viewed as a civil war. The AU responded fastest to the situation in Libya. The uprising began on 16 February, 2011, and the AU issued a communiqué by 21 February 2011, calling on Gaddafi to stop using force against protestors. An ad hoc committee composed of heads of state with the mandate to implement an AU roadmap was also established. A similar process was used by the Arab League in response to the Syrian conflict. The Libyan case was treated differently for two reasons: it developed into a civil war between rebel groups and Libyan authorities, and it had elements of mercenarism. The retention of power by a mercenary group would invalidate the will of the people. It is believed that the AU was marginalized in the course of international response to the conflict. A UN Resolution (1973) was adopted on 17 March 2011, which established a no-fly zone over Libyan airspace, with NATO given control over the no-fly zone on 24 March 2011. The exclusivity of NATO control is an indication of this marginalization.

The presenter stressed that it is important for the AU to remain engaged in the democratization processes in Egypt and Libya. This would ensure that the aspirations of the people are met. Even if contextual realities matter, the incidents are inspirational and will have an affect on dictatorial tendencies in the continent. AU’s engagement in Libya remains limited; The AU has yet to open an office or engage with the UN in Libya. It has resorted to playing the victim due to the marginalization of the organization during international response.

Dr. Mehari concluded his presentation by indicating the way forward in utilizing AU’s normative frameworks. The AU needs to stop producing norms and focus on implementing existing norms. There is also a need to address triggers and accelerators, as a preventive measure against uprisings. Dr. Mehari next presented the “Tensions between Responsibility to Protect (R2P) and the Protection of Sovereignty.” States were traditionally endowed with sovereignty over their internal affairs. Massive violations of
human rights have led to a re-conceptualization of state sovereignty. Sovereignty needs to coincide with responsibility, i.e. human rights, protection of minorities, and ensuring that the will of the people is the main basis for assuming power. The re-conceptualization of sovereignty alters the responsibilities of the state, in that the primary responsibility of the state has become the protection of its people. R2P now precedes state sovereignty. It allows internal state matters to fall under the purview and judgment of the international community if the state is unable to protect its citizens. Dr. Mehari stressed that changes in prioritization are linked to changes in the conceptualization of responsibility. The international community plays a complementary and subsidiary role when a state is unable to provide protection for its citizens.

R2P has three components: the responsibility to prevent, react and rebuild. Military intervention is considered when six criteria are fulfilled: the just cause threshold which was established by an international commission for R2P, pre-condition principles, the right intentions which relate to motive and is difficult to prove, military intervention as the last resort, proportional use of violence, reasonable exit strategy, and having the right authority (mandate.)

Discussions began with a participant stating that the impacts of the North African uprisings have gone far beyond Africa with their effects being felt worldwide. He argued that the Military Council in Egypt is a legal entity, endowed with the power of the presidency in accordance with the 1971 constitution, despite the fact that they were considering suspending the 1971 constitution. In an increasingly paradoxical situation, there are now attempts to amend the constitution. The participant questioned why the AU did not use the R2P mechanism to intervene in Libya. A second participant stated that what is listed under the rubric of credibility test is not part of the declaration. The paper seems to attempt to reconcile what is irreconcilable, i.e. attempting to validate revolutions. For example, the Iranian revolution was considered legitimate since it occurred in accordance with popular will. However, the outcome of the revolution, an Islamist government led by a supreme leader, has been controversial. It is highly unlikely that there is a legal instrument that can endow it with legitimacy. A third participant questioned whether neutrality can be maintained in such interventions.
Other considerations may override the impetus to protect civilians. A fourth participant asked whether R2P has been incorporated into the evolving practices of the AU.

A fifth participant questioned the credibility test which includes internal and external dimensions. The necessity of the external dimension is questionable if popular will is strongly in support of change. The participant asked what recourse is available when there is a divergence between internal and external dimensions. The participant also asked at what point a movement can be considered to have popular support, and whether the use of violence renegades this status. A sixth participant questioned the methodology of the study in that it confuses between moral theory and law. The conclusions, based as they are on instruments and attempts to establish compatibility between revolutions and the AU framework, are far fetched. The distinction between extra-constitutional and unconstitutional movements is also ill-conceived. The distinctive features described in the presentation cannot be found in the international body of law, which indicates that the characteristics mentioned in the paper are issues that should be considered in the re-evaluation of international law, rather than being an existing component of the law.

Dr. Mehari responded by pointing out that the main purpose of the paper is to investigate whether the North African uprisings were compatible or incompatible with the AU frameworks. The fundamental conclusion is that they are not. The Lome Declaration and the Addis Charters were responses to circumstance, such as the proliferation of coups d'état. He added that the uprising process applies to the pre-revolutionary period and not the post-revolutionary period. Some broad-based revolutionary movements that had attempted to topple constitutionally supported governments have been labeled by the AU as coups d’etat for not using constitutional redressing mechanisms. The applicability of credibility tests needs to be seen in the context of AU’s decision making capacity. During revolutionary processes, the concept of the separation of powers is removed and people’s power pervades. Consequently, legal frameworks are difficult to apply during this period.
Dr. Mehari added that the handover of power to the Military Council in Egypt was unconstitutional, because it was not in accordance with existing procedures. The application of R2P in relation to Somalia is problematic. The AU has been calling for broad-based collaboration in dealing with Somalia which, as a failed state, makes intervention a difficult choice. R2P does not operate in a vacuum, as actors are guided by their own interests. Normative frameworks cannot be implemented without actors being interested.

Internal and external dynamics are co-dependent in the framework of assigning credibility. External checks can aid in re-evaluating the internal dynamics. In addition, AU’s decisions are binding by law. Since legal connotations are already pre-determined, the paper presents an analysis of a legal framework, so that what is not clearly disallowed can be allowed. The AU could provide guidance on the road to good governance/good practices.

Discussions continued with a participant requesting an expansion on R2P. The concept is a re-conceptualization of the well established limitations on state sovereignty following a major shift in international law after World War II. The Nuremberg trials, where officials from the Third Reich were prosecuted, set a new precedent in that a state could no longer enjoy absolute sovereignty in the treatment of its citizens. The participant questioned whether R2P increases the rights of citizens, as well as the burden on the state, or whether it increases the right of intervention by states. A second participant stated that, in the Tunisian uprising, protestors were unconcerned about external support for the movement. The participant asked whether there were historical reasons for time differences regarding AU’s response in relation to the various uprisings.

A third participant questioned whether rules can be delineated for revolutions. The participant returned to the case of Somalia, stating that interventions in that country are best led by an AU force, which has a broader mandate than UN peace keeping forces. A no-fly zone in Somalia would be impractical because there are no military flights in that area. Controlling civilian flights is an expensive procedure and the requisite resources are not available in Somalia. A third participant stated that credibility is established by whether a movement is elite or mass driven.
Oftentimes, revolutions are elite driven, but elites may not be visible. Consequently, it may not be easy to differentiate between mass- or elite-driven movements. A fourth participant stated that instead of trying to identify levels of constitutionality in movements, it would be better to ascribe constitutionality to governments. There should be constitutional standards at the continental level with associated penalties when states fail to meet them. A fifth participant stated that African states are multi-cultural and multi-faceted with numerous interests and state-society dynamics at work. The use of legal mechanisms to resolve unhealthy dynamics has been seen in some cases, such as the peace process between the Republic of Sudan and South Sudan.

A fifth participant stated that while the AU should be commended for becoming more assertive, there have been inconsistencies in the application of normative frameworks. In the case of Niger, there were attempts to amend the constitution to increase the president’s term limit. The move was seen as unjust by the citizenry and the courts. Despite the broad-based support the coup enjoyed, the AU imposed sanctions on Niger. The Niger scenario was similar to that in Egypt, yet the Egyptian uprising was condoned while Niger was penalized. One influence of the North African uprisings is that there may be adjustments to the AU normative frameworks, so that they may address popular uprisings. A sixth participant stated that R2P defines the groundwork for intervention, with four criteria associated with intervention on humanitarian grounds. In the post-Cold War period, human rights and citizenship rights have become prioritized over state sovereignty, partly due to a rise in intra-state conflicts. However, this raises a question as to who can decide if a state is unwilling or unable to fulfill its responsibilities.

A seventh participant returned to the debate over the definition of revolutions. Some started as coups d’état while others were initiated by small elite groups that eventually gained broad-based support. The participant asked how the AU gauges whether a popular movement is revolutionary or not. Another participant questioned whether the current leadership change in the AU will be influenced by events in North Africa. A participant raised a point regarding the process of constitution formation in Egypt as compared to that in Somalia. The Egyptian state in the post-revolutionary
period created an amended version of the constitution within one month while, in Somalia, it has taken approximately 23 million USD and several years with no concrete results. The participant stated that R2P based intervention seemed to be carried out in defense of a state’s self interest as opposed to concerns over citizens’ rights. A participant added that AU provisions are based on the assumption that existing governments are constitutional. Revolutions start by suspending the constitution, so that, consequently, current AU frameworks appear to be insufficient for addressing revolutionary changes.

Another participant responded to the question about the changes in AU leadership, stating that there is continued paralysis along Anglophone and Francophone lines. The current AU chairperson has been ridiculed because of AU’s response to the Libyan uprising. South African candidates have been discounted due to the powerful stature of the country, which will create an imbalance of power if a South African becomes a chairperson. A candidate from a smaller, less powerful country may be preferred to ensure a balance of power.

Dr. Mehari stated in response to some of the queries that the protection of internally displaced persons is one example of an international mandate extending to internal affairs. The progression of revolutions varies; hence responses must vary as well. He said that while external views on ongoing movements may not carry a significant weight, regional concerns should be taken into consideration because movements can diffuse into neighboring countries. Dr. Mehari concluded by stating that, considering the high number of existing frameworks, the implementation of current frameworks should be the most pressing issue for the AU.

Professor Andreas Eshete synthesized the numerous issues that had been raised during the conference. Variations between grass-root and elite driven processes have been one of the more notable issues brought up during the discussions. The recalibration of the definition of legitimacy in contrast to performance legitimacy has also been mentioned, with moral and realist notions associated with the terms. The moral notion of legitimacy looks at ethical considerations. Realist notions of legitimacy pinpoint economic
growth as a necessary factor. The focus on free and informed consent as the cornerstone of legitimacy may overstretch the boundaries of legitimacy.

Professor Andreas commented on Dr. Assefa’s presentation, stating that it highlights the very original nature of the events in North Africa, although claims to uniqueness have been tempered by linkages with “Occupy Wall Street”, etc. movements. Previous movements such as Civil Rights were also recognized for their originality, but they eventually became incorporated into the mainstream. In consideration of this historical backdrop, it may be noted that originality is not the most crucial element of these movements.

A possible outcome of the uprisings is that they will be in favor of popular democracy in its many forms. The degree will vary from one setting to another. However, favoring popular democracy is not necessarily favoring democracy. Procedural democracy (elections, etc.) will not necessarily result in regimes that appreciate democracy. According to a recent survey, 65% of Egyptians are inclined towards conservative Islam. There is a higher probability of fundamental change coming about from movements occurring in a democratic setting. Professor Andreas concluded by stating that skepticism about the Arab uprisings or the “Occupy” movements needs to be combined with a sense of appreciation for those movements.

Ato Tamrat made the closing remarks for the conference. He identified three major themes. First, stability cannot be taken for granted solely because there is economic growth. So long as there is governance-deficit, state-citizen relations are bound to be at risk. Secondly, the quest for popular governance cannot be sidestepped, and third, although uprisings are geographically and contextually similar, there are elements of uniqueness that need to be examined. The final results of the North African uprisings are yet to be seen. He concluded by stating that IAG will continue to provoke dialogue on the issue, and thanked the presenters and participants for their input, and for making the conference a success.
Popular Uprisings and the Durable Authoritarianism in North Africa
Helmi Sharawy

Introduction

A year has now elapsed since the uprisings, dubbed the “Arab Spring”, broke out (January-February, 2011) in North Africa and the Arab region at large. Legitimate questions are being raised regarding not only their repercussions on Africa and the Arab world, but also apparent differences between terms such as “uprisings”, “revolutions” and “revolts”. This paper attempts to answer these questions while indicating gains, if any, that have been made since the uprisings which are, as yet, unsettled, as well as promises of change -- total or partial, real or imagined that may be expected from the uprisings. It should be kept in mind that the “revolutions” did not break out in the face of political oppression or forms of despotism only; they were, and are still, linked to economic discontent and social differentiation.

The author believes that issues raised in this paper may open up new avenues for the reader to arrive at conclusions about the future of the revolutions, as well as their relevance and implications for other countries in the region, especially with regard to the evolution of the revolutionary process, on the one hand, and the persistence of despotism and social differentiation on the other. Events relating to the North African uprisings, particularly those relating to economic conditions, for example, Egypt will be more transparent over the coming years, as more reliable and objective information emerge, in contrast to the prevailing state of “uncertainty” resulting from “international” and “strategic” reports.

Another issue has to do with how far the uprisings were spontaneous. In Tunisia, protestors rushed in torrents from Sidibozid to the capital city. In Egypt, there were millions of protesters at Tahrir Square, and across the entire

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i Professor Helmi Sharawy was the former Director of the Arab Africa Research Center, and a member of the Executive Committee of CODESRIA. He served as a consultant for the Arab League(alecso) and as former coordinator of African liberation movements offices in Cairo (1960-1975).
country, while in Libya, the revolt began in Benghazi but gradually spread to the capital city, Tripoli. It should be noted that, in countries such as Egypt, the uprising was preceded (and influenced) by widespread protests during the past decades, and those protests heightened the public’s political awareness. The absence of an “organized leadership” might have been a cause for concern, but it turned out to be really worth it, after all!

This paper attempts to address such questions as: (1) the nature of the uprisings and their implications for other countries in Africa and the Arab world; (2) were the uprisings spontaneous or did they result from historically accumulated social movements and protests that preceded them?; (3) what specific problems were the uprisings expected to face in toppling the authoritarian regimes, and can they succeed?; (4) the nature of the new powers that will replace authoritarian regimes and their legitimacy; and (5) the relationship of the new powers with the outside world. The paper will end with some concluding remarks.

I. Between Spontaneous Uprising and Accumulated Movements/Protests

The former ruling regimes in North Africa may be characterized as “security state” in the case of Egypt, despotism in the case of Tunisia and extreme dictatorship in Libya. There is no need here to go into the scientific definitions of such terms; what matters is to identify factors that led to the revolutionary uprisings. The Egyptian regime resorted to “suppression by security forces” by giving ultimate authority to the president and his security system, thus switching from reliance on the army (as was the case with the regime in power in July, 1952) to reliance on secret services known as “the State Security and Investigations Service (SSIS)”, plus about half a million young policemen who were assigned the task of deterring any popular gatherings. According to most estimates, the SSIS and the police are over one million. The regime concealed this behind what may be referred to as “smart power” that was typical of both Sadat and Mubarak regimes.

The Egyptian population enjoyed access to the largest media system in the Middle East, but also a large number of opposition newspapers. However, the population lived in the shadow of laws that restricted individual freedom,
granting the whole power to the ruling "National Democratic Party (NDP)". The party controlled legislative authorities with 80-95% of the parliament being members of the party (2005-2010), local councils and similar authorities. The regime boasted about Egypt having 24 political parties acknowledged by a governmental committee, seven major professional syndicates, 22 workers syndicates all of whom were united under the Trade Union Federation, and over 30,000 non-governmental organizations (NGOs) all united likewise under one union. These bodies, both of the state and civil society, all lived in the shadow of the Emergency Law which was promulgated in 1981. The law banned all general meetings outside the headquarters of the parties concerned. There was a similar law restricting the activities of NGOs which, much like trade unions, also witnessed repeated onslaughts including the dissolution of professional syndicates’ boards of directors when the regime's candidates failed to win in elections! Consequently, the ultimate authority was concentrated in the hands of the state that entirely controlled all political activities in the country. Even the basic rules of political liberalism were nonexistent. All other political parties, be they Islamists, Nasserites or Marxists were brutally suppressed.

Restrictions in political activities were compounded by the regime’s “open door” economic policy after disposing of public sector concerns beginning in the 1980s in accordance with the prescriptions of the International Monetary Fund (IMF), which placed the economy under the control of external influence. The measure was taken was propagated as “economic liberalism” by the regime. The regime’s internal security was buttressed with American military aid amounting to an estimated 2.3 billion US Dollars annually.

The ousted president made it his business to spread fear regarding Islamists such as the Muslim Brothers who were prevented from parliament, while the "Jamaa Islamia" was branded as a Jihadist terrorist group. This was in the same way as Mubarak’s predecessor, Anwar Sadat, persecuted those who were considered communists and leftists, all in the name of the US war against “communism” before the 1990s. Not only did Mubarak suppress politicians and liberals, but he went to the extent of threatening them. He reinforced his threats by giving the military full powers. Because of the fear of losing their limited gains, existing parties, whether liberal or leftist, were forced to acknowledge Mubarak’s “individual decision-making policy”.

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Perhaps Mubarak’s most authoritarian step since the beginning of the 21st century was his decision to make his son, Gamal Mubarak, heir to the presidency. Gamal was presented by the ruling party as a legitimate heir, after amendment of articles of the constitution (Article 76 in particular). The heir, in preparation for replacing the old ruler in 2011, adopted what was known in Egypt as the marriage between “wealth and power”, by forming an alliance with businessmen. He dismantled the old bureaucracy and technocracy of the Abdul-Nasser era, which was led by the middle class. The aim was to abolish the power of the “national state”, or “deep-rooted state”’, which had been in existence from 1952-1980. At the same time, the conflict over power persisted between the army and the security forces who were supposed to guarantee consummation of the inheritance process. The ousted regime depended on this tense situation in its attempt to stay in power. However, the security forces did not have the ability to protect the state that had been weakened in the last years of the Mubarak era. This was best shown during the eighteen decisive days of the uprising (January-February 2011). Mubarak thought that the armed forces would guarantee his power and ignored the police, who became incensed by his attitude. Nevertheless, the army refrained from suppressing violent reactions, because it had not played that role in its history.

With the aim to suppress the revolt by attacking the Tahrir masses, Gamal Mubarak (together with compradors) resorted to violence -- the “Camel Battle” of 2 February 2011. However, the revolutionaries successfully confronted the attack and “overthrew the leadership of the regime”. The absence of the police during and subsequent to the Tahrir uprising captured world attention. The army took a balanced stand by refusing to interfere, mainly because of its rejection of power inheritance. Thereafter, the power of the state was at stake and the regime became perfectly ripe for being toppled. The situation remained confused for a year, with questions being raised whether the military represented by the Supreme Council of the Armed Forces (SCAF) would assume power through traditional military coup d'état, or otherwise. At any rate, Egypt appeared poised for a new form of despotism and not for a democratic change.

In Tunisia and Libya also, situations were similar to that in Egypt, though different in degrees. The security forces in Tunisia were stronger than the
army, while in Libya, the army itself constituted the security force. They did not withdraw as in Egypt and Tunisia but fought alongside the regime, particularly in Libya. Had it not been for the millions who demonstrated during the Egyptian and Tunisian uprisings, the uprisings would have been violently suppressed, as was the case in some other Arab or African countries where revolutionary movements were violently suppressed.

Revolutionary movements suffered setbacks for years both in Egypt and Tunisia because of violent suppressions by the state security. This resulted in isolating the society from the state, and even from the regime itself, which caused the state to be separate altogether engaged in rivalry over power against Islamists, while the policy of economic exclusion led to gradual marginalization of the majority of the population. Under the circumstances, the demand of the population was economic at first, but eventually became politically crystallized.

At this point, a question may be asked whether the uprisings were spontaneous with millions taking part, or whether they was emotional reactions to the murder of ‘Khalid Sa’id’ by the Egyptian police or to the self-immolation of ‘Bozeedi’ in Tunisia, after he was humiliated by a Tunisian female police officer. In my opinion, the Egyptian uprising is a good example of the culmination of social movements and popular protests that have gone on for several years before the uprising itself.

II. Social Movements and Protests

The years preceding the Egyptian uprising were full of events with actions at all levels, which became instrumental for raising public awareness still further and inflamed the protest. There were disclosures of the former ruler’s failed economic policies and his submission to US pressure, which isolated Egypt from its Arab and African friends. This isolation coincided with the publicly rejected transfer of power to his son. The regime’s total disregard of the causes of Iraq, Palestine, Sudan and Somalia, for example, laid its foreign policy bare. In addition the state’s abandonment of its economic and social roles, the intensification of suppression by the security measures laid bare the true face of the regime. The revelations enhanced the political awareness of the social
movements in general. We will not go into details, but will only highlight the situation.

Studies revealed that the protests involved large numbers of the working class and professionals in all spheres. One of these studies sums up the situation as follows:

- In the past ten years, workers’ protests approximated 2600, varied between gatherings, sit-ins, strikes, or wide demonstrations; the strongest was in Mahala - that involved 50,000 protestors in 2006 – Shebin El-Kum, and Shubra Al-Khaimah that all house textile factories that underwent a period of recession.

- 1,330 protests were tracked down on the part of professionals of the middle class; they included physicians, engineers, commercials, journalists, and lawyers. The most famous was the strike of the Real Estate Tax Authority (RETA) that involved 55,000 employees and their sit-in outside the Prime Minister’s office for two weeks demanding rise of salaries and equality between their various sects. Their attitude went as far as demanding an independent unionist organization and it was only answered after the January 2011 Revolution.

- Peasants–despite their traditionally rare participation in public movements–got engaged in that phenomenal protest over the amendments effected to the laws of land rents or because of their dismissal from the lands they were granted by the Agrarian Reform laws. Thousands of peasants reached the Egyptian capital city and confronted the police in more than 8 villages round the country.

- Demonstrations of poor urban habitants for lack of provisions occurred almost on daily basis. This drove some capitalist figures to declare their awareness that these demonstrators might proceed towards the capital city; that announcement was made to the media some few months before the Jan. 2011 events.
Meanwhile, the forms of popular solidarity with external events spread on a large scale. It manifested itself in demonstrations that advocated uprisings of the Palestinian people, or especially condemned occupation of Iraq. Such demonstrations were linked to popular action that involved raising donations for Palestinian victims or attacking western, Israeli and US embassies especially in Cairo. That phenomenon continued in different forms after the January Revolution, and this confirms that true social demands in sectoral demonstrations were not totally separated from their ‘political signification’ in the recent years.

It is a sad fact that such movements always reflect the degree of isolation of traditional political parties from popular movements. Political parties remained confined to a few parliamentary seats allowed them by the regime. The Muslim Brothers - who won popularity by their community projects among “politically-absent populations”, and who did not support strikes ended up “competing” with the ruling party instead of being opposed to it. Nevertheless, mention should be made of those parties who protested against their leaderships, and independent of the parties themselves. In this regard, I recall ‘the Egyptian Movement for Change (Kifaya, i.e enough)’, ‘the National Association for Change’, ‘the National Coalition for Change’, ‘the Egyptian Movements against Power Inheritance’ (2007), ‘the Movement for supporting Al-Barad’i’ (2009) and ‘the March-9th Movement for the Independence of Universities’. While the middle class complained about its deteriorating conditions, women seemed more capable of combining political and social actions. There also was an obvious tendency by workers and unionists towards independent organizations, thereby isolating those in the “the state sector” that emerged some decades ago.

Demonstrations continued, and even accelerated, involving different segments of the population who completely ignored the regime’s repressive measures. This contributed much to the success of the revolution, which spread over a larger geographic space, extending from Cairo to Alexandria, from Suez to Damietta and even to Arish in Sinai. Causes ranged from jobs for the unemployed to pensions, demand for rights and better working conditions for physicians, removal of legal restrictions on syndicates of
lawyers, engineers, journalists, etc. Civil society and human-rights organizations excluded themselves from the movement by claiming (legitimately) that they are professional, rather than political, bodies. The movements gave rise to human rights organizations which, while enjoying the same legitimacy as NGOs, began to raise cases of torture.

III. The Uprisings and the Toppling of the Authoritarian Regimes

Questions regarding who played the main roles in the North African uprisings are becoming controversial in many intellectual and political circles in these countries. The notion that the youth played a unique role is central to this controversy. Even though the role the youth played in the movements using social contact means such as Facebook and email is well recognized, and points to the youthful characteristic of the uprising, the role of the youth may be exaggerated, due to some negative manifestations such as the lack of coherence or fanaticism that came to the surface a year later. It is reported that some loyalists of the ousted regime exploited the situation to their advantage. Moreover, the youth pretended to guide the uprisings by claiming that they represented the silent majority. However, no one can deny the “youthfulness of the revolution” and the fact that they had contributed to the uprising. The youth rushed in torrents demanding their rights. It is essential to point out here that the youthful nature of the uprisings at the beginning helped in articulating and channeling the demands of the revolution for ousting the regimes with the slogans: ‘bread, dignity and social justice’. The overthrow of the Tunisian president on Jan 14th served as a precedent for galvanizing the revolution in Egypt, so that it will not be true to say that the youth alone played the major role.

Despite the fact that security systems suspended all means of communication, starting the evening of January 28th, the third day of the uprising, known as “the Friday of Anger”, witnessed the largest number of protesters. The “Friday of Anger” could have seen the end of the revolution, according to the expectations of the loyalists of the ousted regime who were plotting the “Battle of the Camel” at the Tahrir Square. The state organs made use of prisoners, thugs and the security militia in order to terrorize those demonstrating at Tahrir Square. Participation in the movement by a broad segment of the population turned the situation upside down, even
against the expectations of the youth themselves. The new participants were mainly made up of the Muslim Brotherhood youth who explicitly declared their disobedience to the political leadership. There were also the youth of other parties that were rather cautious about participating in the demonstration until that moment.

The movement was further enriched by Copts who took their turn to disobey their leadership, the church. Participation by the working class may be said to have been relatively weak in the early days of the uprising. Here, it is important to note the significant role played by the official General Federation of Trade Union and official syndicates. In addition, the “independent trade union” movement gained in importance. There were no religious or factional slogans; there were only slogans of “peace, liberty and democracy”. Cities outside the capital contributed considerably to the uprising until their demand started to take shape. Alexandria – the second most important city in Egypt – was dominated by Salafis and Sufis. Suez, which has always been the city of nationalist militants, became known for its religious style. Port Said and Ismailia are relatively different from their neighbor, Suez and Mahalla, which in the center of the Delta, were known for workers’ struggles even before the uprising. Damietta also witnessed a memorable struggle against multinational companies with the purpose of cleaning the city’s environment on the coast of the Mediterranean from wastes of chemical industries. The people of Mansoura have historically been characterized by their political awareness among the agrarian and middle classes. As for the few cities south of Egypt, they were known for religious conflicts, which were predominant there; they moreover provided an example of utter poverty (that was common in villages of the South).

The youth were happy with the national unity that they managed to create; they insisted, alongside those who allied with them among politicians and intellectuals, on ousting the regime. They unveiled the deception of what was known during the early days of the uprising as “negotiable solutions” of the regime. The inconsistency of the political community included switching from dialogue with Mubarak before and during the revolution to dialogue with the military after the revolution Dialogue included old traditional parties, both leftist and rightists. Leaders of the Islamist Movement made an early attempt at winning the dialogue in their favor. Also, religious
associations (Al-Azhar and the Church) showed their conservative stand by saying that religion forbids to demonstrate or disobey the ruler; some even prayed that God come to his aid in managing affairs of the state! Revolutionaries, in turn, speedily declared their stand against dialogue or accepting the new Prime Minister. They burnt the head office of the NDP, near Tahrir Square, and raised the slogan: ‘the army and people are one’ expressing their appreciation to the armed forces for their refusal to use violence against the Tahrir masses.

Undoubtedly, the Tunisian experience had meanwhile been learned by the youth as an example of popular power that could topple the head of the regime – Bin Ali – by fighting security forces employing tear gas and bombs. The Tunisian movement confirmed the revolution could be weakened by the violence of the unemployed youth against the bourgeoisie surrounding the president’s family. However, other factors strengthened the Tunisian movement, i.e. intervention by the General Trade Union and the civil society’s human-rights bodies. While these two powers were vital for the democratic process in Tunisia, they were absent in the Egyptian case. Also, the Islamic Renaissance Movement in Tunisia was not an opportunist political power as is the case in Egypt. The progress of the two revolutions after a year raises a controversial question of concern for national unity – in its general sense - because of social diversity (due to different factional, ethnic, or geographic circumstances). Counter-revolutionaries immediately used such concerns to their advantage, propagating disorder, endangering national unity. They employed issues of culture, identity, religion and geography as posing obstacles to the revolutions and its aims. In Egypt, for example, the conflict between Islamism and secularism, in Tunisia, that of Arabism and Franco-phonism, and in Libya Salafism are being emphasized.

IV. The Difficulty of Dissolving Old Regimes

Naturally, revolution is a creative act, but it is always determined by its ability or inability to topple the preceding regime. It seems there is an old heritage that might hinder creativity. In Egypt, we have boasted about the role of popular uprisings since the 19th century and until the middle of the 20th century. We have inherited the despotism of the Mohamed Ali dynasty, the totalitarianism of Abdul-Nasser’s era, and most catastrophic of all, the eras
of Sadat and Mubarak. In Tunisia, similarly, national liberation movements ended up with the “constitutional” model of Borquibah that led to Bin Ali’s despotism. In Libya, the heritage of the Sanusi Mahdism and its model of royal religious authoritarianism yielded the dictatorship of Kaddafi with his Green Book. The situation in Morocco or Sudan is not much different. According to all the cultural legacy in Northern Africa, we can imagine the "burden "of the historic "state systems", unlike many other peoples across the continent that are hindered neither by the illusion of modernity nor superficial modernization. In the Egyptian case, we can see the impact of the “wisdom of the elderly”, manipulation by the strong bureaucracy and those in high places, or those advanced in age. Because of this phenomenon, there will be no room for the youth, let alone the revolution, to advance further.

Some ascribe sacredness to the military institution in Egypt, considering it as the symbol of the " nation", or that it is the" state" itself along with the police. This is what is being propagated since the revolution. There are modest attempts at limiting the authority of the Military Council in “the new constitution”, or restructuring the police and putting its corrupt leadership on trial, or retiring them. Violence is associated with the youth or revolutionaries than with the cruel heritage of detention, or abuses by the police are being forgotten. It is that heritage that caused instances of police violence, such as the murder of Khalid Sa’id in Egypt, Muhsin Buzaidi in Tunisia, and the murder of prisoners in Libya.

The desire to create balance or adapt to the accumulated heritage of despotism in education, the media and values is what causes contradictions to persist. This might even be the reason behind the “religious inclination” that appeared as a new form of resistance to the heritage of despotism as inherited (Salafis here are more rigid than Muslim Brothers). We cannot leave this point without mentioning the impact of the bureaucracy in Egypt, which is supports authoritarianism along with its historic structure. It is made up of over five million cadres headed by ex-military or police generals as governors and directors in the civil services and municipalities. This established and institutionalized clientalism is another strong hand of the old regime in Egypt. It is known to have a "Special Fund" estimated at 25 billion USD. The bureaucracy is adamantly against any increase in the wages of
workers which is among the demands for social justice by revolutionaries and the masses.

Writers refer to revolutions in North Africa as models of change but not models of a revolution—like the one in Turkey—especially with respect to the military; others compare them with South Africa with regard to the reconciliation with former regime and its wealth! After a year of uprising, Egypt is still experiencing military or semi-military coup in a peaceful way, balancing the authoritarian legacy with formal democratic procedures.

- The Supreme Council of the Armed Forces (SCAF) committed itself to the legitimacy of the old constitution (1971) the moment Mubarak transferred presidential authority to it. Therefore, it had the legal right to make “constitutional amendments” within the limitations of the current system besides the right to form government and set a deadline for transferring power extending from six months to a year and a half.

- Because of the situation mentioned above, SCAF has been able to tempt old parties to accept their modest share in coordination with the Consultative Council and bureaucratic cabinets. In this way, the role of the youth was totally ignored in the formation of the Consultative Council. The SCAF has been so reluctant to “politicize” any action against the former regime, in the name of commitment to “legality” or “legitimacy”. The implied purpose behind this is halting the progress of the youth and the demand for real change or social justice (this reluctance is manifested by the trial of Mubarak and loyalists of his regime in accordance with criminal law instead of being politically tried, leaving their wealth intact).

- The mechanism of “conducting deals” with Islamists is an excellent one on the part of both parties. This mechanism has been used as early as forming the committee for amending the temporary constitution, i.e. in March, 2011. However, a problem occurred between the two parties when Islamists started to move speedily towards the parliament and government. Now, there is a desire for
achieving balance between reconciliation with the opposition from political and youthful elements with Islamists, promising to protect their interests in the future constitution. One should not forget the fact that the Muslim Brotherhood were always" rivals" of Sadat and Mubarak and not in conflict against them, as was the case with some old "terrorist Islamist groups" who finally accepted to share with Muslim Brothers their legitimacy.

- The deals mentioned above are manifested in the “consensual” attempts made in favor of traditional positions; such attempts have been made with respect to the nomination of the coming president, and to find comprises for enabling a military candidate to enter the competition. Such attempts are also made to restrict the role of the civil society (especially human-rights) to serve the interests of “traditional” political organs including NGOs or charity organizations, according to Islamist concepts. The civil society issue was no more than a scapegoat in the maneuver the SCAF launched with the US concerning its aid and its interests in the Middle East.

The Tunisian experiment seemed more balanced in preparing itself for the anticipated conflict. The Tunisian Revolution had already succeeded in making a relatively obvious roadmap, at least with regard to governance institutions. Despotism in Tunisia goes according to old traditions like the movement of Salafi parties to confine the "Islamic Renaissance Movement" itself. However, what is definitely worse is the Libyan scenario, as Europe targets the country’s petroleum and feeds the ongoing conflict there.

The aforementioned parties did not send any messages promising “radical change” in countries like Egypt and Tunisia. If it does not assert the continuity of despotism in the aforesaid absolute sense, it does not then lead to revolting against it in a way that can build the future. The present alliance between the military and Islamists is no chance for claiming a new sort of “legitimacy”. After Islamists' victory in the parliamentary elections, moreover, this legitimacy has now been claimed, thus opposing the legitimacy of the revolution. The problem here is that Islamists try to create balance with other parties; they sometimes let their youth to speak for them.
At other times, they tolerate the conservativeness of the Salafis and support Islamist associations (who have won 25% of parliamentary seats) to win popularity. Meanwhile, they and the Salafis – despite their differences – are predominant regarding direct religious control over the population with the slogan “Islamic legal code”, endangering “disbelieving” secularists and Copts. The slogan was used to win the battle of constitutional amendments in March, 2011, and to tailor electoral lists in favor of both parties in November, 2011.

V. Reconstructing the Legitimacy of the Revolution

It is so unfortunate that all those millions across Tahrir Square and throughout Egypt could not immediately declare a new leadership for the country on the night of February 11th, 2011, the day Hosni Mubarak stepped down. They only rejoiced at the transfer of power to the army that refused to use violence against them. Of course, the positive reputation the military earned played a role in building trust between it and the masses during the beginning of the transitional period. The shameful role played by political parties of the time and their negative image was further affirmed by their hasty dialogue with Mubarak’s men. This further enhanced the army's power that was confined to just opposing Mubarak’s policy of inheritance of power. Also, the organized power of Islamists increased, especially when they drew closer to the army and reassured it that it could control the public.

It seems that those movements which could claim authority over the population were the associations calling for change – the “Kifaya” Movement, the movement for supporting El-Barad'i, or radical leftist organizations which relatively confined themselves to the formation of old-style liberal democratic coalitions. Consequently, the dissolution of the former regime for implementing the revolution’s demands could not be carried out. No statement was ever issued to declare the typical post-revolution demand of dissolving the corrupt organs or suspension of the old constitution, or the transfer of power to a presidential authority representing the revolution. What happened was that all seemed to approve the transfer of power to the SCAF, which began to amend some articles of the Sadat constitution of 1971. In March, 2011, a conservative professional legal committee was formed for this purpose with Islamist participation. Then, very limited amendments, restricting all the procedures of the transitional
period, were made by SCAF. The referendum for the amendment got the support of Islamists to the tune of 70%. In my own opinion, this was an insult to, and the beginning of the reversal of the power of the revolutionaries in the name of “legitimate governance”.

The repeated uprisings launched since January, 2011, in the form of demonstrations on Fridays whenever any crisis occurred with the ruling power conveyed powerful political and popular messages targeting the SCAF and its allies regarding the demands of the revolution. No measures had been taken concerning social services or the budget. The situation was such that there was fighting around Tahrir Square and the headquarters of the Prime Minister, the Parliament, etc. putting TAHRIR face to face with PARLIAMENT.

Tunisians were decisive when they included them in their roadmap as advocated by organized political parties as well as laborers and human-rights activists that established themselves in the early moments of the revolution. These parties promised stability in favor of the uprising. In Egypt, this was difficult. This might be behind the current 'social apprehension regarding political stability.

There is, however, strong awareness on the part the revolutionary movement to guarantee its continuity. Now, the question is about procedures taken so far in Egypt to activate the uprising, partially or gradually. We will review here in brief the other multiple steps which are baffling:

The formation of youthful revolutionary coalitions goes by several names, all echoing the revolutionary spirit; some of them emerged from old youthful organizations like the 'Sixth of April' (2008), while some are coalitions comprised of the old political parties’ youth wings that preceded or followed the revolution. Some such coalitions have been established in regions outside Cairo. These coalitions of the youth reached over a hundred and fifty by the first anniversary of the revolution in 2012.; some of them formed larger coalitions that took the form of a political party to have the chance for the parliament.
These coalitions adhered to the demand of forming parties; the pressure
they imposed with regard to this resulted in the formation of more than 30
new political parties. This enabled formerly banned parties (like the Muslim
Brotherhood, Nasserites, Marxists) to win legitimacy. The new parties were
multiplied by the inclusion of others like veterans of the former regime, or
renegades of already established parties. Aware of their own inadequacy,
some of these parties entered into alliance with one another aimed at the
general elections of Nov. / Dec. 2011 in the form of coalitions. There are
now about 17 political parties in the current parliament (with the majority
being Muslim Brothers (70%).

The revolution succeeded in dissolving the former parliament, local councils,
and the NDP which was followed by the expansion of new political parties.
Alliance between these new entities led to the emergence of a new power.
Besides, the National Federation of Trade Unions that was subordinate to
the state was reformed, with the official approval of independent trade
unions being under study. We even saw other "national" organizations
switching to quasi-sectoral parties such as students unions, professors, etc.

With this new democratic spirit, major professional syndicates (of
physicians, engineers, pharmacists, etc.) began to be liberated after facing
restrictions by the former regime. The principle of election in university
leaderships at all levels was also endorsed, and leaders of journalist and
media institutions that served as instruments of the ousted regime were also
replaced. This took place by imposing direct pressure, which enabled the
revolutionary bloc to carry on with the process of change.

What is surprising about this "democratic" phenomenon is that it coincides
with the conservative Islamist parties’ general elections, who brought rigid
Islamists like Salafis who formerly rejected political participation to
parliament, in rivalry even against the Muslim Brotherhood. This rivalry that
was also against Sufis gave hope to liberals and leftist parties to gain some
power due to inter-Islamist conflict. The military institution benefited
likewise from the conflict between Islamists, Liberals and Leftists. It also
manifested itself in the bargains they made over the formation of the
national committee that will issue the final constitution after the upcoming
presidential election (April-May, 2012). All this provides the military
institution plenty of opportunity to appear as the only power that creates balance between disputes, or as a power able to continue close to authority, if not already at the center of power. The military is a strong economic institution, as it is said to control from 10-20% of the national economy.

Whereas the power of the military moves side by side - or in rivalry with Islamist powers - the other democratic parties are trying to establish a new formula on a modern and civil democratic basis. Because they have not yet crystallized their power, they sometimes seem as if they are in league with enlightened Islamists, among other things. Researchers have traced about ten documents prepared by civil and democratic associations, some affiliated to parties or standing independently. All those documents express considerable concern of Islamists’ influence, whose documents reveal the possibility of excluding Copts, women, human rights activists, or even the youth. Thus, it is important to underline the efforts made by opposing democratic parties especially since 2004.

VI. Interaction with the Outside World

Egypt's strategic location has numerous implications, some of which support the progress of the country, while some others might be considered as a burden if Egypt fails to manage conflicts or crises. Therefore, it has become important for Egyptian administration to be always fully aware of how to “play its part” both at regional and international levels. This was the situation in Egypt during the cold war and now at a time of a globalized war against terrorism. In this respect, the role played by Egypt in the Non-Aligned Movement and how it used the Soviet-American conflict in favor of its development may be remembered. Egypt's role in dealing with the Arab-Zionist conflict was no less significant, starting from the wars up to the Camp-David Peace Treaty. Egypt was providing strong support and advocacy for African liberation movements during the Nasserite era, but it became silent during the Sadat era. Egypt played a role with NATO during the first Gulf War in 1990, yet did not react to the invasion of Iraq. This was also the case regarding the Horn of Africa. In all those cases, Egypt incurred losses during its period of isolation imposed on it by Mubarak's policy, especially in Africa, the Middle East, and the Mediterranean. It was not a mere coincidence that its economy was facing setbacks, being
completely submissive to the prescriptions of the International Monterey Fund (IMF) and the World Trade Organization. This is shown by Egypt’s experience in trade and industrialization, in standards of living, education, and health care, as recorded in regional and international reports are all testimony to this. Slogans during the uprising included national dignity, freedom, democracy and social justice are testimony to this. The slogan of “dignity” was particularly linked to Egypt's foreign practices and its isolation from the vital causes of the Nile Basin States, Palestine, etc. The youth even took such measures as forming delegations which visited East African states, invited Palestinian leaders to Tahrir Square and directly attacked the Israeli Embassy in Cairo. They also accused the ex-president, Mubarak, of downgrading Egypt's dignity and for its subordination to world powers. He imposed a disgraceful silence on Egypt concerning all regional and international causes and was content with the political hypocrisy of American and European media, who turned against him after the uprising. It is surprising that this situation repeats itself in many countries across Africa, both east and west.

