

Doctoral Dissertation

**A Critical Assessment of Conflict Transformation Capacity in the
Southern African Development Community (SADC): Deepening the
Search for a Self-Sustainable and Effective Regional Infrastructure for
Peace (RI4P)**

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Graduate School for International Development and Cooperation
Hiroshima University

September 2014

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Southern African Development Community (SADC): Deepening the
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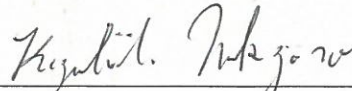
MALEBANG GABRIEL GOSIAME G.

A Dissertation Submitted to
the Graduate School for International Development and Cooperation
of Hiroshima University in Partial Fulfillment
of the Requirement for the Degree of
Doctor of Philosophy

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We hereby recommend that the dissertation by Mr. MALEBANG GABRIEL GOSIAME G. entitled "A Critical Assessment of Conflict Transformation Capacity in the Southern African Development Community (SADC): Deepening the Search for a Self-Sustainable and Effective Regional Infrastructure for Peace (RI4P)" be accepted in partial fulfillment of the requirements for the degree of DOCTOR OF PHILOSOPHY.

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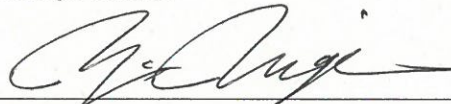


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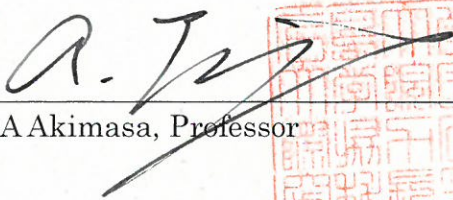


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DECLARATION

I hereby declare that this doctoral thesis is in its original form. The ideas expressed and the research findings recorded in this doctoral thesis are my own unaided work written by me MALEBANG GABRIEL GOSIAME G. The information contained herein is adequately referenced. It was gathered from primary and secondary sources which include elite interviews, personal interviews, archival and scholarly materials, technical reports by both local and international agencies and governments. The research was conducted in compliance with the ethical standards and guidelines of the Graduate School for International Development and Cooperation (IDEC) of Hiroshima University, Japan. The consent of all respondents was obtained using the consent form as shown in Appendix 3 for the field research component of the study and for use of the respondent's direct words as quoted therein.

DEDICATIONS

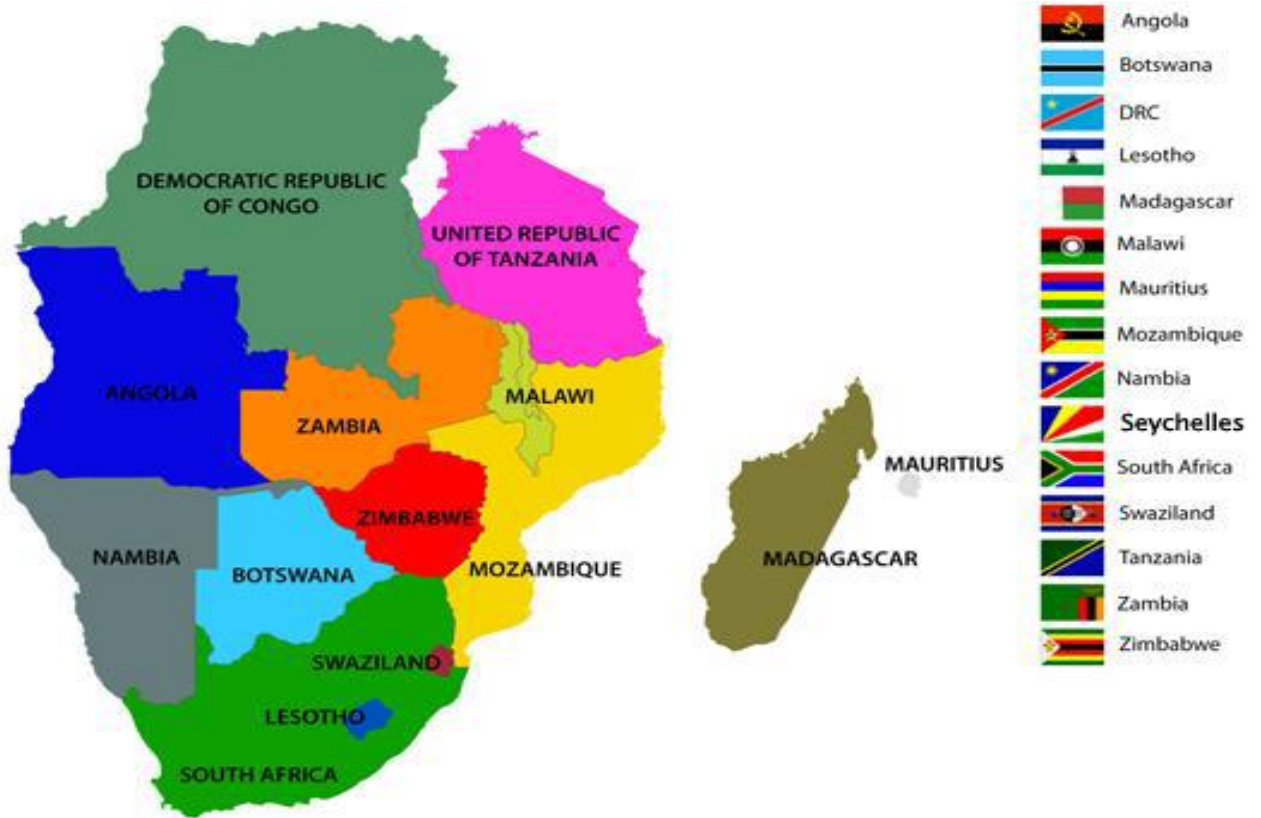
This dissertation is dedicated to the loving memory of my mother Roseline Keitumetse Malebang (1948 – 1999) and to all the people of Southern Africa.

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This work was made possible by the generosity of the Japanese tax payer through the Monbukagakusho (MEXT) Japanese government scholarship which enabled me to read for a doctoral degree at the Graduate School for International Development and Cooperation (IDEC) at Hiroshima University, Japan. This has been a most rewarding experience both inside and outside the classroom and research lab. I wish to express my profound appreciation to my two supervisors Professor Hideaki Shinoda and Professor Kazuhito Nakazono who painstakingly read drafts of this work and provided me with exceptionally insightful comments, I also thank them for their mentorship and leadership. Professors Yuji Uesugi, Tatsuo Yamane, Noriyuki Kawano and Mari Katayanagi deserve special mention for their most enthusiastic support. I wish to thank all the members of the Shinoda Seminar and all the administrative and library staff at IDEC who made my transition into academic life in Japan smooth and enjoyable. The list of those who assisted me to retrieve materials critical for this study is too long to exhaust here. However a few deserve special mention for their help at critical junctures of the study. In Gaborone; Lt. Col (Rtd) Tanki Mothae, Ms Nurse Osi, Mrs Linda Ramokate, Brigadier General Maaparankoe Mahao, Colonel L. Metikwiza, (SADC Secretariat), Mr Henrik Haartman (GTZ) and Mr Thibaud Kurtz (British High Commission, Botswana), Ambassador Charles Mogotsi (Office of Former President H.E. Sir QKJ Masire), Prof. Mpho Molomo, Prof. Bertha Osei-Hwedie, Prof. Balefi Tsie, Prof. Zibani Maundeni, Prof. David Sebudubudu, Dr Boga Manatsha, Dr Norbert Musekiwa, Mrs Victoria Botshelo Mrs Florence Mokane, Dr Dorothy Mpabanga, Dr Gladys Mokhawa (Universtiy of Botswana). In South Africa; Colonel Magare Gilbert Dithupa (Botswana High Commission, Pretoria), Prof. Anthoni Van nieuwkerk, Prof. Gavin Cawthra (University of the Witwatersrand), Dr. Cheryl Hendricks, Dr Gwinyayi Dzinesa, Ms Dimpho Motsamai (ISS), Prof. Siphamandla Zondi (IGD) Prof. Laurie Nathan (UCT), Prof. Theo Neethling, Prof. Hussein Solomon (UFS), Mrs Wendy Coleman, Mr Vasu Gounden, Mr Senzo Ngubane, Dr Grace Maina and the rest of the team at ACCORD, Durban. In Addis Ababa, Ethiopia; Colonel Phillip Lebele and Mrs Ayanda Lebele, Dr Jide Okeke, Mr Simon Baza, Mr Boy Tafa and all my interview sources at the African Union Head Quarters. In Lesotho; Mr Sekhonyana Bereng, Ms Thato Tsutsubi and Mr Craig Gulubane and all my interview sources. I also wish to thank my father Mr Odiegile Malebang and my brother Mr Joel Malebang for their love and support and to apologise to them for being an absent son and brother. I owe a debt of gratitude to the Ministry of Foreign Affairs and International Cooperation

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MAP OF SADC MEMBER STATES



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Note: Seychelles withdrew from SADC in 2004 and re-joined in 2008

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LIST OF ACRONYMS

| | |
|---------|--|
| ACBF | AFRICAN CAPACITY BUILDING FOUNDATION |
| ACT | ACTION FOR CONFLICT TRANSFORMATION |
| AFRICOM | AFRICA COMMAND |
| AIDS | ACQUIRED IMMUNO DEFICIENCY SYNDROME |
| ANC | AFRICAN NATIONAL CONGRESS |
| APCLS | ALLIANCE OF PATRIOTS FOR A FREE SOVEREIGN CONGO |
| APSA | AFRICAN PEACE AND SECURITY ARCHITECTURE |
| APSTA | AFRICAN PEACE SUPPORT TRAINERS ASSOCIATION |
| ARVs | ANTI RETROVIRALS |
| ASF | AFRICAN STANDBY FORCE |
| AU | AFRICAN UNION |
| AUC | AFRICAN UNION COMMISSION |
| CARE | COOPERATIVE FOR ASSISTANCE AND RELIEF EVERYWHERE |
| CASA | BROAD CONVERGENCE FOR THE SALVATION OF ANGOLA (CONVERGENCIA AMPLA DE SALVACAO DE ANGOLA) |
| CBM | CONFIDENCE BUILDING MEASURE |
| CCM | CHAMA CHA MAPINDUZI |
| CEN-SAD | COMMUNITY OF SAHEL-SAHARAN STATES |
| CHS | COMMISSION FOR HUMAN SECURITY |
| CIA | CENTRAL INTELLIGENCE AGENCY |
| CNDP | NATIONAL CONGRESS FOR THE DEFENCE OF THE PEOPLE (CONGRESS NATIONAL POUR LA DEFENSE DU PEUPLE) |
| COMESA | COMMON MARKET OF EASTERN AND SOUTHERN AFRICAN STATES |
| COSATU | CONGRESS OF SOUTH AFRICAN TRADE UNIONS |
| CPC | COUNCIL OF POLICE CHIEFS |
| CRPSP | COMMON REGIONAL PEACE AND SECURITY POLICY |
| CSO | CIVIL SOCIETY ORGANISATION |

| | |
|--------|--|
| CT | CONFLICT TRANSFORMATION |
| CUF | CIVIC UNITED FRONT |
| DDR | DISARMAMENT DEMOBILISATION AND REINTEGRATION |
| DOPDS | DIRECTORATE OF THE ORGAN ON POLITICS DEFENCE AND SECURITY |
| DRC | DEMOCRATIC REPUBLIC CONGO |
| EAC | EAST AFRICAN COMMUNITY |
| ECCAS | ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES |
| ECOWAS | ECONOMIC COMMUNITY OF WEST AFRICAN STATES |
| EU | EUROPEAN UNION |
| FANR | FOOD AGRICULTURE AND NATURAL RESOURCES |
| FARDC | FORCES ARMEES DE LA REPUBLIQUE DEMOCRATIC DU CONGO |
| FDC | FORUM FOR DEMOCRATIC CHANGE |
| FDLR | DEMOCRATIC FORCES FOR THE LIBERATION OF RWANDA |
| FIB | FORCE INTERVENTION BRIGADE |
| FLEC | FRONT FOR THE LIBERATION OF THE ENCLAVE OF CABINDA |
| FPJC | POPULAR FRONT FOR JUSTICE IN CONGO |
| FPTP | FIRST PAST THE POST |
| FRC | FORCES REPUBLICAINES FEDERALISTES |
| FRPI | FRONT FOR PATRIOTIC RESISTANCE IN ITURI |
| GAMIP | GLOBAL ALLIANCE FOR MINISTRIES AND INFRASTRUCTURES FOR PEACE |
| GCCT | GLOBAL COALITION FOR CONFLICT TRANSFORMATION |
| GFDRR | GLOBAL FACILITY FOR DISASTER REDUCTION AND RECOVERY |
| GNU | GOVERNMENT OF NATIONAL UNITY |
| GPA | GLOBAL POLITICAL AGREEMENT |
| GPPAC | GLOBAL PARTNERSHIP FOR THE PREVENTION OF ARMED CONFLICT |
| GTZ | GERMAN AGENCY FOR TECHNICAL COOPERATION (GESELLSCHAFT TECHNISCHE ZUSAMMENARBEIT) |

| | |
|-------|--|
| HDI | HUMAN DEVELOPMENT INDEX |
| HIV | HUMAN IMMUNO VIRUS |
| I4P | INFRASTRUCTURE FOR PEACE |
| IAPTC | INTERNATIONAL ASSOCIATION OF PEACEKEEPING TRAINING CENTRES |
| ICC | INTERNATIONAL CRIMINAL COURT |
| ICG | INTERNATIONAL CRISIS GROUP |
| ICGLR | INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION |
| ICISS | INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY |
| ICM | INTEGRATED COMMITTEE OF MINISTERS |
| ICP | INTERNATIONAL COOPERATING PARTNERS |
| ICT | INFORMATION AND COMMUNICATIONS TECHNOLOGY |
| ICTR | INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA |
| IDPs | INTERNALLY DISPLACED PEOPLE |
| IFI | INTERNATIONAL FINANCIAL INSTITUTIONS |
| IFP | INKATHA FREEDOM PARTY |
| IGAD | INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT |
| IGO | INTERGOVERNMENTAL ORGANISATIONS |
| ILO | INTERNATIONAL LABOUR ORGANISATION |
| IMF | INTERNATIONAL MONETARY FUND |
| IOM | INTERNATIONAL ORGANISATION FOR MIGRATION |
| IS | INFRASTRUCTURE AND SERVICES |
| ISDSC | INTERSTATE DEFENCE AND SECURITY COMMITTEE |
| JOMIC | JOINT MONITORING AND IMPLEMENTATION COMMITTEE |
| LON | LEAGUE OF NATIONS |
| LRA | LORDS RESISTANCE ARMY |
| M23 | MARCH 23 MOVEMENT |
| MCO | MINISTERIAL COMMITTEE OF THE ORGAN |
| MDC | MOVEMENT FOR DEMOCRATIC CHANGE |

| | |
|---------|--|
| MDC-M | MOVEMENT FOR DEMOCRATIC CHANGE- MUTAMBARA |
| MDC-T | MOVEMENT FOR DEMOCRATIC CHANGE – TSVANGIRAI |
| MDGs | MILLENIUM DEVELOPMENT GOALS |
| MDP | MUTUAL DEFENCE PACT |
| MONUC | MISSION DE L’ORGANISATION DE NATIONS UNIES EN REPUBLIQUE DEMOCRATIQUE DU CONGO |
| MONUSCO | UNITED NATIONS ORGANISATION STABILISATION MISSION IN THE DRC |
| MOU | MEMORANDUM OF UNDERSTANDING |
| MPs | MEMBERS OF PARLIAMENT |
| MSF | MEDICINE SANS FRONTIERS |
| NATO | NORTH ATLANTIC TREATY ORGANISATION |
| NEPAD | NEW PARTNERSHIP FOR AFRICAN DEVELOPMENT |
| NEWCs | NATIONAL EARLY WARNING CENTRES |
| NFP | NATIONAL FREEDOM PARTY |
| NGOS | NON GOVERNMENTAL ORGANISATIONS |
| NSP | NATIONAL SECURITY POLICY |
| OPDS | ORGAN ON POLITICS DEFENCE AND SECURITY |
| OPDSC | ORGAN ON POLITICS DEFENCE AND SECURITY COOPERATION |
| OXFAM | OXFROD COMMITTEE FOR FAMINE RELIEF |
| PBC | PEACEBUILDING COMMISSION |
| PBSO | PEACEBUILDING SUPPORT OFFICE |
| PCR | PEACE AND CONFLICT RESOLUTION |
| PF-ZAPU | ZIMBABWE AFRICAN NATIONAL UNION PATRIOTIC FRONT |
| PLANELM | PLANNING ELEMENT |
| PMTCT | PREVENTION OF MOTHER TO CHILD TRANSMISSION |
| POE | PANEL OF ELDERS |
| PR | PROPORTIONAL REPRESENTATION |
| PRSP | POVERTY REDUCTION STRATEGY PAPERS |
| PSD | PEACE AND SECURITY DEPARTMENT |

| | |
|-----------|---|
| PSO | PEACE SUPPORT OPERATIONS |
| PUDEMO | PEOPLE’S UNITED DEMOCRATIC MOVEMENT |
| R2P | RESPONSIBILITY TO PROTECT |
| RCD | RALLY FOR CONGOLESE DEMOCRACY |
| RCTS | REGIONAL CONFLICT TRANSFORMATION STRATEGY |
| RECs | REGIONAL ECONOMIC COMMUNITIES |
| RENAMO | MOZAMBICAN NATIONAL RESISTANCE |
| RETOSA | REGIONAL TOURISM ASSOCIATION |
| REWC | REGIONAL EARLY WARNING CENTRE |
| REWS | REGIONAL EARLY WARNING SYSTEM |
| RI4P | REGIONAL INFRASTRUCUTRE FOR PEACE |
| RISDP | REGIONAL INDICATIVE STRATEGIC DEVELOPMENT PLAN |
| RPP | REGIONAL PEACEBUILDING POLICY |
| RPTC | REGIONAL PEACEKEEPING TRAINING CENTRE |
| SAARC | SOUTH ASIAN ASSOCIATION OF REGIONAL COOPERATION |
| SADC | SOUTHERN AFRICAN DEVELOPMENT COMMUNITY |
| SADCBRIG | SOUTHERN AFRICAN DEVELOPMENT COMMUNITY BRIGADE |
| SADCC | SOURTHERN AFRICAN DEVELOPMENT COORDINATION CONFERENCE |
| SADC-CNGO | SOUTHERN AFRICAN DEVELOPMENT COMMUNITY COUNCIL OF NON GOVERNMENTAL ORGANISATIONS |
| SADC-PF | SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PARLIAMENTARY FORUM |
| SADCPOL | SOUTHERN AFRICAN DEVELOPMENT COMMUNITY POLICE |
| SAPS | STRUCTURAL ADJUSTMENT PROGRAMMES |
| SARPCCO | SOUTHERN AFRICAN REGIONAL POLICE CHIEFS COOPERATION ORGANISATION |
| SCO | STANDING COMMITTEE OF OFFICIALS |
| SCU | SECTOR COORDINATING UNIT |
| SEAC | SADC ELECTORAL ADVISORY COUNCIL |
| SFTU | SWAZILAND FEDERATION OF TRADE UNIONS |

| | |
|---------|---|
| SHDSP | SOCIAL AND HUMAN DEVELOPMENT AND SPECIAL PROGRAMMES |
| SIPO I | STRATEGIC INDICATIVE PLAN OF THE ORGAN I |
| SIPO II | STRATEGIC INDICATIVE PLAN OF THE ORGAN II |
| SMU | SADC MEDIATION UNIT |
| SNCs | SADC NATIONAL COMMITTEES |
| SNUS | SWAZI NATIONAL UNION OF STUDENTS |
| SOHSG | SUMMIT OF HEADS OF STATES OR GOVERNMENT |
| SPA | SADC PROGRAMME OF ACTION |
| SSF | SADC STANDBY FORCE |
| SSR | SECURITY SECTOR REFORM |
| SST | SECURITY SECTOR TRANSFORMATION |
| TGV | TANORA MALAGASY VONONA (DETERMINED MALAGASY YOUTH) |
| TIM | I LOVE MADAGASCAR (TIAKO I MADAGASIKARA) |
| TRC | TRUTH AND RECONCILIATION COMMISSION |
| UIA | UNION OF INTERNATIONAL ASSOCIATIONS |
| UK | UNITED KINGDOM |
| UMA | ARAB MAGHREB UNION |
| UN | UNITED NATIONS |
| UNDP | UNITED NATIONS DEVELOPMENT PROGRAMME |
| UNHCR | UNITED NATIONS HIGH COMMISSION FOR REFUGEES |
| UNICEF | UNITED NATIONS CHILDREN'S FUND |
| UNITA | NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA |
| UNOCHA | UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS |
| UNSC | UNITED NATIONS SECURITY COUNCIL |
| UPDS | UNION FOR DEMOCRACY AND SOCIAL PROGRESS (UNION POUR LA DEMOCRATIE ET LE PROGRES SOCIAL) |
| US | UNITED STATES |

| | |
|---------|---|
| USA | UNITED STATES OF AMERICA |
| USAID | UNITED STATES AID |
| WANEP | WEST AFRICAN NETWORK FOR PEACEBUILDING |
| WFP | WORLD FOOD PROGRAMME |
| WHO | WORLD HEALTH ORGANISATION |
| WOZA | WOMEN AND MEN OF ZIMBABWE ARISE |
| WWII | WORLD WAR TWO |
| ZANU-PF | ZIMBABWE AFRICAN NATIONAL UNION PATRIOTIC FRONT |
| ZIDERA | ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY ACT |

ABSTRACT

The aim of this dissertation is to assess the conflict transformation capacity of the Southern African Development Community (SADC). It identifies the types of conflicts and security challenges that the regional organization has to contend with at the systemic, institutional and member state level. The above are then assessed within the framework of conflict transformation theory which has a focus on transforming factors that tend to perpetuate conflicts and establishing a culture of non-violence, empathy and mutual understanding in communities to give them the capacity to resolve conflicts in a manner that is effective and that guarantees a self- sustainable and durable peace. It thus assesses SADC's capacity to transform the context of conflicts, the structures that perpetuate conflicts, the issues core to conflicts in the region, the attitudes of actors involved in conflicts, the rules of the conflicts as well as the contents of the conflict which are often stubborn to resolve. It looks at the manner in which SADC has transformed and positioned itself for the above task and concludes on whether such measures are adequate. The dissertation demonstrates that SADC has limited capacity to transform conflicts due to a host of factors and dynamics at the systemic, institutional and national / member state level. To gauge SADC's capacity at the member state level an assessment is done of three SADC interventions in the Democratic Republic of Congo (DRC), Zimbabwe and Lesotho with a view to determining SADC's success in transforming the conflicts in those countries. Further, SADC's capacity to deal with the human security related aspects of conflict transformation is also shown to be limited. Based on the foregoing the dissertation recommends the formulation of a framework for a Regional Infrastructure for Peace (RI4P) to be established in SADC by advancing convincing reasons regarding its feasibility based on previous successes of similar structures and the growing international impetus for such a framework. The key argument in support of a RI4P is that it deepens current efforts to build peace

and transform conflicts by putting its focus on the needs of the ordinary citizens rather than the interests of SADC leaders. Additionally, a RI4P ensures that solutions are sought and found within the communities where they started led by members of the community rather than a focus on external mediators. As such it holds that peace attained under such conditions would be an effective, durable and self-sustainable peace. Ultimately the dissertation provides a snapshot of the status quo of conflicts in the SADC region, whether and how they can be transformed all in an effort to deepen our understanding of the dynamics that impede and erode SADC's capacity to transform conflict contexts as well as seek innovative methods to continuously enhance this capacity. In the end the research recommends reforms that would result in the creation of an effective and self-sustainable RI4P in SADC.

CHAPTER 1

Introduction, Background, Review of Relevant Literature, Theoretical Framework and Methodology

1.1 Introduction

Emerging international trends have seen regional organizations engaging in efforts to transform themselves in response to changing demands of the environment as well as the changing needs and problems of their member states. The Southern African Development Community (SADC) is one such organization which was originally formed with a mandate to reduce economic reliance on then apartheid South Africa but which has now expanded its mandate to include the maintenance of peace and security in Southern Africa. As such it is the desire of this research to investigate SADC's efforts to transform itself for this new responsibility as well as to assess its capacity to transform the context, structure, content, issues, actors and rules of conflicts within the region towards the realization of long lasting and durable peace. The focus is also on how this transformation has embraced and respected the role of local actors as opposed to celebrating only the role of external actors as the panacea to local conflicts.

The research conducts its assessment of SADC's conflict transformation capacity at three levels; the systemic, institutional and member state levels. This is in recognition of its status as an Inter-governmental organisation made up of fifteen member states.¹ Conflict transformation capacity is also assessed through the lens of Human Security which is a cross cutting issue needing attention at all the above three levels. The relationship between Human Security and conflict stems from a recognition of poverty as a conflict issue which both triggers and exacerbates pre-existing conflicts.

¹ These are: Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe

As such the research assesses SADC's capacity to transform the human security aspects of conflicts in the region. A key finding of the study is that although the number and extent of regional conflicts has generally abated, some member states are still entangled in cycles of deep rooted protracted social conflicts. These are a result of a multiplicity of factors including historical and colonial legacies of injustice and underdevelopment, incomplete DDR and reconciliation programmes, mediation failures, economic inequalities, poor service delivery, recurring cycles of violence, democratic deficits, corruption and economic mismanagement and elitist and authoritarian cultures of governance just to mention a few examples.

The findings of the research reveal the fact that SADC has at a minimum established a rudimentary capacity to transform the context, content, structure, actors, issues and rules of regional conflicts at the systemic, institutional and member state levels. This finding extends to a recognition of the existence of at least some modicum of capacity to transform the human security aspects of regional conflicts. However these efforts have only gone skin deep in managing the conflicts but have failed to bring an end to violence at the national and regional levels. More importantly they have failed to contain and transform the sources and drivers of residual tension which often escalate into violence in the communities of member states. This was revealed in the three mini case studies of the Democratic Republic of Congo, Zimbabwe and Lesotho all of which are SADC member states in which SADC has recently intervened in an effort to transform their conflicts. The findings show that SADC does possess the capacity to initiate interventions in its member states although the impact of its interventions have only borne short term fragile peace outcomes as opposed to long term self-sustainable durable peace. In its analysis the research thus sought to explore more dynamic and innovative methods of capacitating SADC to be able to adequately and effectively intervene in these intricate and sensitive contexts of protracted conflicts rooted in cultures of

violence and repeated conflict. The research findings thus walk the tight rope of recommending that SADC ought to at the risk of violating the sovereignty of its member states, earnestly develop a capacity to root out the deep seated sources and drivers of conflicts in its member states both in the short and long term. In recognition of these findings and in tandem with emerging global consensus, this study recommends that SADC should create a Regional Infrastructure for Peace (RI4P) in an effort to develop and deepen SADC's capacity to transform conflicts at the above mentioned levels.

At the systemic level it is argued that the RI4P would fill the policy and strategy vacuum that would help SADC better engage with stakeholders and project the right image to all by clarifying its common values and interests. At the institutional level, the RI4P would help to enhance SADC's efficiency by introducing institutional, strategic and policy reforms which will turn SADC into a tight ship with capacity to transform conflicts. At the member state level, the research proposes the creation of an elaborate infrastructure of peace committees starting from the lowest ward, district and regional levels in member states feeding into national peace councils and fully fledged ministries of peace on a case by case basis. Another cog in the machinery of the RI4P would ensure that SADC develops a more concerted and deliberate capacity to transform the human security aspects of regional conflicts. This will be through the creation of dedicated human security institutions, strategies and policies targeted at addressing the drivers and causes of conflicts and capacity constraints at the systemic, institutional and member state levels.

The research utilizes conflict transformation theory as its conceptual and theoretical lens which equips it with guiding posts and indicators in its assessment. The data collection and analysis is guided by the use of Qualitative research methods. A key conclusion from the research findings is that SADC has established the minimum capacity to transform conflicts which is hamstrung by

implementation failures, resource constraints and the absence of an efficient and dependable institutional and policy framework underpinned by the appropriate strategies.

1.2 Historical and Contextual Background

SADC member states like most other African states have experienced long periods of bloody and repressive colonial occupation. During the 1970s and 80s, the Southern African region was one of the most dangerous regions in the world owing to the incessant and violent liberation wars which dominated the region. This earned the region many titles one such being ‘the vortex of violence’², this came as no surprise since in 1992 at the end of its conflict, battle death statistics for one Southern African country, Mozambique alone for example stood at 1.5 million.³ The SADC region is as such the last part of Africa to be decolonized due to the protracted liberation wars that gripped the region abating only in the 1990s.⁴ The end of the Cold War and attainment of majority rule in South Africa and Namibia saw a reduction in the levels of violence in the region. This was mainly because some of the conflicts were proxy wars fought in aid of the ideological ambitions of the two superpowers in the prevailing bipolar world order of the time.

Relative peace has since prevailed in the territories of South Africa, Namibia, and Mozambique and to some extent Angola at least in as far as the incidence of violent conflict is concerned. The

² Thomas M. Callaghy. “South Africa in Southern Africa: The Intensifying Vortex of Violence”, New York, N.Y: Praeger, 1983

³ O. Ramsbotham, T Woodhouse and H. Miall. “Contemporary Conflict Resolution” 2nd Ed, Polity Press, 2008

⁴ International Crisis Group, 2012

rest of the region also saw a growth and maturity in their democratic projects which created fertile ground for the seeds of peaceful coexistence to be sown. Around the same period in 1992 the Southern African Development Coordination Conference (SADCC) underwent a major transformation which went beyond just dropping one “C” to become the Southern African Development Community. The new regional arrangement was widened to more deliberately accommodate issues of a political and security related nature resulting in the signing of the Protocol on Politics Defence and Security, establishing the SADC Organ on Politics Defence and Security (OPDS). This was underpinned by the Strategic Indicative Plan of the Organ (SIPO I) which was revised in 2010 to SIPO II as the implementing roadmap of the objectives set out in the protocol.

SADC is one of the eight Regional Economic Communities (REC) recognised by the African Union. These are vehicles used by member states of the African Union to pursue their agreed development agendas through their respective sub regional groupings known as Regional Economic Communities (REC’s) which are all coordinated through the African Union headquarters. The others are; The Community of Sahel-Saharan States (CEN-SAD); The Maghreb Union (UMA); The Economic Community of West African States (ECOWAS); Economic Community of Central African States (ECCAS); The East African Community (EAC); The Intergovernmental Authority on Development (IGAD); The Common Market of Eastern and Southern African States (COMESA).⁵

According to the Union of International Associations (UIA), since 1909, the number of intergovernmental organisations (IGOs) increased from 37 to over 6400 (including more than 2000

⁵ Comberbach, Stuart. “Power Point Presentation: History of SADC and Situating SADC within the Broader African Development Context”, SADC International Symposium, Kyoto University of Foreign Studies, 26th November 2012

multilateral treaties) and the number of nongovernmental organisations (NGOs) grew from 176 to over 44 000.⁶ IGOs are constructed by states to facilitate cooperation and provide a forum for states to discuss and negotiate how to deal with conflicts. Their roles range from firstly, providing a forum for discussion which is less costly for states to discuss issues with one another. Secondly they serve as information providers and enhance transparency to minimize misperceptions among states. Thirdly they help facilitate issue linkages which may facilitate cooperation, fourthly they help allow states to take a long term perspective, which makes them less concerned about immediate pay-offs. Lastly, the multilateral nature of IGOs lends them an air of impartiality that enhances their effectiveness.⁷

The Southern African region like other regions on the continent had for more than half a century suffered from the brutality and injustice of colonialism. Countries such as Namibia, South Africa, Zimbabwe, Mozambique and Angola were on the receiving end of the dehumanising and oppressive policies of their settler colonial regimes. In solidarity with the above minority white ruled states, the few Southern African states which had attained majority rule by the 1970s formed an informal entity called the Front Line States (FLS) aimed at offering military and political support towards the liberation of the rest of the region.

By 1980 the FLS moved its focus towards coordination of economic development in an effort to reduce economic dependence on the then apartheid South African regime which had begun its own strategy of attempting to control the black run governments of the region through what it called

⁶ Union of International Associations quoted in Mitchell S.M. Introduction to CMPS Special Issue: Building Synergies, Institutions and Cooperation in World Politics, Conflict Management and Peace Science Journal, 2009

⁷ Brahm, E, "Intergovernmental Organisations (IGOs)", Beyond Intractability (Eds) Guy Burgess & Heidi Burgess, Conflict Information Consortium, University of Colorado Boulder. Posted: March 2005
<<http://www.beyondintractability.org/essay/role-igo> [accessed on 10-11-13] Pg.1

the Constellation of Southern African States (CONSAS). On the 1st April 1980 the leaders of Angola, Botswana, Lesotho, Malawi, Tanzania, Swaziland and Zimbabwe established the Southern African Development Coordination Conference (SADCC) through signing the Lusaka Declaration whose theme was “Southern Africa: Towards Economic Liberation”. On 20th July 1981 the SADCC heads of state and government signed a Memorandum of Understanding (MoU) which was legally binding on member states in Harare, Zimbabwe which established the institutions of SADCC delineating their powers and competencies.⁸ It is commendable that a group of developing countries still largely preoccupied with the urgent business of post-independence state building had as early as then and well ahead of other regions of the world managed to cobble up an entity with a semblance of regional cooperation albeit without a capacity to intervene in member state conflicts. Defence and security related matters remained within the purview of the unofficial Inter State Defence and Security Committee which was a sub structure of the FLS.

Historically the League of Nations (LONs) was an early attempt at third party intervention in international conflicts which proved to be too weak because important states didn’t join it, limiting its ability to function. After WWII, the United Nations was formed, although it was better than the LONs its effectiveness was limited by the Cold War for many years. It also faced the challenge of the contradiction in its charter where on the one hand it supports national sovereignty and self-determination while on the other it expected to and indeed does get involved in the internal conflicts of other nations.⁹ For instance, chapter VI of the UN charter gives the UN a number of mechanisms for facilitating conflict resolution, namely fact-finding, good offices, conciliation,

⁸ Khulekani Moyo, Towards a Supranational Order for Southern Africa: A discussion of the Key Institutions of the Southern African Development Community (SADC), Unpublished LLM thesis, University of Oslo, 2008

⁹ Brahm, Op.Cit. 2005,Pg.1

mediation and negotiation. Additionally, Chapter VII provides the basis for the use of coercion and force to maintain peace and security. Finally, Chapter VII encourages activism on the part of regional organisations in bringing about peace. The UN also has many agencies with a mandate to address various aspects of conflict and humanitarian situations.¹⁰

In the Post-Cold War period the UN has assumed new roles in response to the changing nature of security challenges which has seen regional organisations rise to prominence in aid of the UN. Intervention by regional organisations has also met its own challenges and disadvantages, for instance;

- i) At the regional level, politics can lead to them favouring one side over another. This perception creates reluctance on the part of combatants to accept outside intrusion.
- ii) Regional hegemony is also better able to manipulate more localized organisations.
- iii) Most regional organisations are even more resource poor than the UN
- iv) Most regional organisations often lack the political will power to act¹¹

Due to the capacity constraints of the UN, regional organisations have increasingly taken on military functions as the UN has taken on more civilian policing roles. Regional organisations have also had a prominent role on the civilian side of peace operations, providing election or human monitors in cooperation with the UN. However, the ability of regional organisations to respond to conflict varies a great deal, they have thus tended to coordinate their activities and develop mediation, conflict management and early warning capabilities.¹²

¹⁰ Brahm, Op. Cit. 2005, Pg. 2

¹¹ Brahm, Op. Cit. 2005, Pg. 7

¹² Ibid

In 1992 SADCC metamorphosed into a more institutionalised and fully fledged regional community which centralised most of the activities of the regional body to the secretariat, a departure from the more decentralised SADCC structure. This shift was marked by the signing of the Windhoek Declaration on the 17th August 1992 in Windhoek, Namibia. The shift was driven by Namibia's independence on 21st March 1990, the approaching demise of apartheid in South Africa (which attained independence in 1994), the prospects of peace in Angola and Mozambique, the need to reform the region's economic policies and international trends of regional economic cooperation and integration blocks.¹³

As shown above, all efforts at regional integration in Southern Africa have historically been spurred on by the need to oppose minority white domination in the region. It is thus little wonder that the apartheid South African regime had a key role to play in the formation of the Frontline States which was one of the earliest efforts at cooperation in the area of security at regional level. Chipasula and Miti (1989), attribute the birth of the Frontline states to an initiative of former Zambian President, Kenneth Kaunda and former South African Prime Minister, Vorster which “culminated in a joint document titled “Towards the summit: An approach to a peaceful change in Southern Africa”.¹⁴ The Frontline States had been formed in 1975 to advance the liberation struggles of Southern Africa and had as early as then created a security sub structure called the Inter-State Defence and Security Committee (ISDSC) which met regularly at both ministerial and official levels.¹⁵ The forerunner to the Frontline States was the Mulungushi Club formed by

¹³ Khulekani Moyo, *Towards a Supranational Order for Southern Africa* Op. Cit.

