

Regional Intervention in Fragile African States: Comparative Case Studies of South Sudan and Lesotho: Any Lessons Learnt?

Martin Rupia *

Abstract

African conflicts have continued to be protracted and unresponsive, frustrating conventional interventions. Consequently, the concept of African Solutions for African-Centred Solutions (AfSol) has increasingly become the default alternative. To this end, politico-military crises in South Sudan and Lesotho in 2014 and the interventions by IGAD and SADC respectively, have shown remarkable similarities. South Sudan, saddled with an unclear leadership succession as the country approached the scheduled 2015 national election, the Sudan People's Liberation Movement (SPLM) National Liberation Council convention of December 2013 became a battleground that dragged the country into civil war. Curiously, the same happened in Lesotho when the country was faced with a vote-of-no-confidence in June 2014 and Prime Minister Thomas Thabane dismissed key government officials, prorogued the parliament and removed the Army Commander plunging the country into civil war. When each of the fragile states reached this stage, the sub-regional economic and security organisations (RECs) of IGAD and SADC, respectively, intervened. This paper assesses the implications and impact of those interventions, under the rubric of AfSol in order to discover any lesson learnt. Findings of this case study reveal that the philosophy of AfSol is a possible tool of intervention that could also be extrapolated to other conflict scenarios elsewhere on the African continent.

Keywords: African fragile states, RECs intervention, AfSol

Introduction

On 19 December 2013, the Heads of State and Government of the Intergovernmental Authority on Development (IGAD) rushed to Juba, South Sudan, for an emergency three-day intervention to stop what has become accepted as the “ethnic cleansing” of Nuers by mainly Dinka armed elements associated with the Government of the Republic of South Sudan (GOSS). (UNMISS South Sudan Crisis Report, May 2014;

* Martin Revayi Rupiya (PhD) (rupiy@unisa.ac.za; mrupya@gmail.com) is head of Management of Democratic Elections in Africa (MDEA) in the Institute for African Renaissance Studies (IARS), University of South Africa (UNISA).

Amnesty International Report, May 2014: Nowhere Safe: Civilians under Attack in South Sudan; IGAD 23rd Extraordinary Summit 27 December 2013). The IGAD intervention was complimented by the UN Security Council passing UNSC/RES 2132 (2013) which authorised the immediate increase of UN Mission in South Sudan (UNMISS) force from 5 700 to over 14 000.

The fighting broke out on the evening of 15 December and soon spread throughout Juba city over the next couple of days. It resulted in the power struggle between President Salva Kiir Mayardit and Dr. Riek Machar who were competing before the sitting National Liberation Council (NLC) of the Sudan People's Liberation Movement (SPLM) to choose a leader who would be the movement's choice for the presidency in the scheduled national elections in 2015 (International Crisis Group (ICG), Africa Report 223: 2015; Okello, 2015: 134, 136, 149).

The Human Rights UNMISS and Human Rights Watch reports cited above reveal that elements drawn from National Security Service (NSS), National Parks Service (NPS), the regular Presidential Guard, the Tiger Battalion and a militia group recently transferred to Juba from Greater Bahr al Ghazal for a mission known as the Mathiang Anyoor which in Dinka is Dut-ku-Beny, meaning, "Rescue the President". The force totalled to 15,000 cadres drawn from four brigades. (Sudan Radio Tamazuj, The Mathiang Anyoor, 30 March 2015). The result of the military action produced a pogrom, forcing ethnic Neur to flee into Police Stations and UN sites for safety with many relocating to the Northern Counties of Malakal and Upper Nile. With unremitting intent, the cleansing continued during the last week of December 2013. While scenes of bodies mounted on the streets in Juba, in this television war, as well as thousands of internally displaced people (IDP) reduced to misery, the calls for robust intervention grew into a crescendo. Externally, the United Nations Security Council, on 24th December 2013, unanimously agreed to increase UNMISS' strength from 5 700 to over 12 0000 with a mandate to partly provide security for civilians. As the conflict continued to escalate, the sub-regional body, IGAD converged for a meeting in Juba, in a bid to bring to an end the infighting. In undertaking this rapid intervention, only days after the fighting broke out, IGAD demonstrated the important and inherent advantages of AfSol that include proximity, a historical sense of unfolding conflict and the flexibility and commitment to respond. For example, some of the fleeing people from the conflict had become internally displaced and destitute while others already sought refuge in the neighbouring states of Ethiopia, Kenya, Uganda and Sudan (Khartoum).

Furthermore, IGAD's intervention also confirmed the structural integration with the characteristics of the conflict as well as demonstrating the organisation's sub-regional mandate to maintain peace and security contained in the regional founding documents and inherent mandate (Ijejiaku, 2011: 62-66). It is also true that the intervention by IGAD member states was at each country's expense including subsequent support from the existing peace fund. The priority for IGAD was, therefore, to restore the stability of the imploding central government while responding to humanitarian distress as it sought to curtail the ethnic pogrom between the Dinkas and the Nuer that had the potential to engulf not only the country but also the sub-region (ICG 29th January 2015, Africa Report: 233).