Probably, the Tunisian Revolution sought stability faster in the framework of modernity and Francophonism despite attempts by Islamist organizations to reverse that situation. The Libyan Revolution, however, fell early into the trap of the NATO forces in spite of or in coincidence with Salafi influence! Of course, Egypt's situation is different due to its location and the conflicts mentioned earlier. Its relationship with Israel has gone for more than three decades in the shadow of an obviously illusionary peace, and Palestine suffered under the control of Islamists who have a complex relationship with the Arab world. The Egyptian public’s opinion before and after the revolution was opposed to reconciliation with Israel without just peace. The post-revolution governments did not set a new basis for this relationship, considering that accusations cast against the ousted president are mainly in this connection.

This situation will be a major worry in regard to foreign relations, at least for some time, with Islamists and the military at the center of power. The conflict for power only leads to weakness on issues of the Nile Basin States as well as in the Sudan and the Gulf, especially because of the stand towards the former president and his family. Qatar itself tries to cease the
opportunity, given the disorderly situation in Egypt, to establish itself as a rival in the region.

Islamist parties in Egypt are experiencing another form of Islamist “globalization” and trying to maintain a religious flavor. Clash with American activists working in advocacy was propagated as intervention in the internal affairs of Egypt. The case was highly exaggerated with attempts at casting accusations on youth organizations (like the Sixth of April Movement) and human-rights bodies with the aim to exclude them from the social and political scene. It all was for local consumption and contrasts with strong relationships the same regime has with the American military, diplomatic and commercial interests. When this issue extends to religious organizations involving external parties concerned with the provision of aid like the Gulf States, however, there are contradictions in the policies pursued by the regime towards the outside world.

The deteriorating situations in Libya and Syria are especially a cause for concern for the current regime in Egypt. The philosophy creating regional powers now in Africa and at the global level does not justify a regime led by a military council presenting itself as a nationalist regime, particularly following a popular revolution. These implications might well direct the attention of researchers to the situation in North Africa within the framework of the African policy at large.

The unification of Islamist policies and the predominance of Islamists in the region, and the extent to which this is linked to the idea of an Islamist Middle East, especially in the presence of Turkey and Iran, is the other problem. An important question here is the degree to which an Islamist Middle East conflicts with American schemes concerning the "Great Middle East" they envisage, according to Condoleezza Rice.

Complications regarding the political dimensions of the Egyptian case—unlike the Tunisian or Libyan cases—is subject to numerous analyses. Since there is no room here for reviewing them all, only two significant factors will be highlighted:
One of them is the nature of the socio-economic policy resulting from the Egyptian revolution, and how far this can push the wheel of independent development and self-sufficiency. However, there is no sign of this in the declarations of the SCAF, or even the agenda of the Muslim Brothers-the party with parliamentary majority and power. This important factor is not even hinted at in the political documents issued by all organized parties after the revolution, with the exception of socialists who have the smallest share of authority and power. We must not forget that the absence of such a socio-economic policy resulted in "popular national conferences".

The second factor is the nature of the surrounding regional powers. Egypt is at the center of the Arab world, and also at the center of the Nile Basin. At the Arab level, achieving unity and mutual cooperation is out of the question; economic cooperation is the only issue being raised. After the revolution, there have been Arab promises of aid amounting to 15 billion USD, but the promises have not been fulfilled, according to the Prime Minister who confirmed it early in January, 2012. Arab governments’ promises of aid were conditional on the consent of the World Bank and the IMF, and does not depend on the mood of the rulers who do not hide their concern about the destiny of their friend, Hosni Mubarak. Meanwhile, the attitude of the Nile Basin States and the Nile water problem with Egypt can only be considered within the framework of the same international and regional Arab setting. It requires East-African policies in the context of the Intergovernmental Authority on Development (IGAD) and states of the Great Lakes. While Egypt lacks the ability, Libya lacks the freedom, and Tunisia lacks African vision, which paralyzes dialogue between these regimes concerning real strategic issues.

Does this mean that only the second wave of liberation by reviving peoples’ participation is the only way forward? If so, how can it come about?
Conclusion

Despite all the difficulties Egypt has faced since the popular revolution, in which more than 15 million people in ten major Egyptian cities participated, there should be no doubting about its real benefits. It is a revolution which is full of hope, but also full of contradictions which are expected to persist for some time to come. The existing socio-economic condition is supported by organized economic parties, the military institution, the private sector as well as commercial capitalism led by Islamist parties, all of which are poised to reverse the gains of the revolution.

The slow and hesitant steps being taken in Egypt for over a year now, as well as measures being taken during the transitional period in Tunisia, are testing grounds regarding the sincerity of the new regimes and their capabilities to bring about social justice, which was among the demands of the uprisings.

The youth in Egypt still look forward to the constructive role they can play in the African continent similar to the decades of the 1960s and 1970s. However, I feel they are somewhat worried that there might be some hesitation on the part of the youth of other African countries, because of NATO's involvement in Libya or the murder of Gaddafi. These are important issues when considering national, regional and international policies relating to the African Union or the Arab League.

The politics of Islamist parties both in Egypt and Tunisia, as well as developments taking place in Morocco and Algeria, form the basis for viewing Islamists differently in contrast to their old image of equating them with terrorism, according to American in particular and Western perceptions in general. Whether one looks at them as conservatives, or whether their intention is to accede to power, Islamist parties are expected to either engage themselves in dialogue or make use of their veto power as a majority party. This is why the United States wanted to immediately enter into dialogue with them in Egypt, just as France did in Tunisia, while NATO is trying to subdue them in Libya. I believe the West, at large, has taken speedy measures at revising its “beliefs” about the Arab region wherever Islamists are present. The West is revising its attitude towards the Middle East in the
belief that they can now be reconciled with the Islamists in the context of economic globalization. Consequently, I do not think the attitude of the African media will be the same towards the Islamist movement. It should also be mentioned here that persistent violence as in Somalia or Nigeria, the tense relationship between the Western Sahara states, and Sudan serve only those regimes seeking justifications to continue with their authoritarian style, and also halts progress towards African reconciliation, which is contrary to the aims of the North African revolutions.

There are some important questions regarding parties having to do with intellectuals after developments in North Africa. Will African regimes give more space to civil society organizations to direct their efforts jointly at problems such as poverty, environmental issues, water resources, etc.? Will it be possible to promote regional associations in countries such as South Africa, Ethiopia, Nigeria and Egypt aimed at enhancing the roles of the African Union and Arab League independently from the influence of global powers? This requires that Africa should revise its attitude towards terrorism, the US-AFRICOM, as well as other issues in the best interest of restoring control over its wealth.

Can balanced dealings with the new rival powers – China, India, Malaysia, and Turkey – create the basis for building new nationalist parties in Africa the way they were built during the Cold War and during the first wave of liberation? Can this be possible regardless of the belief of some of us that we face no new colonial powers, but rather globalization?
References
(In Arabic)

1- Abdel majeed. W
    25 January Revolution- Al-Ahram. Cairo-2011

2- Al- Siyassa Al Dawliya- Journal- No 186-Oct 2011

3- Amin .G. What Happened for the Egyptians?
    Al Shorouk-Cairo 2009

4- Amin.S. Egypt Revolution
    Al ain- Cairo 2011

5- El-Labad(ed) The Turkish Model and the Arab Societies
    In:Shark Nama- cairo (No7)

6- El-Medani.T.(el)
    Whither the Arab Spring ?
    (Center for Arab Unity Studies- Beirut 2011)

7- Mattar. G.: Wind of Change in Arab World
    (Center for Arab Unity Studies-Beirut-2011)


9- Rabee.A.H. (ed) 100 days of 25January Revolution – Documents
    Al Ahram-2011

10- Sharawy.H. Africa and the Arab Revolutions
    (under print) Cairo 2012

11- Shihata, Dina. Return to politics, the New Protest Movements in Egypt
    Al Ahram- Cairo- 2010

12- Shokr.A. The Political Parties and Multiparty System in Egypt.
    (Arab and African Research Center- Cairo 2010)
13- Shokr.A. The Struggle for Democracy in Egypt AARC-2009

14- Tammam Husam: With the Islamic Movements in the World; Madbouly Bookshop – 2009

Challenges to the Assumption that Economic Success could Enhance State Legitimacy

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"... My Lord, you can do anything you like with bayonets, except sit on them... ". (Talleyrand, Bonaparte’s Foreign Minister).

“North Africa is about allowing inequalities to grow, allowing joblessness to grow. It is about a state that hasn’t actually performed, about a minority that accumulates things for itself. If you want to follow that path for the next 20 years, we’ll end up like North Africa.” (Pravin Gordhan, Finance Minister of South Africa in his Budget Speech, 2011).

Abstract

Social upheavals are outbursts of latent political and socio-economic crises. Both the reasons for a societal crisis and solutions to them should be looked at from the perspective of state-society relationship. A perennially dysfunctional state-society relationship is bound to lead to the disgruntlement of citizens and the alienation of the state from its societal base. It thus entails a legitimacy crisis. This paper argues that even though economic growth is amongst factors determining the legitimacy of the state, it is by no means the major one. A political space that ensures participation by citizens, socio-economic policies which address inequality and injustice, as well as governance, transparency and accountability will be discussed as key factors determining state legitimacy. The paper further argues that

1 An outline of this paper was presented at a conference on “Implications of North African Uprisings for Sub-Saharan Africa” held in Nairobi on 2-3 April, 2012; it was organised by the Inter-Africa Group (IAG). I was pleased by the discussion it provoked at and around the conference. I would like to thank the IAG for the opportunity to present the paper at the conference, and the participants for their criticism and appreciation. This final version benefited from inputs I obtained during discussions at the conference.
sustainable socio-economic development, as with state legitimacy, crucially depends on re-structuring the state-society relationship. The nation-state should both be a “rights holder”, i.e. upholding and defending the right of the nation to develop; and a “duty bearer”, i.e. safeguarding the “national interest” on the international arena. The paper concludes by arguing that state legitimacy in Africa can only be achieved by liberating the state from the grip of particular interests, such that it becomes accountable to its citizens; in other words, “making it owned by society” so as to make it function in the best interests and the needs and aspirations of its citizens.

Introduction

What follows is neither a theoretical treatise nor a résumé of research findings. It is an attempt to highlight the importance of political legitimacy as a basis for a stable reproduction of political stability\(^2\), and for sustainable socio-economic development. I hope the paper will be of interest to civil society activists and those engaged in research pertaining to political and socio-economic transformation.

It is rightly recognised that the major endogenous factor accounting for poor socio-economic performance and political instability in Africa since independence is the poor performance of the state. While criticisms regarding the dismal performance of the state in Africa abound\(^3\), those casting the role of the state in a positive light are rare. By positive, I do not mean being apologetic or accepting the status quo. I mean to say that the state should be considered as an institution which evolves and redefines its “being” and its roles in a protracted historical process. The “modern state” in the North, which is prescribed as a “role model” for states in Africa, is itself an outcome of a predatory state. In that sense, the whole process of

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\(^2\) Reproduction of stability is different from, and more fundamental than “regime stability”. The unexpected downfall of “durable authoritarianism”, even after three decades of relatively stable rule is a case in point.

civilisation may be summarised as: “the taming of the state”. The process of “state building” is neither evolutionary nor without setbacks; nor is it an inevitably achievable goal within a prescribed time frame. African societies, like other societies, are going through this process with their own peculiarities, contradictions and setbacks⁴.

The “diagnosis” that African states are not performing well has almost become platitudinous. During the first two decades after independence, efforts were made to “build modern states”. Those efforts aimed at virtually transplanting “modern institutions” from the North with the help of indigenous technocrats and foreign advisors. It was as if citizens were considered either non-existent or irrelevant bystanders. This was followed by two decades of the “structural adjustment programme (SAP)”, with its infamous “one-size-fits all” reform policies, to rectify “state failure”. Evidently, the “governance reforms” have not brought about the required changes, nor did they succeed in addressing governance issues. If anything, they only worsened the problems.

Within the framework of the ubiquitous structural adjustment programme of the 1980s and 1990s, supposedly deep-rooted and far-reaching governance reforms were undertaken. Policy recommendations during this period were based on the dogma that states are doomed to fail if they assume leadership

⁴ Discussions upon presentation of this paper at the conference compel me to insert a biographical note, which may be of interest. I belong to a generation that set out to “smash” the state which was perceived as an apparatus erected by the ruling classes to subjugate and exploit the toiling masses. I have not renounced the conviction that the state was created for this purpose and still serves, in most cases, dominating classes. As such, it is an instrument of domination and exploitation. My “conversion” from a militant revolutionary to a civil society activist came with a “revision” of my conviction about the state. My objective is no more to “kill” the beast but to “tame” it. This is because all attempts to “kill the beast” ended up invariably in conjuring up a worse monster. While the position that the state is an instrument of dominating classes is justified, the claim that the state can only be an instrument of dominating classes is tantamount to asserting that human beings will never be in a position to enjoy their rights as citizens, and thus would need the intervention either of a “revolutionary” god or a “goddess of the market” (who directs the ‘invisible hand’) for their salvation.
roles in socio-economic development where only market forces can succeed. It is “getting prices right”, as it were, that does the trick. Only the “invisible hand” can be impartial and efficient. What Joseph Stiglitz calls “market fundamentalism” virtually wanted to get rid of the state as if it were a disposable gadget. The policy resulted in weakening states that were weak in the first place, and further de-legitimised states already lacking legitimacy. The policy made undemocratic regimes more authoritarian. “State failure”, now being moaned throughout Africa, is the direct consequence of “state deformation” under SAP. Africa has yet to recover from the damage wrought by those “reform” policies.

It may be pertinent here to state explicitly why I use the concept “capable state” instead of the more conventional “developmental state”. Aminya Kumar Bagchi gives a concise definition of the “developmental state”, which captures its conventional use as well as the sense in which it is mainstreamed in current development discourse in Africa.

...a developmental state (DS) (...) in the era of the global spread of capitalism (...) is a state that puts economic development as the top priority of governmental policy and is able to design effective instruments to promote such a goal. The instruments would include the forging of new formal institutions, the weaving of formal and informal networks of collaboration among the citizens and officials and the utilization of new opportunities for trade and profitable production. Whether the state governs the market or exploits new opportunities thrown up by the market depends on particular historical conjunctures. One feature of a successful developmental state is its ability to switch gears from market-directed to state-directed growth, or vice-versa depending on geopolitical circumstances, as well as combine both market and state direction in a synergistic manner, when opportunity beckons5.

Such a view of the role of the state provides valid arguments against protagonists of “market-led” or “private-sector-led” growth of the neo-

liberal school. However, it leaves out, or does not explicitly include, the “legitimacy preconditions” I present in this paper.\textsuperscript{6}

The paper will proceed as follows: The first section deals with the general question: what is the state? The attempt is not to answer this as a phenomenological question, but rather to “demystify” the state and to point out that a pre-determined definition could be thought-stifling and politically disempowering. In the second section, the paper will highlight key responsibilities and roles of the state in the development process, after a brief discussion of the contentious positions on the role of the state.

The third section attempts to answer the question whether economic progress can bring about state legitimacy. After a brief presentation of development theories, which state that economic growth is a priority goal and a precondition for political progress, other approaches which consider economic growth as, at best, a necessary but not a sufficient basis for social and economic development will be discussed. Reference will be made to some case studies which validate the latter approaches. It is argued that economic growth by itself cannot lead to the emergence of state legitimacy; on the contrary, it is a state which, from the outset, seeks to attain legitimacy by fulfilling its comprehensive role as guarantor of social wellbeing for all citizens that can lead society to achieve sustainable social and economic development. It is also here that state legitimacy is enhanced by policies and practices aimed at combating vertical and horizontal inequality, promoting inclusive growth, widening the policy and political space for voice and participation, ensuring transparent and accountable governance. The remaining sections deal with the “building blocks” of legitimacy, which serve as indicators of levels of equality and equity, voice and participation, accountability and transparency. The evolution of African states is briefly

\textsuperscript{6} This is not to deny, however, the similarity of my propositions to ideas developed, for example, by O mano Edigheji in: (A Democratic Developmental State in Africa? A Concept Paper, CENTRE FOR POLICY STUDIES, 2005, and Th. Mkandawire in: Thinking About Developmental States in Africa, 2001). The main difference is that I approach the issue from the perspective of legitimacy. A “developmental state” in the absence of democracy will not be any different from the development model criticised in this paper. But this is another topic for another paper.
discussed from the perspective of these “building blocks”. The paper concludes by proposing that the solution is not continued state bashing, but the more onerous task of “state building” based on the continent’s own human resources.

I. The State, its “Essence” and Roles from a Legitimacy Perspective

1.1 What is the “Essence” of the “Modern State”? 

The question of state legitimacy is intimately linked with the notion of what the state is and the role expected of it. Therefore, no legitimacy issue can be discussed without posing this question. State legitimacy can only be derived from legitimate expectations of citizens from the state. Legitimate expectations, in turn, are derived from an understanding of the roles and functions of the state. But these are, in turn, based on an understanding of what the state is, or what it is supposed to be. I will therefore begin with a brief discussion of the “essence of the state”.

It is beyond the scope of this paper (and the ability of this author) to pose and answer the question “what is the state” from a phenomenological perspective. I raise the issue of the “essence and genesis of the modern state” with a modest ambition: to make the premises on which the arguments about the role of the state and the question of its legitimacy are based more explicit. I also want to highlight that, whatever “definition” is

7 A participant at the conference commented that I am too “etatist”, when I presented an outline of this paper. Although he does not agree with it himself, Bob Jessop gives a succinct interpretation of the “etatist approach”: “...there are distinctive political pressures and processes that a) shape the state’s form and function, b) give it a real and important autonomy when faced with pressures and forces emerging from the wider society, and thereby, give it a unique and irreplaceable centrality in national life and the international order” (B. Jessop: State Power, 2008, p62-63). This gives a good summary of my position. However, this does not mean I consider the society side of the equation as any less important, or less “determinant”. I deal only with the state side of the equation, because the scope of the paper does not allow treatment of the society part of the equation.
given to the “essence” of the state or its role, it should not be based on
ahistorical interpretation of what the state is; and that the determination of
its role should not be reduced to ticking a generic check-list. Its roles and
functions in different constellations, contingencies and social contexts are,
and have always been, different. Thus, there is no “model trajectory” for the
evolution of its “essence” or its roles. Each society and each generation has
the obligation to determine what the state itself is, and what its roles *ought to be*. This is based on the conviction that the approach will make it possible to
“benchmark” its roles in a given social and historical context and how it
should manage the welfare of societies.

Let me start by stating that there is no single notion of the state. Divergent
answers were given to this question over the centuries, which are far from
unanimous. I will cite two German philosophers of the 19th century. For
Hegel, "the existence of the state is the presence of God upon the earth". For
Stirner, "the purpose of the state is always the same: to limit the
individual, to tame him, to subordinate him, to subjugate him”.

Defining the state or providing a consensual definition of the state is elusive
because, as all abstract expressions of societal relations, it has no empirical
existence of its own history and social context. As David Runciman8 remarks, the question “what is money for” is readily answerable compared
to the question “what is money”. The fact that money is in and of itself
“valueless” can be “proved” by the simple fact that one cannot eat money.
Money becomes “something” when it enters the realm of commodity
exchange and when it fulfils its functions as store of value. The same can be
said about the state; it is only in its relationship within a given social
formation that it gains significance. The analogy with money can be taken
further. As long as money fulfils its socio-economic functions well, people
may not be bothered by the question “what is money”. It is when it fails in
its functions that the question is posed.

8 D. Ranchman: “The Concept of the State: the sovereignty of a fiction”, in Q.
Skinner and B. Strath, editors, State and Citizens. History, Theory, Prospects, 2003,
p. 31
It should be clear from the preceding argument that the theoretical premise of this paper is that the state has no “intrinsic value” of its own; it is merely an institutional setup for the realisation of society’s needs. That is why it has only duties and no rights in relation to citizens under its jurisdiction – the legitimate right holders. When the state assumes a role that transcends its defined status, society will be in a problem.

The state can be conceptualised as a “site of compromise”, where the interests of diverse segments of society are aggregated, and a compromise is facilitated through legitimised regulations, and implemented transparently through legitimised institutions.  

The state can also be conceptualised, in the words of Jessop, as a “site of paradox”: On one hand, it is one institutional setup among others within a social formation; on the other hand, it is a unique setup charged with overall responsibility of maintaining the cohesion of the social formation of which it is a part. This dual nature of being at once “within” and “above” society carries an inherent danger of the state establishing itself “above” society, i.e. “disclaiming” the “ownership” of society. When “it hangs” above society, it is inherently capable of being “captured” by particular interests. The core political issue linked with legitimacy is to prevent it from being “captured”, or to reclaim ownership of the state by society if it is already “captured”.

The concepts “dual nature” and the “danger” of the state being captured by particular interests indicate that state-society relation is not just a functional relationship that is “automatically” reproduced. It is a “site” where “contest of interests” takes place. To which side the state “tilts” depends on the

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9 I concur with Jessup when he states that “there is never a general interest that embraces all possible particular interests” (B. Jessup: State Power, 2008, p. 11). Envisaging the state as a “site of compromise” helps to understand that the state is the “site” where “contest of interests” takes place and “enforceable compromises” are facilitated.

10 B. Jessup, 2000, Bringing the State Back in (Yet Again): Reviews, Revisions, Rejections, and Redirections, Paper presented to IPSA Conference, Quebec, 2000, p.15
relation of forces in society. The “autonomy” of the state in relation to particular interests in society is thus quintessential for it to be able to accommodate, aggregate and facilitate the interests of different groups\footnote{There is a distinction between “embedded autonomy” under which the state is “owned” by society, and “isolated autonomy” under which it will fall prey to particular interests.}. Marginalised groups who cannot articulate their interests would be losers in this “contest of interests” if the state does not take on the role of being the agency to safeguard and promote their interests. How the state addresses inequality and marginalisation is thus one of the key indicators to determine its legitimacy.

1.2. The “Genesis” of the Modern State

A brief look at the historical evolution of the modern state shows that it was anything but democratic. All states have been predatory, repressive and violent. Tally, an authority on state formation in Europe, reaches the conclusion that “preparation for war has been the great state-building activity”\footnote{Ch. Tally: War Making and State Making as Organised Crime, in: Bringing the State Back, edited by Peter Evans, Dietrich. Rueschemeyer, and Theda Skocpol, 1985}. He states further: “Democracy”, “rule of law”, “social contracts” , etc. were not at the beginning of its evolution but the result of protracted taming process of a “coercive, exploitative and violent” state through popular resistance to … power holders to concede and constrain their own action”\footnote{Ibid. He warns not to read the future of developing countries from the past of European countries. The warning refers to the process, not to the outcome of the process.}.

The process of state building in Europe took many centuries. A significant outcome of this dual process of “state-building and nation-building” was not only the gradual “taming of the predatory state”. It was also, on the one hand, the emergence of nation-states, with citizens developing a sense of belonging to a given political community within a given territory; and on the other, the emergence of a political system under which “active consent” of
citizens for state actions and policies became, at least as an underlying principle, the criterion for state legitimacy.

The “modern state” is an invention of Europe (especially France and England). It was emulated by rivals of France and England in the rest of Europe, and imposed on subjugated peoples all over the world. In most “late developers” as in Africa, which endured colonial rule, the “modern” state was not an outcome of an “organic” and endogenous process. It was a product of a process imposed by external and hostile forces. The purpose was not to serve, but to subjugate, the colonised population. Part of the “governance problems” in Africa is a result of this forced process. After independence, the question has been how to establish an “organic link” between “state building” and “nation building”, and how to make this an endogenous process in a historically new internal context and a completely transformed international context.

The international context will impact on, but does not change, the dual process of “state building” and “nation building” in Africa. More than at any time in history, the “nation-state” has become the only form of political existence for peoples within a global context. However, this is not to suggest that “nation/state building” is an end in itself. It is to emphasise that it is a process which is absolutely necessary and inescapable through which national polity emerges, a polity which can “tame” “its” state and make it accountable to its citizens. In other words, people need to constitute themselves as citizens of nation-states in order to hold their rulers to account. There cannot be accountability without constituency. Nation-state and citizenship relation is, at least in the foreseeable future, the only “framework” for enforceable accountability.

State building in the current international context should be conceived of as a process linked with the process of socio-economic transformation to end poverty and attain equitable and sustainable development. It is building capable states able to spearhead social transformation, in the process of which they will also be transformed. This role and responsibility cannot be left at this point in history to “state builder” monarchs or autocrats à la Bismarck. Put differently, whereas the “modern state” was the outcome of “spontaneous” human action, at least in Europe, it is the product of
“conscious human design” for “late developers”. It is an outcome of a process in which empowered citizens play an active part. This is so because, ultimately, only empowered citizens can ensure that the state is “tamed” to use its power accountably, responsively and responsibly.

Instead of looking at state building as an architectural undertaking to be “erected” by local ruling elite with the help of outsiders, it should be conceived as an endogenous process of socio-political transformation, a process in which empowered citizens build their own capable states. The concept “empowered citizens” refers to citizens who have taken “their destiny into their own hands”, capable of claiming their rights and holding their state to account. Capable states are states that ensure inclusive development; inclusive democracy; the rule of law and human rights; the provision of essential services and human security – not as sequenced “policy priorities” elaborated by local elites and their foreign advisors, but as a “comprehensive development package” claimed and enforced by citizens.

1.3 The Role of the State in Development

After the decline and demise of theocracy and divine rule, the state needed a secular justification for its acceptance by society. Morris\(^\text{14}\) sums up two categories: (1) a “consensualist” approach within the tradition started by Hobbes, Locke and Rousseau which defines the justification for the acceptance of the state as a hypothetical social contract among citizens; and (2) the concept of “cooperative venture for mutual advantage” borrowed from Rawlings’ characterisation of a society composed of heterogeneous interests. Both categories confirm the premise of this paper that the state cannot be given an \textit{a priori} definition and pre-determined \textit{raison d’être}.

Similar to the justification of the state’s \textit{raison d’être} after the demise of divine rule, its roles and functions had also to be re-defined. Not surprisingly, and analogous to the divergent answers to the question “what is the state”, the functional role of the state is as controversial as the concept of the state.

itself. For the purpose of this paper, I will briefly mention the “functionalist” approach which dominates the “role of the state” discourse.

The “functionalist approach” reduces the role of the state to that of solving “collective action problems”, i.e. ensuring the socio-political order, macro-level conditions for market forces, as well as the mitigation of “market failures”. However, going through a checklist of “functions of the state” will not be helpful to analyse the complex issue of determining functions that are basic for its legitimacy. We need to ask what its roles ought to be in a given social context and at a given level of development. In other words, the instrumental and functional roles of the state should be considered from a normative perspective. Its instrumental role means that the state is a historically evolving political organisation of human collectivity in a defined territory to help society meet widely diverse and changing needs. As there is no “model trajectory” for the evolution of the role of the state, its functional role means “benchmarking” it normatively.

Much like placing the issue of “state building” within a given social and historical context, this approach will enable us to determine and influence state roles; to define certain basic functions; to demand accountability in the management of power; to monitor and check the influence of dominant classes; to “force” it to champion and ensure social justice and sustainable inclusive development; to ensure that it provides essential social services through adequate social policy formulation, and social protection measures; to ensure that it supports and regulates the private sector such that it creates conducive conditions for the economy to thrive; to protect if from being “captured” by vested interests to directly and indirectly “force” it to channel benefits of economic growth to dominant classes; and to make sure that it is a credible and effective agent of its citizens internationally.

As will be discussed below, poverty eradication should not be expected as a by-product, or left to the “trickle down” effect, of economic growth. Poverty cannot be treated as a malignant tumour that can be surgically removed out of society, but as a pervasive problem that can only be eradicated through political, social and economic transformation. In such a context, the role of the state cannot be limited to “correcting market failures”. It is the role of the state to spearhead this transformation.
Furthermore, the state is not the sole depository of power in a society. What makes state power “special” is not only its unique obligation to use its “legitimate monopoly of power” responsibly. It has the obligation not to hinder, and the additional duty to use its power “to hinder hindrances” to equality. In other words, as much as the state is the main source of power imbalances in society, it is also the institution which has the obligation to see to it that imbalances of power among segments of the society are avoided.

Finally, the conceptualisation of poverty as proposed by Amartya Sen\(^\text{15}\) and others as unfreedom and disempowerment has transformed the understanding of poverty and inequality and their causes. It has also extended the political and policy dimensions of poverty eradication, and combating inequality. It has made the “commissions” and “omissions” of the state in addressing unfreedom and disempowerment as key aspects of political legitimacy. Put differently, the legitimacy of the state should be tested against its role in combating unfreedom and disempowerment in all their manifestations.

### 1.4 Economic Growth and State Legitimacy\(^\text{16}\)

That economic growth will ultimately enhance legitimacy was not only the hope and wish of many rulers, but also an assertion made by many economists and political scientists. There were various theoretical justifications for the “inevitability” of discrepancy, or assumed “trade off”,

15 In his now celebrated book “Development as Freedom” (1999) Amartya Sen describes his approach as “an attempt to see development as a process of expanding real freedom that people enjoy. He views expansion of freedom as 1) the primary end and 2) the principal means to development. They can be called, respectively, the “constitutive role” and the “instrumental role” of freedom in development” (P36; Italics in original).

16 I hope this section will not be misunderstood as a polemic against growth as such. I can sign up to Paul Collier’s statement: “Growth is not a cure-all, but the lack of growth is a kill-all” (P. Collier: The Bottom Billion, 2007, p. 190). The section is meant to highlight two interrelated issues; a) that growth should be considered a means to an end and not an end in itself; and b) prioritising and putting major focus on growth alone will not result in ending poverty and inequality, and that it cannot even be a basis for sustainable economic growth.
between growth and equality, between authoritarian rule and democratic rule.

It is beyond the scope of this paper to make a comprehensive assessment of theories focusing on growth while neglecting poverty and inequality as well as other social and political issues. Only a few will be sketched here for the purpose of illustration.

Rostow’s17 “stages theory” has led to the tacit acceptance of the status quo at a certain stage of social development, i.e. to defer democratic rule and social justice to “a later stage of development”. According to the “modernisation theory”, of which Rostow was a pioneer, development was supposed to be an outcome of a high rate of investment and a rise in the productivity of capital. Since the productivity of capital was considered a technological variable, the policy was to attain an optimum saving/investment ratio. Under conditions of primitive accumulation, however, as in a country yet to come out of poverty, a high rate of saving could not be achieved. And since entrepreneurs were non-existent, only the state was assumed to initiate the process through “forced domestic saving”. Given the concomitant assumption that “forced saving” could not be imposed democratically, only authoritarian regimes were considered more capable to raise domestic savings for investment to achieve higher and faster economic growth. Developing economies were therefore confronted with a “cruel dilemma” in choosing between democratic and authoritarian rule; they were tacitly expected to accept the inevitability of a trade-off between economic growth and democratic rule.18

Such “theoretical” justifications remained the basis for justifying this ambivalent attitude towards economic growth and democratic rule, which prevailed during the first three or so decades after World War II. There were those who even went to the extent of establishing a positive correlation between undemocratic regimes and development. Asserting that his

17 W. Rostow: The Stages of Economic Growth: A Non-Communist Manifesto, 1963
authoritarian rule enabled the country to sustain high rates of growth, Singapore’s former prime minister, Lee Kuan Yew, stated: “I believe what a country needs to develop is discipline more than democracy. The exuberance of democracy leads to indiscipline and disorderly conduct which are inimical to development.”  

The famous “Kuznets’ curve” also served as yet another “economic justification”. Its main thesis is that, as a country develops, there is a natural cycle of economic inequality driven by economic growth itself, which at first increases inequality, and then decreases it after a certain level of economic growth, when an increased average income is attained”. In terms of our discussion here, whatever its historical or empirical merit may be, these theories point to the “inevitability of increasing inequality” in a development process.

The “trickle-down theory" also argues that economic benefits provided by governments to businesses and the wealthy will, in the long run, have spill over effects on the poorer members of the society. This view is still widely held by neo-conservatives who argue in favour of reducing taxes on the rich; they oppose any sort of redistributive measures in favour of the poor. However, it is doubtful if, as the slogan of the protagonists of this theory intimates, what is good for General Motors is necessarily good for the US and the rest of the world. An even more preposterous notion in traditional economic theory claims that substantial inequality is a stimulus to growth, as it would have beneficial effects on saving, investment and incentives.

From a theoretical point of view, there are several factors accounting for variations in the economic performance of countries under different

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19 Quoted in: Bhagwati, 2002, p151
21 After an extensive study of literature on the subject, Wren-Levis and A. Cobham reach the conclusion that empirical findings to corroborate Kuznets’ theory are not robust, and that there are “both ‘good’ and ‘bad’ ways to grow, rather than an inevitable path”. (I. Wren-Lewis and A. Cobham: Is ‘more’ enough? Reassessing the impact of growth on inequality and poverty, Christian Aid Occasional Paper 5, April, 2011)
historical circumstances. This makes it impossible to causally link a set of variables as determining differences in development performance. For example, rule of law and property rights are stated as key variables for economic development. However, cases abound where positive economic achievements have been made in the absence of these variables. China is a case in point. Even corruption, the widely accepted corrosive obstacle to development, has not hindered the attainment of economic growth in some countries.\textsuperscript{22}

Further, we know since Keynes that the transition from savings to investment is anything but automatic. What is more, the translation of public sector saving into productive investment is more uncertain. Cases of countries which experienced high but unsustainable growth show that “… a functional developmental state should not be considered as given when treating developmental problems. The “developmental state” can also be in the hands of ‘hijackers’ whose destination is not national development but the Swiss Bank”\textsuperscript{23}

The experiences of many developing countries show that growth usually results in bringing disproportional benefits to the dominant classes. The “State of East Africa Report” which was recently published by the “Society for International Development (SID)” highlights that there is no link between economic growth and the reduction of poverty and inequality. According to this study, in the past decade, every economy in the East African Community grew at a faster pace than its population. Despite the attainment of net economic growth, however, the number of East Africans living below the poverty line actually increased from 44 million to 53 million during the same period.

SID programme director remarked upon launching the report that: “We should all be getting richer, but the reality is, we aren’t. The reason for this is

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{22} See for example, Mushtaq H. Khan: Governance, Economic Growth and Development since the 1960s, DESA Working Paper No. 54, August, 2007
\item \textsuperscript{23} D. Alemayehu: The Crisis of Capitalist Development in Africa: The Case of the Cote d’Ivoire, 1997, p 24
\end{itemize}
\end{footnotesize}
that inequality is both deepening and widening. Fewer people are enjoying the benefits of economic growth.”

The consequence of the concentration of growth benefits and income in the hands of the dominant classes is not limited to the economic sphere. It puts entrenched economic interests in a position to constitute a powerful political block which behaves like “a state within the state” and “captures” the state for its purposes. This cannot happen without undermining state autonomy as well as legitimacy vis-a-vis particular interests.

Growth which results in disproportional benefit to the dominant classes perpetuates and aggravates inequality. This has negative welfare implications as well as a corrosive institutional effect, since it inevitably leads to the lack of trust in and disenchantment with, the state by disadvantaged sections of society.

Theoreticians of the dependency school were amongst the first to point out the absence of linkage between economic growth and development. Studies they carried out on “development of underdevelopment” and “growth without development” were conceptualisations of experiences of unsustainable growth during the first two to three decades of development efforts in many countries of the South which focussed on the “growth first” approach in their development strategy. More recently, many empirical studies have proved that economic growth does not causally and necessarily reduce poverty.

Several empirical findings suggest that the prevalence of poverty is by itself a hindrance to economic growth, far from making economic growth a prerequisite for tackling poverty. In other words, economic growth cannot guarantee its own sustainability, let alone promote political legitimacy of governance. The outcome of “growth first, equality next” has been social

24 http://www.afrika.no/Detailed/21372.html
exclusion, marginalisation and the exasperation of horizontal and vertical inequality.\textsuperscript{25}

Because of the dismal failure of economic growth to address poverty and inequality, even those who propagated the “primacy of economic growth” have come to admit that “economic growth is a necessary but not sufficient condition” for development\textsuperscript{26}. “Inclusive growth” is becoming the slogan of all major international and regional financial institutions (IFI) and governments. Nevertheless, there have been no fundamental changes in policies of international financial institutions or governments. So far, no visible departure from old policies has been made. In terms of policies in place, the practice is business as usual. “Market fundamentalism”, i.e. the belief in unbridled market forces, continues to dominate mainstream economic thinking and economic policy. The fetishism of growth still underpins government actions and policy recommendations.

Reform in any sector needs pacing and sequencing. Prioritising economic growth to the detriment of other social development issues is not “sequencing”; it is ignoring the plight of the poor majority for the benefit of the wealthy and the powerful. Development can only be approached as a comprehensive political undertaking to bring about interlaced changes in economic, social and political spheres. As Milanovic states, “It is a mistake to believe that a just and good society must wait upon a high material standard of life”\textsuperscript{27}. What is sad and unacceptable is the fact that it is often an avoidable, premeditated “mistake”.

\textsuperscript{26} “…growth by itself is not necessarily sufficient. It needs to be sustainable, sustained and inclusive. There is a risk that current commodity-based growth in many countries in Africa is none of these” Andy Mckay, University of Sussex and Andy Summer, IDS: Economic Growth, Inequality and Poverty Reduction: Does Pro-Poor Growth Matter?, IDS in Focus, ISSUE 03 CONCERN FOR THE BOTTOM BILLION, MARCH, 2008
\textsuperscript{27} Branko Milanovic: The Haves and the Have-nots: A Brief and Idiosyncratic History of Global Inequality 2011)
The uprising in Tunisia is a case in point; it confirms that not growth as such but its “inclusiveness” and its quality (in terms of a comprehensive socio-economic development) that matters. A recent report from the ILO sums it up all:

Tunisia has long been lauded as a star performer by the international community for its macroeconomic stability, economic competitiveness, and even the achievement of certain social goals. On the macroeconomic front, the country’s fiscal position was stable – the public debt ratio fell significantly over the past decade and stands at around 43 per cent of GDP, on par with other emerging economies such as Argentina and Turkey. In terms of competitiveness, Tunisia had been given the highest ranking in Africa, and globally it was purported to be even more competitive than some European countries such as the Czech Republic and Spain. The ‘doing business indicators’ 2010 also reported Tunisia as among the top ten most improved economies in terms of changes to business regulation… that economic growth was fundamentally inequitable. Opportunities to obtain good jobs, invest in dynamic sectors, and build a career have been unevenly distributed. Unemployment was high and rising, particularly among young people; regional development was unequal; and political clientelism, with the ruling Government having a commanding stake in key economic sectors, was widespread. Inequitable growth eventually led to an untenable social situation with spillover effects in other countries. Dubbed the ‘Arab Spring’, few had predicted such a rapid turn of events. The origins of the anger that developed into the Arab Spring must be sought elsewhere -- in the feelings of injustice that the existing distribution of income had generated, and the perception that inequality was higher than it really was²⁸.

II. “Benchmarks” of Legitimacy

2.1. Equality and Equity

The preceding section emphasised that poverty eradication and overcoming inequality can neither be expected to be by-products of economic growth nor be “postponed” until a certain stage of economic growth has been attained.

Poverty, more than inequality, has dominated the development policy discourse. In his book “The Haves and the Have-Not,” Branco Milanovic points out that securing funding for research on poverty is much easier than for research on income inequality.

“Yes, they would finance anything to do with poverty alleviation, but inequality was an altogether different matter. Why? Because ‘my’ concern with the poverty of some people actually projects me in a very nice, warm glow: I am ready to use my money to help them…But inequality is different. Every mention of it raises in fact the issue of the appropriateness or legitimacy of my income.”