¹⁴ Chipasula, James and Miti, Kataboro, “Botswana in Southern Africa: The Strategy for Regional Co-Existence”, *Pula: Botswana Journal of African Studies* Vol. 6, No. 1, 1989, Pg. 123

¹⁵ Van nieuwkerk Anthoni, “Regionalism into Globalism? War into Peace? SADC and ECOWAS compared”, *African Security Review* Vol. 10 No. 2, 2001, Pg. 5

Zambia, Tanzania, Zaire and Uganda. As the struggle for political independence gained momentum the Frontline States grouping was formed with Tanzania and Zambia as its core founding members. They were joined by Botswana, Angola and Mozambique in 1975 and Zimbabwe in 1980.¹⁶

The first formal step to the formation of SADCC is however seen as “the resolution by the Frontline States’ Foreign Minister’s meeting in Gaborone in May 1979 urging for an assessment of the possibilities of establishing an economic grouping. This was followed by the decision of the Heads of the Frontline states in Arusha in July 1979. SADCC was then officially inaugurated in Lusaka in 1980”.¹⁷ The main goals of SADCC at inception were: to reduce economic dependence, particularly, but not only, on the Republic of South Africa; to promote cooperation between states in the region; to mobilize resources in order to carry out national, regional and international projects; and to act in concert vis-à-vis aid organizations in order to acquire finance and technical assistance.¹⁸

¹⁶ Comberbach, Stuart. Power Point Presentation: History of SADC and Situating SADC within the Broader African Development Context Op. Cit.

¹⁷ Chipasula and Miti, Botswana in Southern Africa, Op. Cit.

¹⁸ Ibid

From the FRONT LINE STATES to SADCC



Photograph 1: Presidents of Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia, and Zimbabwe after adopting the Lusaka Declaration forming the Southern African Development Coordination Conference (SADCC) on 1st April 1980

Source: Comberbach, 2012¹⁹

A watershed event in Southern Africa which dramatically changed the course of events and ended the Cold War proxy wars that had been fought in the region was the signing of the Brazzaville Protocol. The historic agreement was signed in the capital of the Republic of Congo, Brazzaville by Cuba, Angola and South Africa on the 11th December 1988.²⁰ The agreement facilitated the withdrawal of the approximately 50 000 Cuban troops then based in Angola ending the Angolan civil war. It also provided for the hosting of free elections a year later in Namibia which had been

¹⁹Comberbach, Stuart. "Power Point Presentation: History of SADC and Situating SADC within the Broader African Development Context, Op. Cit.

²⁰ Fred Khumalo, Angola's Ollivier: He Sold cereals, then he Sold Peace, Mail & Guardian, 21 February 2014, available at: www.mg.co.za/article/2014-02-20-he-sold-cereals-then-he-sold-peace [accessed on: 10-04-14]

ruled by South Africa for 73 years. It provided an agreement for the implementation of the UNSC Resolution 435 and the UN plan for Namibia which hadn't been invoked since it was passed in 1978. Under the plan South Africa was to withdraw its estimated 35 000 troops from Namibia until UN supervised elections on November 1 1989.²¹ The Brazzaville protocol paved the way for the release of Nelson Mandela, the end of apartheid and the birth of a new South Africa in 1994.

From SADCC to SADC



Photograph 2: SADC leaders at the signing of Treaty Establishing the Southern African Development Community (SADC) on 17th August 1992 in Windhoek Namibia

Source: Comberbach, 2012²²

²¹ Scott Kraft, Pact for Angola Pullout, Namibia Freedom Signed, Los Angeles Times, December 14 1988, available at: www.articles.latimes.com/1988-12-14/news/mn-343_1_south-africa [accessed on: 10-04-14]

²² Comberbach, Stuart. "Power Point Presentation: History of SADC and Situating SADC within the Broader African Development Context", Op. Cit.

As the winds of liberation swept through the region, in 1992, SADCC was transformed into the Southern African Development Community (SADC) and its treaty had already anticipated the creation of some sort of security framework. It identifies in its articles, “solidarity, peace and security” as the community’s guiding principles; the “promotion and defence of peace and security” as one of its objectives; and cooperation in the area of “politics, diplomacy, international relations, peace and security” as obligatory.²³ The region’s peace and security structures were revived resulting in the Organ on Politics, Defence and Security (OPDS) – proposed in 1996 being adopted at a SADC extraordinary summit in 2001 to counter the institutional weakness and coordination problems previously experienced and in part out of a realization that peace and security are a precondition of the economic objectives of the community deserving of attention.²⁴ Put differently, the SADC leaders had recognised ‘the interconnectedness of peace, security and development’.²⁵

²³ SADC Treaty in Van Nieuwkerk , 2001, Pg. 6

²⁴ Ibid

²⁵ Hendricks C. and Musavengana T. (Eds), “Introduction” in “The Security Sector in Southern Africa”, Monograph 174, Institute for Security Studies, 2010

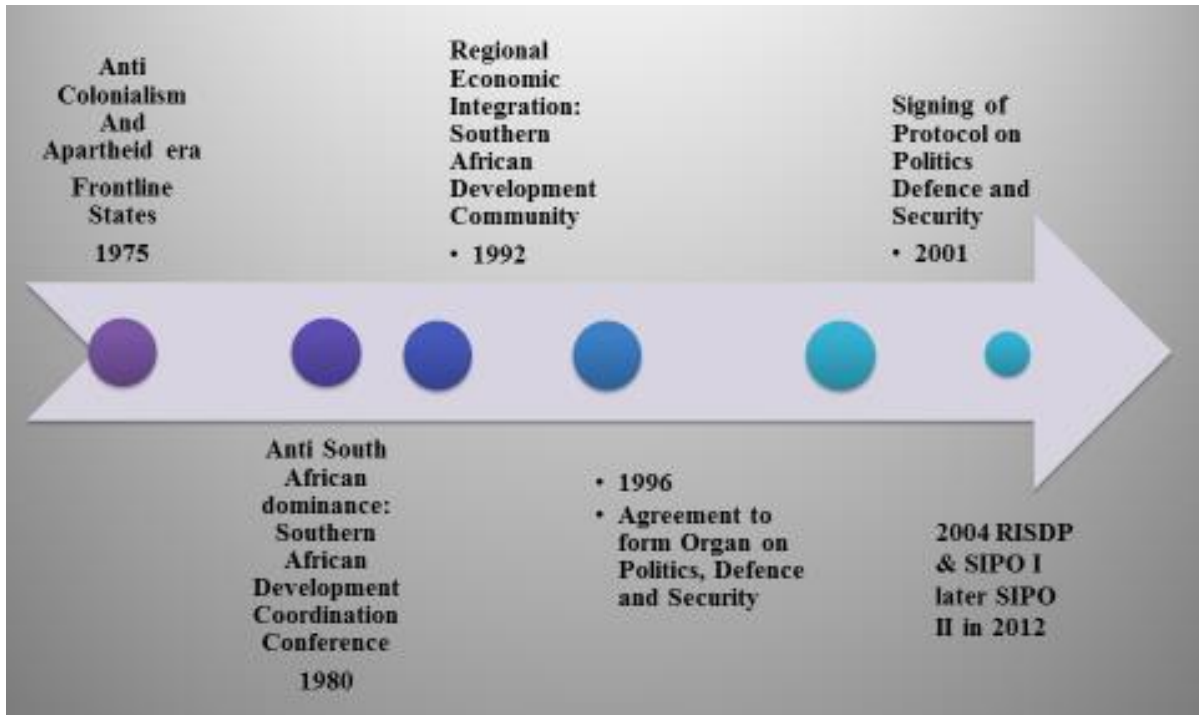


Figure 1: SADC’s Conflict Transformation Capacity Timeline

Efforts to enhance SADC’s security cooperation and regional integration were highlighted by the signing of an agreement amending the original SADC treaty of 1992 on the 14th August 2001. The agreement also amended the protocol on politics, defence and security among others as shown in figure 1 above. The amendment was part of a greater plan to review and rationalise the SADC programme of action and to transform SADC institutions to facilitate deeper integration through an unequivocal commitment to supranationalism. This required member states to cede some of their sovereignty to SADC, the ensuing reforms thus resulted in the strengthening of the SADC secretariat and the subsumption of the Organ on Politics Defence and Security into the SADC

institutional structure. The reforms also put emphasis on more participation of non-state actors in the regional integration project.²⁶ SADC member states are bound by the following principles:

- Sovereign equality of all member states
- Solidarity, peace and security
- Human Rights, democracy and the rule of law
- Equality, balance and mutual benefit
- Peaceful settlement of disputes.²⁷

It is against the above backdrop that this study undertook an assessment of SADC's conflict transformation capacity as its organs charged with security mandates have been at the forefront of the organisation's conflict transformation efforts.

1.3 Summary of Subsequent Chapters

Chapter Two

Chapter Two conducts an assessment of SADC's Conflict Transformation capacity at the systemic level. It considers the systemic, structural, environmental and intangible factors that have a bearing on SADC's conflict transformation capacity considering the context within which the organization operates. The chapter identifies these as; the legacy of the Cold War and Apartheid era proxy wars fought in the region; forces of globalization and capitalism; the nature and history of SADC member states; the causes and drivers of conflicts in the region; South Africa's membership of SADC; SADC's relationship with donor and International Cooperating Partners, member state's experiences with democracy; member states' multiple concurrent membership of other Regional Economic Communities (RECs); regime types of member states and SADC's relationship with the UN and the AU. The chapter discusses the above factors and assesses whether they positively or

²⁶ Oosthuizen quoted in Khulekani Moyo, Towards a Supranational Order for Southern Africa, Op. Cit.

²⁷ Hendricks C. and Musavengana T. (Eds), "Introduction" in "The Security Sector in Southern Africa", Monograph 174, Institute for Security Studies, 2010

negatively affect SADC's conflict transformation capacity. Overall the chapter concludes that each of these have in various ways impeded SADC's conflict transformation capacity.

Chapter Three

Chapter Three assesses SADC's conflict transformation capacity at the institutional level. It identifies and outlines the policy framework and institutional structure which supports SADC's conflict transformation capacity with a view to establishing how these have variously impeded or enhanced the organisation's capacity to transform conflicts. The identified policy framework is made up of the SADC Treaty, Protocol on Politics, Defence and Security Cooperation, the Regional Indicative Strategic Development Plan (RISDP), the Strategic Indicative Plan of the Organ (SIPO), the Mutual Defence Pact (MDP), the African Union Peace and Security Architecture (APSA), the MoU signed between SADC and the SADC Council of Non-Governmental Organisations (SADC-CNGO) and the SADC Principles and Guidelines Governing Democratic Elections. The chapter explains the principles of Subsidiarity and Complementarity as well as the Troika System which undergird SADC's decision making process particularly in the area of peace and conflict transformation. The institutional infrastructure identified and assessed is made up of the Summit of Heads of State and Government (SOHSG), the SADC Secretariat, Organ and Directorate on Politics, Defence and Security, the Regional Early Warning System (REWS), the SADC Electoral Advisory Council (SEAC), the Mediation Support Unit (MSU), the Panel of Elders (POE), the Regional Peacekeeping Training Centre (RPTC), the SADC Standby Brigade (SADCBRIG), SADC Tribunal, SADC Parliamentary Forum and the SADC Council of Non-Governmental Organisations (SADC-CNGO).

Chapter Four

Chapter Four conducts an assessment of SADC's conflict transformation capacity at the national level. It commences with an assessment of the SADC National Committees created to replace the Sector coordination Units following the 2001 restructuring exercise. It traces the functionality and utility of the SNCs in relation to conflict transformation and considers the various factors which impede or aid the conflict transformation capacity of SADC member states at national level. These include an assessment of member state's ability to enforce and implement commitments made at regional level, divergent foreign policy positions of member states and the implications of South Africa's membership of SADC for its conflict transformation capacity. Chapter Four further considers three mini case studies of the DRC, Zimbabwe and Lesotho all of which SADC has previously intervened in. It looks at the impact of SADC's intervention in these countries in an effort to assess SADC's conflict transformation capacity.

Chapter Five

In Chapter Five an assessment of the Human Security aspects of SADC's conflict transformation capacity is carried out. The chapter assesses SADC's capacity to meet the human security needs of its citizens during peace time as well as at the various stages of a conflict. It identifies and explains the various human security challenges confronting SADC and explains how they impede its conflict transformation capacity. The chapter looks at the Social Protection regimes of SADC and its member states assessing the extent to which they are broad enough to ensure the provision of social services to citizens and in the process prevent protests which may translate into violent conflicts and even loss of life due to poverty and starvation. The chapter assesses SADC's policy and institutional framework in support of human security and the extent to which it aids SADC's capacity to transform the context of conflicts in the region.

Chapter Six

Chapter Six attempts to deepen the search for an effective and self-sustainable Regional Infrastructure for peace (RI4P) considering the findings of the previous chapters which identified the major limitations in SADC's conflict transformation capacity. It as such proposes the formulation of a (RI4P) framework as a remedy to the multifaceted and complex problems identified in previous chapters as impediments to SADC's capacity to transform conflicts. The chapter adopts some key conflict transformation principles as analytical points to anchor its argument. It argues that conflict transformation has not traditionally nor deliberately been adopted nor applied by SADC in its peacebuilding work. It thus proposes the creation of an effective and self-sustainable (RI4P) in SADC to deal with conflict producing problems at their source in an effective and durable way. It argues for a key role to be reserved for "non-state" actors who are usually better accepted as mediators than states in the RI4P to create community institutions that promote dialogue, consultation, prevent conflict and enable peaceful mediation when violence occurs in a society. The proposed RI4P ought to be made up of stakeholders at all levels, the national, district and local to allow for conflicts to be solved internally as well as to nurture the development of mechanisms, structures and capacities as witnessed in Kenya, Ghana and South Africa where similar structure have previously been implemented. The core components of an RI4P include local peace councils, national peace platforms, a government bureau, department or Ministry of Peace as well as efforts to expand existing capacities of national peacebuilding institutions and civil society organisations undergirded by local ownership.

Chapter Seven

Chapter Seven provides a summary of the major conclusions of the research as well as the researchers' recommendations. It further provides suggestions for future research to be carried out.

1.4 A Review of the Relevant Literature

This section provides an exploration of the literature to reflect the state of thinking and research in the field of conflict transformation and the related fields of regional integration, regionalism, security cooperation and security community. The latter thus provides a contextual backdrop for the theoretical discussion of conflict transformation as applied in the case of SADC in this study. The literature review commences with an exploration and explanation of the broader theoretical debates and concepts as listed above and at the end explains the Conflict Transformation theory which underpins this research. This is to illustrate how the conflict transformation theory fits into what has come before and to ground and anchor this research on previous work in the field.

1.4.1 Conceptual and Theoretical Framework Understanding Theory and the need for a Conceptual and Theoretical Framework

Although running the risk of banality, this section is dedicated to explaining the role of theory and a theoretical and conceptual framework to an academic research project of this magnitude. It is insufficient to merely accept that theory is necessary without first concerning yourself with the need and relevance of theory to research. Various definitions of theory have been advanced, according to Kerlinger, a theory is;

...a set of interrelated constructs (concepts), and propositions that presents a systematic view of phenomena by specifying relations among variables, with the purpose of explaining and predicting phenomena.²⁸

Goode and Hart's definition of theory focusses on how theory helps to organize and order facts;

...the relationship between facts or to the ordering of them in some meaningful way, where fact means empirically verifiable observation.²⁹

²⁸ Obasi, 1999, Pg. 38

²⁹ Obasi, 1999, Pg. 39

While for Singer, what stands out in a theory is its, descriptive, predictive and explanatory power;

A body of internally consistent empirical generalizations of descriptive, predictive and explanatory power.³⁰

Ultimately, a much simplified definition is that offered by Buchanan of; “a set of systemic, related concepts”.³¹

To complete the above offered definitions of theory, Selltitz neatly outlines the role and function of a theory in research;

- a) Theory summarizes existing knowledge;
- b) Provides an explanation for observed events and relationships;
- c) Helps to predict the occurrence of unobserved events and relationships on the basis of explanatory principles embodied in the theory;
- d) It increases the fruitfulness of research by providing significant leads for inquiry;
- e) By directing research, it further contributes directly to the development and organization of knowledge.³²

In summary a theory gathers together all the isolated bits of empirical data into a coherent conceptual framework of wider applicability.³³ The major role of a theory is to organize, describe, explain and predict facts. It is an important instrument for the discovery and advancement of knowledge. It serves as an intellectual shorthand that makes knowledge seeking a manageable and less cumbersome enterprise.³⁴ It is against this background and understanding that we now turn our attention to the role and utility of a theoretical framework which forms the basis of this study

³⁰ Ibid

³¹ Ibid

³² Obasi, 1999, Pg. 41

³³ Cohen and Manion: Ibid

³⁴ Obasi, 1999, Pg. 41 -42

and which will appear consistently throughout the discourse and give alignment, rigour and validity to the discussions in this research.

1.4.2 Theoretical Framework

In line with the requirements of academic research, this study has adopted Conflict Transformation theory as its theoretical framework. A theoretical framework is:

...a device or scheme for adopting or applying the assumptions, postulations and principles of a theory in the description and analysis of a research problem. It is a way of describing, analysing, interpreting and predicting phenomena. It involves linking the problem under investigation to the assumptions, postulations, and principles of a theory. It enhances the internal logical consistency of a research activity. A theoretical framework has an inbuilt bias in the sense that it restricts the researcher to a choice of concepts and methods associated with particular theories.³⁵

It is for this reason that this chapter considers related theories of Regionalism, Sovereignty and Security Communities although the chosen theoretical framework for this research is Conflict Transformation. According to Obasi, theoretical frameworks ‘involve the use of theoretical postulations in an analysis. These postulations may be contained in just one theory or in associated theories called paradigms, schools or perspectives’.³⁶

1.4.3 Conceptual Framework

The use of a theoretical framework provides an investigator with relevant conceptual tools with which to carry out a research. A conceptual framework therefore derives from a theoretical framework. While theory serves as a source of knowledge, concepts are vehicles for transmitting this knowledge.³⁷

³⁵ Obasi, 1999, Pg. 44

³⁶ Obasi, 1999, Pg. 45

³⁷ Obasi, 1999, Pg. 43

1.4.4 The Conflict Transformation Approach

In the period before the 1990s, wars were predominantly fought between states, in the Post- Cold War period the nature of wars increasingly became internal with a rise in the number of civil wars.³⁸ Trends in civil wars have seen men more likely being killed, disappearing or being forced to partake in war while women and children have mostly been displaced and turned into refugees. The nature and causes of conflicts have not entirely been violent; in the Post-Cold War era, the collapse of Soviet Socialism has seen an unrestrained growth in Globalization, Capitalism and the influence of International Financial Institutions (IFIs) with their agenda of economic liberalization.³⁹ The latter has often fuelled conflicts through the unintended consequences of prescriptive policies such as the Structural Adjustment Programs (SAPs) whose failed implementation has often led to economic failure, its attendant grievances, rising corruption and inequalities and a host of other social and political problems. A combination of the above factors has in some cases resulted in state implosion and in extreme cases even state failure. Weakened and failed states have created fertile ground for new patterns of trans-national organized crimes, a spill-over of conflicts beyond the control of individual countries.

In Africa the above trends have often culminated in the emergence of militias, rebel movements, War-Lordism, political corruption and criminal economies revolving around the plundering of minerals and natural resources. As seen in the case of the Democratic Republic of Congo (DRC), the illegal exploitation of natural resources in one country has at times been perpetrated by other states. The above picture shows that the end of the Cold War in a way opened the flood gates for

³⁸ See Kaldor, M. (1998), *New & Old Wars; Organized Violence in a Global Era*, Stanford University Press

³⁹ Fisher, S. et al (2000), *Working with Conflict; Skills & Strategies for Action, Responding to Conflict (RTC)*, Zed Books, UK

many global tensions which had been forcibly repressed⁴⁰. It is in response to the above challenges that there has been an upsurge in research activities in the field of peace and conflict studies as well as a rise in the number of international organisations aimed at reducing the impact of conflicts. In efforts to understand both the sources of conflict and their complex and far reaching consequences, there has been wide disagreement as new terminologies, labels and approaches have emerged.

Conflict and Violence

As widely appreciated at the base of the thesis of the father of Peace Studies Johan Galtung is the notion that conflicts do not imply the use of violence and that it is more than a physical clash between two or more groups with opposing goals or ideologies. Conflict is rather a divergence of values or the pursuit of real or perceived incompatible goals by different groups. Conflict occurs between states in the form of war, but can also occur at the smallest inter-personal level. Common elements found in every conflict situation are that conflict involves a) attitudes, b) behaviours and c) contradictions.⁴¹ Each conflict situation has its own complexities despite the universal elements that most conflicts share. In his 2004 work *Transcend & Transform: An Introduction to Conflict Work*, Galtung gives a typology of conflicts in terms of their levels; micro, meso and macro. Micro conflicts can be exemplified by a disagreement between a man and a woman or between two neighbours over mostly matters of a domestic or personal nature. Meso conflicts are said to occur within institutions or cultures of a particular society. These may involve clashes over educational systems, foreign and defence policies or the proper roles for men and women. Macro conflicts on

⁴⁰ Ibid

⁴¹ Galtung, 2000

the other hand occur between states or international actors and are more readily identifiable. The point is therefore made that conflict does not simply entail violence and warfare, rather that there has to be a negative interaction of attitudes, behaviours and contradictions.⁴²

According to Galtung, violence occurs when a conflict exists and measures to curb the conflict fail, it is the failure to transform conflicts that leads to violence.⁴³ He further outlines three elements of violence being; cultural, structural and direct. Cultural violence is described as the invisible element of violence, albeit one with significant weight in the minds of individuals. This stems from clashes in norms and values systems of different cultures which give individuals the distinction between right and wrong, good and evil or acceptable or unacceptable. Structural violence occurs when the structures within a society are geared in a certain rigid inflexible manner, like cultural violence it is also invisible. The third element direct violence is perhaps the most understood. It is as its name suggests, direct, wilfully harmful and intends to harm, injure or kill. As such it is the most destructive and irreversible form of violence.

Fisher et al, agree that there is no universally accepted typology of the steps taken in addressing conflicts. They however suggest that the steps should be viewed as a process where each step taken includes measures in the previous one (e.g conflict settlement includes measures for conflict prevention). They propose the use of the term Conflict Transformation as an overarching term to describe the field as a whole. In their typology;

- **CONFLICT PREVENTION:** aims to prevent the outbreak of violent conflict.
- **CONFLICT SETTLEMENT:** aims to end violent behaviour by reaching a peace agreement.

⁴² Galtung, 2004

⁴³ Galtung, 2000

- **CONFLICT MANAGEMENT:** aims to limit and avoid future violence by promoting positive behavioural changes in the parties involved.
- **CONFLICT RESOLUTION:** addresses the causes of conflict and seeks to build new and lasting relationships between hostile groups.
- **CONFLICT TRANSFORMATION:** addresses the wider social and political sources of a conflict and seeks to transform the negative energy of war into positive social and political change.⁴⁴

They illustrate the strategies adopted to address conflicts at their various stages in the figure below:

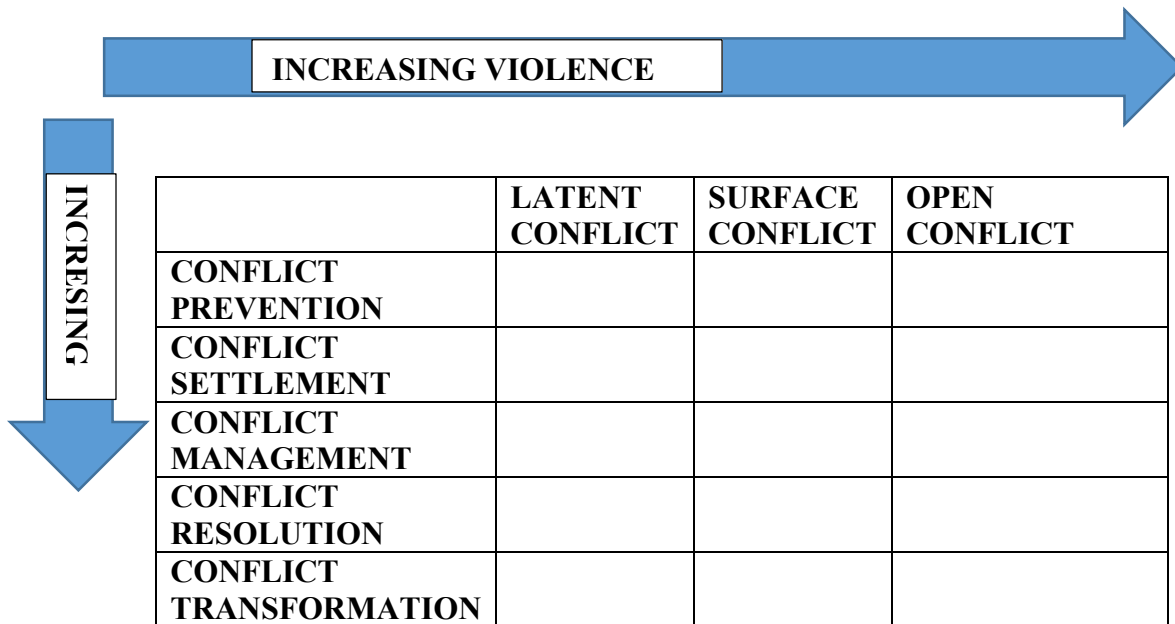


Figure 2: Responses to conflicts: through the maze of terminology

Source: Fisher et al, (2000, pg.7)

The purpose of Figure 2 above is not to explain when to do what but rather to clarify the terms. For instance, **Conflict Prevention** refers to the strategies that address conflict when it is still latent, in the hope of preventing an escalation into violence. **Conflict Resolution** on the other hand refers to strategies that address open conflict in the hope of finding not only an agreement to end the violence (**Conflict Settlement**), but also a resolution of some of the incompatible goals underlying

⁴⁴ Fisher et al, 2000

it. While Conflict Transformation is the most thorough and far-reaching strategy, it is also the one that needs the longest and most wide-ranging commitment.⁴⁵

In the following table adopted from Reimann and modified for this study, the three main levels between and within which processes of Conflict Resolution, Conflict Management and Conflict Transformation take place are shown within the conflict resolution schema of the different tracks of diplomacy.⁴⁶

Table 1: Conflict transformation schema

| | Track One | Track Two | Track Three |
|------------------------|--|---|---|
| Actors involved | Political and military leaders as mediators and / or representatives of conflict parties | From private individuals, academics / professionals to international and local non-governmental organisations involved in conflict transformation | From local grassroots organisations to local and international development agencies, human rights organisations and humanitarian assistance |
| Emphasis | Conflict Management | | |
| | Conflict Resolution | Conflict Resolution | |
| | Conflict Transformation | | |

Source: Hattotuwa, 2004, pg. 43-44)

Hattotuwa argues that “while conflict management has an emphasis on the Track One level to transform violent conflict, and conflict resolution expands the theatre to processes on both Track One and Track Two, both conflict resolution and conflict management ignore Track Three actors, and under-estimate the value of a holistic outlook towards peacebuilding that encompasses track one to Three”.⁴⁷ Based on this understanding, Conflict Transformation has been defined as

⁴⁵ Fisher, S. et al, 2000, Pg. 8

⁴⁶ Reimann quoted in Hattotuwa, 2004, Pg. 43

⁴⁷ Hattotuwa, 2004, Pg. 44

...a process of engaging with and transforming relationships, interests, discourses and, if necessary, the very constitution of society that supports the continuation of violent conflict.⁴⁸

Miall proposes five types of transformations (transformers) that if given adequate impetus and sustainable momentum can creatively address or mitigate violent conflict in peacebuilding and conflict transformation efforts;

Table 2: Five types of transformation.

| | |
|---|---|
| Context transformations | Changes in the context of conflict that may radically alter each party's perception of the conflict situation, as well as their motives. |
| Structural transformations | Changes in the basic structure of the conflict, that is to the set of actors, issues and incompatible goals, conflicting beliefs or relationships, or to the society, economy or state within which the conflict is embedded. |
| Actor transformations | Decisions on the part of actors to change their goals or alter their general approach to conflict. |
| Issue transformations | Changes in positions that parties take on key issues at the heart of the conflict as well as the way in which parties redefine or reframe those positions in order to reach compromises or resolutions. |
| Personal / elite transformations | Personal changes of heart or mind within individual leaders or small groups with decision making power at crucial moments. |

Source: Miall; Hattotuwa, 2004, Pg.46)

⁴⁸ Miall quoted in Hattatotuwa, 2004, pg.44

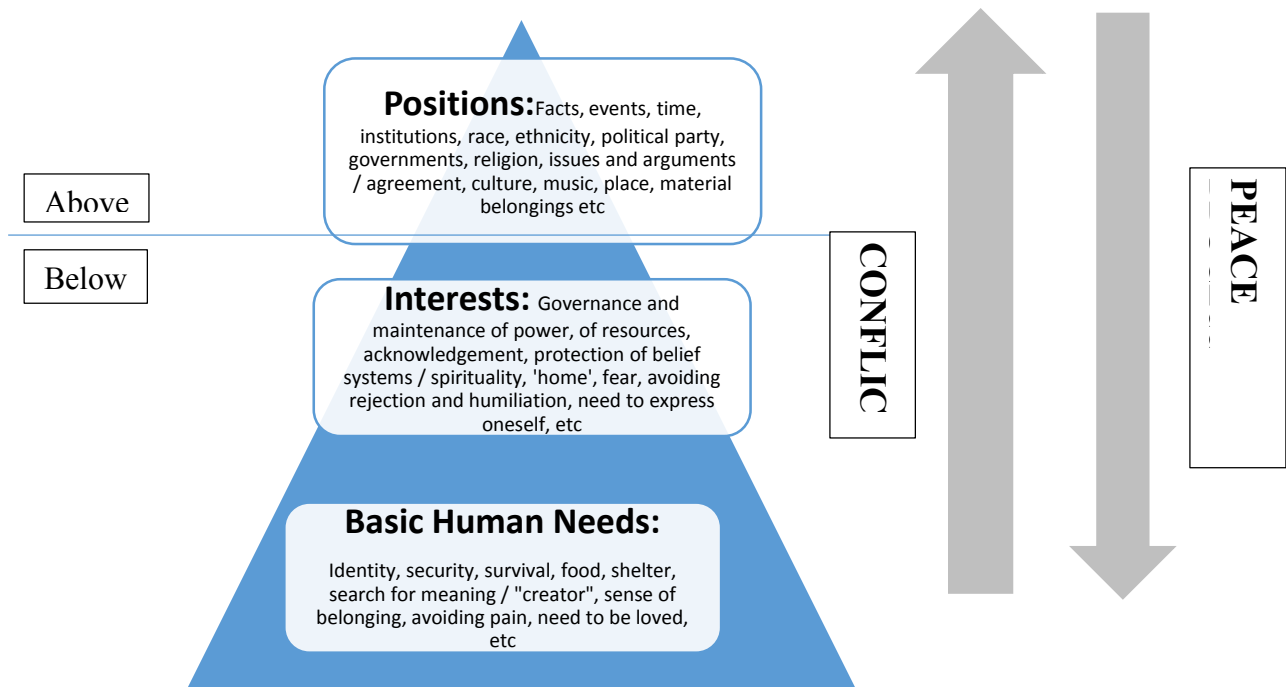


Figure 3: Analysis of the Underlying Structural sources of Conflict

Source: (Hattotuwa, 2004, Pg. 42)

Conflict Transformation

Conflict Resolution theorists claim ownership of this concept, they say the following about it; “Conflict Transformation is a term which for some analysts is a significant step beyond conflict resolution, but which in our view represents its deepest level...it implies a deep transformation in the institutions and discourses that reproduce violence, as well as in the conflict parties themselves and their relationships. It corresponds to the underlying tasks of structural and cultural peacebuilding. Where this becomes manifest across global cultures, linking the personal, societal, global and ecological spheres, we call this cosmopolitan conflict resolution”.⁴⁹ A review of the literature reveals that this is largely a contested theory as it is a reconceptualization of other theories such as conflict management and conflict resolution to align itself with contemporary conflicts.

⁴⁹ Ramsbotham, Op. Cit. 2008, Pg. 31

Miall does a good job in identifying the key framers of this theory. In his explanation, a reconceptualization of previous theories of conflict has been necessitated by the fact that most contemporary conflicts are violent and asymmetric, marked by inequalities of power and status. Secondly, many contemporary conflicts are protracted, crossing repeatedly into and out of violence and thus defying cyclical or bell shaped models of conflict phases. Thirdly, protracted conflicts warp the societies, economies and regions in which they are situated, creating complex emergencies fuelled on the one hand by local struggles and on the other by global factors such as the arms trade and support for regimes or rebels by outside states.⁵⁰

Due to the above complexities traditional conflict resolution models which mediate between two parties have been rendered inadequate, Miall offers this typology of the terms to make a distinction of their objectives; **Conflict Resolution theorists**: are preoccupied with how to transcend conflicts by getting parties to the conflict to reframe their positions. It emphasizes intervention by skilled but powerless third parties working unofficially with parties towards new thinking and new relationships. They aim to identify the root causes of the conflict with a view to devising creative solutions that conflict parties may have missed in their commitment to entrenched positions. The focus is on how parties can move from zero-sum destructive patterns to positive – sum constructive outcomes. **Conflict Management theorists**: on the other hand see conflicts as a result of unavoidable clashes of values and interests of conflict parties. Resolving these conflicts is seen as unrealistic and at best managing and containing these conflicts to reach a compromise is seen as

⁵⁰ Miall, 2004, Pg. 2

the most viable way to end violence. Powerful actors with power and resources often put pressure on the parties to induce them to settle.⁵¹

Galtung (1996) is credited with laying the bed rock for the theory of Conflict Transformation, in the work it is argued that;

...conflicts have both life-affirming and life destroying aspects. They form from contradictions in the structure of society. They then become manifest in attitudes and behaviour. Once formed, conflicts undergo a variety of transformational processes: articulation or disarticulation, conscientisation or de – conscientisation, complexification or simplification, polarization or depolarization, escalation or de-escalation. The incompatibility which arises between parties may be eliminated by transcending the contradiction, by compromise, by deepening or widening the conflict structure, and by associating or dissociating the actors. Galtung, Krippendorf and others also emphasise the relationship between conflicts and larger conflicts embedded in the structure of world society and the world economy.⁵²

The above rings true for SADC as a regional and multilateral organization with a membership of 14 countries which vary in size, economy, resource endowment, vegetation, political maturity, history, levels of infrastructure and development and on numerous other levels. The number and types of conflicts that SADC has and continues to experience are also a mixed bag requiring a suitable theoretical lens which acknowledges their asymmetrical nature. Out of a recognition that the very structure of parties and relationships in a conflict may be embedded in a pattern of conflictual relationships that extend beyond the particular site of conflict, Miall offers the following definition of Conflict Transformation theory;

Conflict transformation is therefore a process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of society that supports the continuation of violent conflict. Constructive conflict is seen as a vital agent or catalysts for change. People within the conflict parties, within the society or region affected, and outsiders with relevant human and material resources all have complementary roles to play in the long term process of peacebuilding. This suggests a comprehensive and

⁵¹ Miall, 2004, Pg. 3

⁵² Galtung quoted in Miall, 2004, Pg. 4

wide ranging approach, emphasizing support for groups within the society in conflict rather than for the mediation of outsiders. It also recognizes that conflicts are transformed gradually, through a series of smaller or larger changes as well as specific steps by means of which a variety of actors may play important roles.⁵³

For Lederach, the ultimate goal of conflict transformation is to include, respect, and promote the human and cultural resources from within a given setting by desisting from viewing the setting and the people as the problem and the outsider as the answer but rather to validate and build on people and resources within the setting.⁵⁴ According to Fisher et al, Conflict Transformation Theory assumes that conflict is caused by real problems of inequality and injustice expressed by competing social, cultural and economic frameworks. The goals of work based on the theory are:

- to change structures and frameworks that cause inequality and injustice, including economic redistribution
- to improve longer-term relationships and attitudes among the conflicting parties
- to develop processes and systems that promote empowerment, justice, peace, forgiveness, reconciliation, recognition.⁵⁵

1.4.5 The need for Regional Integration through Security Cooperation

Efforts of regional organizations to cooperate in the area of Conflict Transformation have gained direction from Chapter VIII of the UN Charter, article 52 of the charter “supports regional arrangements and agencies for dealing with matters relating to the maintenance of international peace and security as are appropriate for regional action and in a manner consistent with the purposes and principles of the UN”.⁵⁶ According to the UN Capstone doctrine, one of the considerations made in deciding on whether or not to deploy a UN Peace Keeping Operation is

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ Fisher et al, 2000, Pg. 8-9

⁵⁶ Nathan, 2012, Pg. 2

“whether regional or sub regional organisations and arrangements exist in resolving the situation”.⁵⁷ Historically this view was expressed in the UN’s seminal report ‘An Agenda for Peace’ presented in 1992 by then UN Secretary General, Boutros Boutros Ghali who recognized the important role of regional organisations since the UN’s peace keeping and peacemaking capacity had increasingly been over stretched.⁵⁸

According to the UN, regional organisations are suited to assist because;

...they have a good understanding of the historical background of local conflicts; they are familiar with the actors and issues involved in these conflicts; they can build trust through the frequency of interaction among their member states; and they can develop and uphold appropriate norms on conflict prevention and governance.⁵⁹

The UN has subsequently published a number of reports and resolutions as well as held a number of key meetings with heads of regional organizations as a sign of the seriousness they attach to the issue⁶⁰. Article 16 of the African Union charter declares that the African Union regards “other regional mechanisms for conflict prevention, management and resolution on the continent as an integral part of its security architecture”. The clause thus enjoins the AU’s Peace and Security Council and the Chairperson of the AU Commission to “work closely with regional bodies and ensure that there are strong partnerships between them and the Council in promoting and maintaining peace, security and stability”.⁶¹

⁵⁷ UN Capstone Doctrine, Pg. 47

⁵⁸ Agenda For Peace quoted in Nathan, 2012

⁵⁹ Nathan, 2012, Pg. 2

⁶⁰ Ibid

⁶¹ Nathan 2012, Pg. 2-3

Theories of regional integration in the area of security proceed from the logic of a merger of states into a larger political community as a means of promoting peaceful cooperation and reducing conflict between them.⁶² The preoccupation of many scholars and students of regional integration has been a desire to “explain the tendency towards a voluntary or non-coercive creation of larger political units, each of which self-consciously abstained from the use of force in the relations between the participating units and groups.”⁶³ Below is a brief summary of four of the major approaches to the study of regional integration;

1. **The Federalist Approach:** takes peace and security as its dominant values and considers war to be the inevitable product of a multi-state system and the perennial struggle for power thus arguing in favour of an integrated state and the fragmentation of power.⁶⁴ The approach concerns itself with institutions and institution building, including the division of powers between federal, national and local authorities as well as checks and balances between organs of government.⁶⁵
2. **The Functionalist Approach:** functionalists subscribe to the community model of integration. In their view, society is based on a complex, interwoven network of international organisations implementing the welfare functions, which were traditionally a domain of the nation state, while rendering war impossible at the same time).⁶⁶ They are mainly concerned with the development of a working peace system.