In the search for comprehensive agreement that followed, significantly, the IGAD/ AfSol intervention was able to open lines of dialogue and communication between the warring security commanders, which was fed directly into the political process. Within days, this culminated in a Cessation of Hostilities Agreement (CoHA) during a meeting hosted in Addis Ababa on 23 January 2014. However, several fundamental questions remain for us to understand the nature and context of the conflict in South Sudan better. These include, why did the fighting within the SPLM, characterised by ethnic, linguistic and even regional divisions, erupt with such ferocity on 15 December 2013? This can also be viewed differently, reflecting the determination of the current leadership of the SPLM to block Dr Riek Machar from ascending to the presidency? In executing this through military means, how was it possible for Salva Kiir to be able to have a 'willing' readily available force against actual and perceived opponents? Finally, because this discussion is about the utility of AfSol in African problems, we need to ask whether or not the IGAD intervention is likely to provide a sustainable solution to the crisis in South Sudan.

The second comparative case study of the intervention by sub-regional bodies exercising AfSol characteristics was conducted in 2014 in Lesotho, Southern Africa. This followed the deteriorating political relations in a fragile coalition led by Dr Thomas Thabane, President of the All Basotho Congress (ABC) party, who had been precariously in power since May 2012. At the time of the consummation of the Coalition by parties that had a single thread in common, hatred of the outgoing Prime Minister, Pakalitha Mosisili, experts expressed scepticism that the new government would last. These fears were soon to be proved correct. Early in the new year of 2014, charges of serious corruption were being laid before Coalition partner, Deputy Prime Minister (DPM) Metsing, and leader of the Lesotho

Congress of Democrats (LCD). Faced with the possibility of a parliamentary vote of no-confidence by parties that were able to muster a majority, Thabane reacted by proroguing parliament and denying them the platform to constitutionally remove him from power. In parallel, his administration continued attempting to arrest and detain the identified corrupt members of the Coalition. With the threatened political elite facing incarceration, on the night of 30 August 2014, the Lesotho Defence Forces (LDF) launched a military coup at 3:00 AM in the morning. The coordinated targets of the military coup were instructive. First, the armed units attacked and disarmed occupants of the Police Headquarters and surrounded police stations in the capital. Lesotho's sixth military coup in Lesotho since independence reflected serious political and civil-military relations characterised by a sharp division between the army and the Royal Lesotho Mounted Police (RLMP).

In conjunction, other hard driving units raced to the State House, attempting to eliminate the PM, as well as residences of the Police Commissioner and that of the newly installed Chief of Lesotho Defence Forces, Lieutenant General, Maaprankoe Mahao. After decapitating the executive and the commanders, the third target was the nearby Government Buildings and senior public sector officials. The immediate impact of the military coup was to comprehensively dislocate the executive, dismantle the police and the public sector.

Bloodshed was saved by the prompt action of South Africa, given the widely expressed intention to carry out the military coup against the background of failing constitutionalism. Hence, PM Thomas Thabane barely escaped with the assistance of South African intelligence services and close security agents who spirited him over the border into the nearby town of Ladybrand in South Africa only hours before his official residence came under attack. It also later emerged that Mahao escaped by hiding in an outside toilet while his residence came under sustained rifle and machine gun fire. Around the executive were also over one hundred Director Generals, Principal Secretaries and staffers fleeing to South Africa where most were quickly put up in a tent city.

The following morning, the face of military coup stepped from the shadows, in the form of DPM, Mothetjoa Metsing, announcing that he was in charge and calling for calm amongst the citizens. In this, the coup making trend Lesotho continued was described as one characterised by violence and assassinations with impunity (Makoa, 1996: 5).

In parallel, in the immediate aftermath, the Deputy Police Commissioner and Interpol representative in the country, Assistant Police Commissioner, Lehloka Maphatsoe, issued a statement, advising all police details throughout the country not to report for duty, not to wear distinctive police uniform-as the military spread throughout the small geographic country forcing police details either to seek refuge in South Africa or to stay at home. This continued for several days as evidenced below:

For five days, Maseru streets seemed normal by day. But police force was conspicuous by its absence...many police officers are in hiding, others have fled into South Africa and the remaining ones have been advised not to wear uniforms (Andrew Beatty, 2014: Agence France Press (AFP) reporter, 3 Sep 2014),

This left the country without any policing as power at the centre shifted from the Coalition Government to the putschists. Such an event was a familiar development in Lesotho; it represents a well-established tradition of politico-military crisis that dates back to the days when Chief Jonathan Leabua carried out the first coup in January of 1970. An act described as “...setting in motion an authoritarian agenda characterised by brute force, naked oppression and de-facto one party state rule” (Makoa, 2004: 86). Forty five years later, nothing changed, with the new players taking advantage of the opportunity in consolidating power through the rapid and extensive reform of quasi-state or non-state security institutions (Khabele and Pule, 2003: 41-42; Pefole, 2004: 50-51).

Against these events in Lesotho, the sub-regional body, the Southern African Development Community (SADC), called an Extraordinary meeting in which the South African Deputy President, Cyril Ramaphosa, was appointed to lead the intervention in Lesotho. Clearly, the SADC intervention did not invoke the usual African Union protocols on the unconstitutional removal of an elected government which would have resulted in the immediate suspension and ostracisation of the putschists in Maseru. Instead, the sub-region adopted a different approach of dialogue and engagement. This is instructive in the lesson on methodologies that emerged in this case study. Hence, SADC was prepared to engage with the political head, Metsing, and the military chief, Lieutenant General Kennedy Tlali Kamoli.

Only days after the coup, on 3 September 2014, SADC close protection forces

drawn from South Africa and Namibia returned to Maseru with Thomas Thabane to start a process of consultation with all political and military players.