Growth can result in a disproportional share of the outcomes of growth both spatially and socially. A reduction in absolute poverty may be accompanied by growing inequality in absolute but particularly in relative terms. This is a very important aspect of “growth without development” because, in terms of state legitimacy and social cohesion, relative inequality matters more. 29

29 “A house may be large or small; as long as the neighbouring houses are likewise small, it satisfies all social requirements for a residence. But let there arise next to the little house a palace, and the little house shrinks to a hut. The little house now makes it clear that its inmate has no social position at all to maintain, or but a very insignificant one; and however high it may shoot up in the course of civilization, if the neighbouring palace rises in equal of even in greater measure, the occupant of the relatively little house will always find himself more uncomfortable, more dissatisfied, more cramped within his four walls.”
Furthermore, “vertical inequality” is not the only aspect of inequality, although it dominates the inequality discourse. Horizontal inequality is more important in terms of political stability and national cohesion. An unequal distribution of poverty in different regions of a country or among different segments of society is an indicator of what is termed “horizontal inequality”. The prevalence of horizontal inequality signifies that different parts of a country or different segments of society are not benefiting equally and equitably from growth outcomes. A policy which causes, or is perceived to be the cause of an unequal distribution creates resentment and alienation. It will be a permanent source of tension in the political system and will, sooner or later, lead to political and social instability. A society is in many ways comparable to a large family. Indeed, a policy which discriminates between regions is like parents who feed only some of their children and let the others go hungry.

The prevalence of horizontal inequality is one of the reasons for the lack of national cohesion in Africa, if not the major one. Horizontal inequality

http://www.marxists.org/archive/marx/works/download/Marx_Wage_Labour_and_Capital.pdf

For those who may be “allergic” to Marx, Adam Smith, although misinterpretation of his “the invisible hand” metaphor makes him appear as the founding ideologue of “market fundamentalism”, had the same perspective on relative inequality similar to Marx. “By necessaries I understand not only the commodities which are indispensably necessary for the support of life, but what ever the customs of the country renders it indecent for creditable people, even the lowest order to be without. A linen shirt, for example, is strictly speaking, not a necessary of life. The Greeks and Romans lived, I suppose, very comfortably though they had no linen. But in the present times, through the greater part of Europe, a creditable day-labourer would be ashamed to appear in public without a linen shirt, the want of which would be supposed to denote …disgraceful degree of poverty (one can fall into)... Customs, in the same manner, have rendered leather shoes a necessary of life in England. The poorest creditable person of either sex would be ashamed to appear in public without them”. (A. Smith: The Wealth of Nations, digital edition, 2007, book v, p 577)

often leads citizens in affected regions to shift their “primordial loyalty” to ethnic groups. The numerous ethnic conflicts instigated by rival elite groups and the unrelenting open civil wars are clear indications that no national cohesion has yet been attained in most African countries!

The history of all late starters in development shows that successful development has basically been a politically induced process propelled by nationalism. This presupposes national cohesion, characterised by the “primordial loyalty” of both the elite and citizenry to the nation-state. Lack of national cohesion should thus be addressed as a key problem of development, legitimacy and political stability. The success of sustainable development and political stability under conditions of horizontal inequality, and without national cohesion, is comparable to construction activities on an active earthquake site.

**2.2. Voice – Participation**

While on a visit in Tunisia, Jacques Chirac, the former French president, spoke of the Tunisian “economic miracle” and praised the regime’s human rights record. He said “the most important human rights are the rights to be fed, to have health, to be educated and to be housed.” As a Tunisian human rights activist commented at the time, “this is a typical eat up and shut up” position which underlies the “performance legitimacy” approach.

The major discourse on inequality has been about economic and income inequality. However, inequality in the economic sphere necessarily leads to inequality in the political sphere, i.e. inequality in each of the three major aspects of a political system: accountability of governance, adequate representation in vital political decision making processes; and voice and participation in the formulation and implementation of policy decisions that affect the lives of the majority of the population, especially the poor.

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31 http://www.ft.com/intl/cms/s/0/68bef0c2-232a-11e0-b6a3-00144feab49a.html#axzz1qaxdTIMy
32 Ibid
Poverty is not only about hunger and the inability to meet material needs. Poverty is also about being powerless in relation to those with economic and political power; it is about being excluded from vital decision making processes. In short, it is about being disadvantaged in all spheres of social, economic and political life.

One important element of state-society nexus is whether a state seeks consent of its citizens for its actions and policies. Here, a distinction should be made between ritual participation and meaningful participation. Passive acquiescence to state actions can be misleading. The litmus test of active participation is whether citizens’ active and informed consent is required within a pluralistic setting, and a vibrant debate to legitimise state action.

A state which is content with passive acquiescence of its citizens can hardly tolerate dissent, and usually reverts to force when discontent manifest itself. Instead of seeking active consent, suppressing dissent and ritually ensuring passive acquiescence by intimidation or manipulation has become the *modus operandi* of most regimes which aspire to attain “political legitimacy” through “performance legitimacy”.

It is often said that fair procedures, not policy outcomes, are the most important factors affecting legitimacy in a power relationship. Citizens may be willing to go along with policies they do not prefer as long as they are made according to a process they deem legitimate.

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33 Under the Derg dictatorship in Ethiopia, the most amusing readings in the propaganda press were those about peasant associations in the remotest villages “condemning and warning” the revisionist and degenerate “Chinese Communist Party” for abandoning the true principles of Marxism-Leninism”. At the time, condemning China was an “important component of national policy” for the Derg to prove, beyond doubt, its loyalty to the Soviet Union. Peasant associations were thus giving their “active consent” to this important national policy!

Furthermore, indifference to citizen consent is characteristic of “state capture” by particular elite interests, which erodes state legitimacy and renders state-citizen relationship dysfunctional. Seeking active and informed consent of citizens is thus an indicator that the state has freed itself from the grip of dominant classes.

The concept “site of compromise” briefly discussed above shows that society should not be considered an undifferentiated and homogenous entity. “There is never a general interest that embraces all possible particular interests”. As a complex human collectivity, society cannot exist without conflict of interests among its constituents. And competition among interest groups for legitimate promotion of their respective interests should not be looked at as the major problems preventing democratic rule or inclusive development. If it were so these objectives could never be achieved. It is the capture of the state by particular interest groups that leads to exclusion and makes economic growth benefit the rich to the detriment of the majority, especially the poor. Tolerance of exclusion and marginalisation in all their manifestations, while at the same time promoting particular interests, gives rise to mistrust and disenchantment. Transparent facilitation of compromises between conflicting interests and inclusion of all segments of society in the facilitation process leads to social cohesion and promotes political stability.

To recap, a “non-captured state” is a state with the capability to manage particular interests, to facilitate their “peaceful coexistence”, and to generate consensus on a range of principles. The mobilisation of citizens around a common set of interests is a powerful means to generate such a consensus. A non-captured state manages the “peaceful coexistence” of diverse and conflicting interests, not by suppressing one interest group in favour of another but by facilitating a binding compromise between conflicting interests through active popular participation in transparent consultation processes. Inclusion of the greatest number of different social groups to give an informed consent to state policies and actions promotes state legitimacy and ensures stability, even in a situation of political and economic crisis.
2.3 Accountability

Accountability is a relational concept. In a broader sense, it is about state-society relationship, about a relationship between duty bearers and right holders. For duty bearers, at the institutional level, it has a legal, political and ethical dimension. Legal: is dereliction of duty sanctioned? Political: is there a political price to pay for omissions and commissions that impinge on accountability? Ethical: do the prevailing norms and sense of duty within the institution fulfil acceptable moral standards?

Enforcement of checks and balances, incentive mechanisms and the professional ethos of individuals within institutions determine “upward accountability”. Ensuring “downward accountability” is more complex. On the part of right holders, the basic (but not necessarily the simplest) requirement is awareness by citizens about their right to hold duty bearers to account. But awareness alone is not enough. Citizens require legal and organisational means to make effective use of this entitlement. The lack of downward accountability signifies impunity on the part of duty bearers, and disempowerment on the part of right holders.

Amartya Sen’s famous aphorism: “famines cannot occur in democracies”35 carries various inter-related messages with regard to accountability. The obvious message is that accountability is a core principle of democratic rule. The other message is that governments would perform effectively and responsibly if and when accountability becomes a “political incentive”. It is worthwhile to quote him at some length. He writes:

When we move from the direct importance of political freedom to its instrumental role, we have to consider the political incentives that operate on governments and on the persons and groups that are in office. The rulers

35 “Indeed, no substantial famine has ever occurred in a democratic country – no matter how poor. This is because famines are extremely easy to prevent if the government tries to prevent them, and a government in a multiparty democracy with elections and free media has strong political incentives to undertake famine prevention” (A. Sen: Development as Freedom, pp. 51-52). He also discusses how famines bring about “the alienation of the rulers from the ruled (pp 170-75).
have the incentive to listen to what people want if they have to face their criticism and seek their support in elections…. The causal connection between democracy and the non-occurrence of famines is not hard to seek. Famines kill millions of people in different countries in the world, but they don’t kill the rulers. The kings and the presidents, the bureaucrats and the bosses, the military leaders and the commanders never are famine victims. And if there are no elections, no opposition parties, no scope of uncensored public criticism, then, those in power don’t have to suffer the political consequence of their failure to prevent famines. Democracy, on the other hand, would spread the penalty of famines to the ruling groups and political leaders as well.\textsuperscript{36}

Several conclusions could be drawn from this long quotation. The lack of downward accountability in a country signifies that political freedom is either limited or non-existent; that the state leading such a country is not being forced to pay a political price for its commissions and omissions, and thus cannot be expected to serve the interests of the majority of its citizens and deliver inclusive and sustainable development; that any support the rulers of such a country claim to have from the population can only be a result of intimidation or manipulation; and finally, and more importantly for our topic, that citizens of that country have not yet succeeded in demanding and enforcing accountability by their rulers. (In reference to the last point, corruption is a major indicator of impunity. It is widely considered by many as the number one obstacle in the fight against poverty and injustice. It is the number one topic of discussion in most African countries. Yet, the ruling elite with its “collective strategy of private enrichment”, appears to be unimpressed. Public outrage has not developed to put an end to this systemic evil, or at least, to ensure that it is not practiced with impunity).

Since accountability is a key issue of state performance and legitimacy, it is too fundamental to be taken out of the social context and addressed as an issue of bureaucratic and technocratic efficiency. It should not be conceived of as an outcome of “targeted interventions”, but as a binding political and societal norm that governs the relationship between rulers and the ruled. Further, the state and its institutions can rule accountably only if state–

\textsuperscript{36} Ibid
society relation is based on a rights-holder, duty-bearer relationship. Attempts towards achieving positive accountability without transforming the state-society relation is like beautifying a house on a shaky foundation, which can collapse any time.

As much as it requires the mobilisation of citizens to hold leaders to rule accountably, accountability needs the commitment of national elite, at least partially, not only as a moral principle of governance but also as part of its commitment to eradicate poverty and address inequality. In other words, the commitment to eradicate poverty signifies nothing if it does not entail the commitment to “reconstruct” state-society relationship. However, this should not be understood as a merely “voluntary” commitment of the national elite. It goes hand in hand with the struggle of empowered citizens to demand accountability. Thus, enforcing the commitment of the national leadership to accountability by empowered citizens is the other pre-condition for accountability and for a responsible and responsive state.

2.4 Can Development Cooperation Enhance Stability and State Legitimacy?

Development aid, as the term implies, is meant to help developing countries come out of poverty. But it would be naïve to consider aid as altruistic dissociated from the national interest of donor countries. A quick glance at the global distribution of aid shows that factors determining its distribution are the geopolitical and economic interests of donor countries rather than poverty. It will indeed be naïve to consider multilateral financial institutions to untie aid from the interests of global powers which dominate them.37

There is no doubt that foreign aid can both be supplementary and complementary to national efforts, and can contribute positively to alleviate poverty and human suffering, if it is conceived of and implemented efficiently. Therefore, it may not be fair to make donors wholly responsible

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37 Developing countries and those in transition account for almost 80% of the world’s population, provide 75% of IMF’s resources, are 100% beneficiaries of its programmes, but only have 36% of the votes on the IMF Board.
for the Dutch disease effect of aid and its fungibility. Recipient governments may also be held responsible for the misuse of foreign aid.

What is of interest here are the “strings attached” to foreign aid in the form of “conditionalities”. The “strings” are widely used instruments of interference in the political and economic affairs of developing countries. “Policy conditionalities” influence the economic and social policies of independent states, whereas “governance conditionalities” are being widely used to intervene in the political life of sovereign nations.

An analysis especially of “economic policy conditionalities” proves that aid is not altruistic. It is even doubtful if the conditionalities are based on “enlightened self-interest”. The standard package offered by the North-dominated multilateral development agencies and bilateral donors consists of: “sound macroeconomic management”, “clear and secure property

38 Those not professionally involved with development cooperation may not be conversant with conditionalities and how and why they are formulated and imposed. The following long quotation may provide an insight into this process:

“As I moved to the international arena, I discovered that neither (good economics nor good politics) dominated the formulation of policy, especially at the International Monetary Fund. Decisions were made on the basis of what seemed a curious blend of ideology and bad economics, dogmas that sometimes seemed to be thinly veiling special interests. When crisis hit, the IMF prescribed outmoded, inappropriate, if “standard” solutions, without considering the effects they would have on the people in the countries told to follow these policies. … Rarely did I see thoughtful discussions and analysis of the consequences of alternative policies. There was a single prescription. … What astounded me … was that those policies weren’t questioned by many of the people in power in the IMF, by those who were making critical decisions. They were often questioned by many of the people in the developing countries, but many were so afraid they might lose IMF funding, and with it funding from others, that they articulated their doubts most cautiously, if at all, and then only in private.” (J. Stiglitz: *Globalisation and its Discontents*, 202, pp xiii – xiv)

39 That is why Paul Collier, in his recent book and in various speeches while promoting it, pleads to donors to base their development aid on “enlightened self-interest” (P. Collier: *The Bottom Billion*, 2007)
rights”, “the rule of law”, “democratic elections”, “a conducive investment climate”, etc. Looked at superficially, all these are “innocuous” and “interest neutral”. However, in terms of their actual impacts (such as the consequences of dubious privatisation, opening up the market prematurely, capital market liberalisation, etc.), the “insider”, Joseph Stiglitz, has this to say: “…the policies of the international economic institutions are all too often closely aligned with the commercial and financial interests of those in the advanced countries”.

Analyses of policy conditionalities and their consequences have led critics of development policy like Ha-Joon Chang to state that, with such conditionalities, donors are “kicking away the ladder” with which they climbed to their current stage of development so that it can’t be used by developing countries and recommending to developing countries to ‘do what we say, not what we did”.

Besides, conditionalities disregard state sovereignty in policy making, and this cannot be imposed without undermining state legitimacy.

Further, aid may have a negative impact on the internal political and economic transformation of recipient countries in the sense that it may result in aid dependency syndrome, which undermines state legitimacy by encouraging and promoting the accountability of governments to donors instead of to their citizens. Aid dependency syndrome not only kills efforts towards self sufficiency; it also entails the risk that donors may end up being in the “driver’s seat”, as it were, in the process of development, thus taking the initiative from a country’s government and citizens.

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42 I have attended several “PRSP consultation processes” in many countries in West and East Africa. The replay of government representatives at such consultations to proposals from participants has been invariably been “no, we cannot include this or that because donors won’t accept it”. As Kamara puts it: “The more African governments are dependent on international aid the less ordinary citizens such as farmers, workers, teachers or nurses have a meaningful say in politics and economic
The discourse on “fragile states” appears to suggest that states can be built mainly through the military, financial and technical support of big powers and their intervention. However, reliance on external agents for such fundamental internal process undermines the very goal it intends to attain. States can only be built by their people in ways which benefit” them.

The role of development cooperation in promoting good governance has been ambiguous and ambivalent. A quick glance at a few cases makes one doubt if it tends to be “directly proportional” to “governance and democracy deficit” in the receiving country, which negates the publicly declared intention. The massive support given to the worst kleptocrats and dictators in Africa such as Mobutu is a case in point. In such cases, aid is “inversely proportional” to good governance and democracy, but also in terms of the geopolitical and economic relevance of a given country to donors”.

As late as 1989, George Bush, Sr., had the following to say during a visit of Mobuto to the White House.

“One of Africa's most experienced statesmen, President Mobutu has worked with six Presidents. And together, they -- and we -- have sought to bring to Zaire, and to all of Africa, real economic and social progress and to pursue Africa's true independence, security, stability as the bases for that development”.43

Whatever these “well intentioned” interferences may be, making development aid a key player for sustainable economic growth and political stability would be denying or usurping the legitimate role of a state and its citizens in the development process. Sustainable development can only be an internal effort of the state and citizens with good governance and accountability, and can by no means be “donor driven”.

policies”, Siapha Kamara, Social Enterprise Development (SEND) Foundation of West Africa

It needs to be understood that nation-states, rather than citizens, are the key players in the global environment and international relations, even at an advanced stage of globalisation as at present. There is no universally recognised international governance with “global responsibility” for sustainable development and poverty eradication. This remains the primary responsibility of each nation-state. In the international context, the nation-state is both a “rights holder”, i.e. upholding and defending the right of the nation to develop; and a “duty bearer”, i.e. safeguarding the “national interest” on the international arena.

Because of the absence of legitimised global governance, there is no constituency of “world citizenry” to directly hold global institutions and powers to account. In international relations, each nation-state operates with the right to pursue its self-defined “national interest”. However, the actions and inactions of global institutions and powers, which are dominant on the international scene, impact on development at the country level. Because of the imbalance of power on the international arena, it is more often an issue of “might is right” rather than of “equal rights”. This means that the “national interest” of big powers is formulated and pursued to the detriment of the national interest of developing counties.

International development cooperation takes place within the framework of the prevailing global power and economic structures, which perpetuate obstacles to development resulting from the asymmetric integration

44 “Asymmetric integration” is a key concept for analysing and understanding development challenges. Nyerere’s apt remark shortly after independence captures what the concept signifies: colonialism “made us consume what we don’t produce and produce what we don’t consume”. By enforcing an “asymmetric integration” of Africa into the world market, Europe caused a fundamental change in Africa’s situation in the world. It forced “non-contemporaneous” historical periods for different societies in terms of their stages of development to be “contemporaneous” in an “undistinguishing” real time. Our ancestors might have not been aware of Aristotle’s Greece, leave alone seeing any necessity of imitating it. But ignorance of what was happening in Greece, or the lack of “imitative development” were not consequential then. However, after the “asymmetric integration” in the wake of colonialism, ignorance of what was happening in Europe and the incapacity to imitate it came with a penalty, the penalty of
developing countries into the world market. Further, development cooperation takes place in a global context which is characterised by “egoist” national interests. Since “competition” is on an uneven playing field without an “impartial referee”, there will be no doubt about the outcome of the final whistle after each “game”: “the winner is the fattest”!

Thus, the role of an African state in its relationship with global institutions and powers should not be perceived as negotiating with benevolent philanthropists. It is a daunting task of trying to safeguard and promote the interests of its citizens in a hostile global environment with rapacious old and emerging powers competing with one another for booty.

If poverty eradication and enhancing politically legitimate governance are to be at the centre of international development cooperation, the current approach and practice needs to be changed on both sides. African citizens and governments should abandon the pathetic and disempowering attitude that economic and political crises cannot be solved without support from “development partners”, and from expecting salvation for long-term development challenges from “international development cooperation”.

Donor countries and international financial institutions should believe that each developing country is a sovereign nation whose citizens are the legitimate agents of change. Interference in their policy making process should be considered as an attack on their sovereignty undermining state legitimacy. The goal of international development cooperation worthy of this appellation should be cooperation to overcome development challenges emanating from the unfavourable global context; cooperation to create an enabling international environment in which the economies of African countries thrive.

No external power can have a “mandate” to be a driver of political transformation in any developing nation. As stated above, there is no legitimacy without constituency. As long as citizens of developing countries have no rights and means to hold donors accountable for their policy and underdevelopment. Asymmetric integration also meant that how a society can live (and survive) was no more to be determined by endogenous factors alone”.

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governance conditionalities, such interventions cannot claim moral or political legitimacy.

III. States in Africa and their Legitimacy

The structural and historical causes of “bad governance” and legitimacy deficit in Africa start with the historical process that led to the establishment of the state machinery and “nation-states” in the continent. It thus includes the legacy of the colonial past from which Africa continues to suffer. The origin of almost all states in Africa is colonialism; the state machinery was created to subjugate, and not to serve, society. It was this same oppressive machinery that was “inherited” by the emerging “nation-states” after the end of the colonial period.

Before colonialism, African societies were at varying stages of “pre-capitalist” development. There was hardly any surplus production so that there were no “ruling classes” to organise society with functionally differentiated institutions to facilitate surplus production, a precondition for the establishment of a durable central institution with a “monopoly of power” over a determined territory. Many countries in Sub-Saharan Africa thus had no experience in statehood and nationhood before colonialism. Social and political organisations hardly went beyond the communal level. Nation-states in which a regulated state-society relation prevailed were virtually non-existent.

Decolonisation and experience during the post-independence period have more or less failed to fundamentally change the state-society relation. The lack of indigenous roots of the state which was imposed by colonialism was by itself a formidable hindrance to “root” it in society during the post-independence period. The post-independence leadership was not able to

45 Even globally, the “nation-state” is a more recent and “modern” form of political organisation. I cannot go into an in-depth discussion of this here. It will suffice to mention that Germans existed for centuries but the German nation-state was created under Bismarck around 1871. The unification of Italy and the creation of the Italian nation-state under the leadership of Giuseppe Garibaldi, the “father of the fatherland”, also took place around the same period.
consistently transform the oppressive machinery into an institution that serves society and transform subjects into citizens.

The short-lived post-independence euphoria was coupled with social development policies with the state taking an active role not only to overcome underdevelopment, but also to reduce poverty through the provision of social services. Significant, but as it proved to be, ephemeral achievements were attained in some cases. However, the machinery, as inherited, was more apt to serve the minority at the helm of power rather than society. Optimism of citizens changed into disenchantment. The euphoria of independence degenerated into rhetoric, and idealistic leaders were replaced by self-seeking rulers.

During much of the post-independence period, the state machinery erected by colonialists was extended while the state state-society relationship barely changed. To quote an authority on the subject again:

The state (in post-independence Africa) remains deeply marked by the hegemonial pretensions and authoritarian legacy of the colonial state. In innumerable ways, the peremptory, prefectoral command style of the colonial state remains embedded in its successor. The citizenry lacks empowerment, whether the state ideology is Leninist or capitalist. Civil society remains an aggregate of subjects confronted with the state. "Upward accountability", without which no hierarchical system can function, was also somewhat enhanced. However, this cannot be said of "downward accountability". What is more, it was deliberately weakened.


47 Writing about Kenya F. Stewart concludes: Inequalities have often led to political resentment being expressed along tribal lines, particularly over perceived injustices over the distribution of land ownership. State-society relations deteriorated further since the start of the Moi era, when state predation intensified and the accountability structures of the state were deliberately weakened to allow unchecked use of state resources by the executive”. (F. Stewart, In: Horizontal Inequalities: A Neglected Dimension of development, cited above)
This made the state “privatisable” such that the ruling elite could utilise it to pursue its “collective strategy of private enrichment” within an entrenched and pervasive pyramidal patronage structure.

Many studies indicate that the social distance between rulers and the ruled has not narrowed in post-colonial Africa (in terms of power, wealth, policy making processes, etc.). There is no clearer indication regarding the disempowerment of African citizens than the fact that they are not yet able to make rulers pay a political price for not making poverty eradication their priority task and legitimacy.

Even after the introduction of multiparty democracy in many African countries, there are no visible efforts made by African regimes to get political legitimacy by political means; i.e. by seeking informed active consent of citizens for state actions and policies; by enhancing transparency and accountability of governance; and by widening the political space for voice and participation of citizens. Almost invariably, economic growth was used as the “round about way” for political legitimacy and regime stability. Felix Houphouet Boigny’s approach during Cote d’Ivoire’s “miraculous growth”, dubbed by critics as: “Silence, on développe” continues to be the normal practice.

The result of “economic growth first, political legitimacy can wait” attitude has resulted in the alienation of many African states from their society. …With the state relying on force in order to perpetrate and perpetuate its oppression, the society is at liberty to relate to it as a conqueror entity – to be feared and obeyed where it becomes necessary and to undermine it where it is possible. (…) When most of us encounter the state as a predatory force on the rampage, when those who are supposed to defend us have turned their arms against us and never grant us any respite from exploitation…In these circumstances is it any wonder that we don’t have a public morality, that we think nothing of subverting the state, stealing from it, cheating it in every way and refusing to pay taxes? 48

Since the end of the cold war, Africa has also been ushered into the era of “multiparty democracy”. Non-governmental and civil society organisations mushroomed. The structural adjustment programme was, by and large, discredited and replaced by the “participatory poverty reduction strategy”. We are beginning to witness more elections than coups d’état.

It would be absurd to deny that some democratic gains have been made in many African countries. However, these new developments have not substantially improved the situation regarding accountability. There is still a large discrepancy between rhetoric and reality, especially in terms of “downward accountability” and delivering results regarding poverty and inequality. At the risk of gross generalisation, it can be said that state-society relationship is still characterised by the “impunity of rulers–disempowerment of citizens” rather than by an accountability of duty bearers to right holders.

The attitude of citizens towards the state is still based on mistrust and disdain, and not as an institution which incorporates their interests. Far from observing rules and regulations, disobeying them is considered as a legitimate and defensive act. Obviously, this is not a conducive environment for accountability to prevail. Only through legitimising state policies and actions through active and informed consent by citizens can this be overcome.

“Electoral democracy” in most cases has largely been “voting without choosing”. “Recycled” potentates of ruling parties have created their own

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49 It has been observed, in recent years, that some resistance to policy conditionalities in an increasing number of African countries and recognition of accountability deficit of governance in Africa. Declarations such as the following by the Commission for Africa are thus encouraging: “Africa’s history over the last fifty years has been blighted by two areas of weakness. These have been capacity – the ability to design and deliver policies; and accountability – how well a state answers to its people.” (Commission for Africa, 2005). Although recognition of a problem or a mistake is a good first step in the right direction, however, declarations remain hollow if not followed by consistent and verifiable implementation of policies to rectify recognised mistakes.
political formulae based on patronage (usually ethnic) to compete for power. The “winner takes all” outcome of these “democratic elections” has aggravated inter-elite bickering; it has increased instability by encouraging shifting alliances and changing sign-posts. It has led to “election campaigning” and thus “politicisation of society”, which very often lead to polarisation of society (usually along ethnic lines) and not to the “socialisation of politics” which would have implied issues-based debate, and political competition based on societal vision and programmes. Ownership of the development process is still largely rhetoric. Donor conditionalities or “anticipatory obedience” to satisfy perceived conditionalities still prevail.

Much has been written about the legitimacy deficits of governance in Africa. However, most of these “analyses” do not go beyond stating that governance in Africa is not like the one in the North. Such “analyses” make the result of development in the North the precondition for development in Africa.

“State failure” in Africa is described differently by different analysts. There are those who lament that the African State has failed to penetrate society (“the uncaptured peasantry”). Others maintain that African societies have failed to hold the state accountable, and thus have themselves become prey to a predatory state. These lamentations reflect the fact that perennially dysfunctional state-society relationship characterises the political systems in Africa, and that it is the major political impediment for eliminating poverty and inequality. The solution lies in transforming this relationship into a functional one.

One of the greatest challenges faced by African countries is the establishment of state-society nexus that facilitates and promotes economic growth and structural transformation, that derives its legitimacy through popular participation and electoral process, and sustains social policies that

50 Th. Mkandawire: Thinking About Developmental States in Africa, 2001
ensure equitable entitlements of all citizens to ensure their capacities and functioning are adequate for a decent inclusion in societal affairs”51.

As was pointed out, the state is neither disposable norreplaceable. It has also been said that the “nation-state” is the only form of political existence for peoples in the contemporary world. If Africa is to come out of its perennial misery and political malaise, it has to “fix” the prevailing dysfunctional state-society relationship. However, reforming the state should not be considered as fixing a malfunctioning gadget. Put differently, “fixing dysfunctional state-society relation” should be envisaged within the framework of a political transformation; as the process of “building a capable state as an inclusive institution” with the involvement of all stakeholders; as a process of building an institution, in which the interests of a whole nation are articulated, facilitated and managed.

The social context for the role of the state in Africa is the abject poverty of its population. The marginalisation of the continent constitutes the global context. The roles and functions of the state are thus internally determined in the process of equitable and sustainable socio-economic development for overcoming poverty and inequality. In the international context, its role should be safeguarding and promoting national interest in an increasingly difficult, hostile and uncertain global environment dominated by developed industrial countries. Its external roles and functions are thus determined by efforts to overcome development challenges resulting from “asymmetric integration” of Africa into the world market”.

Builders of capable states should be: civil society organisations whose focus is empowering citizens; empowered citizens who can claim their rights and hold rulers to account; a patriotic national leadership whose purpose is not to please donors or not to loose power but to bring about transformative change; whose incentive is not derived from self-enrichment but the aspiration to end poverty; whose ambition is not to win the next election but to save the next generation from misery in a potentially rich continent.

Civil society organisations can and should play a key role to bring about the required change in state-society relationship in Africa. However, they should not leave any ambiguity about their role in the process of shaping a democratised state-society relationship. In their “developmental” role they should make clear to themselves and to all involved that they cannot replace the “failing state”. In their advocacy role, they should recognise that their “moral mandate” is only “articulating the voice of the voiceless” and promoting agendas that will ensure the social well-being of citizens. If they claim to “represent” society, they could undermine the emergence of legitimised representative structures in society.

In their interaction with the state, they could play a better role if they conceive of themselves as facilitators between the society and state in the process of making the latter more accountable. I am emphasising this point as a civil society activist myself because I want civil society organisations to move from, as my mentor on the issue puts it, the anti-state concept of development: “that completely circumvent or marginalise the state as non-governmental organisations, the private sector and local communities proceed almost surreptitiously with addressing issues of poverty and development without the encumbrance of the state.”

**Conclusion**

To conclude, ending poverty and social injustice is not possible without establishing just power relationships. A change in power relationships signifies that right holders have the capability to claim their rights and duty bearers the capability to fulfil their obligations. Civil society organisations committed to change shall consider their main contribution to be building and strengthening these capabilities by empowering citizens and facilitating constructive dialogue with duty bearers.53 “Lack of state legitimacy”,

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53 According to A. Sen, capability is a kind of freedom: the substantive freedom to achieve alternative functioning combinations. This links very well with a definition of empowerment in a World Bank report which provides a succinct definition: “the
“governance deficit”, “democracy deficit” and all other adjectives in use to describe political and socio-economic crisis in Africa result from a state-society relationship that is dysfunctional. A state-society relationship, in turn, can be functional only if it is based on a right holder, duty bearer relationship. State legitimacy is only attainable on the basis of a functional state-society relationship. This signifies the transformation of citizens from being subjects dependent on a pyramidal patronage system to being citizens with rights and obligations.

Therefore, state legitimacy should be conceived as a goal attainable when the state is forced to seek an informed consent of citizens for its actions and policies; to widen the political space for voice and participation; to adequately address inequality and injustice; and to use power responsibly, responsively and accountably. Only state legitimacy attained in this way ensures sustainable reproduction of a “healthy” and functional state-society relation, and more generally, the political system. Otherwise, a nation will always find itself on the brink of civil war after each boisterous election. And the possibility of abrupt and bloody regime changes will hang over society like the sword of Damocles.

process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes”. World Development Report, 2003
Development Aid Conditionality and Popular Demand for Democratic Governance in Sub-Saharan Africa: Implications for North Africa

Mohamed Salih

Abstract

Mohamed Salih

Five basic features characterize the evolution of development aid conditionality and popular demand for democratic governance in Sub-Saharan Africa: (1) SAPs were conceived during the 1980s or the closing decades of the Cold War, and were a response to what was described at the time as Africa’s triple crises: economic, political and social. It was economic-centered and was implemented by African states regardless of the governing political regime in place, be it democratic or authoritarian; (2) good governance conditionality agenda was proposed as a response to SAPs’ poor economic performance and worsening social conditions of many countries which implemented them; (3) The Paris Declaration, which coincided with two development aid conditionalities (the Washington Consensus and the European Development and Democracy Consensus on Aid Effectiveness, Ownership, Harmonisation, Alignment, Results and Mutual Accountability), ostensibly consisted of more entrenched and coordinated elaboration of good governance conditionality and its use of democracy, human rights and the rule of law as prerequisites for providing development aid in a harmonized manner, and as an aligned donor community effort; (4) Post-Washington Consensus era which advocated access to free markets through Economic Partnership Agreements (EPAs) accompanied by governance and budget support agreements between African sub-regional economic integration commissions and the US preferential trade agreements with democratizing countries as new

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forms of conditionality; and (5) The European Union’s (EU) new policies (Increasing the Impact of EU Development Policy: an Agenda for Change and The Future Approach to EU Budget Support to Third Countries, to be implemented in 2014/5), with a paradigm shift from governance conditionality to governance and development, sector reform and state-building contracts.

In this paper, I argue that, prior to the so-called North African revolution (or rather revolt), traditional development aid policies and trajectories were applied differently in North Africa and Sub-Saharan Africa. While strict good governance conditionality was advocated and proactively pursued in Sub-Saharan Africa, such conditionality was hardly actively pursued in North Africa. Three main factors contributed to this differentiated treatment: (1) North Africa’s proximity to Europe; (2) its role in the Israeli-Palestinian conflict; and (3) the strategic role North Africa plays in combating terrorism, illicit migration and human trafficking from Sub-Saharan Africa to Europe. These considerations still hold sway in Western strategic thinking vis-à-vis ethical considerations pertaining to democracy, human rights and the rule of law. However, unlike in the past, Western strategic engagement with Africa in general and North Africa in particular will be pursued under new democratic dispensations rather than by authoritarian regimes alien to the tenets of good governance, respect for human rights and the rule of law. The paper also outlines post-2011 European policy towards North Africa with respect to democracy and human rights conditionality, as well as new instruments for implementing these policies. This illustrates the dividing line between Sub-Saharan Africa and North African conditionality regimes which have been gradually eroding with the Arab revolt, so that comparable conditionality policies are currently being pursued. The paper concludes with a reflection on the implications of these policies for popular demands or agitation for democratic governance.
Introduction

The Structural Adjustment Programmes (SAPs) were introduced by the International Monetary Fund (IMF) and the World Bank in response to what was then termed the African economic crisis, following the 1980-1982 worldwide economic recession, the collapse of world commodity prices and the crushing effect of the debt crisis. SAPs meant that the World Bank and the IMF increased and institutionalized the conditions required for loans and credits. In World Bank’s language, “Structural adjustment is a process whereby a national economy is opened by means of the depreciation of the real exchange rate through a combination of demand and supply side policies”. The conditions imposed on African and other developing countries included: the devaluation and unification of the exchange rate and the elimination of exchange controls; curtailment of expenditure to alleviate budget deficits; cuts in public wages by de-trenching, hence reducing, employment in the public sector and social sector programmes such as health and education; market liberalization; the elimination of subsidies; price controls; compression of real earnings; and the liberalization of the labor market.²

By 1993, IMF’s restructuring programme was being implemented in 36 Sub-Saharan African debtor countries under different names - Structural Adjustment Programmes (SAPs), National Economic Survival Program (NESP), Economic Recovery Plan (ERP), etc.³ SAPs were a medium- to long-term (3-5 years) economic restructuring device aimed at improving a country's economic performance and balance of trade. According to Mengisteab and Logan, “these adjustments belong to three categories: expenditure-reducing, expenditure-switching and institutional reforms”. ⁴ Operating under these conditions, African countries were made

³Ibid.
⁴Expenditure-reducing policies are calculated to improve a country's balance of trade position by decelerating aggregate domestic demand for local and imported goods and services, and by increasing export volumes while simultaneously decreasing import volumes. Instruments under this rubric include credit and wage restrictions, contractions in money supply (monetary control), and reductions in
to lose control over vital public policy decisions and were incapable of directing the national economy, with national development planning considered as unnecessary. State ownership of economic enterprises such as parastatals, marketing and support for national enterprises against foreign competition were considered manipulative restrictions on the economy (or rather the market) that should be removed.\textsuperscript{5}

Ibhawoh summarized the failure and proposed alternatives to SAPs as follows:

IFI\textsuperscript{s} argued that state controls breed inefficiency, corruption and ineptitude. The elimination of government subsidies and the liberalization of trade are intended to open up national economies, strengthen the operation of market mechanisms and reintegrate the nations of Africa into the international economy. Interestingly, some of the criticisms of IMF-style adjustment policies in Africa have come from other international institutions. Drawing on the report of the Khartoum Conference on the \textit{Human Dimension of Africa’s Economic Recovery and Development}, the United Nations Economic Commission for Africa (ECA) in 1989 produced a report criticizing adjustment program in Africa and provided what it called an African Alternative Framework to Structural Adjustment Programs for Socioeconomic Recovery and Transformation (AAF-SAP). In the report, it was stated that “the overall assessment of the structural adjustment programs has led to the conclusion that, although these programs aimed at public outlays (fiscal austerity). Expenditure-switching policies were directed at mobilizing factor inputs away from the non-tradable to the tradable goods, sectors and from consumption to savings and investment. Key ingredients of this strategy include producer price increases to stimulate agricultural production, currency devaluation, and income taxes (or other means of increasing government income). Institutional reforms, which center around market liberalization (for example, privatization and marketization), were based on the notion that the market can do better than the state at allocating resources to different segments of society. Moreover, SAPs made lending a prerequisite to curbing state control and intervention in the economy with the aim of freeing up capital and allowing market mechanism to operate based on demand and supply principles (Logan and Mengisteab1993: 4-5).\textsuperscript{5}

\textsuperscript{5}Ibhawoh, 1999:159.
restoring growth generally through the achievement of fiscal and external balances, and the free play of market forces, these objectives cannot be achieved without addressing the fundamental structural bottlenecks of African economies.” The frustration with the failure in IMF and World Bank development paradigms to appreciate the role of “popular opinion and participation” was further demonstrated with the unanimous adoption by the United Nations’ general assembly of the *African Charter for Popular Participation in Development and Transformation*. The charter called for increased participation of community groups and individuals in the design and evaluation of development projects (Ibhwawoh, 1999: 160-62).

Although SAPs’ conditionality regimes collapsed, they left their imprints on all subsequent conditionality regimes to-date, particularly free market, deregulation and a significant reduction of the state’s role in African economies. Because SAPs were conceived in partnership with the African states, regardless of whether they were authoritarian or democratic, the international financial institutions’ (IFI) major self-critique is that the failure of SAPs was largely attributable to factors emanating from the non-democratic nature of African states, corruption and weakness of state institutions and capacity.

A shift in SAPs’ conditionality as the basis for extending bilateral and multilateral development aid, grant and loan was made contingent on the level of the recipient countries’ compliance with the new agenda, dubbed good governance as propelled by the Washington Consensus which was agreed upon or imposed by the donor community in 1990. Although its focus was Latin America, some elements of the Washington Consensus were evident in the donor community’s policies elsewhere in the developing World. For example, according to Bromley:

Among the influential international policy community, there was thus a pronounced ideological shift towards more or less neo-liberal, anti-statist models of development. Instead of seeking a 'balanced' pattern of development through state-led, import-substituting industrialization, the

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new policy agenda focused on the exploitation of 'comparative advantage' in the world market. Dubbed the 'Washington consensus', the new orthodoxy which called for a combination of monetarist approaches to fiscal and monetary stabilisation and neo-liberal prescriptions for freeing markets, establishing private property rights and limiting the role of the state. And notwithstanding the emergence in the 1990s of a less one-sided and negative view of the role of the state as well as a greater sensitivity to the connections between economic and political reform, the basic orientations of the Washington consensus remain intact at the international level (Bromley 1995: 339).

The shift from SAPs to good governance and post-Washington Consensus agenda was driven by at least three concomitant political developments across Africa: (1) an agitation for popular participation in development as a reaction to the failure of the authoritarian post-independent states; (2) the end of the Cold War and the so-called triumph of the neo-liberalism paradigm over communism and various forms of authoritarianism; and (3) people’s demand for democracy, respect for human rights and rule of law which were largely championed by opposition forces, civil society and non-governmental organizations (NGOs), independently or externally supported by like-minded democracy and human rights activists and transnational NGOs.

The IMF’s and the World Bank’s set of principles known as good governance which were ominously spelt out in the 1989 Report on Sub-Saharan Africa,7 where governance was defined as a concept encompassing: (1) the state's institutional arrangements; (2) the processes for formulating policy, decision-making and implementation; (3) information flows within government; and (4) the overall relationship between citizens and government. In 1992, the World Bank published a report on Governance and Development followed, in 1994, by Governance: The World Bank's Experience. After publication of these two documents, the Bank focused, particularly in the 1997 World Development Report, on what was known as an effort towards “bringing the state back in”.

Unlike SAPs which called for market primacy and rolling back the state, the good governance agenda called for “an effective state as a vital instrument for the provision of goods and services as well as rules and institutions capable of creating an enabling environment that would eventually allow markets to flourish and people to lead healthier, happier lives.” It contained large numbers of statements and studies on good governance.