⁶² Hodges; Sebek, 2001, Pg. 6

⁶³ Haas; Sebek, 2001, Pg. 7

⁶⁴ Pentland; Sebek, 2001, Pg. 9

⁶⁵ Haas; Sebek, 2001, Pg. 9

⁶⁶ Pentland; Sebek, 2001, Pg. 10

In their view, nation states are unable to preserve peace or to improve the social and economic wellbeing of their citizens.⁶⁷

3. **Neo-Functionalism:** is a critique and elaboration of the functionalist approach which aspires to reconcile the functionalist concern with economics and welfare with a theory of political conflict and choice. Neo-Functionalists do not perceive the nation-state as a monolithic actor; rather, the state is viewed as a complex of interests and issue areas, some of which have more integrative implications than others.⁶⁸
4. **The Transactionalist Approach:** also known as the pluralist or communications approach, it concerns itself largely with the problem of the malfunctioning of the multi-state system and with the development of peaceful relations among nations. It has as its goal the attainment of peace and security in the international system as well as the formation of a community of states.⁶⁹ This community cannot exist if its members are not interdependent and assured of mutual responsiveness so that the resolution of conflicts through violence is inconceivable in the near future. It is premised on the thinking that an increase in transaction flows between political units in a given region is the result of a learning process in which actors become accustomed to using new common procedures, and to developing a structure of common values.⁷⁰

⁶⁷ Taylor; Sebek, 2001, Pg. 10

⁶⁸ Pentland; Sebek, 2001, Pg. 13

⁶⁹ Pentland; Sebek, 2001, Pg. 19

⁷⁰ Hodges; Sebek, 2001, Pg. 19

1.4.6 Regionalism. Regionalisation and Regional Security Cooperation

Shinoda surmises that “regionalism is a key factor in many cases of peacebuilding, since regional organizations play significant roles in implementing peacebuilding activities. Yet it is also true that regionalism could disrupt sensitive handling of reconstructing a nation-state.⁷¹ To support this position, Shinoda argues that regionalism is one of the traditionally recognized causes of war because of the history of the Second World War as well as its role in the conflict in the middle east which has revolved around emotional bonds shared by the people of the region where Palestine is seen as a problem of the whole region. Regional identity is also a hotbed of conflict in areas like the Caucasus where European and Russian influences have to be balanced as well as the region oriented influence of Australia in Timor-Leste.

The basic logic of Regionalism as a peacebuilding tool proceeds from the logic that, when a nation lacks the capacity to maintain peace by itself it naturally asks countries in the region to mobilise resources to assist. Many regional organisations serving this purpose have emerged the world over, these include; the Organisation for Security Cooperation in Europe, North Atlantic Treaty Organisation (NATO) and in Africa, the African Union and its sub regional organisations such as SADC and Economic Community of West African States (ECOWAS). Regionalism is especially indispensable when an armed conflict arises with a regional political background, a case in point is the pattern of conflicts in the Great Lakes region involving, Rwanda, Burundi and the Democratic Republic of Congo (DRC). It would be counter-productive to view the conflict in

⁷¹ Shinoda, 2006, Pg. 4

each country separately as in order to fully appreciate the dynamics of each conflict one ought to analyse them from the perspective of the entire region.⁷²

Increased attention by International Relations and Security Studies scholars to activities of states at the regional level is often traced back to English scholar Barry Buzan.⁷³ Movement in this direction arose out of the realization of the potential for finding solutions to problems from regional governance structures. A key proponent of regionalism, Bjorn Hettne argues this cogently when he observes, “the regional is just ‘right’ because the nation state solution is ‘obsolete’ and the global is ‘premature’”.⁷⁴ In the words of another key proponent of regionalism, Frederik Soderbaum,

...a world order based on regions rather than nation states would represent a more stable and less hierarchical world order. The regions are better equipped to deal with regional characteristics, cultures and interests, and it would facilitate a better multilateralism: a regional multilateralism...⁷⁵

Soderbaum goes on to highlight the difference between the often confused concepts of regionalism, regionness and regionalization, in his words;

...regionalism refers to the cognitive ideas and policy that are aimed at enhancing cooperation, integration or coordination within a regional space. It is usually associated with a regional programme, and often leads to institution-building. Regionalisation refers to the process of cooperation and integration creating a regional space, and to the ‘outcome’. At its most basic it means a concentration of activity on the regional level, which may give rise to the formation of regions, regional networks and actors, or regional organizations.⁷⁶

⁷² Shinoda, 2006

⁷³ Schouten, 2008, Pg. 3

⁷⁴ Hettne, Ibid

⁷⁵ Soderbaum, *ibid*, Pg. 4

⁷⁶ Schouten, 2008, Pg. 3

This conceptual clarity is important for a consideration of how the regional project has been conceived and undertaken in the context of Southern Africa.

Van Nieuwkerk quotes Cawthra as identifying two types of sub regional security cooperation, these being collective security and collective defence. Collective security is defined as a situation where member states seek to prevent conflict between each other, while Collective defence is where states ally with each other and put in place arrangements for joint defence against external threat. Cawthra suggests the former for third world countries as it can contribute to stability between and within states and create conditions for economic growth.⁷⁷

For Ngoma, sustainable peace, security and order in Africa can only be realised through the establishment of a security community. He quotes Karl Deutsch (a leading authority on the concept of security community) as defining it as a group of people, which has become “integrated”. By integrated we mean the attainment within a territory, of a “sense of security” and of institutions and practices strong and widespread enough to assure...dependable expectations of “peaceful change” among its population. By sense of community we mean a belief...that common social problems must and can be resolved by processes of “peaceful change”.⁷⁸ Ngoma sees the evolution of SADC structures notably from SADCC to SADC as having been spurred on by this realization.

The roots of regional security communities are traced back to the 1950s and 60s, Acharya surmises that they are virtually non-existent in the developing world although several exist in the west, most

⁷⁷ Cawthra, 1997, Pg. 12

⁷⁸ Deutsch in Ngoma. 2003, Pg. 18

notably the European Union. He proffers this definition for the concept; “a security community comes into existence when a regional group develops institutions and practices that are strong and stable enough to assure stable expectations of peaceful change within its population in the long-term. They are characterised by mutual interdependence between diverse political units; mutual responsiveness of political units; and the renunciation of the use of force among political units.”⁷⁹ Van Nieuwkerk asks the all-important question of whether the European idea of regional integration can be transplanted easily onto the African context.

“The UN Charter allows member states to form subordinate groupings in order to assist with the maintenance of peace and security. As stated in article 52 (1) of the UN Charter, ‘[n]othing in the present charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and Principles of the United Nations’.”⁸⁰ Article 53 of the charter states a requirement for the Security Council authorization before enforcement action can be taken by regional bodies. On the other hand, Article 6(4) of the SADC Mutual Defence Pact (MDP) states that the African Union and the UN Security Council need to be notified soon *after* a military response by member states. This contradiction is seen as a legal tension that may impede the future rapid deployment of the SADC BRIG.⁸¹

SADC has been described as a “regional community in the making” as it is fraught with risks of political succession violence, food insecurity, energy crisis; trans-border issues (including light

⁷⁹ Archarya quoted in Van Nieuwkerk, 2001, Pg. 4

⁸⁰ Malan quoted in Baker and Maerasera, 2009, Pg. 109

⁸¹ Ibid

weapons flows, migration, trans-border crime, drug trade and management of natural disasters.⁸²

As it evolves and develops as a region, SADC in its recently revised Strategic Indicative Plan of the Organ on Politics, Defence and Security (SIPO II) outlines as objective 2 of its political sector, the promotion of

...political cooperation among member states; evolution of common political values and institutions with the expected outcome of; enhanced political cooperation, effective interaction between the organ and civil society, and the coordination of foreign policies.⁸³

This reflects the will of SADC to engender some common values to underpin their activities in the political sector which is an encouraging development, objective 5 which aims to “observe and implement international treaty obligations (UN and AU)” has as its expected outcome: “member states governed by the same international legal regime; harmonization of positions and approaches on international issues of mutual interest.”⁸⁴

1.4.7 Sovereignty, The Responsibility to Protect (RP2) and Sovereignty with Responsibility

A key issue that has impeded SADC’s efforts at reigning in some of its wayward member states is sensitivity towards their sovereignty. Being careful not to interfere or even be seen to be meddling in the internal affairs of member states has gone on despite the abuses suffered by ordinary citizens in the member states. The heads of state have tended to protect each other as evidenced by their limiting of the powers and jurisdiction of the SADC tribunal which is a regional court which had power to hear complaints of ordinary citizens of member states against abuses by member states. After some Zimbabwean white farmers had successfully brought a case of unfair grabbing and

⁸² Hull and Derblom, 2009, Pg. 12

⁸³ Van Nieukerk, 2012, Pg. 12

⁸⁴ Ibid

redistribution of their farms before the court, the heads of states summit which is SADC's highest decision making body decided to limit the mandate of the court not to hear cases or appeals from ordinary citizens. This move largely supported by other heads of state was seen as a strategic step to cover their own backs in case they too were in future dragged before the court and embarrassed by their own citizens. The concept of sovereignty is thus analysed in this paper within the context of international norms governing its application such as the Responsibility to Protect (RP2) and how it can be applied in the case of SADC to enhance Conflict Transformation in the region.

According to Shinoda, when dealing with failed states, international efforts are mostly geared towards re-establishing a sovereign state which is also the ultimate aim of peacebuilding. This is based on the logic that:

...governmental power may sometimes be unwilling or unable to protect citizens, or it may not be willing and capable enough to protect citizens properly. That is the case of a failed state. Under such circumstances, some kind of peacebuilding activities, or even humanitarian intervention could be justified.⁸⁵

The idea of the Responsibility to protect is premised on the Liberal theory of sovereignty, the theory implies that not all interventions in a state violate its sovereignty. The reasoning here is that:

...if governmental power was abused, the constitutional order of the state would be destroyed then a revolutionary action would be required and justified to replace the governmental power holder in the name of the supreme power of the people. This is a typical logic of justification for contemporary humanitarian intervention...which is also the logic used to justify peacebuilding activities as well.⁸⁶

⁸⁵ Shinoda, 2006, Pg. 10

⁸⁶ Shinoda, 2006, Pg. 11

The argument of the Responsibility to Protect (R2P) is contained in the International Commission on Intervention and State Sovereignty (ICISS) report published in 2001 by the Canadian government together with other members of a formation called the Human Security network. The “Responsibility to Protect” is based on two basic principles:

- a) State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
- b) Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.⁸⁷

The foundations of the responsibility to protect revolve around the concept of sovereignty and duties of the international community and institutions including regional bodies to intervene.

According to Shinoda, the principles derive from;

- i) Obligation inherent in the concept of sovereignty;
- ii) The responsibility of the Security Council, under Article 24 of the UN Charter, for the maintenance of international peace and security;
- iii) Specific legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law; and
- iv) The developing practice of states, regional organisations and the Security Council itself.⁸⁸

According to Shinoda, the ICISS proclaims that “The Responsibility to Protect” embraces three specific responsibilities;

- A. The responsibility to prevent: to address both the root causes and direct causes of internal conflict and other man made crises putting populations at risk.
- B. The responsibility to react: to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.

⁸⁷ The Responsibility to Protect, cited in Shinoda, 2006, Pg. 11

⁸⁸ Shinoda, 2006, Pg. 12

- C. The responsibility to rebuild: to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert.⁸⁹

All the above constitute important considerations for an assessment of SADC's conflict transformation capacity especially since the organisation is made up of member states who tend to jealously guard their sovereignty.

1.4.8 Measuring Conflict Transformation Capacity in an “Evolving” or “Nascent” Security Community: SADC under the microscope

The major debates on SADC's capabilities to transform conflicts have in large part been informed by the theory of Security Community. In one of the most important studies of the concept to date, Nathan (2012) in his book “Community of Insecurity” mulls over the question of the extent to which SADC could be said to be a security community. He offers a scathing critique of those arguing that SADC is an “emerging, nascent or embryonic” security community. This is based on the reasoning that all entities that lay claim to being security communities ought to have as their hall mark, dependable expectations of peaceful change among each other were conflict to occur. He makes the compelling argument that since there is no timeline or reliable guarantee of when and how SADC will ultimately reach a point where it can be called a security community, it is unproductive to dwell on descriptions such as an ‘evolving’ security community since the possibility of conflict among its member states is not sufficiently precluded in the organization in its current form.

A Security Community is defined as;

a group of people that has become integrated; where integration is understood as the attainment, within a territory, of a sense of community and of institutions and practices

⁸⁹ Ibid

strong and widespread enough to assure, for a long time, dependable expectations of peaceful change among the population.⁹⁰

Table 3: Security Communities and other frameworks of security Cooperation

| | |
|-----------------------------|--|
| Security Regime: | <ul style="list-style-type: none"> -Principles, rules and norms that restrain the behaviour of states on a reciprocal basis -Competitive arms acquisitions and contingency planning usually continue within the regime, although specific regimes might be created to limit the spread of weapons and military capabilities. -The absence of war within the community may be due to short term factors and considerations such as the economic and political weakness of actors otherwise prone to violence or to the existence of a balance of power or mutual deterrence situation. In either case, the interests of the actors in peace are not fundamental, unambiguous or long term in nature. |
| Security Community: | <ul style="list-style-type: none"> -Strict and observed norms concerning non use of force; no competitive arms acquisitions and contingency planning against each other within the grouping -Institutions and processes (formal or informal) for the pacific settlement of disputes -Long term prospects for war avoidance -Significant functional cooperation and integration -A sense of collective identity |
| Collective Defence: | <ul style="list-style-type: none"> -Common perception of external threat(s) among or by the members of the community; such a threat might be another state or states within the region or an extra-regional power, but not from a member. -An exclusionary arrangement of like-minded states -Reciprocal obligations of assistance during military contingencies -Significant military interoperability and integration -The conditions of a security community may or may not exist among the members |
| Collective Security: | <ul style="list-style-type: none"> -Prior agreement on the willingness of all parties to participate in the collective punishment of aggression against any member state -No prior identification of enemy or threat -No expectation of and requirement for economic or other functional cooperation -A collective physical capacity to punish aggression |

Source: Acharya (2009, Pg. 20)

Deutsch distinguishes two types of Security Community, the amalgamated (the formal merger of two or more previously independent units into a single larger unit, with some type of common government after amalgamation. This common government may be unitary or federal) and the

⁹⁰ Deutsch; Sebek, 2001, Pg. 20

pluralistic (one that retains the legal independence of separate governments, its defining feature being its desire to see an increasing unattractiveness and improbability of war among the political units or the emerging pluralistic security community, as perceived by their governments, elites and populations).⁹¹ To assist us in confronting the definitional and conceptual challenge, Acharya (2009) makes the distinction between the concepts of security regime, security community, collective defence and collective security in table 3 by highlighting their key attributes.

1.4.9 Security Complex Theory

The Security Complex theory is premised on;

...the logic of security regions which sees international security as a relational matter which is mostly about how human collectivities relate to each other in terms of threats and vulnerabilities, although sometimes it addresses the ways such collectivities relate to threats from the natural environment⁹²

The theory offers an analytical framework for regional subsystems with a focus on the state as a key unit of analysis as well as its political and military components. It highlights the autonomy of regional security relations within the context of the state and system levels. A security complex is defined as;

...a set of states whose major security perceptions and concerns are so interlinked that their national security problems cannot reasonably be analysed or resolved apart from one another.⁹³

The security complexes are seen as a normal and expected feature of an anarchical international system whose absence ought to be questioned. Due to the fact that SADC is made up mostly of

⁹¹ Deustch; Sebek,2001, Pg. 23-24

⁹² Buzan et al, 1998, Pg. 11-12

⁹³ Ibid

developing countries struggling with post-colonial challenges of state building, their security challenges are interlinked in important ways. However, their ability to effectively cooperate to contain and transform conflicts as envisaged in a security community is still at its formative stages.

1.4.10 The linkages between Peacebuilding, Regionalism and Conflict Transformation in SADC

The end of the Cold War did not unfortunately result in an end to conflicts within and between states as many had hoped. Instead new forms of conflict and threats to peace and security emerged which require innovative solutions and responses. Various approaches and studies have thus emerged revolving around the best way to respond to and prevent conflicts from occurring and recurring. One such is an influential field of study and theory called peacebuilding which emerged in the early 1990s. Historically traced to the famous UN Agenda for peace report, Peacebuilding has been defined as actions to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict. In this conception, efforts to rebuild peace are conceived of in the context of the aftermath of conflict as captured in Boutros Ghali's famous "Agenda for Peace" report which captured the mood and thinking in the immediate Post Cold War era.⁹⁴ According to the UN Secretary General's policy committee, "peacebuilding involves a range of measures targeted at reducing the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development. Peacebuilding strategies must be coherent and tailored to the specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritized, sequenced, and therefore relatively narrow set of activities aimed at achieving the above objectives" (UN PBSO, Peacebuilding Orientation: 5).

⁹⁴ Boutros-Ghali, 1992

According to the UN Capstone Doctrine, ‘Peacebuilding is a complex, long-term process of creating the necessary conditions for sustainable peace. It works by addressing the deep rooted, structural causes of violent conflict in a comprehensive manner. Peacebuilding measures address core issues that affect the functioning of society and the state and seek to enhance the capacity of the state to effectively and legitimately carry out its core functions’.⁹⁵ The above in large part rhymes with the agenda of Conflict Transformation, Clements writes that peacebuilding activities ‘have a strong preventive character and are aimed at meeting basic needs for security and order, shelter, food and clothing and for recognition of identity and worth.’⁹⁶In his view, peacebuilding is ‘what civilized societies do spontaneously to develop effective national and international rule making regimes, dispute resolution mechanisms and cooperative arrangements to meet basic economic, social, cultural and humanitarian needs and to facilitate effective global citizenship’’. These attributes of peacebuilding form the foundational base of conflict transformation as they occur at all levels, in the home, in the community, nationally and internationally. They also include in-country initiatives that are aimed at reducing gaps between the rich and the poor, extending basic human rights between all peoples and building sustainable development processes. It is this aspect of conflict transformation that is seen as being key to all the rest.⁹⁷

Below is an explanation by Clements of some of the essential ingredients of Conflict Transformation which highlight its relationship to Peacebuilding:

- 1) It should be aimed at channelling the energy generated by conflict in constructive, non –violent rather than destructive and violent directions. Its aim is not to eliminate

⁹⁵ UN Capstone Doctrine, Pg. 18

⁹⁶ Clements, K.P, (No date) Peacebuilding and Conflict Transformation, available at: <http://www.gmu.edu/academic/pcs/clements.htm> (accessed: 18-10-2013)

⁹⁷ Ibid

- conflict but to utilize conflictual processes for generative and positive change (which may be relatively spontaneous or directed).
- 2) Conflict Transformation occurs when violent conflict ceases and or is expressed in non-violent ways and when the original structural sources (economic, social, political, military and cultural) of the conflict have been changed in some way or other.
 - 3) Conflicts can be transformed by normal socio-political processes (incremental changes through time) by the parties acting alone, by expert third party interveners and parties acting together and or by judicious advocacy and political intervention. Conflict Transformation should incorporate a wide cross-section of political decision-makers, citizens, aid and development agencies, religious organisations and social movements. Too often, in the past, conflict transformation has been conceptualized largely as a political problem. It has to be cast as a social and economic problem as well if sustainable structural change is to occur.
 - 4) Such conflict transformation can take place at any stage of the escalatory cycle. If preventive peacebuilding does not take place at the first sign of trouble and problems remain unaddressed, then transformational processes, in the early stages of an evolving conflict may take the form of early warning and the application of suitable preventive measures. As the conflict escalates (especially if it turns violent), transformation may depend on some kind of crisis management or intervention and later it may require conciliation, mediation, negotiation, arbitration and collaborative problem solving processes. Finally of course conflict transformation involves reconstruction and reconciliation.⁹⁸

⁹⁸ Clements, K.P, (No date) Peacebuilding and Conflict Transformation, available at: <http://www.gmu.edu/academic/pcs/clements.htm> (accessed: 18-10-2013)

1.4.11 International Impetus for Conflict transformation and the Creation and Strengthening of a Regional Infrastructure for Peace (RI4P) in SADC

What is a RI4P?

In an effort to explore ways of strengthening SADC's conflict transformation capacity, this section considers the idea of a regional Infrastructure for Peace (RI4P). A RI4P can be thought of as a "complex assemblage" of actors, both international and local acting through political contestation to form peace. According to Oliver Richmond, It is a "dynamic, locally owned, formal or informal and contextual approach". The advantage of this approach is that it results in a peace that reflects the interests, identities, and needs of all actors, state and non-state through mutual accommodation and social justice.⁹⁹

There have been international calls by the UN, World Bank, IMF, donors and local actors alike for greater participation by civil society and non-state actors in peacebuilding. The thinking is that such an approach confers both international and local legitimacy on the form of peace achieved. The forms of peace achieved in various parts of the world are influenced by "local patterns of politics based on contextual, social, cultural and historical norms, identities, natural resources and international norms".¹⁰⁰ The latter have been labelled "Hybrid" forms of peace which represent a synthesis of conflict management, conflict resolution, peacebuilding and conflict transformation approaches. Hybrid forms of peace which characterize peace processes worldwide also transcend these typologies. The approach draws on a need long identified by Lederach to incorporate local actors into peace processes to lessen dependence on elite driven negotiations.¹⁰¹

⁹⁹ Richmond O, no date, Peace Formation and Local Infrastructures for Peace, Unpublished manuscript

¹⁰⁰ Richmond, no date

¹⁰¹ Richmond O, no date, Peace Formation and Local infrastructures for Peace, Unpublished Manuscript

The creation of a RI4P obtains within the framework of Peacebuilding, Conflict Transformation by extension is a strategy for deepening the search for a self-sustainable peace. The creation of an Infrastructure for peace is an implementation tool of such a strategy which has a bias towards building the capacities of local actors in a conflict affected society. The goals of peacebuilding are to “prevent, reduce, transform and help people recover from structural and other forms of violence. It empowers people to foster relationships at all levels that sustain them and their environment...it seeks to break cycles of violence by taking a series of interrelated, connected and coherent actions. It is a systematic process that facilitates the establishment of sustainable peace and tries to prevent the reoccurrence of violence by addressing the root causes and effects of conflict”¹⁰². The goals of peacebuilding are attained through “conflict prevention, conflict transformation, relationship building, promoting social cohesion, institution building and political transformation, facilitating economic transformation and strengthening civil society. Overall, peacebuilding is a long term process that occurs before, during and after conflict has slowed or abated”¹⁰³.

The UNDP Bureau for Crisis Prevention and Recovery, in close cooperation with the UN Department of Political Affairs, currently supports the establishment of I4Ps and had by 2011 conducted dialogue leading to the development of peace infrastructures in approximately 30 countries¹⁰⁴. This notwithstanding, little is known about the local dynamics, institutions, processes and agencies involved in forming peace locally. Research trends present evidence from more than 12 post conflict countries around the world from Afghanistan to Kenya or Nepal where informal

¹⁰² Maina G and Razia W, The Mano River Union: Regional peacebuilding – a collective initiative by various actors, New Routes, Vol 17, 4, 2012

¹⁰³ Maina and Razia, 2012, Pg. 20

¹⁰⁴ Van Tongeren P, Increasing Interest in Infrastructure for Peace, Journal of Conflictology, Policy Briefing, November, 2011

or formal local peace committees and other institutional frameworks have been formed. These peace formations which in some cases have included full-fledged official ministries of peace, have been termed infrastructures for peace. This is testimony to the fact that a truly comprehensive peace process can only be achieved beyond formal spaces and institutions.¹⁰⁵

1.5 Problem Statement

The record of international organisations on the African continent has been less than glamorous, the African Union (AU), New Partnership for African Development (NEPAD), Economic Community of West African States (ECOWAS) and SADC have in some quarters been described as ‘per diem watering holes than competent agencies’¹⁰⁶ due to their talk shop style of business and frequent meetings which seldom ever come up with tangible and effective solutions to the continent’s security vulnerabilities. According to Van Nieuwkerk (2007), this is because SADC member states’ positions and approaches are driven by national interests (which are a must have) rather than regional interests (which are nice to have).

1.5.1 Why the SADC region?

Over half the conflicts in Africa in the new millennium have been linked to neighbouring states through, political, socio-economic, and cultural factors that have deep roots in the history of the region. In most conflicts, the main protagonists also tend to operate across borders, this renders any efforts to build sustainable peace futile if they fail to take the cross border dynamics of

¹⁰⁵ Richmond, no date, Peace Formation and Local Infrastructures for Peace, Unpublished manuscript

¹⁰⁶ Van Zyl Slabbert quoted in Van Nieuwkerk, Organizational Dimensions of Security Cooperation in the Southern African Development Community, in Kaunda M.J (Ed), Proceedings of the 2006 FOPRISA Annual Conference, Report 3, Botswana Institute for Development Policy Analysis, 2007, Pg. 100

conflicts into account. These regional dynamics affect national contexts in what is called “regional conflict complexes or formations”, these are transnational conflicts that form mutually reinforcing linkages across boundaries.¹⁰⁷

Other dynamics which complicate regional conflicts are refugee flows, narcotic and criminal networks, illicit trade in minerals such as blood diamonds, small arms smuggling and the emergence of nomadic armed groups such as the Lords Resistance Army (LRA). A key challenge for regional organisations in addressing the above is that they have often found it easier to agree on hard rather than soft security solutions. A disadvantage of this approach is that it addresses the symptoms and not the causes of the conflict. For a just and long lasting peace, regional organisations ought to focus on addressing the root causes of the conflict through the involvement of all the affected in finding the solution. International policy has been dominated by state-building as a response to conflict, neglecting the ‘trickle up response’. The problem here is that state-building is seen as being synonymous with peacebuilding. Rather than focus on mere security cooperation, a peacebuilding approach advocates for the linking of regional civil society and business networks with regional diplomacy. This approach “connects supra- and sub – state peacebuilding strategies that can tackle cross – border conflict dynamics at both their ‘branches’ and their ‘roots’”.¹⁰⁸

¹⁰⁷ Maina G and Razia W, 2012, Pg. 20

¹⁰⁸ Ramsbotham A, 2012, ‘Paix sans frontières: Building peace across borders, New Routes, Vol. 17, 4, 2012, Pg. 6 - 7

1.5.2 Challenges facing SADC's Conflict Transformation capacity

The main problem that this research recognizes in SADC is the plethora of multifaceted and constantly changing nature of threats to regional peace and security which SADC is consciously reforming itself to contain. Driven by a desire to devise African solutions to African problems, SADC is engaged in developing its capacity to remain equal to the task of transforming conflicts from violence to non- violence and attaining lasting and durable peace and security in the region. Unlike its counterparts in other parts of the continent as well as other international organizations, SADC's energies appear to be geared towards promoting locally brewed solutions to conflicts in the region, respecting the role of local actors with a minimum of external intervention. Judging by the creation and strengthening of other units within the OPDS such as the Politics and Diplomacy unit, the Mediation unit and the SADC Electoral Advisory Council (SEAC), Public Safety unit and Policing Unit as well as roping in civilian functions into its peace support operations, it is evident that SADC would not like to be known as just being preoccupied with peacekeeping and solving conflict through military means only.

Despite the restructuring of the Organ on Politics Defence and Security (OPDS), the SADC unit charged with peace and security functions as well as its reforms including the revision of its five year roadmap the Strategic Indicative Plan of the Organ (SIPO) to SIPO II for the next five years, it is still not clear what technical strengths it has to transform conflicts. This research is driven by this need to establish the extent to which SADC has the technical wherewithal to transform conflicts from violence to durable peace and stability. It does this by assessing the current infrastructure developed, whether it is equal to the task as well as by identifying limitations it is faced with. A key area of interest for research is to investigate the extent to which SADC has transformed itself into an organization that respects local parties to a conflict and not merely views

them as the problem while viewing external interveners as the solution. At another level, a key research question is how SADC has built capacity and transformed conflicts in the region, respecting the role of local actors and respecting the sensitivities of sovereignty in the region.

This research acknowledges that SADC was formed with a primary mandate of reducing economic dependence on the then apartheid South African regime through its predecessors, The Frontline States and the SADCC which also had some limited and informal security functions. The regional body has however since taken on some formal responsibilities to ensure the maintenance of peace and security in the region, it is as such the desire of this research to investigate and assess how SADC has carried out these functions as well as outlining and assessing the various security policy instruments at the body's disposal and their effectiveness. This research takes place against the back drop of the recent review of the SIPO I, which was replaced by SIPO II which was approved by the SADC summit of Heads of State and Government held in Windhoek, Namibia in August 2010.

This development presents an opportunity for researchers to assess the timeliness and appropriateness of this review exercise as well as to ascertain the extent to which the new SIPO II is equal to the challenge of containing SADC's security and peacebuilding challenges. Based on the foregoing it is important to point out that the above described activities and historical processes provide evidence that SADC does have some capacity to deal with conflicts and build peace in the region. This research however more specifically aims to investigate the suitability of the conflict transformation approach to peacebuilding efforts in SADC; simply put, this means establishing the extent to which and whether conflict transformation can offer the appropriate vehicle to transform various types of conflicts occurring in its member states from a state of violence to non-violence as well as from negative to positive peace with a view to establishing long lasting and

lasting peace in the region. The conflict transformation approach focuses on transforming the context, structure, issues, actors and rules of the conflict. It advocates for a greater role to be given to local actors in transforming the conflict and building peace.

1.5.3 SADC's Achievements in the areas of Peace and Security to date

It is instructive to flag some of SADC's most notable achievements in its efforts to contain conflict and build peace in the region in order to give a context to situate the core problem of this research. The recently launched SIPO II document for instance identifies milestones in cooperation among member states in the areas of politics, defence and security which have bolstered regional integration and served as a Confidence Building Measure (CBM). Member states have for instance; shared information in those areas more extensively, exchanged visits, shared training institutions (The Regional Peacekeeping Training Centre – RPTC being a case in point), conducted joint peacekeeping exercises, and supported each other during emergencies and political challenges. Significantly, SADC has also signed some important agreements and established key institutions indispensable for their peace and security mandate.

Key among these are the Protocol on Politics, Defence and Security Cooperation, establishing the Organ on Politics, Defence and Security housed at the secretariat and the Mutual Defence Pact (MDP) which deems an attack on one member state as a threat to regional peace and security. SADC has also successfully launched the SADC Standby Force in line with the requirements of the African Union (AU) Peace and Security Architecture (APSA), equipping the region with a collective approach to defence, security and stability. Furthermore, it has successfully integrated the Southern African Regional Police Chief's Cooperating Organisation (SARPCCO) into the Inter State Defence and Security Council (ISDSC) bolstering regional integration and cooperation in the area of policing in the region. Other milestones include the establishment of some key

institutions. These are the Regional Early Warning Centre (REWC) for conflict prevention and management, the SADC Electoral Advisory Council (SEAC) and the SADC Mediation Unit (SMU).¹⁰⁹ Notwithstanding these remarkable achievements, SADC is still gripped by a myriad of challenges, conflicts and peace and security deficits. This is due to the intermittent, fluid and constantly changing nature of threats to peace and security in the region. Detailed below are the challenges; it is the preoccupation of this research to assess SADC's capacity to address, contain and manage these challenges which have manifested themselves in the guise of various types, levels and stages of conflicts.

1.5.4 The varied nature of threats to peace and security in the SADC region

Despite the current peace dividend that prevails in the SADC region, the region is fraught with many challenges which include but are not limited to; political and electoral violence in member states, poverty, economic inequality, food insecurity, energy shortages, trans-border crimes such as light weapons smuggling, transnational organized crime, drug smuggling, refugees and other migrants and the management of natural disasters. Others include; climate change, economic recession, and unconstitutional changes of government, vulnerability of national borders, money laundering, illicit mining and maritime piracy.¹¹⁰ This research will thusly assess the extent to which the concept of human security has been featured on SADC's security agenda as well as investigate how the organization has moved to address the above mentioned challenges.

¹⁰⁹ SADC, Strategic Indicative Plan of the Organ, SIPO II, 2012, Pg. 14-15

¹¹⁰ SADC, Strategic Indicative Plan of the Organ II, 2012, Pg. 16

1.5.5 Systemic and Institutional Weaknesses and Challenges

Some of the challenges confronting SADC's OPDS are of an institutional nature, these include; poor infrastructure for the implementation of regional integration, low political will displayed by member states, a secretariat not strong enough to implement collective policy resolutions, problems with most donors and International Cooperating Partners (ICPs), excessive secrecy, poor engagement with civil society, lack of knowledge about SADC by ordinary citizens of member states, difficult working relationship with the African Union (AU) Peace and Security Department (PSD), fixation of member states on sovereignty, highly politicized security sectors in member states, unconstitutional changes of government, dictatorial regimes among members, violations of SADC's electoral code by member states, fragmented approach to crisis management by member states, poor governance, poor capacity to implement resolutions, concentration of decision making powers in the heads of state and ministerial committees, lack of a civilian component in the SADC standby force which robs SADC of an opportunity to fully address human security challenges, no clear policy framework on post conflict reconstruction and security sector reform.¹¹¹

1.5.6 At National / Member State level: Ignorance of Ordinary citizens in member states about the mandate of SADC

Many ordinary citizens of SADC know very little about the organisation, its objectives as well as its activities except for in places like Lesotho where the organization has prominently intervened in the 1994, 1998 and 2007 electoral disputes in that country. Even then, it would appear that the citizens are only familiar with the organization within the confines and extent of its intervention in that country. This state of affairs is problematic since for an organization such as SADC, success

¹¹¹ International Crisis Group, 2012

or its lack thereof is in large part a product of the perceptions of the ordinary citizens of its member states. This is because the ordinary citizens are the supposed beneficiaries of the lofty and noble objectives as outlined in the organisation's regional integration agenda. For all its milestones and achievements in the area of regional integration, the diversity of SADC's member states has presented it with some major challenges. The weak, under developed and in some cases absence of SADC National Committees at member state level as well as the inefficient SADC national contact point are all factors that may serve to weaken SADC's conflict transformation capacity.

