

# SOUTHERN AFRICAN PEACE AND SECURITY STUDIES



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## AIMS AND SCOPE

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

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## Narrow Vision in Peace and Security

**Virgil Hawkins**

Osaka University, Japan

The study of peace and security is inevitably an interdisciplinary endeavour. Conflict, whether of the armed variety or not, is a complex social phenomenon/activity, and one that we still struggle to fully comprehend. But this is by no means for lack of trying. Sociological, anthropological, political, legal, economic and historical approaches are among a large array of disciplines from which thinkers and doers have attempted to make sense of, and deal with, conflict. Furthermore, each of these disciplines are themselves exceptionally broad – researchers specialize into much narrower sub-disciplines and take on specific themes and/or geographic areas; and their work can also be found dotting the breadth of the spectrum between theory-oriented and practice-oriented work. A narrow and in-depth focus on a single issue and from a single discipline or sub-discipline is of course of great importance in enhancing our understanding on that issue from a particular perspective, and is vital in furthering the academic value of that discipline. But by the same token, by focusing too intently on an issue from our individual academic ‘silos’, we risk losing sight of the broader picture, one that is crucial in understanding such a multi-faceted issue. At some point, the various strands of work on peace and security need, to a degree, to be brought together if we are to make headway in solving the problems that continue to threaten peace and security, in the region and beyond.

*Southern African Peace and Security Studies* is designed to help scholars from different backgrounds and disciplines to interact at an academic level, and at the same time provide its readers with a broad and inclusive perspective of the various challenges the region faces in terms of peace and security. At the same time, it aims to remain relevant, readable and useful for practitioners in this field. It is thus to be expected that this journal will publish articles from a broad range of perspectives and disciplines. This issue is no exception, with articles ranging from continental diplomatic strategies, to historical accounts of the formation of ethnic identities, and to the issue of conflict minerals. With such variety in content and in approach, identifying common threads is not necessarily feasible or useful. But by the same token, reading the articles contained in these issue, one is reminded of how easy it is to misunderstand issues of peace and security, and the common (and often relatively unquestioned) assumptions that go with them.

In their article on Botswana’s foreign policy, Ikanyeng Malila and Robert Molebatsi remind us of the gap between appearances and reality. They point out that the reputation that country has in terms of democratic credibility – Botswana remains one of the highest-scoring African

countries on internationally recognized scales of democracy – may be a shiny veneer covering a set of democratic values that are in decline; and more pertinently, that the appearance of a (temporarily) ‘ethical’ foreign policy, when seen in depth and in the light of its contradictions, may be closer to carefully calculated *realpolitik*. This is particularly evident in what can be seen as double standards in the promotion of democratic values abroad, and in a changing stance to a relatively unchanging problem (namely democratic deficiencies in Zimbabwe).

Similarly, in her historical analysis of ethnic division and construction in Thaba Nchu in South Africa, Sayaka Kono exposes the strategic formation of identities of convenience, in which people were brought together by a need to protect themselves from victimization and harassment, and in a bid to improve their livelihoods, against the turbulent backdrop of apartheid South Africa’s Bantustan policies. It explores how people from ostensibly different ethnic backgrounds came together, at least temporarily, under the inclusive banner of a particular ‘ethnicity’ that was being created for the purpose of protection. This serves to reinforce how fluid and artificial ethnic identity is, and reminds us that there are not uncommonly very practical and strategic concerns that play a major role in creating such identities – something that is all too often assumed to be determined by birth and accompanied by strong and unbending emotional ties. Again, multiple perspectives are critical in capturing an accurate picture of the situation at hand.

The following two articles both deal with the issue of conflict minerals, albeit from different perspectives. Focusing on the Democratic Republic of Congo (DRC), Just Castillo Iglesias examines the regulatory frameworks and codes of conduct that are currently being employed in an attempt to curb the international trade in conflict minerals from that country – namely tantalum, tin, tungsten and gold. Sethelile Ntlhakana, on the other hand, explores a different regulatory framework – the Kimberley Process – from the perspective of its application (or perhaps the lack thereof) to the alluvial diamond fields in Zimbabwe. Both are critical of the effectiveness of these regimes in solving the problems at hand, something both relate to a failure to correctly grasp the situation on the ground.

As both of these papers reveal, the issue of conflict minerals is, in many regards, frequently misunderstood. Campaigns aimed at creating mass awareness of the problem have been somewhat successful in doing so – more so in the case of so-called ‘blood diamonds’ than in the case of the DRC’s set of conflict-related minerals – but this has often come at the price of an oversimplified and even misleading understanding of the problem. If some of these campaigns are to be taken at face value, solving these conflicts is primarily about removing conflict-related minerals from the international marketplace. In reality, however, the conflict mineral problem is multifaceted, and must be seen from both the supply and demand sides (at local, regional and global levels), and from economic, social, legal and political perspectives. Important questions need to be raised in this regard. How dependent is the existence of a conflict on the trade in these conflict minerals? How realistic are the prospects of enforcing the regulation of these minerals? How well are different approaches being coordinated? And if a boycott (whether official or de facto) on such minerals in a certain region is to be employed, what kind of negative economic and social impacts will it have on the population in that region?

The problems the authors identify raise some important concerns in this regard. We see, for example, that one of the factors that may be inhibiting our ability to grapple with the problem of conflict diamonds, has been the narrow definition that the Kimberley Process has adopted in determining what a conflict mineral is – it only applies the term to cases in which diamonds are being used to fund the military activities of non-state actors. By definition state actors cannot deal in conflict diamonds. Similarly, in viewing the conflict mineral issue in the DRC in isolation – separate from the root causes of the conflict in that country, and even from other (non-mineral) sources of funding that can and are being acquired by armed groups – those developing regulatory frameworks and codes of conduct are coming up with solutions that may be counterproductive to the achievement of a peaceful, stable and prosperous DRC.

This brings us back to the issue of our tendencies to remain in our disciplinary (as well as regional, thematic and other forms of) ‘silos’ in forming our perspectives of problem definitions in the field of peace and security, and by extension, what is needed to solve those problems. Appearances can be deceiving – in the field of peace and security it is virtually a given – and problems that are complex – another given in peace and security – obviously require complex and nuanced solutions. In order to grasp what is broken and how to fix it, it is vital that we remain open-minded, and willing to draw from and make use of a wide array of tools.





## **Botswana's Experimentation with 'Ethical Foreign Policy'**

**Ikanyeng S. Malila and Robert M. Molebatsi**  
University of Botswana

### **Abstract**

When President Ian Khama assumed office in 2008 there was an apparent shift in Botswana's foreign policy away from a policy informed by *realpolitik* to one that is more aggressively condemnatory of undemocratic practices and human rights abuses abroad. Since then Botswana has regularly been amongst the first countries, and sometimes the only African country, to denounce 'rogue states' or call for censure of some governments and political leaders that stand accused of human rights abuses and undemocratic conduct. It is one of the most ardent supporters of the International Criminal Court (ICC) despite growing skepticism about the court amongst African countries. This is an unusual stance for an African country to take, particularly one as small and as vulnerable as Botswana. African countries generally eschew any foreign policy posture that might be seen as encouraging interference in the internal affairs of other countries. This article examines Botswana's attempt in the past five years or so since Khama's ascendance to the presidency to follow an ethical foreign policy, the role leadership orientation of the President may have had in shaping it, as well as its consequences.

### **Introduction**

Following Khama's ascendance to the presidency in 2008, Botswana's foreign policy seemed to change from a cautious and pragmatic approach based on *realpolitik* that had been the hallmark of the country's engagement with the world for most of its history (Zaffiro 1989, 1992, 1993; Taylor 1998), to a loud and decidedly abrasive approach ostensibly informed by concerns about human rights and civil liberties (Government of Botswana 2010; Keorapetse 2013). Botswana is regularly amongst the first countries, and sometimes the only African country, to denounce 'rogue states' or call for censure of governments and political leaders that stand accused of human rights abuses and anti-democratic conduct. Recently it broke ranks with the rest of the African Union (AU) members over an AU resolution aimed at forcing the International Criminal Court (ICC) to drop charges against the newly elected president of Kenya and his deputy for post-election violence in 2007-2008 (Ontebetse 2013). Immediately after the Zimbabwean elections of 2013, Botswana found itself isolated and alone again when it called for the elections

to be audited following reports that president Robert Mugabe and his party may have cheated in those elections, a position which it quickly abandoned after a Southern African Development Community (SADC) leaders' summit in Zambia. More recently, during the general debate of the 68th session of the United Nations General Assembly, the country's Minister for Foreign Affairs and International Cooperation called for "punitive action in whatever form" to be taken against the Syrian government over the continuing war in that country. In his statement the Minister condemned actions of some members of the Security Council which he believed were frustrating efforts to find a lasting solution in Syria, a pointed criticism of Russia and China. He could only have been referring to these countries because he had on a previous occasion summoned the Chinese and Russian ambassadors in Botswana to chide them over their countries' use of veto powers in relation to Syria (UN News Centre 2014).

This is an unusual stance for an African country to take, particularly one as small and a vulnerable as Botswana. African countries generally eschew any foreign policy posture that might be seen as encouraging interference in the internal affairs of other countries. Instead, they prefer to put emphasis on sovereignty and non-interference in the internal affairs of other countries. This might explain in part why African regional organizations as well as the AU tend to react slowly to serious and cataclysmic events which often turn out to have serious long term implications for the security and stability of the continent. Western countries are much less reticent. Even so, in recent times, the idea that a country's foreign policy should be explicitly guided by ethical considerations (re)surfaced among leading western nations in the 1990s after the collapse of communism in Eastern Europe (Chandler 2003). Hammer has suggested that "ethical foreign policy" maybe conceived in broad terms as a "policy which defines the principles and practices of international relations based on the respect for human rights, international obligations, transparency and accountability" (Hammer 2007:6). Ethical concerns supposedly informed interventions in a number of countries including Yugoslavia, Kosovo, East Timor and Sierra Leone. Post-liberation South Africa appeared to be attracted to the idea, albeit for a very brief spell, in the 1990s. Flushed with success after a near miraculous transition from a brutal and repressive order to a democracy, South Africa initially sought to spread the gospel of good governance, and for a while under Mandela, tried to pursue a foreign policy that was arguably informed by ethical considerations (Alden et al 2004). But the country soon found itself isolated and was as a result forced to reconsider its approach to foreign relations.

It is against this background that the shift in emphasis in Botswana's foreign policy towards a policy informed by ethical concerns came as a surprise to many observers and commentators. This new approach to international relations attracted controversy at home and abroad (Dingake 2011; Badza 2009; Afrik-News 2008). But initially, it seemed to have broad support amongst observers and commentators in the media, who believed that as one of the leading democracies in Africa, Botswana should have a foreign policy that reflects its values and democratic traditions (Mmegi 2008). Such sentiments were echoed beyond Botswana's borders. Writing barely a year after the shift in policy one West African blogger, Kofi Thompson, urged Ghana to

“emulate Botswana’s ethical foreign policy” (Thompson, K 2009). At the same time the shift in policy has attracted fierce criticism at home and in neighboring Zimbabwe which was the original target of the policy. Some critics have ridiculed the policy and described it rather unflatteringly as ‘megaphone diplomacy’ while others see the country’s animated response to international issues as little more than futile theatrics (Dingake 2011; Ntibinyane 2013). Many observers doubt the sincerity of President Khama who is regarded as the instigator of the policy shift based on his record at home (Dingake 2011b). It appears that the number of skeptics has been growing. Many contend that at best the new policy is naïve and at worst detrimental to the national interest. It is against this background that the present paper examines Botswana’s attempt in the past five years to follow an ethical foreign policy, the role the leadership orientation of President Khama may have had in shaping it, as well as its consequences.

### **Botswana: Decision-making norms and the constitutional structure**

Most foreign policy decision models link foreign policy decisions to the architecture of state institutions as well as the distribution and dynamics of power amongst them. However, Herman cautions that “premature connection of particular types of decision units and processes with specific kinds of countries or political systems can lead to distortions in our explanations of their foreign policies” (Herman 2001: 51). This is not to suggest that the organizational structure of government is not important. An innovative approach developed by Herman and Herman known as the decision unit approach posits that certain conditions such as the structure of the constitution and institutional norms make it more likely that one decision unit or the other will emerge as the authoritative unit for a given occasion (Herman and Herman 1989). However, it is less deterministic than earlier approaches (Harman 2001). Below we briefly consider the constitutional structure and power matrix in Botswana as well as norms that have developed around decision-making processes in government.

Despite its reputation as the longest running democracy in Africa and much talked about exceptionality, the constitutional structure and power matrix in Botswana is not different from that of most other African countries (Molomo 1998; Sebudubudu et al. 2011; Good 1992; Mogalakwe 2009; Hatchard et al. 2004). Botswana’s political system is dominated by the presidency which is invested with immense powers by the Constitution (Sebudubudu et al. 2013). This is a common pattern across Africa regardless of regime type (Cranenburgh 2009). A number of scholars have observed that despite changes wrought by democratic revolutions that swept across the continent in the 1990s, the distribution of power in many African countries remains highly skewed in favor of the presidency which generally overshadows other institutions (Bratton et al. 1994; Hatchard et al. 2004). Thus existing institutional structures and practices in Africa do not generally encourage diffusion of power and participatory decision-making. This has resulted in the marginalization of institutions which should be at the center of policy-making, such as parliament. It has been suggested that, save for one or two exceptions, African parliaments are dominated by the executive (Hatchard et al. 2004: 96; Cranenburgh 2009). We

may safely conclude from this that compared to their counterparts in the developed world, African parliaments generally have very little say in the formulation of foreign policy.

Turning to policy-making in Botswana, it has been suggested that the bureaucracy has dominated the policy-making arena for much of the country's post-independence history (Molomo 1989; Nieman 1993) though it is also clear that the political leadership has shaped the broad outlines of and provided rhetorical framing for these policies (Masire 2006). Niemann argues that any analysis of shifts in Botswana foreign policy towards southern Africa must of necessity take into account the changing nature and role of the bureaucracy (Niemann 1993: 39). It is also evident that from the earliest days of independence the presidency not only took a close interest in foreign policy but also controlled its development (Zaffiro 1993). Perhaps, it is for this reason that the foreign policy bureaucrats were based in the Office of the President for quite a spell after independence. Even after the creation of a position of Ministry of External affairs it was understood that the president would "remain the top diplomat and manager of external relations" (Zaffiro 1993: 41). This is not entirely surprising because foreign relations have been an extremely sensitive matter for much of Botswana history because of its geo-political situation. In addition, the nature of the constitutional structure is such that every leader, even the most cautious, is bound to leave a personal imprint on foreign policy. It seems that the presidency, together with and through top bureaucrats, were responsible for formulation of foreign policy and making critical decisions. However, it has been argued that the government sought to create the impression of a broader consensus over foreign policy especially as the country lived under the shadow of military threat from racist minority regimes that virtually surrounded it for the majority of its post-independence existence. According to (Zaffiro 1993: 42), in the 1980s President Masire and Chiepe, the Minister of External Affairs, repeatedly emphasized "the importance of collective responsibility and regular inter-party consultation on security, defense, and foreign policy matters". However, despite the rhetoric, in practice parliament, inter-party fora and other mechanisms were not involved in any appreciable way in policy-making (Zaffiro 1993). It appears that whatever else may have been said by way of rhetoric, decision-making in foreign policy was the domain of bureaucrats and the executive.

There is general consensus amongst observers and commentators that the recent shift in emphasis in foreign policy can be attributed to a change of leadership as well as change in the style of leadership following Khama's ascendance to the presidency (Dingake 2011a, b; Owino 2011). There are a number of reasons why many, including the authors of the present article, find this view persuasive. Firstly, the change in policy occurred not long after Mogae handed over the reins of power to Khama. Secondly, as regards the issue of leadership style, not only are there obvious and undeniable differences in the leadership style of the two men but Khama's leadership style has been portrayed as being vastly different from that of all the other presidents that came before him (Good 2009, 2010; Botlhomilwe et al. 2011, Sebudubudu et al. 2012). Khama's leadership style, which is much more direct and self-assertive than that of his predecessors, has been described as authoritarian (Henk 2004; Good 2010a, b; Throup 2011,

Bothomilwe et al. 2011; Sebudubudu et al. 2012). His personal authority is felt almost everywhere in government decision-making. Critics have even accused him of militarizing and personalizing the running of government (Good 2009; Lucas 2011). Many observers, therefore, believe that the way the shift in emphasis in foreign policy came about and developed is reflective of Khama's way of thinking and doing things as has been the case with many other policies since he assumed power. In that context it is not surprising that the debate concerning the shift in foreign policy has been as much about Khama's personality and leadership style as it has been about the meaning and substance of the policy.

### **Leadership orientation and world view**

As we have already indicated there is consensus among observers and commentators that Khama was responsible to change the country's foreign policy. A change in the direction or emphasis of a country's foreign policy is a decision that would most likely be made at the highest level and this is all the more likely given Khama's leadership style. According to Herman (2001), even though the ultimate decision unit may vary according to the nature of the problem in respect of which a decision has to be made '...for issues of vital importance to a country, the highest political authority often constitute the decision unit; there is contraction of authority to those most accountable for what happens'(Herman 2001:56). It is therefore imperative to consider briefly, Khama's background, leadership style and most importantly his attitude to the outside world in order to appreciate more fully his personal influence on the country's foreign policy.

In a study of influence of personal characteristic of leaders on foreign policy behavior of countries Herman (1980:8) found that there were marked differences between leaders who push their nation to take an aggressive or conciliatory posture in international relations. Aggressive leaders tended to be (a) High in the need for power, (b) Low on conceptual complexity, (c) Distrustful of others, (d) Nationalistic, (e) Likely to believe they have control over events. On the other hand, conciliatory leaders were (a) High in the need for affiliation, (b) High in conceptual complexity, (c) Trusting of others, (d) Low in nationalism, (e) Exhibited little belief in their own power to control events.

It is therefore vital to know the personal attributes of the leader because:

The leader's traits shape his initial inclinations and determine whether and how he will regard advice from others, react to information from the external environment, and assess the political risks associated with various actions ... Of particular relevance in explaining a predominant leader's orientation to a foreign policy problem is knowledge of the leader's orientation to foreign affairs- his or her composite set of views about how government should act in the foreign policy arena. An orientation defines the leader conception of his notion's role in the world and it presupposes a specific political style in dealing with foreign policy problems (Herman and Herman 1989: 365).

### **Khama's leadership style**

Khama has been described as a quintessential military man who 'hates politics'. Apparently he was brought into politics by the former president, Mogae, to help end factional wars in the ruling Botswana Democratic Party (BDP). Khama's "experience is restricted to three areas alone: the military; chieftaincy and dynastic politics; and state power, briefly at the highest level..." (Good 2010a: 318). As a leader he is not only exceptionally popular but also unusually divisive (Lucas 2011; Throup 2011). Even though he commands almost messianic support amongst some sections of the population, he is equally reviled by a significant proportion of the urban and educated classes for his leadership style (Henk 2004: 93). Even though it is natural to expect that politicians will occasionally exploit divisions in the population for political gain, it seems that President Khama does it in a way that makes sober discussion of issues of mutual interest among citizens difficult. For example, he has on several occasions described those in the media, the opposition and the labour movement who hold views that diverge from his on a number of important issues, as "unpatriotic" (Ntibinyane 2013; Kavahematui 2013). This has angered and alienated a lot of people including those outside the rough and tumble of politics. Even though Botswana are known for their deference to leaders, an openly hostile attitude to those hold opposing views does not sit well with them.