The good governance agenda has united politics and economics in a conditionality which aims at economic and political reforms as prerequisites for development aid. It is a process in which political and economic liberalization proceeded hand-in-hand by promoting transparency, accountability, efficiency, fairness, participation and ownership in both political and economic life. Good governance norms are translated into political accountability, participation, the rule of law, transparency and flows of information between governments and their citizens. And instead of allowing itself for not including critical stakeholders in the development process, the World Bank and the IMF called for participation of citizens to be matched by government response to citizens’ concerns. Instead of being blamed for developmental failure, they called for ownership, i.e. development aid programmes are no longer directly implemented by donors with marginal involvement of recipient countries and stakeholders. Ownership is also meant to reduce the cost of hiring international project managers and procurement of goods and services on the international market, thus questioning whether aid is really spent in developing the countries’ institutions, goods and service providers.

Good governance has eight major characteristics: participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. In the language of IFIs, good governance can narrowly be defined as a condition under which corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. In essence, good governance has offered the norms for

8Santiso, 2011.
development aid, grants and investment conditionality, according to which countries are classified as legible or illegible depending on whether they are democratic (or rather democratizing), reforming or not.

The International Finance Institutions recognized that this support requires political accountability—such as through elections or other direct links between those who rule and those who are ruled. Limited by their own mandates, however, both the IMF and the World Bank have found narrower ways to implement principles such as “participation” and “ownership” so as to enhance support and commitment from citizens and governments towards Fund and Bank programs. The new orthodoxy is that active participation by local policy-makers and citizens must be sought in planning and designing policies and programs, for this ensures local commitment and action in implementing and maintaining them.

Although good governance and the return of politics in development studies and practice have been hailed as new conditionality to instill democratic values in former authoritarian regimes, it was criticized for muting politics by making it subservient to the market. Development aid conditionality and standards meant that the Global Consensuses leave little room for recipient countries to own national policy, plan their economies or set priorities. Critique of good governance and whether it has contributed to the return of politics in development has been the hallmark of the late 20th century. According to Hickey, the tendency towards good governance, the politics-development nexus and to frame policy around it has essentially been technocratic and, therefore, potentially depoliticizing. Santionis of the view that, although the good governance agenda was credited with effectively, putting ‘politics back in the development paradigm, the state has only been brought back in under the proviso that it is decentralized and framed as a manager of development rather than a historic site of struggle over what development might mean to different societal interests (i.e. peasants, workers, women, minorities and poor strata of the population, etc.).

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Joseph Stiglitz outlined the failures of the Washington Consensus and its explicit embodiment in the good governance paradigm as follows: Washington Consensus advocated development strategies based on market fundamentalism by 1) emphasizing privatization, liberalization and macroeconomic (usually meaning price) stability; and 2) downscaling and minimizing the role of government. And by confusing ends and means, Stiglitz argues that confusions between ends and means and rapid privatization contributed to the enormous increase in inequality, compromised the legitimacy of private rights and did not lead to faster economic growth. On the other hand, capital market liberalization, which is “supposed” to lead to more stability and growth, according to Stiglitz, did not lead to faster economic growth but more financial instability. With respect to developing countries such as those of Africa, he recognizes that markets, by themselves, do not produce efficient outcomes when technology is changing, or when there is learning about markets. Such dynamic processes are at the heart of development, and there are important externalities in such dynamic processes considering the important role for government.\textsuperscript{11}

While the post-Washington Consensus was debated under the so-called Washington Consensus Plus, the year 2005 witnessed the emergence of the European Consensus and the Paris Declaration, with similar conceptions of development aid architecture. These two development aid instruments and the conditionality attached to them were in a sense crafted to eliminate the anomalies associated with Washington Consensus, although not explicitly framed on those terms. I will deal with these in the following sections.

\section*{I. Paris Declaration and the European Consensus}

The Paris Declaration on Aid Effectiveness, Ownership, Harmonisation, Alignment, Results and Mutual Accountability was signed by ministers of developed and developing countries responsible for promoting development, and heads of multilateral and bilateral development

\textsuperscript{11}Stiglitz 2005, for the current debate on post-Washington Consensus, refer to Birdsall and Fukuyama, 2011,
institutions, in Paris on 2 March 2005. The Declaration resolved that aid effectiveness must increase significantly to support partner country efforts to strengthen governance and improve development performance. It covers existing and new bilateral and multilateral initiatives with the aim of attaining significant increases in aid.

Four articles of Paris Declaration pertaining to aid effectiveness are pertinent (1) strengthening partner countries’ national development strategies and associated operational frameworks (e.g., planning, budget and performance assessment frameworks); (2) increasing alignment of aid with partner countries’ priorities, systems and procedures and helping to strengthen their capacities; (3) enhancing donors’ and partner countries’ respective accountability to their citizens and parliaments for their development policies, strategies and performance; and (4) defining measures and standards of performance and accountability of partner country systems in public financial management, procurement, fiduciary safeguards and environmental assessments, in line with broadly accepted good practices and their quick and widespread application. The Paris Declaration emphasizes that corruption and lack of transparency erode public support, impede effective resource mobilization and allocation and divert resources away from activities that are vital for poverty reduction and sustainable economic development. Where corruption exists, it inhibits donors from relying on partner country systems. Furthermore, the Paris Declaration pledged to:

- use a country’s own institutions and systems, where these provide assurance that aid will be used for agreed purposes, increases aid effectiveness by strengthening the partner country’s sustainable capacity to develop, implement and account for its policies to its citizens and parliament. Country systems and procedures typically include, but are not restricted to, national arrangements and

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12 Paris Declaration is the cumulative result of the policies adopted at the High-Level Forum on Harmonisation in Rome (February, 2003) and the core principles put forward at the Marrakech Roundtable on Managing for Development Results (February 2004).
procedures for public financial management, accounting, auditing, procurement, results frameworks and monitoring;
- undertake diagnostic reviews as source of information to governments and donors on the state of the country system effectiveness. Partner countries and donors must have a shared interest in being able to monitor progress over time in improving country systems. The countries’ systems are assisted by performance assessment frameworks, and an associated set of reform measures, that build on the information set out in diagnostic reviews and related analytical work.

The emphasis on developing the recipient countries’ capacity and national procurement systems was also given priority with particular reference to strengthening public financial management capacity, with the partner countries committing themselves to intensify efforts to mobilize domestic resources, strengthen fiscal sustainability, and create an enabling environment for public and private investments, publishing timely, transparent and reliable reporting on budget execution, and taking leadership of the public financial management reform process.

In short, the Paris Declaration is an agreement among governments and multilateral development institutions on the following principles of aid effectiveness:

- **Ownership.** Recipient countries should be the architects of their development processes, setting development priorities and coordinating development activities in their countries. Donors commit to supporting this ownership and helping to build recipient country capacity.
- **Alignment.** Donors need to align their aid spending and programs with recipient countries’ systems and procedures (to the maximum extent possible). The intention is to build the capacity of recipient country systems. In turn, recipients should improve transparency and their systems of public management. Alignment has raised issues with respect to the advantages of increasing the use of program-based aid (discussed below).
- **Harmonization.** Donors need to coordinate their efforts. This includes using common arrangements and procedures for planning, funding,
and reporting (where feasible). Donors also need to simplify procedures and reduce the number of duplicative missions and reviews.

- **Managing for Results.** Aid should be implemented in a way that focuses on results, results oriented reporting, and performance assessments.

- **Mutual Accountability.** Donors and recipients need to enhance mutual accountability in the use of development resources. Recipients should strengthen the role and oversight of their parliaments; donors need to provide timely information to recipients on aid flows.

The Paris Declaration was supported by the European Development Consensus, as jointly agreed by the Council of Europe and the representatives of the governments of the member states meeting within the Council, the European Commission and the European Parliament. The European Consensus on development sets out common objectives and principles for development cooperation and reaffirms EU’s commitment to poverty eradication, ownership, partnership, delivering more and better aid, and promoting policy coherence for development. It is intended to guide community and member state development cooperation activities in all developing countries, in a spirit of complimentarily.

The primary and overarching objective of EU’s development cooperation, according to the European Development Consensus, is the eradication of poverty in the context of sustainable development, including pursuit of the Millennium Development Goals (MDGs). The eight MDGs are to: eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce the mortality rate of children; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental sustainability and develop a global partnership for development.

The European Consensus on Development reaffirms that development is a central goal by itself, and that sustainable development includes good governance, human rights and political, economic, social and environmental aspects. In a sense, the European Consensus emerged at the time when the Washington Consensus was discredited, and after its
efficacy came into question. However, it retained good governance and the need for economic and political reforms conditionality - also a major objective of the Washington Consensus.

II An On-going Saga: Economic Partnership Agreements (EPAs) and Trade Liberalization

This is not the place to narrate the history of African, Caribbean and Pacific (ACP) countries trade relationship with Europe in the framework of the Lome process, and its successor, the Cotonou Agreement. Whether it was their intention or by default, these trade agreements have to a very large extent shaped the relationship between Africa and Europe, as well as ensuring that the continent remains as a free trade zone for Europe, while Europe’s Common Agricultural Policy (CAP) has systematically undermined the growth of an African export economy of viable agro-industries.\textsuperscript{13} The Lome and Cotonou agreements maintained Europe’s neo-colonial legacy vis-à-vis African underdevelopment and trade privileges for more than half a century after political independence.\textsuperscript{14} The Economic Partnership Agreements (EPAs) are set to maintain the status quo and circumvent African industrial development for decades to come. These agreements were originally designed to deal with regional economic groups rather than all the African, Caribbean and Pacific countries lumped together. This would have two effects: (1) weaken their collective bargaining power vis-à-vis the EU; and (2) benefit from already existing sub-regional free trade arrangements to penetrate through internal trade arrangement while allowing itself sufficient flexibility to devise different trade regimes for each group of countries. Table 1 below explains the grouping of countries.\textsuperscript{15}

EPAs are being introduced to replace the existing WTO\textsuperscript{16} waiver that gives ACP countries preferential access to EU markets. The waiver expired at

\begin{itemize}
\item \textsuperscript{15}EU 2007.
\item \textsuperscript{16} For more on WTO and African industrialization, refer to WTO 2010, DiCaprio and Gallagher 2006, Njinkeu and Soludo, 2001.
\end{itemize}
the end of 2007. While reducing barriers to trade is broadly beneficial, asking developing economies to open up their markets rapidly, and according to an externally imposed timetable, has the potential of creating some serious problems in previously protected sectors and jobs. In Africa, the specific design of the proposed EPAs also raises other issues emanating from negotiating with the whole ACP to dealing individually with six separate regional trade blocks. EPA would divide ACP countries into partnership groups (see Table 1), that often cut across existing group’s objective at strengthening regional integration. For example, countries such as the Democratic Republic of Congo and Tanzania faced difficult choices between East Africa, Central Africa or Southern Africa.

Now that the majority of the Least Developed Countries have opted not to take part in EPAs, the geography of the proposed EPAs makes even less sense. Opening up their markets to products from the EU could also lead to pressure for greater barriers within ACP countries, thus undermining existing trade agreements – as countries attempt to avoid trans-shipped imports from the EU entering their markets via another country with which they have a trade agreement.17

Having recognized this danger to their industrialization policies, indeed future development, and being more dependent than during the first decade following independence, many African countries refused to sign EPA despite sustained pressure from the European Commission. For example, the EU is so eager for ACP countries to sign free trade EPAs that it threatens to sharply raise tariffs. EPAs require these developing countries to eliminate around 80% of their tariffs on imports from the EU, or signing a death warrant for their future industrial development by allowing Europe to dump cheap manufactured goods in their markets.18

Table 1: EPAs Classification and Division of African Countries into Sub-regions.

<table>
<thead>
<tr>
<th>Original planned EPA group</th>
<th>EPA (9 LDCs, 26 non-LDCs)</th>
<th>EBA (32 LDCs)</th>
<th>GSP (10 non-LDCs) These are the countries facing higher tariffs on 1 January 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caribbean</td>
<td>Antigua &amp; Barb, Bahamas, Barbados, Belize, Dominica, Dom. Republic, Grenada, Guyana, Haiti, Jamaica, St Kitts &amp; Nevis, St Lucia, St Vinc &amp; Gren, Surinam, Trinidad &amp; Tobago.</td>
<td>Central African Rep., DR Congo, Chad, Equatorial Guinea, São Tome</td>
<td>Gabon, Republic of Congo</td>
</tr>
<tr>
<td>Pacific</td>
<td>Papua New Guinea and Fiji.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Africa</td>
<td>Côte d'Ivoire, Ghana</td>
<td>Benin, Burkina Faso, Cape Verde, Gambia, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Senegal, Sierra Leone, Togo.</td>
<td>Nigeria</td>
</tr>
<tr>
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<td>--------</td>
</tr>
<tr>
<td>SADC</td>
<td>Botswana, Lesotho, Namibia, Mozambique, Swaziland</td>
<td>Angola</td>
<td></td>
</tr>
</tbody>
</table>


According to Open Europe Organization, in fear of the EU imposing new tariffs on their exports after 31 December 2008, many ACP countries had to sign EPAs under duress. As Trade Commissioner Peter Mandelson noted in a moment of candor: "If all of Africa has rejected EPAs, why are we getting people signing? It's because in some cases they feel reluctantly that they don't have any alternative and don't want their trade disrupted..." – i.e. even the European Commission admits that it has bullied ACP countries into signing by threatening to withdraw their preferential access to EU markets.19

Erasmus lamented: It is true that the EPAs offer duty-free and quota-free access for ACP goods and that in this regard there cannot be an advantage to be lost. The concern is, however, about lost bargaining space when negotiating new free trade agreements with other parties, particularly when third parties know in advance that offers between them and the ACP countries will automatically benefit the EU. Future free trade agreements between developing countries and third parties may, in addition, contain

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19 Ibid 2010 also Quoted in Salih 2007.
provisions on other types of preferences and measures not granted by the EPAs. The EU would then be able to demand the same.

Using the SADC case as an example, Erasmus argues that: Export taxes and levies are another concern. They are introduced by Article 24 of the interim SADC- EPA dealing with ‘duties, taxes or other fees and charges on exports’. It prohibits ‘new customs duties on exports or charges having equivalent effect… ’. Namibia claims that this provision hampers its freedom to adopt domestic policies in areas such as beneficiation in the mining industry. Namibia is further concerned about the provision on infant industry protection and the refusal by the EC to accommodate its proposal to insert a clause along the lines found in existing regional agreements binding on the SADC EPA states.20

In explaining the challenges of industrialization which confront African countries during the 21st century, UNIDO and UNCTAD made special mention of EPAs, as follows: Furthermore, as a result of the Economic Partnership Agreements (EPAs), African countries are under increasing pressure to abandon the use of tariffs as a measure of local industry and local products protection. Consequently, African industrialization is taking place in an environment in which the use of some industrial policy instruments applied by the developed and emerging economies are either banned or regulated”. Industrialization is, of course, absent from the

20Article 27 of the interim SADC-EPA regulates the free movement of goods. It provides that ‘customs duties shall be levied only once for goods originating in the EC Party or in the SADC EPA States in the territory of the other Party.’ The SADC-EPA states are not a homogenous block and belong to organizations with overlapping membership. SACU is a customs union, with a single customs territory and common external tariff. Mozambique and Angola are not members of this customs union, though they are members of SADC and administer their own customs territories. The implementation of this provision will require special and new legal arrangements between Mozambique (and later Angola) on the one hand and SACU (or some of its members) on the other. This will undermine the administration of SACU’s common external tariff. Trade facilitation measures will be another casualty and there is the additional danger of trade deflection. These concerns are still on the negotiating agenda.
European Commission’s Regional Integration Assistance Strategy for Africa.21

It also proposed regional infrastructure with focus on (1) expanding and upgrading selected trade corridors and transport networks; (2) improving access to clean energy and improving supply reliability; and (3) improving telecommunication connectivity. Assistance to trade corridors and transport networks will have a special focus on improving the connectivity of landlocked countries. Institutional Cooperation for Economic Integration will focus on: (i) reducing Africa’s external trade tariffs toward the rest of the world; (ii) reducing tariff and non tariff barriers to intraregional trade; (iii) implementing customs unions and free trade agreements, including analytical work related to new trade agreements and ongoing World Trade Organization (WTO) led multilateral trade negotiations; (iv) coordinated interventions to provide regional public goods, with focus on water management, agricultural productivity, fight against malaria and HIV/AIDS and capacity development, among others; and (v) strengthening regional strategic planning and connections with national development plans, with focus on capacity development of the AU, NEPAD, and RECs and strengthened connection between regional policy commitments and national planning.

Obviously, the African countries which signed the EPA will soon find themselves unable to protect their own industries against cheap highly subsidized European goods. This type of self-imposed economic conditionality can also impinge on African rights to development where industrialization plays a significant role.

In sum, thus far, an attempt has been made to explain why Africa has very limited chance to industrialize if it followed EPAs and the European Commission’s Regional Integration Assistance Strategy for Africa, which have already succeeded in dividing the economic integration regions into

\[\text{\textsuperscript{21} For EU’s Regional Strategies for Africa visit:} \]

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signatory and non-signatories, with far-reaching implications for the continent’s regional integration. Serious divisions have also been created between African NGOs and civil society organizations, on one hand, and the governments of resource rich African countries such as South Africa, Namibia, Nigeria, Cameroon and others, which may not allow themselves to be cajoled into signing the EPAs. Poorer countries are often not able to withstand the pressure of formidable economic blocks such as the European Union.

The case of EPAs conditionality and the refusal of some countries to sign shows some maturity on the part of African policy makers who are gradually weighing the consequences of policies that originate in Europe and elsewhere for their future development, including cooperation with the ex-colonial powers. However, countries like Namibia and South Africa are different in the sense that they are wealthier and less dependent on the EU and can therefore withstand pressures to sign.

II. EU’s Post-2012 Policies and Conditions

Currently, the European Commission is developing its post-2012 development cooperation policy under the headings:

(1) Increasing the Impact of EU Development Policy: an Agenda for Change (13 October 2011);
(2) Future Approach to EU Budget Support to Third Countries (13 October 2011)

These two future development cooperation policies will be released in 2015 as the cornerstones of its long-term objectives, and strategically positioning the EU for the post-MDGs cycle.

According to the Agenda for Change, the EU does not seek to re-write basic policy principles. There will be no weakening of its overarching objective of poverty elimination in the context of sustainable development as set out in the European Consensus on Development. The proposed Agenda for Change does not seek to re-write basic policy principles. There will be no weakening of EU’s overarching objective of poverty elimination in the context of sustainable
development, as set out in the European Consensus on Development. EU’s commitments on financing for development, MDGs achievement and aid effectiveness remain firm, as do its ambitions as a political leader and key donor. Development strategies led by partner countries will continue in line with the principles of ownership and partnership. The EU is seeking greater reciprocal engagement with its partner countries, including mutual accountability for results. Dialogue at the country level within a coordinated donor framework should determine exactly where and how the EU intervenes, while a more effective collaboration within the multilateral system will also be pursued.

The Agenda for Change will pursue human rights, democracy and other key elements of good governance. It mentions explicitly that good governance, in its political, economic, social and environmental terms, is vital for inclusive and sustainable development. Support for governance should feature more prominently, notably through incentives for results-oriented reform and a focus on partners' commitments to human rights, democracy and the rule of law, and to meeting peoples' demands and needs. The Agenda for Change also calls for more long-term progress to be driven by internal forces, An approach centered on political and policy dialogue with all stakeholders will also be pursued. The mix and level of aid will depend on a country's situation, including its ability to conduct reforms.

Support for governance may take the form of programme- or project-based interventions at local, national and sectoral levels. EU’s general budget support should be linked to the governance situation and political dialogue with the partner country, in coordination with the member states'. A conditionality regime has been declared as part of the EU Agenda for Change and it reads as follows:

*Should a country loosen its commitment to human rights and democracy, the EU should strengthen its cooperation with non-state actors and local authorities and use forms of aid that provide the poor with the support they need. At the same time, the EU pledged to maintain dialogue with governments and non-state actors. In the language of the Agenda for Change:*
In some cases, stricter conditionality will be warranted. The focus on results and mutual responsibility does not mean that the EU will neglect fragile situations where impact is slower or more difficult to measure. The EU should strive to help countries in situations of and agility to establish functioning and accountable institutions that deliver basic services and support poverty reduction. Decisions to provide budget support to such countries will be taken on a case-by-case basis, weighing up the benefits, costs and risks.

From this perspective, EU’s Agenda for Change, action will be centered on:

- **Democracy, human rights and the rule of law.** The EU should continue to support democratization, free and fair elections, the functioning of institutions, media freedom and access to internet, protection of minorities, the rule of law and judicial systems in partner countries;
- **Gender equality and the empowerment of women as development actors and peace-builders”** will be mainstreamed in all EU development policies and programmes through its 2010 Gender Action Plan;
- **Public-sector management for better service delivery.** The EU should support national programmes to improve policy formulation, public financial management, including the setting up and reinforcement of audit, control and anti-fraud bodies and measures, and institutional development, including human resource management. "Domestic reform and pro-poor fiscal policies are vital”;
- **Tax policy and administration.** The EU will continue to promote fair and transparent domestic tax systems in its country programmes, in line with the EU principles of good governance in the tax area, alongside international initiatives and country by country reporting to enhance financial transparency;
- **Corruption.** The EU should help its partner countries tackle corruption through governance programmes that support advocacy, awareness-raising and reporting and increasing the capacity of control and oversight bodies and the judiciary;
- **Civil society and local authorities.** Building on “structured Dialogues”, the EU should strengthen its links with civil society organizations, social partners and local authorities, through regular dialogue and
use of best practices. It should support the emergence of an organized local civil society able to act as a watchdog and partner in dialogue with national governments. The EU should consider ways of mobilizing local authorities' expertise, e.g. through networks of excellence or twinning exercises;

- **Natural resources.** The EU should scale up its support for oversight processes and bodies and continue to back governance reforms that promote the sustainable and transparent management of natural resources, including raw materials and maritime resources, and ecosystem services, with particular attention to the dependence of the poor on them, especially small-holder farms;

- **Development-security nexus.** The EU should ensure that its objectives in the fields of development policy, peace-building, conflict prevention and international security (including cyber security) are mutually reinforcing. It should finalize and implement the requested Action Plan on security, fragility and development.

Second, the EU policy on Future Approach to Budget Support to Third Countries (EU 2012) is understood to involve policy dialogue, financial transfers to the national treasury account of the partner country, performance assessment and capacity-building, based on partnership and mutual accountability. EU’s Future budget will also be based on the European Consensus on Development, the Paris Declaration on Aid Effectiveness, and the Accra Agenda for Action (2008).  

According to the future approach the EU budget support is not a blank cheque, nor is it

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22 Accra Agenda for Action (2008) assessed and renewed the commitments made in Paris Declaration and called for strengthening country ownership and improve the predictability of aid flows, developing countries to agree on a limited set of mutually agreed conditions based on national development strategies. We will jointly assess donor and developing country performance in meeting commitments; and donors and developing countries will regularly make public all conditions linked to disbursements. It also committed developing countries and donors to work together at the international level to review, document and disseminate good practices on conditionality with a view to reinforcing country ownership and other Paris Declaration Principles by increasing emphasis on harmonized, results-based conditionality. They will be receptive to contributions from civil society.
going to be provided to every country. "Underlying principles" matter and policy dialogue is a key part of the package. Moreover, eligibility criteria have to be met before and during the programme, and conditions need to be fulfilled before payments are made. This ensures that resources are used for their intended purposes, mitigates risks, and creates incentives for improved performance and results. It also creates incentives for partner countries to improve their governments systems. The new approach should strengthen the contractual partnership between the EU and partner countries in order to build and consolidate democracies pursue sustainable economic growth and eradicate poverty. This approach must be based on mutual accountability and shared commitment to fundamental values of human rights, democracy and the rule of law. It should enable greater differentiation of budget support operations, allowing the EU to respond better to the political, economic and social context of the partner country.

While Future Approach aims at promoting human rights and democratic values, commitments to these fundamental values which are essential for the establishment of any partnership and cooperation between the EU and third parties, general budget support is seen, by its very nature, as an implicit recognition that the partner country's overall policy stance and political governance is on track. Therefore, general budget support should be provided where there is trust and confidence that aid will be spent on the values and objectives to which the EU subscribes, and on which partner countries commit to move towards meeting international standards.

The European Commission, according to the Future Approach to Budget Support to Third Countries (EU 2011), will pay particular attention to whether fiscal policy and targets are consistent with macroeconomic stability and managed according to sound rules of fiscal transparency and debt sustainability. Domestic revenue mobilization is also an important dimension that will be reinforced as a crosscutting issue within the macroeconomic eligibility criteria. African policies and reforms, according EU, should focus on sustainable growth and poverty reduction of EU’ Development Policy. The Commission will pay particular attention to the fight against corruption and will promote a stronger use of anti-corruption provisions. Partner countries need to be actively engaged in the fight against corruption and fraud and be equipped with appropriate and
effective mechanisms to prevent and detect fraud and corruption (including adequate inspections and judicial capacity) as well as to provide adequate responses and effective sanction mechanisms. Failure to do so may lead to the suspension of EU’s budget support.

Among the new features of EU’s Future Approach to Budget Support is the introduction of three new concepts which will alleviate the good governance-development aid conditionality into a contractual obligation. These are:

1) **Governance and development contracts** which offer a means to improve the sustainability of programmes by improving the efficiency and effectiveness of the government's sectoral delivery structure. Sector budget support therefore remains a useful tool even where the conditions do not exist to permit the use of a Good Governance and Development Contract, because it often remains the best delivery mechanism, and can be used as a vector to improve governance. Assessing EU sector budget support in the light of political governance will need to be carefully balanced against the need to serve and protect the population. However, where political governance has severely deteriorated, the EU will reassess its overall cooperation with the partner country, including sector budget support.

2) **Sector Reform Contracts**, whereby the European Commission intends to more use of sector budget support to address sector constraints, promote reforms and improve service delivery to populations. This explains why EU will, in the future, refer to sector budget as Sector Reform Contracts.

3) **State-building contracts** deal with situations of fragility and call for action to help partner countries ensure vital state functions, to support the transition towards development, to promote governance, human rights and democracy and to deliver basic services to the populations. These situations require a global, coherent and coordinated response for which budget support can be instrumental. Together with other aid modalities (humanitarian aid, pooled funds, project aid, technical assistance, etc.), it has to be accompanied by reinforced political and policy dialogue. The
decision to provide EU budget support should be taken on a case by case basis and supported by an assessment of the expected benefits and potential risks. The Commission will ensure that these decisions take into account the overall political and security situation, the financial risks, and the potential cost of non-intervention. The dynamics of change, according the EU, should be assessed on the basis of a joint analysis by the EU and member states wherever possible. This should serve as the basis for coordination with the main development partners. A gradual and sequenced approach to EU budget support, therefore, should be privileged, to best adapt to specific circumstances and to manage the risk. This type of development aid should be referred to in future as "State Building Contracts" to better reflect these elements.

IV Development Aid Conditionality’s Implications for North Africa

The international development aid regime implemented in North Africa is substantially different from Sub-Saharan Africa both in terms of orientation and policy rationale. This relationship dates back to the signing of the economic agreements under what was termed the partnership between Europe and North Africa during the 1960s and 1970s. The relationships were strengthened after the signing of a second wave of agreements in the Helsinki Conference (1975) on security and cooperation between Europe and the Mediterranean countries. The Euro-Mediterranean conference held in Barcelona in 1995 aimed at changing the relations to what is known as the European Union partnership with the Mediterranean countries. A major objective was the containment of political Islam, particularly with the rise of the National Islamic Front (NIF) in the Sudan, the Islamic Salvation Front (FIS) and the radicalization of the Islamic Brotherhood in Egypt which spurred a campaign of terror.


against foreign tourists which paralyzed the tourist industry.\textsuperscript{25} Considering the large number of Muslim population in Europe and also a steady flow of migration to Europe, the EU feared that North African terrorists will carry out terror activities in Europe. The immigrants who aspire to enter Europe use North-African as a bridge, which made it difficult for the EU to put pressure on countries which effectively implemented the tenets of the European migration policy. In effect, North African countries are key to hold immigrants at bay with the EU support.

As the EU explained, because of migration and the rise of radical Islamist movements against the backdrop of poverty and unemployment among the North African youth, its decision to be engaged in developing the economies of these countries is largely meant as a measure to quell migration and Islamic radicalism. From an economic view point, geographic proximity meant that cost of exporting manufactured goods or importing agricultural products and raw materials from North Africa is relatively more cost effective than other regions of the world.

Trade between North Africa was highly placed in the European Mediterranean policy agenda. Signing of the Agadir Declaration in 2001 did not only boost trade, but also put added emphasis on trade liberalization as conditionality in exchange for North African countries access to the European market, particularly non-competitive agricultural products. Another important aspect of the EU-North Africa relations is the Israeli-Palestinian conflict. It was hoped that the creation of a wider Mediterranean partnership would, in the future, include Israel, thereby contributing to a peaceful resolution of the Israeli-Palestinian conflict.

The Arab revolt has brought under question past EU and US policies, which overtly or covertly, de-linked development aid from their cherished governance, human rights and the rule of law conditionality, which have been imposed on Sub-Saharan Africa to the letter. Charles Grand, the Director of Centre for European Reform pronounced the European-North Africa policy a failure. He laments:

\textsuperscript{25} For more details, refer to Esposito 1997 and Joffe 2011
The European neighborhood policy has failed to convince most of the countries around the EU to adopt democratic systems of government. The revolutions in North Africa give the EU a chance to learn from its mistakes and design a new policy, more focused on support for democracy.

Harsher words about the failure of the EU’s North Africa policy and international development aid, in general, to promote democracy came from Rosa Balfour:

The Arab Spring has also challenged many of the assumptions upon which international policies towards the region were based, such as the equation between the political stability in North Africa and the Middle East and the consequent containment of security risks, such as terrorism, emigration, socio-economic upheaval. The belief that pursuing economic liberalization would lead to a degree of political reform within the framework created by authoritarianism was also shattered by the mobilization of protesters demanding not just bread and butter but also dignity and freedom of expression. This exposed the myth of Arab exceptionalism, based on culturalist interpretations of ‘Islam’ being incompatible with democratic aspirations. These assumptions underpinned EU policies, based on setting up normative frameworks for gradual economic and legislative adaptation of (some) neighboring countries, which did not challenge the nature of the regime with whom the EU cooperated on a number of important regional dossiers. This also entailed keeping Islam out of the political game, seen as the only force capable of undermining the regimes. As it turned out, even this proved a myth: the uprisings were secular in nature and faith-based parties made their entry only at a later stage, successfully positioning themselves as key actors in the newly pluralist countries.

Why has the European Neighborhood policies failed to deliver any democratic dividend? According to Nick Whitney, it is because the policy has been invented and managed by the technocrats of the Commission, for example, in Tunis – like everywhere else –the European mission’s brief was to run programmes, not do politics or diplomacy, observes an

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For more on the failure of the European Neighborhood Policy refer to
analyst who visited Tunisia just after the revolution. It seemed that the European Commission’s technocrats in Africa were given a different brief, i.e. to be *proactive in doing politics and diplomacy*.

The next question is: what is EU’s policy response to its failure to promote democracy in North Africa or impose the good governance, human rights and the rule of law conditionality which is the hallmark of its development aid policy in Sub-Saharan Africa?

Charles Grand also calls for the European Union to increase its offer to them. This means more money and easier visa regimes. It should scrap the last restrictions on trade with its southern neighbors and bring them into a customs union. It should speed up the negotiation of free trade agreements with the eastern neighbors. And it should invite the most politically-advanced neighbors to join its discussions on foreign policy.

According to Jan Harrigan: “The Arab Spring provides an opportunity to reappraise aid flows to North Africa and future flows need to support the democratization process, generate pro-poor growth, support social safety nets and address the pressing issues of widening inequalities and unemployment”. Charles Grant and many others urge the EU to tie the delivery of aid to a neighbor’s performance on democracy and human rights. The neighborhood policy should be less technocratic and focus more on what the EU and its neighbors want to achieve politically. The Union for the Mediterranean should be shaken up. The EU is also called upon to use Turkey as an example, which is in many ways an inspiration for Arab countries, showing that a political movement inspired by Islam can co-exist with democracy in a fairly stable manner. And if its bid for EU membership falters, it may become another sort of example: a country that has close and constructive ties with the EU, without being a full member.

The European Council for Foreign Relations published a Policy Brief in which the authors gave some light on the potential direction of the EU and the difficulties it has already begun to encounter. According to Susi Dennison and Anthony Dworkin:
The Arab revolutions of 2011 have brought democracy and human rights back to the centre of European policy towards the southern Mediterranean. The uprisings showed that the populations of the region would no longer submit to be ruled by unaccountable regimes that did not treat their citizens with dignity. As a result, European leaders, who had become used to seeing stability and political reform in the Arab world as opposing principles, have been forced to rethink their approach. The European Union has committed itself to offer real and meaningful support for political reform through a revamped neighborhood policy. But as the enthusiasm generated by the revolutions gives way to a more sober awareness of the complexities and risks involved, it is clear that many of the difficult questions about supporting democracy and human rights in this new context have yet to be answered.

The EU new policies towards North Africa after the Arab Spring or Revolt were contained in a joint Communique published under the title: Europe and The Arab Revolutions: A New Vision For Democracy and Human Rights. Democracy and human rights conditionality are entrenched elements of Europe’s new North Africa policy which are similar to the conditionality regime imposed earlier on Africa. The ENP review also stated that increased EU support to its neighbors is conditional. It will depend on progress in building and consolidating democracy and respect for the rule of law. The more and the faster a country progresses in its internal reforms, the more support it will get from the EU.”27 These are summarized by Rosa Balfour as follows:

1) Europe intends to establish the European Endowment for Democracy (EED), an instrument similar to the American National Endowment for Democracy. More explicitly, the policy states that new European Neighborhood Partnership will “support the establishment of a European Endowment for Democracy to help political parties, non-registered NGOs and trade unions and other social partners”. The Democracy Endowment will complement existing human rights-focused instruments such as the European

27Dennison and Dworkin 2012; for other contributions refer to Grant 2011 and Biscop et al 2011.
Instrument for Democracy and Human Rights (EIDHR), providing support for locally responsive initiatives that can make the most effective contribution to setting the conditions for accountable and inclusive political systems. The mandate of the EED should be specifically designed to support the foundations of legitimate government that are laid out in this report.

2) The European Union undertakes to be responsive to the local political situation, whereby funding from the European Endowment for Democracy is designed so that it follows the key “pressure points” in each country in order to create a fair, inclusive and stable political system.

3) The new European Neighborhood policies will be focused on systemic issues so that it promotes mechanisms for agreeing ground rules between parties rather than funding particular groups whose agenda the EU favors.

4) Conditionality in the European neighborhood is based on “more for more” strategy which suggests that the conditions that are set for deepening ties with the EU should be based on a close knowledge of the conditions in each country, the demands of local constituencies, and the priorities for opening political space. To build on and exploit these openings, the EU will need to develop a more fluid political sense of what it can offer and demand in each relationship.

Balfour’s summary of Europe’s new policy towards North Africa is instructive. It echoes EU’s attempt at maintaining a balancing act by alluding to a widely held belief that, although it has stronger levers for conditionality in the neighborhood than anywhere else, it still faces a number of key challenges in implementing greater conditionality in this region. First, there is the problem of the scale of Europe’s incentive. The African Development Bank and some of the Gulf States are already investing heavily in the southern neighborhood region, and China is also taking an interest, reducing EU’s leverage. Second, conditionality will not be applicable everywhere. It is likely to have greater potential as an incentive in situations in which a government is moving gradually towards democracy than in post-revolutionary societies (where the EED is a more pertinent tool for contributing to the process of building democracy). The EU would, therefore, apply conditionality on a country-by-country basis as
part of the Action Plans being agreed in the framework of the ENP, which provide an important mechanism for making the link between political, economic and development co-operation.

In short, the Arab revolt made EU’s policy makers and technocrats realize that their pre-2010 neighborhood partnership with North Africa is fraught with errors of judgment and grave miscalculation in thinking that economic growth without respect for human rights, democracy and the rule of law will gradually lead to internal political change towards those goals. As the Arab revolt has shown, the Arab Spring commenced in Tunisia, the West’s showcase for sustained economic growth, and also as an example of how the neighborhood’s future economic development should be. Therefore, little surprise that the EU has begun to rethink its post-Arab revolt neighborhood policy promulgating development policies based on a conditionality not different from that which it had tested in Africa and elsewhere.

Conclusion

In this paper, I have attempted to explain how international development cooperation has always involved one type of conditionality or another in Sub-Saharan Africa. It involved the failed conditionality of SAPs, whether regimes implementing them were authoritarian or democratic, and the political alignment of economic and political conditionality, as in the case of good governance reinforcing development conditionality policies (Washington Consensus, Paris Declaration, European Consensus, post-Washington Consensus etc.).

In Sub-Saharan Africa, a deliberate and systematic good governance regime has been applied, while in North Africa, the West pursued strategic interests that made it difficult to impose any substantive form of political conditionality, i.e. democracy, human rights and the rule of law. With the North African revolt, the New EU-North Africa or the Neighborhood Partnership policies have entrenched democracy and human rights as major policy conditionality in providing development aid. The establishment of the European Democracy Endowment for Democracy could be seen as an attempt to respond to popular demands for democratic
governance, rather than a strategic choice, because democratic governance conditionality may interfere with other pertinent strategic policies (combating Islamic radicalism, terrorism and illegal migration as well as commitment to Israel, a radical Islamist movement that may endanger the Middle East, and the Israeli-Palestinian conflict).

The Arab revolt has offered the European policy makers an opportunity to: (1) draw on a rich democratic conditionality regime which supports Africa’s popular demand for democratic governance to yield some tangible results; and (2) apply similar but critically adapted good governance conditionality, including its post-2012 democratic governance, state-building and policy reform contracts. Supporting political parties, civil society and NGOs, trade unions and other social partners in this process should go hand in hand with state-building and economic and social policy reforms in North Africa. Neglecting citizens’ voices, under any other strategic consideration, could stifle gains made of far. In regard to the North African democracy promotion organizations benefiting from the vast democratic experience of their Sub-Saharan Africa counterparts, there will be fewer other options left for responding to popular demands for democratic governance than helping them to help themselves.
References


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European Commission: European Union cements market access for ACP countries; takes important step in EPA negotiations - Brussels, 20 December 2007:


OECD, Paris Declaration, 2005.

Open Europe Organization Poor Faceup to EU Arm-Twisting, 2011. URL: www.openeurope.org.uk/media../article.aspx.


Youngs, the European Union and the promotion of democracy, Oxford University Press, 2001

Introduction:

The Case for Trans-Saharan Implications

North African Forebodings

Not infrequently described as "a Berlin Wall moment"\textsuperscript{3}, the fall of dictatorship in Tunisia at the start of 2011 became the cue for a chain of spontaneous civil uprisings the like of which has occurred only once before in living memory — in 1989-1991 when communist regimes across Central and Eastern Europe fell in rapid succession.\textsuperscript{4} Democratic fervor unleashed by the surprise Tunisian Revolution has shaken the foundations of authoritarian rule across an entire region, spreading easterly from North Africa to the Arabian Peninsula and the Middle East.

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\textsuperscript{1} The present article has profited from the input of numerous people. A special debt of gratitude is owed to Tamrat Kebede and Dr. Mehari Tadelle for the original impetus and early discussions. I have benefited immensely from the thoughtful suggestions of Dr. Frannie Léautier, which I have gratefully incorporated here. I want to thank Professor Andreas Eshete, Bahrnegash Belete, Eyob Tolina, Genenew Assefa, and Kalkidan Negash for comments and criticisms on an earlier draft that led to better exposition of ideas. Of course, the views and shortcomings are the author's alone.

\textsuperscript{2} Dr. Samuel Assefa is the Resident Representative of the African Capacity Building Foundation in Addis Ababa and a former Ethiopian ambassador to the United States.

\textsuperscript{3} The G8 Summit on the Arab Spring states: "the changes underway in the Middle East and North Africa are historic and have the potential to open the door to the kind of transformation that occurred in Central and Eastern Europe after the fall of the Berlin Wall." Declaration of the G8 on the Arab Spring, G8 Summit of Deauville - May 26-27, 2011 “http://www.g20-g8.com/”

\textsuperscript{4} And prior to that, not since the unsuccessful 1848 Revolutions in Europe See Perry Anderson, "On the Concatenation in the Arab World" (\textit{New Left Review} 68 March April 2011), p. 5.
The continuing torrent of uprisings has toppled four of the Arab world's most enduring dictatorships — in Tunisia, Egypt, Libya and Yemen — and left the rest reeling or cowering for cover under the threat of extinction. Ripple effects, major or contained, were felt in Algeria, Morocco, Oman, Bahrain, Saudi Arabia, Kuwait, Jordan, Palestinian Territories, Lebanon, Syria, Iran, Iraq, Afghanistan and well beyond. Only two countries in the Arab Middle East, Qatar and the United Arab Emirates, and none in North Africa, have been spared street protests. Meanwhile, calls for protests were heard in geographically and culturally distant settings, most ominously and tellingly, in Beijing and Shanghai and several other cities in China.