1.5.7 Divisions among member states

Camps and divisions amongst the leaders of its member states have emerged mainly driven by the problematic assumption of a shared historical experience. The problem here has been the strong ties and patterns of alliance between those member states who fought liberation wars on the one hand and those who did not. The credibility and loyalty of the latter member states has often been brought into question particularly where they have broken ranks with the position of other member states on a point of principle. The position taken by member states such as Botswana particularly with regards to Zimbabwe where the country's leadership publicly criticized the Mugabe regime for election related irregularities and its democratic deficits is a case in point. Anthoni van Nieuwkerk aptly captures this impasse when he rightly observes;

Few ordinary southern Africans seem willing to identify with rulers and bureaucrats who romanticize the past, fear the future, and suffer from policy implementation paralysis.¹¹²

¹¹² Van Nieuwkerk, Organizational Dimensions of Security Cooperation in the Southern African Development Community, in Kaunda M.J (Ed), Proceedings of the 2006 FOPRISA Annual Conference, Report 3, Botswana Institute for Development Policy Analysis, 2007, Pg. 100

1.5.8 Absence of a Codified Common Regional Peace and Security Policy (CRPSP) Framework

This research is in part motivated by the fact that the SADC region does not have a clear, codified overarching framework in the mould of a Common Regional Peace and Security Policy (CRPSP) which outlines the region's peacebuilding objectives and acts as a point of confluence for the region's conflict transformation and peacebuilding efforts. This absence has robbed the region of the clear articulation of a peace policy, a regional security concept, and norms and values which will underpin all regional peace and security activities and can be cascaded to each individual member state to guide their individual National Security Policies (NSP). Though this research recognizes existing structures and instruments in SADC's security policy landscape, it would appear that these have largely been disjointed leading to past security and conflict transformation decisions being taken in a policy vacuum in an ad-hoc and insufficiently coordinated manner. Another problem is that SADC has also prioritized conflict management through mediation over efforts at building and deepening peace.

1.5.9 Difficult relationship with Donors and International Cooperating Partners (ICPs)

A key challenge for the regional body is that it has had a difficult relationship with donors or International Cooperating Partners (ICPs). This has been a result of SADC leaders' insistence on maintaining their autonomy especially in their reluctance to reign in on leaders among their fold such as Zimbabwe's Robert Mugabe who have been accused of human rights violations. Donors have in turn reacted to this by starving SADC of essential aid which constitutes a large chunk of the regional bodies' budget.

1.5.10 Inconsistent Security Policy Decision Making in Member states' Conflicts

SADC has acted swiftly and decisively to the unconstitutional change of power in Madagascar in 2009 by condemning it publicly, suspending its membership and threatening sanctions. This is one critical area that this research addresses with a view to coming up with viable solutions to the impasse as well as to establishing why the body has reacted differently to crisis within the region. This also presents questions of whether collective regional norms prevail within SADC and the extent to which they are adhered to. Accompanying the soft handling of colleagues guilty of human rights abuses, SADC leaders have also often failed to implement decisions reached collectively at official fora. This has weakened the regional body's capacity to enforce some of its commitments. It is the desire of this research to explore possible avenues that may be employed as a solution. In the past SADC member states have failed to act as one in the long running conflict in Angola (1975 – 2000), Lesotho (1994, '98, '07), the DRC (1998 -2001), Zimbabwe, (2000) – present and Madagascar (2009). The reasons for this inconsistency is also investigated in this research and suggestions made as to how this trend can be averted in the future. Having outlined the above it should be sufficiently clear that there are myriad reasons within SADC peace and security architecture that would warrant a research of this magnitude.

1.6 Purpose of the Research

The purpose of this research is to assess SADC's conflict transformation capacity with a view to identifying gaps, challenges and areas that may require improvement. The research thus judges such situations against international best practice and trends and accordingly makes policy recommendations for the required reforms.

1.7 Research Questions

1. Does SADC have the capacity to transform conflicts from a state of violence to durable and self-sustainable peace in the region by addressing their root causes and transforming factors that perpetuate violent conflict such as; context, structures, issues, rules and attitudes of actors in regional conflicts?
2. How has SADC transformed itself to develop this capacity to transform the above aspects of conflicts?
3. What are the constraints it has encountered in its efforts to transform conflicts?
4. How has it overcome these constraints?

1.8 Research Methodology

1.8.1 Research Strategy

The core work of this research is to assess the conflict transformation capacity of SADC. As shown in previous chapters, conflict transformation is a tool of peacebuilding which focuses on attaining durable peace by allowing local actors to play a central role in efforts to bring about peace in conflict situations. It has a preoccupation with addressing imbalances in power relations and situations of disproportionate distribution and access to social justice, which are usually at the heart of the discontent that leads to conflict and violence. It is also concerned with engendering and fostering a culture that rejects violent conflict in societies. Its preoccupation with local parties to a conflict is informed by the fact that they possess a deeper understanding of the dynamics that brought the conflict to the point where it is in the first place and as such cannot be excluded or side

lined in efforts to bring about a peace that will hold and last.¹¹³ More importantly they are the ones who will remain and live in that particular society in the period long after the violent conflict has ended. They are therefore best placed to identify the needs and long term interests of the most marginalized and vulnerable in complex political emergencies and conflict affected areas.¹¹⁴ The conflict transformation approach has five areas of focus in a conflict situation; actors, issues, context, rules and structures.

1. Actors: it is concerned with modifying the actors' goals and the approach they adopt in the pursuance of those goals.
2. Context: it challenges the meaning and perceptions of the conflict itself, particularly the respective attitudes and understandings of specific actors in the conflict towards one another.
3. Issues: It endeavours to redefine the issues that are central to the prevailing conflict, and to reformulate the position of key actors on those very issues.
4. Rules: The concern here is to change the norms and rules governing decision making at all levels in order to ensure that conflicts are dealt with constructively through institutional channels.
5. Structures: It strives to adjust the prevailing structure of relationships, power distributions and socio-economic conditions that are embedded in and inform the conflict, thereby affecting the very fabric of interaction between previously incompatible actors, issues and goals.¹¹⁵

It is against this backdrop that SADC's capacity to implement an elaborate conflict transformation Infrastructure which this research calls a Regional Infrastructure for Peace (RI4P), reaching the lowest levels and actors in the region is brought under the microscope. Its scrutiny it is hoped will point at gaps in current efforts, as well as identify suitable remedies that will transform not only the nature of conflicts in the region but also transform their latent and deep seated causes in a

¹¹³ Lederach, Miall, Smith, Kumar, GPPAC, Berghof Handbook of Conflict Transformation

¹¹⁴ Grant J, Can global development and local peacebuilding work together?, Insight on Conflict, November 18, 2013, Peace Direct

¹¹⁵ Trans Conflict, Collaborative Conflict Transformation, available at: www.transconflict.com/2014/01/collaborative-conflict-transformation-091/ accessed on: 09-01-14

thorough, comprehensive and effective manner that will guarantee durable peace. Conflict Transformation “requires that there are standing internal capacities for managing recurring tensions at national and local levels so that new conflicts are transformed into opportunities for greater reform and inclusion rather than violence”.¹¹⁶

1.8.2 Research Design

Conflict Transformation and the Quest for a Self-Sustaining Peace

In conducting the assessment the research probes, gauges and gives an account of the current state of conflict transformation in SADC. From the onset two caveats are made, one is that although the theory of conflict transformation is still in its formative stages and is gradually evolving, building blocks have consciously or unconsciously been made in SADC to prepare the ground for the application of the approach. It is these building blocks which this research concerns itself with identifying, determining the extent of their formation as well as ascertaining the extent to which the ground and environment within SADC supports their formation and development as corner stones of a durable and self-sustaining peace in the region. Secondly, the research acknowledges that there is a contradiction inherent in this approach where for one, the attainment of a sustainable peace is expected to emerge from within, “from the local, from the inside and from the bottom up”.¹¹⁷

On the other hand, it cannot be disputed that there is room for international and regional organisations such as SADC to play a role despite that they are also at times seen as external

¹¹⁶ Kumar C and De la Haye J, Hybrid Peacemaking: Building National “Infrastructures for Peace”, Global Governance, 18, 2011, Pg. 13

¹¹⁷ de Coning, C 2013, Understanding Peacebuilding as Essentially Local, Stability, 2 (1): 6, Pg. 1-6 DOI: <http://dx.doi.org/10.5334/sta.as>

interveners in conflict situations. Thusly no effort should be spared in improving their capacity and ability to design and manage coherent, multi-stakeholder peace missions in their areas of jurisdiction. They should also be helped to achieve coherent and comprehensive interventions. The thinking here is that coherence will result in effective peace missions and more sustainable and peaceful outcomes.¹¹⁸

International peacebuilding interventions should stimulate, facilitate and create the space for the emergence of robust and resilient self-organized systems. International peacebuilding interventions shouldn't interfere in the local social process with the goal of engineering specific outcomes, such as trying to produce a neo-liberal state.¹¹⁹

For the above reason, it is important to capacitate conflict affected societies in such a way that they are able to develop a self-organizing capacity which can withstand pressures that risk a relapse into conflict. As indicated above, this lies at the heart of conflict transformation and it is the concern of this research to assess how SADC is performing this role with a view to identifying its shortcomings and challenges in order to devise solutions and remedies. The above approach was also informed by the argument advanced by (Nathan, 2012) critiquing researchers who write on the lack of effectiveness of SADC or those who praise its success without saying exactly what they mean by effectiveness. He holds that this results in imprecise and unsatisfactory conclusions, since it was not made clear what criteria they employed to measure effectiveness. As such this research uses the theoretical framework provided by conflict transformation and I4P theorists to assess SADC's capacity.

¹¹⁸ de Coning, 2013, Pg. 3

¹¹⁹ de Coning, 2013, Pg. 6

Capacity Assessment Method and Approach

Capacity has been described as the ability of individuals, groups and organisations to perform their functions and achieve the desired results over time.¹²⁰ The research undertook a qualitative analysis of major issues, perceptions, and suggestions from various stakeholders, research outputs, technical and official reports and documents as well as interviews with officials at the SADC secretariat and some SADC member states.¹²¹ An assessment of SADC's capacity for conflict transformation through the creation or strengthening of a Regional Infrastructure for Peace (RI4P) lies at the heart of this research. The assessment undertook to identify current capacity levels, capacity needs; whether basic, average or self-sustaining which enabled the research to identify the required capacity development interventions once the capacity gaps were clarified. Capacity assessment was undertaken at both the multilateral / regional and the national member state levels.

The research undertook the capacity assessment for three reasons:

1. As a situational analysis to provide the basis for the identification of future capacity needs
2. To provide a framework within which governments and donors can coordinate the formulation and implementation of capacity building programmes.
3. To evaluate past experiences in order to better guide the implementation of future capacity development exercises for monitoring and evaluation and ultimately redesigning of policies, programmes and projects.¹²²

¹²⁰ SADC's Regional Capacity Building Strategy for Education Management and Information Systems (EMIS) of March 2009 commissioned by the Association for the Development of Education in Africa (ADEA) Working group on Education Policy Support for the SADC Secretariat, 2009, Pg. 16

¹²¹ Approach adapted from Rohdewohld R, Capacity-Building Needs Assessment for Local Governments in Indonesia in Capacity.org, Advancing the policy and practice of capacity building in international development cooperation: Tools of the trade: capacity assessment, Issue 8, January 2001 available at: www.capacity.org accessed on: (09-01-14), Pg. 5

¹²² Capacity.org, Advancing the policy and practice of capacity building in international development cooperation: Tools of the trade: capacity assessment, Issue 8, January 2001 available at: www.capacity.org accessed on: (09-01-14)

As an assessment tool, the research has probed and conducted an assessment of conflict transformation capacity in SADC at three levels of analysis namely the:

1. Systemic
2. Institutional
3. National / member state levels¹²³

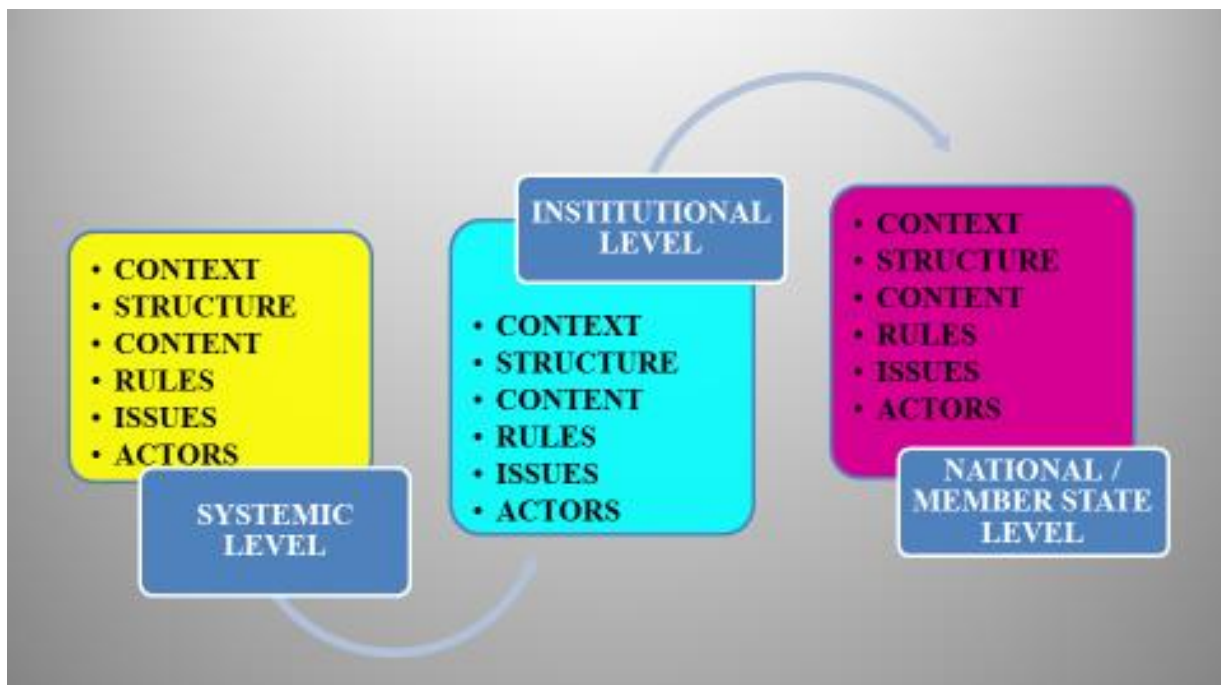


Figure 4: What is to be transformed?

As seen in figure 4 above, the assessment was conducted to determine the extent to which SADC has the capacity to transform the context, structure, content, rules, issues and actors in conflict situations in the region. The research adopted this approach as a heuristic device in an effort to deepen current peacebuilding and conflict transformation efforts in SADC. The approach was also

¹²³ A similar approach was employed in the research for SADC's Regional Capacity Building Strategy for Education Management and Information Systems (EMIS) of March 2009 commissioned by the Association for the Development of Education in Africa (ADEA) Working group on Education Policy Support for the SADC Secretariat

guided by a modified and adapted interpretation of the UNDP's conceptual approach to capacity building which holds that capacity should be analysed at **the systems** (i.e the regulatory framework enabling national and regional policies), **the entity level** (i.e. an individual organisation's structures and working mechanisms, its relationships with other relevant organisations, its working culture, its resources), and **the individual level** (i.e the skills and competencies of staff, and work ethics).¹²⁴

The UNDP Capacity assessment practice note of 2008 sees the point of entry for any capacity assessment exercise as being to recognise that capacity resides on three levels – the enabling environment, the organizational and the individual. It identifies four core issues commonly encountered across sectors: i) institutional arrangements; ii) leadership; iii) knowledge and iv) accountability which can be amended based on the case and the situation. It lists the following functional organizational capacities as prerequisites of functional and technical capacities necessary for creating and managing policies, legislation, strategies and programmes: 1) engagement with stakeholders; 2) assessment of a situation and the definition of a vision and mandate; 3) formulation of policies and strategies; 4) budgeting, management and implementation; and 5) Evaluation. The UNDP further suggests a three step process in the conduct of a capacity assessment:

- a) To mobilise and engage with stakeholders to create a capacity assessment design. The capacity assessment design ought to be guided by these questions: 'capacity for why?', 'capacity for whom?', 'capacity for what?'
- b) To conduct the capacity assessment, data and information on the desired and existing capacity are collected

¹²⁴ Capacity.org, Advancing the policy and practice of capacity building in international development cooperation: Tools of the trade: capacity assessment, Issue 8, January 2001 available at: www.capacity.org accessed on: (09-01-14)

- c) The results of the assessment are then summarized and interpreted where a comparison is done between desired capacities and existing capacities to determine the capacity development action needed to bridge the gap.¹²⁵

According to the USAID Centre for Development Information and Evaluation, in selecting a measurement instrument it is important to clearly identify what needs to be measured, i.e whether the objective of the intervention is to strengthen the entire organization or only a specific function or component of the organization. As such the most useful measurement should capture only the information relevant to the intervention. Informed by the conception of an organization as a system of related components that work together to achieve an agreed upon mission, it suggests the following components as key parts of a framework for measuring institutional capacity:

1. Administrative and Support Functions

- Administrative procedures and management systems
- Financial management (budgeting, accounting, fundraising, sustainability)
- Human resource management (staff recruitment, placement, support)
- Management of other resources (information, equipment, infrastructure)

2. Technical / Program Functions

- Service delivery system
- Program planning
- Program monitoring and evaluation
- Use and management of technical knowledge and skills

3. Structure and Culture

- Organisational identity and culture
- Vision and purpose
- Leadership capacity and style
- Organisational values
- Governance approach
- External relations

4. Resources

- Human
- Financial and Others.¹²⁶

¹²⁵ UNDP, Capacity Assessment Practice Note, October 2008 available at: www.capacity.undp.org accessed on: (09-01-14)

¹²⁶ USAID, Recent Practices in Monitoring and Evaluation TIPS: Measuring Institutional Capacity, Centre for Development Information and Evaluation, 2000, Number 15 available at: www.chain.net.cn/document/20070820170226248687.pdf accessed on: (04-01-14)

The significance of assessing the conflict transformation capacity of SADC is that it provides an opportunity to expose the impact, outputs and outcomes of past interventions in the process providing a deeper understanding of what the obstacles to regional peace are.¹²⁷ A major finding in the research has been that peacebuilding has not been given the centre stage in SADC's responses to conflict and instability as evidenced by its glaring absence in SADC's lexicon and nomenclature.¹²⁸ The literature and research on peace and security related subjects in the region has also been framed from the angle of security regionalism, probing the extent to which SADC meets the requirements of a security community. The latest examples of this are two seminal publications; Laurie Nathan's 2012 book titled: "*Community of Insecurity, SADC's struggle for Peace and Security in Southern Africa*" another edited by Chris Saunders, Gwinyayi Dzinesa and Dawn Nagar titled: "Region-Building in Southern Africa, Progress, Problems and Prospects" also published in 2012. While they are both comprehensive in scope and robust in content, they pay scant to no attention to the specific subject of peacebuilding and by extension conflict transformation, which is another lost opportunity for deepening the search for peace consolidation and a formula for a self-sustainable and durable peace in the region.

Elsewhere the literature analyses SADC's Conflict Resolution, Mediation and Peace Keeping architecture in a rather piece meal, disjointed and ad-hoc fashion, an approach which runs the danger of addressing only the symptoms of the regions' security vulnerabilities without entirely deepening the search for peace by focusing on the root causes of violent conflicts as per the peacebuilding approach. Efforts have also not been exhausted to streamline SADC's current

¹²⁷ Maina G, and Razia W, 2012, Pg. 23

¹²⁸ There is a glaring absence of the explicit use of the term peacebuilding, not to mention conflict transformation in a majority of SADC treaties, protocols, declarations and the literature generally.

achievements in developing a conflict transformation infrastructure informed by a peacebuilding framework. This presents the risk that most conflicts previously doused and mollified through the existing infrastructure may recur in the future as previous SADC interventions were only tantamount to wrapping a bandage around a wound without treating it with its requisite medicine for full, faster and real recovery.

Qualitative Research Methods

This study utilized qualitative research methods, data was collected from both primary and secondary sources. Primary data was collected through elite interviews with experts and practitioners in Southern Africa working for or closely with SADC. For this purpose the researcher undertook two field trips to Africa in 2012 (Addis Ababa, Ethiopia to the African Union Head Quarters, South Africa to various think tanks on peace and security and Botswana to the SADC Secretariat) and in 2013 (Botswana, South Africa and Lesotho). A number of interviews were conducted during these trips with scholars and practitioners working on peace and security in Southern Africa. Further data was collected from academic journals, books, technical reports, official reports of both governments and international organisations, newspapers and other internet sources.

Personal Interviews



Photograph 3a: Interview with Professor Kataboro Miti, SADC specialist, Department of Political Science, University of Pretoria (September 04, 2013)



Photograph 3b: Interview with Arch Bishop Lerotholi – Arch Bishop of Maseru & Lead Civil Society Mediator in Post 2007 Peace Talks, Maseru (August 30, 2013)



Photograph 3c: Interview with Professor Mafa Sejanamane – Provost Chancellor, National University of Lesotho, Roma, Lesotho (August 28, 2013)



Photograph 3c: In the office of Colonel Phillip Lebele, Botswana's Defence Attache to the African Union. At Embassy of Botswana, Addis Ababa Ethiopia (September 12, 2012)

Photograph 3: Personal interviews conducted during field study

Elite Interviews



Photograph 4a: Interview with Mr Leshele Thoahlane, Former Chairman Independent Electoral Commission of Lesotho, Maseru Lesotho (August 30, 2013)



Photograph 4b: : Interview with The Right Honourable Lesao Lehoohla, Former Deputy Prime Minister of the Kingdom of Leotho and Government Lead Negotiator, Mafeteng, Lesotho (August 31, 2013)



Photograph 4c: Interview with His Excellency Sir QKJ Masire – Former President of the Republic of Botswana (1980-1998) & SADC Eminent Person to Lesotho, Gaborone, Botswana (August 2, 2013)



Photograph 4c: Interview with Mr Sekhonyana Bereng – Special Advisor to the Prime Minister – Kingdom of Lesotho, Maseru (September 1, 2013)

Photograph 4: Elite interviews conducted during field study

Data Analysis

The process of analysing the data entailed separating the data into categories informed by the identified problem in the research and the research questions asked. Emerging themes were then identified and discussed through a process of triangulation of sources where the veracity of the findings was tested against the position articulated in the theoretical framework and the subject matter literature. The themes were further analysed and assessed to determine the extent to which they provided answers for the posed research questions.

Ethical Considerations

Measures were taken to ensure that this study is compliant with best practices and standards of ethical research as well as the ethical research policy of Hiroshima University. The researcher was mindful not to compromise the confidentiality of sources by requesting all interview sources to fill out the consent form appended to this study. Permission was thus sought prior to usage of any of the findings from the interviews and other official and technical reports and materials with restricted circulation.

1.9 Significance of the Study

In its own small way the study hopes to serve as an academic reference point on Conflict Transformation in the SADC region. It will serve as a guide on what the region should avoid and what ought to be done to improve policy formulation, conflict transformation and peacebuilding in the SADC region. The research is timely as it takes place at a time when the Strategic Indicative Plan of the Organ (SIPO I) has recently been revised and SIPO II introduced. As well as at a time when there are ongoing preparations for the establishment of a Mediation unit at the SADC secretariat. It will as such serve as a good resource for students, academics and policy makers in

ministries of defence and the security sector within the SADC region as well as at the SADC and African Union secretariats.

1.10 Limitations of the Study

The scope of research was restricted to conducting an assessment of SADC's conflict transformation capacity. Given the nature, size and significance of the organization which is made up of fifteen member states, this task could not be achieved by limiting the assessment to the institutional level only. As such the research undertook to identify the various SADC bodies with tasks involving conflict transformation as well as other factors which may aid or impede the transformation of conflicts in the region. As such the research confined itself to assessing how and whether or not SADC has the capacity to transform the context, structure, rules, attitudes of actors towards the contents of the conflict as well as the major issues at the heart of the conflicts. This was done with a view of determining whether SADC had the capacity to transform the factors in which perpetuate conflicts in the region and if not identifying impediments to such capacity. The assessment was conducted at three levels, the systemic, institutional and national / member state level in SADC. In light of the above the researcher was unable to travel to all SADC member states as well as to interview all key actors in SADC's conflict transformation machinery due to the sheer magnitude of the task as well as resource limitations.

1.11 Conclusion

Chapter one has introduced the main task and aims of this study providing a contextual and historical background to the core issues being researched in this study. It provided a review of the key literature relevant to a study of this nature as well as outlining the research methodology

employed in this study. It outlined the main research problem at the heart of the study as well as the core research questions that the study undertakes to answer.

CHAPTER 2

An Assessment of SADC's Conflict Transformation Capacity at the Systemic level

2.1 Introduction

Chapter two undertakes an assessment of SADC's conflict transformation capacity with a special focus on the systemic factors that impede or aid the organisation's capacity to transform conflicts in the region. Recognising that SADC is nothing more than the sum of its member states, it looks at the political culture dominant in SADC, the colonial legacy that its member states have had to grapple with, its acrimonious relationship with donors as well as its relationship with the United Nations and the African Union and how they affect its conflict transformation capacity. The chapter also identifies the types of conflicts in the SADC region and discusses how SADC has dealt with them.

2.2 Contextual basis of an assessment of Conflict Transformation Capacity at the systemic level in SADC

The prevailing situation in Southern Africa was ushered in by the end of the Cold War and the attainment of black majority rule in South Africa at the beginning of the 1990s. In the period before these two watershed events the preoccupation of most states neighbouring South Africa was to ward off domination; economic, political and military from the then rogue, minority apartheid regime which was used as a bulwark against the spread of Communism in the region by the USA. Most states in the region at the time used the external military threats posed by the minority white regimes in South Africa and Southern Rhodesia (Zimbabwe) as a pretext for militarizing domestic

politics in their countries. In some of the states with one party state regimes, the military was often used to crush domestic dissent although the threat of external attack was often used as a pretext for its growth and funding.¹²⁹ The above and many other systemic factors militating against SADC's ability to fulfil its objectives to end conflicts and bring about a self-sustaining peace in the region will be considered in this section.

The end of apartheid in 1994 saw Southern Africa's most powerful member state, South Africa joining the ranks of SADC, almost over-night, South Africa led by one of Africa's political icons Nelson Mandela had a polarizing effect on SADC member states. Many had not fully prepared themselves regarding how to welcome and embrace a former foe turned colleague into their ranks. They as such viewed South Africa with suspicion with memories of the atrocities of the apartheid South African regime lingering fresh in their minds.

An example of this was when South Africa led an intervention into Lesotho's post-election crisis through a controversial SADC mandate. For some the emergence of a clear hegemon who embraced democratic values provided hope that the country would take a leadership role and guide other member states towards the realization of SADC's ambitious goals. When South Africa joined SADC it immediately challenged Zimbabwean President, Robert Mugabe's status as the region's foremost regional leader. This had the effect of dividing SADC as the two countries; South Africa and Zimbabwe pursued divergent foreign policies and were not equally committed to the democratic agenda.¹³⁰

¹²⁹ Matlosa, 2003

¹³⁰ Nathan, 2012

At the first instance, one of the most glaring capacity constraints confronting SADC at the systemic level which has been encountered in this research and which has also been uncovered by other researchers¹³¹, is the inaccessibility of SADC official communications in the area of peace and security. There are a number of difficulties to be overcome in doing research on SADC, for one, the Communiqués issued at the end of SADC meetings discussing peace and security matters are made deliberately uninformative. Another factor is that the Heads of State and Government themselves have remained extremely secretive about defence and security matters in an effort to conceal their divisions. This has robbed ordinary citizens in the region of a chance to closely follow debates and developments in the realm of high politics in the region.¹³²

Another limiting factor for SADC's conflict transformation capacity is the multiple concurrent membership of other RECs by SADC member states, this has been a concern for more than three decades now, having troubled even the nascent SADCC in its early days.¹³³ This calls their commitment to SADC into question as they have torn loyalties and responsibilities since they have to abide by the different rules of more than one REC. It is also a duplication of efforts and a waste of resources which complicates harmonization and coordination among member states. It further "muddies the goals of integration leading to counterproductive competition among countries and institutions" since they often cite political and strategic national interests as reasons for their

¹³¹ See Nathan L, 2012, *Community of Insecurity: SADC's Struggle for Peace and Security in Southern Africa*, Ashgate: Pg. 13

¹³² Ibid

¹³³ This point was made in an interview with H.E. Sir Ketumile Quett Joni Masire, Former President of the Republic of Botswana and SADC commissioned Eminent Person and Mediator to the 2007 Post Election crisis in Lesotho. (02-08-2013)

multiple membership of RECs.¹³⁴ This phenomenon of multiple and overlapping memberships of RECs has been described as; “a spaghetti bowl that hinders regional integration by creating a complex entanglement of political commitments and institutional requirements”.¹³⁵ This section of the research attempts to unpack the possible reasons for the above by exploring the hidden systemic and structural forces which have a bearing on SADC’s conflict transformation capacity.

2.3 The Post-Colonial State and structural causes of conflict in Southern Africa

The main challenge for SADC lies in the nature of its member states most of which are no different from the average state elsewhere in Africa today. The state in Africa is in a state of flux which is different from the state as defined in International Relations theory. Most conflicts in Africa result from the failure of the post-colonial state which has become a nonviable entity due to the preoccupation of leaders with regime survival rather than serving the people. Internal contests revolving around the latter are the leading causes of state failure and collapse on the continent which has robbed citizens of the enjoyment of basic rights and services.¹³⁶ As a result of long liberation wars and post-independence civil wars, the security sector in most SADC member states is ‘partisan, secretive, state centric and prone to human rights abuses’.¹³⁷ The evolution of theoretical approaches to security which has been mostly western driven, has tended to conceive of threats to national security in a traditional militaristic / state centric way, where security meant

¹³⁴ Ndomo, A, 2009, Regional Economic Communities in Africa: A progress Overview, GTZ, Nairobi

¹³⁵ Alves, Draper and Halleon in Ndomo, 2009

¹³⁶ Francis, David, 2006

¹³⁷ Hendricks C. and Musavengana T. (Eds), “Introduction” in “The Security Sector in Southern Africa”, Monograph 174, Institute for Security Studies, 2010

protection from threats of an external nature emanating from other states. As such this was the driving force behind regional and collective security arrangements in the west.

Threats to the state in Africa on the other hand have tended to emanate from within with a near implosion of internal challenges such as civil wars, secession, ethnicity, social exclusion, greed, corruption, repression, dictatorship etc. Against this back drop and experience, regional security cooperation in Africa was based on a weak foundation because the primary unit driving the process (the African state) was itself weak, still grappling with first order post-independence challenges of state formation and consolidation. The state in Africa instead of using its monopoly over the use of its means of coercion against external attack, directed its wrath on its own people where the state became an instrument of fear against its people as argued by Barry Buzan. It is therefore too much to expect that any regional security cooperation efforts such as those of SADC would yield the same results as seen in the west and elsewhere. Theoretical readings of what constitutes security in the context of Africa have thus been less than accurate. A correct reading of these has revealed that the state has been a source of insecurity for its people rather than being a guarantor of security.¹³⁸ This can best be explained by the evolution of the state in Africa as shown above as well as the accompanying political culture that holds sway.

2.4 Types of regimes and Experiments with Democracy in SADC

The concept of democracy provides a useful entry point for a discussion of conflict transformation in SADC, this is for the simple reason that states formed on the basis of a democratic model are seen in the literature as being less disposed to conflicts. They are portrayed as sensible states

¹³⁸ Ngubane, 2004, Pg. 50

accountable to their publics on any use of resources as compared to dictatorships for instance who may wage war or provoke conflict with other states at will without fear of reprisals from their citizens. As such, liberal democracies have emerged as the desirable model of state building which states have aspired to have on the world stage as increasingly seen as well on the African continent especially in the Post-Cold war era. Proponents of this thinking labelled “The Democratic peace theory” in the Political Science literature further argue that this is the desirable state model as Democracies are less likely to go to war with each other.¹³⁹

It is on this pretext that they argue that a world populated by states of the liberal democratic variety would be a peaceful one. This line of thinking has seen many western states led by the United States, some Western European states and International Financial Institutions pushing for emerging states in the developing world to embrace Democracy and good governance to secure their prosperity and viability as states. The winds of democratization in the SADC region began with the defeat of the ruling party of one of the region’s founding fathers, Kenneth Kaunda of Zambia in 1991, the tone for others in the neighbourhood was set by Namibia in 1990 followed by South Africa soon afterwards who graduated to majority rule in 1994 after fighting extended liberation wars.¹⁴⁰

It is important to situate this discussion within the context of Democracy since all post conflict, Post-Cold War and Post-apartheid state building efforts in Southern Africa took place within a new type of state, a newly democratized state. It is instructive to note this point since the discussion at hand revolves around establishing the conflict transformation capacity of SADC both at the

¹³⁹ Dixon W. J, 1994, Democracy and the Peaceful Settlement of international Conflict, American Political Science Review, Vol. 88, No. 1 (Mar., 1994), Pg. 14-32

¹⁴⁰ Khadiagala, 2001

regional and member state level. Citizens of democratic states lay certain expectations on the state to provide services and opportunities which will better the quality of their lives. As such Democracy requires development in order to have relevance for the lives of the people and to prevent it from being viewed as a game aimed at the circulation of elites for control over state power only. A Democratic dispensation is thus important for successful conflict transformation which requires equality, social justice and social relations based on fairness and mutual respect between the leaders and the led.

A key challenge in Southern Africa is however that democracy in most of the states is reduced to a preoccupation with the holding of regular elections with little emphasis on the establishment of a strong culture and institutions that support both democracy and development in between.¹⁴¹ This can perhaps be explained by the immediate post-independence experience of most Southern African states which was dominated by one party state regimes. A typology of democracies in the region since the onset of independence in the 1960s all the way to the 1980s reveals a variation of dictatorships and one person and one party ruled states; One person rule (Malawi: 1963-1994), military dictatorship (Lesotho: 1986-93), de facto one-party rule (Lesotho: 1970-86), de jure one-party rule (Angola, Mozambique, Tanzania, Zambia, Zimbabwe) and dynastic rule (Swaziland). The only two exceptions to this trend have historically been Botswana and Mauritius who later

¹⁴¹ Matlosa, K. 2007, *Democracy and Development in Southern Africa: Strange Bedfellows* in Matlosa, and others, *Challenges of Conflict, Democracy and Development in Africa*, Johannesburg: EISA

welcomed Namibia and South Africa to the fold of liberal democracies at the beginning of the 1990s as part of what Samuel P. Huntington terms ‘the third wave of democratization’.¹⁴²

Table 4: A Typology of regimes in SADC

| Type of Regime Democracy | Characteristics | Examples of countries |
|--|---|---|
| Liberal Democracy | Stable and consolidating democratic frameworks | Botswana, South Africa, Mauritius and Namibia |
| Electoral democracies | Holding of regular elections while in between and beyond elections they suffer enormous democratic deficits | Democratic Republic of Congo, Lesotho, Malawi, Mozambique, Tanzania and Zambia |
| Grey Zone Democracy / ambiguous democracy / pseudo-democracy / illiberal democracy / virtual democracy | Countries which have embraced the political culture of regular multiparty elections. However the credibility of the elections is always questionable and election outcomes are always contested. Elections are thus a façade hiding the authoritarian regime. | Zimbabwe |
| Dictatorship / Authoritarianism / Closed authoritarianism / Unreformed autocracy | Countries that have not yet undergone political transitions to multiparty democracy. | Angola (although elections were held in 2013 where opposition also took part) and Swaziland |

Source: Matlosa, 2007, Pg. 62

As seen in Table 4 above, the only countries that are classified as liberal democracies in the SADC region are, South Africa, Namibia, Mauritius and Botswana. A majority of SADC member states fall under the category of electoral democracies where elections are held regularly but are fraught with democratic deficits, cited examples include; Mozambique, Malawi, Lesotho, Zambia, Tanzania, and the Democratic Republic of Congo. Zimbabwe occupies a special category of an

¹⁴² Matlosa, K., Democracy and Development in Southern Africa: Strange Bedfellows in Matlosa, and others, Challenges of Conflict, Democracy and Development in Africa, Johannesburg: EISA, 2007

‘illiberal democracy’ or a ‘virtual democracy’ where elections are held regularly and leaders are elected albeit in an atmosphere where the outcome is always contested.