The president's rather overbearing leadership style has been blamed for escalation of factional conflict in the ruling Botswana Democratic Party (BDP) to a point where it resulted in a split up of BDP and the formation of a new party. When his preferred faction within the BDP lost heavily to a rival faction at the 2009 BDP elective congress, he did not perform the customary ritual of welcoming the new committee and soon set about systematically neutralizing and destroying it. The atmosphere within the ruling party became so toxic that many members of the faction that had won the 2009 party elections left the BDP to form the Botswana Movement for Democracy (BMD). It has been suggested that the President's style of leadership goes against notions of tolerance associated with Botswana's indigenous philosophy which many believe has contributed to Botswana's success as a democracy.

While his supporters regard him as forthright and decisive, critics have variously characterized his leadership style as "authoritarian", "autocratic", "dictatorial", "intolerant" and even "vengeful" (Henk 2004; Good 2010a, b). He has been criticized for excessive use of directives to communicate his decisions/views on important matters. It has also been suggested he has personalized state machinery and that he puts loyalty and cronyism ahead of competence and professionalism (Good et al. 2006; Good 2010a). None of the country's previous leaders has been described in similar terms to President Ian Khama. The distinct impression one gets from these comments and assessments is that compared to him all of his predecessors may to varying degrees be characterized as benign, consensus-building, sensitive, open and pragmatic, whereas he may be characterized as a strong and domineering personality. A growing number of observers and scholars believe that, even though Botswana continues to be held up as model of democracy that other African countries may want to emulate, during Khama's presidency

democracy has come under a great strain in a number of areas such as freedom of speech and media freedom (Bothomilwe et al. 2011; Ntibinyane 2013). It has been suggested that while the Khama administration preaches democracy to other countries it fails to practice it at home, if anything it seems to be moving towards neo-patrimonial tendencies which are the source of anti-democratic and repressive behaviour it condemns so vociferously in others.

### **Khama and the outside world**

It appears that cultivating relations through official visits and attending international gatherings is not as important a part of Khama's approach to foreign relations as it was for all his predecessors. It has been suggested that compared to his predecessors he has undertaken relatively few official trips to other countries and generally shuns international gatherings (Mmegi 2013; Dipholo 2013). He appeared to confirm this recently in an interview carried in a South African newspaper, *The Business Day*. He was reported to have said in an interview with the newspaper that he did not attend United Nations General Assembly annual meetings because he did not attach much value to them (Koch 2013). He said he avoided such summits because in his view they were expensive 'talk shops' where nothing was achieved. Commenting on these observations one local newspaper criticized the president for seemingly giving priority to international gatherings concerned with conservation, a well-known passion of his, over high profile international meetings that might not be of interest to him personally but which might nevertheless be important to the country (Mmegi 2013). The same sentiment was echoed by a *Sunday Standard* columnist and ardent Khama critic who noted that while the president avoids international gatherings, the same could not be said about more celebratory events like birthday parties for regional heads of state (Dipholo 2013).

## **Botswana's new approach to foreign relations in action**

### **Foreign policy shift: The trigger**

It appears that the shift in Botswana's foreign policy was triggered by the failed Zimbabwean elections of 2008. It is not difficult to see why. Post-election prognosis suggested that the situation in Zimbabwe, which had already reached crisis proportions, was about to get worse. There were fears that a civil war might break out in Zimbabwe (Pitse 2008; Jonas et al. 2013). The Botswana government had been struggling over a number of years to control illegal immigration caused by the economic collapse of Zimbabwe. It spent large amounts of money on repatriation of illegal immigrants. After the 2008 elections a steady stream of refugees fleeing violence begun to add to this burden. For Botswana, a country of about two million people, this state of affairs was intolerable. The unfolding situation in Zimbabwe represented an existential threat in a way it did not for other countries in the region with large populations. The country feared, not unreasonably, the possibility of being overwhelmed and swamped by large numbers of illegal immigrants and refugees. Merafhe, who was Foreign Affairs Minister under Mogae, put it thus:

Until the situation in Zimbabwe is improved, there is very little we can do, although we continue to repatriate these people back to their country. We are a small country, with a population of just under two million, and there are fourteen million Zimbabweans. If we allow them to come over and take up residence in Botswana without being encouraged to go back to their country, we will run the risk of being completely overwhelmed (Hanson, 2007).

These fears were not unfounded considering that it was estimated that by 2009 over one million Zimbabweans had moved to South Africa (Global Detention Project 2009). Khama had in the past indicated that he was concerned about instability emanating from neighbouring countries. After the SADC Parliamentary Forum declared that the elections did not meet SADC standards on free and fair elections, the Khama administration probably responded quickly in an attempt to head off another crisis. While the Mogae administration had been openly critical of the Zimbabwean government since 2002, it was always careful not to be strident and hostile and together with other SADC states pursued what was euphemistically known as ‘quiet diplomacy’. SADC’s apparent inability to find a workable solution to the Zimbabwe crisis would have been particularly frustrating for Khama.

Khama declared that the time for quiet diplomacy was over and his government called for the removal of Mugabe from power (Badza 2009: 167). In an address to parliament, President Khama said that even though Botswana respected the principle of non-interference in internal affairs of other states “it discharges its international responsibilities in line with its own values, regional protocols, and global consensus, voicing its opinion as and when it feels it is justified to do so” (Badza 2009:166). Botswana’s new tone and attitude was perceived as representing both a fundamental change in relations between the two countries and a break with the SADC consensus around a policy of quiet diplomacy (Mhango 2012). The Khama administration argued that Botswana as a country that practices democracy and the rule of law it could not be seen to endorse an illegitimate result (Badza 2009: 166). Initially, the position taken by Khama on Zimbabwe won him applause at home and abroad as it appeared to be in tune with the sentiments of ordinary people in SADC countries. Botswana, would thenceforth, despite its size and geo-political vulnerabilities, pursue an ethical foreign policy consistent with its democratic traditions. The country would ride on its reputation as the longest running democracy in Africa state (Molomo 1998; Sebudubudu et al. 2011) to present itself as a norm-setter or ‘norm entrepreneur’ (Finnemore et al 1998; Ingebristen 2002; ) of the SADC.

## **Zimbabwe**

Following a presidential election run-off between Robert Mugabe and his archrival Morgan Tsvangarai on 27 June 2008 in which the former emerged as the victor, the Khama administration refused to recognize Robert Mugabe as the president of Zimbabwe because the run-off failed to meet SADC, AU and UN standards and as such he lacked legitimacy. In a

statement released through the Ministry of Foreign Affairs and International Relations the government of Botswana called for the exclusion of Zimbabwe in AU and SADC meetings. The Khama administration claimed that silent diplomacy had failed (Badza 2009).

Zimbabwe saw this as a provocation and interference by a neighbour in its internal affairs. It charged that Botswana had been providing training for the opposition Movement for Democratic Change (MDC) youth to instigate an insurgency against Zimbabwe since 2002 and that Botswana was preparing for a military invasion at the behest of Western imperial powers. The Zimbabwean Minister of Defence claimed that his country had handed over evidence on preparations for invasion over to the SADC Organ on Politics, Defence and Security. Botswana vigorously denied the accusations. According to WikiLeaks, the two neighbours came perilously close to open warfare over the issue. Concerned about Zimbabwe's sabre-rattling, Botswana allegedly approached the United States to supply it with weapons but the latter declined because it felt such action would not advance America's strategic interests in the region (*Sunday Standard* 2011).

### **Swaziland**

Since he became president in 2008, Khama has made two official visits to the Kingdom of Swaziland, a country where opposition is banned and critics suffer political repression. At the time of the first visit to Swaziland the mood in that country was restive, with trade unions pushing for political change. Many observers believed the visits were ill-timed and unfortunate because they weakened Botswana's seemingly principled position against Mugabe's Zimbabwe (Mmegi 2008). The Swazi government has been criticized for maintaining the ban on opposition parties and dealing in a heavy handed way with those with divergent views (Mmegi 2008). The President's visit to Swaziland attracted fierce criticism from the opposition and media especially amongst those that had hailed his government's position on Zimbabwe as progressive. The visit was seen as an endorsement of the Swazi government's undemocratic conduct. However, the Khama administration saw things rather differently. According to the Minister of Foreign Affairs and International Cooperation (Motlogelwa 2008), the situation in Swaziland was not comparable to that obtaining in Zimbabwe because the former was a constitutional monarch while the latter was a democracy. The Minister averred that Swaziland was governed according to the principles in its constitution, flaws in that constitution notwithstanding, while Zimbabwe had chosen for itself a democratic system which the leadership had failed to uphold.

### **Ivory Coast**

When a political crisis developed in the Ivory Coast following the refusal of former President Laurent Gbagbo to leave office after losing presidential elections to his rival Alassane Ouattarra, Botswana weighed in on the crisis in a most uncharacteristically dramatic and baffling fashion. The government invited President-elect Alassane Ouattarra, who was then under siege in a hotel in the Ivorian capital, for a state visit to Botswana. The gesture invited scorn and derision from

opposition parties and the private media who suggested that the invitation was as impractical as it was impulsive (Mmegi 2011; Owino 2011). Critics charged that it was rushed and ill-considered because it seemingly did not allow time for diplomatic efforts especially by Economic Community of West African States (ECOWAS) and African Union (AU) to resolve the situation, to take shape. Critics described it as “reckless”, a form of “grandstanding” and as showing “lack of diplomatic acumen” (Owino 2011). The stance taken by Botswana has produced no obvious dividends for the country. More tellingly, Ouattarra, has not, since assuming power, shown any indication that he is anxious to honour the invitation extended to him during the Ivorian crisis.

### **Libya**

Concerns regarding the way Botswana conducted foreign relations arose again when the country severed diplomatic relations with Libya as events that led to the eventual toppling of the Libyan leader Muammar Gadhafi unfolded. As in the case of Zimbabwe, opinions were divided over the wisdom of severing relations with Libya and the way it was done. While some believed cutting ties with countries that violate human rights sends an important message to dictators, others contended that while violations of human rights must be condemned, cutting diplomatic relations in an unsavoury manner could possibly harm the country’s image in the international arena (Moseki 2011). Contrary to some who dismissed the ties between the two countries as insignificant, the opposition Botswana Congress Party (BCP) said it believed that Libya had maintained warm and cordial relations with Botswana over many years as exemplified by the gift of camels given to former president, Mogae, and sponsorship that had been extended to some four Botswana students to study in Libya. The BCP also criticized the manner in which disengagement with Libya was conducted and believed that it was done in manner that was inconsistent with international norms:

The 1961 Vienna Convention on Diplomatic Relations states that when diplomatic relations are severed between states, the host state is obliged to provide assistance for the rapid departure of staff members and their families. A receiving state does not sever relations with another with immediate effect and turn around to say that the diplomats are free to remain in the territory if they so wished because that can be interpreted rightly so to be interference in the internal affairs of the sending state. The head of the diplomatic mission in any given state represents the head of state of the sending state in the receiving state. Unless he has defected, it is contrary to international norms and behavior by the receiving state to cut diplomatic relations with another state and advise the diplomats concerned to remain in the territory. We have never heard of it (Moseki 2011).

### **Malawi**

In 2011 a routine announcement by Botswana of a forthcoming three-day official visit to the country by the then president of Malawi Bingu Wa Mutharika provoked an unprecedented storm

of criticism and protest from opposition parties in Botswana (Keoreng 2011; Ntuane 2011). According to the opposition parties there had been serious erosion of civil liberties and human rights in Malawi under Mutharika's rule (Mosikare 2011). The litany of accusations made against Mutharika was that amongst other things, he suppressed independent media and incited the youth of the governing party to use violence to silence opposition critics in Malawi. To show their disapproval Botswana's opposition parties resolved to boycott all official activities conducted to mark Mutharika's visit. While the government expressed disappointment at the behavior of opposition parties, the latter were soon vindicated when a few months later there was a crackdown by Mutharika's government on protests over cost of living resulting in the death of 18 people and injuries to many more. In a statement demanding an apology from Khama for hosting Mutharika the opposition asked rhetorically: "How different is Mutharika from Muammar Gadhafi in Libya, Bashar Al Assad in Syria, Omar Al Bashir in Sudan and all other dictators that have attracted the sanctimonious wrath of the Botswana government over rights violations and atrocities against their own citizens?" (Ntuane 2011)

### **Realpolitik redux?**

Even though it seems that ethical concerns remain an important element of the country's foreign policy, evidence points to a tilt back, especially in the past two years or so, towards a policy based on national self-interest, rhetoric notwithstanding.

At face value, it seems that the Khama administration's determination to be norm entrepreneurs remains undiminished since 2008. It continues to issue boisterous statements about anti-democratic conduct and human rights violations abroad. However, closer examination shows that realpolitik may be re-asserting itself as Botswana is forced to come to terms with its economic and geo-political vulnerabilities. As the country increases the drive to diversify the economy away from diamonds and as it explores the possibility of exporting coal beyond the continent it has started to reach out to countries such as Namibia, Mozambique and Zimbabwe in the search for alternatives to South African ports. President Khama has also indicated that his government is looking to Namibia and Mozambique to provide new routes because he believed regular strikes in South Africa disrupt regional trade (Koch 2013). It seems that Botswana is once again waking up to its vulnerabilities as a landlocked country that must depend on its neighbours for purposes of trade. This confirms predictions by some commentators that it was a matter of time before Botswana's policy towards Zimbabwe fell back into line with the rest of SADC as it could not afford to remain isolated for long (Badza 2009).

Indeed less than two years after the relationship between Botswana and Zimbabwe broke down to a point where the two countries were talking of going to war with each other, a sudden and inexplicable turn-around occurred in the relationship (Afrik-News 2010; Bhebhe 2011). Not only was there a noticeable change from strident and harsh criticism to silence but there was a sudden outpouring of goodwill between Khama and Mugabe and their respective parties. For instance, ZANU (PF) sent delegates to a BDP women's congress, a move that was reciprocated

by the latter. The delegates from Zimbabwe came bearing a gift from Robert Mugabe to President Khama which became a source of much media speculation. That was soon followed by a visit to Zimbabwe by President Ian Khama.

Speaking at the BDP congress the spokesperson of the ZANU delegates observed that “We cherish such brotherhood and sisterhood for Botswana and Zimbabwe share a common border, common history, common culture and indeed a common destiny” (Mmegi 2012).

A BDP delegate’s comments at a ZANU (PF) congress attracted criticism from commentators when he appeared not only to praise Zimbabwe’s leadership but also to endorse its policies which have had been the cause of social and economic turmoil in Zimbabwe. He was reported to have said:

You should consider yourselves blessed to have leadership that has such wisdom. It is important to reflect on how indigenization can help to propel us forward. As Africans, our greatest resource is our land. This is one commodity that we have to guard (*Sunday Standard* 2012).

However, the BDP delegate countered by suggesting that he was only responding to the theme of the conference and that the newspaper exaggerated the intimacy of the relationship between the BDP and ZANUPF.

One of the explanations put forward for the sudden rapprochement between the two countries was that Botswana and Mozambique had a memorandum of understanding (MOU) to jointly develop the port of Beira and build a railway link between the two countries which would have to pass through Zimbabwe. Local media reports have linked a close associate of the President with the project and there is suspicion that it is the desire to protect business interests that may explain the thaw in relations with Zimbabwe. There has been no official attempt to confirm or deny these claims.

The Foreign Policy Forum, which was hosted by Ministry of Foreign Affairs and International Relations in 2012, gave an impression that the supposed policy shift may be more apparent than real. Proceedings of the consultative forum gave no hint at all that there has ever been a shift at all in Botswana’s foreign in recent times from the traditional staid policy based on *realpolitik*. In his opening address to the forum the Minister of Foreign Affairs and International Relations underlined the conservative and cautious approach of old while urging participants to consider how new realities such as regional integration and globalization might be incorporated into the policy. While the Minister did not acknowledge megaphone diplomacy in his speech he nevertheless appeared to signal a return to a policy based on national self-interest. The Minister observed that:

Foreign policy is intended to help protect a country’s national interests, ideological goals, and economic prosperity. It is therefore through foreign policy that, as a country, we can become an effective and influential player on the global stage (MOFAIC 2013).

The Minister observed that Botswana's foreign policy has traditionally been guided by amongst others, well-known internal principles; namely democracy, development, unity and self-reliance and principles such as peaceful co-existence, good neighbourliness, peaceful resolution of conflicts and territorial integrity and sovereignty of nations. Interestingly, as if in answer to critics of the Khama administration, he observed that a foreign policy should not be driven by sentiment, a point he underlined by quoting the late president of the United States of America President Kennedy who said (in 1963) that "the purpose of foreign policy is not to provide an outlet for our own sentiments of hope or indignation; it is to shape events in the real world" (MOFAIC 2013).

### **Making sense of contradictions in Botswana's foreign policy**

When Botswana decided to adopt a new posture in its foreign policy in 2008 as part of its response to a developing political crisis in Zimbabwe, few had any doubt that the newly installed president, Ian Khama, was the originator of the new policy. Khama's personal stamp on government policy had been a matter of much public comment from the time he was Vice President (Good et al. 2006). Once he ascended to the presidency the view that he preferred to lead from the front in matters of policy was soon confirmed. Therefore, it came as no surprise to many observers that from the very beginning of his administration his personal authority should manifest itself in a powerful way in the tone and direction of the country's foreign policy. Many observers believe that the new foreign policy stance reflects the president's forthright and abrasive leadership style.

Having said that, the change in policy was itself triggered by a developing crisis in Zimbabwe and what the crisis could possibly mean for Botswana's national security (Hanson 2007; Throup 2011). There were even fears that civil war was about to breakout in Zimbabwe (Jonas et al 2013) and Botswana set about preparing for war with its neighbour (Pitse 2008) which accused Botswana of training and harbouring insurgents. As already indicated, Botswana feared that if not brought under control the situation in Zimbabwe might escalate to a point where a flood of illegal immigrants and refugees might overwhelm it thereby endangering its stability and security. In that context it is not difficult to imagine why such an eventuality would have been a major concern to Khama.

There are a number of plausible reasons why Botswana decided, when confronted with a developing crisis in Zimbabwe, to adopt an ethical foreign policy that involved denunciation of human rights abuses and anti-democratic conduct. While the original context for the emergence of the new policy involved and revolved around fears about Zimbabwe as a possible source of instability in future, the Botswana government probably did not want the policy to be interpreted as being solely about Zimbabwe. So it may have decided to adopt a policy that was supposedly informed by ethical concerns as a cover for its stance towards Zimbabwe in order to parry off familiar accusations of bias and hostility by Mugabe and ZANU PF. Thus it may well be also be

that in order to maintain credibility the Khama administration was compelled to talk loudly about human rights abuses in other countries but not necessarily out of conviction.