When the fighting started in Juba on the 15th and 16th of December 2013 and later spread to other counties, IGAD member-states rushed to intervene, hosting the first meeting in the capital of South Sudan on 19th December. While engaging all parties in the unfolding conflict, IGAD issued a communiqué urging restraint and dialogue (African Union Communiqué 21 December 2013; Wanyeka 7 May 2014; ICG Africa Report No. 228 2015: 3, 5-10, 19). The same was true when the crisis in Lesotho broke out; SADC issued a communiqué declaring its readiness and willingness to intervene (Maseru Facilitation Communiqué 2 October 2014). However, while we have taken liberty of placing these initiatives within the AU's AfSol alternative, strands and commitment to the sub-regional crises had long been on the agenda of the two RECs that enjoyed the advantages of proximity, historical and geo-political linkages.

However, in order to understand the dynamics in the Lesotho case that led to the military coup and SADC intervention better, there are a number of questions that must be answered. These include who, why and how the key players decided on the option of the 30th August 2014 military coup? How and to what extent did SADC respond? Finally, what lessons does the Lesotho case offer in relation to AfSol?

Conceptually, what is AfSol and can we trace its most recent policy history? Furthermore, what contemporary developments can be identified as the key drivers resulting in AfSol becoming the preferred instrument in the conflict resolution matrix in Africa? (Kasaija, 2011; Muna, 2011). For purposes of this research, the guiding AfSol platform is informed by the 2009 decision adopted by the AU Heads of State and the Government of Tripoli on the question of "Eliminating Conflicts in Africa and Promoting Sustainable Peace." To this end, the AfSol notion is constructed around the three pillars of commitment to finding lasting solutions; preparedness to share norms and values and finally, the integrated and inherent characteristics of the conflict dynamics in the neighbouring state that have the ability to poison regional stability and, therefore, resulting in the sub-regions staying in power beyond the frustrated and departing external partners from elsewhere. AfSol is also integrated within the AU APSA pillars as a necessary alternative to flagging international interest in the prosecution of protracted conflicts.

Data presentation in this paper is organised in two sections, followed by analysis and recommendations. The discussion begins by examining the contemporary crisis that broke out in Juba, South Sudan, during the third week of December 2013 and culminated in the accompanying intervention by IGAD. This is followed by a review of the crisis in Maseru, Lesotho, that reigned from mid-2014 to July 2015 leading to SADC's response from 3 September 2014 until the perceived misdemeanours of the new regime in July 2015. The third section then attempts to integrate lessons learnt from the two case studies, focusing on the utility or otherwise of AfSol as a guiding concept, before making recommendations.

This paper argues that while there are inherent advantages in AfSol, such as proximity, legitimacy and commitment, these attributes are however, undermined by the policy and structural weaknesses of the umbrella structure under which RECS are expected to exist, that of the African Peace and Security Architecture (APSA). In a clear demonstration of this local ownership, member states provide own resources without reimbursement when undertaking recovery intervention in crisis states. For instance, the most recent and comprehensive ten-year assessment of APSA found out that sub-regional member states such as Ethiopia, Eritrea and Uganda versus Sudan (Khartoum) are still fighting each other or ready to do so. The same is true of the challenges of competing RECs such as the East African Community (EAC) whose members also have membership in IGAD. Practice has shown that countries will then pick which REC to work with depending on own interests and where they would not be challenged or compelled to justify participation. Worse, in the Maghreb, North Africa, even after a decade, the above report found no political will to have ASF structures in place (AU 2010 Assessment Study: 18, 22). This absence of military capacity cohesion is reflected in the manner that each of the RECs is able to respond or otherwise to a crisis in a neighbouring state.

South Sudan

The SPLM, after more than two decades of protracted armed struggle, won the right to establish a new state in a popular referendum of January 2011 in which 99% of the people voted for secession (The Guardian 30 January 2011). The Movement assumed office in the new state of South Sudan on 9 July 2011. Faced with an imminent election in October 2015, the SPLM decided to hold a National Liberation Council Conference (NLCC) to elect its representatives. On 6

March 2013, the SPLM's Political Bureau announced plans to hold the 3rd NLCC in Juba by the end of the year. On the agenda were three basic documents to be considered for adoption. The first was a revised constitution of the party, aimed at transforming the Movement into a political party. The second sought to define the code of conduct and guiding relations of party cadres to uphold the image and integrity of the party. The final document was a prelude to the elections – the party's draft manifesto designed to draw mass support for the SPLM in the impending national elections of 2015.

Soon after the NLCC statement, Vice President, Dr Riek Machar, promptly announced his intention to challenge for the party leadership at the convention. Machar had earlier challenged the leadership of Dr. John Garang de Mabior when the Comprehensive Peace Agreement (CPA) was signed on 8 January 2005. When this raised ethnic tensions, at the time when the Movement was preparing to enter into government, IGAD sub-regional leaders had succeeded to compel both leaders to postpone the obviously divisive contest until after attaining the prized political goal. A quiet agreement had been reached to share power and only after attaining independence would contestation be entertained. In practice, this, therefore, meant that Machar's position was a negotiated one - that was part of finding an internal solution for the interim. However, Garang, barely three weeks after he had been installed as the First Vice President of Sudan, was killed on 30th July 2005 in a helicopter crash on his way from Kampala, Uganda. According to the one time Secretary-General of the SPLM, Pagan Amum, the leadership based in the New Site, moved swiftly to elect a new leader in order to close the power vacuum. Significantly, they did not elevate Machar to the presidency of the party. Instead, the new decision propelled one of the closest allies of Garang, Salva Kiir, a military commander into the Chairmanship of the SPLM (China Daily: 2 August 2005). It is, therefore, true to say that the sudden death of Dr. John Garang de Mabior opened up, yet again, the unresolved leadership question.