The above table out-rightly singles out two authoritarian regimes in the region, these are Angola and Swaziland, the former having been led by the same leader since 1975 while the latter remains Africa’s last absolute monarchy with executive powers. In both countries there have been reports of skewed development, Angola has never really recovered from its decades-long civil war which devastated all the infrastructure that had been built by the colonial Portuguese regime without which the country cannot optimally provide social services to its citizens. Angola is however the only country in SADC which has the potential of challenging South Africa’s hegemony.

Once occupied by the apartheid South African army in the 1980s, Angola is rich in diamonds and is one of Africa’s largest oil producers with reserves of 4 billion barrels. It also has a strong, battle-hardened army which has previously successfully intervened in DRC and Congo-Brazzaville.¹⁴³ In Swaziland the country has in the past few years experienced economic hardships and unprecedented levels of poverty despite the lavish lifestyle of the King, coupled with having to manage one of the highest HIV infection rates in the world, the leadership in the country has constantly been on a collision course with opposition parties who advocate for a more plural dispensation. The above climate provides fertile ground for protests which may result in conflict, structural violence and human insecurity.

¹⁴³ Adebajo, A. “South Africa and Angola: Southern Africa’s Pragmatic Hegemons”, *Regional Integration Observer (RIO)*, Vol. 6 No. 1, April 2012, Centre for European Integration Studies

2.5 Political Culture in SADC

Relations amongst SADC member states have since the inception of the community been marred by latent divisions which SADC leaders are loathe to admit publicly. Since meetings of the leadership of SADC are usually a very private affair, the public is denied the chance of witnessing the camps and divisions among member states during critical debates. However close SADC observers have identified two camps within the ranks of member states; the militarists (Zimbabwe, DRC, Angola and Namibia) and the pacifists (South Africa, Mozambique, Botswana). The militarists are those member states with a foreign policy preference for military action to resolve conflicts while the pacifists are those with a foreign policy preference for diplomatic forms of resolving conflicts. This disjuncture was manifested before the formal integration of the Organ into official SADC structures where the militarist bloc led by Zimbabwe insisted on maintaining the status quo of an autonomous Organ. The pacifist bloc led by South Africa on the other hand insisted that it be integrated formally into SADC structures. The stand-off resulted in an unprecedented situation where SADC had two separate entities at heads of state level responsible for dealing with intra and inter-state conflict.¹⁴⁴

This phenomenon could be explained by the political culture prevalent in SADC both within and among member states as well as the dominant values embraced by member states. Political culture has been defined as ‘a concept that denotes a broad array of norms, values, beliefs, attitudes and traditions that shape systems, institutions and processes of governance’. Political culture shapes society’s perceptions about whether or not their government is legitimate. Citizen’s negative

¹⁴⁴ Nathan, 2012, also see: Francis, David. J. “Uniting Africa; Building Regional Peace and Security Systems”, England, Ashgate Publishing, 2006

perceptions about the legitimacy of their government may lead to widespread dissent which in extreme cases may result in violent conflict.¹⁴⁵

Researchers on SADC have been challenged to desist from merely crediting and heaping praises on SADC for forming formalistic institutional structures without looking at the values and dynamics underlying them. According to the argument, what matters more is what the organization has done to ensure the prevention and resolution of violent conflict. Researchers are challenged to think about what the situation would have been like if SADC had not been created. To drive the point home, an example is given of the South Asian Association of Regional Cooperation (SAARC) which is described as a failure as it has made no difference in reducing, ending or resolving conflicts in South Asia. As such, viewed in this way, in as much as SADC may be flawed, things could have been much worse without its creation. The SADC led mediation of the crisis in Zimbabwe which resulted in the signing of the Global Political Agreement (GPA) between the conflicting parties is cited as an example of the organisation's success even if limited.¹⁴⁶

The above grim picture of the state of Democracy in Southern Africa has resulted in the leaders of most member states of SADC pursuing what Soderbaum describes as "Regime-boosting regionalism" where regional cooperation in many areas including peace and security has only served to benefit the narrow interests of the leaders to the exclusion of the majority of their publics.

Political leaders are seen here engaged in;

...strengthening the status, legitimacy and the general interests of the political regime rather than the nation-state per se...they engage in discursive activities, whereby they

¹⁴⁵ Matlosa, K. 2003, Political Culture and Democratic Governance in Southern Africa, African Journal of Political Science, Vol. 8 No. 1

¹⁴⁶ See Nathan L, 2012, Community of Insecurity: SADC's Struggle for Peace and Security in Southern Africa, Ashgate: Pg.14

praise the goals of regionalism and regional organization, sign cooperation agreements, and take part in ‘summitry regionalism’, but without giving a commitment to or bearing the costs of policy implementation¹⁴⁷

SADC has historically pursued inconsistent conflict resolution approaches, this is partly owing to an unwritten rule marked by an aversion to interfering in the domestic affairs of other member states. This could be explained in the historical African socio-cultural norm of wanting to avoid ‘washing one’s dirty linen in public’. As such the unspoken sentiment in SADC appears to be that public criticism of leaders such as Mugabe would set a bad precedent for other leaders who themselves have unflattering human rights records.¹⁴⁸ In Soderbaum’s explanation this is the pervasive culture that underlies regional cooperation in SADC, this state of affairs only serves to antagonise the goals of conflict transformation since the political leaders don’t serve the broader societal and national interests but their own.

...Regional cooperation is instead used as an image-boosting instrument whereby leaders can show support and loyalty for each other, which enables them to raise the profile, status, formal sovereignty and image of their often authoritarian regimes without ensuring implementation of agreed policies.¹⁴⁹

In fact a major cause of conflicts in the region revolves around concerns with legitimacy or the loss of popular legitimacy by governments due to their unwillingness or inability to meet the expectations of their citizens.¹⁵⁰ By extension, this has seen a prevalence of norms of non-interference in the domestic affairs of other member states within SADC where leaders behave

¹⁴⁷ Soderbaum, 2012, Pg. 4

¹⁴⁸ Francis, David. J. “Uniting Africa; Building Regional Peace and Security Systems”, England, Ashgate Publishing, 2006

¹⁴⁹ Soderbaum, F, 2012, The Success of Regionalism in Southern Africa, Regional Integration Observer (RIO), Vol. 6 No. 1, April 2012, Centre for European Integration Studies

¹⁵⁰ Matlosa, 2003

like they are in an old boy's club looking out for one another. A case in point was the policy of silent diplomacy pursued by most member states towards the political crisis in Zimbabwe, most notably Botswana and South Africa who share a long border with Zimbabwe and were thus on the frontline and at the receiving end of the spill-over of the political and humanitarian crisis in the country. Despite the costs they had to incur due to hosting unprecedented numbers of economic and political refugees and by having to bear the brunt of the stresses of a neighbour in crisis, both countries refrained from speaking out publicly against the regime in Zimbabwe. The silence was only broken in 2008 by the ascendance of President Lt. Gen (Rtd) Seretse Khama Ian Khama in Botswana who mostly criticized the controversial manner in which the 2008 elections in Zimbabwe were handled.¹⁵¹

SADC's past failures in peacemaking have been attributed to the absence of common values among its member states which has "inhibited the development of trust, institutional cohesion, common policies and unified responses to crisis".¹⁵² This has been shown by member states' reluctance to surrender sovereignty to a security regime that encompasses binding rules and decision-making,¹⁵³ a further blow to SADC's ambitions of attaining true supranational status. A report published in 2013 by the SADC Council of Non-Governmental Organisations (SADC-CNGO) which sought to examine the core values of SADC and how they have been embraced by both the citizens of member states and the leaders themselves, has concluded that the pace at which

¹⁵¹ Strenslund, A. 2009, International Institutions and Norm Socialization in Southern Africa: The impact of SADC Peace and Security Norms on Botswana's and South Africa's Foreign Policy towards the crisis in Zimbabwe, Unpublished Master's thesis in Peace and Conflict Studies, University of Oslo, Norway

¹⁵² Nathan, 2004, Pg. 1

¹⁵³ Nathan, L, 2004, The Absence of Common Values and failure of Common Security in Southern Africa (1992 – 2003), Working Paper No. 50, Crisis States Research Centre, LSE

they are taking root and being implemented is slow. This is despite the strides made in regional integration and interactive trade in the region. Another key finding of the report is that “too strong and fresh are feelings and values of national independence and sovereignty” in most SADC member states who are relatively young.¹⁵⁴

This has led to the emergence of varying degrees of enabling environments for the facilitation of regional integration within and among member states. The report thus calls upon the leaders of SADC member states to jointly show a strong political commitment to embracing the popular values of their citizens which don't always match the ones that they want to see prevailing in the region. With evidence from the most successful countries in the world showing that success is best achieved by regional integration based on shared values, the report suggests that SADC leaders should adopt a new development paradigm based on shared and common values and the pragmatism and openness to accept the political and cultural changes of their citizens.¹⁵⁵

2.6 A Typology of conflicts and current Conflict Transformation responses in SADC

The end of the Cold War and the interventions that took place in previously protracted conflicts internationally provide a backdrop for this study's analysis. In the SADC region such interventions were seen in Namibia, Mozambique, Angola, South Africa and the Democratic Republic of Congo (DRC). The DRC and Angolan conflicts are described as the most costly and complex of the

¹⁵⁴ SADC-CNGO, *The SADC We Need: Towards Values – Based Regional Integration and Development*, Report Published with the support of GIZ, 2013

¹⁵⁵ Ibid

conflicts found in the SADC region.¹⁵⁶ The attainment of peace in the above countries as elsewhere also saw key questions taking centre stage, these revolved around what is to be done once the humanitarian emergency was over.¹⁵⁷ This was met with the reinterpretation of the patterns of international conflicts led by Cousens (1998) whose core message centred around the finding that in the 1990s Post Cold War world era, most conflicts were intrastate in nature and as such required the parties to the conflict to live together once the violence had ended. This therefore meant that intervention efforts in this period focused on rebuilding states destroyed by the war, restoring the rights of citizens and on post violence peacebuilding.¹⁵⁸

It is important to acknowledge that conflict is an important part of social change in all societies, as such it isn't necessarily a negative phenomenon. The problem arises when conflicts become destructive, violent and counter-productive. For the SADC region the problem in this regard is the absence of an effective conflict management system at regional level. In the past there have only been ad-hoc responses to crises and the pervasive pattern in most member states is that there are no basic institutions to resolve conflicts internally and prevent them from turning violent¹⁵⁹.

The above notwithstanding, the SADC region however currently enjoys relative peace compared to during the Cold War and Apartheid eras where there were a number of ideologically fuelled violent conflicts in the region, now only sporadic violent conflicts can be found in a few member states which are mostly about access to resources and services. Most member states although free

¹⁵⁶ Matlosa, K. 2003, Political Culture and Democratic Governance in Southern Africa, African Journal of Political Science, Vol. 8 No. 1

¹⁵⁷ See Paris, 2004, Cousens et al, 2001, Ryan, 2009

¹⁵⁸ Ryan, 2009

¹⁵⁹ Matlosa, K. 2003, Political Culture and Democratic Governance in Southern Africa, African Journal of Political Science, Vol. 8 No. 1

of violent conflict are still grappling with challenges of building peace and setting their countries on a development path that would ensure the accessibility of equal opportunities and social services to all.

Over the years the SADC region has experienced quite a few conflicts emanating from disputed election results due to questions over the extent to which they were free and fair. The trend has seen those member states using the Proportional Representation (PR) electoral system having rather stable elections while those countries using the First Past the Post (FPTP) electoral system have experienced considerable instability at election time. Lesotho, Zimbabwe and Tanzania are some countries which have since the decade beginning in 2000 experienced electoral conflicts of one form or the other.¹⁶⁰

A list of violent conflicts which have occurred in SADC since 1992 are “the long running civil war in Angola which ended in 2002; election disputes; a mutiny and an external military intervention in Lesotho in 1998; a rebellion and full-blown war with state belligerents in the DRC which began in 1998 and has continued to flare up periodically leading to massive displacements of people, state repression, violence; undemocratic elections in Zimbabwe since 2000; violent protests and an unconstitutional change of government in Madagascar in 2009”.¹⁶¹ The table below provides data about the types of conflicts found in SADC, their duration, the actors involved as well their intensity.

As shown in table 5 presenting the data for 2012 on conflicts in Southern Africa, the Hedelberg Research Centre only identifies incidences of full war and limited war at level 5 and 4 of intensity

¹⁶⁰ Matlosa, 2003, Pg. 107

¹⁶¹ Nathan, 2012, Pg. 5

to have taken place in the DRC. These were probably precipitated by the formation of the M23 rebel group and its attacks in eastern DRC, the veracity of this categorization was confirmed by the UN Security Council resolution to send in a peace enforcement mission to pacify the rebels in conjunction with SADC and the ICGLR. According to the data, most other conflicts in the region are identified in Angola, Zimbabwe, Tanzania, Swaziland and South Africa which have been pegged at level 3 (crisis). Interestingly, the data categorizes the situation following the coup in Madagascar at level 2 (non-violent crisis). The rest of the incidences identified are categorized as disputes, mostly of a domestic nature involving opposition forces, interest groups and their resistance to perceived government injustices. These have been recorded in, Swaziland, Malawi, Angola and Botswana involving a variety of actors and for different reasons.¹⁶²

Table 5: Conflicts in the SADC region as at 2012

| Conflict Data | | | | | |
|-------------------------|----------------------------|-------------------------------------|-------|--------|-----------|
| Name of Conflict | Conflict parties | Conflict items | Start | Change | Intensity |
| Angola (FLEC / Cabinda) | FLEC vs. government | secession, resources | 1975 | ↓ | 1 |
| Angola (UNITA) | UNITA, CASA vs. government | national power | 1975 | ↑ | 3 |
| Angola – DR Congo | Angola vs. DR Congo | territory, resources | 2009 | ↓ | 1 |
| Botswana (Basarwa) | Basarwa vs. government | system/ideology, resources | 1997 | * | 1 |
| DR Congo (CNDP/M23) | CNDP/M23 vs. government | subnational predominance, resources | 2004 | ↑ | 5 |
| DR Congo (Enyele) | Enyele vs. government | subnational predominance | 2010 | ↓ | 1 |
| DR Congo (FDLR) | FDLR vs. government | subnational predominance, resources | 1997 | * | 4 |
| DR Congo (FRF) | FRF vs. government | subnational predominance, resources | 1998 | ↓ | 1 |

¹⁶²Hedelberg Conflict Barometer, 2012

| | | | | | |
|--------------------------------------|--|-------------------------------------|------|------------|---|
| DR Congo (inter-militant violence) | FDLR, Nyatura vs. Mayi Mayi Cheka, Raia Mutomboki, FDC vs. APCLS vs. Mayi-Mayi Shetani vs. M23 | subnational predominance, resources | 2011 | * | 4 |
| DR Congo (Ituri Militias) | FRPI, FPJC, Cogai vs. government | subnational predominance, resources | 1999 | * | 3 |
| DR Congo (Mayi-Mayi) | Mayi-Mayi groups vs. government | subnational predominance, resources | 1997 | ↓ | 4 |
| DR Congo (opposition) | UPDS et al. vs. government | national power | 1997 | * | 3 |
| DR Congo – Rwanda | DR Congo vs. Rwanda | resources, other | 2002 | ↑ | 3 |
| Madagascar (TGV –TIM) | TIM vs. TVG | national power | 2009 | * | 2 |
| Malawi (opposition) | Opposition vs. government | national power | 2011 | END | 1 |
| South Africa (KwaZulu – Natal) | IFP vs. ANC vs. NFP | subnational predominance | 1990 | ↑ | 3 |
| South Africa (xenophobes-immigrants) | Xenophobic gangs vs. immigrants in South Africa | Other | 2008 | * | 3 |
| Swaziland (opposition) | PUDEMO, SNUS, SFTU, COSATU vs government | System / ideology, national power | 1998 | * | 3 |
| Swaziland – South Africa | | Territory | 1902 | * | 1 |
| Tanzania (CUF / Zanzibar) | CUF vs. CCM | Autonomy | 1993 | ↑ | 3 |
| Tanzania (Uamsho) | Uamsho vs government | Secession, system / ideology | 2010 | ↑ | 3 |
| Zimbabwe (MDC-T, MDC-M – ZANU-PF)* | MDC-T, MDC-M vs government | national power | 2000 | * | 3 |

Source: Hedelberg Conflict Barometer 2012

Key: ↑ = change in intensity compared to previous year

↓ = de-escalation by one or more than one level of intensity

* = No change

Levels of intensity: 5= war; 4 = limited war; 3 = crisis; 2 = non-violent crisis; 1 = dispute

Violence ought not to be understood in the context of war and crisis only as presented in the above data sets, in a more widened reading and conceptualization of conflict and violence, Galtung sees violence as anything that produces a gap between the physical and mental potentials of human beings and their actual conditions. To him, violence is a factor common to both war and social injustice; put differently, it does not matter whether one is killed in war or famine, the result is premature death which is a deprivation of one of the human potentials. This is how peace came to be defined as the absence of violence rather than war. This conception of violence presupposes distributive justice, the theory presupposes an ideal state in which goods and services available are distributed equally which makes the issue of structural violence, an issue of social justice as well.¹⁶³ The thinking is that in as much as direct violence is produced by human actors, structural violence is produced without any human agency but impairs and reduces the human potentials in the forms of poverty and discrimination which are forms of social injustice.¹⁶⁴

SADC has 15 member states which vary in size, economic development, resources, vegetation, political maturity, history and levels of conflict. A hallmark of SADC's conflict transformation efforts is that it has assigned mediators from within the region to defuse conflicts in member states. This is due to its excessive suspicion of external, especially western intervention in regional affairs; a consequence of the region being the last to be liberated on the continent. These mediation efforts were preceded by two sets of controversial military interventions by two sets of countries in Lesotho and DRC in 1998.

¹⁶³ Matsuo, 2005

¹⁶⁴ Ibid

Examples of SADC's mediation efforts include the Inter Congolese Dialogue (2000 – 2003) where former president of Botswana Sir Ketumile Masire was appointed the lead mediator, as well as in Lesotho in 2007, although in the latter case the mediation process was completed by civil society groups in Lesotho. Other mediation efforts in the region include the appointment of former Mozambican President, Joaquim Chissano as lead mediator in Madagascar after the coup of 2009. In the case of Zimbabwe where SADC appointed South Africa to mediate, the regional grouping jealously guarded the case from western interference signalling the sad reality that the region has not fully recovered from its colonial past and hurt. The impact of a REC's intervention may be blurred if or when it is accompanied by the UN or other powerful states¹⁶⁵. A case in point is the military intervention in the DRC which was a combined effort of the United Nations, SADC and the ICGLR. Although the intervention successfully uprooted the M23 rebels, credit cannot be easily given to one party.

Human Security ought to be considered a vital part of conflict transformation in SADC since;

Human Security in its broadest sense embraces far more than absence of violence. It encompasses human rights, good governance, access to education and health care and ensuring each individual has opportunities and choices to fulfil his or her own potential¹⁶⁶

The SADC NGO Coalition focused on, Angola, DRC, Swaziland, Madagascar and Zimbabwe in its 'Hot Spots tracker' study of 2010. The study identified areas experiencing conflict in the region and makes recommendations of what ought to be done from a civil society perspective. Marginalisation of certain groups, rapid urbanization, rising unemployment, poverty and underdevelopment are singled out as the most pressing human security challenges in Southern

¹⁶⁵ Nathan L, 2012, *Community of Insecurity: SADC's Struggle for Peace and Security in Southern Africa*, Ashgate

¹⁶⁶ Commission for Human Security, 2003, Pg. 4

Africa. Factors affecting societal security and triggers to conflict are listed as; politicized ethnicity, xenophobia, large scale economic migration, transnational crime syndication, droughts and flooding (which threaten large scale displacement of people), food shortages, natural disasters and the spread of diseases. All these are compounded by water stress, with Zimbabwe, Mozambique, Tanzania and Namibia projected to be water stressed by the year 2025. Poverty, over-stocking, unsustainable land use, soil erosion and water stress are also said to be structural factors requiring sustained attention to avert deepening food shortages in the region.

These challenges have manifested in high levels of inequality, jobless economic growth and unemployment of levels between (30-50% as at 2008) in countries like Botswana, South Africa, Mauritius and Namibia often viewed as better performing economies in the region. As a result, increased levels of criminality through poaching and illegal mining have been recorded in the DRC and Zimbabwe.¹⁶⁷ Countries such as Botswana have even deployed their armies into their anti-poaching programmes reflecting the gravity of the situation. The above scenario paints a picture of the constraints confronting the provision of social services in the region. The SADC-CNGO study on land reform, conflict and poverty eradication in the region identifies landlessness as an acute problem in the former colonial settler territories of Namibia, South Africa and Zimbabwe where historically fertile farming land was the preserve of the white minority at the expense of the majority black populations who languished in the fringes. As a result of this legacy, access to land is still a major challenge in these countries as shown also by Zimbabwe's controversial land reform programme. This is an issue needing urgent attention as it has implications for food security and the general well-being of the citizen.

¹⁶⁷ SADC-CNGO, Hot Spots tracker, 2010

The 2012 Global Peace Index in (Fig. 2) below records a general improvement of peacefulness in Sub Saharan Africa, in the SADC region, six countries; Angola (95), DRC (154), Madagascar (99), South Africa (127), Swaziland (85) and Zimbabwe (140) got scores higher than half of the 158 surveyed countries. DRC led the pack as the 154th least peaceful country in the world followed closely behind by Zimbabwe at number 140 and South Africa at 127th position. The study sees Mauritius as the most peaceful country in the region at number 21 followed by Botswana at number 31, both of which are ahead of some developed countries such as, France (40), South Korea (42), and the United States (88). The 2012 publication reports that the world was a more peaceful place for the first time than it was in 2009, in its methodology, it ranks 158 countries around the world according to their levels of absence of violence. It uses an index which takes into account, levels of military expenditure, relations with neighbouring states and percentage of prison population. Other determinants include, levels of democracy and transparency, education and national wellbeing.¹⁶⁸

2.7 The role of External actors and their impact on SADC's Conflict Transformation capacity

2.7.1 The United Nations and SADC

The relationship between SADC and the UN in the areas of peacekeeping and conflict transformation has been described as complex and sometimes tense.¹⁶⁹ On 21st December 1982 the UN General Assembly passed a resolution titled: Cooperation between the UN and the Southern

¹⁶⁸ Institute of Economics and Peace, 2012

¹⁶⁹ Francis, David. J. "Uniting Africa; Building Regional Peace and Security Systems", Op. Cit.

African Development Coordination Conference (General Assembly Resolution 37/248). Through the resolution the UN formally recognised SADCC as a sub-regional organisation whose work is consistent with the objectives and principles of the UN. This was followed by another UN General Assembly resolution on 15th December 1983 (Resolution 38/160) which urged the international community and UN agencies to forge links and cooperation agreements with SADCC.¹⁷⁰ Apart from Chapter 8 of the UN charter which recognises a role for regional organisations in the maintenance of international peace and security the above laid the official foundation for UN / SADCC cooperation. A highlight of SADC/UN interaction in the area of conflict transformation was when SADC Ambassadors at the UN mounted a diplomatic offensive and secured the involvement of the UN Security Council (UNSC) in facilitating a peaceful resolution to the DRC crisis in 2000. The intervention and stabilisation role of SADC member states, Zimbabwe, Angola and Namibia in the DRC in 1998 is in fact credited for making it possible for later UN deployment of MONUC in 2000.¹⁷¹

More recently, the reformed SADC and the UN signed a Memorandum of Understanding on the 21st September 2010, the MoU provides a framework between the two organisations particularly aimed at strengthening cooperation in the field of peace and security. The UN Department of Political Affairs has opened an office in Gaborone, Botswana where the SADC Secretariat is based for this purpose. UN / SADC cooperation has however historically not been the best. This is despite the recent success of the UN/SADC collaborative Force Intervention Brigade (FIB) which successfully defeated the M23 rebels in the Democratic republic of Congo. The difficulty of the

¹⁷⁰ Khulekani Moyo, *Towards a Supranational Order for Southern Africa*, 2008, Op. Cit.

¹⁷¹ Francis, David. J. "Uniting Africa; Building Regional Peace and Security Systems", England, Ashgate Publishing, 2006

UN/SADC relationship can be traced to the suspicions that SADC leaders harbour against the west. Since the echelons of the UN's decision making body the UN Security Council is made up predominantly of western countries, SADC has not allowed the UN as much access to its operations to preclude the possibility of the UN being used as a neo imperialist tool. Another explanation is that there is a legal tension and lacunae that exists regarding the applicability of the principles of subsidiarity and complementarity which give regional organisations the prerogative to defuse conflicts in their areas of jurisdiction. The UN Charter grants the UN ultimate responsibility for world peace and at the same time through its chapter eight assigns a role to regional organisations as described above. It is however nowhere clearly specified on how regional organisations ought to deploy in fulfilment of the principle of subsidiarity. This lacunae in international law is a major impediment which limits SADC's conflict transformation capacity.

2.7.2 The African Union and SADC

SADC is one of the eight African Union Regional Economic Communities (RECs). As such in the area of peacebuilding and conflict transformation it forms part of the AU's African Peace and Security Architecture (APSA) and the African Standby Force (ASF). It is one of the more effective RECs in this regard as evidenced by its creation of the SADC Brigade in compliance with the requirements of the APSA. The AU has also recently collaborated with SADC to host a continental peacekeeping exercise dubbed Exercise AMANI Africa II hosted by Lesotho on behalf of SADC in June 2014. According to the Annual Report of the SADC Executive Secretary for 2011-2012, SADC has attended all the annual AU statutory body meetings which include the Executive Council, Assembly meetings, the African Union Commission and the RECs strategic partners meetings. SADC's role and commitment to AU activities was demonstrated by SADC's lobbying as a bloc for the election of the current Chairperson of the AU Commission Dr Nkosazana Dlamini

Zuma of South Africa. SADC's efforts were a success and Dr Dlamini Zuma became the first Southern African to hold the position as well as being the first woman to hold the position. In the area of peace and security the same difficulties dogging the UN/SADC relationship in the area of peace and security are valid for the AU/SADC relationship.

The constitutive Act of the AU maintains that the AU has the primary responsibility for peace and security on the continent but does not reconcile that with a clear explanation of how its APSA made up of RECs should be deployed. This serves as a limitation on SADC's capacity as such legal tensions may serve to delay deployment. Charles Mwaura – AU Early Warning Officer, identifies another strain on their relationship as being the fact that SADC insists on using closed source intelligence (state intelligence) for its early warning which is incompatible with the AU's open source intelligence for the continental early warning system (CEWS), this serves to delay information sharing for conflict prevention and early warning at the AU level as information from SADC can only be accessed by senior official with a high security clearance.

As such the AU may be impeded in timeously aiding SADC to transform its conflicts even where it had the ability to do so. This important link between the AU's CEWS and SADC's REWS is frustrated by the fact that SADC does not allow for direct exchange of information and analysis with the AU. In SADC strategic intelligence and early warning reports are disseminated through the office of the president who chairs the SADC OPDS who then transmits them to the AU. For similar reasons, Elizabeth Choge, AU, Peace and Security Department REC Liaison officer surmises that SADC is the most difficult REC to deal with as it is extremely secretive and uncooperative.

Article 7 of the MOU signed by SADC member states in the creation of the SADC BRIG stipulates that the SADC BRIG can only be deployed by the SADC Summit of Heads of State and

Government (SoHSG). However since SADC BRIG is a part of the AU-ASF, it stands to reason that the AU Peace and Security Council should be the only one that can mandate the deployment of forces. This point of disjuncture creates potential for contention as the SADC BRIG shouldn't be seen to be deploying itself.¹⁷² The above legal tensions and lacunae if not cleared greatly limit SADC's conflict transformation capacity.

2.8 SADC's Cooperation with Donors in the Areas of Peacebuilding and Conflict Transformation

2.8.1 Liberal Peacebuilding

The liberal peace thesis is based on the idea that liberalization is a remedy for violent conflict and is attributed to former U.S President Woodrow Wilson's foreign policy at the end of World War I.¹⁷³ It holds that democratic forms of government are more peaceful – both in their internal politics and in their international relations – than other forms of government such that the world can only be made safe through democracy. According to Richmond, the demise of the Cold War saw the UN, humanitarian and donor agencies not only striving to terminate conflict but to reconstruct the state in a liberal form as well. Peace-building was conceptualized as being based on democratization, the rule of law and human rights which are all elements of a liberal state, meaning

¹⁷² Hendricks C. and Musavengana T. (Eds), "The Southern African Development Community's regional peace and security architecture" in "The Security Sector in Southern Africa", Monograph 174, Institute for Security Studies, 2010

¹⁷³ Paris. 2004, Pg. 40

that peace-building tends to be seen as state-building; a condition described as the peace-building consensus.¹⁷⁴

The liberal peace approach has been critiqued since often times its reforms are accompanied by conditionalities of the ilk of the Bretton Woods institutions who have often wrongfully assumed that subject states would willingly subject themselves to the advice rendered. Richmond thus highlights the importance of recognizing indigenous and informal traditions in addition to formal sectors promoted by international peace-builders. In his words; “liberal peace in practice has been top-down, and so far in the short and medium term has tended to reproduce empty states in which institutions, politicians, and technocrats prosper, but the local populations are marginalized, negating the possibility of a progressive form of civil or social peace.”¹⁷⁵ It would thus be instructive to consider the experience of SADC in its dealings with donors and International Cooperating Partners and how this has affected cooperation in the area of security in the region.

According to Hull and Derblom, the history of SADC states has made them sensitive to external influence in foreign policy related matters, seeking to preserve political self-determination and freedom from donors determining their policy direction.¹⁷⁶ This has resulted in a situation where for instance, SADCBRIG lacks the finances, logistics and strategic airlift to actually deploy any available troops, making SADCBRIG effectively un-deployable without such support from external partners.¹⁷⁷ A characteristic feature of SADC is its policy of not publicly criticizing other

¹⁷⁴ See, Richmond, 2011, Pg. 44-60

¹⁷⁵ Ibid, Pg. 49 - 55

¹⁷⁶ See, Hull and Derblom, 2009, Pg. 11

¹⁷⁷ Ibid, Pg. 10

member states (silent diplomacy) as they have shown with the case of Zimbabwe.¹⁷⁸ As a result of this most International Cooperating Partners (ICPs) have responded by reducing funding for SADC and opting to provide funding for parallel structures that voice condemnation for the Zimbabwe regime. A case in point is the United States Aid for International Development (USAID) who stopped funding SADC because US legislation does not allow funding for organizations such as SADC who have Zimbabwe as a member since they have imposed sanctions on Zimbabwe. This is unfortunate since nearly 60% of the 2006 – 2007) budget of the SADC secretariat was provided for by foreign donors.¹⁷⁹ Most donors have chosen to channel funds through individual member states and civil society groups by passing SADC. This has the potential of eroding the legitimacy of SADC in the eyes of the donors.¹⁸⁰

A key challenge for SADC therefore is to balance donor expectations such as those of the United States of America who put democracy and human rights as a condition for aid in Zimbabwe, with their search for autonomy. Failure to strike this balance would frustrate and ultimately paralyze the regions security cooperation efforts due to lack of funding.¹⁸¹ The CRSP can serve as a confidence building measure between donors and SADC as it would set binding terms for member states to conform to certain standards and outline the region's parameters for dealing with donors in the area of security cooperation. Van Nieuwkerk, posits that the SIPO I and SIPO II which are guided by the SADC Treaty can form the basis for this, he quotes article 5 of the SADC treaty

¹⁷⁸ Maundeni, 2006 in Makgoeng, 2007, Pg. 39

¹⁷⁹ Tjonneland, 2006 in Makgoeng, 2007, Pg. 39

¹⁸⁰ Buzdugan, 2006 in Makgoeng, The author quotes officials of the UNDP, European Commission and USAID in Gaborone as saying that national contributions have eclipsed support at regional level, 2007, Pg. 40

¹⁸¹ Ibid, Pg. 41

which “...requires member states to ‘promote common political values, systems and other shared values which are transmitted through institutions that are democratic, legitimate, and effective. It firmly acknowledges that economic growth and development will not be realized in conditions of political intolerance, the absence of the rule of law, corruption, civil strife and war...member states are cognisant of the fact that poverty thrives under such conditions, nurturing further political instability and conflict.¹⁸²” This divergence has also been evident in the foreign policy position of SADC member states such as on Libya where member states like Botswana were adamant in support of the NATO led intervention while states like South Africa publicly condemned it. Van Nieuwkerk further emphasises the need to advance issues of mutual concern and foreign policy concerns collectively as a region although the new revised SIPO II is silent on the extent to which SADC is able to project its foreign policy in one voice.¹⁸³

2.9 Conclusion

The chapter did an assessment of SADC’s conflict transformation capacity at the systemic level. It showed that there are a number of factors which impede SADC’s conflict transformation capacity such as political culture, the nature and history of SADC member states, the regime types and the nature of conflicts that the region has to deal with. Other identified factors include the legacy of colonialism, the cold war and apartheid as well as SADC’s difficult relationship with other multilateral institutions including the UN, AU and donors. The chapter concludes that all these have rendered SADC incapacitated to transform conflicts in various ways, since it does not

¹⁸² Van Nieuwkerk, 2012, Pg. 15

¹⁸³ Van Nieuwkerk, 2012, Pg. 18

have the power to influence the actions of other external actors as well as to adequately deal with and address the structural problems bedeviling the organization.

SADC's conflict transformation capacity at the systemic level can be improved by a more proactive role by South Africa as a hegemonic pivotal state together with a coalition of willing democratic states such as Botswana and Mauritius. SADC also ought to seek more innovative and self-sustainable ways of funding its peacebuilding and conflict transformation activities since over reliance on donor funding is not sustainable and contradicts its position of finding African solutions to African problems. The chapter has shown that past SADC interventions were largely ad-hoc improvisations and that military force has been the tool of choice in past SADC responses to conflicts especially at the early conflict stages. As such with the improved institutional architecture it ought to have a better coordinated approach.¹⁸⁴

This should be preceded by exhausting all non-violent responses to conflicts first in line with conflict transformation theory. The chapter also showed SADC's tendency to protect incumbents in office and ensure the survival of their regimes through its interventions. This doesn't augur well for conflict transformation in the region, SADC thus needs to develop the ability to be critical of heads of state of its member states when they commit abuses of their citizens in order to win the trust of the ordinary citizens. Past conflict transformation approaches in SADC have been pursued from a reactive mentality as shown by President Mugabe's famous description of the Organ as a 'fire brigade mechanism'.¹⁸⁵ This mind set is indicative of SADC's ad hoc approach to regional peace and security issues. This points to a need to underpin its regional security policy with the

¹⁸⁴ Francis, David. J. "Uniting Africa; Building Regional Peace and Security Systems", England, Ashgate Publishing, 2006

¹⁸⁵ Ibid

teachings of conflict transformation which require a well laid out and coordinated strategy to transform the root causes of conflicts in a manner that puts the needs of ordinary citizens first.

CHAPTER 3

An Assessment of SADC's Conflict Transformation capacity at the Institutional Level

3.1 Introduction

Chapter three conducts an assessment of SADC's conflict transformation capacity at the institutional level. It identifies the policy framework and institutions set up in SADC with a mandate that supports conflict transformation. The chapter assesses the extent to which these policy instruments and institutions aid or impede SADC's ability to transform conflicts in the region.