Another reason why the shift in policy may have been no more than a smokescreen for a policy on Zimbabwe is that a recent foreign policy consultative forum held in Gaborone did not mention at all the new emphasis in policy that Khama alluded to in his address to parliament in 2008 which manifests itself in the form of regular denunciations of errant leaders and governments (Government of Botswana 2010). This leads us to wonder whether the much vaunted shift in policy was ever intended to be part of the country's long term policy. Alternatively, it may be that at the time the foreign policy forum convened the country was still undecided about the way forward or the forum was public relations exercise put on for foreign policy bureaucrats and did not affect the president's own attitude. Perhaps it is this muddle that led newspaper commentators and opposition parties to say that Botswana has no (coherent) foreign policy. As critics have suggested all these make Botswana's approach to international events seems impulsive and ill-considered. A classic example of this would be Botswana's unhelpful response to the Ivorian crisis.

It is also possible that the Khama administration genuinely believes that Botswana has the moral authority to preach to other countries about democracy even though democracy is on the decline at home. An increasing number of scholars agrees that while Botswana has a well-founded reputation for adherence to democratic values, the country's recent record is at best mixed (Dinokopila 2009 ) or at worst showing familiar signs of a slide into authoritarianism and intolerance (Botlhomilwe et al. 2011). It also seems that in the eyes of many the new policy has been blunted by its selective nature. Critics have suggested that Botswana's position regarding democracy and governance in Swaziland and Malawi (during Mutharika's rule) appeared to contradict the noble principles for which the country supposedly stands. In particular, failure to condemn the shooting of demonstrators in Malawi by security agents represents the most glaring evidence of double standards. The attitude of the President and the Botswana government towards the Malawi and Swaziland has left many people perplexed and can only lead to greater scepticism about the supposed shift in foreign policy. One of the local newspapers put it more succinctly:

We all remember how he made us feel proud when he refused to accept the sham presidential re-run in Zimbabwe. When the rest of Africa did not want to break with tradition and throw Mugabe under the bus, Khama courageously took a principled stand against Mugabe's tyranny. When he refused to recognise Mugabe as President of Zimbabwe, we believe he was guided by this country's democratic culture. Out of concern for democratic culture, we believe it is out of step with this culture for President Khama to have visited Swaziland at a time when the country is embroiled in serious internal conflicts bordering on the abuse of power and denial of democratic practice. (Mmegi 2008)

Such inconsistencies would seem to confirm the view held by some that Botswana is merely grandstanding when it condemns some countries for human rights violations. It may also be true as some have suggested that the position taken by the Khama administration on a number of international issues betrays lack of statecraft and diplomatic finesse on the part of the current leadership. The country's reaction to the Ivorian and Libyan crises most clearly illustrates this naiveté. Other incidents suggest it may be more than just naiveté at play. Many have been shocked by the hectoring, patronizing, confrontational and sometimes plainly insulting statements issued by members of the executive. This caused Parliament and the media at one point to appeal to Khama and his Minister of Foreign Affairs and International Relations to "mind your language" (Afrik News 2008; Ganetsang 2010). Perhaps one of the most disturbing examples of this was the shabby treatment of and insulting remarks directed at Rajolina, the former President of Madagascar, by the Minister of Foreign Affairs. Not only did the Minister of Foreign and International Relations call Rajolina a "boy" and a "DJ" in his various statements to the media, but the government ensured he was not accorded treatment consonant with his status as Head of State when he visited Botswana to attend an SADC meeting (Ganetsang 2010).

Many of these contradictions including the perception that Botswana's foreign policy is built around the president's personal preferences and interests have puzzled observers. Nonetheless, many in the media fraternity and the opposition parties believe the new approach to foreign policy is impulsive and is not at all guided by national strategic interests or goals. What concerns them even more is that the policy seems more and more to reflect the president's personal world view and interests rather than those of the country (Mmegi 2013; Dipholo 2013). But based on existing assessments of his personality and leadership style (Good et al. 2006; Good 2010a, b), such dissonance would not be disturbing to Khama himself as he appears to have lived quite comfortably with similar contradictions in the past. It is a common feature of predominant leaders with an authoritarian streak to ignore discrepant information and to pay little attention to contradictions in their conduct (Herman et al. 1989).

## **Conclusion**

One of the major issues in the debate around Botswana's foreign policy has been whether it is efficacious for Botswana to have a foreign policy that not only accentuates ethical elements, but is also premised on the idea that berating wrongdoers would cause them to change their conduct or to put it more negatively, whether such a policy would not be likely to do more harm than good to the national interest. The fundamental question is whether an ethical policy twinned with rooftop diplomacy under President Khama's government has achieved better or desired results when compared with the more subtle approaches of previous administrations.

Taken on its own terms it does not seem that the new approach has had the desired effect on countries which have been targeted in terms of behaviour change. However on Zimbabwe specifically views diverge. Most commentators believe Botswana's approach earned it a spell of isolation from its neighbours, a state of affairs which as some observers correctly predicted, the

country could not tolerate for long (Badza 2009). There was even backlash from some neighbouring states which felt that Botswana's position on Zimbabwe was patronizing, irresponsible and unwarranted. For example, a state owned Namibian daily newspaper ran an editorial calling on SADC to call Botswana "to order" for calling for sanctions against Zimbabwe (Afrik-News, 2008). The Mugabe administration not only refused to change but instead it came very close to taking Zimbabwe to war with Botswana. Many believe the Khama administration misjudged the extent of its ability to achieve desired results acting on its own. In contrast, SADC partners who believed firmly in 'quiet' diplomacy scored a success by negotiating an agreement between Mugabe and Tsvangarai in the form of the Global Political Agreement which resulted in a Government of National Unity (GNU). Having said this, there are those who credit Khama's muscular approach, especially the threat to intervene militarily in Zimbabwe with averting a civil war in that country (Jonas et al. 2013).

It is also interesting that emerging evidence suggests that in the past two years or so Botswana has been tilting back towards policy based on realpolitik. This subtle shift would appear to be informed by national self-interest or as some have suggested, the desire to promote or protect business interests of those close to the president. Though Botswana continues to make boisterous statements it is now more sensitive to the views of other SADC countries as its response to the Zimbabwe elections held in 2013 shows. Botswana's economic and geo-political vulnerabilities have always meant that a return to foreign policy informed by realpolitik would happen sooner rather than later. The imperative to diversify the economy away from diamonds means that Botswana has had to explore the possibility of exporting products such as coal which appears to be plentiful. This would inevitably involve breaking out of isolation. Indeed those who had predicted Botswana would not be able to tolerate isolation from fellow SADC states over Zimbabwe for long have been proved right. In 2010 there was a sudden and inexplicable thaw in relations between Botswana that went beyond simple normalization of strained relations after Mugabe agreed to form a government of national unity with the opposition. Fraternal relations between Mugabe's party and the ruling party in Botswana developed pretty rapidly to a point where the latter seemingly endorsed the former's controversial land policy and the party leaders even exchanged gifts.

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### **Biographical Note**

Ikanyeng S. Malila holds a BA in Social Sciences (University of Botswana), an MA in Sociology & Social Policy (Durham), an MSc (Criminology & Criminal Justice Studies), and a PhD (Edinburgh). He is a Senior Lecturer in Sociology, Criminology & Criminal Justice Studies at the University of Botswana. Robert M. Molebatsi is a lecturer in the Department of Sociology at the University of Botswana. He has an MSc in Medical Sociology from Royal Holloway College, University of London.





## **Being Inclusive to Survive in an Ethnic Conflict : The Meaning of ‘Basotho’ for Illegal Squatters in Thaba Nchu, 1970s**

**Sayaka Kono**

University of the Free State, South Africa  
Tsuda College, Japan

### **Abstract**

The apartheid regime’s attempt at ‘ethnic division’ practiced through its Bantustan policy caused conflicts in South Africa. A squatter area called Kromdraai became the center of such a conflict between ‘Basotho’ and ‘Batswana’. This paper studies why and how those ex-Kromdraai residents started to claim that they were ‘Basotho’. Firstly, it will discuss the political and economic situation in which the conflict occurred. Secondly, it will argue how politicians of Qwaqwa, a Bantustan for ‘Basotho’, attempted to mobilize people in forming their identity, and why Kromdraai residents got involved in its politics as ‘Basotho’. Thirdly, using oral testimonies, it will reveal the meaning of identifying oneself as ‘Basotho’ for Kromdraai residents. Finally, it will conclude that Kromdraai residents interpreted the word Basotho as being inclusive, not to be ‘ethnically’ exclusive as ‘Batswana’, but at the same time to secure help from Sotho Bantustan, Qwaqwa.

### **Introduction**

Nation-building has been one of the significant challenges in post-apartheid South Africa. Under the slogan ‘One Nation, Many Cultures’, it places ethnicity as signifying simply cultural difference, and praises the diversity of the ‘Rainbow Nation’. This tendency regarding ethnicity in South Africa today is an attempt to overcome the history of divide and rule. Yet, looking back at how ethnicity was fostered under the apartheid system, it might also mean dismissing the history of the people who had struggled subjectively to solve the problems under the layered structure of the oppression. Bantustan policy under apartheid was an extreme practice of divide and rule under which ethnicity became most controversial in South African history. To give an insight into the issues associated with ethnicity and nation-building in today’s South Africa, this paper attempts to reveal a part of the Sotho speaking people’s experiences under the Bantustan policy. It will suggest what it has meant to be a particular ethnicity for people when they face

threats.

The Bantustan policy, which was practiced from the 1970s onward, developed an institutionalised ‘ethnic’ framework.<sup>1</sup> The policy divided African populations into nine ‘ethnic’ groups and limited them to a mere 13 percent of the land. It aimed at creating the cheap labour migration system as well as a chasm among Africans to establish White minority rule. Ethnic division was based on the theory that “each ethnic group had, or was meant to have, its own territory where it would develop its inherent potential and become a sovereign ‘nation’ ” (Sharp 1988: 79). First, all members of the African population were compelled to register as belonging to one of the ‘ethnic’ groups. From the 1950s, the idea of ‘separate development’ became official government policy and evolved a series of Bantustan policies. The Promotion of Bantu Self-Government Act (1959) provided that Africans should have been self-determined in separate territories called ‘homelands’ or Bantustans, which were premised on ‘historically ethnic grounds’ (Dubow 2014: 105). Then, by the beginning of the 1970s, all the members of each ‘ethnic’ group were obligated to belong to ascribed Bantustan, without considering the reality of the African people. At the same time, the influx of Africans into urban areas and their stay there were strictly restricted. Africans’ political rights which were limited in South Africa were expanded within Bantustans. Scholars in the 1970s and 1980s offered harsh criticism that the policy was aimed at forcing African population onto Bantustans and letting ‘beneficiaries’ of the system like Bantustan politicians or ‘tribal’ leaders rule for the sake of the apartheid government’s convenience (Southall 1977, Rogers 1980 etc.). ‘Ethnically’ divided Bantustan governments gained limited but much expanded rights of administration and ruled the members of ‘ethnic’ groups. Many African people were forcibly removed from where they had stayed for generations and had to move to new places where they were considered to belong according to the policy. Places where several ethnic groups had lived together fell under the rule of one of the Bantustan governments. In these places, ‘ethnic’ conflicts took place for limited resources in Bantustans.

These ‘ethnic’ conflicts under Bantustan policy have been studied primarily by anthropologists. These studies have contributed to understanding Africans’ flexibility in the context of the policy that promoted a fixed ‘ethnic identity’, especially from a cultural perspective. Some researchers point out that the most active actors of the conflicts were Bantustan officials, and most of the ordinary people opposed conflicts because they had coexisted peacefully in the same area for years (Niehaus 2002, Segar 1989). In these cases, both of the ethnic groups adapted some parts of the cultural customs of the other ethnic group since they had lived together. Thus these studies show that the boundaries of ‘ethnic’ groups in reality were not as clear-cut as the policy expected, while Bantustan governments or elites tried to confining people to their ‘ethnicity’, which perpetuated the ideologies of separatism..

On the other hand, it is also studied how Bantustan politicians and bureaucrats tried to mobilize people under a name of an ‘ethnic’ group. This perspective has revealed that ‘ethnic’

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<sup>1</sup> In this paper, the ethnic groups defined by Bantustan policy will be called ‘ethnic’ groups for the sake of convenience to emphasize the gap between the policy’s aspiration and people’s reality.

identities were fostered by the interaction between Bantustan elites and ordinary people (Harries 1989, Lekgoathi 2003). Cultural symbols from a certain chosen past were strategically used and became known among even others as symbols of the ‘ethnic’ groups (Harries 1993, Jones 1999). Thus, the Bantustan identity gradually penetrated ordinary people’s daily life and, in some cases, it contributed to intensify the ‘ethnic’ conflicts in Bantustans.

To bridge these two perspectives, this paper will examine how ordinary people perceived and interpreted this Bantustan officials’ attempt of fostering ‘ethnicity’ for the sake of their survival in an ‘ethnic’ conflict. From the perspective of national politics, their efforts to improve their daily living situations were said to be incorporated into the ‘ethnic’ rhetoric of Bantustan policy since they had become strong supporters of the Bantustan government at the end as the policy intended. The paper, however, attempts to analyse the situation from the perspective of the local ordinary people in their struggle to show that their strife within the system was actually against the apartheid state’s effort to divide Africans. The narratives of ex-Kromdraai residents in Thaba Nchu in 1970s will be examined as a case study.<sup>2</sup> Kromdraai was a ‘squatter’ area developed in Thaba Nchu which was an enclave of the ‘Batswana’ Bantustan (Bophuthatswana), in Orange Free State Province in the 1970s. Those ‘squatter’ residents were newcomers who arrived in Thaba Nchu mainly in the 1970s, and were harassed by Bophuthatswana officials for occupying the land for ‘Batswana’. To resist the harassment, the Kromdraai residents organized a committee and called for help from ‘Basotho’ Bantustan (Qwaqwa). Firstly, the paper will show the political and economic background of the establishment of Kromdraai and the conflict between ‘Batswana’ and ‘Basotho’ there. Secondly, it will examine the Qwaqwa government’s attempt to build a ‘Basotho’ nation, showing the reason Qwaqwa had to help Kromdraai residents, and why the residents accepted Qwaqwa’s offer. Thirdly, it will discuss how the Kromdraai residents perceived and interpreted Qwaqwa’s ‘nation-building’ to survive the hardship in the conflict. The discourse of the former Kromdraai residents’ oral testimony will be analysed. In conclusion, it will suggest the implications from the case study for current South African nation-building.

### **Ethnic conflicts under the Bantustan policy: The case of Thaba Nchu**

During the 1960s and 1970s, the population of Bantustans increased rapidly due to evictions from urban areas and, more importantly for the case of Orange Free State, from white farms, where mechanisation had been promoted. There were two Bantustans in Orange Free State, namely Thaba Nchu and Qwaqwa. They also experienced a mass influx people. According to the theory of Bantustan policy, the ‘Basotho’ had to live in Qwaqwa, the former native reserve allocated to ‘Basotho’, and the ‘Batswana’ had to reside in Bophuthatswana, a Bantustan for ‘Batswana’. This, however, was neither suitable for the reality of multi-ethnic African society, nor an important consideration among those who were forced to move in the 1970s. Confronting sudden eviction, they did not have many options. Qwaqwa and Thaba Nchu were almost the only

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<sup>2</sup> The research was based on the oral testimony of former Kromdraai residents. Most interviews were conducted in Botshabelo from August to September 2011, February to March 2012.

options available to most Africans living in Orange Free State. They could not go to the urban areas since the influx of the African population into towns was strictly regulated. Some went to Qwaqwa,<sup>3</sup> and others went to Thaba Nchu. As most of the African population in Orange Free State were historically Sotho speaking people, it was natural that many Sotho speaking people moved to Thaba Nchu even though it was a part of 'Batswana' Bantustan. There were also significant numbers of Xhosa and other ethnic groups.

Newcomers changed the demography of Thaba Nchu. Some of them resettled in the existing residential areas in Thaba Nchu. However, the residential areas in Thaba Nchu were also overpopulated. Thus, a huge 'squatter' settlement developed in the area which had been designated as assigned grazing land in Thaba Nchu. The people who settled there, however, believed that the site had been sold or allocated to them (Murray 1992: 218). There was a rumour that circulated among Africans who had been threatened eviction from white farms in the early 1970s. It said that there was a place in Thaba Nchu where 'everybody could get his/her own land'. This site became known as Kromdraai. The population of Thaba Nchu increased rapidly.

The following example illustrates the importance of the rumour and the con artist who took advantage of the situation in decisions of the people to move to Kromdraai.

Informant M4, who was born in 1954, grew up on a white farm in Orange Free State. He was the first child born to his family and had to take care of his younger siblings while his parents were working on the farm. Therefore he never went to school. When he was working at a mine, his family had to move to Kromdraai from the white farm because the owner of the farm fired them due to M4's periodic absences for the mine job.

I heard about Qwaqwa and Thaba Nchu when we were chased away from the farm. I heard that there was a place where all newcomers could stay. That was Kromdraai. So we decided to move there. I heard the rumour that people coming from outside Thaba Nchu could also get their own houses and yards after living there for a while.<sup>4</sup>

Informant F14 also had a similar experience that led her to Kromdraai. She and her family were chased away from a white farm and came to Thaba Nchu as well.

We rented a room in the Mokoena location there. My husband tried to buy a plot and paid to Bohuthatswana (government). But after he paid money to them, they told us to go away, saying that they did not realise that we were Basotho, so we must go to the place for Basotho.<sup>5</sup>

The Barolong Tribal Authority, which was ruling Thaba Nchu under the Bophuthatswana

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<sup>3</sup> The population of Qwaqwa was about 24,000 in 1969, but it increased to about 100,000 in 1975 and to more than 200,000 in 1979 (Bank 1995: 577).

<sup>4</sup> Interview with Informant M4, on 31 August 2011 in Botshabelo.

<sup>5</sup> Interview with Informant F14, on 5 September 2011 in Botshabelo.

government, refused permission for them to live there due to the lack of and. Thus F14 and her family had to look for another white farm to stay and work. The rumour about Kromdraai led them to return to Thaba Nchu. Because her husband became sick and could no longer work, they wanted to move to a place where they could live without the fear of being chased away.

One day, my son went to see his uncle in Thaba Nchu. .... On that day, he heard the rumour about Kromdraai, where you don't have to be Motswana and could get land. So we decided to move there.<sup>6</sup>

Ten of the 19 informants interviewed identified the rumour that they could get their own land in Kromdraai as the reason for moving there. Most of them could not obtain the citizenship or permission to stay in Thaba Nchu even though some of them had tried to apply.

As a consequence, Kromdraai developed as a huge 'squatter' area in Thaba Nchu in the mid-1970s. From these testimonies, it is obvious that, for those who resettled in Kromdraai, the theory of Bantustan policy or 'ethnic' division was not a key issue of concern for them when they came there. Survival was the most significant and urgent problem. Thus Kromdraai residents were mainly consisted of ex-farm workers regardless of their ethnicity.

Due to the mass influx of Sotho, the population of Sotho in Thaba Nchu grew larger than that of Tswana in the late 1970s. In 1970, the total official population of Thaba Nchu was 42,217, including 24,253 Tswana and 17,733 non-Tswana Africans (Republic of Bophuthatswana 1977: 1). The population of newcomers, however, had caught up with that of long-time Tswana residents. As the very existence of these Sotho became a major threat to Bophuthatswana (Twala and Barnard 2006: 166), the latter started to harass the new residents, who were mainly Sotho, especially those who lived in Kromdraai, because of their 'illegal' status.