The remarkable spectacle of democratic convulsions across the Middle East and North Africa (the MENA region), and its far-flung reverberations, inevitably raise questions about the longer-term prospects of authoritarian stability in other regions of the world — not least, in the African sub-continent. The eastward (and saliently Arab) thrust of the democratic wave that rippled out from North Africa notwithstanding, the presumption of significant, if less immediate, consequences for neighboring Sub-Saharan Africa is, on the face of it, natural and reasonable on several levels.

Ultimately, there is nothing particularly, and distinctly, Arab about the causes and motives of the MENA uprisings. On the contrary, the uprisings have exploded the myth of "Arab exceptionalism". The spirit, no less than the substance, of the mass demonstrations and protests has been overtly and unmistakably antithetical to everything that the phenomenon (or fable) of the "Arab street" supposedly stood for. The slogans that resounded through the avenues and alleys have carried no messages vilifying the United States and the West or, for that matter, even Israel. Instead, the protesters championed basic democratic rights and freedoms. The demonstrations themselves were peaceful in the first instance, emphatically non-sectarian as well as non-partisan, and, above all, noteworthy for the high level and high profile participation by women.

Indeed, the wave of revolutions and revolts sweeping the MENA region is arguably a milestone without equal in the establishment of democracy as a

Some two decades or so ago, the MENA region seemed to bear out its obdurate reputation as being innately immune to democratic fever, having uniquely emerged unfazed by the global democratic push that followed the collapse of Soviet communism. The stunning turnaround since early 2011 offers as conclusive a proof as possible that democratic values do, after all, command universal appeal. Well beyond North Africa and the Middle East, moral confidence in democracy's global reach as the standard-bearer of legitimate government has risen in ways and to a degree previously unimagined, with all its looming implications for the future of authoritarian stability the world over.

Once the assumption of idiosyncratic, Arab culture-specific, motivating reasons is abandoned, causes and catalysts for the uprisings that are anything but uncommon in Sub-Saharan Africa come into clear and direct focus. These notably include: high inflation, particularly soaring food prices; persistently high unemployment, with a disproportionate burden on young people; a pronounced demographic swell of young people; rising literacy and the resultant rise in economic expectations; gross inequalities of income and wealth;\footnote{High, but not rising inequality. Recent research on global, regional and national inequalities over the period 1990-2008 shows that the Gini index for the MENA region has remained strikingly static: "there has been very little change over time in either direction, whether improving or worsening equality "(Isabel Ortiz and Matthew Cummins, \textit{Global Inequality: Beyond the Bottom Line-A Rapid Review of Income Distribution in 141 Countries}, UNICEF, April 2011, p. 26). Moreover, the authors note that "there appears to be general parity across the [MENA] region in terms of income equality" (Ibid). The same study shows that the Gini index for Sub-Saharan Africa has declined: "Although Sub-Saharan Africa, on the aggregate, has some of the highest income inequalities in the world, there is a trend toward} rampant petty and grand corruption; reckless
abandonment of the rule of law; and, most importantly of all, a massive "democracy deficit". The causes and contributing factors in this stylized list are all manifestly present elsewhere, though not everywhere, in Africa. Thus, although success stories of democratization in Sub-Saharan Africa seem plentiful compared to the MENA region, with often-cited examples such as South Africa, Botswana, Namibia, Benin, Mali and Ghana, the greater part of the sub-continent is still made up of authoritarian and semi-authoritarian states.7

Sub-Saharan Identifications and Rumblings
The abovementioned factors linking the uprisings in northern Africa with potential instability in neighboring Sub-Saharan Africa are strictly diagnostic, not causal, serving merely to help identify preexisting vulnerabilities. However, it would be well to assume that the potential exists for a causal connection alongside this diagnostic one. In reckoning with the possibly profound and permanent impression made by the uprisings on the African sub-continent, it is well to bear in mind that the revolutions in Tunisia, Egypt, and Libya are not just Arab incidents, but manifestly also African events. Nor would it be unfounded to speak of pan-African identifications that exist alongside a pan-Arab identity.

There is, of course, no denying the important role played by an overarching transnational Arab identity in facilitating revolutionary "contagion" across borders and continents. The obvious role of this factor is a catalytic one; an Arab identity is neither sufficient nor necessary to bring about the observed spillover effect. Yet the fact remains that a shared Arab identity, however defined8, effectively increased susceptibility improvement". The list of best performers includes Burundi, Ethiopia, Lesotho, Malawi, Mali and Sierra Leone. However, the data for the MENA region refutes the claim that rising inequality is a causal factor for the uprisings, thereby also rendering moot, for the issue at hand, the implications of the positive trend noted for Sub-Saharan Africa.

7 According to the Freedom House Democracy Index of 2011, the ratio of "free" countries in the MENA region stands at a mere 6%. The proportion for the Sub-Saharan region is higher, but still very low at 19%.

8 Ascriptive ethnic, cultural, linguistic and religious criteria are, of course, notoriously either too narrow or too broad as markers of Arab identity.
to contagion or imitation by a factor huge enough to transform nationwide protests in Tunisia into a region-wide democratic revolutionary tsunami.

A prima facie case exists for a similar, though less pronounced, group identification effect that serves to deepen and intensify the vulnerabilities of Sub-Saharan states that satisfy all or most items on the aforementioned list of causes and catalysts for the uprisings. The blanket denial of such overlapping identification and solidarity is willfully blind to the role played by Arab-African leaders in the proud founding of the Organization of African Unity (OAU) in 1963 around solidarity in the fight to free the rest of the continent from colonialism and racism — by far the single-most important pan-African consensus to emerge thus far.\(^9\) At once nostalgic and cynical, assertions made by African intellectuals that controvert the existence of trans-Saharan solidarities are oftentimes expressions of disenchantment with the status quo that indirectly serve to affirm and exemplify the solidarity they appear to repudiate. It also bears mentioning that, over the last decade or so, Libya stood at the forefront of calls for an accelerated integration of the continent under one Union government, a leadership role which, even with the former president's notoriously roguish persona, was duly recognized and applauded by many in Sub-Saharan Africa.

The suggestion that the "Africanness" of the countries of North Africa is a mere "geographical mishap" is in any case belied by the fact that there was no sense of surprise or incomprehension whatever when the African Union (AU) took center-stage in the debates concerning the momentous political developments in Tunisia, Egypt, and Libya — no less so than the League of Arab States (LAS). If anything, popular expectations were even more demanding, with many on both sides of the Sahara chastising the

\[^9\]This defining political moment that owes much to North-African figures such as Ahmed Ben Bella of Algeria and Gamal Abdel Nasser of Egypt. "We must all agree to die a little or even completely for the liberation of the people still under colonial domination, so that African unity will not be an empty word,"\(^9\) said President Ahmed Ben Bella of Algeria in his speech on the occasion of the founding of the OAU to the cheers of the assembly. David Ottaway and Marina Ottaway, *Algeria: the Politics of a Socialist Revolution* (Berkley and Los Angeles, University of California Press, 1970) p.163.
Union for alleged failure to take adequate leadership. The AU's opposition to military intervention in Libya to the side, its unreserved endorsement of the Tunisian and Egyptian uprisings had auspiciously leapt ahead of some member states, as well as its own legislative norms opposing all unconstitutional change of government. Still, feelings of disappointment mounted as concerned Africans, wary of freelance intervention by the major powers, called for an enhanced role of multilateral institutions closer to home — echoing, so to speak, the words of the author of Just and Unjust Wars, "when intervention is needed, neighbors are the best substitute for insiders." More to the point, upon the expulsion of Egyptian president Hosni Mubarak, rumbles of popular discontent were promptly sounded across the three corners of the continent. Harnessing the spirit of the Egyptian and Tunisian "Jasmine Revolutions" — and at times brandishing signs that made direct references to the ousting of the North African autocrats — protesters took to the streets in Benin, Botswana, Burkina Faso, Cameroon, Djibouti, Gabon, Malawi, Mauritania, Mozambique, Senegal, Sudan, Swaziland and Uganda. Even though mild and short-lived compared to their most prominent counterparts in the MENA region, these rumblings of dissent were abundantly pregnant with forebodings as well as plenty menacing in their own right.

The significance of the Sub-Saharan rumblings is reinforced by the fact of their uniqueness. The aftershocks in over a dozen countries south of the Sahara stand in noticeable contrast to the barely perceptible impression made upon this region by other comparable events in distant continents — say, the "Rose" and "Orange" Revolutions in Georgia in 2003 and the Ukraine in 2004, respectively, or the earlier “people power” revolution in

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11 Michael Walzer, "Subject to Citizen" (Dissent, March 7, 2011).
the Philippines in 1986.\textsuperscript{12} The rumblings, then, are suggestive of meaningful and, at any rate from the side of Sub-Saharan countries, considerably robust moral and political identifications across a porous, ill-defined and unsecured cultural and geographic partitioning of North and Sub-Saharan Africa.\textsuperscript{13} Discontented citizenries elsewhere on the continent, no less than their governments, recognize their own (potential) prospective situations in the experiences of the North African countries whose entrenched and repressive governments weakened and eventually crumbled under pressure from unarmed protestors.

One way or another, the future of authoritarian states in Sub-Saharan Africa will be decided against the long shadow cast by the epochal events of 2011 in northern Africa. Once imprinted, the empowering memory of the first successful democratic popular uprisings in Africa is not easily undone. Indeed, the use of state power to enforce collective forgetting, in the form of rigorous censorship of speech and press, is liable to backfire, inadvertently helping to shore up memory, and even to nurture a sense of obligation to remember.

Nevertheless, the road ahead is by no means clearly mapped. The impact exercised by the North African Revolutions, so to speak, is not "outcome-determinative" — for two separate, but mutually reinforcing, reasons. Firstly, authoritarian regimes can hardly avoid taking serious stock of the North African experience. This requires one to take a longer as well as a broader view beyond the examples offered by aforesaid rumblings of popular defiance. Significant as these rumblings are, the possible impact of the North African uprisings will likely not be limited to protest movements and street action. Instead, it can be expected to take on varied forms as authoritarian states adopt new measures and procedures with a view to forestalling startlingly abrupt outbreaks of mass protests that leave little or no room for successful intervention.

\textsuperscript{12} The notable exception is the influence exercised by the color revolutions in the 2005 Ethiopian parliamentary elections.

\textsuperscript{13} In this context, one should also take note of countries that have the potential to serve as particularly effective conduits for trans-Saharan contagion, most notably, but by no means exclusively, Sudan, which, even after secession, straddles the North and Sub-Saharan continental divide.
What is more, in the longer-run if not in the shorter, external actors, and particularly the major global powers, will possibly recalibrate their national interests as regards authoritarian states in Sub-Saharan Africa. Such recalibration will likely be conducted both in the light of challenges and lessons gleaned from the North African experience and potential geopolitical shifts that may be in the making in consequence of the uprisings, most notably, readjustments as regards the war on terror.

More than ever before, assessments by the major powers of the probabilities for and against instability and longer-term collapse can be expected to involve the weighing up of public sentiments and preferences against government responsiveness. The considered reactions of the major transnational actors, in turn, may well shape or reshape — for good or for ill — the overall contexts in which domestic popular attitudes and government responses are formed.

An Overview

The discussions that follow are intended to foster sustained engagement with the lessons and policy implications of the North African uprisings, and of each uprising, for authoritarian misrule elsewhere on the continent. The paper highlights three fresh setbacks to authoritarian legitimacy and, hence, stability, each of which is primarily associated with one of the three North African revolutions.

Firstly, the uprisings, especially in Tunisia — and, beyond North Africa— even more in the Persian Gulf States, have spawned widespread skepticism towards the belief that economic development is a substitute for democratic development. Secondly, the Tunisian and particularly the Egyptian revolutions have shattered confidence in the idea of "durable authoritarianism" — models of state institutions and party organization intended to account for the stability and resilience of longstanding undemocratic regimes. Thirdly, the North African uprisings have resulted in extensive erosion of the core doctrines of state sovereignty and non-intervention in favor of human rights protection and humanitarian intervention — a shift that is both exemplified and intensified by international military intercession in Libya.
The three challenges to authoritarian legitimacy and stability identified loosely frame the consideration of prospective responses by and towards undemocratic, repressive regimes in Sub-Saharan Africa.

The first section of the paper examines problems associated with a potential mismatch between demands for political rights, on the one hand, and offers of economic concessions by authoritarian incumbents, on the other. The next section looks into the question of the efficacy as well as the domestic cost of suppression measures designed to preempt or interrupt civil unrest and popular rebellion of the kind that has swept North Africa and the Middle East. The third section explores fresh, if latent and inconsistently expressed, foreign and international constraints on authoritarian misrule and violent government crackdowns in Sub-Saharan Africa and elsewhere. In lieu of a summary, the closing section briefly considers an issue that is only obliquely touched upon in the preceding discussion, namely, that of the cost of democratization to presiding authoritarian regimes.

I. Preventative Economic Measures: Problems and Prospects

The Limits of Performance Legitimacy: The Moral of the Tunisian Uprising

A far-reaching conclusion that can be drawn from the uprisings in North Africa and the Middle East, and one that bears directly and importantly on the choice of preventative measures, is that economic growth is not a substitute for democracy. The experience of the MENA countries presents a devastating case against the notion of managerial efficiency and economic delivery — so-called "performance legitimacy" — as rough and ready compensation for severe freedom-deficit and conspicuous want of popular support or legitimacy.

The Tunisian uprising, and perhaps even more vividly, the popular upheavals in Oman and Bahrain, have spawned deep skepticism towards the belief that long-term economic development is a sufficient source of legitimacy unto itself, independent of democratic bases of political authority. Tunisia, which is classified by the World Bank as an "upper-middle income" nation, made big strides under President Ben Ali in
economic and social development. The country's gross national income per capita based on purchasing power parity (PPP) almost tripled during the twenty years of his presidency\footnote{UNDP Human Development Report, 2011, \url{http://hdrstats.undp.org/images/explanations/TUN.pdf}, p 2.}, and the country now boasts one of the best education and health systems in Africa and the Arab world. Yet, Tunisia, one of the most repressive states in the region under Ben Ali, was the very first to revolt and its government was the first to fall.

The 2010 United Nations Human Development Report, which ranks countries in terms of improvements made in their human development score over a period of forty years, rates Tunisia as the seventh "top mover" in the world, one spot ahead of South Korea. The country that took the “top spot”, immediately ahead of China, was among the first in the Middle East to have been rocked by mass demonstrations, namely, Oman. In all, five Arab countries are featured among the top ten leaders in long-term development gains — Oman (1st), Saudi Arabia (5th), Tunisia (7th), Algeria (9th) and Morocco (10th). All these countries have witnessed street protests to varying degrees.

No doubt, the phenomenon of jobless economic growth and of the educated unemployed in countries with a growing non-rural or non-agricultural population has been an important factor in the uprisings. While for much of the MENA, growth rates remained robust even after the global financial crisis, due largely to a rise in the price of oil, the region has been plagued by high long-term unemployment combined with high and persistent inflation. In 2010, real growth for Tunisia, a non-oil exporting economy, stood at 3.8\%\footnote{“Tunisia-Country Brief,” World Bank (Updated September, 2011), \url{web.worldbank.org}.}, while the nation's unemployment rate remained at an alarming 13\%\footnote{CIA World Factbook, \url{https://www.cia.gov/library/publications/the-world-factbook/fields/2129.html}.}. Indeed, the general unemployment rate fails to give sufficient indication of the severity of the job market and its attendant risks. Joblessness for young university graduates in 2009 reached a

\begin{thebibliography}{9}
\bibitem{WorldBank} "Tunisia-Country Brief," World Bank (Updated September, 2011), \url{web.worldbank.org}.
\bibitem{CIA} CIA World Factbook, \url{https://www.cia.gov/library/publications/the-world-factbook/fields/2129.html}.
\end{thebibliography}
staggering 25%\textsuperscript{17}, which seems especially pertinent to the matter of the uprisings given the risk-taking nature of youths and the resourcefulness of university graduates with plenty of time on their hands.

This said, failure to distinguish between the root and contributing causes can only obscure the overall lessons of the uprisings. Economic grievances were certainly not at the center of protestors' demands, a role which was reserved for grievances with respect to basic political and civil rights. And while high unemployment and high inflation have plagued the region as a whole, the fact remains that economic wellbeing varies widely across the states that have been in open rebellion. The range extends from of oil-exporting and diversified Bahrain, ranked 48th in the world in terms of per capita income (USD 25,420 in 2010) to oil-importing and virtually underdeveloped Yemen, the poorest country in the MENA region, which ranked 137th (with a per capital income of USD 1,060 in 2010).\textsuperscript{18} The spectrum here is too wide to give a vivid sense of a common economic lot that could foster solidarity and mutual identification or account for relative parity in terms of the intensity of protests.

Across states no less than within, the most compelling ground that puts everyone on roughly equal stake and footing is the long-standing shortfall in good governance and democracy: lack of government accountability and perpetuation of impunity, grand corruption and the looting of national resources, systematic abrogation of basic civil rights and denial of access to justice, government-controlled media and absence of (real as opposed to nominal) contestation of policies, compression of political space and rigorously stage-managed elections. Perry Anderson expresses the motivating point of the uprisings in ideologically resonant phrasing: "Their objective is, in the most classical sense, purely political: liberty."\textsuperscript{19} The primacy of liberty, of the \textit{non-negotiability of basic political freedoms}, was exemplified clearly and unmistakably when street protests in Bahrain and

\textsuperscript{17} "Tunisia-Country Brief," World Bank (Updated September, 2011), web.worldbank.org.
\textsuperscript{19} Perry Anderson, "On the Concatenation in the Arab World," p. 10.
Oman intensified immediately following the announcement of economic concessions — and in the face of high youth unemployment no less.

Against this backdrop, a glaringly problematic feature of the overwhelmingly greater portion of preventative measures introduced in the MENA region is the incongruity between rights-based demands and offers of economic-financial dispensations.

Compensatory Gestures

The most well-known preemptive as well as reactive economic measures undertaken by states in the MENA region involve generous economic handouts, and as such are not germane to the situation of most countries in Sub-Saharan Africa. Thus, Saudi Arabia was swift to announce US$37.4 billion public spending in early 2011; Kuwait, Bahrain, Oman, and others made similar economic concessions. The net redistributive impact could turn out to be significant. Government handouts are earmarked for citizens of their respective countries, which in a good number of Gulf States, comprise only a small minority of their already small total populations. Still, it remains to be seen whether these compensatory redistributive measures, in and of themselves, will succeed in forestalling popular pressures. The failure noted earlier of promises of economic handouts to moderate the intensity or scale of protests in Bahrain and Oman bodes poorly for their long-term preventive capacity elsewhere in the MENA region.

One could (and many observers do) ascribe such seeming loftiness on the part of Bahraini and Omani protesters to the relative affluence of both countries. More specifically, their economies have advanced to a point where they now boast a sizeable educated middle class whose requirements and aspirations extend well beyond bare economic provisions to include basic political and civil freedoms. Long-term economic success, as it were,

20 According to Fareed Zakaria of CNN, within a few weeks of the uprisings in North Africa, Kuwait and Bahrain had "given bonuses to every citizen—Kuwait gave $3,000 and Bahrain $2.700." Fareed Zakaria "Bahrain will pay heavy price for crackdown," February 18 (http://edition.cnn.com/2011/OPINION/02/18/zakaria.bahrain.mideast/index.html).
is both the "best argument" and the inevitable downfall of authoritarian states. The upshot of this mode of accounting — as in Brecht’s famous motto "grub first, then ethics" — is that similar fervor for democratic rights is unlikely to mushroom in less advantaged economies. Yet to suggest that the issues that drove Yemeni protestors to the streets are crucially economic rather than political is to deny or belittle their avowed motives as explanatory devices. The grievances around which they rallied support to great success were no different from those of protestors in well-off countries in the MENA region, focusing as they did, on the denial of basic political rights.

In the end, the prognosis is the same, albeit reached by a different route. The citizens of the rich states may have enough in the way of basic provisions to be disinclined to surrender claims to political and civil freedoms for the sake of incremental economic gains. In economically less advantaged societies like Yemen (and many parts of Sub-Saharan Africa), the issue of large handouts is a moot, and pointlessly hypothetical, question.

*Stop-Gap Maneuvers*

In comparison to the failed responses of the Bahraini and Omani governments, Morocco and Algeria, who seem to have contained the rumblings of their youths, have sought to tackle two challenges—jobs for the youth and spaces for dialogue. Although efforts as regards the latter may be contributing to a more inclusive process for the educated elite, the prospects of these relatively limited political openings remain uncertain. Nevertheless, the approach taken may be of practical interest to countries of Sub-Saharan Africa. Unlike generous handouts, job creation as a measure of choice may not be beyond reach.

The basic question that arises with respect to the two-track approach, then, is whether job creation is anything more than a stop-gap measure as concerns "uprising-prevention". Long-term unemployment, as we have seen, is a major concern throughout much of the region. Yet, as regards the uprisings, its role is that of a catalyst. The effort to prevent uprisings by attacking the catalysts is a case of crisis management rather than of crisis resolution. Indeed, the barefaced compensatory payments made by the rich
oil-producing countries in the Persian Gulf have the advantage of being suggestive of a strategic response. The measure could be viewed as a first step towards a proposed grand compromise involving surrender of political rights in exchange for economic justice — the exact converse of the deal that paved the way for the transition from apartheid in South Africa. In contrast, the technocratic tender of job creation is not quite, but virtually on a par with price controls — a mere tactical maneuver aimed at buying time.

The association with price controls, which are more glaringly stop-gap in nature, brings into sharp relief a limitation inherent in the catalyst-centered preventative approach. It would be unrealistic to expect that one will be able to root out volatility and insecurity as regards the factors that could act as catalysts. This is not only because of the inherent insecurities of globalization, which expose a country's economy to the good or ill of the physically distant. More importantly, it is difficult to plan around potential catalysts and triggers, because the factors that might possibly fulfill this role could be of a most surprising and unforeseeable kind—including, as in the case of Egypt, the sheer fact of being a neighbor of a country aflame in protests and demonstrations. Given foundations that have sufficiently rotted, catalysts and triggers are as ubiquitous as they are easily and readily substitutable. Indeed, preoccupation with potential stimuli and sparks may lead to the paranoiac conclusion that, since the potential catalyst could be anywhere, the threat is therefore everywhere—the implicit dictum of the global war on terror. There is, of course, a modicum of truth in this suspicious stance.

Nor is it realistic to suppose that volatilities associated with countless potential catalysts can forever be denied political expression in the form of protests, rallies and demonstrations. The point would rather be to achieve a measure of structural impunity to the extreme, regime-changing, potential consequences of people exercising their elementary democratic rights to peaceful protest. To this end, citizens would need to feel allegiance to the state, not necessarily, but all-too-often because they see it as a guarantor of their basic rights and freedoms.
This, then, is the primary sense of, and justification for, the claim that the root cause of the uprisings is a democracy-deficit. A freedom-deficit is not sufficient in and of itself to cause state collapse under popular pressure, but it is necessary if such collapse is to occur. Bluntly stated, only undemocratic states are vulnerable in this way. Whatever else may be at stake, the spread of the copy-cat effect in United States and the countries of Western Europe has not occasioned serious worries that the democracies, with all their economic woes, may not hold, while it did just that in China — the most successful economy in the world.

III. The Domestic Cost of Suppression

*Beyond Durable Authoritarianism: Lessons from Cairo*

The popular uprisings in Tunisia and, in particular, in Egypt have dealt a major blow to the notion of "durable authoritarianism" that had made its way beyond academic discourse to contexts of policy analysis and decision. A common denominator of the motley assortment of hypotheses and theories that deal with this subject is the idea of a political architecture that underwrites the steadiness of modern-day dictatorships. Alternatively stated, theories of durable authoritarianism find that the secret to authoritarian stability in the modern and modernizing world is good crafting.

Unlike monarchies and military dictatorships, the hallmark of putatively secure and resilient forms of dictatorship is that they are self-perpetuating coalitions embodied (and embedded) in modern institutional forms. A key feature of durable authoritarianism is the existence of a dominant or hegemonic party that cements and formalizes the governing coalition. The party ensures the survival and hegemony of the coalition through a range of "Machiavellian" stratagems: provision of valuable rewards for loyalty, imposition of stiff penalties for defection, cooptation or "preemptive pacification" of potential threats, and, not least, deployment of strong deterrents to determined challengers, including, in extreme cases, the use of violence. Concurrently, the dominant party promotes regime institutionalization by creating formal governmental and legal bodies that convey an air of independence and impartiality. In particular, the establishment of semi- or pseudo-democratic arrangements, including
formal systems of multiparty elections, and the adoption of sporadic or cyclical measures of "tactical liberalization" are believed to contribute to the longevity of authoritarian regimes.\textsuperscript{21}

The root idea that the stability and resilience of authoritarian regimes is a matter of political engineering appears to have lost its credence after the sudden and unexpected collapse of the Tunisian and, especially, Egyptian dictatorships. Mubarak's Egypt was routinely trumpeted as a foremost example of durable authoritarianism. To many, its fall, and the manner in which this happened, provides ample and indisputable evidence of the vulnerabilities of supposedly durable authoritarianisms.

The dynamics of this collapse are the subject of Professor Nassim Nicholas Taleb's "The Black Swan of Cairo" (co-authored with Mark Blyth).\textsuperscript{22} Taleb, who is Distinguished Professor of Risk Engineering at New York University, extends his general theory of forecasting and the occurrence of the highly improbable ("black swans") to the unpredicted collapse of Hosni Mubarak’s regime. His evocative and illuminating account gives a clear and eloquent expression to the counterintuitive dynamics that led to this collapse:

Complex systems that have artificially suppressed volatility tend to become extremely fragile, while at the same time exhibiting no visible risks. In fact, they tend to be too calm and exhibit minimal variability as silent risks accumulate beneath the surface. Although the stated intention of political leaders and economic policymakers is to stabilize the system by inhibiting fluctuations, the result tends to be the opposite.\textsuperscript{23}

Taleb and Blyth go on to explain: “Such environments eventually experience massive blowups, catching everyone off-guard and undoing

\textsuperscript{21} A question that is often not addressed by these theories is how much of a role external support by powerful nations has played in the sustenance of ‘durable authoritarianisms’ — how much, for example, US support had to do with keeping the Mubarak regime in place.
\textsuperscript{23} Ibid, p. 33.
years of stability, or, in some cases, ending up far worse than they were in their initial volatile state. Indeed, the longer it takes for the blowup to occur, the worse the resulting harm in both economic and political systems.”

The analysis here is open in scope so as to be applicable to durable authoritarianisms en bloc, notwithstanding the fact that Taleb and Blyth make no mention of this typology.

Will recognition of the false promise of institutional designs associated with putatively "durable authoritarianisms" incline authoritarian regimes in Sub-Saharan Africa to undertake meaningful political reforms that could very well result in eventual loss of power? Or will this recognition instead incline them to adopt outright repressive measures, thereby exacerbating the instability of the system as a whole? It would be well to assume that the answer will be considered rather than knee-jerk. A settled conclusion by authoritarian leaders is likely to involve the weighing of the cost (primarily to themselves) of intensified suppression and the cost (again, chiefly to themselves) of political liberalization or toleration — to employ the reasonable, if seemingly overly terse, predictive rule for democratic change proposed by Professor Robert Dahl in his classic *Polyarchy*.25

Setting aside for now the issue of the cost of democratization to authoritarian leaders, a noteworthy development in the wake of the uprisings is a discernible rise in the cost suppression measures, alongside the diminished (preventive as well as reactive) efficacy of such measures.

*A New Kind of Revolution*

The Tunisian and Egyptian revolutions are connotative of a new era in which the power dynamics are overturned through the impromptu exploits of a disenfranchised public bereft of the benefits of political parties, charismatic leaders or a galvanizing ideology other than that of resisting oppression. The extraordinary display of raw grassroots power to bring two of the region's most stalwart dictators to their knees will no doubt echo down the years and decades throughout the Arab world and well beyond. The revolutions underline that multifarious citizens networks

24 Ibid.

acting simultaneously but independently (or in loose and very lightly synchronized fashion) can produce remarkable results. Here, we can take reference from self-organized systems theory where unrelated and seemingly independent actions happening all at the same time can coalesce or aggregate to create massive change.

The Tunisian and Egyptian experience indicates that bottom-up, and only lightly coordinated, resistance is difficult for authoritarian regimes to control once in full swing. The protestors managed to prevail under highly repressive and tightly controlled circumstances with little in the way of organization and leadership assets. Indeed, the faceless and structureless nature of the protest movements proved to be their best defense rather than being, as one might have expected, their undoing. Without a clear target to aim at, government efforts to quell the rebellions were reduced to ineffective and self-defeating haphazard attacks on the public at large. For the very same reasons, traditional measures used to stifle opposition and dissent — the tightening of state-sanctioned political space and media freedoms — could also prove less effective in preventing the outbreak of such forms of resistance. A major achievement of the Tunisian and Egyptian protest movement is, then, removal of a protest-enabling legal and institutional environment as a precondition for effective public opposition and dissent, in favor of what might be described as the contingency of resistance that generates the conditions for its own success. The dominant characterizations of the North African uprisings, all of which look to Eastern European antecedents, fail to convey this distinctive achievement of potent self-organizing resistance movements that issue in revolutions and state collapse. The allusion to the Prague Spring of 1968 in the ubiquitous label "Arab Spring" is clearly inapt from this vantage point, because the all-important and invariably top-down role played by Czech communist party leader Alexander Dubček has no parallel in the present case, and also because the Prague Spring was a case of a failed rising. Even the otherwise apt and richly suggestive analogy to the fall of the Berlin Wall\textsuperscript{26} understates the case in certain important ways (as much as it

\textsuperscript{26} The main points of resemblance between the unarmed revolutionary currents of 2011 and 1989 are all too clear: firstly, the abrupt and unpredicted opening of political space and seemingly spontaneous birth of democracy movements;
overstates it in others\textsuperscript{27}). Thus, in 1989-1991 communist dictatorships across Eastern Europe collapsed with Gorbachev’s tacit approval, and as a direct, if unintended, consequence of his sweeping political opening (\textit{glasnost}). This stands in marked contrast to the revolutions that led to the ouster of presidents Zine el-Abidine Ben Ali and Hosni Mubarak, which were truly from the bottom up — in the first if not in the last instance\textsuperscript{28}. Pressure from below, not leadership from above, helped create a climate ripe for change and eventually shook the foundations of the political order. The comparison to the so-called "color" revolutions during the early 2000s, embedded in the designation "Jasmine Revolution", may at first blush appear particularly fitting. However, unlike the Georgian "Rose" Revolution of 2003 and the Ukrainian "Orange" Revolution of 2004, the uprisings in Tunisia and Egypt were not sparked by an election fraud or any other specific incident involving conflict or contestation among organized groups. The weak or nonexistent role of political parties and organized interests, especially in the early stages of uprisings, is a hallmark of the Tunisian and Egyptian revolutions and a vital point of dissimilarity with the various Eastern European color revolutions.\textsuperscript{29}

The surprising effectiveness of the bottom-up democratic movements, of course, does not detract from their well-known and frequently mentioned

\begin{itemize}
  \item secondly, the commitment of these movements to the pursuit of democratic ends by democratic means—mass protests, civil disobedience and other forms of public dissent by unarmed citizens;
  \item thirdly, the fateful crossing of the so-called fear barrier that permeates life in authoritarian states, at which point the political leaderships balk and the regimes begin to disintegrate; and
  \item finally, the all-important galvanizing "domino" effect this has on neighboring countries as well as the wider region (and beyond).
\end{itemize}

\textsuperscript{27}Gorbachev’s momentous refusal to use Soviet power against East German protesters effectively sealed the fate of all Soviet satellite regimes. Since there is no corresponding central power that holds the MENA region together, the presumption that the fall of some regimes prefigures the eventual fall of all, or of most, is a plain case of overstatement.

\textsuperscript{28} In the last instance, the calculated decisions of a wary military leadership no doubt proved decisive, especially in Egypt.

\textsuperscript{29} Another contrastive feature is that the Eastern European color revolutions do not seem to constitute a single causal chain of one uprising setting off another.
liabilities. In the context of the democratic transitions that are now underway in Tunis and, particularly, Cairo, the lack of leadership, organization and political program undoubtedly magnifies the very real threat that the military establishment and other vested interests might hijack or derail the democratic agenda. Indeed, Libya, which has the advantage of a clean slate, could, in this regard, be said to enjoy a decisive advantage over Egypt, assuming that great power intervention does not persist into the post-revolutionary phase. Nevertheless, even as concerns the challenges of the post-revolutionary chapter, this much is obvious about the special merits of the Tunisian and Egyptian uprisings: it will not be easy for any regime in these two countries to neutralize the sense of popular self-empowerment gained from the unarmed revolutions.

The experience of Libya could however also be cited as an instructive corrective to what may appear to be an overly sanguine celebration of citizen self-sufficiency. The commencement of armed rebellion in the early hours of the Libyan uprising would seem to provide yet another illustration that success with regard to non-violent rebellion depends in no small measure on the character of the regime in power. Indeed, in the long history of peaceful resistance movements, few have fared well against totalitarian or brutal police states. The fates of the democracy movement in Tiananmen Square in 1989, and of mass demonstrations by Buddhist monks in Burma in 2007 are fresh and painful reminders of the limits of peaceful protests.

Yet some would say (and have said) that precocious foreign military intervention in Libya in fact stifled the Libyan unarmed uprisings, relieving activists of the need to take the spirit of the initial protests beyond Benghazi, and to embark on popular mobilization campaigns of the kind undertaken by protesters elsewhere at great risk to themselves and their communities. Certainly, international military intervention was fundamentally preemptory in nature, being preceded not by mass killings, but (seemingly) by Gadhafi's "no mercy speech".

The Tunisian and Egyptian uprisings themselves arguably represent exceptions or counter-examples to the general precept that peaceful resistance against a true police state is doomed to fail. Debates about
designations aside, one imagines that far more violent crackdowns would have been the order of the day in both these countries, quite possibly forestalling regime collapse, had it not been for the hugely successful efforts of technology and media savvy activists to amplify the costs of suppression to governments. The (misleadingly) so-called "Internet Uprisings" may in fact have created a situation where the exceptions could in due course become the rule, having paved the way for the peaceful resistance movement of the future. The protests have underlined the vulnerability of authoritarian regimes to disclosures and revelations of brutal crackdowns. Video images of atrocities committed against peaceful protesters galvanize publics, provoking instant backlash and inflicting irreversible damage from within as well as from without.

A lesson that authoritarian governments in Sub-Saharan Africa may possibly take from the North African uprisings is the need to cut back on unhindered Internet access. However, given the wide array of information-communication technologies that are available, starting with cell phones, forestalling effective use of these technologies could prove more difficult than might at first appear. The attempt to impose a complete ban or rigorous monitoring of the entire range of modern information-communication technologies seems quite unrealistic and would surely produce unsustainable ripple effects across all public domains — the economy, education, health and the rest.

To be sure, brutal crackdowns are still taking place in Syria while the whole world is watching, which goes to show that a great deal still depends on the character of the army — its willingness to fire on its own people, as witnessed in Libya, Bahrain and Syria, or its disinclination thereto, as was the case, mutatis mutandis, in both Tunisia and Egypt. Here, too, calculations entered by governments in the light of the character of the institution of the military in the country in question — the degree to which the military is professionalized, depoliticized, and representative of the ethnic or religious

30 Here one should perhaps recall the successful efforts of Egyptian protestors, supported by IT technology proficient groups around the globe, to provide effective fallback communication methods—so-called "hacktivism"—as the government stepped up its clampdown on Internet access.
composition of the population — may drive governments in divergent directions with respect to the choice of preemptive measures.

Nevertheless, in view of the possibilities for wide public exposure opened up by modern communication-information technologies, and a related shift in international media focus towards citizen uprisings, suppression measures involving mass killings and other atrocities are henceforth likely to exact an exceedingly steep cost. The unfinished case of the Syrian uprisings, where major power resolve has been deeply wanting, is itself a case in point. While the Syrian example, as of yet, is not an instance of unarmed resistance become triumphant, nor is it by any means proof of the futility of civil resistance against a police state. Indeed, this much is all but certain: Assad is damaged goods.

The possibly high cost of democratic reform to authoritarian regimes notwithstanding, it would seem that the outright prohibitive costs of violent crackdowns in the form of mass atrocities would render democratic reform the lesser of the two evils. This conclusion stands even if the likelihood of mass protests is rightly or wrongly perceived as being moderately low. Though the odds may be relatively long, the forbidding stakes and risks should reasonably seal the case in favor of meaningful reforms that can hope to take the wind out of some of the critics’ sails.

Furthermore, trying to gauge the probability of revolutions and uprisings, it seems, is a losing battle. Disaster burst upon the unsuspecting leaders against the backdrop of calm that only now, with hindsight bias, appears as an eerie peace. There were no peculiar signs to indicate what was to come. Otherwise, someone would have managed to read them, even if the autocrats and their associates, in the complacency of "it can't happen here", failed to do so. As it stands, even the will--be protestors did not know what lay in store in the coming days and weeks.

This does not mean of course that the uprisings came out of nowhere, as though they happened for no apparent reason at all. If the uprisings were not reactions to controversial new fangled policy, they were reactions to continued oppressive policy and the accumulated liabilities thereof. Dictators, so to speak, are always already in the red.
Technology Diffusion and Ethnic Conflict: The Case Against Non-Replicability

An obvious, and important, upshot of removal or reduction of institutional and organizational prerequisites for successful resistance is wide replicability of the new revolutionary mood and movement across countries and contexts. "Travel light, travel far," goes the saying. However, the availability and diffusion of technology to organize from the bottom-up at low risk of being discovered early on — like Twitter and Facebook — has also been presented as reason for why a revolution of this kind cannot be replicated in Sub-Saharan Africa where such technology is short supply.

There are many things wrong with this often-made argument from technological determinism. Firstly, extensive Internet penetration and usage is plainly not a necessary condition for bottom-up change. The campesinas in Latin America in the 1980’s who organized in churches during masses is a familiar example, before Twitter and Facebook. More to the point, there is the example offered by Yemen, the fourth country to oust its leader through popular uprising. Yemen lags well behind Sub-Saharan Africa in Internet access:

Less than 2% of the population in Yemen has access to the internet. This compares to the Middle East average of 19% and Western Europe average of 63%. Even Sub-Saharan Africa has a notably higher internet usage than does Yemen, close to 7% of the population on average.31

What is more, at the very least, the jury is still out on the nature and extent of the contribution made by modern information-communication technology in both the Tunisian and Egyptian revolutions. The suggestion of an alleged all-important role in the actual coordination of the protests has met stiff resistance from within these countries. The skepticism expressed, however, does not appear to extend to the immensely important role played by social media such as Twitter, Facebook and YouTube as

well as cell phone videos and SMS in drawing wide public and media attention to atrocities perpetrated against unarmed protestors.

It stands to reason that a more elevated threshold of Internet penetration and usage is required for effective discharge of the first, coordination-related functions of the technology. Moreover, in respect to its publicity-related deployment, Diasporas and sympathizers in technology-abundant countries are well positioned to assume important supportive roles, helping multiply exponentially the impact of more limited local applications of the technology. In other words, the ways in which this technology mattered, and mattered importantly, in both the Tunisian and Egyptian uprisings do not appear to impose prohibitive requirements of technology penetration and diffusion that stand in the way of broad replicability.

The prevalence of ethnic rifts in Sub-Saharan countries is perhaps another false source of comfort to authoritarian regimes. One hears it frequently said that ethnic polarization in Sub-Saharan Africa forestalls popular resistance of the kind mounted across the MENA region. However, a salient achievement of bottom-up self-organizing resistance is avoidance of such traditional fault lines.

The threat of division and conflict around sectarian and other sub-national identities was (and continues to be) no less real for the countries of North Africa and the Middle East—between Coptic Christians and Muslims in Egypt, East and West (and along narrow "tribal" lines) in Libya, cosmopolitan urban centers and rural hinterlands in Tunisia, North and South in Yemen, Jordanians and Palestinians in Jordan, Sunni and Shia in Bahrain, and among Christians, Sunni, and Alawi (as well as different ethnic groups) in Syria. These rifts were not, and could not have been, profitably negotiated by the protesters. Rather, conflicts of identity were recurrently circumvented, at least in the initial stages, in concurrent (but separate) protests whose loose coordination was premised on little more than an overlapping "no" to a life of fear and submission.
III. The Foreign Cost of Suppression

After Non-Intervention: The Libyan Aftermath

Ever since the commencement of the uprisings in early 2011, the scope of international safeguards to fundamental human rights has seen significant, and possibly irreversible, expansion and enhancement. Unprecedented international response in defense of the rights of unarmed protestors and their communities, as exemplified in questionably extreme in form by preemptive humanitarian military intervention in Libya, has eroded the doctrines of state sovereignty and non-intervention, a shift that has lately been vigorously resisted by China and Russia.