The negative reaction to Machar's announcement to contest the leadership of the party was swift. In order to maintain clarity and brevity on the identification of the conflict characteristics, just weeks after Machar's announcement, on 15 April 2013, President Kiir publicly announced the stripping of "all delegated powers and positions" of Machar. Next, on 23 July, suspecting that Machar may have supporters amongst key cabinet members, the President dismissed the entire body making the announcement on state television. He also followed this by suspending

parliament - effectively concentrating power under his stewardship.

This event failed to intimidate some senior officials such as the party's Secretary General, Pagan Amum and Garang's widow, Rebecca Nyandeng-Garang. These and other former cabinet ministers, the former detainees, now known as the "Group of 13" (G13) pledged their loyalty to Machar on the issue of succession. The G13 also held a series of press conferences at which they announced their preparedness for a showdown at the NLCC, challenging what was perceived as unilateralism by the President Kiir. The important point was that the crisis was now characterised by a unilateral rule by decree leader with no cabinet, government or neutral, senior state officials of the public sector in support. Finally, as the above was playing itself out, the impact of the political fallout was most manifest in the security establishment. This now appeared to be operating with only partisan forces, ready to willingly coerce and compel loyalty to the presidency (ICG Africa Report 2015, No. 228: 1).

In the pogromme that followed, part of the evidence focusing on preparation for civil war emerging was that in 2012, the four governors of Greater Bahr al-Ghazal where President Kiir comes from, launched an initiative to raise a militia force under the auspices of what they perceived as threats coming from Upper Nile and Sudan (Khartoum). A force of approximately 12,000 gathered for training as reported by the President's Guard Commander, Major General Manial Chanoug, when interviewed by the AU team after the crisis. This new militia became known in Dinka language as the Mathiang Anyuoor, Dut-ku-Beny, meaning, "Rescue the President." From this force, a unit of approximately 300 men had been hastily brought into Juba from Lira, by elements of the National Security Services (NSS). On arrival in the city, the Mathiang militia was co-located with the presidential Tiger Battalion based at Giyada. With a partisan force ready to take orders from the leading political elite, the identified characteristics now facilitated transgress into civil war.

This style of raising forces in South Sudan was consistent with SPLM/A practice during the armed struggle period and afterwards. In response to the intransigence to disarmament of these forces after independence in July 2011, GOSS had adopted an umbrella strategy allowing all militia into the tent while rewarding their ethnic and regional-based commanders. Related evidence shows that in the two-year period of 2011-2013, for the 8 million populations, a security establishment of

over 300,000 forces had been assembled. This was divided as 125,000 regulars and 175,000 militias while 100,000 were absorbed into the civil service (Sudan Radio Tamzuj, 30 March 2015).

Events leading to the Pogroms

As the Congress drew near, on 6 December 2013, the G13 held a joint press conference in Juba, at which they denounced the Kirr administration for harbouring undemocratic tendencies and preferring unilateralism. At the opening of the NLCC on 14th December 2013, President Kirr started his speech with a blistering attack on Riek Machar, accusing him of defection from the SPLM and joining the “enemy”- Khartoum - as well as committing crimes of ethnic cleansing against the Dinkas, in 1991, in the Jonglei State (Human Rights Watch 1994). On the latter accusation, Machar had admitted to have been responsible and asked for forgiveness. However, this now appeared to have not been forgotten or accepted. Isolated, publicly humiliated and not given an opportunity to state their case, Machar and the G13 then boycotted the conference on the following day, 15th December 2013. That evening, President Kiir appeared on State Television, dressed in full battledress and continued in the same vein, berating those who had absconded from the meeting, accusing them of treason and attempting to carry out a coup. Later that evening, the presidential address acted as a trigger as armed units broke cover from government military barracks proceeding to “known Nuer residential areas” where house to house extra-judicial killings began. (Okello 2015: 133-136; Interim Report on Human Rights Crisis in South Sudan, the Human Rights Division of UNMISS, 21 February 2014). The above documents all recorded approximately 225 people, mainly Nuers, losing their lives by 16 December 2013. A further 300 to 450 Nuers rushed to Police Stations seeking refuge. However, the pursuing Mathiang Force is reported to have followed, firing indiscriminately, killing several scores and injuring hundreds. This trend continued on the 17th and by December 18th, had left in its wake, carnage and “ethnic cleansing.”

Machar and most of the G13 as well as the internally displaced ethnic Nuers fled back to their original counties such as Malakal in Upper Nile, capital of Jonglei, Bor as well as the northern city of Bentiu in Unity State. This was the point at which the UN Security Council held an emergency session in parallel with similar efforts by IGAD from 19 December 2013. In the escalating civil war between Kirr and Machar, it was soon evident that the former had a bilateral military agreement

with Kampala, Uganda while it also emerged that the latter enjoyed war materiel and diplomatic support from Sudan (Khartoum). Not only did this influence the manner in which the war was being fought but it also reduced the protagonists to proteges in a wider conflict theatre. Furthermore, this poisoned the meetings of IGAD where some had begun the gathering by calls for the Uganda People's Defence Forces (UPDF) to leave South Sudan. This did not help and severely diminished the potential for substantive intervention by IGAD.