At first, the Bophuthatswana government tried to move the Kromdraai residents to Qwaqwa. In 1974, L. Mangope, the Chief Minister of Bophuthatswana, announced that he had arranged transportation for Kromdraai residents, and some moved to Qwaqwa (Murray 1992: 219). However, the mass influx into Kromdraai never ceased.

Kromdraai residents faced serious harassment by the Bophuthatswana police, which were known as MaYB because of the number-plates on their cars. MaYB frequently came to the site and tried to chase residents away, saying that the land was not for 'Basotho' but for 'Batswana'. 'Conflicts developed within Thaba Nchu along ethnic lines' (Murray 1992: 224), as the policies of apartheid held that African land should be divided into 'ethno-national units'. Those who came to Kromdraai hoping to get their own land found themselves seriously threatened. They were regarded as illegal 'squatters' by the Bophuthatswana government and denied even the minimal rights needed to earn a livelihood on a daily basis. Informant F3 recalled the effects of the oppression of 'Basotho' by the Bophuthatswana government.

<sup>6</sup> Interview with Informant F14, on 5 September 2011 in Botshabelo.

If you were Mosotho, the Bophuthatswana government would never give you a work permit. Then you could not go to Bloemfontein to look for a job. Then you could not even go to school. To go to school in Thaba Nchu, we must pay R40. If you have a baby, you must pay R40 per child to the chief in Thaba Nchu. If your parents could not pay, then you could not go to school. That is why I had to go to school in Bloemfontein. My parents didn't or couldn't pay for it.<sup>7</sup>

Informant F4 also remembered when her children could not go to school in Thaba Nchu. She was a Xhosa born in Umzimkulu in Transkei (one of the 'Xhosa' Bantustans) and had moved to Orange Free State because her husband worked in Bloemfontein.

No! Those Batswana...My children couldn't go to school. Batswana asked us, 'Does your father have cattle?' If you want to go to school, (you need to pay those cattle to them). If your father didn't have cattle, you had to go back to Umzimkulu.<sup>8</sup>

Problems with the services provided to Kromdraai residents were not restricted to education; they affected their daily lives. Since Kromdraai consisted of only a grass field, which was used for grazing, and the people themselves built mud houses or shacks in which to live, there were no public services in Kromdraai. Informant F13 calmly talked about the situation.

We used to drink water from a small river between Kromdraai and Zone 1. MaYB told us not to drink even this dirty water because they said we did not belong in this place. Also, I remember one day, a young lady was about to deliver a baby. She wanted to go to hospital, but MaYB was there outside so she could not go. They didn't sleep because they monitored us, and we couldn't sleep because of their monitoring us.<sup>9</sup>

After December 1977, when Bophuthatswana became 'independent', The raids on Thaba Nchu by the Bophuthatswana police became more intense. The number of 'squatters' in Kromdraai was estimated at about 38,000 by the time (Twala and Beinart 2006: 166). Several major raids were carried out by the Bophuthatswana police. For example, 301 people were arrested on 24 April 1978 (Murray 1992: 220). T. K. Mopeli, the chief minister of Qwaqwa, asked the Bophuthatswana government to stop the attack on the 'Basotho' in Kromdraai until they could resettle in another area. Major raids were nonetheless carried out by the Bophuthatswana police in December of the same year.

Informants also remembered the intensification of the situation. Informant F4 said:

I was pregnant. When MaYB came to Kromdraai, the kids were all attending the school under a tree.

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<sup>7</sup> Interview with Informant F3 on 16 August 2011 in Botshabelo.

<sup>8</sup> Interview with Informant F4 on 18 August 2011 in Botshabelo.

<sup>9</sup> Interview with Informant F13 on 31 August 2011 in Botshabelo.

They destroyed everything. They beat the children and teachers, killed people, and shot them. I fell down near the train station because I was pregnant. I had already almost been shot at that time. The bullet just passed next to my head. They came to Kromdraai to attack the people at the school. They came with dogs, and the dogs chased kids and bit them. They shot one of the teachers. ...but she was shot just because she was a teacher.<sup>10</sup>

Informant F11 recalled that she did not make a report to the police, although she was raped in the raid, because she did not know whether the person who raped her was a police officer and because nobody cared about these kinds of incidents, which happened in Kromdraai on a regular basis.<sup>11</sup>

In the middle of the 1970s, some of the Kromdraai residents decided to establish a residential organization for improving their daily life circumstances. Bophuthatswana administration refused to give IDs, birth certificates and work permits to Kromdraai residents, thus they were excluded from all the public services as schooling, medical service, water supply and even the residential permit. Without the IDs, they could not even go to the urban area to look for a job. Therefore, the first aim of the organization was to support the residents to get those documents from the Qwaqwa government. The organization was named as the South Sotho Central Committee (SSCC/ *Lakgotla la Basotho*).

### **‘Solidarity as Basotho’: Qwaqwa’s nation-building and Kromdraai residents**

Before the Bantustan policy, there were the Bakwena ‘tribe’ and the Batlokwa ‘tribe’ in then Witsieshoek (later renamed Qwaqwa) which were recognized officially by the South African government. The concept of ‘tribe’ was remarkably biased by colonizers: it was regarded, at first, to have “a primordial attachment to defined territories and to particular traditions,” and secondly, to have “kinship in general...are a fundamental basis of ‘tribal’ social and political structure” (Quinlan 1988: 79-115). The power relationship between these ‘tribes’ were highly influenced by the policies of the colonial state. In the 1970s when Qwaqwa was reformed as a self-governing territory of a Bantustan, the Legislative Assembly was established to govern the entire ‘Basotho nation’. The two tribal authorities fell under the Qwaqwa government. T. K. Mopeli, who was a member of the Bakwena ‘tribe’, became the Chief Minister of Qwaqwa. Because he was the paternal uncle of the Bakwena paramount, his party, the Dikwankwetla Party, was criticized at the village level for being “an instrument of Bakwena tribal power” (Bank 1995: 580). Therefore, T. K. Mopeli had to try to show ‘solidarity as Basotho’ in order to deny ‘tribal politics’ which were dominant before the Legislative Assembly was established (Bank 1995: 580). In addition to this, most of Qwaqwa ‘citizens’ lived outside Qwaqwa.<sup>12</sup> Thus they also needed to show

<sup>10</sup> Interview with Informant F4 on 18 August 2011 in Botshabelo.

<sup>11</sup> Interview with Informant F11 on 31 August 2011 in Botshabelo.

<sup>12</sup> In 1970, only 1.76 percent of Qwaqwa ‘citizens’ lived in Qwaqwa, and 8.42 percent lived in other homelands: 42.05 percent in white urban areas, and 47.76 percent in white farm areas (BENBO 1978: 21).

‘solidarity as Basotho’ to maintain their power in the government (Kono 2014b).

For showing the ‘Solidarity as Basotho,’ T. K. Mopeli focused on the land issue. Firstly, he demanded the return of “all territories conquered by the Boers” in the late nineteenth century (Bank 1995: 580). He emphasized the places like Harrismith where there were people whose ‘tribe’ was not yet officially recognized and therefore had not got the right for the land in which they stayed. Secondly, he supported the struggles of the Sotho communities living in other Bantustans and that were being harassed by other ‘ethnic’ governments. For example, he allied with Sotho chiefs in Transkei (one of the Xhosa Bantustan) who refused to be ruled by Xhosa dominated Transkei government.<sup>13</sup> He promised the land in Qwaqwa for those people. Kromdraai residents were another significant example of Qwaqwa’s attempt for the ‘Solidarity as Basotho’.

At the same time, T. K. Mopeli and his allies tried to construct a new version of ‘Basotho-ness’ to overcome the political division between ‘tribes’ in the Bantustan (Bank 1995: 581). They claimed the importance of the Sesotho ethos of *re a thusana* (help each other) in the tradition of ‘Basotho’. Mopeli emphasized that “nation building would have to take place around this ethos” (Bank 1995: 581). The campaigns for ‘Basotho’ in Transkei and Thaba Nchu were used as the evidence of his commitment to help other ‘Basotho’. However, their nation-building faced a serious problem. Symbols that Mopeli used as of the ‘nation’ such as the conical hat, the pony and the blanket had already been used by the elites in Lesotho for its own nation-building.<sup>14</sup> Thus it was not received widely among the people in Qwaqwa, or ‘Basotho’ in South Africa. Therefore, he had to promote a South African version of ‘Basotho-ness’, which was significantly different from that of Lesotho. He tried to put a broader meaning to ‘Basotho-ness’, namely an inclusive ‘Basotho-ness’, meaning ‘African-ness’ which opposed ‘whiteness (*sekgowa*)’ (Bank 1995: 581).

Considering that T. K. Mopeli had tried to improve the circumstances of the people in Qwaqwa who were oppressed by apartheid, it made sense that he put the oppositional meaning of ‘whiteness’ to ‘Basotho-ness’. In his speeches in the late 1970s, he repeatedly warned of white domination. He never agreed with the ‘independence’ of Qwaqwa which the apartheid government was willing to give, because he thought that the ‘independence’ only meant that his followers became more vulnerable being ‘foreigners’ in the white South Africa whose economy they heavily depended on.

In the case of ‘Basotho’ in Thaba Nchu, T. K. Mopeli negotiated with Bophuthatswana to leave them alone until they would get their own places in Qwaqwa. The attempt to move ‘Basotho’ in Thaba Nchu to Qwaqwa did not work well, because Qwaqwa was already

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<sup>13</sup> Although Bantustan ‘should’ have been ethnically homogenous, considering the reality, the constitution of Transkei admitted that there were certain number of Sotho residents in the territory. Therefore, Transkei government included Sotho members who did not oppose the Xhosa majority rule.

<sup>14</sup> Sotho speaking people were divided by the border during the colonial era, and 99 percent of the population in Lesotho, a small country placed in South Africa, consisted of Sotho speaking people. It got its independence in 1966. Qwaqwa shared a border with Lesotho.

overpopulated by that time. Meanwhile, T. K. Mopeli supported 'Basotho' in Thaba Nchu, especially Kromdraai residents, to obtain the official documents such as IDs and work permits.

The SSCC in Kromdraai started to work as a conduit through which the residents could obtain official documents from Qwaqwa. These were important for Africans to live and work in urban areas. As the SSCC was recognised not only by Kromdraai residents and the Qwaqwa government but also by the Bophuthatswana government, it represented the Kromdraai residents in negotiations with the Bophuthatswana government.<sup>15</sup> As a result, it became the main target of the attacks carried out by the Bophuthatswana police. Mr. Mfokazi recalled when he was kidnapped and tortured by the Bophuthatswana police because he was one of the leaders of the SSCC.<sup>16</sup> Although the leaders were in constant danger, they did not stop supporting the residents in their efforts to improve their daily conditions. Informant F13 remembered how the SSCC had helped the arrested residents during the raids.

So many people were arrested. Especially young ones. They were taken by trucks. Men and women. At the police station, they were fined 60 days, 21 days in a jail, or money according to what they did. Sometimes, people were arrested just after they had come out of jail. And they were fined again. Bophuthatswana took money from people living in Kromdraai. And in this situation, the committee paid a fine for the people and tried to get them out of the jail.<sup>17</sup>

Mr. Mfokazi also recalled that the SSCC found a sponsor for those who were arrested. This sponsorship by the Roman Catholic Church in Thaba Nchu was organised by Kromdraai residents who attended the church.

The Bophuthatswana police arrested people in Kromdraai; even those who were old, pregnant, and disabled were arrested. Most of them were sponsored by the Roman Catholic Church in Thaba Nchu. I was also arrested because I was a leader of the SSCC. The Roman Catholic Church also sponsored me. After I came out of jail, I asked the church to support other people who had been arrested. Those who were pregnant, old, and disabled were the priority.<sup>18</sup>

In short, the SSCC was established by volunteers from the Kromdraai community to improve their daily lives. It worked as a platform to reach any support which they could get including Qwaqwa on behalf of Kromdraai residents who were resisting harassment by the Bophuthatswana police.

The Qwaqwa government also supported the volunteer open-air school run by the residents themselves through the SSCC. Children in Kromdraai were denied access to school. Even

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<sup>15</sup> Interview with M. J. Mfokazi on 22 August 2011 in Botshabelo.

<sup>16</sup> Interview with M. J. Mfokazi on 22 February 2012 in Botshabelo.

<sup>17</sup> Interview with Informant F13 on 31 August 2011 in Botshabelo.

<sup>18</sup> Interviews with M. J. Mfokazi on 22 August 2011 and 22 February 2012 in Botshabelo.

‘Basotho’ children who lived in a particular location in Thaba Nchu were evicted if their parents opposed Bophuthatswana. In this context, some residents decided to start an open-air school. Although the volunteer teachers were not qualified, they were slightly more educated than were others. Secondhand textbooks were donated by the Qwaqwa government through the SSCC. The residents called the school *Iketsetseng* (do it yourself) (Kono 2014c).

When students completed Standard 5, they had to take written exams. Because the situation at Iketsetseng school did not allow pupils to take exams without being disturbed, the SSCC asked the Qwaqwa government to give the pupils an opportunity to take their exams in the security of Qwaqwa. Qwaqwa government granted this request. One of the residents drove for the pupils all the way to Qwaqwa in secret without drawing the attention of the Bophuthatswana police. The results were good, and the students earned Junior Certificates from the Qwaqwa government.<sup>19</sup>

Qwaqwa’s effort to improve the daily situation of Kromdraai residents resulted in the establishment of a new township next to Thaba Nchu. In 1978, the South African government, Qwaqwa government and Bophuthatswana government agreed to establish a new township for ‘surplus’ Africans (Twala and Barnard 2006: 168). The urban areas in OFS could not accommodate the rapidly increasing African population. Besides this, ‘illegal’ squatters in Kromdraai were obviously unwanted by Bophuthatswana, and the Qwaqwa government needed to help these ‘Basotho’ struggling in Thaba Nchu. Thus the interests of these three stakeholders met to establish a new township. However, for Kromdraai residents, this meant that T. K. Mopeli and Qwaqwa government worked to change their hardship. They perceived it as a result of ‘solidarity as Basotho’. Kromdraai residents were moved to the new location called Onverwacht in 1979. ‘Basotho’ in other areas in Thaba Nchu were also relocated to Onverwacht. During this period, about 64,000 people were moved from Thaba Nchu to the new township. The place was later called Botshabelo, a place of refuge in Sotho.

### **Being ‘ethnically’ inclusive to protest exclusiveness?: Kromdraai residents’ interpretation of ‘Basotho-ness’**

The SSCC played a significant role in the struggle of the Kromdraai residents. Although the name of the committee included ‘South Sotho’, referring to an ‘ethnic’ identity, membership was not ethnically exclusive. For example, the mother tongue of Mr. Mfokazi, one of the leaders, was Zulu, and he identified himself as Zulu; there were some leaders who were Xhosa or Ndebele as well. Additionally, the SSCC never refused to support people because of their ethnicity. Kromdraai residents were consisted of multi-ethnic groups, such as Xhosa, Zulu, and Ndebele individuals, as far as the informants could tell. In fact, Kromdraai residents were recognised as homogenous Sotho speaking people by the media. In addition to this, the Bophuthatswana or Qwaqwa governments called them ‘Basotho’. Mr. Mfokazi recalled that most of Kromdraai residents were Sotho speaking people. However, the residents themselves did not care about their

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<sup>19</sup> Interview with Informant M3 on 28 August 2011 in Botshabelo.

ethnic origin.<sup>20</sup> There were even a few Tswana speaking people who opposed Bophuthatswana's rule,<sup>21</sup> although it seems that most of the Kromdraai residents did not recognize it.

The reason why they put the 'ethnic' name on the committee was more strategic. According to Mr. Mfokazi, the committee's name derived from the fact that the majority of the residents were Sotho speaking people.<sup>22</sup> However, the root of the name could be traced to the 1960s. 'Ethnic' division had been introduced in the urban areas before the Bantustan policy. Kromdraai leaders were advised to organise a committee to support the residents by local politicians in Bloemfontein,<sup>23</sup> which was the nearest urban area from Thaba Nchu. They worked as members of the Bloemfontein Urban Bantu Council (UBC) as the representatives of 'Basotho'. To unite the 'Basotho' residents to gain access to the limited resources in the area, they had already organized the committee called the (Bloemfontein) SSCC and had the Tribal Authorities in Qwaqwa (Kono 2014a). Thus it could be said that the advice to establish the SSCC in Kromdraai was in line with these processes and that the strategic naming of the committee was successful. It was for assisting people in the area to improve their life within the apartheid system, and to accomplish this aim they needed to follow the ideology of 'separate development'.

Nevertheless, the SSCC in Kromdraai never became a mere practitioner of the forced 'ethnic' division. Those from the Bloemfontein SSCC became the co-founders of the Dikwankwetla Party later on, which became the ruling party in Qwaqwa in 1975. Then the SSCC in Kromdraai also got involved in the Dikwankwetla Party,<sup>24</sup> since they needed help from the Qwaqwa government and believed that T. K. Mopeli, the leader of the party, would save them from the situation. Thus the Kromdraai residents and the SSCC have been considered as the supporters of the Qwaqwa government until now. Yet Mr. Mfokazi emphasised that they established the SSCC as a residents' committee to help the residents there and that the SSCC was a totally different organization from the Dikwankwetla Party, even though almost all members later joined the party.<sup>25</sup> All the informants also confirmed that the SSCC was an organization which supported the residents' life in Kromdraai. The evidence shows that the SSCC in Kromdraai was established voluntarily by the residents to improve their daily life whatever the aims of the politicians who supported the committee were.

The motivation for Kromdraai residents to join the SSCC was that they shared the problems of harassment by 'Batswana,' the Bophuthatswana police, and the poor living condition caused by them. A fixed 'ethnicity' as 'Basotho' was not internalized among the residents in Kromdraai, as the policies expected. The informants explained the problems they had faced in Kromdraai as

<sup>20</sup> Interview with M. J. Mfokazi on 22 August 2011 in Botshabelo.

<sup>21</sup> Interview with M. J. Mfokazi on 22 August 2011 in Botshabelo.

<sup>22</sup> Interview with M. J. Mfokazi on 22 August 2011 in Botshabelo.

<sup>23</sup> Interviews with Mr. M. J. Mfokazi on 22 August 2011 and 22 February 2012 in Botshabelo.

<sup>24</sup> Neither interviews nor documents have yet revealed the year in which the SSCC was established. M. J. Mfokazi, however, remembers that it was "before Dikwankwetla (Party)" and that they joined the party before the election.

<sup>25</sup> Interview with M. J. Mfokazi on 22 August 2011 in Botshabelo.

such:

We are Basotho. Batswana hated Basotho. They fought us.<sup>26</sup>

We didn't have the Bophuthatswana citizenship because we were fighting over the land. Barolong hated Basotho working there and didn't give us even water.<sup>27</sup>

We had a good relationship with our neighbours. They were all Basotho, and I'm Maxhosa. The only problem we had was MaYB. The only people who disturbed our life... There were problems between Batswana and us. They didn't like us living there.<sup>28</sup>

They said this place belonged to Batswana. And because I'm Mosotho I should have gone to Transkei or wherever.<sup>29</sup>

The common feature of the informants' narrative about the problems in Thaba Nchu is the composition of the confrontation; 'we, Basotho', versus 'them, Batswana/ Barolong/ Bophuthatswana'. These three words can be understood to refer almost the same meaning, since the people who harassed Kromdraai residents were 'Batswana' under the Barolong Tribal Authority in Thaba Nchu, which was the lower branch of the Bophuthatswana government. Kromdraai residents understood the violent exclusion by the Bophuthatswana administration or Brolong Tribal Authority through the framework of 'ethnicity' fixed by the Bantustan policy, namely 'Basotho' versus 'Batswana'.