3.2 Contextual Background of SADC's Institutional Capacity for Conflict Transformation

The current institutional structure of SADC is the direct result of a transformation process that the organization underwent from the SADCC which was a coordinating conference for the regional integration agenda underpinned by a decentralized structure. In the SADCC, Member states took responsibility for the implementation of decisions from the various sectors which they were assigned to coordinate. This structure was based on a Memorandum of Understanding (MoU) signed by member states on 29th July 1981 to facilitate a loose cooperation framework between member states. Member states retained discretion to propagate the objectives of SADCC as well

as a level of independence and sovereignty.¹⁸⁶ With the transition from a development coordination conference to a development community, SADC centralized responsibility for regional integration activities across the sectors from the member states to reside at the regional level. The SADC Secretariat for instance “was enlarged from just providing links between member states and the international community. The Secretariat became the main institution that oversees the implementation of the activities of SADC”.¹⁸⁷

An assessment of conflict transformation capacity in SADC should also be understood against the historical backdrop of SADC’s organizational restructuring which was approved by the Heads of States and Governments Extraordinary Summit of 2001¹⁸⁸. The restructuring process started in 1999 after a meeting of the SADC assembly of Heads of State and Government on 8th August 1999 in Maputo Mozambique which directed the Council of Ministers to initiate a comprehensive review of the operations of SADC institutions. Following a series of consultative meetings coordinated by a review committee of the Council of Ministers the report was approved by the Extraordinary Summit of Heads of State and Government in Windhoek, Namibia on 9th March 2001¹⁸⁹. The table below show the directorates resulting from the restructuring as well as the sectors they coordinate and their mandates.

¹⁸⁶ Afadameh-Adeyemi, A and Kalula, E. “SADC at 30: Re-examining the Legal and Institutional Anatomy of the Southern African Development Community”, Monitoring Regional Integration Yearbook, Trade Law Centre for Southern Africa, the Konrad-Adenauer-Stiftung, 2010

¹⁸⁷ Afadameh-Adeyemi and Kalula, 2010

¹⁸⁸ ACBF, 2008, A Survey of the Capacity Needs of Africa’s Regional Economic Communities, African Capacity Building Foundation Operations Research, available at: <http://www.acbf-pact.org> accessed on: (10-01-14), Pg. 13

¹⁸⁹ ACBF, 2008, Pg. 300

Table 6: SADC Directorates

| Directorate | Sectors |
|---|--|
| Trade, Industry, Finance and Investment | Industry and trade; finance and investment; mining |
| Food, Agriculture and Natural Resources | Crop production, food, agriculture and natural resources; agricultural research and training; livestock production and animal disease control; inland fisheries; marine fisheries and resources; forestry; wildlife; environment and sustainable development |
| Infrastructure and Services | Transport, communication and meteorology; energy; tourism; water |
| Social and Human Development and Special Programmes | Combating illicit drug trafficking; human resources development; employment and labour; culture, information and sport; health; HIV & AIDS |
| Politics, Defence and Security Cooperation | Politics; defence; international relations; security; public security |

Source: (Matlosa and Lotshwao, 2010, Pg. 10)

3.3 The existing Policy Framework which supports Conflict Transformation in SADC

3.3.1 The 1992 SADC Treaty

The SADC Treaty of 1992, created the framework and mechanisms necessary for ensuring peace and security in the region underpinned by the principle of peaceful settlement of disputes. The treaty makes a requirement for member states to conclude a protocol on cooperation and integration in the area of politics, diplomacy, international relations, peace and security.¹⁹⁰ The earlier transformation from SADCC to SADC in 1992 and the signing of the SADC Treaty in the same year changed the legal character of the organization. The treaty which is defined as “an international agreement concluded between states in written form and governed by international

¹⁹⁰ Article, 4, 5 and 21 of the 1992 SADC Treaty cited in Nathan, 2012

law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation”¹⁹¹, brought about a change in the legal regime of SADC.

Explaining the new legal regime, Afadameh-Adeyemi and Kalula (2010) make the important observation that the signing of the treaty created rights and duties on the part of member states to uphold the principles and objectives of the SADC treaty. These objectives were now no longer optional and non-binding, but rather legal and binding, a breach of which would result in an accrual of international responsibility. The following institutional structures were created by Article 9 of the SADC Treaty; the Summit of Heads of State or Governments, the Council of Ministers, Commissions, the Standing Committee of Officials, the Secretariat, the Organ on politics, Defence and Security Cooperation, the integrated Committee of Ministers, the Tribunal, SADC National Committees and other institutions as necessary,¹⁹² these will be explored in more detail below.

3.3.2 The Troika System and the concept of Subsidiarity

Article 9A of the SADC Treaty provides for the implementation of a Troika system in the functioning of SADC institutions. The system applies to the Summit; the Organ; the Council, the Integrated Committee of Ministers (ICM) and the Standing Committee of Officials (SCO). The troika of each of the above institutions consists of a chair, incoming chair and outgoing chair and is responsible for decision making, facilitating implementation of decisions and providing policy direction in the period between the meetings of the institutions. The troika is thus the coordinator of affairs in these institutions. Although it has the advantage of speeding up decision making, it

¹⁹¹ (Article 2 (1) (a) Vienna Convention on the Law of Treaties 1969 cited in Afadameh-Adeyemi and Kalula, 2010).

¹⁹² SADC Treaty, 1992 Article 9 (1 & 2) and 2001 Amendment of SADC treaty

may also have the unintended effect of serving the narrow interests of a small cabal who make decisions.¹⁹³

Subsidiarity

In implementing its programmes, SADC uses subsidiary institutions guided by the principle of subsidiarity¹⁹⁴ which holds that “all programmes and activities are undertaken at levels where they can be best handled”.¹⁹⁵ This means that institutions and agencies outside SADC structures, not necessarily created by Article 9 of the SADC Treaty, ought to be used more in the implementation of SADC regional programmes since they can use their own generated resources. This point forms the basis of the argument made in this research for the creation of a Regional Infrastructure for Peace (RI4P) building on the existing SADC infrastructure of SADC national committees to allow for a bottom up approach in the pursuit of a self-sustaining peace in the region. This will enhance SADC’s conflict transformation capacity and enable it to embrace and implement the principle of subsidiarity in a more effective and meaningful manner.

3.3.3 SADC Protocol on Politics Defence and Security

In 2001, the SADC heads of State and Government approved the Protocol on Politics, Defence and Security Cooperation which outlines the objectives, structures and strategies of the SADC organ¹⁹⁶. The 1992 SADC treaty had made provision for the adoption of no less than 20

¹⁹³ Afadameh-Adeyemi and Kalula, 2010, Pg. 19

¹⁹⁴ SADC, RISDP, 2003, Pg. 84

¹⁹⁵ Afadameh-Adeyemi and Kalula, 2010, Pg. 19

¹⁹⁶ Nathan, 2012

protocols in various sectors such as trade, health, wildlife, culture, education, politics, defence and security etc. These protocols regulate each sector and place a binding legal obligation on member states.¹⁹⁷ Article 11.3b of the Protocol on Politics, Defence and Security Cooperation provides for the establishment of a regional early warning centre (REWC) to facilitate action to prevent the outbreak and escalation of conflict. Similar provisions are made in SIPO I for early warning capabilities to be established in each member state.¹⁹⁸ The functions of the REWC are listed as:

- to implement an early warning mechanism to promote peace, security and stability in the region
- to articulate a holistic approach to anticipating potential conflicts in the region
- to support regional mechanisms for conflict prevention
- to strengthen existing national mechanisms to feed into SADC mechanism
- to establish a database system for early warning in SADC
- to compile strategic assessment and analyses of data collected at the regional level
- to conduct research on conflict issues
- to share information among member states on major issues that threaten the SADC security and stability
- to arrange technical review meetings among relevant institutions to reconsider methodologies and operational issues with the view to making early warning mechanisms more effective.¹⁹⁹

¹⁹⁷ Afadameh-Adeyemi and Kalula, 2010

¹⁹⁸ Hendricks C. and Musavengana T. (Eds), "The Southern African Development Community's regional peace and security architecture" in "The Security Sector in Southern Africa", Monograph 174, Institute for Security Studies, 2010

¹⁹⁹ African Union report on Meeting the challenge of conflict prevention in Africa: Towards the operationalization of the continental early warning system quoted in Ibid

3.3.4 SADC Regional Indicative Strategic Development Programme (RISDP)

The SADC Extraordinary Summit held in Windhoek, Namibia, on 9th March 2001 approved the preparation of the Regional Indicative Strategic Development Plan (RISDP) by the Secretariat to complement the restructuring and to provide clear direction for SADC policies and programmes over a 15 year period. SADC has however encountered challenges in coordinating the formulation and implementation of the SIPO and the RISDP.²⁰⁰

3.3.5 SADC Strategic Indicative Plan of the Organ II

In 2001 SADC formulated a Protocol on Politics Defence and Security Cooperation (PDSC) as a framework to guide member state cooperation in the above areas. The Protocol is underpinned by the Strategic Indicative Development Plan of the Organ (SIPO) which serves to operationalize and guide the implementation of the protocol over a five year period. In 2002 the SADC Summit mandated the OPDSC to prepare the SIPO I which was adopted in 2004 for a five year period. SIPO I “lacked clear benchmarks for monitoring and evaluation and contained too many priority areas, reducing it to a “wish list” without details on sequencing, implementation and responsibilities for relevant SADC structures”.²⁰¹ After a lengthy review process, the SADC Summit of Heads of State or Government in Windhoek, Namibia on 10th August 2010, approved SIPO II. It was officially re-launched in November 2012, although by mid-2013 its implementation appeared to be stalled.²⁰² Its aim is to promote democracy, the observation of universal human rights and conflict prevention. It has been critiqued for being a voluntary political agreement of

²⁰⁰ ACBF, 2008, Pg. 301

²⁰¹ International Crisis Group, 2012, Implementing Peace and Security Architecture (II): Southern Africa Crisis Group Africa Report No. 191, 15th October 2012

²⁰² Van Nieuwkerk, 2013, Pg. 146

member states which isn't legally binding and that large parts of it remain unchanged from SIPO I.²⁰³ SIPO II has also failed to address the fragile relationship between the organ and International Cooperating Partners (ICPs). It has brought policing responsibilities into the functional structures of the organ, focusing on rising domestic and cross border crime threats. Although it puts emphasis on monitoring and evaluation, it fails to give clear implementation procedures.²⁰⁴

3.3.6 SADC Mutual Defence Pact (MDP)

The Mutual Defence pact was signed in 2003 by the SADC heads of state and government, the pact outlines the action to be taken in response to an armed attack against a signatory party. Its genesis can be traced to two sets of controversial joint military interventions in Lesotho and DRC. The first was led by South Africa accompanied by Botswana following an army mutiny and the rejection of May 1998 election results by the opposition in Lesotho. This sparked debate about the legality of the intervention which was not supported by all member states, especially Zimbabwe which had been mediating the political crisis in Lesotho for a decade prior to the intervention. In the same year, another set of SADC member states, Zimbabwe, Namibia and Angola intervened in the Democratic Republic of Congo in support of then President Laurent Kabila. Following disagreements among SADC member states on the legitimacy and legality of the intervention “the Zimbabwe led coalition (together with the DRC) pushed for a protocol to create a SADC pact compelling all parties to carry out a collective response in the event of external aggression against a member state”²⁰⁵. This was against another group led by South Africa which advocated for a

²⁰³ Motsamai, 2012

²⁰⁴ ICG, 2012

²⁰⁵ Hull and Derblom in ICG, 2012, Pg. 4

more balanced approach. Article 6 (1) of the MDP states boldly that “an armed attack on any member state shall be met with immediate collective action”.²⁰⁶ Although to date this clause has not been officially invoked, the involvement of SADC member states in the 2013 UN peace enforcement mission drew its roots from considerations of invoking the clause following a request by the DRC for SADC to deploy a neutral military force to pacify the M23 rebels²⁰⁷.

“The UN Charter allows member states to form subordinate groupings in order to assist with the maintenance of peace and security. As stated in article 52 (1) of the UN Charter, ‘[n]othing in the present charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and Principles of the United Nations’”.²⁰⁸ Article 53 of the charter states a requirement for the Security Council authorization before enforcement action can be taken by regional bodies. On the other hand, Article 6(4) of the SADC Mutual Defence Pact (MDP) states that the African Union and the UN Security Council need to be notified soon *after* a military response by member states. This contradiction is seen as a legal tension that may impede the future rapid deployment of the SADC BRIG.²⁰⁹

²⁰⁶ ICG, 2012, Pg. 5

²⁰⁷ ICG, 2012, Pg. 6

²⁰⁸ Malan quoted in Baker and Maerasera, 2009, Pg. 109

²⁰⁹ Ibid

3.3.7 MoU between SADC and the SADC-Council of Non- Governmental Organisations

SADC has made limited progress in effectively involving civil society in its integration efforts, particularly in the peace and security area. This notwithstanding, some channels of interaction have been created through provisions of the SADC Treaty, Protocol on Politics, Defence and Security and the SIPO. Perhaps the most pronounced sign of the commitment is the MoU signed between SADC and the SADC Council of Non-Governmental Organisations (SADC – CNGO).²¹⁰

3.4 Analysis of Policy Capacity for conflict transformation

The above described policy framework has been undermined by the absence of common and shared values among the member states as shown earlier in the discussion about the prevalent political culture in SADC. Member states are yet to back their endorsement of the democratic principles enshrined in the SADC treaty with action, their failure to manifest these in to action was evident in SADC's failure to deal decisively with the crisis in Zimbabwe and its general failure to address undemocratic practices in the region. This has also manifested in its failure to adequately promote human security, the rule of law and respect for human rights. SADC can thus be labelled an emerging security community since even its Protocol on Politics Defence and Security Cooperation and Mutual Defence Pact anticipate the possibility of large scale violence within and between member states something which does not portray a commitment to dependable expectations of peaceful change and conflict transformation. As such, despite the organization

²¹⁰ Van Schalkwyk, G, *Civil Society's Involvement in SADC's Peace and Security Apparatus*, SADC Barometer, Issue 6, August 2004, 11, South African Institute of International Affairs (SAIIA) See also: Hendricks C. and Musavengana T. (Eds), "Introduction" in "The Security Sector in Southern Africa", Monograph 174, Institute for Security Studies, 2010

transforming itself from a coordinating conference (SADCC) to a development community (SADC) in 1992, it is yet to attain the full status of a security community which can guarantee dependable expectations of peaceful change and conflict transformation.²¹¹ Article 12 of the Organ protocol curtails transparency as it insists that deliberations of the organ and its committees should maintain strict secrecy.²¹² This attitude is cascaded down to its member states, with some member states using secrecy provisions to conceal the under hand activities of its security forces and abuses of state power.

The ACBF report of the capacity of RECs, on the continent challenges RECs “to demonstrate their commitment to the goals and objectives of the AU by going beyond diplomatic niceties and the symbolic gesture of inserting “AU” into their development plans and documents”.²¹³ It recommends that SADC should improve its operationalization of the new structure and its recruitment of key staff.

3.5 The Existing Institutional infrastructure which supports Conflict Transformation in SADC

3.5.1 The Summit of Heads of State or Government

The SADC summit is made up of all the Heads of State or Governments of SADC member states, it is the supreme decision making institution in SADC and it controls and gives policy direction

²¹¹ Nathan, 2012

²¹² Hendricks C. and Musavengana T. (Eds), “Introduction” in “The Security Sector in Southern Africa”, Monograph 174, Institute for Security Studies, 2010

²¹³ ACBF, 2008, Pg. 2

for all SADC institutions and member states. Its headed by a Chairperson and Deputy Chairperson elected from members for a one year term on a rotational basis, it meets twice a year and it appoints the Executive Secretary and Deputy Executive Secretary of the SADC Secretariat. Its roles include admitting new members into SADC, and creating committees and institutions when necessary.²¹⁴ A key weakness of the Summit is that its decisions are taken by consensus and are not binding, despite this weakness it showed its power when it acted decisively to suspend Madagascar under the unconstitutional change of government in the country in 2009. This notwithstanding, the way summit decisions are implemented is largely left to the discretion of member states which is a limiting factor for its capacity. Its status as a supranational body is also undermined by the fact that it comprises of Heads of State or Government of member states who most of the times make decisions which favour individual member states over the interests of the region. An example of this is the summit's failure to direct Zimbabwe to comply with a decision of the SADC tribunal in favour of Mike Campbell, a white Zimbabwean farmer who appealed the Zimbabwean government's controversial take over of his farm. The summit is thus a major enabler and potential culprit in efforts to undermine the conflict transformation capacity of SADC²¹⁵.

3.5.2 The SADC Secretariat

As demonstrated previously the SADC's transition from a development coordinating conference to a development community confers more responsibilities on the SADC Secretariat. It "was enlarged from just providing links between member states and the international community. The Secretariat became the main institution that oversees the implementation of the activities of

²¹⁴ SADC Treaty, Article 10

²¹⁵ Afadameh-Adeyemi and Kalula, 2010, Pg. 12

SADC”.²¹⁶ Although the SADC secretariat still lacks autonomy and decision making powers, the 2001 restructuring exercise resulted in the following key features at the SADC secretariat:

- Centralisation of program coordination and implementation within the secretariat. Twenty one sector coordinating units were grouped under four new directorates.
- The establishment of SADC National Committees in the member states, comprising representatives from government, the private sector, and civil society that would mirror the role of the Secretariat.
- Preparation of a business plan for the Regional Indicative Strategic Development Plan (RISDP), which was supported by the (GTZ) using “Think Tools” techniques, facilitated by Deloitte and Touche. The plan set out the activities to be undertaken based on timelines, targets to be achieved and indications of costs.²¹⁷

The above strides notwithstanding, the secretariat is still faced with a number of challenges, one of which is that most decisions of the secretariat are still tied to the political structure of SADC.

The secretariat has also not clearly spelled out the coordination arrangements between the secretariat and member country departments. Further still there are a number of human resource challenges which have undermined the capacity of the secretariat to deliver on its commitments.

These include; “a mismatch between available staffing, resources, and workloads in the technical functions; poor investment in staff development to enhance management capacities; a lack of a dedicated system for financial management and reporting activities”.²¹⁸

When the restructuring was done, the intention was to allocate more powers and responsibilities to the secretariat to enable to implement the RISDP and the SIPO, however in reality it has limited decision making and delegated powers to enable it to work efficiently. The ACBF capacity assessment report recommends that the SADC capacity needs program should invest heavily in

²¹⁶ Afadameh-Adeyemi and Kalula, 2010

²¹⁷ ACBF, 2008, Pg. 14

²¹⁸ Ibid

technical human resources. It also recommends the need for SADC to develop capacity in; project planning development and management, monitoring and evaluation and ICP financing and reporting procedures.²¹⁹

3.5.3 SADC Organ on Politics Defence and Security

SADC member states have historically had disagreements on the most appropriate approach to collective security, conflict management and transformation. Some member states such as Zimbabwe had reservations about institutionalising these capabilities by integrating the Organ on Politics Defence and Security into the formal structures of SADC preferring a more informal approach akin to that of the FLS. President Mugabe held that the chairmanship of the Organ should be held by the longest serving head of state, in this case, himself and thus operationalised the Organ with no legal basis before the protocol on politics defence and security was adopted. He thus monopolised the Organ for his own security objective without a rotational mechanism in place. Other member states led by President Mandela of South Africa wanted the Organ to be formally integrated into SADC structures and decision making structures.²²⁰

In 1996 SADC thus set up the Organ on Politics Defence and Security Cooperation which was charged with promoting peace and security through political, military and security cooperation and the peaceful settlement of inter and intra state conflict. The Organ directorate is the main implementing institution of the SADC Protocol on Politics, Defence and Security. Although set

²¹⁹ ACBF, 2008, Pg. 14

²²⁰ Francis, David. J. "Uniting Africa; Building Regional Peace and Security Systems", England, Ashgate Publishing, 2006

up in 1996 it remained dysfunctional for some time until the signing of the protocol in 2001 due to differences between the leaders of SADC about how the organ should operate and relate with other SADC structures. The Organ directorate is based in the SADC secretariat in Gaborone, Botswana. It is headed by a director, has four sectors; political, diplomatic affairs, defence, security and the Regional Peace Keeping Training Centre (RPTC).²²¹

New units which have been added to the directorate include a SADC Electoral Advisory Council (SEAC), a SADC Mediation Unit (SMU), and an Early Warning capability with a situation room in Gaborone. The Organ Directorate is managed by the Organ Troika. The Organ Troika is made up of three member states that are not members of the SADC Troika. Key decisions are made jointly by the incumbent chair, incoming chair and the outgoing chair. The Chairperson of the Organ reports directly to the SADC Heads of State or Government Summit.²²² The objectives of the organ are to secure the region against political instability, the evolution of common political values and institutions, development of common foreign policy and the peaceful resolution of inter-and intra-state conflicts. The objectives are summarized in table 7 below.²²³ The functioning of the Organ has been critiqued for being too state centric, its activities have largely concentrated on track 1 mediation efforts, election monitoring in member states, establishing a standby military force and creating a regional early warning capability.²²⁴

²²¹ Matlosa, K. and Lotshwao, K. 2010, Political Integration and Democratisation in Southern Africa: Progress, Problems and Prospects, EISA Report No. 47

²²² SADC, Department of International Relations and Cooperation (DIRCO), Government of the Republic of South Africa, available at: <http://www.dfa.gov.za/foreign/Multilateral/africa/sadc.htm> (accessed on: 04-01-14)

²²³ Matlosa, K. and Lotshwao, K. 2010, Political Integration and Democratisation in Southern Africa: Progress, Problems and Prospects, Op. Cit.

²²⁴ Hendricks C. and Musavengana T. (Eds), "Introduction" in "The Security Sector in Southern Africa", Monograph 174, Institute for Security Studies, 2010

Table 7: Categorised Objectives of the Organ on Politics, Defence and Security

| Military / Defence | Crime Prevention | Intelligence | Foreign Policy | Human Rights |
|--|---|--|---|---|
| Protect against instability | Close cooperation to deal with cross-border crime | Close cooperation in the sharing of intelligence information | Promote cooperation and common political value systems and institutions to deal with cross-border crime | Develop democratic institutions and practices |
| Develop collective security capacity | Promote community based approach | Early Warning | Develop common foreign policy | Encourage observance of universal human rights conventions and treaties |
| Conclude a Mutual Defence Pact | N/A | N/A | Conflict prevention, management and resolution | Early warning |
| Develop a regional peacekeeping capacity | N/A | N/A | Mediate in inter-state and intra-state disputes | |
| | | | Preventive diplomacy | |
| | | | Early warning | |
| | | | Encourage and monitor international arms control disarmament conventions and treaties | |
| | | | Coordinate participation in peace operations | |
| | | | Address extra-regional conflicts which affect the region | |

Source: Matlosa and Lotshwao 2010: 15

The Functioning of the Organ

Below is a concise explanation of the roles and functions of the institutions of the Organ. The creation of the Organ as a formal SADC structure was a marked improvement from the Front Line States which was an informal entity. Its creation has resulted in an improvement in the governance of the security sector in member states, reduced chances of contentious deployment of armed forces and more transparency in the work of SADC in the area of peace and security.²²⁵

Summit: It consists of heads of state and government and is the supreme policy-making institution of SADC. It meets twice a year and elects a chairperson and a

²²⁵ Hendricks C. and Musavengana T. (Eds), “The Southern African Development Community’s regional peace and security architecture” in “The Security Sector in Southern Africa”, Monograph 174, Institute for Security Studies, 2010

deputy chairperson on a rotating basis for one year. Summit also elects the chairperson and deputy chairperson of the Organ.

Chairperson of the Organ: The chairperson, in consultation with the Troika, is responsible for overall policy direction and for the achievements and objectives of the Organ during the one year tenure.

Troika: The incoming, current and outgoing chairpersons of the Organ form the Troika. It functions as a steering committee.

Ministerial Committee of the Organ (MCO): It consists of the ministers of foreign affairs, defence, public security and state security from each of the state parties. The MCO is responsible for coordinating the work of the Organ and its structures. It reports to the chairperson. Ministers from the same country as the chairperson chair the MCO, ISPDC and ISDSC for one year on rotation. The committee convenes at least once a year.

Inter-state Politics and Diplomacy Committee (ISPDC): It consists of the ministers of foreign affairs from each of the state parties. The ISPDC reports to the MCO. It meets at least once a year.

Inter-state Defence and Security Committee (ISDSC): It consists of ministers of defence, public security and state security. It deals with the objectives of the Organ as they relate to defence and security. It reports to the MCO. It meets at least once a year.

Sub-committees: They consist of senior officials and deal with matters pertaining to their sector between ISPDC and ISDSC meetings.²²⁶

3.5.4 SADC Regional Peacekeeping Training Centre

The SADC Regional Peacekeeping training Centre (RPTC) was established in 1995 in Harare, Zimbabwe to offer Peacekeeping training to the region. This came after the success of a peacekeeping course and another battalion commander's course organized jointly by the governments of the United Kingdom and Zimbabwe in 1995 in Zimbabwe. In 1996 the Zimbabwean government was then tasked with coordinating peacekeeping training in SADC by the Inter State Defence and Security Committee (ISDC). On 2nd May 2008 a report was published resulting from an independent study commissioned by the SADC Directorate on the Organ on

²²⁶ Oosthuizen G. H quoted in Ibid.

Politics Defence and Security (DOPDS) which assessed the work of the RPTC. The terms of reference for the study were to find out what assistance the RPTC could provide to SADC in light of the increased role and participation of SADC member states in peacekeeping. SADC member states have contributed military, civilian police and civilian personnel to UN and AU Peace Support Operations (PSOs). In 2005, the government of Zimbabwe officially transferred ownership of the RPTC to SADC, in August 2007 the SADC brigade which is part of the African Union African Standby Force (ASF) was launched.²²⁷

According to the report, the RPTC trained more than 500 military observers between (1997 – 2001) and hosted numerous PSO courses, workshops and seminars. RPTC also participated in the running of all the major peacekeeping exercises conducted in the SADC region including; Exercise Blue Hungwe (1997), Blue Crane (1999), Tanzanite (2002) and Exercise Thokgamo (2005). RPTC training activities were however disrupted by the withdrawal of support to the centre by the government of Denmark in 2002. In 2004, the Ministerial Committee of the SADC OPDS recommended the mainstreaming of the RPTC under the SADC Secretariat a decision which was endorsed by the Summit meeting in August 2004 in Grand Baie, Mauritius. Since May 2005, the Organ Directorate of SADC has the responsibility to supervise the day to day supervision of the RPTC.²²⁸

SADC funds the post of Commandant, Deputy Commandant, Civilian Senior Finance and Administration and Senior Secretary while the government of Zimbabwe provides 29 support staff as part of the hosting agreement with SADC. Since 2005 most of the operational costs of the

²²⁷ SADC, 2008, RPTC: Final Report of an Independent Study Commissioned by the Directorate of the SADC Organ on politics Defence and Security, 2 May 2008

²²⁸ Ibid

college have been serviced through the SADC budget. The report recommended that the RPTC must drop its military identity and adopt a multi-dimensional character in line with international trends of PSOs. To do this it recommended that the RPTC must serve the needs of the military, police and civilians as per the demands of today's complex and multidimensional PSOs. This it recommended must also be reflected in the staffing of the college which should also include civilian police and other civilians. It concluded that the RPTC doesn't have the capacity to meet all SADC's training needs in the area of multidimensional PSOs and called for a division of labour where some of the training needs should be met by the member states themselves. It also recommended that training activities in the region should be harmonized and standardized for better impact. It also called for quality assurance and monitoring and Evaluation measures to be put in place to ensure quality and best practices. The report also recommended that the RPTC should gain membership of international peacekeeping training associations such as the African Peace support Trainers Association (APSTA) and the International Association of Peacekeeping Training Centres (IAPTC).²²⁹

3.5.5 SADC BRIGADE

In response to the African Union's efforts of establishing an African Peace and Security Architecture (APSA), SADC has established a standby brigade (SADCBRIG) with a policing (SADCPOL) and civilian components.²³⁰ The AU took a decision to create capabilities to respond to conflicts through the deployment of peacekeeping forces, peace support operations, including; preventive deployment, peacekeeping, peacebuilding, post-conflict disarmament, demobilisation,

²²⁹ SADC, RPTC: Final Report of an Independent Study Commissioned by the Directorate of the SADC Organ on politics Defence and Security, 2 May 2008

²³⁰ Hull and Derblom, 2009, Pg. 9

re-integration and humanitarian assistance. This was to be realised through the establishment of an African Standby Force consisting of standby brigades from five African sub regions including SADC.²³¹ The six scenarios for the deployment of the ASF are;

- Military advice to a political mission within 30 days of mandate
- Observer mission with UN in 30 days
- Stand-alone observer mission in 30 days
- Complex emergencies in 30 days for military, 90 days rest
- Intervention within 14 days (genocide).²³²

The SADC BRIG is intended to have capabilities to rapidly undertake the following types of operations; observation missions, peacekeeping and peace-building to complex multidimensional peace operations, peace-enforcement, robust peace support operations and humanitarian interventions in grave circumstances. To coordinate all these, a permanent planning element (PLANELM) has been set up at the SADC secretariat in Gaborone, Botswana since 2005. To date member states have pledged all the required 3500 troops and agreed on a common peace support doctrine. The brigade was formally launched on 17th August 2007, has a Regional Peacekeeping Training Centre (RPTC) in Harare, Zimbabwe to support it and has undertaken a number of exercises to ensure troop readiness. In one such exercise, SADC member states took part in Exercise Golfinho, aimed at testing SADC's abilities to stage a peacekeeping mission; about 6500

²³¹ Hendricks C. and Musavengana T. (Eds), "The Southern African Development Community's regional peace and security architecture" Op.Cit.

²³² Ibid

troops, police and support staff from 11 SADC member states participated in the exercise, which was held in the Northern Cape, South Africa, in September 2009.²³³

Such exercises also expose the challenges of interoperability and incompatibility of equipment among member states which may impede the deployment of troops in the future. So far the Brigade has not yet been deployed on any mission as it was only recently created. SADC is also in the process of establishing a regional Early Warning System with a centrally located situation room in Botswana.²³⁴ According to Hendricks and Musavengana:

The SADC standby force (SSF) has to comply with the principles, procedures and good conduct as specified by the AU and UN, which will entail the standardisation of norms, procedures and practices of regional peace keepers that could eventually cascade to the security forces at national level. For example, peacekeeping training emphasises protection of civilians, respect for human rights, mitigation of gender based violence, and awareness of diversity through the integration of armed forces from different cultural backgrounds.²³⁵

Security in the region is still largely seen in traditional terms, as an exclusive preserve of the military, police, and “securocrats” who find it comfortable to do business as usual, as Zacarias observes; “The institutional framework needed to formulate policy in line with new security thinking in most SADC member states is weak to non-existent. National bodies in charge of implementing the new security thinking are still dominated by the military and the police force. There has not been a level of institutional reform capable of facilitating the implementation of the new security thinking or the involvement of academia in generating policy thinking. Because of

²³³ Van Nieuwkerk, 2012, Pg. 2

²³⁴ Hull and Derblom, Pg. 9-11

²³⁵ Hendricks C. and Musavengana T. (Eds), “Introduction” Op. Cit.

these factors, the declared intent of moving from state-centric to people-centred security, risks remaining an empty platitude.”²³⁶

Article 4 of the Memorandum of Understanding signed by SADC member states creating the SADC BRIG lists its functions as:

- Observation and monitoring missions
- Other types of peace support operations
- Intervention in a state party in grave circumstances or at the request of that state party, or to restore peace and security
- Preventive deployment in order to prevent:
 - i) A dispute from escalating
 - ii) An ongoing violent conflict from spreading to neighbouring areas or states
 - iii) The resurgence of violence after parties to a conflict have reached an agreement
- Peacebuilding, including post-conflict disarmament and demobilisation
- Humanitarian assistance to alleviate the suffering of civilian populations in conflict areas
- Any other functions as may be authorised by the SADC Summit.²³⁷

The MoU lists the functions of the civilian component as:

- Provision of human resources, financial and administrative management
- Humanitarian liaison
- Provision of legal advice
- Protection of human rights including women and children.²³⁸

²³⁶ Zacarias, 2003 in Malebang, 2009, Pg. 112.

²³⁷ MoU quoted in Hendricks C. and Musavengana T. (Eds), “The Southern African Development Community’s regional peace and security architecture” Op. Cit.

²³⁸ Ibid

The OPDS has failed to prevent or arrest conflicts in the DRC, Lesotho, the Caprivi Strip in Namibia, and Zimbabwe. Its strategic vision on how to address the insecurity facing the region is still unclear.²³⁹ This has also cast aspersions on the future ability of member states to reach a consensus that will enable the rapid deployment of the standby brigade to any conflict situations including those involving member states who did not invite such intervention.²⁴⁰ Baker and Maerasera quote Cilliers who identifies the original purpose of the ASF as being to create the capacity and ability ‘never to allow another genocide like Rwanda’.²⁴¹

3.5.6 SADC Tribunal

The SADC Tribunal was set up as a SADC dispute settlement mechanism in 1992 through the signing of the SADC Treaty, for a short time it served as the region’s only (quasi –supranational body) until it was shut down by the SADC Summit because of its rulings against the Zimbabwean government. There was minimum objection from SADC member states including from the regional hegemon South Africa. Some of the reasons advanced for the establishment of the SADC Tribunal were to give SADC a credible dispute resolution mechanism to give it legitimacy in the eyes of donors and investors. Concerns were however raised from the onset by member states that it would erode their national sovereignties²⁴². Although not established as a human rights court,

²³⁹ Zacarias, 2003, in Malebang, 2009, Pg. 113

²⁴⁰ See Baker and Maeresera, 2009, 109, They further highlight the likelihood of the lengthy time, delays and effort that it would take for member states to be able to agree on common values and achieve the mutual trust and shared vision necessary to enable a deployment.

²⁴¹ Ibid, Pg. 110

²⁴² Hulse M, 2012, Silencing a Supranational Court: The Rise and Fall of the SADC Tribunal, e-International Relations, October 25, 2012 available at: www.e-ir.info/2012/10/25/silencing-a-supranational-court-the-rise-and-fall-of-the-sadc-tribunal (accessed on: 21-09-13)

provisions were made for it to uphold the principles of human rights, democracy, and the rule of law.²⁴³

The functions and jurisdiction of the court are outlined in the Protocol on the SADC Tribunal which was signed at the annual meeting of the Summit on the 7th August 2000. The Protocol gives recourse to companies and citizens of SADC member states to appeal to it after exhausting available channels or if they are unable to proceed through their national courts. Unfortunately this does not make it a supranational court. The SADC Summit of Heads of State or Government (SHSG) retains full control over the court as the Protocol stipulates that all cases where member states fail to comply with the court's decisions should be reported to the SHSG. Human right issues were the culprit that led to the disintegration of the court, in particular the *Campell v Republic of Zimbabwe* case.²⁴⁴

3.5.7 SADC Parliamentary Forum

The SADC Parliamentary Forum (SADC-PF) is a regional inter-parliamentary body composed of MPs of SADC member states who total over 3500 from all the SADC member states. It was established by the SADC Summit on September 8th 1997. It consists of Presiding officers and a maximum of 5 representatives elected by the national parliaments of each member state. It's a mechanism designed to support regional integration through parliamentary involvement. The objectives of the SADC-PF cover the promotion of human rights, gender equality, good governance, democracy and transparency, peace, security and stability and familiarizing citizens

²⁴³ SADC Treaty 1992, Article 16.1

²⁴⁴ Hulse M, 2012, *Silencing a Supranational Court: The Rise and Fall of the SADC Tribunal*, Op. Cit.

with the aims and objectives of SADC. It doesn't have a reporting relationship to the Summit and other SADC institutions although it works with them on matters of common interest.²⁴⁵

SADC PF was formed to strengthen SADC by involving MPs in the work of SADC by facilitating the effective implementation of SADC policies and projects as well as the promotion of human rights and democracy in the region. Its other role is to encourage good governance, transparency and accountability in SADC. Although its functions are quasi legislative, SADC PF has no legislative powers, limiting its capacity to legislate on innovative responses to conflict such as conflict transformation.²⁴⁶

This is a lost opportunity as it could act as an accountability and oversight mechanism for the OPDS. What is worse is that in its first ten years of existence the SADC PF has not been able to exercise the above legislative powers. Its work has largely revolved around election observation, setting election standards and enhancing women's participation in SADC member state's parliaments. Its constitution envisages that the SADC PF will evolve into a future legislative assembly with supranational powers.²⁴⁷ As presently constituted, the SADC PF is not a formal structure of SADC and plays no role in its policy formulation. It is therefore sensitive not to infringe on the sovereignty of parliaments of its member states. This begs the question of why a

²⁴⁵ The SADC Parliamentary Forum, available at: <http://www.sadc.int/about-sadc/sadc-institutions/sadc-parliamentarian-forum/> (accessed on: 18-01-14)

²⁴⁶ ²⁴⁶ Hendricks C. and Musavengana T. (Eds), "The Southern African Development Community's regional peace and security architecture" Op. Cit.