Sudan Case Study Observations

The first observation in the South Sudanese case study is the existence of tensions, flaws and historical grievances between combative political actors. In other words, the 2013 Juba crisis had deep structural and historical linkages that go back to the 1991 massacre of the Dinkas by the Khartoum-supported Riek Machar's forces and it appears that this has not been forgotten. On the part of the SPLM/A, although it seems the Movement has welcomed sub-regional militia leaders' intervention in 2005, mainly for purposes of perpetrating the armed struggle, come independence, the deep suspicion and almost abhorrence of each other could not be reconciled (ICG Africa Report, 2015: 12). This was made worse by the still fledgling leadership structures of the liberation movement that did not enjoy a robust constitution and guidelines for succession.

A further characteristic was the move to suspend government structures by the incumbent leadership. Kiir was quick to strip Machar of government and party responsibilities, suspend the cabinet as well as the legislature in order to consolidate power. This also included suspending the party's SG.

Thirdly, the case study reveals the existence of participating external parties: Uganda and Sudan. Not only did this embolden parties to seek more extreme views but also accorded the same increased capacity to perpetrate the civil war. In finding a lasting solution, the external interests have to be taken into account.

Some of the external partners are not states but multi-national companies. According to the Radio Tamazuj, citing submissions to parliament for 2013 on 30 December 2014, "the government in Juba had entered into significant debt with international oil companies to close the revenue gap after the war-related disruptions of oil exports from Abyei. At one point, the oil fields, pipelines and

extraction facilities had been burnt and stopped production. In the aftermath, Juba's national budget, a sum of USD\$ 3.376 billion was disbursed as follows: \$884m. to Khartoum as pipeline fees and debt servicing; the second major item of expenditure was, "\$781m. to Oil Companies that provided loans and cash to the Government of South Sudan (GOSS) between January 2012 to April 2013 as alternative to the resources lost when the conflict between Juba and Khartoum shut down Abyei oil exports." In fact, this sum is taken by Sudan before releasing the rest of the oil revenues as the commodity reaches the international market through Port Said controlled by Khartoum (Sudan tribune 19 November 2014; Radio Tamazuj, 30 March 2015). This meant that 1.6b. was spent on external commitments leaving a paltry 1.7b. for the rest and most importantly, financing one of Africa's largest armies per population count.

Historically, in the three short years after independence, South Sudan has failed to enforce effective DDR and move towards SSR and therefore remained weak and fragile as a state (Clapham 2001; Buzan 1991: 97-101 cited in Agir, 2012: 5). The provision of security within the sparse and remote regions had not been possible. As Nizar Messari has warned:

when a state represents a solution to the security of one group in the population then (that development) constitutes a source of threat to another group because of its exclusive tendencies (Nizar Messari 2002: 416 cited in Agir 2012: 5).

This point reflected the reality of South Sudan's insecurity, compounded by its inability to disarm and rehabilitate thousands of armed militia after 2011 and now forced to recreate a new civil military relations template of partisan forces against Nur and perceived supporters of Machar. In practice, the war had reduced South Sudan to a vassal state, dependent on external well-wishers. This could be translated into influence of external players on national policy and the ability to compromise and acquiesce in the internal feud.

Furthermore, the tendency to suspend competitors from government and the ruling party, disabling the cabinet, setting aside the constitution and the legislature, dismantling the existing public sector – especially the armed forces – for purposes of creating another are actions that are not only aimed at destroying the existing structures but, much more importantly, also to reconstitute the same but peopled

and commanded by partisan individuals, who owe their loyalty to one person – the President.

Why is it important to consider AfSol on the conflict in South Sudan? Since 19 December when the IGAD Heads of State and Government descended on Juba, that mission lacked impartiality, neutrality and cohesion as Uganda and Sudan were interested parties, already deeply involved with factions that later broke into the competing civil war. In the intervention by IGAD in the crisis of South Sudan, the only tangible achievement appears to be the CoH agreement reached on 9 January 2014. Beyond this, the sub-regional body failed to make an impression. In late 2015, the United States and other powers called for the two parties to reach a coerced agreement, compelled by threats of sanctions and the possible reference of the case to the International Criminal Court (ICC). After much haggling, Uganda began to withdraw its forces while Sudan was engaged in a broader dialogue with the United States to reach a rapprochement on international sanctions in which aspects of its role in Juba was also a footnote.

These almost spurious aspects can be cited as the achievement of AfSol in the deeply divisive and protracted conflict between Riek Machar and the SPLM-In-Opposition (SPLM-IO) and Silva Kiir representing the SPLM and government as well as a third component of those who remained in Juba and were detained during the December 2013 clashes. This group is now known as the SPLM former detainees, adopted their name as SPLM-Leaders. While each of the three factions has managed to gain international recognition as well as supporters from some of the countries in the Horn and IGAD, complex and protracted negotiations to reach an amicable settlement between the three remains work in progress as we write. Against that background, it is therefore difficult to cite AfSol as having provided an alternative mechanism to conflict resolution in the South Sudan crisis.

Lesotho - The Kingdom in the Sky

In May 2014, Lesotho experienced an unprecedented political reorganisation when a major faction of the recently ruling LCD, with 12 seats, led by its former secretary general, Metsing, joined forces with Thabane of the ABC, with 26 seats, and Thesele Maseribane of the Basotho National Party (BNP) who had secured 5 seats. These were from the 80 constituency-based elected seats. Based on this, wafer-thin majority, Thabane was propelled into power as Prime Minister with a wafer-thin 61

majority in the 120 seat parliament after adding the 40 non-constituency seats. This left former Prime Minister, Pakalitha Mosisili, who in February 2012 had suddenly broken from the LCD after refusing to step down as leader and establishing a new party, the Ntsu Democratic Congress (DC) (after the initial founder, Dr Ntsu Mokhehle) (Makoa 2004: 100-101). On his abrupt departure, the LCD's secretary general, Metsing then took over leadership of the party. Hence, the first coalition government in the history of Lesotho was as a result of serious infighting in the long-reigning incumbent governing party, the LCD that had been in power since May 1998.