Nevertheless, it should be noticed that, in the residents' narratives, the word *Basotho* did not mean the fixed 'ethnic' group that the policy had promoted. As mentioned above, Kromdraai residents were consisted of multi-ethnic groups. In addition to this, most of them were former farm labourers who had been isolated from interaction with other people. None of the informants knew anyone in Kromdraai except for their own family when they came to Kromdraai. The only tie they had was the fact that they had been threatened by 'Batswana' as 'Basotho' in their daily life in Kromdraai. Furthermore, they shared the hope to be released from being the oppressed in the Bantustan. In other words, it could be said that they all longed for liberation from apartheid's oppression, since this 'ethnic' conflict was caused at the tip of the apartheid structure to perpetuate the White minority rule. Therefore, when they called themselves as 'Basotho', the word *Basotho* could be interpreted as 'people harassed by Bophuthatswana', 'the oppressed', or even 'Black people' as 'Batswana' was the symbol of the apartheid oppression who they directly faced.

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<sup>26</sup> Interview with Informant F1 on 12 August 2011 in Botshabelo.

<sup>27</sup> Interview with Informant F2 on 15 August 2011 in Botshabelo.

<sup>28</sup> Interview with Informant F5 on 18 August 2011 in Botshabelo.

<sup>29</sup> Interview with Informant M5 on 5 September 2011 in Botshabelo.

Although the word *Basotho* in Sotho is generally understood as the Sotho speaking people who belong to a certain ethnic group and practice Sotho traditions, the interpretation as having a broader meaning is supported by some studies. Anthropologists Lye and Murray (1980: 25) stated that “ ‘BaSotho’ translates from their language as ‘Black People’ ”. In historical perspective, Eldredge (1993: 40) pointed out that the word had been defined when the Chief Moshoeshoe distinguished himself in Difaqane (Mfecane) by expanding the followers in the early 19th century before the encounter by the colonialists. Moshoeshoe accommodated small groups which escaped from other powerful chiefs such as Chief Shaka of Zulu, so his followers were ethnically heterogeneous. According to her statement, the word *Basotho* was used as ‘Moshoeshoe’s people’ in this context. Whereas the way the word had been used by Sotho speaking people is not perfectly clear, it is incontrovertible that there is room to interpret the use of the word in a broader meaning.

In addition to this, the interpretation is also supported by the residents’ explanation of why they eagerly supported T. K. Mopeli. Their will to call for help from the Qwaqwa government was pushed by the fact that Qwaqwa tried to support all the people who were harassed by the Bophuthatswana or Transkei regardless of their ethnic origin. In the interviews, informants often mentioned the slogan, ‘*Phuthaditjhaba* (Gather the nations together)’, which they believed that T. K. Mopeli claimed. *Phuthaditjhaba* had been the name of the capital city in Qwaqwa even before the 1970s when T. K. Mopeli appeared in the political sphere in Qwaqwa. Even T. K. Mopeli himself denied in an interview having used the word for his campaign.<sup>30</sup> It was, however, believed by the Kromdraai residents that T. K. Mopeli said the words as a slogan and some of the informants even emphasized this aspect. This sympathy regarding *Phuthaditjhaba* can be seen in the narrative of the informants.

Mopeli collected Basotho and developed. So I like him. He gathered all the nations together. Not like Bophuthatswana, they were only for Batswana.<sup>31</sup>

Because they faced the ‘ethnic’ exclusiveness of ‘Batswana’, their motives were not to be exclusive like them but to sympathize with T. K. Mopeli’s concept of inclusive ‘Basotho-ness’.

Furthermore, there is the common notion that it was T. K. Mopeli who helped them and brought them to Botshabelo where the threats of ‘Batswana’ would decrease. In the process of relocation, the Qwaqwa government accepted all the Kromdraai residents regardless of their ethnicity. One informant explained her loyalty to Dikwankwetla Party during an interview as such:

I like Dikwankwetla. Because it was led by Mosotho, and I’m also Mosotho. And Mopeli rescued us

<sup>30</sup> Interview with T. K. Mopeli held on March 24, 2012 in Qwaqwa.

<sup>31</sup> Interview with M1 held on August 16, 2011 in Botshabelo.

from Barolong.<sup>32</sup>

Her explanations continued.

Basotho has two meanings. It means Blacks, and there are Basotho, Maxhosa and so on, who have different culture and languages<sup>33</sup>.

In short, sympathizing with the inclusive 'Basotho-ness' of T. K. Mopeli, and believing that he would help them from the harassment of Bophuthatswana, Kromdraai residents asked for the support from Qwaqwa, as 'Basotho' who faced the threat of exclusive 'Batswana'.

From this analysis, it could be said that Kromdraai residents' strategy of survival was to interpret 'Basotho-ness' as inclusive and to try to obtain the help from Qwaqwa. Although the Bantustan policy promoted the fixed 'ethnicity', they did not just follow it as it was presented. Resisting against Bophuthatswana's harassment did not mean to be exclusive as 'Batswana'. For the people who had been refused and left with no place to go, the issues of ethnic origin was less of a concern. What was more important for them was to help each other to survive and to improve their lives. For them, helping each other under the threat itself meant 'being Basotho'. At the same time, the Qwaqwa government had to promote a broader meaning of 'Basotho-ness' by compromising between the policy and the relationship with Lesotho. Here the interests of Kromdraai residents and Qwaqwa government met. Therefore, Kromdraai residents could get help from Qwaqwa as 'Basotho' while resisting to be 'ethnically' exclusive.

### **After the relocation to Botshabelo: The struggle continued**

Kromdraai residents' struggle did not end after they were relocated to Botshabelo as they expected. By the early 1980s, it rapidly expanded due to an influx of Africans who came mainly from the urban areas and the ex-Kromdraai residents were outnumbered by them. The population estimated at 10,000 by June 1980 became about 500,000 in 1986 (Murray 1992: 225, 237). Those who knew the difficulties in Kromdraai became a minority there.

In the late 1980s, massive raids occurred against the Qwaqwa government's declaration to incorporate Botshabelo into Qwaqwa in 1987 (Twala and Barnard 2006: 171). Most of the ex-Kromdraai residents were still supporting T. K. Mopeli and the Qwaqwa government for their help for the relocation, so they supported the incorporation. However, mainly jobless youth influenced by the ANC ideology criticized the Bantustan policy and the apartheid system itself and attacked ex-Kromdraai residents.<sup>34</sup> For those who did not owe T. K. Mopeli a debt of gratitude like ex-Kromdraai residents, the incorporation into Qwaqwa did not mean anything

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<sup>32</sup> Interview with F2 held on August 15, 2011 in Botshabelo.

<sup>33</sup> Interview with F2 held on August 15, 2011 in Botshabelo.

<sup>34</sup> Approximately 70% of the population in Botshabelo was under 30 years old and almost 80% were unemployed (Twala and Barnard 2006: 171).

since Qwaqwa also suffered from a high unemployment rate. They believed that to support a Bantustan government meant to support the apartheid system. Houses of the ex-Kromdraai residents were burnt and many were killed for their support for Qwaqwa.

In this situation, the strategy of Kromdraai residents backfired. Their strategy to resist against Bophuthatswana's oppression within the Bantustan system was in a sense successful, since they finally got a plot in a newly established township called Botshabelo after 1979 as a result of the negotiation between the Qwaqwa, Bophuthatswana and South African governments. For the Kromdraai residents, it meant refuge from the harassment by Bophuthatswana. Yet, it was construed as being in support of apartheid even though it arose from urgent needs for security after they moved to Botshabelo. This is because the situation had shifted from the conflict within the framework of Bantustan policy to the crush outside Bantustan. Although the reason they claimed themselves as 'Basotho' was for improving their lives, as the youth who attacked them longed for as well, they were regarded as 'collaborators' by other Botshabelo residents. In this sense, the attempt of the apartheid government to divide African population via the Bantustan policy succeeded even at the local level, because the system led to people who struggled for the same purpose taking on different strategies and fighting one another because of this difference.

## **Conclusion**

This paper examined the meaning of being 'Basotho' for Kromdraai residents who came to the area to get their 'own land'. The people faced serious harassment by the Bophuthatswana police, supported one another's attempts to improve their living conditions, and requested support from Qwaqwa as 'Basotho' living in an exclusively 'Batswana' area. The interviews revealed that although the SSCC was established within the 'ethnic' framework forced by the apartheid system, it worked on behalf of the interests of the residents. It was obvious that the activities of the SSCC and its cooperation with Kromdraai residents were not motivated by an 'ethnic conflict' between the 'Basotho' and 'Batswana' but by residents' desires to improve their living conditions. Although they were not ethnically homogeneous as described by the media or Bantustan governments, they called themselves 'Basotho' to get help from the only people, 'Basotho' politicians from Qwaqwa, who showed were sympathetic to their struggle. The promotion of the inclusive concept of 'Basotho' by the Qwaqwa government was easy to accept for the residents, since they hoped for release from the 'ethnic' exclusiveness of 'Batswana'. Interpretation of the word 'Basotho' as an inclusive concept drove those who fought for a better daily life into expressing themselves as 'Basotho' to get help. Their strategy was useful when the situation was restricted by the Bantustan policy. Nonetheless, it did not work where the 'ethnic' discourse was criticized as supporting apartheid.

In conclusion, the author has argued the implication of the experiences of Kromdraai residents. After the collapse of apartheid, African people were, for the first time in their history, included by the state as full citizens. National identity as South African became significant for Africans, and ethnicity was regarded as mere cultural differences which do not interrupt national 'unity'.

However, there is always a possibility that people would claim a certain ethnicity when it could be a significant discourse to solve a problem they face, as the case of the Kromdraai residents suggests. This case tells us that the notion of ethnic groups in today's South Africa was actually fostered through the people's experiences under the 'ethnic' division forced by apartheid, and it contains somehow the intention to liberate the people from oppressive situation under the name of the group.

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### **Biographical Note**

Sayaka Kono is a PhD candidate in the Graduate School of International and Cultural Studies at Tsuda College. She is currently a visiting PhD fellow at the Department of Political Studies and Governance at the University of the Free State as well.

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## **Conflict Minerals Regulation: Mapping International Initiatives and Challenges Ahead**

**Just Castillo Iglesias**  
Osaka University, Japan

### **Abstract**

Recent years have seen the development of a vast array of regulatory frameworks, codes of conduct and other regimes aiming at regulating international trade in so-called ‘conflict minerals’, mostly originating from the Democratic Republic of Congo (DRC). National governments, international institutions and industry have contributed to a substantial development of standards that, however, appear to be built on an inadequate understanding of the causes that link conflict and minerals. This paper reviews the main existing initiatives from the perspective of their goals, scope and shortcomings, and contrasts them with the criticisms voiced by Congolese and international experts who are better in tune with the local reality. With this, this paper aims to discuss the fact that the current focus placed on perfecting existing regimes is carried out at the margin of local stakeholders, which renders existing initiatives inefficient at addressing the problem of conflict minerals and have perverse side effects for the local mining communities.

### **Why regulating conflict minerals?**

The so-called 3TG minerals found in areas of instability in the Democratic Republic of Congo (DRC) – tantalum, tin and tungsten and gold – are widely classified as conflict minerals. This classification is due to the links identified between the extraction of these minerals and the existence of armed conflict. An important share of the global production, at least in the case of tantalum, is believed to come from the conflict-ridden Democratic Republic of Congo (DRC), although numbers regarding this proportion fluctuate, and seem to be at times lacking in credibility (Arimatsu & Mistry 2012: 6-7)<sup>1</sup>.

The importance of these minerals in the manufacture of consumer electronics such as laptops and smartphones has kept the demand for these minerals high, while at the same time it has contributed to spreading the view that it is necessary to develop regulatory frameworks that

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<sup>1</sup> Disputed figures suggest that the DRC and neighboring countries such as Angola and South Sudan constitute approximately 17 percent of the global production of tantalum, 4 percent of the global production of tin, 3 percent of tungsten and 2 percent of gold (Euractiv 2014). See also Nest (2011) for a discussion on the issue of tantalum in particular.

eliminate conflict-related conflict minerals from the international trading lines. This view in favour of international regulation does not only come from international organizations, including the UN Security Council, which has on repeated occasions linked the perpetuation of conflict in the DRC with the illegal exploitation of the country's mineral resources. In parallel, an increasingly conscious consumer base has motivated the electronics' industries to be willing to associate their brand names with responsible and clean trade.

This convergence of interests among international organizations, individual countries and the industry around the objective of regulating the source of conflict minerals has given place to myriad regulatory frameworks, and codes of conduct, among other initiative, at international, regional and domestic levels, aimed at minimizing the impact that the illegal trade in 3TG minerals has in perpetuating conflict in the central African region. Such initiatives mainly target informal or artisanal mining in the identified conflict regions, which is recognized as being a source of financing for local conflict stakeholders.

These existing initiatives, however ambitious and far-reaching, continue to present fundamental challenges that need to be addressed before becoming truly effective tools to mitigate conflict in central Africa. There are four major questions that need to be answered in this regard. Firstly, how can these initiatives ensure that the local communities in the affected areas can actually benefit from regulation of conflict minerals? Secondly, how can existing and future initiatives adapt to the reality faced on the ground, where mining and trade escape governmental control due to the difficulty of enforcing regulation in a conflict-ridden environment? Thirdly, how can it be ensured that the negative consequences or side effects of these initiatives are minimal? In other words, how do we ensure that these initiatives do not push local communities into worse conditions than they were experiencing prior to their existence. Fourthly, are these international efforts adequately addressing the root causes of the conflict mineral problem? That is, is the relationship between conflict minerals and the perpetuation of conflict assessed correctly?

## **International initiatives towards regulation**

As mentioned above, myriad initiatives including regulatory frameworks, guidelines and codes of conduct have emerged in recent years, coming both from public authorities at international, regional and national levels, as well as from industry. The current section shall review the main existing initiatives, their scope and shortcomings.

## **Major initiatives by the international community**

### **The United Nations**

Despite not being the direct promoter of any of the existing regulations of the conflict minerals trade, the UN and particularly the UN Security Council, have played a primary role in shaping the debate and bringing focus to the issue. Some of the currently existing frameworks, particularly that of the Organisation for Economic Cooperation and Development (OECD), have been developed in conformity with the priorities identified by UN institutions, in particular

during the Second Congolese War (1998-2003) through the establishment of a panel of experts on illegal exploitation of natural resources in the DRC. Namely, the UN played a key role in tracing the complex relationship that exists between the perpetuation of conflict and the illicit trade and exploitation of minerals. Illicit mining and trade contributed to the continuation of conflict by financing criminal networks that were finding in this a way to circumvent the restrictions imposed internationally through embargos and other sanctions.

At the same time, the climate of insecurity and absence of law perpetrated by the conflict itself provided the optimal environment for these activities to flourish, thereby creating a vicious cycle of violence and conflict. Hence, the question of how to break this vicious cycle became a central one, particularly taking into account the added difficulty of implementing and enforcing legislation in the context of a failed state. In its 2003 report, the panel of experts appointed by the UN proposed a seemingly simple solution to that question: considering the difficulties of operating in the framework of the weak Congolese institutions, regulations would target individuals and companies along the mineral trading lines and aim at regulating their activities both in central Africa and throughout the manufacturing process. The remaining question of how to distinguish legitimate from illicit trade would be solved through observing compliance with the OECD's Guidelines for Multinational Enterprises (MNE), dating back to 1976 (OECD 2014b).

In 2004, the UN Security Council adopted resolution 1533 that, besides foreseeing sanctions for violations on the embargo, substituted the OECD's Guidelines with Congolese law provisions as the agreed reference benchmark. In 2008, at the same time that the Security Council extended its sanctions provisions to companies and individuals, further reports by the group of experts presented evidence that conflict minerals were being exported regularly through companies based in European countries, China, Russia, South Africa, the UAE and India, among others. It is in this context that the Security Council spoke of a 'Due Diligence' framework for the first time, as a framework encouraging the international community to combat the trade on minerals of unproven conflict-free sources. The UN Due Diligence guideless did not go further than encouraging states and relevant organizations to "raise awareness and take appropriate steps" to urge importers, industries and consumers of DRC minerals to exercise diligence in observing the recommendations. The five points contemplated in the UN Due Diligence guidelines are:

- 1) Strengthening company management systems
- 2) Identifying and assessing risk in the supply chain
- 3) Designing and implementing a strategy to respond to identified risks
- 4) Ensuring independent third-party audits
- 5) Publicly disclosing supply chain due diligence and findings.

Observing the above points, and taking into account that no direct enforcement mechanisms were introduced, one can argue that the role of the UN has been limited to raising awareness and presenting arguments proving the close relationship between conflict perpetuation and illicit minerals trade. However, it is also true that sanctions may be adopted against companies that do

not observe the requested diligence, giving the guidelines an indirect but enforceable legal effect. Nonetheless, one of the main criticisms that have been voiced against the UN Due Diligence is the little attention that has been dedicated to evaluating the potential unintended impact that its application could have on the local communities living in conflict areas who are dependent on the mining industry for their livelihoods. In this regard, and as it will be further discussed below, it remains to be seen how the implementation of the Due Diligence guidelines goes along with other objectives in areas such as development, human rights and peacebuilding.

### **The OECD**

In recent years, the OECD has taken a central position when it comes to providing a regulatory framework for conflict minerals. For some observers, this centrality derives from the moment that the panel of experts designated by the UN referred to the OECD MNE Guidelines as the criteria to follow to evaluate the behaviour of businesses operating in conflict areas (Arimatsu & Mistry 2012: 20).

Despite the fact that the OECD guidelines are not directly legally binding, the organization has become an important normative source for conflict minerals regulation. As introduced above, the MNE Guidelines have provided a framework for evaluation since 1976<sup>2</sup> that, for businesses based in OECD Member States became indirectly mandatory at the risk of being reported to the domestic National Contact Point, the body in charge of observing and reporting compliance issues. The MNE Guidelines, have not, however, been exempt of controversy, particularly before 2011 and particularly in relation to how companies should engage with rebel and unrecognized authorities in conflict zones<sup>3</sup>.

In 2011, the OECD published both an update of the MNE Guidelines and the OECD Due Diligence Guidance<sup>4</sup>, which contained the organization's recommendations on how to secure responsible supply lines and trade chains for 3TG minerals. The OECD Due Diligence Guidelines target all trade originated by a company or an individual under the jurisdiction of any of its Member States and to non-OECD countries that have adhered to the regime. In addition to the Due Diligence Guidelines, the OECD has included an annex designating specific criteria for trade in tin, tantalum and tungsten, known as the TTT Supplement, and has extended the geographical scope of its action beyond the DRC with a broad definition of risk areas understood as "areas or political instability or repression, institutional weakness, insecurity, collapse of civil infrastructures and widespread violence" (OECD 2013).