It would be fair to say that, to a large degree, the trend towards interventionism was thrust upon an anxious and irresolute international community. From the very start, protestors had beckoned as much as they had beguiled the major global powers, who were manifestly caught off guard and slow to state unambiguous support for the aspirations of the protestors. Signs and posters with words like "Yes We Can" and "Change" jolted recognition of the historic novelty of the unfolding event and placed immense strains on the Obama administration morally and politically in its effort to uphold a measure of distance and neutrality. Criticism of the administration peaked when it stopped well short of protestors' calls for Mubarak's resignation after Egyptian security forces unleashed a wave of violence against unarmed demonstrators.

Although reasons of realpolitik certainly played a role, the major powers and the international community in general were also understandably pulled up short, as it were, by popular entreaties for bold and unprecedented intervention. The impassioned debates within the UN, NATO, LAS and AU on military intercession in Libya reveal genuine and widely-felt discomfort about its implications for the doctrine of state sovereignty, which though qualified over the years, had remained a cornerstone of international law.

To be sure, the "competing" concept of human security, which places human rights rather than state sovereignty at the focal point of security considerations, had been gradually evolving since the conclusion of World
War II, entering mainstream human rights discourse at least as early as UNDP's 1994 Human Development Report. What was evidently not in place prior to the uprisings was vigorous international enforcement.

Change came with intervention in Libya, which set a new, greatly upgraded benchmark of enforceability. On 26 February 2011, the UN Security Council passed Resolution 1970, which extended personal criminal responsibility for the conduct of civil wars and referred the situation to the ICC for possible prosecution of leaders of the Libyan regime. On 17 March 2011, the Council approved Resolution 1973 authorizing "all necessary measures" including international military intervention, apart from the deployment of an occupation force, to protect Libyan civilians at risk from their own government. This extraordinary resolution, which set the stage for subsequent NATO military intervention, passed with five abstentions — Brazil, China, Germany, India, and the Russian Federation.

Controversial aerial bombings and military intervention by NATO forces stretched the already broad UN mandate authorizing the use of armed force to protect Libyan civilians. The blatant pursuit of regime change by NATO forces has clouded the spirit of the Libyan revolution with suspicion surrounding the role that was played by great-power interest in directing its course. Yet, even as NATO's intervention occasioned extensive disquiet, the fortification of sovereignty on the side of the regime appeared entirely self-serving and absent of all emotional or moral appeal. Thus, for many, empathy for the ordinary men and women in Benghazi (and, quite possibly, sympathy for the insurgents in part born of a deep and longstanding antipathy for Gadhafi) trumped traditional scruples about sovereignty and non-intervention.

The latent implications of international intervention in Libya are no doubt legion, not only for international law, but also for international politics and foreign policy broadly conceived. So-called "humanitarian wars" in the manner of "protective" military intervention in Libya will likely remain a rarity. Nevertheless, the indelible precedent of this extreme case is liable

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32 Assad's continued impunity serves to highlight Gadhafi's rare combination of flaws and vulnerabilities that eased intervention: his failure to develop anything
to render the wide range of comparatively weaker, though still formidable, forms of intervention both less objectionable and more frequent — from aggressive legal and diplomatic campaigns against human rights abusers to unilateral provisions of material assistance of different kinds for those who rise up against their oppressors. Above all, indignant assertion of the sovereignty and independence of the state in response to international outcry against gross violations of human rights is now, more than ever, whistling in the dark.

However, the violent crushing of protests in Bahrain with complete impunity confirms, if confirmation is needed, that governments can still sensibly expect to get away with mass atrocities so long as intervention jeopardizes basic interests of all or most major powers. Consistent enforcement of human security, it seems, is a practical, if not a theoretical, impossibility.

*Latent versus Actual Foreign Costs to Suppression*

Almost all of the aforesaid bold consequences of the Libyan precedent are latencies, not active operative principles. Nor are they latent principles of a self-actualizing kind. Neither the United States nor any other major power is keen to encourage democratic uprisings, unless under special, well-defined conditions in line with perceived dictates of national interests and realpolitik. As concerns the foreign cost to authoritarian regimes in Sub-Saharan Africa, many things will remain the same as long as nothing is broke on the home front.

The ruling realist outlook of the Obama administration, in particular, is not given to seeing international crises as potential democratic opportunities. From the administration’s point of view, America’s position in the world is one of overextension and over-commitment, the inheritances of overambitious policies of previous administrations and particularly the

more than distanced relations with any of the major global powers; his lonely, yet litigious role in the Arab region, and particularly, the longstanding mutual antagonism towards Saudi Arabia; bitterness and deep antipathies towards him among the British and other publics on account of the Lockerbie bombings; and, of course, the politics of oil.
immediately preceding administration. Foreign policy making under these circumstances, in good measure, consists in the exercise of the art of abridgement of ambition, of shedding rather than piling up of encumbrances and entanglements.

Nor is it clear how indiscriminate "uprising-promotion" would be serving America's national security objectives. If anything, in the view of the momentous high stake transformations taking place in North Africa as well as the instability wrought by the uprisings upon the Middle East, it would not be surprising if the hoped-for outcome for the United States and its Western allies was controlled predictability and stability of the African subcontinent.

At any rate, the US Administration and European governments will not scratch where it does not itch. Authoritarian governments who sense a threat to themselves will feel a need to act promptly, to prevent and to preempt. The United States and the other major powers are not under pressure — neither to forestall nor to expedite. Their posture will be fundamentally reactive, not proactive, to deal with cases as and when they arise. Above all, the vigor of foreign cost-imposition upon authoritarian states in Sub-Saharan Africa will largely be a function of domestic accounting.

This reactive posture on the part of the major powers is not a reflection of the inferior significance that is accorded to the sub-continent as compared to the MENA region. The epic sequence of uprisings in the MENA region is itself a narrative of the self-emergence of entire peoples, one after another, out of the self-imposed condition of being a subject people. By their example, the peoples motivated imposition of steep external or foreign cost to dictators. This mutually reinforcing hike in the domestic and foreign costs to dictators is of course a vital element of the mighty dynamic of the uprisings as a whole. What is important to recognize, however, is that the "motor" of the dynamic has always been the domestic factor, and that outsiders participated in an ancillary role.

Still, the aforesaid latencies as regards new foreign costs of suppression are by no means irrelevant to the calculations and conduct of authoritarian
governments. They serve to shape, in their latent state, strategic choices of the governments by making it apparent that the spectrum of tolerance for violent crackdowns has contracted since the advent of the North African uprisings to a point where the very threat thereto (as in Gadhafi's "no mercy") is itself potentially criminalized — a short leash indeed.

The Legacy of 9/11 and the 2011 Uprisings
The uprisings may yet produce a geopolitical realignment of potentially global proportions — heralding, so to speak, the waning of global terrorism and the global war on terror that, along with other factors, cut short the era of rising democratic expectations ushered in by the fall of Soviet communism two decades ago. The remarkable saga of the birth, dissipation and revival of democratic hope is all the more gripping because both impairment and recovery radiated out of the same general region of the world.

In the wake of 9/11, the global democratic momentum of the preceding decade famously slowed to a virtual halt as authoritarian regimes throughout the developing world forged robust partnerships with the United States and other Western powers on the strength of their anti-terrorist commitments. Enhancement of bilateral ties with authoritarian regimes can, of course, express a choice of inducements over punitive measures to better conduct. Thus, refurbishment of US and European relations with Libya was designed, among other things, to transform a regime long considered a major sponsor of terrorism into an active and willing partner in the fight against international terrorism. Yet, the official Bush policy of promoting democracy notwithstanding, improved relations with authoritarian partners in the fight against terrorism does not appear to have been premised on shared expectations of enhanced performance in the areas of governance and democracy.

The lowering, or indeed removal, of the bar in respect to the governance credentials of Sub-Saharan partners in the Global War on Terror was rendered relatively effortless in view of far greater tolerance for tyranny and repression by states in the MENA region. Following the invasion of Iraq and the resulting bitter insurgency, there was widespread consensus that popular sentiments throughout the Arab and Muslim world were
fiercely anti-Western. It was Hamas's electoral victory in 2006, however, that produced an especially firm and undaunted resolve on the part of the United States and the European powers to give unreserved backing to Western-friendly Arab dictatorships, particularly in strategically vital countries such as Egypt.\textsuperscript{33}

Moreover, in the immediate aftermath of the 9/11 attacks, the United Nations Security Council adopted Resolution 1373 under Chapter VII, imposing unprecedented obligations on member states to adopt international conventions on counter-terrorism limiting the freedoms of citizens. The resolution paved the way for the proliferation of democratization-impeding anti-terrorism legislations across the developing world, in evident and indignant tension with the UN's mandate to promote and protect human rights.\textsuperscript{34} As anti-terrorism legislations sailed through the US Congress and European Parliaments, some three-dozen countries in Africa, Asia and Latin America followed their lead to introduce security laws.\textsuperscript{35}

\begin{itemize}
\item \textsuperscript{33}For Mubarak, the most important task was to ensure that the foreign cost of suppression would remain as close to zero as possible, leaving him free to focus on the domestic costs of suppression. The \textit{coup de grace} was, of course, the fact of Egypt's all-important friendly relations with Israel. Already a trump card, the value of this relationship would soar to new levels after Hamas's electoral victory in 2006, which also seems to have put an end to occasional criticisms issuing from Washington of Mubarak's human rights and democracy record. Mubarak's only partially successful efforts over the years to convince Washington that there was little else besides his regime that stood in the way of the total conquest of Egypt by fundamentalists, with all its dire implications for Middle East politics, would henceforth meet little resistance. See "Exporting the Patriot Act? Democracy and the "war on terror" in the Third World," (\textit{Third World Quarterly}, Vol. 28, No. 5, 2007) p.1017.
\item \textsuperscript{34}For a discussion of this and related issues raised by the UN counter-terrorist agenda see David Cortright, "A Critical Evaluation of the UN Counter-Terrorism Program" (Paper presented at the Global Enforcement Regimes Transnational Organized Crime, International Terrorism and Money Laundering, Transnational Institute (TNI), Amsterdam, 28-29 April 2005, http://www.tni.org/crime).
\item \textsuperscript{35}Beth Elise Whitaker's count is "at least thirty-three" countries in the developing world. See "Exporting the Patriot Act? Democracy and the "war on terror" in the Third World," (\textit{Third World Quarterly}, Vol. 28, No. 5, 2007) p. 1019. Since the
Numerous authoritarian states in Sub-Saharan Africa removed already sorely underprovided safeguards to due process and civil liberties in consequence of the enactment of heavy-handed anti-terrorism legislations. The risk that these legislations would be deployed to stifle political contestation and silence dissent was obvious for all to see. Yet, international expressions of disquiet about the facilitation of a repression-conducive legal environment in states with poor human rights records were, understandably if not justifiably, few and far between. Considering that comparable anti-terrorist legislations had been ratified throughout much of the developed world, protesting their enactment even in glaringly repressive political settings would inevitably have come across as a case of bad faith. Indeed, all partners in the Global War on Terror were strongly urged to enact counter-terrorism legislations as an integral legal counterpart to the global military offensive against terrorism.

While terrorism and the fight against it will never see full and final closure, the Arab uprisings are widely seen as marking a significant defeat for Al Qaeda and other extremists categorically opposed to modern democratic values. The anticipated ebbing of the War on Terror should, in the longer run if not the short, bear importantly on states in Sub-Saharan Africa whose relations with the United States are crucially centered on counter-terrorism.

Evidence of an indirect nature is offered by US Secretary of State Hilary Clinton's speech at the June 2011 Meeting of the AU Heads of State. The speech was noteworthy for the unusually strong and blunt warning issued to "leaders in Africa and elsewhere who hold on to power at all costs."36 Speeches of this nature are no doubt slow to translate into concrete and substantial measures. Nevertheless, they are sufficiently indicative of

altered geopolitical circumstances that, on the whole, will make it a good deal more difficult for repressive regimes to find ready and effective shelter under the banner of the Global War on Terror.

The declining leverage of authoritarian allies in the War on Terror is reinforced by the experience of authoritarian insecurity and collapse. Whereas the impact of diminishment of the War on Terror is to reduce the risks posed by dissociation from repressive partners, the disrepute into which the notion of durable authoritarianism has fallen has the effect of increasing the risks of continued association with, and reliance on, said regimes. The newly acquired increased appreciation of the drivers of political instability in authoritarian states thus gives the added weight of realpolitik to the principled caution sounded by President Barack Obama, and repeated by Secretary Hilary Clinton, not to be “on the wrong side of history”.

Reversals and Counterattacks: Russian and Chinese Resistance
Questions also arise with respect to Russia and China, which have long cultivated many authoritarian states in Sub-Saharan Africa. It is an open question whether these two countries will continue to extend steadfast backing to strong-arm regimes in the face of increased prospects of a backlash in African (and world) opinion coupled with reduced confidence in the resilience and durability of the regimes in question. An instructive example in this regard is the threat that had been issued by the Libyan Transitional National Council to cancel oil contracts struck by China with the previous regime in Tripoli as retaliation for Beijing’s firm support for the Gadhafi government.

Yet China, alongside Russia, has of late forcefully asserted itself against the global momentum towards swift and fundamental erosion of state sovereignty. In blocking UN resolutions designed to hold President Bashar Al-Assad responsible for atrocities committed against unarmed Syrian civilians, both countries have voiced strong reservations about international infringement on Syrian sovereignty. Many observers have suggested that Russian and Chinese obstruction was intended as payback for a purportedly "limited operation" in Libya which promptly turned into a dogged pursuit of regime change by NATO forces. There is no doubt
truth to this explanation, but the motive of "payback" is too thin (and scrappy) a motive to account for willingness to risk the long-term costs associated with public resentment, not only in Syria, but possibly throughout the MENA region.

It would be natural to suppose that China, in particular, has a special stake in preventing a new world order forming around the concept of human security, placing it in an unenviable no-win situation. If China takes a firm stand against the democratic tide, it risks alienating world opinion just as it is preparing to assume its rightful place in the international arena as the veritable superpower that it has become. If it fails to resist this tide, it courts the awkward position of becoming a superpower whose domestic governance is systematically in conflict with the ruling ethos and fundamental norms of a new global order.

There is an upside to the throwback. China and Russia stand to provide a much-needed check on unbridled intervention in the name of human rights and democracy. Principles limiting such excesses will not inspire confidence in the absence of backup provided by major powers. A new equilibrium is likely to emerge involving imposition of reasonable limits both on the sweep of human rights promotion as well as on the scope of sovereignty. What is more, this new equilibrium would still involve an essential and productive tension between international and domestic norms where the two countries are concerned. The tension here could very well supply a compelling motivation and the required nudge to move Russia and China along the path of reform of domestic governance — a boon of inestimable value for democratic progress in Sub-Saharan Africa and elsewhere.

For the time being, however, the North African democratic momentum stands in direct opposition to the "rehabilitation" of political authoritarianism spawned by China's ascendancy of the world stage. With Asia set on a seemingly irreversible course to global economic dominance, leaders in Sub-Saharan Africa have increasingly looked to China as source of inspiration in the pursuit of rapid economic growth. The unparalleled record of success enjoyed by this foremost example of authoritarian
capitalism has predictably led to a devaluation of fundamental democratic freedoms.

What is more, China's vast foreign exchange reserves have created new alternatives to bypass governance and democracy conditionalities attached to traditional development financing, possibly encouraging a further relaxation of what to begin with was a practice of loose interpretation and lax enforcement of such conditionalities. The issue here has little to do with the familiar controversy in the development literature between those who, in the vein of Professor Amartya Sen, argue that development and democracy are mutually reinforcing and those who, following the lead of Professor Adam Przeworski, insist that the empirical data reveals no firm causal relationship between the two. Rather, the concern is irreducibly normative and, one might say, political. It has to do with the charge often hurled at the community of international development partners that it has done little more than offer lip service to matters of governance and democracy, reinforcing, wittingly or not, the devaluation of fundamental political reform. The lavish praise heaped on Ben Ali's regime by this community right up to the moment when the uprisings broke out will likely be a cause for serious self-reflection as well as external assessment.

The trend towards devaluation of democratic reform draws further support from a litany of Western academic pronouncements about conditions currently missing in Sub-Saharan Africa for the creation and success of democracy. Academic pessimism gained the upper hand in the wake of widespread disillusionment with the eventual career of a democratization wave that appeared to be gaining momentum in Africa in the late 1980's and early 1990's. Disenchantment with the upshot of a seemingly auspicious beginning provoked a turn away from voluntarism towards structuralism. The conclusion drawn by many was that the distressing end result was not so much the consequence of a failure of political will as much as it was symptomatic of underlying structural dynamics unfavorable to democracy.

Increasingly, democracy is viewed as the consequence of economic growth rather than its prerequisite. This summing up is strikingly echoed in Professor Jeffrey Sach's pithy declaration: "African governance is poor
because Africa is poor." The complete list of "prerequisites for democracy" is even more disheartening: a reasonable level of economic development, a relatively urbanized populace with a fair level of education, a sizeable secular middle class, well formed civic associations and other institutions of civil society, a culturally (linguistically) homogeneous population, a tradition of peaceable political contention and the rudiments of a culture of tolerance and respect for individual autonomy. However, it is instructive to note that, upon the arrival of independence and the founding of democracy in 1947, India, now tagged as the world's largest democracy, did not fulfill a single item on this stylized list of preconditions for democracy.

Democratic apathy spawned by Asian examples of capitalistic-authoritarianism and Western academic pessimism about democracy's prospect in Africa conspired to generate a powerful and seemingly irresistible anti-democratic tide. In complete disregard of this fateful trend, a potentially potent counter-current has been unleashed by recent developments in North Africa, setting the stage, as it were, for an epic contest over Africa's political fortune. Will the North African democratic wave undo the current infatuation with Asian models of capitalistic-authoritarianism, or will the powerful economic dynamics underlying the anti-democratic drift eventually overwhelm the North African momentum?

Is steady high growth in the context of a tangled pluralist democracy a preferred alternative to the real or imaginary promise of fantastically accelerated growth within a one-party framework — typically, under the

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38 It may come as a surprise that the one possible exception, according to Amartya Sen at any rate, is the existence of indigenous traditions of tolerance and the "liberal" respect for the "diversity of doctrine." See A. K. Sen, "Democracy as a Universal Value" (*Journal of Democracy*, 1999, 10, 3): 3–17. The purpose of Sen's explorations of the place of these modern democratic values in Indian history and culture, of course, is not to establish a case for "Indian exceptionalism". Rather, Sen's aim is to provide illustrations of indigenous, non-Western expressions of democratic aspirations, which, he is convinced, can be found in all (or nearly all) cultures and civilizations.
guise of a notably rights-hostile variant of a "developmental state"? In short, which Asian country will serve as Africa's model for long-term economic development, India or China?

**In Lieu Of a Conclusion: The Cost of Democracy to Authoritarian Regimes**

While the uprisings have much to teach us about the cost of repression to those who inflict it on others, they have almost nothing to tell us about the cost of a self-chosen democratization process. The focus of attention on the uprisings may therefore detract from the true extent of the liabilities of democratization for authoritarian leaders. An outcome favorable to democracy, however, depends on placing a check on the cost of democracy to incumbents. Under the assumption of rationality of leaders, peaceful change will be in the air if, and only if, the cost of suppression exceeds that of liberalization.

The unbalanced focus here is, in part, a reflection of imbalances in actual costs recently observed. One is hard pressed to find recent examples of costs of democratization that match, much less exceed, the costs of suppression sustained by the four ousted and disgraced leaders. Above all, one thinks of the debasements and unmitigated ruin wrought upon the Libyan leader and his kindred, a worst-case ending by any measure. The cost of suppression here goes far beyond mere loss of power and, indeed, of life itself.

Nevertheless, if the impression of a (comparatively) negligible price of democratization were to have been shared by authoritarian leaders, we would be bracing ourselves for a rush for democracy. Repressive regimes are least likely to underestimate the potential cost of democratization. This cost, by definition, includes the risk of loss of power, which, in their eyes, makes everything uncertain and fraught with peril. Nor is this assessment incomprehensible or even unreasonable. For example, it is increasingly possible that loss of power may result in domestic and/or international investigations for suspected criminal offenses committed while in office, which raises the cost of democracy beyond measure. Where the cost of both options — democratization and suppression — is considered very
high, differences at the margin will seem irrelevant. Instead, incumbents are likely to clutch on to eroding powers until the bitter end.

Peaceful embarkation on a democratic path may therefore at times crucially depend on bringing down the price of democracy to its adversaries — say, along the lines of reconciliation in South Africa — and seizing the opportunities within it for education to citizenship.
The North African Uprisings under the African Union’s Normative Framework

Mehari Taddele Maru¹

Introduction

In early 2011, popular uprisings swept across North Africa, spearheaded by the region’s outraged youth crying ominously “our country or death!” The choice for the authoritarian leaders in power was clear: change fast, resign or perish. The events in North Africa brought about sweeping changes in leaderships in Tunisia, Egypt and Libya. Ben Ali fled Tunisia, while Egypt’s Hosni Mubarak had to leave office after three weeks of defying internal and external calls for his resignation. The Libyan leader, Muammar Qaddafi, met an ignominious end in the hands of his captors, and after incessant airstrikes over Libya by the North Atlantic Treaty Organization (NATO), lasting nearly eight months.

As a result of the North African uprisings, officials of the African Union (AU) in particular and leaders of African states in general began to debate normative, legal and institutional questions:² the rule of law and constraints

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²This is a revised version of a paper presented at the 284th AU Peace and Security Council and the Permanent Representatives Committee joint plenary session on
on popular power defining constitutionalism, elements of which may, on
the surface of it, make revolutions appear incompatible with
constitutionalism. Similarly, revolutions may inherently appear to pose
threats to constitutionalism, or even become unconstitutional. This brief
paper examines if there is such inherent incompatibility, and even
irreconcilability, between revolutions and constitutionalism. It also looks at
whether AU’s normative frameworks related to constitutionalism and
democracy are contradictory to the events in North Africa. The paper will
address questions such as: are these uprisings and revolutions inherently
anti-constitutional, or even unconstitutional? What are unconstitutional
changes of government? Are the North African revolutions incompatible
with AU’s norms? Why is the involvement of mercenaries inherently anti-
constitutionalism or even unconstitutional? Were mercenaries involved in
the uprising in Libya?

In part, these questions emanate from the historical fact that Africa has
faced more coups d’état than revolutions, with the AU poised to respond to
unconstitutional changes of governments rather than to revolutions. Why,
it may be asked, did AU’s institutional frameworks fail to predict the North
African uprisings through the various mechanisms in place, such as the
Continental Early Warning System, the African Peer Review Mechanism,
etc? Despite significant improvements over the past ten years, the AU’s
institutional mechanisms still remain weak in practice, compared to the
challenges they are designed to address, so that they have been incapable
of bringing about the desired results they were designed for. Are these
indicative of the norm-implementation gap? How can AU move to fill the
gap between early warning and early policy response?

strengthening the African Peace and Security Architecture (APSA) of the AU to
improve the prevention, management and resolution of the crises emanating from
popular uprisings in Africa (in partnership with the Institute for Security Studies
(ISS), July 11, 2011. The contribution of ISS was recognized by the 18th AU Summit
in January, 2012; see Report of the Peace and Security Council on its Activities and
the State of Peace and Security in Africa, Assembly of the African Union, Eighteenth
Ordinary Session, 29-30 January 2012, Addis Ababa, Ethiopia,
Assembly/AU/6(XVIII).

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A year or so after the North African uprisings that took every body by surprise, it is now time to critically examine the nature of the uprisings, their causes and consequences, and AU’s response. The paper discusses the current events in North Africa vis-à-vis the AU’s normative frameworks related to constitutionalism and democracy. The AU has four major normative instruments dealing with revolutions, mercenaries and unconstitutional changes of government. These are the African Charter on Democracy, Elections, and Governance (the Addis Charter)\(^3\) and the Lomé Declaration of July, 2000, on the Framework for an OAU Response to Unconstitutional Changes of Government (the Lomé Declaration)\(^4\), as well as the 1977 OAU Convention for the Elimination of Mercenarism in Africa (the OAU Convention on Mercenarism).\(^5\)

Does the Lomé Declaration on Unconstitutional Changes of Government apply to revolutions? Do the events in North Africa constitute revolutions? Are all uprisings the same? And what are their implications on the above-mentioned AU policies, on governments and international actors in Africa? It is only against the background of these questions that one can understand why the AU responded to the uprisings the way it did. To answer these questions and understand the manner in which AU’s normative frameworks dealt with events in the North Africa, the Peace and Security Council and the Permanent Representatives Committee of the AU

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\(^3\) African Charter on Democracy, Elections, and Governance, Assembly/ AU / December 147(VIII). The Addis Charter has already entered into force in January, 2012, with 15 ratifications from member states of the AU. Many of the principles of the Addis Charter are drawn from existing African and UN conventions and practices, thus enjoy universal acceptance from states.

\(^4\) OAU Assembly of Heads of State and Government, Lomé Declaration of July 2000 on the framework for an OAU response to unconstitutional changes of government (AHG/Decl.5 (XXXVI).

\(^5\) OAU Assembly of Heads of State and Government, the 1977 OAU Convention for the Elimination of Mercenarism in Africa (CM/817 (XXXIV) Annex II Rev.1).
In this brief paper, it is argued that no tension exists between revolutions and the AU normative frameworks. Revolutions should be viewed as extra-constitutional, different from unconstitutional events. Both the letter and the spirit of AU’s normative frameworks support demands asserting the general will of the people. Taking the principle of interpretation based on the object and purpose of law, AU’s normative frameworks aim at entrenching constitutionalism and establishing constitutional regimes in Africa. The paper explains how and why the Lomé Declaration and the Addis Charter do not proscribe revolutions necessitated by unconstitutional governance in a country. More particularly, it argues that existing AU normative frameworks are adequate to address events such as the North African uprisings, so that there is no lacuna in the normative frameworks. The AU’s major shortcomings remain its inability to swiftly respond to crises in Africa, as well as weaknesses to effectively implement its normative frameworks and decisions. For an effective implementation of norms already in existence, the author recommends the adoption of a moratorium to end norm-setting by mobilizing all AU resources towards norm-implementation and supervision.

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6 This is a brief summary of the Author’s presentation made to the AU joint Plenary Session of the Peace and Security Council and the Permanent Representatives Committee on 11 July 2011 in Addis Ababa, Ethiopia.


In order to assist the decision-making organs of the AU when faced with uprisings similar to those in North Africa, the author further proposes what one may call “the credibility test”, based on the existing AU normative frameworks. To the extent that public protests enjoy massive popular support and meet “the credibility test”, they remain within the rights of people to revolution. The “credibility test” needs to fulfil three substantive conditions: systemic violations of substantive human rights, violations of the trust of the people and the absence of constitutional mechanisms of redress, including peaceful means of changing a government in power as assessed by the population directly affected and the wider opinion of the international community – the UN, AU, EU and other governance institutions. The “credibility test” thus needs to enjoy both external recognition, by the international community, and essentially internal endorsement by the people affected. When these conditions are prevalent, the people have the right to change the government constitutionally, when possible, and extra-constitutionally through revolution when necessary.

The “Credibility Test”

This paper argues (1) that revolution is considered as the birth right of people to change their government when other amicable and constitutional means of replacing that government does not work for whatever reason; (2) that revolution is an extra-constitutional legitimate means of replacing a government when change of government is made impossible through constitutional means; (3) that the object and purpose of the Addis Charter and the Lomé Declaration is mainly the promotion of constitutional governance; (4) that the popular protests in North Africa (particularly the Tunisian and Egyptian cases) fulfil most of the basic elements of a revolution; and (5) that, therefore, these popular protests are not only compatible but also within the spirit of the Addis Charter and the Lomé Declaration. As far as public protests enjoy massive popular support and meet the “credibility test”, it is the right of the people to participate in a revolution. The “credibility test” ensures that the legitimacy of revolutions cannot be questioned; in other words, it is a post-revolution government legitimacy certification. It offers a test that policy making organs such as the AU could apply when they determine a change of government as revolution or unconstitutional. Indeed, ‘the credibility test’ could also be
used as criteria for determining the credentials of governments after revolution in similar manner to the working principles of the UN Credentials Committee. In so doing, it serves as an instrument to ensure constitutional democracy by proffering a mechanism to deal with revolutions that are hijacked by military or other organized but unelected groups.

Implicit in the “credibility test” is the assumption that governments do not have the license to treat their citizens as they wish. Constitutionalism provides inbuilt constraints on a government in power in the sense that governments should continuously enjoy the mandate of the general public. The “credibility test” also justifies uprisings against a government when and where the above three substantive conditions and two kinds of endorsement are met. A change of government under such circumstances ensures that it is not unconstitutional changes of government as indicated in the Lomé Declaration or the Addis Charter.

In the opinion of the author, the AU needs to urge its member states to enable their populations to express their concerns and legitimate aspirations for better governance and performance from their governments. Noting that the most challenging days of democratization in Africa still lie ahead, the paper concludes by recommending a more robust engagement by the AU and its various organs than ever before. This should be guided by the various AU human rights treaties and the provisions of the Addis Charter as well as the Lomé Declaration.


The AU is a continental organization with fifty-four member states including the newest African nation—the Republic of South Sudan. Since the end of the Cold War, African leaders have been pressured to find African solutions to African problems, both domestically and

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9 Morocco left the OAU, the predecessor of the AU, in 1984 when the OAU recognized the Western Sahara and Polissario Front.
internationally. Civil wars in the Democratic Republic of Congo (DRC), Liberia, Sierra Leone, Burundi, Central African Republic and Guinea Bissau; genocide in Rwanda; state failure in Somalia; and secessionist movements in Sudan became real challenges to the new African leadership, demanding urgent attention and action. The humanitarian crises in Somalia\textsuperscript{10} and Darfur\textsuperscript{11} were the worst, with more than six million deaths and forced displacements. To meet these challenges, the institutional transformation of the Organization of African Unity (OAU) into the AU began with the declaration of the OAU Extraordinary Summit of Heads of State and Governments in September, 1999, in Sirte, Libya.\textsuperscript{12} Indicative of the purpose, the title and theme of the Summit, “Strengthening OAU Capacity to enable it to meet the Challenges of the New Millennium,” was to amend the OAU Charter in order to enhance the efficiency and effectiveness of the OAU.\textsuperscript{13} This extraordinary summit, and later the AU Constitutive Act, shifted the mission and vision of the OAU, mainly from an organization of anti-colonial solidarity, to the more pro-human rights interventionist AU. Under Article 4 of the AU Constitutive Act, the AU


\textsuperscript{12}African Union Summit, Transition from the OAU to the African Union (noting that the purpose of the Extraordinary Session entitled “Strengthening OAU Capacity to Enable It To Meet the Challenges of the New Millennium” was to amend the OAU Charter to increase the efficiency and effectiveness of the OAU), available at http://www.au2002.gov.za/docs/background/oau_to_au.htm (last visited August 11, 2002).

has the right to intervene\textsuperscript{14} in a member state, pursuant to a decision of the AU Assembly of Heads of State and Governments (the Assembly) to prevent any grave circumstances, namely, war crimes, genocide and crimes against humanity.\textsuperscript{15} This was a vital mandate for the AU to resolve the tensions between sovereignty and responsibility.

The Responsibility to Protect

Differentiating Intervention from Interference

Thus, the concept of sovereignty as responsibility fundamentally replaces the old principle of non-interference in the internal affairs of a sovereign state. It asserts the prime responsibility of the state and the subsidiary duty of the international community in ensuring the “safety, lives and welfare” of human beings globally. Indeed, with increasing universal recognition of the principle of the responsibility to protect, state sovereignty progressively becomes a functional tool with the sole purpose of discharging the duties of the state. The shift of mission of the AU lays on its success in combining three elements: 1) the sovereignty of its member states, 2) their responsibility to protect their nationals, and 3) African solidarity expressed by the duty of the AU in assisting states with internal grave crises. The AU to intervene in a Member State when an internal crisis coincides with grave circumstances constituting war crimes, genocide and crimes against humanity. These duties stipulated under the Kampala Convention entail some form of responsibility of intervention for the AU. When a state fails to discharge its responsibilities, the international community, and in this case the AU in particular, has the duty to provide back-up protection to

\textsuperscript{14} Article 4(h) of the Constitutive Act stipulates “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity” and Article 4 (j) which states the “the right of Member States to request intervention from the Union in order to restore peace and security.” These formulations are put as a “right” and not an “obligation”. Nonetheless, they are conceived of rather as the duty of the AU and member states when grave circumstances prevail in another member state.

the citizens of that state.\textsuperscript{16} This differentiated intervention from interference. This reinforces the principle of subsidiarity, which dictates the complimentary responsibility of the international community to accept the responsibility to protect a given population when the state in control fails to do so. The principle of subsidiarity reinforces this re-conceptualization of sovereignty as responsibility to respect and ensure respect the human rights by states and the international community. This is what is called the principle of subsidiarity. The benefits of this conceptualization are significant.\textsuperscript{17}

In this regard, through practice, the AU has made a distinction between intervention and interference. Intervention can be sanctioned only if substantive and if procedural requirements are fulfilled and a proper authorization by the AU or the UNSC with strict conditionality is enforced. Subsequently, the AU has officially approved the principle of the responsibility to protect.\textsuperscript{18} Thus, for the AU unlike the OAU, there is no normative inhibition to intervene in North African countries to protect civilians when this is required.

In order to intervene, the AU has institutional mechanisms such as the Peace and Security Architecture (APSA) which still is not fully operational.\textsuperscript{19} APSA is comprised of Peace and Security Council (PSC), the

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\item Apart from the peacekeeping missions and other interventions that AU approved, the newly adopted Kampala Convention on internally displaced persons, the responsibility for addressing the plight of IDPs is placed on all states. In line with the principle of the responsibility to protect, the intervention duty of international and regional mechanisms such as the AU mandate to intervene is clearly stipulated. In accordance with the principle of subsidiarity, the Kampala Convention reinforces the power of the AU to intervene for protection purposes, in a manner compatible with the AU Constitutive Act and international law.
\item African Commission on Human and Peoples Rights (ACHPR), ‘Resolution on Strengthening the Responsibility to Protect in Africa’, (ACHPR, Brazzaville, Republic of Congo, 28 November 2007), ACHPR/Res.117 (XXXXII)07.
\item The AU, its mandates and institutions are discussed in detail in Mehari Taddele Maru, \textit{The First Ten Years of the AU and Its Performance in Peace and Security}, No. 218-
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Panel of the Wise (PW), the Continental Early Warning System (CEWS), the African Standby Force (ASF), the Peace Fund (PF), and the Military Staff Committee (MSC). In the past ten years, the AU has responded to urgent crises, such as those in Somalia, Darfur, South Sudan, Côte d'Ivoire, Madagascar, Niger, Mauritania, Mali, and the recent popular uprisings in North Africa, albeit with varying degrees of success. In terms of success, its performance is rather mixed. The signing of the Comprehensive Peace Agreement (CPA) between the North and South Sudan Liberation Army/Movement in 2005 and the Darfur Peace Agreement between the Darfuri rebel groups and the Sudanese government were examples of success. The AU’s High-Level Implementation Panel on Sudan (AUHIP) remains one of the most active peace mechanisms. Without such engagement from the AU and other international and sub-regional actors probably the cost of the pre-and post-referendum of South Sudan could have been enormous. The African Union-United Nations Hybrid Operations in Darfur (UNAMID), predecessor of the AU Mission in Sudan (AMIS), has improved the situation on the ground. While the AU has done well in minimizing the number of victims in Darfur with its AU Mission in Sudan (AMIS) totalling 7,000 peacekeeping troops, the AU Mission in Somalia (AMISOM) has since August 2011 made significant difference with its tireless efforts to bring Somalia out of its condition of statelessness.

In addition to AMIS, AMISOM and AUHIP, the Regional Economic Communities (RECs) have been active in their robust exercise of the right of intervention. The Economic Community for Western African States (ECOWAS) in Liberia, Sierra Leone, Côte d'Ivoire, Niger, Mauritania; IGAD in Somalia, South Sudan and Darfur; and the Southern African Development Community (SADC) in Burundi, Zimbabwe and Madagascar are examples of the active role the RECs have played in the maintenance of peace and security in Africa. PSC deliberations also focused on the Central African Republic, the Democratic Republic of Congo, Chad, Comoros, and Cote d'Ivoire, Burundi and Mauritania. The AU has been

actively involved in monitoring elections in Africa, and subsequently, in mediation efforts when post-election violence occurred in many African countries. In this regard, the AU was busy in Kenya (2007), Zimbabwe (2008) and Côte D’Iovire (2010).

**Generational progression of democracy**

There is no principle in the AU Constitutive Act that has been implemented more effectively than the principle of the total rejection of unconstitutional changes of government. Several coups d'état and unconstitutional extensions of terms of office in Madagascar, Mauritania, Sao Tome and Principe, Togo, Mauritania ,Niger and Mali, as well as attempts in Chad, Guinea Bissau, and Guinea were, without exception, rejected and the AU successfully ensured the return of elected governments. With three dictators toppled by the North African uprisings and four democratically elected new leaders in Tunisia, Zambia, Liberia, and Nigeria, Africa’s democratic profile has shown generational progress. Despite having some dictators, and other leaders with contested mandates and diminished legitimacy due to election-related violence, it is clear that Africa has witnessed a “generational progression of democracy”. With each passing decade, the number of democratically elected leaders in Africa has increased. Compared to the 1990’s and early 2000’s, this decade has shown a striking surge in the number of democratically elected leaders participating in the AU Summit. Because of the increase in democratic elections, the democratic profile of the AU Assembly of Heads of State is expected to increase in the coming years. In this regard, the North African revolutions are what mathematicians call “markers of change” for the rest of the continent and elsewhere.

1.1 *The Addis Charter*

As provided under Article 3 of the Addis Charter, the *Object and Purpose* of the Addis Charter is democratic constitutionalism and good governance”. This is a restatement of Articles 3 and 4 of the Constitutive Act of the AU (the Constitutive Act), Its ultimate policy objective, as provided under Articles 2 and 5 of the Charter, is to establish constitutional regimes throughout Africa. Articles 2 and 3 of the Addis Charter provide the policy
objectives of the charter and what democratic constitutionalism constitutes. These include representative government through vibrant parliament, multiparty democracy by way of regular credible elections, pluralist and good governance. Article 33 deals with practices of good governance. It requires that the management of public affairs (ranging from political to social services and taxation) needs to be publically transparent and accountable.

1.2 Democratic Constitutionalism

Constitutionalism mainly refers to the limitation of political power, while a democratic government is, by definition, representative of the will of the majority of the people. A constitutional order, however, also imposes inbuilt institutional and substantive restraints on the will of the people by way of individual and minority rights. Constitutionalism constitutes values, institutions and procedures. Constitutional values comprise three major substantive elements: (1) the limitation of the power of the government; (2) the right of the majority to rule within a constitutional limit; and (3) the right of the minority to enjoy their human rights. Thus, democratic constitutionalism guarantees the majority’s right to rule and minority’s right to be respected. (Democracy = Majority Rule + Minority Rights). The prime principle of constitutionalism assumes that governments need to be inherently good, faithful and ensure equal respect and dignity to the people collectively and individually. The Addis Charter emphasises interdependence and indivisibility of the political and civil rights, on the one hand, and the culture of peace and solidarity, social, and economic rights on the other. Increased awareness and education are central to the Addis Charter. It assumes that without educated citizens, democracy is difficult, if not impossible, to achieve. The Charter also indicates the critical role of economic, social and cultural rights for a given country to build a democratic system. This refers to the importance of fulfilling democracy and delivery of services.

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20 Article 3(3), 3(11), Article 3 (4), Article 3(7), (8), (9) of the Addis Charter.
21 Articles 27, 37, 39, 40, 41, and 42 of the Addis Charter.
22 Article 31 and Article 43 of the Addis Charter.
Under a constitutional order the source of the power, mandate, legitimacy to govern a given population and territory emanates from the will of the people. A corollary of this is the right of the people to revolt against any force that contravenes their will through use of brute force and intimidation, or manipulation of procedures and abuse of power. Constitutionalism places inherent constraints on the will of the people and that of democratically elected government by way of minority rights, institutional check and balance and procedural safeguards. In this regard, Article 8 of the Addis Charter calls for the tolerance of diversity and pluralism, as well as the protection of “the minority rights within the member states including political, sexual, ethnic, religious and racial.” It further calls the State Parties to “adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social groups.”

Constitutionalism rests on institutions that offer the necessary separation of power and the check and balance between the law-maker, the law-adjudicator and the law-enforcer. Constitutional institutions serve as constraints to any usurpation of power that is entrusted to the government by the people. They are the custodian of the legitimacy of the government. Article 14 stipulates the governing principles related to democratic institutions.

### 1.3 Constitutional Institutions as Shock Absorber

Constitutional institutions play a critical role in times of crisis: they serve as shock absorbers. A vehicle’s shock absorber reduces excessive suspension movements and the chances of that vehicle rolling downhill. In a constitutional system, independent institutions such as the judiciary, parliament, army and police all serve as shock absorbers when such a system faces a serious political crisis and rough road towards transition. Popular protests become revolutions when there are no strong institutions that serve as safety valve of any kind in the system. Constitutionalism provides institutions and procedures that absorb the political shock a country faces. For example, from 1910-1930, Germany had constitutional institutions and procedures that served as shock absorbers in managing the crisis that...
followed the First World War and preventing a complete revolution. This explains the reason why the German popular protests from 1918-1923 did not succeed in becoming a full-fledged revolution. As the writer argued elsewhere in August, 2011, “it is highly likely that Libya will be fragmented into pieces and pockets of tribal leadership, as a result, the potential for fragmentation of Libya into small ‘city- emirates’ such as the ‘Emirate of Darnah’ and ‘Albadah Emirate’ is very high”. The civil war and the potential for fragmentation in Libya may partially be attributed to the absence of institutions that could serve as shock absorbers.