Within two years of the coalition government on power, the Coalition suffered setbacks. The main reason was the dual focus of Thabanes administration. The first was the fundamental reform of the state and its institutions and the second was an attempt to rid the state of corruption. The anti-corruption drive had unearthed serious corrupt practices by the DPM, Metsing and the former LCD, Minister of Natural Resources, Moleleki. The latter was a close ally of the former PM Mosisili. In reforming the state institutions, Thabane had succeeded in replacing the Police Commissioner, with Tsoona, seen as able and willing to take instructions, but had failed to dislodge the Army Commander, Lieutenant General (Lt Gen) Tladi Kennedy Kamoli. Under siege, the former LCD members were forced to reconcile by June 2014. Going forward, Metsing and his former leader, Mosisili reached an understanding to mount a parliamentary vote of no-confidence in Thabane and constitutionally dislodge him from power. The 41 seats available to the DC and 12 from LCD were sufficient to produce a healthy majority government.

However, following the characteristics that we witnessed in South Sudan, Thabane moved to suspend parliament - using his prerogative to prorogue the legislative assembly. He also proceeded to suspend the Deputy PM, Metsing and several of his ministers from cabinet and government. Fourthly, on 29 August 2014, Thabane relieved the Chief of Defence Staff, Lt Gen Tladi Kamoli of his command through an executive order assented to by King Letsie II (Government Gazette Notice No. 64). At the same time, the PM announced the promotion and appointment of former Brigadier, now Lt Gen Maaparankoe Mahao as the new Lesotho Defence Forces Commander. After this, the stage was set to arrest or arraign those found to have committed corrupt practices whilst serving in government.

The following night, on 30th August 2014, military units launched the sixth

military coup, targeting the PM's residence at State House; the capture and forced disarmament of the Royal Lesotho Mounted Police Headquarters and all the urban stations. Once inside the Police HQ, the soldiers ransacked the place looking for files and in the process, shot and killed Sub-inspector Mokheseng Ramahloko, who was responsible for the keys to the Armoury. Next day, the military announced that they had confiscated 250 guns and rifles from the police, "ostensibly" weapons that were on the point of being distributed to youths supporting the ABC in order to create instability (BTI Country Report, 2014; Makoa, 2004; Matlosa Neville, 2003).

Coup or No Military Coup? A SADC Perception

After the military coup of 30th August, soon followed by the official statement by DPM Metsing that he was now in charge, SADC reaction was surprising. The body was unwilling to acknowledge its reality, seeking instead to engage all parties while partially restoring Thabane to power. The appointed mediator, Cyril Ramaphosa then visited Maseru in the company of the fugitive PM Thabane who was now under close armed guard by SADC forces, protected in his own country from the local, still belligerent security establishment.

A political solution was reached in October 2014 when all the parties signed the Political Facilitation Agreement. At the core of this agreement was a snap election to be held at the end of February 2015. It is instructive to note that this agreement had been preceded by the Windhoek Agreement at the end of July that was soon ignored by all the parties when they returned to Lesotho. The implication of this was that, the Lesotho political elite appear to view and react to South Africa and the rest of SADC differently. The former is able to exert more direct political, economic and even security pressure, while the rest can only offer symbolic remonstrations. In suggesting a snap election as the exit for its intervention, SADC intervention hoped this would be the panacea.

Furthermore, against the background of security challenges and the unprecedented open clash between the army and the police, a complimentary Security Facilitation Agreement was reached during the third week of October. The agreement compelled the three commanders, Kamoli and Mahao of the Armed Forces and Tsoona of the Police to distance themselves from the political process until after the elections. Kamoli was destined to leave for Kampala – and refused, while Mahao – curiously for this comparative case study, relocated briefly to Juba, South Sudan, and Tsoona left for Algiers in Algeria.

Evaluating SADC Intervention in Lesotho - September 2014 to July 2015

An important feature of the evaluation is to measure compliance against the Agreements reached between Lesotho and SADC. One of these was the security agreement that Kamoli ignored in the run up to the snap election. SADC appeared unwilling or not ready to have in place the necessary carrots and sticks to ensure enforced compliance. Subsequent evidence revealed that Kamoli remained in total control of the army. For instance, on 13 February, barely a fortnight before the scheduled election of 28 February, the Army wrote to the beleaguered PM Thabane “advising that for national security reasons, it was going to deploy forces countrywide.” Alarmed at the implications and insubordination, Thabane rushed to SADC, reporting the persistent and pervasive role of the military in politics. An exasperated SADC held an emergency meeting on the issue. The result was that SADC ordered that the LDF be quarantined in the barracks for the period of the elections, until 30th March 2015. Aware of the existing policing gap, SADC authorised the immediate deployment of 475 police, drawn from the 12 mainland Member-States. In practice, each member state, on its own costs, agreed to second approximately a platoon-sized police contingent to the electoral process in Lesotho. This action and related decisions reflected the degree of ownership, commitment and shared values that SADC possessed and exercised in its intervention in Lesotho. Holding a free and fair democratic election in Lesotho was upheld by SADC. Viewed the long-term effect and against the background of skewed civil-military relations, this was a critical point in which the country was ripe for extensive Disarmament, Demobilisation and Reintegration (DDR) as well as Security Sector Reform (SSR) facilitated by SADC at that point and even after the elections to result in a lasting solution. However, this opportunity was missed.