The OECD Due Diligence Guidelines also consisted of five points, basically adding more detail to the UN ones. In this regard, both the UN and the OECD's guidelines pursue the basic objective of guiding the industry to avoid perpetrating conflict in those regions through their

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<sup>2</sup> The guidelines have been reviewed five times since their first publication in 1976 (OECD 2014b).

<sup>3</sup> Such as in the case of *Global Witness vs. Afrimex*. See also OECD Watch (2007).

<sup>4</sup> Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD 2012).

mining sources and to increase transparency along international mineral trading chains. Specifically, the OECD's five points are:

- 1) To establish strong company management systems. Companies should adopt their own policy regarding conflict minerals and a code of action to verify that their supply chains are not containing conflict minerals from the affected areas. Companies should also enable mechanisms to make verification possible throughout the supply chain, e.g. collaborating with partner companies along the supply chain to support due diligence. In addition, companies are encouraged to establish transparency control mechanisms over the supply chain, for example through the adoption of custody or traceability and transparency mechanisms. Whenever possible, companies should strengthen their engagement with suppliers in the direction of establishing a supply chain policy, incorporating due diligence requirements into contracts or agreements. According to the OECD, the adoption of such mechanisms should lead to industry-wide mechanisms of risk assessment allowing early warning.
- 2) To identify and assess risk along the supply chain. Companies should assess the potential risks and negative impacts of their adopted policy, particularly in the sense that the adoption of control mechanisms does not lead to abuses in the extraction stages of the supply chain or to direct or indirect support to non-state armed groups in the affected regions.
- 3) To design and implement strategies to respond to identified risks. Companies are requested to report regularly on findings of the supply chain basement and adopt risk management plans, contemplating the possibility of adopting mechanisms to build leverage and increase influence on suppliers that do not verify the clean origin of minerals. Such mechanisms may range from temporary suspending trade with suppliers deemed risky in order to force them to mitigate risk and take steps towards effective prevention.
- 4) To carry out independent third-party audits of due diligence along the supply. Companies should identify points long their supply chain, which should be audited by independent parties in a verifiable manner.
- 5) To report on supply chain due diligence. Companies are required to report publicly on their supply chain due diligence practices, thereby creating the need to expand their corporate responsibility policies (OECD 2012: 17-19).

Hence, under both the UN and the OECD guidelines, companies are responsible for the identification of the origin of the minerals they buy and make an assessment of the conditions throughout its supply chains, excluding minerals of a doubtful origin or when there is a certainty that its trade could benefit armed or criminal groups.

The guidelines are intended to be checked at different stages of the supply chain, with the aim of ensuring a continuous revision of compliance: so-called 'upstream' companies, i.e. from the mine to the smelters and refiners, are in charge of keeping the minerals in custody and to enforce traceability schemes, being required to identify risk-prone locations and to constantly perform on-the-ground reviews in these areas. On the other hand, 'downstream' companies, i.e.

from smelters and refiners to the manufacturers and final retailers, are in charge of reviewing due diligence in the supply chain. Both steps together are meant to ensure a solid and credible scheme of custody. Nevertheless, this level of detail observed in the guidelines rapidly gave origin to one of its main criticisms: compliance necessarily demands the allocation of resources, something that the smaller enterprises and especially the local ones may find considerable difficulties in achieving. Hence, as with the case of the UN guidelines, the OECD's Due Diligence scheme carries the associated risk of excluding local businesses and producing adverse impacts on the local communities. These negative potentialities are recognized by the OECD, who insists that the guidelines are an adaptive and in-the-making framework and that concerted efforts will be needed in order to ensure that the measures to be taken are not excessively burdensome on the local business that operate largely in an informal setting (Arimatsu & Mistry 2012: 22; OECD 2012: 17).

### **United States' Dodd-Frank Act**

After the US Congress failed to pass the Congo Conflict Minerals Act in 2009, which targeted electronics manufacturers to prove conflict-free sources in their used minerals, similar provisions were introduced in section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was passed in July 2011.

The main aim of section 1502 of this Act is, similar to the previous ones, to prevent the continuation of conflict in the DRC by providing some mechanisms to ensure that minerals trade does not serve as a funding source for armed groups in the region. The Dodd-Frank Act regulates trade in columbite-tantalite (coltan), cassiterite, gold and wolframite, as well as their derivatives. Under the provisions of this law, all companies reporting to the Securities and Exchange Commission<sup>5</sup> must report on an annual basis if any quantity of the designated minerals has been sourced from the DRC or a neighbouring country<sup>6</sup>. This means that companies are required to perform verifications of the origin of the minerals they use, which must come from an independent auditor, and produce a disclosure report that must be publicly available. Such annual reports must also include an account the efforts adopted to determine the origin of the minerals, which must follow the guidelines of an internationally agreed framework, such as the OECD Due Diligence guidelines. According to the audit results, companies can label their products as 'DRC conflict free' in the cases where this is verifiable, although the Act provides an adaptation period of two years, and four years for SMEs, for those companies that are unable to verify the origin of the minerals they used.

The final version of the Act complements and is designed to work together with the OECD's Due Diligence guidelines. Despite this, and in contrast to the previously reviewed frameworks, there are two main new requirements in the Dodd-Frank Act. Firstly, there is a requirement to publish the audit reports and secondly, there is a labelling requirement. For some observers,

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<sup>5</sup> Companies registered on the US stock market.

<sup>6</sup> The Dodd-Frank Act provisions also apply to nine adjoining countries: Angola, Burundi, Central African Republic, the Republic of Congo, Rwanda, Sudan, Tanzania, Uganda and Zambia.

these two new requirements are additional measures of pressure on companies – in order to fulfil the requirements of the Act, full compliance for their business partners down the supply chain is also a necessity.

The Dodd-Frank Act has also been the object of criticism for similar reasons as the two previous frameworks. Stakeholders in central Africa feared that the difficulty of determining without any margin of doubt that a mineral is conflict-free according to the labelling requirements, would provide sufficient motivation for companies to source the said minerals from outside of the region. This, in turn, could carry the negative consequence of a *de facto* embargo on the region's resources, something that according to some direct observers in Congo, has been happening (Drajem et al. 2011).

## EU

The European Union (EU) has also shown interest in developing its own conflict minerals scheme. In contrast to the American Dodd-Frank Act, the EU framework would remain of voluntary application. The former trade commissioner De Gucht formally made the proposal in February 2014, which contains provisions to regulate trade in the 3TG minerals, although its scope of application may also extend to conflict-prone regions outside of Africa, such as Myanmar and Afghanistan.

To date, the EU's initiative remains a proposal in draft stage. According to some sources, lobbying by large German extraction firms has been the reason behind the delays in the EU's proposal, which allegedly should have been started around mid-2013 (Euractiv 2013). Nevertheless, the complex EU mechanisms involved in adopting legislation certainly suggest that the final transformation of this proposal into a firm scheme will take long time given that the Commission's proposal still would need to be approved by the majority of the European Parliament and afterwards incorporated into the domestic legal system of each of the 28 Member States. In practical terms, however, the adoption of an EU framework could do little more than adding a few elements to the already existing schemes. Taking into account that the EU is already a member of international initiatives such as the Kimberley Process<sup>7</sup> and that most of its Member States are either OECD Members or non-Member signatory parties of the Due Diligence Guidelines, the introduction of an EU scheme could only be significant if it foresaw the introduction of labelling requirements or some sort of certification scheme to regulate the import of minerals from conflict-prone areas. According to EU sources, however, only a scheme of voluntary compliance is currently being envisioned (Euractiv 2014). In addition, it has been reported that a substantial part of the debate in the EU has focused on the arguably excessive implementation costs of the Dodd-Frank Act provisions and on how a potential EU framework could avoid repeating mistakes such as the *de facto* embargo on DRC minerals whose origin is difficult to verify.

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<sup>7</sup> The Kimberley Process targets the extraction and trade of conflict diamonds. It has become a known framework due to its initiative in 2000 to create an internationally recognized certification scheme which was supported by the United Nations General Assembly (Kimberley Process 2014).

## **China**

China remains a relatively new player with regards to the issue of conflict minerals, as with many other aspects of resource-related investments in Africa. However, due to its important and rapidly increasing share as an importer of raw materials from Africa, China has quickly become a relevant stakeholder. Considering the importance of African minerals and resources for Chinese industry, and the country's position as a manufacturing hub for many multinational corporations, being able to count China as a stakeholder in conflict minerals regulation is considered by some observers as a significant milestone towards the universalization of due diligence practices (Global Witness 2014: 4; OECD 2014a).

In October 2014, China's Chamber of Commerce for Minerals, Metals and Chemicals Importers and Exporters (CCCMC), a government-affiliated entity in the country, published China's first guidelines for mining and mineral trading companies operating overseas. The guidelines adopted by the CCCMC were drafted in cooperation with Germany's Development Agency (GTZ-GIZ) and the NGO Global Witness. According to Global Witness, the guidelines should become a significant turning point in helping Chinese companies elaborate corporate responsibility strategies measurable to international standards, contributing to ensure that Chinese sourcing does not entail risks of social instability and conflict in target locations such as the DRC. In addition, the adoption of the Chinese guidelines came together with the signature of a memorandum of understanding between the CCCMC and the OECD in order to cooperate with technical implementation of the due diligence guidelines (OECD 2014a).

The CCCMC guidelines are built upon the normative basis provided by previously existing schemes such as UN Security Council recommendations and the OECD Due Diligence guidelines (Brautigam 2014), something which is reflected in the five points enumerated by the CCCMC. Under the guidelines, Chinese companies are expected:

- 1) To enable company management systems and to use them to assess whether minerals used or traded originated from conflict affected and/or high-risk areas,
- 2) To identify and assess risks in the supply chain,
- 3) To design and implement a strategy to respond to identified risks,
- 4) To commission independent third-party audits of due diligence practices on an annual basis,
- 5) To report publicly on supply chain due diligence on an annual basis.

Despite the relevance of China's guideline adoption, both international and Chinese experts expect that the speed of implementation will be slow, and that divergences of interpretation of international standards are likely to exist (Davis 2014). Nonetheless, as a non-OECD country, the existence of a framework to link China-bound trade with the Due Diligence framework should be regarded as a positive development.

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### **DRC Government Due Diligence Law (2012)**

In May 2012, the DRC government passed a national law requiring that companies trading within its territory certified that they were not purchasing conflict minerals. The predecessor of this law was set in September 2011 through a government directive urging international corporations operating in the DRC to implement the OECD guidelines for supply-chain due diligence (Global Witness 2012).

Despite the inherent difficulties in ensuring that the law is being implemented in the high risk-zones, given that the affected mining sites are mostly artisanal and operate in regions where law enforcement capacities are often very weak or non-existent, this piece of legislation adopted by the DRC government is also an important step in ensuring that international due diligence standards become of mandatory implementation. At the very least, the legislation should become an additional deterrent to companies not implementing due diligence in their supply chains, that could face sanctions for not doing so under DRC law.

One example of such a deterrent effect can be seen in the case of two Chinese mineral trading companies, TTT Mining<sup>8</sup> and Huaying Trading Company, which were suspended by the DRC government in May 2012 after accusations of buying minerals without performing checks on their supply chains. The UN Group of Experts on the DRC later confirmed that the activities of the two Chinese companies had been indirectly financing armed groups and criminal networks in the east of the country. According to some international observers, including Global Witness, this suspension had a significant impact in the adoption of China's CCCMC guidelines reviewed above (Global Witness 2012; 2014: 13). However, one of the major challenges with regard to the DRC Law remains the lack of enforcing mechanisms in the risk areas of the country where the presence of the State is weak and corruption is widespread.

### **Other regimes and initiatives**

In addition to the international conduct guidelines and regulatory frameworks reviewed above, there are myriad additional regimes, codes of conduct and industry-led indicatives that build up the normative puzzle addressing the issue of conflict minerals. Among the most relevant, it is worthy to note the following:

#### **The UN Global Compact**

Established in 2000, the United Nations Global Compact is a UN initiative asking corporations and business from all over the globe to adopt corporate policies of social responsibility and sustainability and to report on their implementation. Its guidelines are set in the form of ten principles covering issues such as working and human rights, environmental protection, development and the fight against corruption (UN Global Compact 2014). As such, the initiative is not limited to sustainable and conflict-free mineral supply chains, but this is one of its coverage areas.

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<sup>8</sup> Listed as CCM Mining.

As such, the UN Global Compact is not an enforceable regulatory framework but rather a forum of discussion that gathers representatives from governments and international institutions, labour organizations and other civil society organizations as well as businesses.

### **Industry-driven initiatives**

One of the major existing industry-driven initiatives existing today is known as the Electronic Industry Citizenship Coalition (EICC). The EICC was initiated in 2008 and today comprises about one hundred electronics companies including the largest consumer electronic producers in the world (EICC 2014). The initiative seeks to set an industry-wide code of conduct that is of mandatory application by all of its members.

In relation to conflict minerals, the EICC's approach consists of using intermediate stages in the supply chain, predominantly smelters, in order to enforce due diligence control in the upstream chain, i.e. from mines to smelters. The initiative, materialized under the name of the Conflict-Free Smelter Program (CFSP), is based on the premise that imposing strict regulations on the intermediary stages substantially reduces the number of stakeholders, thereby making it easier to implement audit and revision procedures. According to the EICC, there are fewer than 500 smelters worldwide that can process raw 3TG minerals into metals usable by the industry. In this way, CFSP claims to ensure compliance through the elaboration of auditing guidelines that third-party auditors must implement before giving a green light to a smelter or refiner (CFSP 2014). This approach, however, has been met with harsh criticism by experts in central Africa, who argue that auditing smelters outside of the DRC does not guarantee the conflict-free origin of minerals in a reliable manner (see below).

Another relevant industry-led initiative, in development since 2008 by the UK's tin industry association, is the International Tin Supply Chain Initiative, or iTSCi project. ITSCi is a traceability scheme (bagging and tagging) created to be used by upstream companies, i.e. mining to traders and smelters. ITSCi's aim is to insure that mineral extraction and handling complies with the OECD Due Diligence and UN recommendations (ITRI 2014).

In addition to these, there are other, rather minor, initiatives that have made conflict-free mineral guarantee a marketing point. This is the case with the Netherlands-based 'Fairphone', a company that has developed a smartphone targeting a niche of consumers that are concerned about the social and environmental sustainability of the products they purchase. It produces and sells a smartphone containing certain minerals that are sourced from conflict-free mines in the DRC. Despite the small size of the company, it has implemented direct supervision along the whole supply chain (Fairphone 2014).

### **Critical views from central Africa: Are existing initiatives tackling the problem correctly?**

In September 2014, after some debate within the DRC with regard to the issue of conflict minerals and internationally adopted initiatives, around 70 Congolese and international experts

and observers collectively signed an open letter addressed to governments, companies, NGOs and other stakeholders across the international community (Various 2014).

On the one hand, the open letter acknowledges the ‘success’ of international endeavours in terms of giving shape to a set of policies and codes of conduct. At the same time, however, the letter strongly criticizes international conflict minerals discourse and regimes for “fundamentally misunderstanding the relationship between minerals and conflict in the eastern DRC” (Various 2014). According to the signatories, while it is true that conflict perpetuation and so-called conflict minerals are interrelated, the international community fails to understand that minerals are not the cause of the conflict. Instead, they estimate that only about 8 percent of the country’s conflicts are rooted in mineral extraction. Mineral exploitation does become a source of funding to carry out military operations, but these are linked to conflicts that have a different, more structural nature, involving issues such as land ownership, citizenship, ethnicity and identity.

In addition, the signatories of the letter criticize the fact that the perspectives of few local stakeholders have been taken into account in the drafting of the existing international frameworks and regulations, leading to policy initiatives that do not reflect nor address properly the realities faced by local communities on the ground. As an example, the open letter cites the impossibility to perform regular audits or controls in artisanal mining sites spread over a territory twice the size of France in which the state neither has a strong presence nor the practical capacities to enforce the regulations. As a result of this, coupled with international regulations such as the Dodd-Frank Act, the signatories claim that corporations are incentivized to source in other places thereby imposing a *de facto* embargo on Congolese artisanal mines. This, in turn, has a negative impact on the living conditions of local miners which are pushed into more severe poverty due to international regulations that do not truthfully reflect their reality. This perverse impact, in addition, does not address the illicit funding of armed and criminal groups, who have adapted to the international pressure on conflict minerals by switching to alternative businesses such as charcoal, palm oil or drugs.

In relation to industry-led initiatives, the signatories of the letter have manifested their disagreement with schemes such as the ‘Conflict-Free Smelter Program’, offering criticism that shifting the auditing stage upstream to smelters, located outside of the DRC can easily lead to certifications issued while not actually reflecting the realities of production and handling. In this regard, the signatories of the letter are more inclined to support on-the-ground tagging schemes such as iTSCi, although they recognize that the costly implementation of such schemes is economically damaging to local miners, once again leading to the *de facto* exclusion of many of them from international markets.

With all these factors considered, what is the best way forward? As illustrated in the open letter, there is a strong disagreement in the DRC about the appropriateness of the current internationally-led schemes to achieve the goal of cleaning the country’s mineral sector from criminal groups seeking funds for their activities. In this regard, the signatory experts consider that alongside continued efforts to increase transparency in the mineral supply chains, a different approach should be adopted reflecting better the realities that are met on the ground. The open

letter contains five recommendations that, in view of the experts, should be adopted to make the existing regulations and frameworks more effective and eliminating its most pernicious side effects:

- 1) Improving consultation with local governments and communities before adopting further international initiatives. Congolese voices have not been taken sufficiently into account, and this has become a cause for the incapacity of the existing regimes and initiatives to tackle the problem of conflict minerals effectively.
- 2) Work towards achieving meaningful reform. According to Congolese experts, the processes of auditing should be aimed at truly achieving reform rather than serving as window-dressing for multinational companies. Hence, they recommend the regular auditing of both mines and smelters reducing red-tape and considering waivers where certification is impracticable, in order to avoid pushing local communities into more extreme conditions of poverty.
- 3) Create incentives towards better practice, extending transition periods when necessary and establishing short-term mechanisms to incentivize conflict actors to join conflict-free schemes.
- 4) Promote fair competition, allowing Congolese actors to gain leverage in increasing price schemes, enabling regimes that can support minimum wages in the local mining industry.
- 5) And finally, adopting a more holistic approach. Minerals are linked to conflict, but they are not necessarily its cause. In addition, experts call international stakeholders not to overlook in their initiatives the transformative potential of local artisanal mining as a means to push the communities out of conflict, rather than merely as a source of conflict. Issues such as access to credit, technology transfers and means to palliate environmental degradation and increase labour safety should be addressed by multinational corporations seeking to increase transparency in their supply chains, as these are necessary conditions to better business practices.

### **Conclusion: Challenges ahead**

As exposed in the open letter signed by experts and observers, there are myriad challenges remaining to be addressed in the issue of conflict minerals. The case of conflict minerals is not an isolated one in the pool of international initiatives aimed at tackling peace and security issues in Africa but developed at the margin and without the input from local communities, authorities and experts. In fact, the open letter has become an important input in the conflict minerals debate since it poses the question of whether the concept of ‘conflict minerals’ itself is a debate constructed upon the fundamental misunderstanding of the local reality. Although that might be the case, the open letter provides a valuable input to both governmental/institutional and industry-led initiatives.