²⁴⁷ Ibid Pg. 32

regional parliament should be established if it lacks supranational authority and it is going to remain subordinate to the national laws and constitutions of member states.²⁴⁸

There have been calls to equip SADC with legislative powers through the creation of a full-fledged regional SADC parliament. This it is believed would further democratize SADC, improve its governance and accountability by taking SADC to the people which would ensure ownership by citizens of the region whom they represent. A regional parliament is also seen as a conduit for civil society's representations through portfolio committees to strengthen regional integration and development. It will also provide feedback and ensure accountability on policies and programmes. The SADC –CNGO has made calls for a referendum in all SADC member states to petition the decision of the SADC Council of ministers against the formation of a regional parliament. They have engaged in efforts to lobby parliamentarians in member states to draw up motions calling for the formation of a regional legislature.²⁴⁹

3.5.8 Southern Africa Regional Police Chiefs Cooperation Organisation (SARPCCO)

The Southern Africa Regional Police Chiefs Cooperation Organisation (SARPCCO) was formed in 1995. Head quartered in Harare, Zimbabwe, in 1997, SARPCCO was 'adopted by Interpol to become its Regional Bureau for Southern Africa. Initially operating independently, SARPCCO was formally integrated into the SADC Organ in 2009. The objectives of SARPCCO are:

-To promote, strengthen and perpetuate cooperation and foster joint strategies for the management of all forms of cross-border and related crimes with regional implications

²⁴⁸ Ibid Pg. 33

²⁴⁹ Dithlake B.A. 2012, Civil Society Perspectives on SADC Parliamentary Transformation Agenda, Presentation at the SADC-PF / AWEPA Parliamentary Seminar "Africa's Regional Parliaments: State of Development, Cooperation and Potential" 17 – 18 May 2012, Sandton, Johannesburg, RSA

- To prepare and disseminate information on criminal activities as may be necessary to benefit members in their attempts to contain crime in the region
- To carry out regular reviews of joint crime management strategies in the light of changing national and regional needs and priorities
- To ensure the efficient operation and management of criminal records and the efficient monitoring of cross-border crime, taking full advantage of the facilities available through Interpol
- To make recommendations to governments of member countries in relation to matters affecting effective policing in the Southern Africa region
- To formulate systematic regional police training policies and strategies, taking into account the needs and performance requirements of the regional police services or forces
- To carry out any relevant and appropriate acts and strategies for purposes of promoting regional police co-operation and collaboration as dictated by regional circumstances.²⁵⁰

The following constitutes challenges and priority crimes that SARPCCO contends with; ‘smuggling and illegal importation of goods and counterfeit commodities; drug trafficking; smuggling stolen motor vehicles; armed robberies; smuggling endangered species and rare resources; financial crime; money laundering; illegal migration, people smuggling and human trafficking; terrorism; stock theft and corruption...which impacts negatively on the detection, investigation and prosecution of crime’.²⁵¹ Other challenges include collusion between customs and police officials who ought to be gate keepers and criminal elements. SARPCCO also coordinates regional training and capacity building to harmonise legal disparities across the region. Its focus areas for capacity building are; personnel adequacy; forensic support services; access to

²⁵⁰ Hendricks C. and Musavengana T. (Eds), “The Southern African Development Community’s regional peace and security architecture” Op. Cit.

²⁵¹ Ibid, Pg. 28

appropriate technology; mobility; and financial resources. The organization also has to keep up with new forms of crime and countering criminal innovation in cyber-crime and tax evasion.²⁵²

SADC thus needs to do more to improve the capacity of SARPCCO in the above areas especially since they have the potential to trigger or exacerbate ongoing conflicts. Criminal elements are interested in perpetuating conflicts since they best operate with impunity in anarchical conflict zones. Institutional tensions also exist regarding the reporting lines of SARPCCO and the SADC Summit of Heads of State and Government (SOHSG). Since SARPCCO's integration into SADC, the relationship of the Council of Police Chiefs (CPC) which is the highest decision making body in SARPCCO and the SOHSG has remained unclear.²⁵³

SARPCCO has organized a number of joint exercises between intelligence agencies of member states. These were aimed at enhancing their capacities to combat crimes such as motor vehicle theft, drug cultivation and trafficking, firearms trafficking, fugitives from justice, diamond smuggling and illegal migration. The following are some of the joint exercises involving clusters of member states:

- Operation V4, February – March 1997, covering Mozambique, South Africa, Zambia and Zimbabwe
- Operation Atlantic, July 1998, covering Botswana, South Africa and Namibia
- Operation Midas, June 1998, covering Lesotho, Mauritius, South Africa and Swaziland
- Operation Stone, April 1998, covering Angola, Botswana and Namibia
- Operation Sesani, April 1999, covering Botswana, Tanzania, Malawi, South Africa and Zimbabwe

²⁵² Ibid, Pg. 30-31

²⁵³ Ibid, Pg. 25

-Operation Makhulu, July – August 2000, covering Botswana, Lesotho, Mozambique, Namibia, South Africa, Swaziland and Zimbabwe.²⁵⁴

The above efforts of SARPCCO and its formal integration into SADC are welcome developments as they have laid the building blocks for enhancing SADC's conflict transformation capacity. Police and intelligence capabilities are critical to the maintenance of law and order within communities in member states. They also operate at the lowest grass roots level where conflicts start and ought to end. SADC's conflict transformation capacity can thus be enhanced by fostering cordial ties between communities and their police services based on amity and mutual understanding. This nature of collaboration ought to be encouraged through structures such as neighbourhood watch, crime prevention and local peace committees. If such initiatives are encouraged through policy at SADC level they can go a long way in transforming conflicts as relationships between communities and their security agencies will be healthy.

3.5.9 SADC Council of Non-Governmental Organisations (SADC-CNGOs)

Civil Society formations in Southern Africa are characterised by the following features;

- Unequal levels of social and political sophistication
- High concentration in urban areas
- Considerable preoccupation with the welfare aspects of members
- Predominance of ethnic and cultural groups that tend to have more of a local than a national or regional focus
- Low levels of management, negotiation, and lobbying skills
- Low command of resources and high dependence on state and other external support.²⁵⁵

²⁵⁴ Ibid, Pg. 27

²⁵⁵ Molutsi, Patrick. "Civil Society in Southern Africa" in Baregu, Mwesiga. and Landsberg, Christopher. "From Cape to Congo: Southern Africa's Evolving Security challenges", Lynne Rienner Publishers, 2003, Pg. 163

The SADC Council of Non-Governmental Organisations (SADC-CNGOs) is the lead body of NGOs in SADC countries. Its membership is drawn from the 15 SADC member states. The SADC – CNGO has signed a Memorandum of Understanding with the SADC Secretariat, its mandate is to facilitate engagement of the people of region with SADC at regional level, and Member States at national level.²⁵⁶ Article 16A and 23 of the SADC Treaty, together with Article 4 of the SADC Protocol on Politics, Defence and Security outline the relationship between SADC and civil society. The Strategic Indicative Plan of the Organ also mentions the need for SADC to engage civil society in its work.²⁵⁷ It appears as if there is still a lot to be done to translate these paper commitment into tangible results as at member state level SADC member states who have established SADC National Committees seldom invite representatives of civil society organisations to their meetings.²⁵⁸

In 2008, the SADC CNGO negotiated for more space and engagement with the Organ, this resulted in the adoption of a Joint Programme of Action. There has however been little coordinated civil society interaction with the Organ since then. Civil society has frequently decried the state centric nature of SADC's security structures. SADC has also adopted an elitist approach of only engaging expert civil society organisations who maintain a working relationship with the Organ through

²⁵⁶ Dithlake B.A. 2012, Civil Society Perspectives on SADC Parliamentary Transformation Agenda, Presentation at the SADC-PF / AWEPA Parliamentary Seminar "Africa's Regional Parliaments: State of Development, Cooperation and Potential" 17 – 18 May 2012, Sandton, Johannesburg, RSA

²⁵⁷ Hendricks C. and Musavengana T. (Eds), "The Southern African Development Community's regional peace and security architecture" Op. Cit.

²⁵⁸ Nzewi, O. and Zakwe, L. 2009. Democratising Regional Integration in Southern Africa: SADC National Committees as Platforms for Participatory Policy-Making, Centre for Policy Studies, Research Report 122, Johannesburg

offering training, capacity building and technical support. An encouraging sign which also signals improving relations was however the participation of the SADC CNGO in Exercise Golfinho in 2009, more engagement of this nature will go a long way in ensuring healthy relations between SADC and its citizens represented by civil society.²⁵⁹

Van Nieuwkerk (2001) suggests that in pursuit of the human security agenda in the SADC and ECOWAS regions, the non-state sector needs to be roped in. He identifies, civil society groups, non-governmental organizations, business interests and organized labour as stakeholders who ought to be involved in collaborative regional peacemaking efforts to avoid a stalemate or failure.²⁶⁰ Some progress has been made in this regard with the formation of the SADC Coalition of Non-Governmental Organisations (SADC-CNGO) which is made up of NGO mother bodies from 15 SADC member states. It was formed in 1998 and has as its aims; the coordination of civil society engagement with SADC at regional and national levels, awareness raising through advocacy and campaigns, placing human security on the regional agenda of SADC and civil society organizations, influencing policy, exerting pressure, monitoring SADC's implementation and adherence to protocols and declarations on human security issues as well as monitoring integration.²⁶¹

Molutsi recommends the following measures to improve the impact of civil society in Southern Africa; better coordination of efforts, closer collaboration with governments and regional organizations; creation of information databases accessible to all involved; creation of a network

²⁵⁹ Hendricks C. and Musavengana T. (Eds), "The Southern African Development Community's regional peace and security architecture" Op. Cit. Pg. 33-34

²⁶⁰ Van Nieuwkerk, 2001, Pg. 11

²⁶¹ Osei-Hwedie, 2009

at the country level of conflict management chapters bringing together human rights groups, academics, the media and the church.²⁶² For successful conflict transformation he prescribes the following roles for the various actors and sector in civil society:

Labour / trade unions: Mediation, protest, policy advocacy, and material support to those in conflict.

Religious groups: Mediation, reconciliation, advocacy, and welfare for the needy.

Women's and youth groups: Peacebuilding, democracy promotion, policy reform, and support to communities in conflict.

Human rights groups / the media: Monitoring conflict and post conflict situations, advocacy, and raising issues related to acquisition of military hardware and so forth

Academic / professional groups: Monitoring, generating information, and providing platforms for debates.²⁶³

3.6 Analysis of Institutional Capacity

As seen in the drawn out process that preceded the creation of the Organ, the historical experience may say a lot about current attitudes of member states towards the organ. Before its creation, member states had differing views on the structure and the functioning of the Organ. Other points of disjuncture were their differing political cultures and threat perceptions.²⁶⁴ A key impediment to the smooth functioning and implementation of SADC's institutional machinery for conflict transformation has thus been the competing national interests of its member states. Although they have found agreement on the need for a common security regime to pursue their collective national interests, they have failed to agree on the appropriate strategic orientation of the regime. This

²⁶² Molutsi, Patrick. "Civil Society in Southern Africa" Op. Cit. Pg. 169

²⁶³ Ibid

²⁶⁴ Hendricks C. and Musavengana T. (Eds), "Introduction" Op. Cit.

disagreement is the result of the conflicting values of some of the member states. Since national values which are informed by an individual nation's historical experiences underpin their national interests, they thus pursue their interests in a subjective manner, which results in clashes with the national values and interests of other member states.²⁶⁵

SADC's Regional Early Warning Centre (REWS) which was launched in July 2010 after lengthy delays, has been critiqued for being largely state intelligence driven, which is incompatible with the African Union's Continental Early Warning System (CEWS) which uses open intelligence sources. This important link between the AU's CEWS and SADC's REWS is frustrated by the fact that SADC does not allow for direct exchange of information and analysis with the AU. In SADC strategic intelligence and early warning reports are disseminated through the office of the president who chairs the SADC OPDS who then transmits them to the AU. This approach limits the flow of information and the timely identification of crisis and response time to conflicts, thus limiting SADC's conflict transformation capacity.²⁶⁶ It is therefore recommended that the SADC REWS should create an alternative information sharing and processing hub which includes early warning from civil society. This will also increase information sharing between the Organ and other directorates within SADC which have human security related mandates.²⁶⁷

An explanation for the disjuncture between SADC's policy and practice is the fact that 'the organization is averse to popular consultation and its security architecture is overly statist and

²⁶⁵ Nathan, 2012 Op. Cit.

²⁶⁶ Hendricks C. and Musavengana T. (Eds), "The Southern African Development Community's regional peace and security architecture" Op. Cit.

²⁶⁷ Hendricks C. and Musavengana T. (Eds), "Introduction" Op. Cit.

militaristic in outlook'.²⁶⁸ As such this erodes SADC's conflict transformation capacity which also explains its minimalist OPDSC secretariat characterized by a small and weak administrative infrastructure, insufficient financial and human capacities and divergent security agendas of member states.²⁶⁹

With the above criticisms of the current state centric nature of the SADC Organ, it would be instructive for the capacity of the SADC PF to be strengthened to enable it to perform an oversight role over the OPDS and to be more involved in its activities. The SADC PF ought to also be transformed into a regional legislature with oversight, law making and budgeting powers like the East African Legislative Assembly.²⁷⁰ The Organ has evidently opened up space for civil society involvement in its activities through its agreement of a common programme of action with the SADC-CNGO. DDR activities in countries like Mozambique and DRC have allowed space for civil society involvement, however once these programmes are complete the space closes again. The onus should thus also be shared by the regional civil society grouping to constructively engage with the Organ for involvement in such grassroots peacebuilding activities.²⁷¹ This will strengthen SADC's conflict transformation capacity and reach.

²⁶⁸ Albert Domson-Lindsay, A Call to Lead: South Africa and the Integrative Process in Southern Africa, South African Broadcasting Corporation, 29th April 2014, available at: <http://www.sabc.co.za/news/a/8e4c840043d11afb879387f0c0fe2c4c/A-Call-to-Lead:-South-Africa-and-the-Integrative-Process-in-Southern-> [Accessed on: 01-05-14]

²⁶⁹ Anthoni Van nieuwerkerk quoted in Gwinyayi Dzinesa and Webster Zambara, SADC's role in Zimbabwe: Guarantor of deadlock or democracy?, OSISA, 2011, available at: <www.osisa.org/sites/default/files/sup_files/SADC's%20Role%20in%20Zimbabwe.pdf> [Accessed on: 31-04-14]

²⁷⁰ Hendricks C. and Musavengana T. (Eds), "Introduction" Op. Cit.

²⁷¹ Ibid.

3.7 Conclusion

It has been established in chapter three that SADC has made efforts to establish a policy framework as well as an institutional infrastructure that supports conflict transformation. A key finding is that despite the existence of these SADC has major constraints in implementing the institutional framework as well as enforcing and adhering to the policies and treaties agreed upon at regional level in its individual member states. This is due to the fact that decisions in SADC are reached by consensus through the SADC SOHSG and are not legally binding. The SADC Secretariat also remains weak and under resourced without decision making autonomy especially in the area of peace and security which is the preserve of the heads of state through the OPDS and the SOHSG. The chapter has also identified the lack of in-house mediation capacity as another constraint on SADC's conflict transformation capacity.

SADC is however in the process of setting up a Mediation Support Unit (MSU) which will remedy the situation. It identified the launch of the SADC Standby Brigade as a milestone in enhancing the organisation's conflict transformation capacity. Further the findings of the chapter identify a need for the SADC-PF and the SADC Tribunal to be empowered with legislative and judicial dispute settlement respectively as a means of ensuring democracy and social justice in the region which lie at the heart of conflict transformation. Ultimately the findings of the chapter point to the fact that SADC has limited capacity to transform regional conflicts at the institutional level.

CHAPTER 4

An Assessment of SADC's Conflict Transformation Capacity at the National level

4.1 Introduction

This chapter conducts an assessment of SADC's conflict transformation capacity at the national level. It explores the framework through which SADC member states are expected to implement SADC activities at national level particularly through the SADC National Committees with a view to ascertaining their capacity for conflict transformation at the member state level. The second part of the chapter examines three mini case studies of the Democratic Republic of Congo (DRC), Zimbabwe and Lesotho, conducting a mapping of the conflicts in the country followed by an analysis of SADC's intervention in each case, concluding with an explanation of the implications of the intervention for SADC's conflict transformation capacity.

4.2 Contextual Background of SADC's Conflict Transformation capacity at the national level

Following the restructuring exercise which began in 1999,²⁷² SADC member states were expected to establish SADC National Committees (SNCs) which were tasked with national level coordination and implementation of SADC programmes. The roles and functions of SNCs were inter alia listed as;

²⁷² Isaksen J, 2002, Restructuring SADC – Progress and Problems, Christian Michelson Institute (CMI) Report, available at: (www.cmi.no/publications/publication/?88=restructuring-sadc-progress-and-problems) accessed on: (07-03-14)

- Provide input into the formulation of SADC policies, strategies and programme of action
- Coordinate and oversee the implementation of the SADC programme of action
- Promote and broaden stakeholder participation in SADC affairs in member states;
- Facilitate information flows and communication between member states and the SADC Secretariat
- Coordinate the provision of inputs for the development of the Regional Indicative Strategic Development Plan and monitor its implementation.²⁷³

Member states were expected to establish national steering committees comprised of; a chairperson of the SNC, chairperson of the sub-committees and technical committees. The latter are required to involve stakeholders like social, economic partners, NGOs, civil society, and workers' and employee organisations. The SADC secretariat has however been overwhelmed by the responsibility of establishing and operationalizing the SADC National Committees in the member states. This is compounded by the in excess of 400 ongoing projects under the SADC Program of Action (SPA) which were approved prior to the formulation of the RISDP.²⁷⁴

Although the SNCs are multi-stakeholder forums for participatory decision making aimed at involving citizens in member states in regional policy processes, the reality has been that most of them operate in difficult political contexts within SADC member states. A key finding in this research is that SNCs in some member states are virtually non-existent or where they have been established they are poorly constituted, managed, resourced and capacitated. Another criticism of the SNCs is that there is a lack of clarity on how the Organ relates to the RISDP and its implementation frameworks such as the SNCs. This is a lost opportunity since the national level

²⁷³ Ibid

²⁷⁴ ACBF, 2008 Op. Cit. Pg. 301

is where the locus of SADC policy is implemented. A major weakness of the SNCs is that Article 16A of the SADC Treaty allocates the responsibility of funding and administering SNCs to member states. This state of affairs would be remedied if the SADC Secretariat was assigned a greater role to play in providing seed money and technical assistance for the creation of SNCs. Another important factor is political will from the leadership of SADC member states.²⁷⁵

According to Isaksen, SNCs were envisaged to fill the temporary vacuum left by the phasing out of the Sector Coordinating Units (SCUs) from member states to the secretariat. Although they were expected to make SADC more widely known and visible in member states when they were formed, in most member states, “only a small group of people directly concerned with SADC appeared to have information on the existence of the SNCs...in general there is little or no activity taking place in the committees”.²⁷⁶

In their comprehensive report on the state of SADC SNCs, Nzewi and Zakwe (2009) recommend that the criteria for SNC membership at member state level should be reviewed and standards and a justifiable criteria set for membership of SNCs especially by civil society groups. They further propose that SNCs should be turned into semi-autonomous structures as their ineffectiveness may partially result from the fact that they are based within governments. They propose more innovative ways of funding the work of SNCs, one such being encouraging greater participation by private sector and business organisations who may ultimately provide additional funding upon seeing the benefits of SNCs. This problem of capacity and finance is compounded by the fact that

²⁷⁵ Nzewi and Zakwe, 2009 Op. Cit.

²⁷⁶ Isaksen, 2002 Op. Cit. Pg. 4

the SADC secretariat is itself financed by already meagre donor funds and member state contributions.²⁷⁷

An important structural flaw of SNCs has been identified as the fact that the lines of communication and authority between the SNCs, the secretariat and other SADC structures are not clear. One such is the Organ on Politics Defence and Security where issues falling under the organ have conspicuously been excluded from the tasks of the SNCs. This is a serious omission since conflicts start from within member states and are ultimately resolved there. Another omission is of the relationship of SNCs and national parliaments and how they can play an oversight role over them. This represents lost opportunities for ordinary citizens within member states to make inputs into SADC policies like the RISDP as well as in improving the visibility and sense of ownership of SADC by the public in member states.²⁷⁸

SNCs are a potentially good forum for conflict transformation initiatives to be pursued given the variety of representatives from civil society, business and government who form part of the committees. A key finding of this research is that there is a need to deepen conflict transformation efforts in SADC. One way of doing that would be through reforming and decentralizing the SNCs to provide for wider representation to include communities outside the capital cities. This can be done as proposed in chapter 6 of this research through the creation of an elaborate Regional Infrastructure for Peace (RI4P) constituted by national Infrastructures for Peace (I4Ps) established in each member state. This initiative can be dovetailed into the framework of the SNCs only this time with a deeper reach cascading down to the ward, village, district, regional and national levels.

²⁷⁷ Isaksen op cit

²⁷⁸ Ibid

4.3 Analysis of the Capacity of the existing SADC Conflict Transformation

Infrastructure at the National level

4.3.1 Conflicts start and occur within Member States

Although the prevailing atmosphere at the regional level in SADC may be characterized by an absence of large scale violence, some individual member states still experience large scale internal violence.²⁷⁹ With the ever existing threat of over spills of violence, conflict transformation capacity at regional level faces the threat of being eroded from within each individual member state. This thus underscores the need to address any deficiencies in conflict transformation capacity at the member state level to preclude an over flow and spread of conflicts throughout the region. SADC has not proactively and seriously focused on addressing the internal sources of conflict emanating from within its member states. Most member states lack internal cohesion and legitimacy due to poor governance, political oppression, inequalities, marginalization, poor democratic culture, human rights violations and a disregard for the rule of law. Any chance of addressing these is curtailed by the fact that old notions of sovereignty stand in the way.²⁸⁰

These internal challenges of member states have weakened the region's conflict transformation capacity since weak states make weak regions. Nathan, 2012 makes the correct observation that, "SADC is nothing but a formation of states, it won't do anything that its member states won't permit it to do". The main inhibiting factor to SADC's conflict transformation capacity is therefore

²⁷⁹ Nathan, 2012 Op. Cit.

²⁸⁰ Albert Domson-Lindsay, A Call to Lead: South Africa and the Integrative Process in Southern Africa, SABC, 29th April 2014, available at: <http://www.sabc.co.za/news/a/8e4c840043d11afb879387f0c0fe2c4c/A-Call-to-Lead:-South-Africa-and-the-Integrative-Process-in-Southern-> [Accessed on: 01-05-14]

the capacity constraints and orientation of its member states. The capacity constraints of the SADC secretariat have as much to do with the conviction of its member states than a lack of funds. SADC's conflict transformation capacity can best be enhanced through the support of an energetic group of core democratic states who are willing to devote resources to the cause.²⁸¹

4.3.2 Member State's ability to Speak out against Human Rights Violations

The late former Zambian President Levy Mwanawasa was one of the first SADC heads of state to publicly speak out against the worsening situation in Zimbabwe, until then a taboo subject, at one point describing the country as a "sinking titanic". Further manifestations of a commitment to the democratic values espoused in the SADC Treaty were displayed by the frequent public criticisms of the undemocratic manner in which Zimbabwean elections were conducted by Botswana's President Ian Khama from 2008 - 2013.

Unfortunately, these voices of reason and moderation have been too few and far between. Rather than going it solo, if Botswana was to use its moral clout to lobby other democracies in the region in order to form a united front with a stronger voice to safeguard the democratic values that underlie SADC, then there would be hope for a deepening of other member states' commitment to democracy. It would be trite to assume that this would happen readily, the only thing that could bring about such a state of affairs is if some legally binding punitive measures and sanctions were to be adopted to be enforced by the organization against those member states who contravene the democratic principles which they have all commonly agreed to.

²⁸¹ Nathan L, 2012, Community of Insecurity: SADC's Struggle for Peace and Security in Southern Africa, Ashgate: PP.9

4.3.3 Failure of member states to domesticate and implement regional agreements as a capacity constraint in SADC

Giving his vote of thanks speech at a SADC summit in Mauritius in August 2004, Botswana's former President, Festus Mogae chastised SADC for being "the weakest at getting things done".²⁸² This was in recognition of the commendable protocols and declarations on a wide range of fields from the environment to human rights that SADC has adopted over the years but which remain paper tigers gathering dust on the shelves without any legal muscle binding member states to domesticate or enforce them. Related to this, a major finding of this research has been that SADC's capacity in many areas including conflict transformation is grossly undermined by this failure to implement and operationalize its very own agreements and polices no matter how well intentioned. Another weakness of SADC is that non-compliance and failure to implement collective agreements has not attracted any stringent sanctions unlike what obtains in the European Union which is often seen as a model of successful regional integration. Membership in SADC is not conditional on a member state's record of good governance or implementing democratic reforms, it would in fact appear as if the organization has been unwilling or unable to enforce such standards and sanctions on its members.²⁸³

4.3.4 State Centric Conception of security by member states

Matters relating to conflict prevention, management and resolution in the SADC region have historically remained the sole preserve of the state because the highest decision making bodies on

²⁸² Sidiropoulos Elizabeth. 2004, Beyond the Rhetoric, SADC Barometer, Issue 6 August 2004, South African Institute of International Affairs (SAIIA)

²⁸³ Ibid

peace and security are ministerial forums and heads of state summits. Member states represented by their governments regard peace and security as sensitive areas since their very own power to govern is vested in their monopoly over the use of force.²⁸⁴ A failing of SADC at the member state level is a trend where most member states have failed to domesticate regionally adopted and ratified protocols. So bad is the situation that even the older democracies within its ranks such as Botswana and Mauritius have failed to domesticate progressive agreements like the SADC gender protocol on the weak grounds that the language used in the text of the protocol is too instructive for member states.

4.3.5 Mediation as the medium of choice for Conflict Transformation in SADC

A regularly employed tool in conflict transformation efforts within SADC is mediation. SADC has previously appointed eminent persons such as former Presidents to mediate conflicts in Madagascar, Lesotho, Zimbabwe and the DRC. Mediators or “Eminent Persons” as they are often called in SADC are appointed on an ad-hoc basis in the absence of an elaborate mediation infrastructure which SADC is only in the process of setting up now.²⁸⁵ Although not covered under the cases in this chapter, the Madagascar case is often cited as another SADC mediation success. Through the good offices of SADC appointed mediator and former Mozambican President, Joachim Chissano, a roadmap was drawn up and signed on 16th September 2011, which notwithstanding some challenges culminated in the 20th December 2013 elections which installed

²⁸⁴ Gina van Schalkwyk, Civil Society’s involvement in SADC’s Peace and Security Apparatus, SADC Barometer, Issue 6, August, 2004, South African Institute of International Affairs (SAIIA)

²⁸⁵ Gwinyayi Dzinesa and Webster Zambara, SADC’s role in Zimbabwe: Guarantor of deadlock or democracy?, OSISA, 2011, available at: <www.osisa.org/sites/default/files/sup_files/SADC's%20Role%20in%20Zimbabwe.pdf> [Accessed on: 31-04-14]

a democratically elected government to replace President Rajoelina's government which came to power through a military backed coup in 2009.

Despite the ultimate success of the mediation process, some structural flaws in SADC's mediation machinery were revealed. One such was the fact that the mediator and former Mozambican President, Joachim Chissano was appointed by a SADC Ministerial Committee of the Organ (MCO - Troika) reporting to the chair of the Troika of the Organ on Politics Defence and Security who is more junior to him. Another challenge is the rotational nature of both the chairmanship of SADC and the organ. In the Madagascar case, the SADC liaison office was headed by a South African since the country was chairing the SADC Organ Troika at the time. Based on this precedent, there is a feeling that the head of the liaison office should've made way for a new head appointed by Tanzania, the country that took over the chairmanship of the Organ Troika after South Africa.²⁸⁶

Underlying this sentiment is the fact that upon taking over the chairmanship of the Organ Troika, President Chissano was side lined by the liaison office and his role unofficially performed by South Africa's Deputy Minister of International Relations and Cooperation, Marius Fransman. This may be an indication that at times some SADC initiatives are hamstrung by acts of expediency on the part of certain member states.²⁸⁷ Although in its nascent stages, SADC's mediation capacity is steadily growing. A Panel of Elders (POE) similar to the AU's Panel of the Wise (POW) forms part of SADC's mediation unit. Its made up of eminent persons who have mostly been retired

²⁸⁶ Senzo Ngubane, General Manager, African Centre for the Constructive Resolution of Disputes (ACCORD), Interview, ACCORD Head Quarters, Durban, South Africa, 27th August 2012

²⁸⁷ This point was made by Brigadier General Maaparankoe Mahao, Chief of Staff of the SADC Standby Force, Planning Element, Interview, SADC Secretariat Planning Element, Gaborone, Botswana, 8th October 2012

Presidents from SADC member states. Notwithstanding the success registered by most of the elder statesmen in their mediation work, a need has been identified for SADC to move away from the practice of hastily assembling a mediation team each time a conflict breaks out. A persuasive argument has been made by a number of respondents in this study for the need to strengthen in-house technical expertise within the Organ. Such a capability should include full time mediation and conflict resolution experts who in close cooperation with the Early Warning unit and through research are constantly in the loop about the internal dynamics and nuances of conflict situations in the region.²⁸⁸

4.3.6 The Dynamics of Membership of SADC

A disconnect lies at the very nature of SADC which exists as an Intergovernmental organization rather than a supranational organization such as the European Union or the United Nations. Member states only tend to bring to SADC issues that they are willing to forgo while jealously guarding their sovereignty, member states are thus mostly self-serving in their motives when dealing with SADC. A deafening silence accompanies SADC's views regarding the position adopted by particular member states on divisive issues such as the location of the US Africa

²⁸⁸ Lt. Col. (Rtd) Tanki Mothae, Director, SADC Organ on Politics, Defence and Security Cooperation, Interview 8th August 2013, SADC Secretariat, Gaborone, Botswana

Brigadier General Maaparankoe Mahao, Chief of Staff of the SADC Standby Force, Planning Element, Interview, SADC Secretariat Planning Element, Gaborone, Botswana, 8th October 2012

Liau Motoko, Programmes Director, Lesotho Council of Non-Governmental Organisations (LCN), Interview, LCN Head Quarters, Maseru, Lesotho, 29th August 2013

Thabo Mosoeunyane, Governance Specialist, United Nations Development Programme (UNDP), Lesotho, Interview, UNDP Head Quarters, Maseru, Lesotho, 29th August 2013

Tsikoane Peshoane, Programme Officer: Democracy, Transformation Resource Centre (TRC), Interview, TRC Head Quarters, Maseru, Lesotho, 29th August 2013

Command (AFRICOM). Despite having cautioned member states to be wary of the advances of the US in the search for a host of the AFRICOM base, member states such as Botswana have proceeded with bilateral discussions with the US without being reprimanded by SADC. Despite being bound by collective responsibility, member states such as Zimbabwe have on a number of occasions publicly condemned being monitored by SADC to the chagrin of other member states.²⁸⁹ Brigadier Mahao views South Africa's unilateral involvement in peacekeeping missions in the DRC and Sudan in dim light. He argues for a collective intervention in conflict situations under the auspices of the SADC Standby Brigade should the need arise rather than the practice of individual countries signing MoUs with the UN as was the case with South Africa.

A look at the composition of SADC member states shows that the majority are republics with varying degrees of democratic maturity. Within the ranks of member states are also two monarchies, one executive (Swaziland) and the other ceremonial (Lesotho). This has led many to cast aspersions on SADC's collective commitment to Democracy and the protection of human rights. A case in point is Swaziland which has remained a taboo subject on the agenda of the SADC summit of the heads of state and government despite the numerous affronts on human rights meted out by the monarchy against political opponents. Accompanying this is the deteriorating economic situation in the country which occurs against the backdrop of impoverishment and the loss of economic opportunities for the majority of the population especially the rural poor.²⁹⁰

²⁸⁹ Brigadier General Maaparankoe Mahao, Chief of Staff of the SADC Standby Force, Planning Element, Interview, SADC Secretariat Planning Element, Gaborone, Botswana, 8th October 2012

²⁹⁰ Senzo Ngubane, General Manager, African Centre for the Constructive Resolution of Disputes (ACCORD), Interview, ACCORD Head Quarters, Durban, South Africa, 27th August 2012

Another dynamic as shown in chapter two is South Africa's membership of SADC which has been both contentious and at the same time inspiring hope. Integration efforts particularly in the economic arena in SADC have in a practical sense mostly been led by South Africa as seen by the franchises and chain stores it has set up in SADC member states and beyond. This is good for catalysing regional integration and development which is a precondition of peace, at the same time South Africa ought to recognize that peace is also conversely a prerequisite of development. As such South Africa should step out of the shadow of reluctance that it is currently basking under and proactively perform its role as the regional leader and hegemon with the most economic, political, institutional and military power.

It can enhance SADC's conflict transformation capacity by leading a campaign together with a coalition of progressive and like-minded states to shift SADC from its traditional to a more progressive conceptualization of sovereignty. This should be undergirded by the idea of popular sovereignty which emphasizes the rights of citizens and recognizes the state's responsibility to guarantee the safety and welfare of its citizens. This will see the norms of democracy and human rights taking the centre stage in SADC. The coalition could include potential norm entrepreneurs from SADC such as Botswana, Mauritius, Malawi, Zambia and Tanzania. South Africa can use its soft power to achieve a human rights based order by using its economic leverage to tie its aid to democracy and human rights.²⁹¹

²⁹¹ Albert Domson-Lindsay, *A Call to Lead: South Africa and the Integrative Process in Southern Africa*, Op. Cit.

4.4 An Assessment of SADC’s Conflict Transformation capacity in select member states

This section sets out to map conflicts in three SADC member states namely Democratic Republic of Congo, Zimbabwe and Lesotho with the aid of Conflict Resolution tools as outlined by Ramsbotham et al (2011).²⁹² The remit and terrain of navigation in this section is guided entirely by the framework set out by the authors. According to Ramsbotham et al, the purpose of mapping a conflict is “to give both the intervener and parties to the conflict a clearer understanding of the origins, nature, dynamics & possibilities for resolution of the conflict”.²⁹³ Mapping is described as a method to provide a structured analysis of a conflict at a particular moment in time. It is a tool used in Conflict Resolution workshops to elicit participants’ snapshot view of the conflict.²⁹⁴ For the purposes of this research, this task is undertaken to pay closer attention to the dynamics and intricacies of conflicts gripping SADC member states as described above with a view to establishing SADC’s capacity to transform them and set them on the path of attaining durable peace.

A detailed analysis of these conflicts is beyond the scope of this research, it is useful however to examine the dynamics of each of these conflicts with a view to tracing the nature of SADC’s intervention in each case as well as the result of the intervention. In the end inferences are drawn from the mapping and the case studies to determine SADC’s conflict transformation capacity. As shown in previous chapters, conflict transformation is a concept that is underpinned by principles

²⁹² Ramsbotham, 2011

²⁹³ Ibid, Pg.89

²⁹⁴ Ibid, Pg. 90

of non- violence and dialogue aimed at healing conflict affected communities. It is concerned with offering self-determination opportunities to silenced and marginalized segments of the community as well as forging avenues of involving them in the political and decision making processes. It has a preoccupation with engendering a culture of empathy in conflict ridden societies driven by the belief that empathy leads to the transformation of the patterns of conflict and ultimately durable peace. Conflict transformation is also concerned with formulating strategies that mitigate and eliminate violence, conflict and injustice in communities by encouraging mutual understanding and building compassionate communities. It is through this lens that SADC's conflict transformation capacity will be assessed in each case.

4.4.1 A mini case study of the Democratic Republic of Congo: Mapping a Protracted Social Conflict in the SADC region

Background and Description of the country

The Democratic Republic of Congo (DRC) joined SADC on 8th September 1997, it is a vast country occupying large swathes of territory geographically located in Central Africa, which is rich in a variety of natural resources. The DRC has abundant deposits of minerals including, cobalt, coltan, copper, diamonds, gold, tin and tungsten.²⁹⁵ The DRC shares a border with three other SADC member states, Angola, Zambia and Tanzania. The current protracted instability gripping the country is largely the direct aftermath of what has been called “Africa’s World War”.²⁹⁶ This

²⁹⁵ Jayakumar K, The Democratic Republic of Congo – the business of War, October 16th 2012, available at: <http://www.transconflict.com/2012/10/the-democratic-republic-of-congo-the-business-of-war-160/> , accessed on: 03-03-14

²⁹⁶ BBC Country Profiles, Democratic Republic of Congo profile, available at: (www.bbc.com/news/world-africa-13283212) accessed on: 8th March 2014

was a five year long conflict which pitted government forces supported by Angola, Namibia and Zimbabwe against rebels backed by Uganda and Rwanda leaving a devastating humanitarian crisis in its wake.