1.4 The Lomé Declaration on Unconstitutional Changes of Government

Since independence, Africa faced more than 100 coups d’état. The Lomé Declaration provides four situations of unconstitutional change of government: (1) military coups d’état against a democratically elected government; (2) intervention by mercenaries to replace a democratically elected government; (3) replacement of democratically elected governments by armed dissident groups and rebel movements; and (4) the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections. Based on this definition, unconstitutional changes of government could take the form of an illegal replacement of a democratic government as provided for in situations 1, 2, and 3, or emplacement of some body or group in power in a situation specified under 4. Governments which are in power for more than fifteen

27 OAU, Lomé Declaration of July, 2000, on the framework for an OAU response to unconstitutional changes of government (AHG/Decl.5 (XXXVI), Lomé, Togo.
years now came to power through the situation specified under 3 in the 1990’s. While replacements of government as provided for under 1 and 4 have shown a marked increase in recent years, the situations specified under 2 and 3 are rare.

For a long time, Africa faced more coups d’état than revolutions. Coups d’état are undertaken by the elite of a population to impose the interest of the few on will of the majority. They constitute typical unconstitutional changes of government in Africa. The causes of coups d'état are dissatisfaction with the elite military or civilian groups, with the leadership of a given government, and the exclusion of such elite from the usual benefits it gains. Even if many of the African governments who adopted the Lomé Declaration are governments which came to power through unconstitutional means, mainly by military or military-supported coups d'état, however, only a few participating heads of state or government were considered democratically elected under constitutional rule. Therefore, the Lomé Declaration was a call by African leaders, including those who ascended to the helm of power through coups d'état or civil war to end coups d'état. In other words, these leaders, through the Lomé Declaration, expressed their wish to avoid being toppled by coups d’état and to become the last coups d’état leaders.28 The legislative intention of the Lomé Declaration unequivocally rejects seizure of power through replacement or emplacement of government supported by the military, mercenary groups, armed rebel groups, or by an incumbent party or personality. This could be inferred not only from the ordinary meaning of the terms of the Declaration, but also the context in which it was ratified and subsequent acquiescence in interpretation by the AU organs. Any other contrary interpretation of the Lomé Declaration could defeat the “object and purpose” it attempts to achieve. The Lomé Declaration is a decision of the OAU Heads of State and Government that rejects any unconstitutional change of government. For this reason, some writers argued that the Lomé

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Declaration is non-binding. Nonetheless, all decisions of the AU Assembly and other organs such as the AU Peace and Security Council are binding on member states, and the Lomé Declaration is legally binding. The AU policy organs have taken several decisions on this matter. The Addis Charter reinforces and transforms the binding normative principles of the Lomé Declaration to treaty based provisions.

In this regard, the Lomé Declaration specifically refers to “military coup d’état against a democratically elected Government” which could be construed as indicating that coup d’état against undemocratic government is acceptable. This would, in effect, encourage coups d’etat against

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governments perceived as undemocratic, thus becoming a licence for
dissatisfied military groups such as the current coup in Mali and Guinea-
Bissau. Taking the object and purpose interpretation, under the Lomé Declaration, an unconstitutional change of government is defined broadly
not only to refer to changes of government by force but also includes
governments that stay in power without legal or in contravention of
constitutional mandate. Reinforcing this legislative interpretation, Article
5 of the Addis Charter calls on member states to “take all appropriate
measures to ensure constitutional rule, particularly constitutional transfer
of power.” It is, therefore, only logical to conclude that the official
legislative intention of the drafters of the Lomé Declaration, regardless of
the divergent motives of the leaders, was to lay the ground for the
establishment of constitutional regimes in Africa. It totally rejects any
unconstitutional takeover of, or illegal stay in, power.

In this regard, the Lomé Declaration refers to elite, mercenary or rebel-led
changes of government, or implantation of a new government by coup
d’état. Paragraph 12 of the Preamble of the Addis Charter refers to the
Lomé Declaration on unconstitutional changes of government as violation
of the Charter. Article 10 strongly urges member states to consolidate the
primacy of constitutionalism in their political system. Article 23 (5) of the
Addis Charter added a fifth situation that amounts to an unconstitutional
change of government and states that “… any amendment or revision of
[national] constitution or legal instruments which is an infringement on the
principles of democratic change of government”. This would amount to
implanting an incumbent government regardless of the will of the people.
The main test should be substantive assessment of the circumstance within
which extension of term of office is made. More importantly, it stipulates
that amendments to constitutions are to be carried out only when a
national consensus is achieved. Cumulative reading of Articles 5 and 10 of
the Addis Charter stipulates that amendments to constitutions should take

32 Issaka Souare (2009) The AU and the Challenges of Unconstitutional
197.
33 Addis Charter.
place by consensus, if possible, or through referendum, if necessary. Again the assessment involves a call for judgment based on the Credibility Test.

To narrow down the chances for the occurrence of coups d'état, Article 14 (1) provides for civilian control of armed and security forces as the basic element of constitutionalism. The AU Constitutive Act (ACA) stipulates strict sanction regime and punishment, including criminal penalty at national level. The Addis Charter calls on State Parties to impose stiff penalty on authors of unconstitutional changes of government and imposes obligations on State Parties to cooperate and extradite authors of unconstitutional changes of government. The Addis Charter offers a complete legislative intention to the Lomé Declaration that revolutions are not unconstitutional change of government. They constitute part and parcel of the extra-constitutional right of the people to change their governments.

1.5 Revolution as Extra-constitutional Right of the People

The Right to Revolution as stated by John Locke is not only entitlement of the people, but also obligation when a government breaches the trust it enjoyed from the people. The people are the ultimate bearers of all political power. State exercises power by delegation. It is an agent of the people—the principal. Thus, people have all the right to change governments when they wish. When the agent acts beyond, or abuses, its power as delegated to it by people, they have the right to revoke that delegation and agency. Such change should normally happen through constitutional means, such as regular elections or vote of no confidence. However, when such constitutional means is non-existent or is deliberately rendered meaningless, the people have the right to rebel against its

34 Article 30, the Constitutive Act of the African Union, and Article 14 (2) and 14 (3) of the Addis Charter.
35 Article 25 of the Addis Charter. See also Article 23 of the Constitutive Act of the AU.
36 John Locke, Two Treatises of Government in Thomas Hollis (ed.) (1764), the Online Library on Liberty.
government. Revolution, therefore, indicates the act of taking power back by the people.

Since revolution is carried out above the normal procedures of a constitution, it becomes extra-constitutional. The legal and philosophical perspective of the right to revolution rests on its extra-constitutional nature. This has to do with the conceptualization of constitutions and conventions as evidence of the existence of fundamental human rights, not as the source. Fundamental human rights are not made by a constitution. As a universal, inalienable and inviolable entitlement of being a human, they exist even without the constitutions or conventions. The right to revolution becomes extra-constitutional as people have the right to activate their latent right to change a constitution and a government. The conventions and constitutions catalogue human rights and serve as evidence of the social contract. Provisions of human rights provided in a constitution are constructs to make references much easier. Thus, a constitution is meant only to serve as a common and easy reference. One can assume that extra-constitutional nature of the right to revolution lies in this conceptualization of revolution as a fundamental human right.

Historically also, all revolutions begin as some sort of quest for radical change or substantial reform in governance. It is the lack of credibility in the action of a government that turns protests to be quite popular to intimidate or appease through some minor changes. When the ladder through which the government took power, and which would be used to bring the government down has been removed, the only way to oust the government is to overthrow it through popular protest and revolution. People, collectively, have the right to extra-constitutionally change such a government. Revolution expresses the general will and capacity of the people to change governments that refuse to reform meaningfully to meet the demands of the people. Hence, thinking politically and legally, revolutions by definitions are legitimate. Similarly, both Thomas Jefferson and Alexander Hamilton invoked the right to rebellion as a last resort when their rights are violated. The power of a state emanates from the will of the people through elections and constitution that respect the right of the people. In the exercise of political power, people, as the principal, are the bearers of power, and the state is an agent.
The state as an agent exercises power by delegation. When the agent misuses or abuses this delegated power, the people have the right to revoke the delegation/agency. In a more precise formulation, when a minority in number usurps majority power and imposes its interest on the majority in number, it becomes an unconstitutional regime. A system that supports the minority to exercise majority power inevitably faces revolutionary uprisings. In a simple manner, when such revocation of power happens by popular protest, it constitutes a revolution. In the course of revolution, people take state power (legislative, adjudicatory and executive power) back into their hands for a brief time of transition. At the time of revolution, excessive measures are taken due to the absence of separation of power. This endangers constitutionalism that limits majority power on minority rights. At such times, the AU could assist countries facing revolts to ensure democratic constitutionalism: a rule by majority in number that also respects the rights of the minority in number. In short, revolution is a transformer of the latent power of the people to active exercise of state power.

To differentiate revolutions from unconstitutional changes of government as in the Lomé Declaration, one has to look to the conditions that warrant the right to revolution. These are:

i. **Violations of substantive rights**: systemic violations of constitutional values including human rights;

ii. **Violation of trust of the people**: government has fiduciary duty to the governed, when the government deliberately and systemically violates the declaration of trust; and

iii. **Absence of constitutional mechanisms for redress**: the lack of or systemic manipulation of constitutional mechanisms of solving or redressing.

Popular protests need to be credible both internally and externally. Substantively, it is important to show that the rights of the majority to rule, and the rights of the minority to be respected, are violated when there are widespread grave, gross and systemic violations of human rights. Nevertheless, not all kinds of violations of human rights constitute a cause
for revolution. Some qualifications are necessary here. The human rights violations need to be systemic and widespread to form a ground for revolution. “To be regarded as systematic, a violation would have to be carried out in an organized and deliberate way. In contrast, the term “gross” refers to the intensity of the violation or its effects; it denotes violations of a flagrant nature, amounting to a direct and outright assault on the values protected by the rule.”37 While “gross” relates to the extreme nature and a massive degree of violation of human rights, the word “systematic” refers to violations that are deliberately planned and methodically coordinated. These violations are not attributable to the act of an individual. Neither do they refer to separate and solitary incidents of violations of human rights. It is the systematic method and gross nature of the violations that area of concern to the international community, the AU and other member states to act in support of revolutions to stop such systematic and gross violations.

Procedurally, it is important that the public believes that there is no mechanism to redress complaints of violations without change of government through constitutional means, or institutionally, if there are no democratic institutions such as an election commission to run free and fair elections, national human rights institutions to trust, or judicial organs to seek independent relief as well as a parliament to represent the popular view. The prime virtue of a state is to be just and to do good to all its citizens. The government has to be subject to the aggregated will of the people with their diverse religious, cultural or ethnic preferences. Such an aggregated will can be expressed by constitutionalism, which stipulates the principles and interests commonly shared by all, and the areas and interests that are peculiar to specific groups. A system that puts the minority in power to dictate the fate of the majority in number is unjust and needs to be replaced by a more just government. In countries where human right violations are systemic and endemic as well as where regime change is constitutionally impossible, revolution is highly probable. In a system where the judiciary and other constitutional institutions are undermined, where the rule of law and other constitutional procedures are deliberately

and effectively misused or total abandoned, the safety valve that could diffuse a revolution will disappear. In many African countries including Tunisia and Egypt, elections have been reduced to a mockery. This leads to the conclusion that constitutional change of government is impossible and requires not less than a total revolution to regain the people’s power to elect the government.

Therefore, in a country where the only remaining option to change these three conditions is revolution, and where the people demonstrate the capability, revolution constitutes the will of the people and becomes a means to attain legitimate expectations of the masses. While unconstitutional changes of government mainly means replacement or emplacement of a government through illegitimate means such as coups d'état, in essence, only revolutions are legitimate extra-constitutional change of government. In a nutshell, unconstitutional change of governments ends in a situation where few are against all, while in the case of revolution; all people are against the incumbent few. Consequently, revolutions are compatible with the AU normative frameworks.

As with any right of human beings, the right to revolution in the face of repressive and irreparable government is universal, inalienable and inviolable. It is universal in the sense that every human being is born as natural bearer of the right to revolution, and it is inalienable and inviolable that this right is intrinsically part of being a human. The extra-constitutional nature of revolution is based on the idea that the will of the people is above any constitution, that a constitution serves as an evidence of the will of the people, that people through their action should have the right to change a government or a constitution when they feel that the set

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38 Despite its success to change the imperial government of Tsar Nicholas, the October Bolshevik insurrection fails short of a revolution as it took power from a coalition of a liberal government led by Kerensky. The seizure of power by the Military Revolutionary Committee that stormed the Winter Palace and toppled a provisional government would have constituted a coup d'état as per the Lomé Declaration if hypothetically we assume this happened now in Africa. Montefiore Simon (2003) Stalin, The Court of the Red Tsar, Orion Publishing Group, London, UK; and Montefiore Simon (2006) The Young Stalin, Orion Publishing Group, London UK.
of rules, procedures and institutions somehow do not address their concerns. Revolutions are extra-constitutional means of ensuring the will of the people and their legitimate aspirations when people’s rights to change governments constitutionally are made impossible. Both the Addis Charter and the Lomé Declaration provide detailed blueprints for constitutionalism to avoid changes of governments through revolutions, uprisings, revolt and crises. The preambles to the Lomé Declaration and the Addis Charter point out that peaceful, democratic and stable Africa is possible only when governments promote constitutional governance.

The question now is what constitutes a revolution? The events in North Africa were dubbed as “crises”, “uprisings”, “popular protests”, and “revolutions”. The word “crisis” negatively refers to unexpected events that may lead to uncertain future and dangerous times of instability. While the North African events were, indeed, unexpected and the fate of these countries is far from certain, nonetheless, “crisis” is too negative a word to describe the popular protests in Tunisia and Egypt. The word “uprising” refers to revolt by a limited segment of the society. It involves localized armed insurrection with narrow popular base. Perhaps, the Libyan case can be expressed as an uprising. Revolution requires not only protests or uprising; it must enjoy a broad-based and popular support. With broad-based popular support, the size of the population and the degree of participation of the people in the protests make revolution a real expression of the aspirations of people compared to an uprising, insurrection or revolt. Unlike crisis and uprising, or insurrection, revolution is inherently extra-constitutional in its objective and nature. More importantly, it also needs to end an existing regime and install a new regime in its place. Thus, revolution is determined not only by the popularity it enjoys among the masses but also by the replacement of a government and the radical change it introduces.

Many writers would agree that the popular movements in the United States of America in 1776, France in 1989, and Iran in 1979 were true revolutions. The Thailand Red-Shirt popular protest (rural people

marching against the Bangkok Government) has all elements of a revolution. However, it was crushed forcefully by tens of thousands of strongmen from the military and security forces. The Thai protest implies that popular protests need to get rid of an incumbent government to be considered a revolution. Hence, for a broad-based popular protest to become revolution, the protest needs to topple the government, dismantle previous regime power bases, and bring an overhaul in governance culture. What is more, revolution presupposes the popular protest that aims at a total change of an incumbent government and discontinues its system of governance. Revolution is an expression of the legitimate intention of the general public to entirely transform an incumbent government with a complete break from the previous government. Accordingly, while the North African revolutions constitute all elements of a revolution, however, some aspects of a revolution, specifically the second element (the total change of the previous governments), still remains unfulfilled, at least in Egypt.

1.6 Revolutions and Constitutionalism

The will of the people is constitutional only when it does reflect legitimate aspirations of the public, including that of the minorities. In some instances, revolutions may end up in pursuing illegitimate aspirations. The Third Reich of Germany under Hitler is a good example. Even if popular protests in the streets were the main forces that put Hitler in power, the total abolition of any mechanism of constitutional check and balance on his government and personal will made his government illegitimate and beyond repair. Thus, while the preconditions stated in “the credibility test” for revolution were abundantly present in the Third Reich, it was impossible for citizens to carry out popular protest due to the totalitarian nature of the state in controlling all public space. The same can be said about the October Russian Revolution during Lenin’s and Stalin’s

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regimes.\textsuperscript{41} In effect, even if the elements of broad-based popular protests and legitimate aspirations of the people were discernible in both the German Third Reich and the Soviet Russia cases, they, however, led to governments that are constitutionally unconstrained. Historically, some revolutions have led to a more totalitarian regime than the previous one. Similarly, the 1974 Ethiopian Revolution was supported by all segments of the people from all walks of life. Hijacked by a military junta—the Derg—the end of that revolution was a military dictatorial regime. In spite of bringing about a total change in government and governance system, such revolutions failed to meet the criteria of being considered constitutional.

II Origins of the North African Uprisings and the AU

For many citizens in countries affected by the uprisings, while freedom from hunger is a basic request, nevertheless, freedom from fear takes precedence in their demand for change of governments. The protesters demanded for both democracy and delivery together, and to ensure their freedom to deliberate and decide on how their countries should be run. The Tunisian protest started with the self-immolation of an impoverished street vendor, Mohamed Bouazizi, who lost all hope due to the rampant corruption in his country. Inspired by the Tunisian uprising, popular protests in Egypt and Libya have led to a significant awakening of the populations of these and other countries, particularly the youth.

There were three peculiar sources of strength for the revolutionaries: the young age of the overwhelming majority of the protestors; their numbers were too large to be controlled or intimidated; and their composition was from all walks of life, which made it difficult to divide and rule. The young ages of the revolutionaries generated the determination to seek change with the hope that such change would be for the better. The sheer numbers of demonstrators exuded fearlessness and perseverance among the populace, while it induced fear and caused rift among the leadership of the various besieged governments on how to respond to the protestors. Government forces, including the respective military establishments, tried

\textsuperscript{41}Montefiore Simon (2003)Stalin, The Court of the Red Tsar, Orion Publishing Group, London UK.
to disassociate themselves from their political leadership when faced with such determined large widespread protests that were very difficult to control through the use of brute force.

The North African revolutions revealed that the presence of conditions for popular protest is not sufficient. The agents of change—the revolutionaries, media outlets and social networks, play more important role than the material or social circumstances that may warrant revolution. For revolution to succeed, protests need to be supported and actively followed by a majority of people drawn from all walks of life and communities. An overlapping consciousness among various sectors of a society and increased awareness and belief that citizens can chart their country’s destiny determine the ultimate success of a revolution. In this regard, the key issue is what may be termed “the Coordination Capabilities”. The coordination capabilities that refer to the opportunities and resources for coordination among the protestors play a vital role for mobilization and concerted action against the government, for revolutions to succeed. The revolutions in North Africa were without any clear and individual leader of the traditional types of revolution due to the risks involved in leading such revolutions. For protestors, the challenge relates to mobilization of politically fragmented groups through coordination. The absence of social platforms makes coordination very difficult and risky. In Libya, lack of social and other organizations limited the mobilization of popular protests. Tribal links offered the trust needed for social mobilization. A government’s failure to detect and analyse coordination among protestors, and its weakness in coordinating an effective response, increased the likelihood of a revolution. Similarly, and perhaps more importantly, protests turn into revolution only if the government is unable to coordinate its different arms to effectively respond to the protests. Only a government that lacks the capabilities to coordinate fails to effectively respond to protests.

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43 Foreign Affairs, Volume 90, No. 3, Pp 2-7.
Expressed briefly, protests turn into revolution when a government is unable or unwilling to satisfy the demands of, or subdue, protestors. A government’s weakness could be due to fear of security forces being implicated in the anti-revolutionary camp, or the presence of serious divisions within the elite that control the government. This coordination incapability becomes pronounced particularly when the military refuses to cooperate with the government. Lack of coordination within the government significantly increased the chances for the success of the revolutions in Tunisia and Egypt. As shown in the recent election in Thailand, the victory of the Red-shirts implies that they had the popular support they needed to engage in revolution. Nevertheless, due to the capacity of the government to coordinate its security forces, the Red-shirts protests were disrupted and the government was able to sustain itself for some time.

2.1 The Libyan Uprising

The Libyan uprising began with a protest in Benghazi on 15 February 2011. A report from the former Qaddafi regime confirmed that “there were peaceful demonstrations before and on the evening of 15/02/2011.”44 These protests turned into a riot, and later on, there were a number of armed revolts in many parts of Libya. In chronological order of events, there were three stages between the first protest in Benghazi and the death of Colonel Qaddafi on 20 October 2011. Early on 15 February 2011, relatives of the prisoners of Busalim victims organized a demonstration in Benghazi, and they went on to protest against the burning of the Busalim prison. Mr. Fathi Trbal, a lawyer, and Mr. Atf Alattrash called upon the protestors to help the prisoners by saying ‘help your sons who are burning in prison’.45 The intention was to free prisoners

44The Great Socialist Libyan Arab Jamahiriya, Response to the Application of the African Commission on Human and Peoples’ Rights (Application No. 004/2011) and the Order for Provisional Measures by the African Court on Human and Peoples Rights, Submitted to the Court, Arusha, Tanzania, 06 June 2011.
45The Great Socialist Libyan Arab Jamahiriya, Response to the Application of the African Commission on Human and Peoples’ Rights (Application No. 004/2011) and the Order for Provisional Measures by the African Court on Human and Peoples Rights, Submitted to the Court, Arusha, Tanzania, 06 June 2011.
and get to the attention of media outlets such as the Aljazeera TV Channel. The main protest was held on 16 February 2011 at Shajarah Square in Benghazi. This time, the requests of the protesters were not limited to the release of prisoners such as Mr. Fathi Trbal. It turned out to be a demonstration seeking a change of government in Libya as had happened earlier in Tunisia and Egypt.

Subsequently, the demonstration in Benghazi went out of control. The government forces and institutions, such as police stations, intelligence and army barracks were destroyed and abandoned. Albadah and Zenthan were no different from Benghazi. Later on, the uprisings expanded and resulted in the control of government institutions including courts, administrative offices, and even banks by the rebels. While the army was instructed to withdraw from these cities, the protests spread to other cities such as Almarag, Darnh, Ejdabyah, Albraqah, Zawya, the Western mountains and Alenekat Alkamsah. As the protests started to be organized more effectively, groups begun to break into army warehouses and take arms. At this juncture, the protests reached the stage of an armed uprising after the demonstrators armed themselves. At this stage, the groups organizing the protests became public and began to officially take responsibility for the overall situation in the Eastern part of Libya. The National Transitional Council (NTC) officially declared itself to be the alternative government in Libya. The NTC began to create a front comprising all internal and external actors against Colonel Qaddafi’s regime. The Front included some defecting army units in Albadah, Sahaat, Benghazi, Tobruk, Ajdabiya and other locations, led by Major General Abdel Fattah Younes, the Interior Minister, and the Islamic Group for Change and Reform, with the support of some member states of NATO and the Arab League. With the defection of the army, huge quantities of heavy weapons as well as military installations including tanks, guns, air and naval bases fell into the hands of the revolutionaries.

There were subsequently reports that some forces of the NTC arbitrarily arrested and summarily executed or tortured Libyans including black Libyans and African migrants on the assumption that they had served as mercenaries for Qaddafi’s forces. These acts, if proven true, would amount to inhuman and degrading acts in violation of Article 5 of the African
Charter to which Libya is a party. Recent reports of international advocacy organizations, such as Human Rights Watch and Amnesty International, have exposed serious human rights violations by revolutionaries acting against pro-Qaddafi Libyans and foreigners.46

2.2 AU’s Normative Frameworks and its Response to the Libyan Uprisings

The North African uprisings offered a rare chance for the AU to assert its mandate of promoting democracy in the continent. Caught by surprise, the AU, as did all the other institutions of regional and global governance, responded in a reactive and sometimes an incoherent manner. In its usual sluggish style, the AU also responded by calling for an end to the disproportional use of violence by the government and supported the legitimate rights of the protestors.47 Given the history and posture of the Qaddafi regime in the wake of the uprisings in Benghazi and the possibility of mass killings, it was perfectly understandable for the international community, reinforced by supporting the UNSC resolutions, to decide to intervene to protect civilians from Qaddafi’s excessive use of power. In an interesting convergence of positions, the AU, like the League of the Arab States, also supported these resolutions directly and through individual African members in the UNSC.

The convergence of positions between the AU and the UNSC did not last long. The discrepancies in the interpretation and differences in implementation of the UNSC resolutions started to appear after the airstrikes by NATO. The intervention by NATO exacerbated divergence. While NATO sought a Libya without Qaddafi, the AU pursued an inclusive democratic transformation process in Libya regardless of personalities. This position was elaborated in the AU Roadmap for Libya. The AU Roadmap, although the only political plan on the table, was

effectively ignored by the UNSC and the international community, including NATO. In March, 2011, when the AU High-Level ad hoc Committee on Libya requested authorization to fly to Libya, in accordance with the AU Roadmap, it was barred from doing so by NATO.\textsuperscript{48} Indeed, this was the turning point with regard to the AU’s position on the involvement of NATO and the most proactive members in the airstrikes in Libya, notably France and the UK. Military leaders from the UK, such as General David Richards, had regime change as the preferred objective of the NATO airstrikes. Thus, NATO was not only targeting the military capability of the Qaddafi regime that threatened civilians, but it was also after the regime itself.\textsuperscript{49} For this, General Richard supported the bombing of civilian infrastructure such as fuel depots, electrical grids and bridges.\textsuperscript{50} Such attacks are prohibited by International Humanitarian Law as infrastructures are considered as civilian objects protected from military attacks.\textsuperscript{51} Such a pronouncement is not only in violation of the UNSC Resolution 1973,\textsuperscript{52} but also in contravention to the International

\textsuperscript{48} Report of the Chairperson of the AU Commission on the Activities of the AU High Level Ad Hoc Committee on the Situation in Libya, PSC 275\textsuperscript{th} Meeting, Addis Ababa, Ethiopia, 26 April 2011, PRC/PR/2(CCLXXV). See also The Report of the Chairperson of the Commission [EXT/ASSEMBLY/AU/2. (01.2011)].

\textsuperscript{49} Robin Beste, ‘Do to Libya what was done to Gaza and Iraq says head of UK army’, \textit{Stop the War Coalition}, 16 May 2011.

\textsuperscript{50} Robin Beste, ‘Do to Libya what was done to Gaza and Iraq says head of UK army’, \textit{Stop the War Coalition}, 16 May 2011.

\textsuperscript{51} Article 48-59, the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (AP I), 8 June 1977; and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (AP II), 8 June 1977.


\textsuperscript{52} Conn Hallinan, “Targeting Infrastructure, War Crimes and the Bombing of Libya”, \url{www.dispatchesfromtheedgeblog-wordpress.com} (accessed 23 January 2012).
Humanitarian Law. It contravenes with the ultimate end state of a revolution that is the transformation of Libya to a democratic state where people enjoy resources to develop their country. Immediately, Uganda’s President Yoweri Museveni and other leaders called for AU’s extraordinary summit.\footnote{Yoweri Museveni, “Libya needs dialogue”, \textit{ANC Today}, Vol. 11, No 12, \url{http://www.anc.org.za/docs/anctoday/2011/at12.htm#art1} (accessed 17 February 2012).} Recognizing that Libya oil resources would undoubtedly attract many internal and external forces to the conflict, the AU 2011 Summit expressed its concern regarding the Libyan people’s ownership of Libyan resources, and the need to ensure the country’s unity and territorial integrity. The same concern was expressed by the PSC of the AU earlier.\footnote{Paragraph 5 of the Decision of the Assembly of the Union on the Situation in Libya, Assembly/AU/Draft/Dec.23(XVII).} This divergence in positions emanated from the difference in interpretation concerning the purpose of the intervention authorized by the UNSC. The airstrikes by NATO changed from that of ‘the protection of civilians’ to ‘the protection of rebels’, of whom many had formerly been civilians.

\section*{2.3 AU’s Efforts to Resolve the Crisis}

The AU believes that NATO’s bombardment of Libyan cities contravenes the letter and spirit of the UN resolutions. Moreover, for the AU, the intervention in Libya’s civil war without consultations and the support of the AU policy organs was considered as disrespectful to its mandate on peace and security issues as Africa’s premier multilateral organization. Despite being caught by surprise, the AU, as of February 2011, was seriously engaged in solving the crisis in Libya. On 23 February 2011, a few days after the first protest in Benghazi, the PSC and the AU Commission Chairperson issued a communiqué condemning the “indiscriminate use of force and lethal weapons, whoever it comes from, resulting in the loss of life, both civilian and military, and the transformation of pacific demonstrations into an armed rebellion.”\footnote{PSC 261st Meeting, Communiqué on Situation in Libya, PSC/PR/COMM(CCLXI) held on 23 February 2011 and Statement from the Chairperson of the AU Commission, 23 February 2011.} The same communiqué
provided the main elements for the establishment of the Ad-hoc Committee of Heads of States led by the South African President, and the preparation of a political roadmap—the only political document at that time. It called for a ceasefire by the Government of Libya and the NTC. The PSC, in its 25th meeting on March 10, 2011, established the *Ad hoc* High Level Committee. The *Ad hoc* Committee was mandated to “facilitate an inclusive dialogue among (the Libyans) and engage AU partners, as part of the overall efforts for the speedy resolution of the crisis in Libya.” In its first meeting on 19 March 2011, the *Ad hoc* Committee decided to engage with all the parties in the crisis and to facilitate dialogue between those parties with the aim of undertaking the necessary reforms in Libya. In so doing, the *Ad hoc* Committee explicitly decided to seek the support of, and coordination of its work with, the League of Arab States, the Organization of the Islamic Conference, the European Union and the United Nations.

### 2.4 The AU Roadmap

On 25 May 2011, the AU Extraordinary Summit on Libya expressed its “deep concern at the dangerous precedence being set by one-sided interpretations of [the UNSC] resolutions, in an attempt to provide a legal authority for military and other actions on the ground that are clearly outside the scope of these resolutions, and at the resulting negative impact

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on the efforts aimed at building an international order based on legality.”

Furthermore, it endorsed the AU Roadmap and also called upon both the Government of Libya and the NTC to comment on the Roadmap. On 26 May 2011, the AU forwarded the AU Roadmap through the *Ad hoc* Committee to both parties and other actors in the Libyan crisis. It also called for, and conducted, consultations with the Government of Libya and NTC in Addis Ababa. Moreover, the AU Commission facilitated a meeting of Libya’s neighboring countries and requested neighboring countries to offer asylum to migrants from Libya. At the same time, many former African leaders expressed their support for the AU Roadmap and opposed NATO’s intervention. Renowned African personalities such as Archbishop Desmond Tutu and leaders such as Jacob Zuma also condemned the killing of Gaddafi without a trial. In official letters and speeches, current and former heads of state such as Yoweri Museveni, Thabo Mbeki and others opposed to the intervention of NATO. Both

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Museveni and Mbeki believed that the NATO intervention in Libya revealed that the Western countries still believed that ‘might is right’.63

The AU Roadmap provided political solutions to deal with the crisis in Libya through dialogue for the transformation of Libya to a democratic system and respect for the sovereignty and territorial integrity of the country. The AU Roadmap had four major components (1) the immediate ceasefire that would bring a cessation of all hostilities and provide an environment for humanitarian aid, to allow the Ad-hoc Committee and other mediation efforts and observation missions to commence, in order to enable the safe return of foreign nationals and migrants to their countries of origin and to commence a dialogue; (2) the cooperation of the concerned Libyan authorities to facilitate the diligent delivery of humanitarian assistance to the needy population; (3) the protection of foreign nationals, including African migrant workers living in Libya; and (4) the transformation of the Libyan political system and implementation of political reforms necessary for the elimination of the causes of the crisis.64 Colonel Qaddafi expressed his agreement to cooperate with the AU Ad-hoc Committee in implementing the AU Roadmap.65 Calls for a ceasefire were made by Colonel Qaddafi’s regime as from April, 2011. Many international actors, including the AU, the Arab League, Russia and the Vatican supported a negotiated resolution of the conflict.66 The UN Secretary General, Ban Ki-moon, also urged a “verifiable ceasefire towards the peaceful resolution of the conflict and unimpeded access to

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64 The African Union (AU) Roadmap for the Resolution of the Crisis in Libya, adopted by the PSC, at its 265th meeting held on 10 March 2011 [PSC/PR/COMM.2(CCLXV)].
65 The Great Socialist Libyan Arab Jamahiriya Response to the Application of the African Commission on Human and Peoples’ Rights (Application No. 004/2011) and the Order for Provisional Measures by the African Court on Human and Peoples Rights, Submitted to the Court, Arusha, Tanzania, 06 June 2011.
66 “Libya Offers Truce to UN as Revolt Enters 4th Month”, Agence France-Presse, May 15, 2011.
humanitarian workers.”\textsuperscript{67} The regime also accepted UN and AU observers and peacekeeping missions.

In support of the \textit{Ad hoc} Committee’s position, the AU Extraordinary Summit expressed its conviction and support for a political solution to the crisis in Libya.\textsuperscript{68} It said “that only a political solution to the current conflict (would) make it possible to promote sustainable peace in Libya and fulfill the legitimate aspirations of the Libyan people to democracy, rule of law, respect for human rights and good governance, as well as preserve the unity and territorial integrity of Libya.”\textsuperscript{69} It also called for an immediate cessation to the fighting and the NATO-led air campaign. It said, “the Assembly (was) of the well-considered view that the continuation of the NATO-led military operation (defeated) the very purpose for which it was authorized in the first place, i.e. the protection of the civilian population, and further (complicated) any transition to a democratic dispensation in Libya.”\textsuperscript{70} With a fear of having similar intervention by NATO in Libya and other external forces, the AU strongly rejected “any kind of foreign military intervention”\textsuperscript{71} violating the sovereignty of its member state. Countries such as Equatorial Guinea, which was the chair of the AU for 2011, Uganda, Zimbabwe, South Africa and Algeria, opposed the intervention vehemently for various reasons, although South Africa had supported the UN Resolution 1973. While leaders of countries such as Equatorial Guinea, Zimbabwe and Uganda were concerned with similar external interventions in their countries due to their precarious situations, Algeria’s concern emanated from fear of an unknown future government on its border, particularly Libya and the possibility of the rise of an extremist Islamic political force. Furthermore, Museveni and other leaders objected to the way African members of the UNSC had voted to support Resolution 1973. Museveni wrote:

\begin{itemize}
\item \textsuperscript{67}ibid.
\item \textsuperscript{69}ibid.
\item \textsuperscript{70}Ibid.
\item \textsuperscript{71}Ibid.
\end{itemize}

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“The African members of the Security Council voted for this Resolution of the Security Council [1973]. This was contrary to what the Africa Peace and Security Council had decided in Addis Ababa recently. This is something that only the extra-ordinary summit can resolve. It was good that certain big countries in the Security Council abstained on this Resolution. These were: Russia, China, Brazil, India, etc. This shows that there are balanced forces in the world that will, with more consultations, evolve more correct positions.”  

For South Africa, the manner of intervention by NATO was unacceptable. This reaction is partially due to the close relations between the African National Congress, the ruling party and its leader, President Jacob Zuma, and Colonel Qaddafi’s regime. Later on, Zuma opposed the interpretation of the resolution by NATO members. The AU also expressed its dissatisfaction with the attempts by various international organizations to marginalize the AU, its Ad hoc Committee and its Roadmap. In some quarters of Africa, this was considered as an effort that undermined the AU’s approach to “African solutions to African problems” as provided by the AU Roadmap.

2.5 **The AU Judicial and Legal Advisory Bodies**

A judicial organ of the AU, the African Court on Human and Peoples Rights (the Court) in its 20th Ordinary Session in Arusha, Tanzania, from 14 to 25 March 2011, issued an *order for provisional measures* in relation to an application received from the African Commission on Human and Peoples’ Rights (the Banjul Commission). The Banjul Commission accused Colonel Qaddafi’s regime of serious and widespread violations of

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74 The application was filed before the Court by the African Commission on Human and Peoples Rights (the Commission) on behalf of the International Federation of Human Rights (FIDH) and the Libyan League for Human Rights (LLHR).
human rights. This was the first time that the Court was presented with an internationally politicized case for its adjudication. The Banjul Commission accused Colonel Qaddafi’s regime of major crimes of repression by Libyan security forces directed against peaceful demonstration in February, 2011, the use of heavy weapons and machine guns against civilians, as well as the use of mercenaries and extra-judicial killings of civilians and members of the revolt.

A response was submitted to the Court by Colonel Qaddafi’s regime that included a report covering the period between 10/2/2011 and 15/5/2011. Colonel Qaddafi’s regime, in its response to the African Court requested the dismissal of the case against it “in order to give the peace process that (was) commenced by the AU to bring all actors to agree under the AU Roadmap … as per Rule 40 (7).” The regime pointed out that “the huge loss of life and harm to Libyans and foreigners in Libya emanates from the actions of the rebel groups and the NATO barbaric bombardment.” It accused NATO of “attacking civilians and civilian objects including hospitals, residential houses, telecommunication infrastructures used by civilians.” There was, of course, no way of determining whether Qaddafi’s forces had been involved. Qaddafi’s government referred to the “bombardment targeting any existing socio-economic infrastructure that is used by civilians in their daily life constitutes grave violation of all international norms particularly the Geneva Conventions Relating to the Protection of Civilian Persons in Time of War (Geneva Convention No IV) as well as the Customary Rules of International Humanitarian Law as provided under Vol. 87, No. 857 Customary Law, and International Review of the Red Cross, the UN Security Council Resolutions and AU treaties.”

75The Great Socialist Libyan Arab Jamahiriya Response to the Application of the African Commission on Human and Peoples’ Rights (Application No. 004/2011) and the Order for Provisional Measures by the African Court on Human and Peoples Rights, Submitted to the Court, Arusha, Tanzania, 06 June 2011.
76Ibid.
77Ibid.
78Ibid.
79Ibid.
80Ibid.
further argued that the NATO bombardment and actions of the NTC were causing more civilian causalities than the actions of the government. The Court called the AU and its organs, particularly the AU Commission and the Peace and Security Council, to speed up their efforts to implement the AU Roadmap.

2.6 The African Union Commission on International Law (AUCIL)

The United Nations Security Council Resolution 1973(2011), adopted on 17 March 2011, imposed a no-fly zone over Libya mainly with an intention to protect civilians. NATO, under the leadership of France and the UK, began to implement the resolution through an airstrike campaign. Discrepancies in interpretation and divergence for implementation of the UN Resolution 1973 emerged and later widened the difference between the AU and NATO as well as the UN. As a result, the PSC requested the AU Commission on International Law to provide legal opinion on the ‘the scope and legal implications of United Nations Security Council resolutions 1970 (2011) and 1973 (2011) on the situation in Libya, including obligations of Member States of the United Nations, including African States, arising from the two resolutions’. Accordingly, the AUCIL concluded that the AU Roadmap provided a more comprehensive and legal mechanisms to resolve the Libyan crisis within the UN resolution. The AU Roadmap and Resolution 1973 called for a cessation of hostility and a credible ceasefire by all the parties. Such a monitored ceasefire, according to the AUCIL, “(would) make it unnecessary or unattractive for the international community to carry out or sustain some of the measures or sanctions already taken or being contemplated in favour of one side to the

81 Paragraph 12 of the communiqué of the AUPSC, document PSC/MIN/COMM.2 (CCLXXV) adopted on 26 April 2011 at the 275th meeting PSC.
conflict.” One can conclude from the reports that AUCIL believed that NATO and the international community in general had sided with the rebels. However, it did not come out clearly on this issue by explicitly stating such a view.

With regard to Resolution 1973 that authorized the use all necessary means to protect civilians and implement the resolution, the position of AUCIL was not clear. It only termed the mandate as “broad”. In its first important assignment, the AUCIL failed to forward concrete legal recommendations. In a very unclear and obscure manner, it suggested, in its report, that the means and the end result of the interventions in Libya should be “lawful and permissible”. The actual question that the AU was requested to answer was how Resolution 1973 should be interpreted, and whether the intervention of NATO in Libya was “lawful and permissible”. The AUCIL failed to offer meaningful and relevant legal advice to the AU. In a very vague manner, it recommended that “the obligation of states (had to) relate not only to the attainment of the objectives or results to be achieved under resolutions 1970 and 1973, but also the means and method by which (those) objectives (were) pursued”.


In a more futuristic and indirect manner, the AUCIL pointed out that the Libyan crisis and the divergence of position between the AU and other actors such as the UN and NATO could be seized as an opportunity to “define the regional-global security partnership with the UN”. It called for “greater involvement of the AU in dealing with the prevailing complex Libyan situation… The Libyan situation presents a possibility and an opportunity to fulfill the promise of giving a greater role for the AU in resolving conflicts on the continent in accordance with the recent evolution of the partnership between the UN Security Council and the AU Peace and Security Council in resolving and addressing issues of peace and security in Africa.” It also recommended consideration for the suspension of investigation and prosecution by the ICC on Libyan cases referred to it by the UNSC.