Re-shaping the multiple frameworks that currently exist in a way to incorporate the inputs given by the local experts does not appear to be an easy task given the bureaucratization that has

accompanied the implementation of existing regimes over several years and the inertia that this has generated. At the same time, it is likely that asking the industry to relax existing schemes of corporate responsibility, i.e. in the sense of incorporating waivers where necessary, will not be met with enthusiasm, particularly when such corporate policies become an important aspect in their branding and marketing policies.

In this regard, the main challenges seem to remain at the hands of governments and international institutions. With frameworks such as the OECD Due Diligence guidelines, broadly accepted by the international community as the *de facto* international standard to which many national schemes refer to, the creation of new frameworks seems to be the less desirable scenario. With the OECD Due Diligence already accepted as an internationally valid standard, the development of further regulatory frameworks could lead to a growing overlap of regimes and regulations, with the subsequent increase of bureaucracy; something which is precisely against the recommendations given by local experts. For relevant stakeholders such as the EU, currently working on the possibility of making its own regulatory framework, working in partnership with institutions like the OECD and engaging with local stakeholders towards improving the current guidelines and standards could be a better option than establishing a new regulatory framework.

On the issue of conflict minerals, as with other aspects of peace and security in Africa, the input from the local stakeholders cannot be overlooked when aiming at finding a viable and effective solution to eliminate the problem. Otherwise, as it has been seen, there is the risk of adopting policy options based on inadequate understanding of the root causes of a problem, risking the worsening of the living and economic conditions of those who make a living from artisanal mining in the conflict regions.

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### **Biographical Note**

Just Castillo Iglesias holds a PhD in International Public Policy by the Osaka School of International Public Policy (OSIPP) of Osaka University. He is also a lecturer at the East Asian Studies program of the Open University of Catalonia.





## **Conflict Diamonds in Zimbabwe: Actors, Issues and Implications**

**Sethelile Ntlhakana**

University of the Free State, Republic of South Africa

### **Abstract**

Resource war literature examines the links between natural resources and violent conflicts, in an attempt to explain the causes of conflict in places such as Sierra Leone, Liberia, and the Democratic Republic of Congo (DRC). The literature finds such links to be credible, covering such resources as oil, diamonds, timber and coltan, among others. This article explores this question with relation to Zimbabwe's Marange diamond fields, unravelling the actors, issues and implications of conflict diamonds. It observes the efforts the international community have made in dealing with the issue of conflict diamonds. It is the conclusion of this paper that the Kimberley Process (KP) has been largely undermined by the Zimbabwe's Marange diamonds.

### **Introduction**

In the 1990s, Zimbabwe was determined to become a leader in African mining. The country gained its independence from the British on 18 April 1980, and was recovering from the adverse effects of colonialism. According to Saunders (2009: 4), Zimbabwe had advantages in terms of competitive mineral resources, a well-maintained infrastructure, skilled labourers, regulatory institutions, well managed state production, sound fiscal and monetary policies. Sachikonye (2002: 13) writes that the nation was amongst the top four most industrialized nations in Sub-Saharan Africa and had a relatively diversified economy. In terms of its economy in general, it had a superior human resource base than most Africa states and held a middle-income position. The country had large investments in ferrochrome and platinum – it was putting itself in a position to attract its highest levels of foreign direct investment since independence.

The political and economic decline towards the end of the 1990s dampened the dream of becoming a world-renowned mining industry. Raftopoulos (2009: 201-202) states that this has its genesis in the enduring structural economic and political legacies of colonial rule along with political heritages of African nationalist politics. The situation erupted with the emergence of a major threat to the political future of the ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF) of President Robert Mugabe, in the form of the opposition led by the Movement for Democratic Change (MDC) of Morgan Tsvangirai (Alex 2010: 2). In 2000, the government's proposed new constitution was rejected in a referendum, which contributed to and

hastened an already unfolding political and economic crisis. Mugabe's regime began using natural resources as a means of political survival at the expense of sustainable economic development (Partnership Africa Canada 2010: 2).

The Central Bank of Zimbabwe and the state's main mining-related bodies, the Zimbabwe Mining Development Corporation (ZMDC), its main exporting agent, and the main mineral exporting agent, the Mineral Marketing Corporation of Zimbabwe (MMCZ) were deeply affected. In 2007 Reserve Bank Governor, Gideon Gono, estimated 40-50 million USD per week was being lost to the public through smuggling (Saunders 2009: 6). The era of hyperinflation and investment decline cut through the mining sector and saw the near collapse of gold, among other mineral sectors. By October 2008, the inflation rate had reached a record-breaking 231 million percent (Mirell 2012: 40). It would be the discovery of the Marange diamond mines in 2006 that brought hope to boost the failing economy at the time when the country was facing a worsening economic crisis.

The political and economic decline that began in the late 1990s had not improved at the turn of the millennium. In the context of worsening economic crisis, the government's declaration of the discovery of diamonds at Chiadzwa in 2006 had remarkable effects. Motivated either by economic hardship – given the lack of prospects to earn a decent living in Zimbabwe's declining economy – or dreams of quick wealth, this discovery instigated a 'diamond rush', with an influx of 15,000 to 20,000 unlicensed artisanal miners and illicit diamond dealers to the area. The fields produced six million carats per year and promised an era of economic recovery as inflation had ravaged incomes (Vircoulon 2010: 1).

The Kimberley Process (2014) defines conflict diamonds, also known as blood diamonds, as those diamonds that are utilised by rebel movements and their allies to finance conflict directed at undermining legitimate governments. Conflicts associated with these diamonds have resulted in the death and displacement of millions of people on the continent. Human rights groups began to shed uncomfortable light on the circulation of blood diamonds as they were increasingly found in the international markets. A series of international campaigns led to the formation of the Kimberley Process Certification Scheme (KPCS). The organisation's purpose is to stop the sale of conflict diamonds and to prevent them from entering the international markets (Nichols 2012: 650).

It has been argued, however, that the Kimberley Process has fallen short of its obligations. One of its biggest criticisms has been in dealing with the Zimbabwe's Marange conflict diamonds. Following the strict definition of the term conflict diamonds, according to the Kimberley Process, it is evident that since there are no rebel movements using diamonds to finance attempts to undermine the government in Zimbabwe, then conflict diamonds in that country do not exist. The question is: what happens in cases where the sovereign state itself is dealing in conflict diamonds?

This study aims to discuss the actors, issues involved in, and the implications of, conflict diamonds in Zimbabwe's Marange diamond fields, and examines the KPCS through the case study of Zimbabwe. The paper begins by discussing the issues of conflict diamonds and the

relationship between natural resources and violent conflict. Section two goes on to examine the KPCS, and section three applies the theory of conflict diamonds to the Zimbabwean Marange diamonds. The last section provides concluding remarks.

### **What are ‘conflict diamonds’?**

According to the Kimberley Process (2014), conflict diamonds are rough diamonds used by insurgent factions or their supporters to fund armed conflicts intended to weaken legitimate governments. Natural resources, particularly diamonds, were central to the funding of some of the most brutal and protracted wars in the 1990s and 2000s. Rebel leaders such as Jonas Savimbi of Angola, Charles Taylor of Liberia and Foday Sankoh of Sierra Leone used diamonds to support and prolong their wars (Reddy, Henry and Oppong 2005: 52). It is estimated that approximately 8.5 billion USD worth of diamonds are sold overseas from the African continent every year, and this accounts for about 65 percent of world production in diamonds. The international rough diamond trade produces 30 billion USD annually; and a staggering 300 million USD a year is associated with blood diamonds (Murphy 2011: 209).

Much recent literature has emerged in an attempt to explain the relationship between civil war and natural resources. Collier and Hoeffler (2004: 563) look at the economic causes of civil wars by using the “greed or grievance” dichotomy. Rebels need a reason which can be both positive (greed) and negative (grievance), where greed is a desire for more wealth, and grievance is related to inequality, injustice, the lack of political rights, or ethnic/religious divisions in society. They conclude that a model that centres on the opportunities for rebellion performs well, whereas objective indicators of grievances add little explanatory power. According to the greed theory, economic motivations and opportunities are more concurrent with the onset of conflict than ethnic, socio-economic, or political grievances (a quest for fairness). The grievance factors are seen as little more than a smokescreen to cloud their real objectives and to gain popular support (Ballentine and Nitzschke 2008: 4).

Lulaja (2010: 15-26) observes that natural resources do play a vital role in violent conflict especially those that are easily extractable. He further investigates whether the location of these resources affects rebel movements, using duration analysis and conflict onset analysis. The duration analysis reveals that rebel access to gemstones doubles the conflict duration whilst the conflict analysis confirms that secondary diamond production and other gemstones are related to the duration of the conflict but not the onset of conflict. Ross (2004: 337) finds similar results; gemstones do not instigate war but are likely to prolong pre-existing wars.

Lulaja, Gleditsch and Gilmore (2005: 559-560), in investigating links between civil wars and natural resources, offer the following four main contributions to modern literature on civil wars. Firstly, that diamonds do matter in civil wars but they are not a motive of conflict onset. Secondly, the geological type of diamond deposits is an important factor, meaning secondary diamonds can be used to prolong the war while non-lootable resources might discourage the risk of conflict onset and occurrence. Thirdly, secondary diamonds have had a greater impact on the onset of civil wars after the end of the Cold War. Lastly, that diamonds are mostly dangerous

only when production has begun, not their mere discovery in conflict prone areas. Lulaja et al. (2005: 539) criticize the work of Collier, taking issue with the fact that the research does not take into account the role the state plays in prolonging the conflict; it only focuses on the role the rebels play. Ballentine and Nitzschke (2008: 2) make similar claims.

Le Billon (2001: 562) attests to the fact that natural resources are by no means an attribute that is unique to conflict in Africa, and that they have constantly played a prominent part in the history of armed conflict including imperialist wars. He claims that natural resources raise the susceptibility of countries to armed conflicts by weakening the capacity of political institutions to peaceful conflict resolution. Resource dependent countries, at a country level, usually have poor economic performance and socio-economic inequalities. The resource rents oftentimes cause corruption in state institutions, and/or high economic inefficiency. Moreover, resource rents afford political elites with traditional means for staying in power by establishing regimes arranged through a system of patronage, with political elites rewarding followers and chastising adversaries. This tends to leave little benefits to those outside the state circle, and ultimately, this may culminate in violent conflict. It is under such circumstances that natural resources become a 'curse'.

Ballentine and Nitzschke (2008: 7-9) give a stakeholder analysis of the political economy of conflict. They ask the questions, "who are the key actors that participate in the war economies? What motives do they have? What incentives do they have to seek peace? Who controls the means of violence?" Identify a wide range of answers to these questions, which they divide according to three types of economies: combat, shadow and coping. The combat economy deals with both fighters and the suppliers of weapons and materiel; the shadow economy considers the activities of others who profit (through illicit trade) from the existence of conflict; and the coping economy covers poor families and communities affected by conflict.

Broodryk and Solomon (2010: 2) concur that after 1990, there has been a growing number of scholarly work and policies that have investigated the economic aspects of conflict in more detail – placing a greater focus on issues such as the role of resource abundance and scarcity on conflict. In this view, war making is no longer about defeating an enemy, but is about the economic gains in continued fighting and the institutionalisation of violence for economic achievements. Broodryk and Solomon (2010: 3), Lulaja (2010: 15) and Ross (2001: 352) are in agreement that prolonging violent conflicts only serves the business interest of these 'warlords'. Hence, there seems to be a strong correlation between natural resources and armed conflict.

An interesting contribution to the link between natural resources and civil wars is made by Cameron Thies, particularly from the perspective of primary commodities and states. Earlier findings on resource were rebel-centric and did not include predatory states. However, current literature on the civil war literature has begun to incorporate both state rulers and rebels as logical predators that try to maximise their revenue. Thies (2010: 329) puts forth an argument about the role of primary commodities in civil war commencement, but most importantly, how primary commodities affect the relationship between civil war and state capacity. In answering this question, he uses the predatory theory of state building. This is theory that has been

articulated by Tilly (1985: 169-70) – which considers a state as a rational actor which is capable of plundering natural resources to maximise revenue. Primary resources are a source of revenue to both rebels and rulers because they can be easily plundered and taxed.

Le Billon (2001: 569) finds that the lootable nature of primary commodities is due to the fact that mined resources are mostly at the disposal of governments and rebels alike with little bureaucratic infrastructure. Natural resources allow rebels to fund their military operations; hence, there is a vested economic interest in prolonging violent conflict. This view challenges the old tradition of conflict resolution, which is an inclusive political agreement. It also suggests a dichotomy of ‘war’ and ‘peace’, meaning, the transition from war to peace must take into account the economic elements that prefer war to a peace settlement.

## **The Kimberley Process Certification Scheme (KPCS)**

### **What is the Kimberley Process (KP)?**

Apparently the worth of diamonds lies in their association with beauty, status and marriage. But if they are instead associated with the slaughter of human beings, war and child soldiers, their worth will suffer considerably (Alex 2010: 1). The KP (as it is commonly known) was adopted in 2000 by the United Nations General Assembly (UNGA). It was initiated by the South African government due the growing tensions concerning conflict diamonds. The KP was a tripartite agreement between diamond producing nations, diamond industry leaders and human rights groups (Bieri 2010: 3). It was only in 2003 that the KP Certification Scheme (KPCS) entered into force as an original move towards the regulation of the diamond industry and combating atrocities regarding conflict diamonds. Murphy (2011: 214) claims that the scheme was also meant to assist legitimate governments to regain control of their natural resources in order to rightfully gain from the sale of diamonds with the anticipation of building or rebuilding the infrastructure of their countries.

### **How did the Kimberley Process begin?**

According to Murphy (2011: 214), in the late 1990s, Global Witness, an international natural-resources overseer, reported how diamonds contributed to the bloody conflicts in countries such as Sierra Leone, Liberia, Angola and the Ivory Coast – leaving an estimated four million people dead. This was part of broader research into the link between natural resources and conflicts. Reacting to this growing international outcry from Global Witness and other Non-Governmental Organisations (NGOs), key diamond trading and producing nations (Britain, Belgium, USA), representatives of the diamond industry, and NGOs met in Kimberley, South Africa, to decide how to deal with the blood diamonds dilemma (Bieri 2009).

The name derived from the South African diamond-rush town of the 1860s (Kimberley), where all the concerned parties met (Alex 2010: 2). This marked the commencement of an often controversial three-year negotiating process, which concluded in the establishment of an international diamond certification scheme. The KP was endorsed by the UNGA and the United Nations Security Council (UNSC) and launched in January 2003.

### **How does the Kimberley Process work in practice?**

The KP is an import-export certification scheme which necessitates participating governments to certify the origin of rough diamonds (Nichols 2012: 659). Thus, blood diamonds can be identified and systematically disqualified from flowing into the international trade market. Again, the scheme requires governments to certify that shipments of rough diamonds are conflict-free and that systems are put in place for efficient control to avert conflict stones from entering the supply chain. By 2010, it had 49 members representing 75 countries (Grant 2009: 11). Member countries must enact domestic legislation to implement the scheme, and can only trade rough diamonds with other members. This creates an incentive for countries that wish to produce, trade or process uncut stones to join (Global Witness 2013).

The KP's procedural requirements are implemented by governments, but its tripartite structure connotes that NGOs and the diamond industry hold official status as observers and take part, along with member states, in all working groups and decision-making processes (Bieri 2009). Murphy (2011: 216) remarks that of outmost importance to note from the KP preamble is that it is a voluntary scheme of self-regulation that can merely enjoy credibility to the extent that members have instituted a domestic system of control intended to eradicate the presence of conflict diamonds in the line of production, exportation and importation of rough diamonds within their territories.

### **Issues and actors in Zimbabwe's conflict diamonds**

#### **Zimbabwe's Marange diamond fields**

The discovery and popularity of alluvial diamond deposits in the rural Chiadzwa area of Marange District in Southeast Zimbabwe in 2005 brought a new dimension to politics in Zimbabwe. Marange is located in the Manicaland province, near the border with Mozambique. The diamond fields extend to some 66,000 hectares and are reputed to be the richest diamond mines in the world – with a value estimated at up to 800 billion USD and a potential source of wealth for the next 80 years (Nichols 2012: 665). In 2008, the Reserve Bank Governor estimated the monthly value of the diamond mines at 1.2 billion USD (Partnership Africa Canada 2010: 14). Marange is Zimbabwe's third diamond mining site, others being River Ranch and Murowa, that are privately owned and commercially operated kimberlite mines located in Beitbridge and Zvishavane, respectively. Marange is an alluvial diamond deposit, unlike River Ranch and Murowa (Mirell 2012: 45).

Initially, the Zimbabwe government did not give exclusive rights to any private company to mine the fields, but just opened them, culminating into illegal mining activities (Nichols 2012: 666). The Marange diamond fields are distinctive in Zimbabwe because miners are able to access the diamonds without intricate or costly extraction methods. In 2006 and 2007, when the news about the discovery of the diamonds spread, the rural area of Chiazwa was suddenly faced with 30,000 newcomers (Africa Confidential 2010: 5). Illicit buyers also started arriving, including those from the DRC and Angola. Farineau (2013) notes that Zimbabwe's Marange diamond

fields became targeted by smugglers, illegal miners and international buyers. Informal diamond mining in Marange became an issue in 2006 and increased in 2007 and 2008 – creating a vibrant informal diamond economy (Katsaura 2010: 341). However, 2008 brought about a new turn of events, when the Zimbabwe police and military force, using two attack helicopters, seized the area (Alex 2010: 3).

### **Zimbabwe: A predatory state and/or a shadow economy?**

In June 2008, Robert Mugabe became a sole candidate for the elections after Tsvangirai boycotted the second round of the elections – claiming that his supporters were being intimidated by Mugabe’s ZANU-PF followers and horrified by violence that left 200 of his supporters dead (Harding 2013). According to *The Economist* (2013), between March 2008 and March 2009, Zimbabwe spent a year without a government. The MDC won the majority of seats in Parliament in the 2008 elections against Robert Mugabe’s ZANU-PF; but fell short of the mandatory majority of more than 50 percent of the presidential vote. This called for a rerun of the presidential elections (Katsaura 2010: 344).

In February 2009, the Government of National Unity (GNU) was formed between ZANU-PF and MDC, although Mugabe still undermined this unity with political oppression, including arrests, and the suppression of political and press freedoms (PAC 2009: 2; PAC 2010: 2). During the July 2013 elections, Mugabe won the elections with 61 percent of the votes, while the MDC attracted 34 percent of the votes. Tsvangirai refused to accept the outcome, alleging that the party received the voters’ roll only on the eve of the elections, which made it impossible to audit the register of 6.4 million people (News24 2013).