The snap election result produced a conundrum. Thabane lost to his nemesis, Pakalitha Mosisili of the DC even after securing 50% of the 40 seats. Pakalitha was also able to put together a strong coalition of 7 parties that left the LCD, Metsing holding onto his DPM post. In the new appointments that emerged, the mercurial Monyane Moleleki was now appointed Minister of Police-Home Affairs after the Commissioner; Khothatso Tsoonaa was dismissed on allegations of corruption.

As the new government was being put together, members of the political opposition fled fearing assassination. The first to go on 11 May was the ABC leader, Thomas Thabane who cited credible threats that had forced him to seek refuge in South

Africa. Two days later, on 13 May, Maseribane of the BNP also fled the country. Finally, on 26 May, the leader of a newly established political party, the Reformed Congress of Lesotho (RCL) Ms. Keketso Rantso had to physically fight off armed attackers from her residence after her guard outside the residence had been shot at and forced to flee. Moments later, Rantso hurriedly packed a bag and fled across the border into South Africa. More chillingly, the flight of the political opposition leaders followed the assassination of a known prominent businessman and financial backer of the ABC, Thabiso Tsosane. Tsosane was shot dead by unknown gunmen after meeting Thabane. Afterwards, the government appeared reluctant to pursue an investigation to find out who carried out the attack. This prompted the US Ambassador in Maseru, Mathew Harrington, to issue a statement citing security deterioration and lapses in Lesotho. On 14 May 2014 when SADC closed its office signalling completion of its intervention, Mosisili reinstated Kennedy Kamoli as CDF. A week later, on 21 May, Mosisili demoted Lt. Gen. Maaparankoe Mahao back to the rank of Brigadier (Lesotho Times, 28 June 2015).

Soon afterwards, Lesotho was thrown into a deeper political and security crisis. The reinstated CDF, Kamoli, launched a ferocious campaign against Mahao and several officers in the LDF perceived to have been or continue to be against his command on allegations of treason. Within weeks, over 56 Senior and middle ranking officers had been “kidnapped-tortured” at the notorious Makoanyane Barracks before being hauled to the courts in humiliating manacled wrists and leg-irons (Jordan 2015). At approximately 3 pm on 25 June 2015, a military unit, driving in a convoy of three vehicles, blocked, shot and killed Mahao. In the preliminary reports sent to the UN by Mahao’s brother from testimony gathered from the witnesses who noted the conversation between the troops as they were reporting over the radio after the shooting to headquarters:

“Re mo fumane. Re mo thuntse. Ke na le Sajene Makara [We found him. We shot him. I am with Sergeant Makara”] (Statement by Mahao’s two nephews who were present when the shooting occurred on 25 June 2015 submitted to the media and the United Nations by Mahao’s brother: Prof Nqosa Mahao, Vice Chancellor of Roma University, Lesotho).(Quoted Sunday Express, 28 June 2015)

This event plunged the Mountain Kingdom into political and security instability and embarrassed SADC who called for the safe return of all three politicians

currently hiding in South Africa. Next, SADC directed that pathologists and a technical team be dispatched to Lesotho immediately to ascertain Mahao's cause of death. (Sunday Express 28 June 2015) The Extraordinary Summit, condemning the brutal killing of Mahao, called on the military in Lesotho to immediately stop the campaign against officers who had allegedly committed treason. An independent Commission of Inquiry into the state of events in the Kingdom was authorised. Shocked at the deteriorating security situation in Lesotho, SADC Member States comprising South Africa, Botswana, Namibia, Malawi, Lesotho and Zimbabwe, pledged four million independent inquiry (Lesotho Daily: Zihlangu: 9 August 2015). Furthermore, an Early Warning Oversight Committee on Lesotho was also established. This was made up of two representatives of each of the Member States cited above, drawn from political representatives, the army, intelligence and police. The action taken by SADC in its intervention in Lesotho has been viewed as intrusive, raising the ire of the ruling party in Maseru. However, the level of crisis has continued. For instance, even as the SADC Commission of Inquiry was holding its consultations, engagement with the political opposition in exile continued and the commissioners had to travel to South Africa to conduct meetings.

The reality in the Lesotho case study was that, although the parties in conflict, after the coup, appeared to be willing to engage with SADC, in practice, those in power have simply brushed aside any advice and continued to entrench its hold on power. There has been let up in the threats on those in exile, comprising officials being returned from foreign embassies, senior public sector officials that have remained outside the structures of the new government and a highly reformed and politicised army with a new police responsible for internal and external security of the new, highly militarised state. It is, therefore, true to argue that the crisis in Lesotho has not been resolved through the intervention of the sub-regional initiative or AfSol.

What lessons can be drawn from the two case studies to inform the AfSol intervention mechanisms?

There are at least five significant lessons that emerge from the analysis of the comparative case study of the political and military crises that have gripped South Sudan and Lesotho since 2013 and 2014, respectively.

The generation of perpetual rulers - The first lesson learnt is that incumbents

in Juba and Maseru are not prepared to relinquish political power even under democratic norms. When challenged, they adopt violent and emotional reaction towards competitors. In practice, they are unwilling to observe either party or national constitutions. The important lesson here is that Africa has a generation of firsts amongst equals – a class of leaders who cannot countenance change and are not prepared to put in place leadership succession plans beyond their rule. President, Silva Kiir, Dr Riek Machar and Prime Ministers, Pakalitha Mosisili, Thomas Thabane and DPM, Metsing, once faced with the prospect of relinquishing power, have invoked the disabling of conventional structures. All the leaders reveal that the use of democratic notions of succession is alien in their pursuit of power retention. Hence, the life and times of parliaments in Africa being transient, has huge implications for the usefulness of AfSol as this is based on the principles of commitment, ownership and forged, shared values to bring peace and security to the two countries.