The external factors and forces that actively and directly supported the uprising in Benghazi and the resultant civil war and bombings by NATO raised several vexed questions with regard to the nature of the change of government in Libya. As per the AU Normative Framework, particularly the Lomé Declaration, the military nature of the NTC and the involvement of mercenaries in the civil war make the change that took place unconstitutional. Given the history and posture of the Qaddafi regime in the wake of the uprisings in Benghazi and the possibility of mass killings, it was perfectly understandable for the international community, and through UNSC, to decide to intervene to protect civilians from Qaddafi’s excessive use of power. However, the purpose of the bombing changed from that of “the protection of civilians” to “the protection of rebels” as we now see it. Were the “rebel groups”, the NTC members “civilians” in the spirit of

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90 See Article 3 and 4 of the Lomé Declaration.
International Humanitarian Law? Will the killing of Qaddafi reduce attacks on civilians or increase death and suffering as it did in the cases of Iraq and Kosovo? The purpose of the bombing has undergone rapid metamorphosis from “Qaddafi not a target” to “Qaddafi as a legitimate target” of the airstrikes. Moreover, the AU Roadmap is the only political map that exists, but it has been ignored by the UNSC and the international community, including NATO. Both the Qaddafi and the NTC employed foreigners in their military operations.

Given that the NTC is not an association of civilians, but of armed groups with a chain of command, it is treated as non-civilian groups under Humanitarian Law. Besides, it has recently been accused of systemic violations of human rights, including summary executions of former members of the Libyan government, arbitrary killings of civilians opposing the uprising and abuses of migrants from Sub-Saharan countries. The government change in Libya could be considered as unconstitutional for two reasons: the armed nature of the NTC, and the involvement of foreigners in the civil war. The reports of the involvement of European agents supporting the NTC in the control of Tripoli actually affirm the unconstitutional nature of the change of government. Mercenarism, both in the AU and UN conventions, is considered as a crime against peace and security. It defeats the will of the people, the sovereignty of a state, and the right of the people to self-determination. When mercenaries engage directly or indirectly in conflicts on the African continent, such intervention is considered as a subversion of the will of the people. Thus, in effect, mercenary intervention is the antithesis of proper revolutionary and constitutional changes of government.

Both Qaddafi and the NTC employed foreign mercenaries in their military operations.91 Several media reports, particularly newspapers in Niger, Chad, 

Sudan, Nigeria, Guinea, Angola, Mali, Liberia, Mozambique, and Ghana, either carried advertisements for mercenaries (2500 USD per day), or referred to the involvement of their nationals in the armed conflict. Many media organizations, including Reuters and Al-Jazeera, reported that more than 2000 African, Arab and East European mercenaries, including 500 Polisario mercenaries, were fighting on the side of the Qaddafi government. In fact, Qaddafi’s government admitted the presence of non-Libyan soldiers in the Army. However, it defended such involvement as legal and a long-term practice under Libyan Law. In a Libyan Government report submitted to the UN Human Rights Council, the Qaddafi government admitted that there were more than 200 foreigners in the army drawn from ‘friendly and brotherly countries’ such as Egypt, Tunisia, Sudan, Chad, Mali and Niger, among others. The NTC and some foreign governments now deny the presence of mercenaries in Libya. However, according to some reports, private military companies from Latin America and Middle Eastern countries have been engaged in the armed conflict, servicing both sides of the civil war. Similarly, several media reports indicated the involvement of hundreds of mercenaries from the UK, the US, France and some Arab countries fighting on the side of the NTC. Al Jazeera video footage of a US war plane that crashed in the Benghazi area and the UK Foreign Secretary’s confirmation of UK military involvement in the armed conflict tend to confirm such reports. For this and the above considerations, the recognition of the NTC threatened AU’s normative frameworks governing unconstitutional changes of government.

III. Universal Consequences of the North African Revolutions and Contextual Peculiarities of the Sub-Saharan Countries

The consequences and implications of the North African uprisings on the rest of Africa will ultimately be determined by many factors, including the local context and governments’ readiness to learn and adjust. The universal
consequences of the North African revolution will be determined according to the contextual peculiarity of each country, which will depend on the popularity the current leader enjoys, the legitimacy (pockets of legitimacy sources) of a government, and the public belief in the possibility of having regime change without resorting to revolution or uprising. Looking at the differences in the handling of the protests by the respective governments of Libya, Syria and Yemen as well as Morocco and Algeria, and recently many other African countries such as Uganda, Sudan, Burkina Faso, Senegal, Malawi, Mozambique and others, it may be said that governments that are under threat learn fast regarding how to react (though not always in the right direction) to popular uprisings. Differences in the outcome of the protests testify to the diversity of outcomes of revolutions and protests, and the various governmental responses.

3.1 Implications for the Institutions of Regional Governance: the AU, RECs, and Member States

To the African Union and its Regional Economic Communities (RECs), the uprisings have taught important lessons. Their normative frameworks need to be interpreted creatively to support such widespread popular protests when the causes of these protests are legitimate. The AU institutional setup needs to be nimble and firm by avoiding unnecessary bureaucratic processes that characterize their sluggish culture of responding to events. The AU member states will not always willingly bestow on the AU the authority to exercise some of its mandates as provided under the Constitutive legal instruments. While there exist robust mandate for intervention on paper, member states will always be reluctant to put it into practice. This could happen due to political reasons, national interest, and discrepancies in the assessment of facts. Indeed, the AU and its organs need to exercise robustly the mandates that are conferred on them. In some historical instances like the North African uprisings, they must exercise authority by creatively construing and expanding their already existing mandates. Such an approach should apply to all AU organs, particularly the most active ones, such as the Peace and Security Council, the AU Commission and the Assembly.
Thus, the AU has every duty to support all those demanding their governments to be more democratic and respect constitutionalism. Indeed, it is my opinion that, as stipulated in the Constitutive Act and other policies of the AU including the African Charter, the AU has to urge its member states to enable their populations to express their concerns and their legitimate aspirations for better governance and performance. By doing so, the AU would promote the values, institutions and procedures that the Addis Charter and the Lomé Declaration as well as other treaties and decisions have stipulated. To ensure smooth post-revolution transitions to democracy, the AU needs to get the Addis Charter ratified and implement the principle of democratic elections. In this regard, the responsibilities of the AU, especially that of the AU Commission, will be to ensure transitional elections are credible by working in due time in the preparation for elections, and sending verifying missions before election, during election and post-election periods.\footnote{Article 17 of the Addis Charter.} Finally, it is crucial to note that the best means to avoid uprisings and revolutions is democratic constitutionalism.

The Addis Charter and its provisions are designed for Twenty First Century African states. The ultimate aim of the Addis Charter is to capacitate, not undermine, member states of the AU in discharging their duties related to democratic constitutionalism and human rights. By reaffirming the re-conceptualizing of the principles of the right to revolution, the Addis Charter aims to build democratic constitutionalism that ensures accountability and transparency in the management of public affairs. In order to successfully discharge these responsibilities, the Addis Charter requires States Parties to shift their mission to entities with the prime responsibility to respect and protect the human rights of people and democratic constitutionalism. If sincerely implemented, the Addis Charter could serve as a tool for transforming African states to democratic constitutional regimes.
3.2 Implications for Development Partners, Dominant Powers and Major Actors

The implications of these uprisings for the African continent and the Arab World are enormous. In the historical context, they may be considered as the fourth wave of democratization in terms of the collective message they carry and their impact on policies of major actors at national and international levels. Samuel Huntington pointed out the end of the democratic wave after his ‘Third Wave of Democratization’, and he prescribed that some countries in Africa ought to seek stability first then democratise later.95 Both theses of Huntington seem to have been disproved by the North African revolutions. The notion that the wave of democratisation has ended has also been challenged, and the revolutions rather signify the beginning of what may be termed ‘the Fourth Wave of Democratisation’. What is more, the pillars upon which stability thrives are not limited only to performance legitimacy in which governments act like UNDP trying to improve on their provision of services and goods. Many African governments, including those toppled by the revolutions such as Tunisia, were encouraged by the international aid community and financial institutions to become “UNDP-like governments” who bank their power on their success in the delivery of goods and services. Political vision and freedom for the population in addition to constructions of infrastructure, expansion of education, health and agricultural extension programmes equally determine the mandate to rule a given population. For stability in economic reform to thrive, it needs to be supported by political reform. Indeed, the revolutions reveal that the mandate of a government to rule depends on the popular legitimacy the government possesses in the form of continued majority consent expressed by regular, free and fair elections. In actual fact, a government with popular legitimacy faces lesser protest than a government with only performance legitimacy. Toleration to various performance weaknesses of a government and inequalities in a community increases under a popular government elected democratically. Nonetheless, an elected popular government that does not meet its election promises faces performance deficit and loses its popularity with time. In

contrast, a highly performing government with limited popular legitimacy due to its limited political support may, in time, expand its political base and achieve popular legitimacy. Consequently, public protests arise due to demands for both democracy and delivery together. The most effective pre-emptive measure to avoid protest and revolutions for a government is to enjoy both performance and popular legitimacy.

The North African uprisings have even more serious implications for development partners and the aid community. For development partners, dominant powers and major actors sustaining authoritarian “UNDP-like” governments without popular legitimacy expressed by regular free and fair elections proves difficult if not impossible. Development partners and aid organizations (such as the UN and its agencies, the World Bank, EU and USA and their national aid agencies as well as international development organizations) need to examine their policies. Such introspective investigation would help to revise their assumptions and enable them to design new approaches. North African countries were considered, by many development partners, as insulated from disturbances of the kind many Sub-Saharan countries are now facing. The development partners measured the performance of these countries by statistics on the development index, economic growth or Doing Business Index. Foreign policies of major global powers such as the US, EU, China and Russia were also dictated by the perception that the regimes of the North African countries played pivotal roles in the fight against terrorism. The production of oil or the business interests of companies in the western countries have also influenced such perception of stability.

3.3 Recommendations to the AU, RECs and Member States

While the ratification of the Addis Charter is a milestone by itself, without effective implementation of its provisions, it remains another additional AU document. From the perspective of the implementation of the Addis Charter Convention, there are three important stages. These are: (1) treaty popularization; (2) treaty ratification; and (3) supervision of treaty implementation. The Addis Charter imposes duties on the RECs to popularize, speed up ratification and supervise the implementation of the
Approaches to the speedy ratification of the Addis Charter should consider several entry points by categorizing the member states of the AU. A bloc endorsement and a call for ratification of the Addis Charter by RECs facilitate the implementation of the Charter. Convening a special meeting of the club of democratic African countries (considered internationally) to discuss a bloc approach to ratifying the Charter would facilitate the process. This bloc approach could also be facilitated by the RECs using the existing Memorandum of Understanding between the AU and the RECs. As a means to ensure speedy ratification, popularization and closer compliance monitoring mechanism, the AU may have to assist RECs to design their own implementation frameworks. Such frameworks may spell out their individual and REC’s responsibilities through procedures for resource mobilization and other activities, when the need for intervention arises due to problems related to elections or revolutions.

As per Article 45, the AU Commission is the central body empowered to coordinate the supervision of the implementation of the Addis Charter including assisting the respective State Parties. In terms of the supervision of the implementation of the Addis Charter, the AU Commission may need to consider developing a mechanism for follow-up, such as the Conference of State Parties (CSPs). Such mechanisms may have three main components: Country Report from States Parties (SPs), Observations on Country Reports by the CSPs and Consolidated Progress Reports by the AU Commission. Each SP may submit to the CSPs and the AU Commission or the ACHPR a regular annual report on the progress made in the implementation of the Convention. These reports from SPs could deal with the entire Charter or with rounds of a cluster of specific provisions. The observations on the Country Reports review reports independently and could be done by the AU Commission, the African Commission on Human and Peoples Rights (ACHPR) and other relevant bodies including the Economic, Social and Cultural Council of the AU (ECOSOCC) and NGOs accredited to the AU. The observations should incorporate remarks on the Country Reports, recommendations for addressing the legislative and policy shortcomings, as well as resolving any implementation inadequacies.

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96 Article 44 (C) of the Addis Charter.
The Consolidated Progress Report may analyze the country reports, the observations and recommendations formulated. It could also identify the areas for future focus in the implementation of the Addis Charter. This Consolidate Progress Report may also identify areas of weaknesses, strengths SPs, and facilitate the exchange of experiences, best practices and harmonization of measures, as well as identify areas of priority for capacity building, mutual assistance and cooperation. The Consolidated Progress Report could be prepared by the AU Commission, verified by the African Peer Review Mechanism (APRM) and could be validated by the RECs and CSPs. To this effect, Articles 43 and 49 of the Addis Charter offer specific duties related to the supervisory role of the AU and the AU Commission through APRM. The State Parties also have the duty to submit a two-year report to the AU Commission, and in turn, the AU Commission has to submit an implementation progress report to the AU Assembly which examines the reports and forward decisions. Since its establishment, the AU has mainly focused on policy formulation, and to some extent, on norm-diffusion by way of popularization and dissemination of policies and conventions. Consequently, the AU has more than 200 well-advanced legislative and policy frameworks on several issues including on democratic constitutional governance. These include 41 treaties and conventions of which 15 are yet to secure ratifications. In some conventions, such as those dealing with refugees and internally displaced persons, the AU has taken a lead in norm setting business. Currently, the most binding constraint in the AU system is the gap between the norms set in treaties and policies on the one hand, and their implementation on the other hand. It is for this reason that the implementation of the existing legal and policy frameworks should take priority. Now, after ten years of its establishment, it is high time for the AU and all its organs to advance towards the norm-implementation phase of the existing treaties and policies. Progress in the implementation of existing policies will ultimately determine whether the AU and its member states will avoid any other uprisings in the continent.

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97 A list of countries which have signed, ratified/acceded to the different treaties of the AU, 2010, is available from [http://www.au.int/en/treaties/status](http://www.au.int/en/treaties/status) (accessed on 10 July 2011).
which may claim the lives of citizens and lead to another decade of instability.

Conclusion

The North African popular protests employed different methods, but their message remains the same—people will revolt in countries where governments do not respect their will, and that governments have to enjoy widespread legitimacy or continuously face protests. The authority that governments exercise needs to emanate from the mandate entrusted to them by the people. Put in other words, even if one is uncertain about the respective future regimes, the uprisings indicate the difficulties of maintaining a government by manipulation and intimidation, and the need for constitutional governance. More importantly, they reveal that governance by sheer force would be a very risky undertaking for politicians and leaders. No matter how much a dictator manipulates a governance system, or intimidates the public by brute force, unforeseen circumstances and accumulated grievances may lead to a situation where public protest reaches a point of no return. Time is of the essence at this point. Plans for manipulation and intimidation would not necessarily dictate what kind of events trigger revolution, which in turn, cannot be subject to the influence and power of individuals. The long-term trend is that tyrannical style of governance will be met with popular protests with international support.
The Tension Between the Responsibility to Protect and the Protection of Sovereignty

Alex de Waal*

In 1965, the American singer and satirist, Tom Lehrer, wrote a song about what he called “America’s number one instrument of diplomacy.” It is called, “Send the Marines!” It begins:

When someone makes a move
Of which we don’t approve
Who is it that always intervenes?
UN and OAS, they have their place I guess
But first: send the Marines!

Forty-seven years on, Lehrer’s astute commentary on the right to intervene, recently re-labeled the “responsibility to protect” (R2P), still holds true, with only a few notable changes. While, in the 1960s, the UN provided a rival to the norm of U.S. military intervention, today it more often provides a justification for that intervention. Since the end of the Cold War, the U.S. is no longer a status quo power, but is bent on shaping the world in its own image.

One of the central elements in politics is the power to make choices among values. The most effective mechanism for doing this is a national state that is accountable to its citizens. In this paper, I will argue that R2P, both in theory and in practice, is a political project of liberal global governance. While reducing the scope for states to violate the fundamental human rights of their citizens, R2P also limits the scope for national political processes, including reducing important options for inclusive political processes to resolve conflicts and seek national reconciliation.

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http://grooveshark.com/#!/s/Send+The+Marines/1YtgxQ?src=5

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Most members of national policy-making elites, including the leaders of the media and those who lead the efforts to develop international norms, share a set of values founded on liberal individualism. For true believers in the liberal human rights project, this is self-evident, and the fact that the promotion of these values may foreclose other political choices that prioritize other social goods is a secondary concern. In a sociological context, we should not be surprised that global ethics emphasize the civil and political rights of the individual, and his or her protection, rather than the rights of political communities to make collective decisions on their political, social and economic systems.

In our modern system, the nation is the political community that is mandated to make the most important decisions about the social and economic life of a collectivity, through the exercise of sovereign political authority. Some of this authority may be delegated to lower levels of community such as local government; some may be shared with other nations, or constrained by common global values. But the state, as the political manifestation of nationhood, remains the most important instrument. Indeed, the very foundation of human rights is the obligation of the state towards the individual citizen. In all systems of government, lower level authorities (municipalities, states within a federal system) can be overruled by national states on matters of fundamental human rights. While governments may have signed and ratified international human rights conventions, the enforcement of the rights contained in those conventions, at an international level, is at best haphazard or rhetorical, and at worst non-existent.

Both the project of liberal internationalism, and its rival political and ethical projects (the latter currently out of fashion except in East Asia), agree on the importance of national sovereignty exercised by a state. However, liberal internationalism is rapidly moving towards a global political order in which states, other than the United States which remains an exception, enjoy only conditional sovereignty.
The doctrine of the R2P arose from the wider concept, formulated by Francis Deng, of “sovereignty as responsibility.” Philosophically, this is the point of consensus among different contemporary political philosophies, including the Asian challenges to liberalism. Deng’s concept is a central ethical and political component of the international rights revolution of the latter 20th century, which is collectively one of several driving forces behind the ongoing decline in violence during the period.

In ethical terms, R2P is a derivative of “sovereignty as responsibility,” and in practical and political terms, it is a Procrustean doctrine that can be applied to a wide range of diplomatic, political, economic and military measures. In a broad sense, R2P is a “good thing” in that it emphasizes human rights and advocates constraints on the arbitrary use of state power.

But we should not judge the value of “good things” on their self-evident morality and their correlation with wider good things happening in the world. Gareth Evans, the champion salesman of R2P, not only states the obvious that, “by any measurement, the achievement of the past decade – universal agreement that state sovereignty is not a license to kill – has been tremendous,” but also implicitly claims the credit for this achievement. Stephen Pinker observes (in this case with regard to the campaign against the lynching of African Americans), “in one of those paradoxes of timing that we have often stumbled upon, the conspicuous protest emerged at a time when the crime had already long been in decline.” Similarly with R2P and state violence against citizens, the

5 Pinker 2011, p. 385. Lynching declined from about 150 per year in the 1880s and 1890s to less than 20 per year in the 1930s, when a photograph of two men hanging from a tree in Indiana sparked a nation-wide campaign, and the famous protest poem of Abel Meeropol, “Southern trees bear strange fruit.”
decline in violations was well underway and the norm of state responsibility to protect citizens was adopted well before the formulation of R2P. According to every available dataset on the numbers of wars, the numbers of fatalities in wars, and the level of violence perpetrated by states against citizens, the great worldwide declines occurred prior to the adoption of R2P. We might more accurately see the success of Evans’ efforts as symptomatic of the international adoption of the norm than the other way around.

We should therefore not judge the value of R2P in terms of its raising the global moral bar, but rather in its specific implications for policy and practice. In the hands of its advocates, R2P is often described as consisting chiefly in the national exercise of responsibilities towards citizens, assisted by other states acting under a collective umbrella. Evans points to diplomatic initiatives such as the efforts to stop the post-electoral violence in Kenya as a great success for the doctrine. I would counter that the principle of R2P added nothing to the stimulus for the efforts in Kenya, which would have been done anyway. We can expect that the R2P faithful will try to claim credit for the liberalization and peace efforts in Myanmar as well. The sharp end of R2P is what is to be done when a state cannot or will not exercise its obligations to protect its citizens when those citizens are under imminent threat. The doctrine of R2P implies the obligation and right to intervene. Richard Falk correctly reduces Evans’ championship of “R2P” as distinct from “humanitarian intervention” to a skillful marketing campaign. Military action is what gets the proponents of R2P excited, as evidenced by Evans’ celebration of the UN-authorized operations in Cote d’Ivoire and Libya.

When I challenge advocates of R2P, including its “sharp end” by pointing out their less-than-salubrious fellow travelers, they respond by shifting the debate from norms to necessity, making the point that resolving

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8 Richard Falk, “Can Humanitarian Intervention Ever Be Humanitarian?” Foreign Policy, August 7, 2011.
complex political problems, including at the UN Security Council or on the ground, demands compromise. The pragmatic reply is reasonable, but it subtracts from the value of R2P as a norm, and emphasizes rather the extra-legal dimension of intervention. Politics differs from law partly in the relationship between ends and means. The application of R2P requires that ends justify means, and therefore falls within the ambits of politics rather than law.

Tom Lehrer mocked this mindset nicely:

The members of the Corps  
All hate the thought of war  
They’d rather kill them off by peaceful means!

The term “responsibility” when applied at the international level, for example at the UN Security Council, is a legal obligation only in an attenuated form. While a state has an obligation to protect the life and human rights of each and every of its citizens, the UN Security Council, its Member States, or the UN as a collectivity, cannot be said to have the same enforceable obligation to each and every person in the world. The principle of R2P both reinforces and undermines the domestic principle. It reinforces it insofar as it emphasizes domestic responsibilities, and undermines it insofar as it provides international mechanisms that step in when international bodies determine that a national government is not fulfilling that responsibility. The international responsibility is therefore residual, to be applied contingent on a decision by internationally-mandated or uniquely powerful mechanisms, such as the UN Security Council and the North Atlantic Treaty Organization.

The international responsibility to protect is better seen as an aspirational norm that is enforced at the discretion of the world’s most powerful states. It is, in fact, a right to engage, politically and militarily. Because some states are more powerful than others, it is the right of the powerful to intervene in the domestic affairs of the less powerful, not vice versa. Some

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9 Abiodun Williams, speaking at the Fletcher School, Tufts University, 24 February 2012.
of the nations that are more competent in disaster relief than the United States – for example India – might have been tempted to take over relief operations in Louisiana in the wake of a man-made disaster that was sparked by Hurricane Katrina in 2005, but clearly they were not going to do more than provide material support to the U.S.’s own effort, however inadequately planned and implemented that was.\(^{10}\) When Cyclone Nargis struck Myanmar in 2008, however, the French foreign minister, Bernard Kouchner, invoked R2P and proposed using military forces to deliver relief aid without the consent of the Myanmar government.\(^{11}\) R2P is meaningless without an enforcement mechanism, and that enforcement operates at the political discretion of the world’s most powerful states. As Lehrer’s song notes,

To the shores of Tripoli  
But not to Mississipoli  
What do we do? We send the Marines!

I should note that the Tripoli in the song is the town in Lebanon, where the U.S. intervened in 1958 to try to stem the spread of Communism.

But Libya in 2011 is also, of course, the most compelling contemporary instance of the invocation of R2P. The international obligation to protect was invoked at the United Nations to authorize military action to protect the people of Benghazi who were under imminent threat of military assault and reprisals by the forces of the Libyan leader Muammar Gaddafi.\(^ {12}\) It was an instance that could have been designed as a test case for preventative military intervention. That intervention was forthcoming in the very small window of time available before the Libyan rebels defending Benghazi were defeated: the tide of battle was turned and no massacre occurred. I would not want to speculate on whether the

\(^{10}\) India provided 25 tonnes of relief and offered more. “Indian aid for hurricane Katrina victims delivered.” Press Release, Indian Embassy, Washington DC, September 17, 2005.

\(^{11}\) See: http://www.responsibilitytoprotect.org/files/Responsibility%20to%20Protect%20and%20Burma.3.pdf

likelihood of a massacre was inflated. Gaddafi had threatened extreme violence. He was prone to exuberant rhetoric, but he was also quite capable of ordering his forces to commit heinous violations of human rights.

The problem that then arose was: what next? In the previous test case of intervention, Kosovo in 1999, NATO bombed Serbia until President Slobodan Milosevic withdrew his forces from Kosovo. That took two and a half months, a lot longer than NATO had anticipated, but was nonetheless a relatively brief campaign. The NATO operation left the rump Yugoslavia itself still under Milosevic’s rule, a pragmatic result, and quite possibly accelerated a political process that involved the overthrow of Milosevic and the secession of Montenegro. For Kosovo itself, the outcome involved de facto NATO protectorate status, which ended the immediate violence against the Kosovars, but led to the ethnic cleansing of the Serb minority and a protracted process that finally resulted in Kosovo claiming independence. The goal of a liberal political order in south-eastern Europe was furthered. These outcomes were relatively disorderly but there was no state collapse.

In the Libyan case, the military situation at the time when NATO began its action was much more dynamic. NATO moved rapidly to an objective of regime change. In a joint letter, Barack Obama, David Cameron and Nicolas Sarkozy wrote:

> Our duty and our mandate under UN Security Council Resolution 1973 is to protect civilians, and we are doing that. It is not to remove Gaddafi by force. But it is impossible to imagine a future for Libya with Gaddafi in power.¹³

They brushed aside the African Union’s initiative to mediate a political settlement that focused upon political dialogue between Gaddafi and the opposition, with a roadmap to an interim government and elections. The African heads of state who led the AU Panel on Libya all believed that Gaddafi should step down, but argued that this should be done through a

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negotiated process. NATO preferred to pursue the goal of protecting Libyan civilians through the violent overthrow of Gaddafi. However, that political judgment and the consequent political objective were not subjected to scrutiny and debate within the UN Security Council, or more widely in western countries. The AU Peace and Security Council conducted frank discussions on this question, and the AU Commission proposed sending African observers to Misrata. But no African country was ready to commit the resources and personnel necessary to put monitors or a protection force on the ground, in such a way as to test the feasibility of a negotiated settlement, and the NATO agenda prevailed.

The issue of regime change simplifies the political issues at stake. What the intervention was against is clear: dictatorship and human rights violations. According to the joint letter by Obama, Cameron and Sarkozy, it was also against Libya becoming a “failed state” and a “haven for extremists.” The intervention was “for” human rights in an elementary sense, but such a position is at best a minimalist political program. The NATO decision to prohibit the African presidents from travelling to Tripoli closed down the opportunity of political dialogue involving Gaddafi and eliminated any negotiated settlement. The basis for such a settlement would have been the AU roadmap, including stability, power sharing and reconciliation. It might not have worked, but the NATO-Transitional National Council formula has thus far achieved none of these objectives, nor has it achieved democracy.

The inclusive approach of a negotiated settlement also does not address the subsequent question of what the bargain is for, other than stability and the possibility of generating national unity. The initiative of the African Union was spurred, in part, by the fear that a power vacuum in Libya would create a “blowback” effect – more accurately, a “blow-around” effect – in which the armed groups active in Libya destabilize neighboring countries. The Chadian President, Idriss Déby, was particularly concerned about this. The armed groups in Libya included Saharan Libyans (Tuareg, Toubou, Goraan, Zaghawa and others), mercenaries and those

14“Idriss Déby Itno, ‘Si la Libye implose, les conséquences seront incalculables pour la région,’” Jeune Afrique, 6 April 2011.
recruited to Gaddafi’s Islamic Legion. They included an estimated 3,000 Tuareg soldiers in the Libyan army who, after the fall of Gaddafi, were encouraged to depart the country, well-armed.

The principle of the AU position derived from a distinction between a democratic popular uprising and a civil war. When the “Arab Spring” uprisings began in Tunisia and Egypt, the AU was faced with the challenge of how to square these popular demands for democratic change, with the principle enshrined in the Constitutive Act prohibiting unconstitutional changes in government. Observing that the spirit of the outlawing of unconstitutional changes was a democratic one, the AU welcomed the uprisings. In the case of Libya, however, the uprising rapidly became a civil war. The AU has much experience with civil wars and seeks to balance the requirements of inclusivity, democratization and the pragmatic focus on stability. Subsequent events including the conflict in Mali have borne out the African concern that regime change in Tripoli would not necessarily promote peace and security.

The French-led UN military action to remove Laurent Gbagbo in Cote d’Ivoire also foreclosed other options for a peaceful settlement of the post-electoral dispute in the country. There is a general consensus that Gbagbo’s challenger, Alessane Ouattara, won most votes in the November 2010 election, as tabulated by the Independent Electoral Commission (IEC) and certified by the UN Operation in Cote d’Ivoire, and that Gbagbo’s use of the Constitutional Council to overturn the result by ruling results from parts of the north, was invalid. Additionally, Gbagbo’s post-electoral bunker politics, in which he spurned political options such as an independent investigation of electoral irregularities and opted instead for a military stand, led to a stand-off in Abidjan. Nonetheless, the combination of the IEC announcing the pro-Ouattara result at the hotel used by Ouattara as his headquarters, the Special Representative of the UN Secretary General, Y. J. Choi, certifying the outcome of a national election, pre-empting the opportunity for

examining electoral irregularities and circumventing constitutional processes, and the former colonial power taking military action to enforce the UN decision and subsequently arresting the loser and removing him to the ICC, cast a shadow over the legitimacy of the new ruler. While President Ouattara has made commitments to national reconciliation, he faces the challenge of ruling a country in which he gained, at best, a slender majority of the votes, with his defeated rival still commanding deep loyalties, not least in the capital city, Abidjan.

The cloudy ethics of the UN-authorized operations in these countries are illustrated by the identities of their key partners. The NATO air campaign in Libya linked up with ground offensives conducted by the TNC with extensive coordination provided by Sudanese national intelligence that mounted a covert cross-border operation.16 There are also credible accounts that the TNC forces included members of Al Qaida in the Islamic Magreb and other extremists,17 a claim underwritten by the fact that the military commander of Tripoli for the TNC, Abdul Hakim Belhadj (alias Abu Abdallah al-Sadiq), is a former leader of the Libyan Islamic Fighting Group and a recruiter for al Qaida.18 The French-UN operation in Cote d’Ivoire, from the earliest days of the conflict, was made possible by the extensive covert military support of Burkina Faso, whose putchist-assassin leader Blaise Compaoré had earlier extended similar support to Charles Taylor19 and Foday Sankoh,20 before he became Paris’s favored gendarme in West Africa.21

16 The Sudanese role has not been covered in the press, with the sole exception of the occupation of the desert town of Kufra, formerly the gateway for rebel incursions into Darfur. “Sudanese army seizes southern Libyan town,” Daily Telegraph, 1 July 2011.
In all these conflicts, the UN position was poorly theorized, and was, in reality, little more advanced than that satirized by Tom Lehrer:

For might makes right
Until they’ve seen the light
They’ve got to be protected
All their rights respected
Till somebody we like can be elected!

I would further argue that we have not progressed since Sir William Harcourt warned his fellow British parliamentarians about the perils of intervention, a century before Lehrer:22

I do not intend to disparage Intervention. It is a high and summary procedure which may sometimes snatch a remedy beyond the reach of law. Nevertheless, it must be admitted that in the case of Intervention, as in that of Revolution, its essence is illegality and its justification is its success. Of all things, at once the most unjustifiable and the most impolitic is an unsuccessful Intervention.

Harcourt’s “Letter” repeatedly returns to the central theme, that we should not let an ill-defined norm impede our political judgment, because intervention will be judged on its outcomes, not its intent. My key points are that R2P should similarly be judged, and therefore that the framework for judging should be political. In the current international political environment, the practice of an R2P intervention – its means and its

21 Case selection by the Special Court for Sierra Leone and the International Criminal Court falls outside the scope of this paper, but it in the case of West Africa, there is a strong correlation between being on the losing side and offending France, and being subject to an arrest warrant.
outcomes – becomes a political project indistinguishable from the objectives of the major powers. Currently, that interest is promoting states that suit the political and economic model of that liberal capitalist project and are aligned with the western powers. Liberal norms are the most attractive part of that enterprise.

In Harcourt’s day, intervention had different objectives, such as peace, commerce, and the protection of Christian minorities in Muslim lands. In Lehrer’s day, it was anti-Communism and commerce. At various times in European history, intervention has had the goal of aligning the boundaries of linguistic groups with those of nation states. The global liberal project today is undoubtedly more humane than most of its predecessors and rivals, and more welcome to diverse citizenries, but it is still a political project.

The connection between the politics of the superpower and its allies, and those of democracy activists in small countries, is significant. It links the two meanings of the word “hegemony” — the Leviathan and the internalized value system, which are joined in the twin phenomena of liberal interventions and liberal uprisings. The same institutions and media promote both.

Liberal norms lay at the heart of the popular uprisings in Tunisia and Egypt, and were also important in stimulating resistance against dictatorship in Libya, Yemen, Syria and Bahrain. We have seen similar popular movements in Sudan, overthrowing dictatorships in 1964 and 1985, and comparable movements spearheaded by civil society and democracy activists across large swathes of the continent in the early 1990s. Arguably, the “African Spring” occurred two decades ago, as the central European Spring occurred in 1989. The African democratic movements discovered, rapidly, that they can triumph in bringing down

24 In one instance, in 1938, the language was German and the object was the annexation of the Sudetenland. The continuity between the Nazi project and the principles of national self-determination are easy to overlook in hindsight.
authoritarian governments and instituting systems of government based on electoral democracy with increased civil and political rights. But they also discovered that, unless fundamental social, economic and political problems were addressed, these gains were chimerical. The central and eastern European liberal project succeeded, in part, due to the embrace of the European Union and NATO.

In Africa, deregulation of political competition in societies in which political power and economic advancement were closely linked, encouraged corruption. The ground gained would be surrendered to political parties organized around patronage, often on ethnic lines. In Zaire, President Mobutu SeseSekomoulded the multi-party system to suit his position as sole purchaser in the country’s political marketplace. In Kenya, President Daniel ArapMoi was able to foment divisions in the opposition sufficient for him to stay in power for a decade, while channeling political competition into a process of ethnic mobilization and financial patronage. In the case of Algeria, it was the Islamists that mobilized the biggest electoral constituency.

Liberal democracy provides the opportunities for a much freer debate on how best to address deep-rooted social and economic problems, but in the absence of sustainable economic growth and the attendant socio-political changes, does not in itself resolve those problems. Indeed, insofar as African countries are rentier states in which the ruling elites engage in primary accumulation, the intensification of political competition may, in fact, further impede sustainable development, insofar as it diverts resources into patronage for electoral competition, and intensifies the incentives for collecting rent and allocating it for this purpose. There is an unfortunate plethora of examples to support this contention, while more authoritarian rulers use these instances as an alibi for maintaining single-party or dominant-party systems.²⁵

While eastern European countries could pursue far-reaching and painful reform with the material rewards of EU membership and NATO protection, sub-Saharan African countries had to make do with the New Partnership for African Development (NEPAD). Despite the best efforts of Bono and Sir Bob Geldof, international aid – increased and reformed – could not provide the political incentives or structural economic transformations to consolidate political liberalism in Africa. Political liberals became foist with the rhetoric of a laissez faire path to development, which failed to bring broad-based economic growth and attendant material benefits for most of the population.

The governance of ethnic and political diversity, and the pursuit of inclusive political systems, is another of the principal challenges of African governance, no less significant than political liberalism. Many African states pay only lip service to the challenge of managing diversity, with the important exception of interim governments established by peace agreements that bring civil wars to an end. This more traditional, and characteristically African, model of mediating an inclusive political settlement, also does not address the issue of the rentier state. In fact, it may run the risk of entrenching a sharing of the spoils, a division of the rent, in the name of inclusiveness and stability. Successive Somali peace agreements have been designed primarily to give positions in government to each one of the contending factions. The Sudanese Comprehensive Peace Agreement of 2005 was in significant part an exercise in spreading the dividends of oil and peace among a hugely expanded number of public servants and security personnel. Such agreements typically begin to unravel at the time of elections, which are either an exercise in the dominant party consolidating its position, or in deepening the cleavages in society (in the case of northern and southern Sudan following the April

26 Alex de Waal, “What’s New in NEPAD?” International Affairs, July 2002
2010 elections, both). Liberal political projects are also uncomfortable with the question of diversity, because of the tendency of ethnically diverse transitional democracies to fragment along ethnic faultlines, and for extremists to use freedoms of speech and association for ethnic mobilization.

The debate over national sovereignty, R2P and intervention, is therefore incomplete, in much the same way that the controversies over popular uprisings and democratization are incomplete. Popular movements and their leadership require attention to the deeper challenges of socio-economic transformation, including the governance of diversity and promoting equitable economic development. In the absence of a social agenda rooted in the lived realities of the people of the country concerned, liberal interventions and uprisings will become a transition to patronage-based political marketplace, or hand the initiative to those socio-political forces that have developed such a social agenda, such as Islamists or ethnic nationalists.

In the 1960s, America felt that its national interests and capitalist values were under threat from Communism. In the 2000s, the Bush era neoconservatives were less interested in preserving a pro-American status quo than in a transformation of the world into capitalist democracies in its own image. A Democratic administration in Washington DC is less militaristic, but shares the same faith that the American model is to be exported to the rest of the world. And much of the world indeed would welcome that export: they have internalized American hegemony. So, in that respect, Lehrer’s lyrics have dated:

Stop calling it aggression
We hate that expression
We only want the world to know
That we support the status quo
They love us everywhere we go!
So when in doubt
Send the Marines!

But, *mutatis mutandis*, the satire is as valid as ever.
The challenge, I submit, is for African democrats and civil society to forge a program of transformation, drawing both upon the global norms of liberal civil and political rights and the integration of African governance into global structures, and the African preference for inclusive agreements that favor stability and demand for equitable development. The missing ingredient is a vision for social and economic transformation, the recapturing of a national political agenda that can use the state as the instrument of that transformation.
Day One (2nd April, 2012)

Moderator: Dr. Martin Kimani

8:30 – 9:00 Registration

9:00 – 9:15 Opening Remarks

Mr. Tamrat Kebede, IAG Executive Director

Theme One: Beyond Durable Authoritarianism

9:15 – 9:45 Popular Uprisings and Durable Authoritarianism in North Africa

Professor Helmi Sharawy

The paper critically addresses: the nature and principal causes of the uprisings in North “Arab-Africa”; the actors behind the uprisings; the outcome of the uprisings: the new power structure; the Egypt uprising and its implications at the international and regional level. The paper concludes questioning how Africa will respond in the future to the increasing popular demands for democratic political space and to the challenges of poverty, resource sharing and environmental problems.

9:45 – 10:45 Discussion

10-45– 11:15 Tea Break
11:15 – 11:45 Challenges to Assumed Legitimacy through Development Success
Dr. Deredje Alemayehu

The paper explores the critical political and socio-economic factors behind social upheavals. It discusses in depth the issue of legitimacy crisis from the perspective of state-society relationship. The author argues the need for other political variables in addition to economic growth to constitute legitimacy.

11:45 – 12:45 Discussion

13:45 – 14:30 Lunch
Theme Two: Beyond Performance Legitimacy

14:30 – 15:00 Development AID Conditionality and Popular Demand of Democratic Governance in Sub-Saharan Africa: Implications for North Africa
Dr. Mohamed Salih

The paper presents the evolution and application of development aid conditionality in North Africa and Sub-Saharan Africa. It discusses critically the “political –development nexus” and policies framed around it prior to the North African uprisings in 2011 and subsequently. By way of conclusion, the author argues: with North African revolts the new EU -North Africa partnership policies have entrenched democracy and human rights as major policy conditionality in the provision of development aid.

15:00 – 16:00 Discussion

16:00 – 16:15 Tea Break
The paper analytically discusses the historic political significance of the bottom-up uprisings witnessed in North Africa and Middle East Region. It critically explores three major possible prospective responses on the new challenges of authoritarian rule in Sub-Saharan Africa: viz. i) Prospective of Preventive Economic Measures; ii) Prospective of Preventive Political Measures and iii) the prospective of Foreign cost of Suppression (i.e. the role of major powers). While the author indicates the future path of authoritarian states in Sub-Saharan Africa is not yet clearly mapped, he argues much will depend on the “defensive or preemptive responses of the governments.”
Day Two (3rd April, 2012)

Moderator: Ambassador Peter Robleh

Theme Three: Beyond Non-Intervention

9:00 – 9:30 The North African Uprisings under the African Union Normative Framework: the First One Year after the Revolution in Tunisia

Dr. Mebари Taddele Maru

The paper analyses the North African uprisings in relation to African Union (AU) normative frameworks concerning change of government in Africa. In this respect it discusses the stipulations of four major AU instruments: viz. i) The AU Constitutive Act; ii) The African Charter on Democracy, Election and Governance; iii) The Lome Declaration; and iv) The 1977 OAU Convention on Mercenarism. The author reviews the implication of the uprisings in the context of the latter AU policies and argues there is no contradiction or tension between revolution and AU normative frameworks

9:30 – 10:30 Discussion

10:30 – 11:00 Tea Break

11:00 – 11:30 The Tension between R2P and Protection of Sovereignty

Dr. Alex de Waal

11:30 – 12:30 Discussion

12:30 – 13:30 Way Forward

13:30 Lunch/End of Program
African Uprisings for Sub-Saharan Africa”
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