As noted above, initially the Zimbabwe government did not give exclusive rights to any private company to mine the fields, but just opened them (having expelled De Beers). As Nyota and Sibanda (2012: 129) write, this led to a frantic diamond rush which fashioned new ‘communities’ of artisanal miners and dealers at Chiadzwa. But, most of these miners were ordinary Zimbabweans forced by hardships of Zimbabwe’s dramatic post-2000 economic decline to go and seek out new forms of livelihoods. Because the diamond fields were opened in this manner and the fact that they contain alluvial deposits (able to be mined by artisanal methods), the fields became targeted by smugglers, illegal miners and international buyers, creating a vibrant informal diamond economy. Katsaura (2010: 346) states that the absence of a government between 2008 and 2009 meant that there was a state of anarchy, which provided a window of opportunity for the creation of a shadow economy. Within this analysis, those with coercive power and the right connections gained significantly from cross-border smuggling activities. The shadow economy in Zimbabwe is driven by political, military, police and business elites who use their access to authority as the basis for access to diamonds for self-aggrandisement. Again, it was during this turmoil in the Zimbabwe politics that the government of Mugabe saw an opportunity to use natural resources to sustain its political interests.

Hence, in October 2008, Mugabe deployed the military to the Marange diamond fields to seize the area and secure it – mostly from the artisanal miners (Alex 2010: 1). Air Marshal

Perence Shiri, a cousin of Robert Mugabe, was deployed to the scene (PAC 2009: 7). Whether the use of the military was designed to combat the lawlessness that existed in the fields or as a way to guard the regime's interest is highly contested, but the fact is that some 800 soldiers were deployed in the fields and used coercive means to force locals out of the area (Nichols 2012: 667). The military subsequently initiated operation 'Hakudzokwe kumunda' ('you will not return to the field'). This operation sparked international condemnation of Zimbabwe's 'conflict diamonds'. Human rights groups estimated that there were between 15 and 35,000 people working at or around the Marange diamond fields at the time (Nyota and Sibanda 2012: 133). The operation left more than 200 hundred people dead, and military personnel themselves involved in smuggling diamonds – the majority of the illegal mining diamond activities can be traced to the government officials smuggling the stones over the country's borders.

From there onwards, the Marange diamond fields became heavily militarised, with gross human rights violations being reported by the media and human rights groups. According to Grant (2009: 12), the year also saw massacre of Zimbabwean citizens being perpetrated in the area by the soldiers. A policewoman working in Chiadzwa, for example, witnessed a pile of 50 dead bodies after one helicopter attack (PAC 2009: 8). The police and army committed other human rights violations including forced labour, torture, sexual abuses, arbitrary arrests and detention against both diamond workers and local communities. In one case, at a checkpoint between Mutare and Chiadzwa in 2008, three women underwent humiliating body searches by a police constable and were forced to strip naked. Afterwards, the male police officer searching them put in his gloved finger in their private parts, claiming to be looking for hidden diamonds (Human Rights Watch 2009: 27). Zimbabwe thus joined other African states long enmeshed in 'blood diamond' epics of their own, such as the DRC, Sierra Leone, Angola, Liberia, and the Ivory Coast (Nyota and Sibanda 2012: 131).

Nyamunda and Mukwambo (2012: 147-8) observe that the attitude of the central state tended to shift regarding artisanal activities. From 2006 to around late 2007, artisanal activities were borne by the central state. This drastically changed following the March 2008 elections in which ZANU-PF lost the first round of the elections, only to recover in the contentious runoff election held in June 2008 in which Mugabe was the only candidate. Hence, in search of votes, Mugabe formed a patronage system that would reward the informal miners if they supported the party. Contrary to popular belief, this was a rational strategy meant to win votes. Ultimately, the informal diamond economy in Zimbabwe is driven by political, military, police and business elites – underlining the theory of the 'politics of the belly', which in essence, is the politics of self-aggrandizement (Katsaura 2010: 342).

In August 2010, the government sold 900,000 carats of rough diamonds through the support of the KPCS, generating 56 million USD in revenue, of which the state only received 30 million USD (Smith 2010: 19). Evidently, the ZANU-PF associates stood to benefit from this militarised operation of the diamond mines and substantial sums are being lost to the state in a politically guarded export business profiting a few (Africa Confidential 2010: 8). Among these are the Minister of Defence, Emmerson Mnangagwa, and his long-time political rival, General Solomon

Mujuru, the retired head of the armed forces and one of Zimbabwe's richest men (Africa Confidential 2010: 8-9). Mines Minister, Obert Mpfu, has also been implicated in benefiting from sources of revenue above his ministerial pay (Gotora 2012). The most influential group of the Mugabe regime are members of the Joint Operations Command (JOC), who are the final authorities of tough decision making for each single government-sponsored act of repression. The JOC is heavily monopolising the Marange's diamond resources in order to fund ZANU-PF's acts of repression to opposing parties (PAC 2010: 2-3).

Private companies which are heavily associated with the government are also seeking their share in the Marange diamond fields. The fields were initially discovered by De Beers in 2002, but as they did not deal in alluvial diamonds, they did not exploit them (Africa Confidential 2010: 8). Then, a London-registered company with strong Zimbabwe connections, African Consolidated Resources Private Limited Company (ACR) registered the first mining claims there. However, the government revoked their contract in 2006 after announcing the presence of diamond deposits (Katsaura 2010: 343). The government continuously refused to resolve the issue and has turned down numerous propositions from the ACR to develop it into a joint venture, claiming it has contracted the rights to two other companies, Mbada and Canadile (PAC 2009: 4).

ACRs rights had been capriciously transferred to two small South African companies – Mbada and Canadile, in joint ventures with the parastatal Zimbabwe Mining Development Corporation (ZMDC). These two companies are claimed not to have any prior experience in the mining industry (Africa Confidential 2010: 5).

Mbada is a partially owned by the government and by Grandwell Investment (South African owned). The chairman of Mbada is Robert Mhlanga – a retired air vice-Marshall, claimed to be very close to Mugabe and his former pilot (Africa confidential 2010). Other representatives include Sithengiso Mpfu (sister-in-law to Minister Mpfu) and Dingiswayo Ndlovu (Personal Assistant to the Minister of Mines, Mpfu). The owners of Canadile Miners include Cougan Matanhire (retired major). Other directors include Adrian Taylor, who worked for a private military company in Sierra Leone, and Yehuda Licht (Israeli diamond dealer), Danesh and Ashok Pandeya and Lovemore Kurotwi (Africa Confidential 2010: 8).

The choice of the board of members raises serious eyebrows not to mention that half of Canadile's board members are implicated in serious illegality of one type of another- termed "shady individuals and fugitives from justice" by *The Zimbabwean* newspaper (MISA 2012: Internet). Kurotwi is a retired officer who played a senior role during the notorious 5th Brigade massacres in Matabeleland (MISA 2012). Adrian Taylor is alleged to have worked as a mercenary in Sierra Leone, while Licht is believed to have spent time in jail in Angola on diamond-related smuggling offences. Danesh and Ashok Pandeya were active diamond smugglers in the DRC conflict and boast to be partners of high-level people in the Zimbabwe government. Ashok is on the police wanted list in Thailand over fraud involving diamonds worth 100 million USD (Rose and Muleya 2010).

Another interesting issue is the Chinese involvement in the Marange diamond fields. The Chinese government is often argued to exploit, have imbalanced economics and make alliances

with dictatorships in Africa (Farineau 2013: 28-29). Anjin Investment, a Chinese-Zimbabwean joint venture has profited greatly from a period of civil unrest, punctuated by rape and other human atrocities that culminated in the October 2008 massacre. Half of the company is owned by the Zimbabwe army's Defence Industries (ZDI) and another army adventure whilst the Chinese corporation owns the other half. The company has been accused of breaking labour laws, and committing human rights abuses that the Zimbabwe government has turned a blind eye to, regardless of the many reports by human rights watch groups.

It must be stated that it is the right of every sovereign state to ensure that order and security is maintained. Additionally, a state has an obligation to protect the natural resources in the land and to fairly distribute wealth. However, the Zimbabwean government's seizing of the diamond fields would appear to reflect a realist assumption of states as political actors seeking to maximise their power and would also appear to offer support to the predatory theory of state building.

### **The Kimberley Process and the Marange diamonds fields**

The issue of the Zimbabwe's Marange diamonds is about smuggling and hucksterism; a diamond rush which was initially perpetuated by raw economic desperation by Zimbabwean citizens. This later turned into profound greed; government-sponsored suppression, human rights violations and disregard for the rule of law and democratic principles (PAC 2010: 2). Human rights violations were reported by the human rights groups (Human Rights Watch and PAC and others) associated with the KP as early as 2006. The Zimbabwean government outright denied any misconduct associated with the Marange diamond fields. Yet, large volumes of easily identified smuggled Zimbabwean diamonds were the subject of arrests in Dubai and India (PAC 2010: 9). The KP reacted with limited action and reported that the Zimbabwean government had adhered to the KPCS requirements but made no comments on alleged human rights violations. It would take almost a year for the KP review team to confirm the stories and discover just how profound the smuggling and governmental corruption had been (Smillie 2013: 1018).

In March 2009, Bernhard Esau, Namibian Chair of the KP, embarked on a journey to Zimbabwe to diffuse the situation. Yet his visit did little to assuage concerns about the status of the country's diamond sector. Then in June 2009, Zimbabwe hosted a KP Review Mission, which visited Marange and other parts of the country (Grant 2013: 332). The Review Mission witnessed the presence of the Zimbabwe military in Marange and met with several victims of government-directed violence in the diamond fields. The Review Mission to Zimbabwe reported that it was not compliant with the KPCS, emanating mostly from the Marange killings of October 2008 by the Mugabe regime. Moreover, that there was mounting evidence that there had been gross human rights violations as the Mugabe regime sought to gain greater control of the diamonds fields (Bieri 2009: 23). The report recommended suspension and announced that unless the government withdrew its military from the mines and stopped the illicit trade in diamonds it would be banned from selling their diamonds in the international markets (Farineau 2013: 29). However, a consensus could not be obtained on suspending Zimbabwe from the KP.

A month later, following a report by a KP monitor and former president of the South African Diamond Board, Abbey Chikane, concluding that Zimbabwe was now fully complying with the KP rules; two small sales of Marange diamonds were permitted, there was no further commitment to deal with the human rights violations being constantly reported, and the fields were left heavily militarised (Vircoulon 2010: 2). A month earlier, on May 25, 2010, Chikane had a confidential meeting with Farai Maguwu (director of the Mutare-based CRD). Maguwu had been observing the human rights abuses and widespread smuggling of diamonds in Marange. On June 3, Maguwu was arrested and cross-examined. This prompted protest from local and international human rights groups, including Amnesty International. Apparently Muguwu had reported the ongoing human rights abuses and the involvement of the security forces to Chikane and had cautioned that at least 2000 carats a day were being smuggled out, with the main culprits being employees of Canadile, a South African company.

A follow-up KP Review Mission to Zimbabwe followed in August 2010. The inspection team found that some improvements had occurred but that the government's commitment to the KP's previous mission was uneven. During the June 2011 KP Intersessional meetings, the civil society observers marched out in protest over the lack of authentic consultations by the Congolese Chair and false intimations of unanimity regarding the Zimbabwe issue. Again, civil society observers such as Global Witness boycotted the November 2011 KP Plenary meetings. Global Witness, a founding civil society observer withdrew from the KP (Grant 2013: 333).

The decision of the KP to certify the Zimbabwean diamonds to flow into the international markets cast a shadow of doubt among human rights groups and states as to the real objectives of the KP. Some have argued that the self-interest of its founding members (De Beers and South Africa in particular), rather than ethics is driving the KP, leaving it seriously damaged as a result (Barron 2013: 7). There have been increases in sales as a result of the KPCS and those that are members imply legitimacy with their diamonds. A stronger argument against the KP is that its perimeters only extends to rebel movements but do not take into consideration legitimate governments that use natural resources to fund conflicts and undermine democratic principles and the rule of law (Murphy 2011: 222). Perhaps the KP only followed earlier findings on the resource studies that were rebel-centric and did not include sovereign states that deal in blood diamonds. Nonetheless, current literature on the civil war literature has begun to incorporate both state rulers and rebels as logical predators that try to maximise their revenue (Thies 2010: 329).

An interesting dimension of the Zimbabwean diamond case is that, unlike other notorious cases of conflict diamonds, as those found in Sierra Leone and Angola, where mineral profits fuelled armed rebellion from outside the state, Zimbabwe's conflict diamonds posed a threat to legitimate government from within (Nyamunda and Mukwambo 2012: 161). It is government officials that are being reported flexing their political muscle to loot the precious gems – mostly driven by greed. In their 2009 report entitled 'Zimbabwe, diamonds and the wrong side of history', Partnership Africa Canada (PAC) write:

When UNITA rebels under Jonas Savimbi and RUF thugs under Foday Sankoh took villagers from their homes and forced them into virtual slavery digging for diamonds, international civil society did not hesitate to call these diamonds what they were – blood diamonds. The situation is no different when the perpetrators belong to the police and army of a government like Zimbabwe’s ... nor is its name – blood diamonds (PAC 2009: 9-10).

In essence, the Marange diamond fields, despite having been a place where gross human violations were committed, do not qualify as conflict diamonds. Henceforth, the KP has failed to stop the flow of these diamonds in flowing into legitimate diamond markets, as Mugabe and his cronies continue to loot resources to keep him in power. He has created an inner circle that protects his interests at all costs – at the expense of ordinary Zimbabwean – suppressing opposition and freedom of the press. The failure of the KP to evolve and include such borderline cases as that found in Zimbabwe might leave it toothless and its certification without meaning.

## **Conclusion**

The discovery of the Marange diamond fields in 2006 brought a glimpse of hope to the Zimbabwean people that had endured the economic and political hardships that rocked the country. The Marange diamond fields are unique in Zimbabwe due to the fact that miners are able to access the diamonds without intricate or costly extraction methods. The informal diamonds mining that sprung up at Chiadzwa thus proved lucrative. As Nyamunda and Mukwambo (2012: 146-7) state, “for many of the politically and economically displaced, Chiadzwa provided a refuge as well as an economic niche for those willing to work under the trying conditions. It offered some reprieve to the unemployed or the ‘gainlessly’ employed”.

The political impasse of March 2008-March 2009 opened a window of opportunity for the Mugabe regime to loot the Marange diamonds. The regime heavily militarised and seized the Marange diamond field in order to fund repressive activities against the MDC opposition of Morgan Tsvingarai. As Le Billon (2001: 562) points out, resource rents afford political elites with traditional means for staying in power by establishing regimes arranged through a system of patronage rewarding followers and punishing foes. Although not a civil war, the Mugabe regime in the context of political and economic hardships is sustained in power by illicit smuggling of diamonds across borders by members of his circle. Again, the economic instability caused the government to be dependent on resource rents – these were not making it to government coffers, but to individuals with the right connections to the government. Moreover, the geological type of diamond deposits found in the Marange diamond fields – secondary or alluvial diamonds – are those that are claimed to prolong violent conflicts.

The resource war literature becomes challenging in the Zimbabwean case for a number of reasons. Firstly, there was no civil war in that country but a political conflict and economic instability where diamonds served to help keep the ZANU-PF in power. Secondly, Zimbabwe is a case of a predatory state that is looting the diamonds, not of rebels seeking to oust a government. Collier and Hoeffler’s ‘greed or grievance’ distinction is rebel-centric. Evidently,

there are no rebels in Zimbabwe but a government that loots natural resources. Tilly (1985: 172-3) writes, “What distinguished the violence produced by states from the violence delivered by anyone else? In the long run, enough to make the division between ‘legitimate’ and ‘illegitimate’ force credible”.

The Marange diamond fields shed an interesting light on one of the weaknesses of the KP. Under the current definition by the KP of conflict diamonds, one which is limited to the use of the mineral by rebel movements or their allies, the diamonds extracted from the Marange diamond fields, in spite of the associated human rights violations, do not qualify as conflict diamonds. Henceforth, the KP has failed to stop the flow of these diamonds into legitimate diamond markets, as Mugabe and his inner circle continue to loot resources to keep him in power at the age of 90 years.

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### **Biographical Note**

Sethelile Ntlhakana holds a BA Economics Degree and a BA Honors Degree in International Relations from the University of the Free State, South Africa. She has also worked as a tutor and a facilitator in the Department of Political Science at the University of the Free State.



## Book Review

Michael Nest

*Coltan*

Cambridge: Polity Press, 2011. 220 pp. ISBN: 978-0-7456-4913-3

Reviewed by: Virgil Hawkins, Osaka University

Coltan, which is the abbreviation of columbium-tantalite, is a relatively obscure metal. It is the political significance that this metal has taken on since the 2000s, rather than its metallurgical qualities, that has prompted the writing of this book. Although certainly less well known than the ‘conflict diamond’, ‘conflict coltan’ is connected with armed conflict in the Democratic Republic of Congo (DRC). Like the conflict diamond elsewhere, the exploitation of coltan is thought to be used to finance the military activities of armed groups. Yet in many ways the metal seems to be rather misunderstood, in terms of its role in the conflict in the DRC, and even in terms of estimations of supply and demand, and its industrial applications. This book serves as both a useful overview and a welcome reality check.

It is these misunderstandings that have led Michael Nest to open the book with a chapter on facts, figures and myths. The metal came to prominence through a series of United Nations-led initiatives and NGO campaigns, and while the latter did serve to raise awareness about the problem, it also led to a certain degree of oversimplification and overestimation of its importance. As campaigns, the ‘no blood on my mobile’, for example, took off and coltan began to become seen as an issue of importance, the notion that there was a global shortage of coltan, and that the DRC had 80 percent of global reserves, were among a number of notions that began to take root, without necessarily having any real basis in fact. Nest deals convincingly with these ‘urban myths’. It should also be noted that in NGO campaigns, portrayals of the applications of coltan encouraged, to a degree, the belief that the mineral was used primarily in the manufacture of mobile phones (manufacturers were targeted accordingly), when in fact it has a much wider range of applications.

Chapter two takes on the issue of production and markets, tracing it from the artisanal mines in eastern DRC to the global market, and to the manufacture of final end products. Chapter three outlines the links between coltan and conflict in the DRC. This is a chapter that one feels could have been dealt with in greater detail, but it is a relatively short book on the whole, and this aspect of the problem is handled in proportion with the others. Advocacy, campaigns and initiatives are the subject of chapter four, and here, the discussion flows smoothly between, and ties together for the reader, United Nations-led initiatives, NGO campaigns and industry

responses. In spite of the fact that some misperceptions were created, the impact such campaigns have had was no small feat, given that the mineral itself had been largely unheard of until that point, and that it makes up such a small and invisible part of the electronic devices that we use. The final chapter deals with the future of coltan politics. The closing message of the book confirms that the book is aimed primarily at activists (at various levels), with the intent being to ensure that those who do attempt to take action, possess adequate knowledge about the issue to be on target and useful .

Overall, the book gives an even and balanced handling of the key issues: the production of coltan (mining practices and property rights), the trade (both domestic and international), and the demand (both the corporate and consumer angles). The manner in which the book is written and the liberal use of useful tables, boxes, figures and other graphics (photos of NGO campaign posters, for example), make it exceptionally readable.

The importance of coltan and its connection with armed conflict in the DRC has declined since its peak in the early 2000s, which may prompt some to question the continued relevance of the book at this point in time. But as a work that succinctly and yet comprehensively highlights the complexities of a conflict-related resource from a variety of important and interrelated perspectives, it surely contains lessons that can be applied to other conflict-related resources, present and future, in the DRC and elsewhere.