It is also true that these two African states have not been successful in conducting DDR and SSR and are, therefore, saddled with partisan forces that lack the important national characteristics. Hence, the quasi-armed national forces have no compunction to turn their weapons on citizens culminating in civil war.

Weak and fragile governments susceptible to marginalisation and implosion - The second lesson is the fragility of institutions that are susceptible to manipulation by the incumbents when they suspend the constitution, deny political opponents the opportunity to hold public office, and suspend parliament in order to rule by decree. In reality, government is reduced to rule by a dominant faction.

Politics and military power - An important observation and lesson learnt is that of political actors depending solely on the support of the military in order to stay in power. In Juba and Maseru, the competing leadership has shown that unilateral political power is dependent on the military. As President Silva Kiir openly stated, a year later, in November 2014, “Mathiang Anyour saved Juba when the army was not there,” asking rhetorically, “ok, if I didn’t bring Mathiang Anyour from Bahr el Ghazal, would you be staying here in Juba now?” Significantly, it also emerged later that neither Kuol Manyang from the Ministry of Defence nor the SPLA General Staff under General James Hoth Mai had authority over the militia group that sparked the mass killings. Instead, the Generals admitted that the militia group, Mathiang Anyour, “was tied to top politicians and was paid

from the president's office, significantly, after the army refused to provide for their salaries and wellbeing." (Radio Tamazuj Exclusive 9 March 2015).

In Maseru, SADC was alarmed at the brutality and violence of the military against political opponents, killing key figures within the country such as Thabiso Tsosane – a prominent financier of the ABC and the late Army Commander, Mahao. The rest of the political opponents were forced to flee the country (Bongiwe in Lesotho Times 2 July 2015; Mohlobi in Lesotho Times 5 July 2015). In both case studies, typical characteristics were the subsequent expulsion of all senior officials in the public sector, officers and other ranks from the state structures and the recruitment and "strengthening the same with perceived loyal cadres." In the case of the military, this has resulted in the most partisan force to be holding national arms. In Lesotho, the perceived impunity was noted when the new Minister of Defence, Tseliso Mokhosi, attempted to water down the SADC terms of reference for the Commission of Inquiry. In this, Mokhosi, in an apparent reference to assure the military from future prosecution, pointed out that the Independent Commission of Inquiry on Mahao's death would be conducted under the laws of Lesotho.

Furthermore, the final product would be submitted to the Prime Minister and subject to his discretion on the way forward. (Bongiwe in Sunday Times 5 July 2015). Significantly, Mokhosi added that, "evidence in the Commission's Report is not for purposes of prosecution." That official statement clearly provided relief to the soldiers involved in the series of assassinations and other atrocities committed on behalf of advancing the factional political agenda of the now ruling clique.

AfSol's sub-regional intervention and its limitations - While AfSol, as a concept that emerged in 2009, is concerned with the "Elimination of Conflicts in Africa and the Promotion of Sustainable Peace", implementation through interventions by the AU and its RECs has so far not succeeded in producing the desired results, at least based on the two case studies examined here.

The pervasive role of external players -The presence of minerals, exportable fresh water and significant hydrocarbons has spawned the interests of new and powerful external players from state and non-state commercial undertakings. The presence of the new actors in the resource-endowed conflict states have transformed the dynamics of finding lasting solutions with factions attempting to capture the state with the support of external supporters. In the interactions noted, corruption has

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reared its ugly head in both South Sudan and Lesotho. As we saw, in South Sudan, the National Budget of 2013-2014 presented to parliament acknowledged receipt of substantial sums as loans by government from commercial actors in the wider international community when revenues from Abyei were disrupted (Sudan Tribune, 19 November 2014). This was on the basis of guaranteed payments to be made once the state stabilized. The same is true with fresh water, diamonds and other export commodities extracted from Lesotho by multi-national companies and enjoying access to the lucrative United States' markets. However, their presence and influence has now part of the conflict matrix and resolution without which no solution is possible. The same is true of Lesotho, now a diamond mining country with access to the United States market through the preferential African Growth and Opportunities (AGO) Act that has allowed Asian entrepreneurs to set up shops in Lesotho.

Conclusions

African conflicts have continued to be complex, protracted and defying conventional and traditional mechanisms to resolve. The post-2009 attempts to introduce the notion of AfSol appeared a panacea for a brief moment. However, implementation has come up against deeply entrenched local interests and the existing realpolitik. In the comparative case studies of South Sudan and Lesotho, depicting crises in 2013 and 2014 respectively, key lessons associated with AfSol have been identified. The three most significant are: a) the generation of incumbents not willing to relinquish power and allow democratic processes to take root; b) the leaders' penchant to render the executive, cabinet, governmental and legislative marginal while concentrating power in their hands; c) the creation, by the leaders, of partisan military capacity for power retention. Stated differently, the conduct of governance has remained rooted in the one-party-state dominant era. Hence, only after this generation has passed, through natural attrition can proper and equitable solutions be found. The discussion also noted the inherent structural weaknesses within the RECs that are also part of the AU's APSA. To this end, while intervention in South Sudan included strengthening military factions, this, fortunately appeared not to be the case in Lesotho. In practice, both conflicts have defied the attempts to rely on the notion of AfSol, in spite of its proximity advantages to bring about lasting solutions.

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