People in the Eastern parts of the country continue to be terrorized by rebel militias and the army. Although a peace deal was signed and a transitional government formed in 2003, the war raged on. An elected government was installed in the DRC in 2006 after a series of peace agreements followed by another controversial election in 2011. There are still major challenges of consolidating peace throughout the territory, there is evidence to suggest that conflict transformation in the DRC is impeded by deep structural issues in the society. For instance large numbers of the population remain politically and economically marginalized. If addressed the problems of the DRC will ensure peace not only for the DRC but for the entire Great Lakes and Southern Africa regions. The conflict in the DRC is extremely violent and resource driven, its characterized by massive displacement of people, high levels of insecurity and numerous peace talks and agreements.²⁹⁷

The war in the country has claimed an estimated 5.4 million lives either through fighting, disease or malnutrition and has caused 2.5 million to flee their homes.²⁹⁸ The instability in the DRC has gone on for over five decades now and has revolved around nationalism, corruption, Cold War politics, secession attempts, ethnicity and the rich natural resources which all groups have

²⁹⁷ Ahere, J, The Peace Process in the DRC: A transformation quagmire, Policy and Practice Brief: Knowledge for durable peace, Issue # 020, December, 2012, the African Centre for the Constructive Resolution of Disputes (ACCORD)

²⁹⁸ Jayakumar K, Peace and Conflict Resolution from the Democratic Republic of Congo, 20th February 2014 available at: (<http://www.transconflict.com/2014/02/peace-conflict-resolution-democratic-republic-congo-202/>) accessed on: 03-03-14

plundered. Given the various regional actors involved, in 2013 the UN facilitated the signing of a regional agreement to end the M23 rebellion in the eastern part of the country. One of the group's leaders Bosco Ntaganda surrendered to the ICC to face war crimes charges. Rwanda and Uganda have denied accusations in a UN report that they had supported the M23 rebels.²⁹⁹

a) Outline of the History of the Conflict

The failed attempts at statebuilding in the DRC are largely the legacy of Belgian Colonial rule which resulted in state fragility at independence revolving around the Katanganese secessionists aligned with Belgian economic interests. This initial conflict at independence spilled over into a regional and ethnic crisis which led some to argue that the Congo was too unwieldy as a single state and thus needed to be divided into smaller more manageable portions. Ironically, this development was prevented by Mobutu's dictatorship which personalized and centralized power although in the process failing to build structures and institutions of state that would outlive him.

With support from the military and the west, Mobutu's regime plundered the national economy and left a legacy of no road network in the country, no educational standards, and no political sense of purpose. This state of affairs served Mobutu well as a developed state armed with strong institutions would challenge his dictatorship. The government thus ceased to have relevance to the day to day affairs of the people as they devised their own means of survival even where the formal

²⁹⁹ BBC Country Profiles, Democratic Republic of Congo profile, available at: (www.bbc.com/news/world-africa-13283212) accessed on: 8th March 2014

business sector had collapsed.³⁰⁰ The conflict in the DRC can be divided into 3 parts; the first Congo War, the Second Congo War and the Third Congo War.

First Congo War

The first Congo War ended with the overthrow of Mobutu in May 1997 by Laurent Desire Kabila backed by Rwanda and Uganda.³⁰¹ Shortly thereafter there was a fall out between Kabila and his Ugandan and Rwandese allies which sparked the Second Congo War.³⁰²

Second Congo War

The Second Congo war began in 1998 and involved a myriad of actors forming a complex web of alliances. On one side there was Angola, Chad, Namibia, DRC, Sudan, Zimbabwe, the Mai Mai and Hutu aligned forces, while on the other side there was Burundi, Rwanda, Uganda, the Movement for the Liberation of Congo, the Congolese Rally for Democracy and Tutsi aligned forces. The Second Congo War was ended through the signing of four major peace agreements:

- i) Lusaka Cease Fire Agreement (1999)³⁰³
- ii) Sun City Agreement (April 2002)
- iii) Pretoria Agreement (July 2002)

³⁰⁰ Khadiagala G, Geopolitics in Africa's Great Lakes Region, The Journal of African Policy Studies, Vol. 7 No. 1, 2001

³⁰¹ Ikome F.N, Africa's international borders as potential sources of conflict and future threats to peace and security, Paper No. 233, May 2012, Institute for Security Studies, Pretoria, South Africa

³⁰² Ahere, J, The Peace Process in the DRC: A transformation quagmire, Policy and Practice Brief: Knowledge for durable peace, Op. Cit.

³⁰³ According to Ikome 2012, this was followed by the UN Security Council Resolution 1258 of 6 August 1999 authorising the deployment of a UN Mission in the Congo (MONUC)

- iv) Luanda Agreement (September 2002) – this contributed to the Global and inclusive agreement of December 2002 which finally ended the war.

The myriad actors involved in the DRC war have made it difficult to end the war. There have been many actors whose interests were not met each step of the way and they as such either didn't enter into some of the agreements or didn't respect the ones they entered into. Despite some of the challenges the agreements ultimately led to the formation of a Unified Transitional government of the DRC in 2003.³⁰⁴

The Third Congo War

The current conflict in the DRC can be thought of as the third Congo war, it traces its origins to the failure of the transitional government's efforts to unify the country after many years of civil war starting in 2003. Under the arrangement, all the belligerent forces were required to integrate their troops into the Congolese National army the Armed Forces of the Democratic Republic of Congo (FARDC). A section of soldiers belonging to the Rwanda backed RCD refused to join the FARDC and launched a rebellion which they called the National Congress for the Defence of the People (CNDP). The CNDP was integrated into the FARDC following a 1999 peace deal. In April 2012, CNDP members in the FARDC mutinied and formed the March 23 (M23) rebel group. The move was reported to be in protest aimed to prevent their leaders from being dispersed from eastern DRC to other parts of the country. The M23 were reported to have received support from Rwanda.³⁰⁵

³⁰⁴ Ahere, J, The Peace Process in the DRC: A transformation quagmire, Policy and Practice Brief: Knowledge for durable peace, Op. Cit.

³⁰⁵ Ibid

Assessment of SADC's Conflict Transformation Capacity in the DRC

As shown above, the DRC is a member of SADC, despite the numerous actors who have intervened in the country SADC has also carved out a role for itself. In its most recent intervention in the DRC, rather than using soft power diplomacy through mediation, SADC decided to deploy an intervention brigade to enforce peace. This was prompted by a recognition of the shortcomings of the MONUSCO which had a limited peacekeeping mandate which failed to contain the violence perpetrated by the belligerents. SADC's initial plan to intervene alone was thwarted by the UN under mysterious circumstances.

At the SADC Heads of State and Government Summit held in Maputo, Mozambique on August 17th and 18th 2012, a decision was reached for SADC to send an intervention force to the eastern part of the DRC to assist the government of the DRC to disarm all negative forces in the eastern parts of the country in particular the M23 rebels. Despite this original position, a UN resolution 2098 passed on 12th March 2013 appears to have supplanted and eclipsed the earlier stated decision by SADC. The UN resolution which created a Force Intervention Brigade (FIB) is empowered to use force should the need arise. It is wholly owned by the UN in terms of funding and equipping but led by SADC member states in terms of human resources with a Tanzanian as its commander. Three SADC member states, South Africa, Tanzania and Malawi have also contributed a battalion each to the brigade.³⁰⁶

³⁰⁶ Col. Lukwikila Metikwiza, Peace and Security Officer, SADC Organ on Politics, Defence and Security Cooperation, Interview 15th August 2013, SADC Secretariat, Gaborone, Botswana

During the SADC summit, the DRC had expressed a concern about attacks from the notorious M23 rebels who were terrorizing civilians in the eastern part of the country and thus appealed to SADC for help. In response, the summit deliberated on the appeal and sought guidance from Article 2 (a) of the SADC Protocol on Politics, Defence and Security Cooperation which holds that member states must help each other in the face of external aggression. Further guidance was obtained from Article 6.1 of the SADC Mutual Defence Pact which reads; “an attack on any member state shall be met with immediate collective action”. Having satisfied themselves that their consensus was compliant with the law the heads of state summit decided to deploy the SADC Standby Brigade in the DRC to pacify the rebels.³⁰⁷

An assessment team was subsequently dispatched to the DRC to assess the extent of the threat on the ground. The team drew up a list of recommendations which justified SADC’s decision to intervene. The summit in agreeing to deploy troops made a condition that for the mission to succeed SADC ought to work in close cooperation with the International Conference of the Great Lakes (ICGLR) at the time chaired by Uganda which the DRC is also a member of. When SADC started preparing troops, the DRC government began a parallel process of opening talks between the M23 rebels and the government. At this instance, SADC who had been requested to assist and had decided on a military solution questioned the rationale of the talks. However since the Heads of State had decided to deploy troops and preparations were under way, the arrangements for troop deployment could not be aborted. The concept of Operations was prepared by the ICGLR for

³⁰⁷ Ibid

consideration by SADC in their troop preparations. SADC member states then pledged to constitute a brigade size force initially called a Neutral International Force (NIF).³⁰⁸

The UN Enters the Fray

While SADC was busy preparing for the deployment, the United Nations came into the picture and proposed to both SADC and the ICGLR for the deployment of a joint UN/SADC/ICGLR intervention Brigade. The UN's reasons are unclear although its proposal followed a series of meetings with SADC which was adamant to go ahead with the deployment with or without the UN. Since the NIF had already been conceived, it was ultimately decided that it would be deployed under the UN banner under the name Force Intervention Brigade (FIB) as proposed by the UN. SADC possibly agreed to this proposal since it did not have the capacity to sustain its own independent deployment in the DRC without the backing of the UN or other donors.

Since the UN already had peacekeeping troops on the ground in the DRC, the FIB was deployed to join the MONUSCO albeit with a particular peace enforcement mandate deriving from chapter 7 of the UN charter and UN Security Council Resolution 2098 authorising the use of force to pacify the rebels in eastern DRC. At the planning stages SADC decided to deploy as a block albeit under the UN banner, as such the FIB is wholly made up of 1 SADC brigade commanded by a Tanzanian General and troops from Malawi, Tanzania and South Africa with logistical support from MONUSCO. Other SADC member states offered to provide financial and capacity building support. The inclusion of South Africa in this intervention is crucial given its well-trained sophisticated and well-resourced military. Its inclusion greatly enhanced SADC's conflict transformation capacity in this case as also supported by initial media reports following the

³⁰⁸ Ibid

deployment of the FIB that South African snipers had within a short time shot and killed top M23 commanders on the ground. Further evidence of SADC's capacity to transform the conflict involving the M23 in the DRC was the surrender and defeat of the M23 within a matter of months a feat which had eluded the UN MONUSCO forces for years.

SADC' Conflict Transformation Challenges in the DRC

A point of contention, speculation and debate revolves around the true motivation of the UN to join the mission. Some have attributed the UN's decision to its desire to avoid being seen as a failure since the MONUC and MONUSCO had been deployed in the DRC for decades with a lacklustre record. SADC as well possibly agreed to collaboration with the UN since it alone did not possess the capacity to sustain the mission. Additionally it was in fulfilment of the requirements of chapter 8 of the UN charter which enjoins regional organisations which are made up of UN member states to bear responsibility for peace and security in their immediate neighbourhoods in line with the principles of subsidiarity and complementarity. A further explanation is that the UN is the only body that can afford to compensate its members in the event that there is loss of life or equipment such as aircrafts which none of the RECs can afford. Clarifying circumstances leading to UN involvement and eventual take over, SADC Director for the Organ on Politics Defence and Security Lt. Col (Rtd) Tanki Mothae explained that the UN has the prerogative to maintain international peace and security. Further that in this particular instance, the UN may have acted to save itself from the likely political embarrassment resulting from its absence from a joint SADC / International Conference for the Great Lakes (ICGLR) intervention in the eastern DRC.



Photograph 5: Interview with Lt. Col. (Rtd) Tanki Mothae, Director of the SADC Organ on Politics, Defence and Security. SADC Secretariat (7th August 2013), Gaborone, Botswana

Had the two regional organisations intervened without the UN and succeeded in resolving the problems of eastern DRC, the UN's reputation would suffer untold damage as the UN has maintained a presence in the DRC for decades through its MONUC and now MONUSCO peacekeeping missions which have both failed to pacify the numerous rebel groups in the country. According to Mothae, the UN also understood SADC's displeasure at the modest results of the UN missions. As such after lengthy and difficult discussions and in order to avoid diplomatic embarrassment a deal was struck where the UN committed to provide a resolution and a mandate while SADC committed to contribute personnel. He maintains that SADC was determined to carry out its August 17th and 18th 2012 Heads of State and Government Summit resolution even if they had failed to reach an agreement with the UN since they enjoyed support from instruments such

as chapter 8 of the UN Charter which empowers regional organisations to carry out actions to bring about peace and security in their areas of jurisdiction.³⁰⁹ This is also in line with the African Union's principle of subsidiarity which holds that problems should be resolved at the level closest to their source and by the most competent structure given the circumstances.

A caveat ought to be made when dealing with the DRC case, its complexity stems from its multiple concurrent membership of other RECs and regional organisations such as SADC, ECCAS, ICGLR, CEPGL and COMESA. The problem is that each one of the above wants to take the lead when a need for intervention in the DRC arises. As such it is not easy to gauge the extent of SADC's impact and capacity since other parallel efforts are usually involved. As such when SADC took a decision to deploy troops, it remained sensitive to the efforts and interests of the other RECs and stakeholders in the DRC. When the FIB was deployed the UN decided to sign MoUs with individual member states rather than the SADC secretariat. This is despite the numerous meetings conducted between the SADC secretariat and the UN in New York aimed at understanding the advisability of the UN's decision to sign MoUs directly with member states rather than with SADC.

Conflict transformation has been described as “changes in any or some combination of the following matters regarding a conflict: the general context or framing of the situation, the contending parties, the issues at stake, the processes or procedures governing the predicament, or the structures affecting any of the aforementioned”.³¹⁰ It is a long term process which is ultimately about changing individual attitudes and addressing the need for structural reforms. Another challenge facing SADC in the DRC conflict were the deep seated and residual effects of decades

³⁰⁹ Lt. Col. (Rtd) Tanki Mothae, Director, SADC Organ on Politics, Defence and Security Cooperation, Interview 8th August 2013, SADC Secretariat, Gaborone, Botswana

³¹⁰ Ahere, *The Peace Process in the DRC*, Op. Cit. Pg. 1

of conflicts which has left many institutions in a state of disarray. Even the very organs entrusted with providing security for the citizens have turned out to be the source of their insecurity. The army, police and correctional services suffer a gross lack of capacity and inadequate oversight provisions. This has resulted in the DRC security services being accused of extensive and gross human rights violations.³¹¹ At a very basic level SADC has demonstrated that it at the very minimum has a measure of conflict transformation capacity by deploying a brigade on its own with each of its three member states (Tanzania, Malawi and South Africa) contributing a battalion. It further passed the initial test of changing the context of the conflict by defeating the M23 rebels and continuing to pacify other rebel movements in the east of the DRC.

SADC' Conflict Transformation Achievements in the DRC

Despite the challenges of reaching common ground with the UN on the best way to intervene in the eastern DRC, Mothae pointed out that SADC has continued to be closely involved in UN efforts to bring about peace in the country and the greater Great Lakes region which neighbours SADC. This was evidenced by his involvement and contributions to the benchmarking report submitted to Mary Robinson, the Special Representative to the UN Secretary General for the Great Lakes region. Lt. Col. (Rtd) Tanki Mothae represents SADC in the technical support committee which has been advising Mary Robinson and the 11 + 4 Heads of State and Government who are signatories to the Peace Framework on the Great Lakes signed in February 2013.

SADC deserves credit for the commitment demonstrated by its member states, by August 2013, almost all member states had pledged troops in a rotational arrangement where when the initial three troop contributing countries complete their tour of duty, they will be replaced by three

³¹¹ Hendricks C. and Musavengana T. (Eds), "Introduction" Op. Cit.

battalions from other member states until a point where peace has been maintained and the objectives met. The main focus of the intervention is not to fight but rather to bring the warring parties to the table to negotiate a peaceful settlement and to pacify the eastern DRC by getting rid of all negative forces. A key challenge encountered while doing research on this case was the dearth of information which is a result of the period under consideration being fairly recent. Another explanation is that most materials on the recent developments in the case are still classified until the objectives of the intervention have been met.³¹²

4.4.2 A mini case study of Zimbabwe: Mapping a SADC led Mediation and Conflict Transformation effort

Background & Description of the country

Zimbabwe is a Southern African country formerly known as Rhodesia during its colonial years. It attained independence from its colonial master Britain in 1980 after a bitter liberation war and a repressive and racist settler colonial government presided over by Ian Smith. Zimbabwe shares borders with Botswana, South Africa, Zambia and Mozambique. Zimbabwe's current constitution was part of a ceasefire agreement signed in 1979 known as the Lancaster house agreement signed between the country's liberation movements, the Rhodesian administration of Ian Smith and the British government³¹³

³¹² Lt. Col. (Rtd) Tanki Mothae, Director, SADC Organ on Politics, Defence and Security Cooperation, Interview 8th August 2013, SADC Secretariat, Gaborone, Botswana

³¹³ See: Hendricks C and Musavengana T (Eds) 2010, *The Security Sector in Southern Africa*, Op. Cit.

Outline of the history of the conflict

Since the year 2000, Zimbabwe has dominated international headlines for all the wrong reasons. The country has witnessed economic collapse, ultra inflation, state sanctioned brutality against the media, civil society and opposition activists, displacement, death destruction on white owned farms, massive brain drain, starvation, disease and growing repression and impunity by the regime of President Robert Mugabe.³¹⁴ All forms of discrimination have been documented in Zimbabwe with high levels of poverty, unemployment standing at 82%, inflation at four figures, non - existent service delivery, a failed health care and education system, repressive media laws, corruption at all levels of government and a shrinking of the democratic space³¹⁵. All this has been done in desperate efforts of self-preservation by the Mugabe regime.

This intolerance of opposition and state sponsored violence has been described as a continuation of state brutality similar to that meted out by the colonial government since very little if any changes were made to the inherited colonial laws³¹⁶. On paper, the country is governed jointly by the ZANU-PF party of President Robert Mugabe and the two factions of the former opposition party the Movement for Democratic Change (MDC) represented by Prime Minister Morgan Tsvangirai and Deputy Prime Minister Aurther Mutambara. The IMF and other international

³¹⁴ Ibid.

³¹⁵ See: WOZA a Zimbabwe women's advocacy group conducted a survey amongst close to 10 000 ordinary Zimbabweans to determine their needs and vision for Zimbabwe and their findings were compiled in a document dubbed; The People's Charter available here; http://wozazimbabwe.org/?page_id=14

³¹⁶ See: Hendricks C and Musavengana T (Eds) 2010, The Security Sector in Southern Africa, Op. Cit.

donors have suspended credit facilities to Zimbabwe citing economic mismanagement and undemocratic practices all of which has brought the country to its knees.³¹⁷

Other major powers led by the United States and the United Kingdom have the lead the pack in imposing targeted sanctions on key figures in Zimbabwe. In 2001 the US enacted the Zimbabwe Democracy and Economic Recovery Act (ZIDERA) which was aimed at putting pressure on multilateral institutions to stop extending any credit or assistance to Zimbabwe. The act also includes travel restrictions and bans as well as asset freezes on key individuals linked to the ruling party and their families. The European Union also imposed sanctions on Zimbabwe which include, asset freezes, travel bans and arms embargoes of the regime³¹⁸. State sanctioned violence by the Mugabe regime predates the advent of the MDC which was for a long time the main opposition party. In the 1980s in the immediate post-independence period, Mugabe's ZANU party embarked on a campaign to crush its major opponent PF-ZAPU party made up mainly of members of the Ndebele tribe. The Mugabe regime unleashed a campaign of terror on perceived opponents in the period around 1983 through its North Korean trained elite squad the 5th Brigade which resulted in the loss of life of 20 000 civilians in the Midlands and Matebeleland regions of the country. The regime is also notorious for co-opting its opponents as seen by the absorption of the opposition PF-ZAPU of the late Joshua Nkomo into a ruling alliance with Mugabe's ZANU, changing the name to ZANU-PF³¹⁹. This has bred suspicions about the sincerity of the Mugabe regime in the power sharing arrangement it has entered into with the MDC. The current power sharing

³¹⁷ Ibid, Pg.149

³¹⁸ Ibid

³¹⁹ See: Hendricks C and Musavengana T (Eds) 2010, *The Security Sector in Southern Africa*, Op. Cit.

arrangement was born out of the disputed election outcomes in Zimbabwe of March 2008 and the July 2008 run-off elections.³²⁰

The core conflict parties are President Robert Mugabe and his ZANU-PF party and Prime Minister Morgan Tsvangirai and his MDC party. The ZANU-PF enjoys the support of the security agencies and a group called the War Veterans who have unleashed a campaign of terror on opposition supporters, ordinary citizens and white farmers whose properties they high jack willy-nilly. The MDC has two factions one of Prime Minister Morgan Tsvangirai and the other of Deputy Prime Minister Aurther Mutambara. The ZANU-PF mostly relies on a constituency of rural poor voters and the elderly who took part in the liberation war and who still find liberation philosophies appealing / enchanting. It also enjoys the support of the war veterans some of whom were not even born at the time the war was fought. To this Chikwanha, (2010) remarks “the negative engagement by some youth has undoubtedly cost us a generation, as has the stalled and regressed educational system”.³²¹ Solace is however found in the emergence of new daring civil society groups such as Women and Men of Zimbabwe Arise (WOZA) which continue to be detained and harassed by security agents without relenting. The MDC on the other hand relies on the urban voters and the working class since it traces its roots back to the trade union movement in Zimbabwe with Prime Minister Tsvangirai being a former union leader. It also enjoys the sympathy of some white Zimbabweans as evidenced by one of its MPs, Roy Bennet being a white man.

³²⁰ Maunganidze, 2009

³²¹ A. B. Chikwanha. “Of Mocking Birds and Resuscitating Democracy”, ISS, 23 April, 2010

The core conflict issues?

Since the 2008 elections, President Robert Mugabe's ZANU-PF has more control of the security sector. Subordination of the security sector to civilian authorities has only happened in favour of one party to the joint power sharing arrangement. In the past decade, Zimbabwe has become an international pariah³²². The issue of sanctions and calls for their removal remains a major stumbling block in resolving the Zimbabwean crisis³²³. The UK and the United States were the first to impose "smart sanctions" on Zimbabwe in the early 2000s followed by the EU, Canada, Switzerland, Australia and New Zealand³²⁴. Mugabe's ZANU-PF accuses the Tsvangirai's MDC of not doing enough to lobby for the removal of sanctions, while the MDC argues that the responsibility for sanctions should rest squarely with the ZANU-PF who brought about the sanctions in the first place through intransigence³²⁵. The conundrum to resolve is aptly captured by Smith-Hohn;

...is there perhaps a middle ground to be found between the two extremes of unconditionally lifting all restrictive measures as called for by some and the other extreme of maintaining all targeted sanctions until every outstanding issue surrounding the GPA is resolved?³²⁶

Another key bone of contention is the outcome of the 2008 election which the MDC argued that it had won, crying foul over election rigging and other irregularities by the Mugabe regime. This

³²² See: Hendricks C and Musavengana T (Eds) 2010, *The Security Sector in Southern Africa*, Op. Cit.

³²³ Ibid.

³²⁴ See: Smith-Hohn, 2010, *Zimbabwe: are targeted sanctions smart enough? On the efficacy of international restrictive measures*, Institute for Security Studies Situation Report, pg:2 available at: www.iss.co.za

³²⁵ Ibid.

³²⁶ Ibid, Pg. 1

disagreement sparked large scale violence by supporters of both parties across the country culminating in the signing of the Global Political Agreement In September 2008 for a government of national unity in the interim period before fresh elections.

The Impact of External Actors on the Conflict in Zimbabwe

At the regional level, the Mugabe regime has enjoyed the support of neighbouring countries such as South Africa, Namibia, Mozambique and Angola which all share a common legacy of having fought liberation wars. This has largely been manifested during meetings of the regional block the Southern African Development Community where none of the above have publicly criticized the atrocities carried out by the Mugabe regime in what appears to be an unwritten code of an old boy's club. Other member states such as Botswana which lack liberation war credentials and whose leaders have dared to publicly criticize the Mugabe regime have seen a straining of bilateral relations between the neighbours. The regional sub-hegemon, South Africa has however been appointed to spearhead mediation efforts between the conflicting parties in Zimbabwe which resulted in the Global Political Agreement. Both former South African president, Thabo Mbeki and incumbent, Jacob Zuma have been criticized for being too soft on the Mugabe regime where they ought to have taken firmer positions. In 2007 when South Africa held the presidency of the UNSC there was no critical focus on the Zimbabwean crisis.³²⁷ The late former Zambian President, Levy Mwanawasa and Botswana's current leader Lt.Gen. Seretse Khama Ian Khama are the only two leaders who have publicly criticized the Mugabe regime. In the Botswana case there was a diplomatic standoff in 2008 when Botswana offered a safe haven for Zimbabwe's Prime Minister, then leader of Opposition, Morgan Tsvangirai to receive medical attention and recuperate in

³²⁷ Ibid, Pg. 4

Gaborone after being assaulted by security forces in Zimbabwe. The Mugabe regime did not take kindly to this and accused Botswana of setting up training camps for Zimbabwe's opposition activists in Botswana. A SADC sanctioned commission of enquiry however found this not to have been true.

The Mugabe regime has largely been seen to be sinking into dictatorship with its close ties with the Ghaddafi regime in Libya to the extent that Zimbabwe was often named as a possible escape destination for Ghaddafi and his aides during the revolution in Libya. Mugabe has also given refuge to former Ethiopian dictator Mengistu Haille Mariam who is reported to be his adviser on national security matters, this is despite that the latter had been sentenced to death in absentia in Ethiopia. The SADC and the AU have been most vociferous in calling for the removal of sanctions imposed on Zimbabwe. This was exemplified by the boycotting of the EU-Africa summit billed for Lisbon, Portugal in 2003 which was postponed due to the boycott by most African leaders because Mugabe was not invited.³²⁸

Zimbabwe's former colonial master, United Kingdom is a key international actor in the conflict. Historically it is British settlers who are implicated for expropriating huge swathes of productive farming land from indigenous Zimbabwean chiefs for a song. This laid the foundation for the highly imbalanced land tenure system where almost 90% of productive land was occupied by the white farmers at the expense of 90% of the mostly black population who stayed on the remaining unfertile 10% of the land. The liberation war fought in the 1960s and 70s in Zimbabwe was spurred on by this imbalance as well as a desire to unseat the minority white settler regime led by Ian Smith which they achieved in 1980. A year earlier in 1979, some agreements were signed between

³²⁸ Ibid, Pg. 5

Zimbabwe and the United Kingdom known as the Lancaster house agreements which saw the latter pledging to grant reparation fees to finance the re-buying of farms from minority white Zimbabwean farmers to redistribute them amongst the majority of landless blacks.

In the mid-1980s the United Kingdom froze the payment of these reparation fees arguing that the new black led government of Robert Mugabe's ZANU-PF party had reneged on its obligations by misappropriating the funds intended for the land redistribution. This saw an angry reaction from the Mugabe led Government towards the end of the 1990s after a series of failed negotiations with the British of forcibly evicting white farmers under the pretext of redistributing their land to landless blacks. Subsequently relations with the UK have been strained to a point where the UK government has imposed targeted sanctions on the Mugabe regime and close associates including a freeze on their bank account and travel bans. In reaction to this the Zimbabwean government adopted a policy dubbed "The look East policy" where relations with a number of Asian countries, primarily China, Hong Kong and Thailand blossomed in a cross section of fields. In the 1980s the Mugabe regime is famed to have also trained its elite hit squad "The fifth Brigade" in North Korea. This special military arm of the regime was responsible for the massacres of thousands of members of the Ndebele ethnic group in the Bulawayo area which came to be known as the "Ghukurahundi". The regime also had close ties to the regime of ousted former Libyan dictator, Muammar Ghadaffi which is widely believed to have offered financial support to Zimbabwe after the sanctions of the European Union and the United States of America.

The Mugabe regime has repeatedly referred to the sanctions imposed by the west, i.e the European Union and the United States as the main factor that remains a stumbling block to finding a political solution to the conflict as they continue to hurt the ordinary citizens of Zimbabwe. The sanctions have seen hyper-inflation and the dollarization of the Zimbabwean economy which at some point

was in near collapse. All this is notwithstanding the fact that at independence in 1980, Zimbabwe was described as “The Bread Basket” of Africa with the Zimbabwe dollar being at par with the American dollar, a far cry from what obtains today.

As per the US’s ZIDERA act, an asset freeze was also imposed on 200 Zimbabwean individuals and businesses by the US government. Similar measures were adopted by the government of New Zealand. In 2002 the Commonwealth suspended Zimbabwe for all the transgressions it had been accused of, to this President Mugabe retaliated by revoking Zimbabwe’s membership of the Commonwealth. Australia and New Zealand also banned the children of the regime from studying in their schools.³²⁹ This notwithstanding, the United Nations has not imposed any sanctions on Zimbabwe. This could also in part be explained by the fact that Zimbabwe also enjoyed the support of China and Russia in the UNSC (Ibid). The deadlock is perpetuated by SADC’s failure to take a firm position on Zimbabwe, at a number of SADC summits, heads of state just pussyfooted on the issue without any specific calls for an end to violence, arrests and intimidation.³³⁰ Such calls were only uncharacteristically made at the Livingstone summit of April 2011 and even then rebuffed by an ever defiant Mugabe who played the sovereignty card.

Assessment of SADC’s Conflict Transformation Capacity in Zimbabwe

The conflict in Zimbabwe is complex and multifaceted as it traces its roots to the colonial period. For purposes of this research, attention will however be limited to the period after the March 2009 elections characterized by violence which continued to the run up to the presidential run off poll of June, 2008. Internal efforts to de-escalate the violence failed as the conflict parties maintained

³²⁹ Ibid, Pg. 3-4

³³⁰ Smith-Hohn, 2011

their polarized positions. The continued violence compromised peace, stability and development in the country leaving no option but for a regional solution through SADC's intervention. SADC deployed then South African President, Thabo Mbeki to mediate the post-election crisis leading to the signing of the Global Political Agreement (GPA) in September 2008. The GPA led to the establishment of a Government of National Unity (GNU) in February 2009, comprised of the two MDC factions, MDC Tsvangirai (MDC-T), MDC Mutambara (MDC-M) and the ruling ZANU-PF party. The GNU and implementation of commitments under the GPA faced tremendous challenges of implementation which stalled and frustrated the SADC sanctioned mediation.³³¹ SADC's initial involvement in the conflict can be traced back to 2002 at the onset of the initial signs of a deterioration in governance, development, peace and security with implications for regional stability. Some trace SADC's involvement to the year 2000 when the regional bloc sent Mbeki and the ex- Presidents of Namibia and Mozambique, Sam Nujoma and Joachim Chissano respectively to engage with Mugabe on the controversial land reform programme when war veterans began occupying white owned farms. Mugabe reportedly welcomed SADC's overtures although blaming the west for failing to honour the commitment they made at the 1998 donor conference respecting the Zimbabwe land question and the United Kingdom's refusal to join the task force for donor assistance.³³²

All three parties to the conflict in Zimbabwe agreed to the mediation for different reasons, for the ruling ZANU-PF it was a combination of "the free fall in the country's economy, increasing

³³¹ Khabele Matlosa, *The Role of the Southern African Development Community in Mediating Post-Election Conflicts: Case Studies of Lesotho and Zimbabwe* in Matlosa K, Khadiagala G and Shale V, *When Elephants Fight, Preventing and Resolving Election-related Conflicts in Africa*, Electoral Institute for the Sustainability of Democracy in Africa (EISA), 2010, Pg.196-218

³³² Lawrence Mhandara and Andrew Pooe, *Mediating a convoluted conflict: South Africa's approach to the inter-party negotiations in Zimbabwe*, Durban, ACCORD, Occasional Paper series, Issue 1, 2013

international criticism and perhaps most significantly, pressure from SADC to accede to the negotiations. MDC-T viewed a negotiated settlement as possibly the best route to power, while the smaller MDC-M saw it as an opportunity to retain its political relevance".³³³ Official SADC intervention began in March 2007 when the SOHSG in Tanzania appointed Thabo Mbeki mediator to solve the governance crisis and set the economy on a recovery path. This is evidence of SADC's commitment to transforming both the context and structure of the conflict from the onset. The objectives of the SADC mediator Mbeki were to ensure that;

Firstly both parties should agree to hold parliamentary elections in 2008. Secondly, they should agree on the steps to be taken to ensure that all concerned accept the outcome of the elections as representing the will of the people of Zimbabwe. Thirdly, that there should be agreement by all political parties and other social forces on the measures that should be implemented and respected in order to facilitate a legitimate election.³³⁴

The mediation process started in June 2007 and ended in September 2008 with the signing of the GPA. Against the odds, the negotiation process registered the following modest achievements; amendments to the Electoral Act, the Access to Information and Protection of Privacy Act and Broadcasting Act all of which paved way for amendments to the constitution.³³⁵

In its intervention, SADC strove to be as neutral as possible, attempting to genuinely consider both the domestic plight of discontented citizens who had occupied white owned farms at the same time recognizing that the occupations made a mockery of the rule of law. SADC thus actively engaged both the local parties and the international community, this notwithstanding SADC's position as

³³³ Gwinyayi Dzinesa and Webster Zambara, SADC's role in Zimbabwe: Guarantor of deadlock or democracy?, Op. Cit.

³³⁴ Raftopoulos quoted in Khabele Matlosa, 2010b, Op. Cit. Pg.211

³³⁵ Ibid

represented by Mbeki was that of wariness of the West's regime change agenda which irked SADC leaders.

Challenges encountered by SADC in its Conflict Transformation efforts

A major constraint which impeded SADC's capacity to transform the conflict in Zimbabwe is its failure to appoint field observers for the duration of the GPA and the transition in Zimbabwe to closely monitor compliance with the implementation of the GPA. Further at regional level SADC failed to devise an implementation roadmap and a monitoring mechanism at regional level to oversee the implementation of the agreement. This was compounded by the failure of the SADC mediators to set a strict timetable to review progress of the GPA implementation which resulted in the slow pace of reforms in Zimbabwe over that period. More importantly these lapses delayed the inauguration of the power sharing government which was only sworn in in February 2009 although the GPA was signed in September 2008.³³⁶

SADC efforts to transform the conflict in Zimbabwe were further frustrated by the entrenched polarized positions and mutual suspicions which the two parties harboured. The MDC constantly raised concerns about the unfair appointment of key government figures and the harassment and arrest of the MPs by the ruling party. The ZANU-PF for its part decried the continued imposition of sanctions by the west on senior government figures, the establishment of parallel government structures by Prime Minister Tsvangirai and the anti ZANU-PF radiobroadcasts beamed into Zimbabwe from abroad.³³⁷ The Joint Monitoring and Implementation Committee (JOMIC) comprising of the three coalition partners proved to be toothless. There was minimal interaction

³³⁶ Gwinyayi Dzinesa and Webster Zambara, 2011 Op. Cit.

³³⁷ Ibid

between SADC and JOMIC and its very composition rendered it handicapped because the actors in the conflict could not be expected to be both the players and the referees at the same time. SADC's ability to assert its authority over the implementation of the GPA was also hamstrung by the preoccupation of its heads of state with fears of violating the sovereignty of other member states. All the above cumulatively delayed important milestones in the transitional government such as the constitution making process which was one year behind schedule.

A more effective model to ensure impartial monitoring and evaluation would have been the appointment of civil society representatives with expertise in governance and social development as was the case in the Kenya post-election violence coalition agreement in 2007.³³⁸ A credibility deficit of SADC's mediation in Zimbabwe was the prevalent perceptions which saw the mediation effort as a bilateral issue between South Africa and Zimbabwe since the mediation team on the ground was wholly South African with little involvement of the SADC secretariat. Further, the whole team including the mediator were members of the ruling ANC in South Africa which is a close ally the ZANU-PF in Zimbabwe. SADC was also ill equipped in as far as policy instruments were concerned. The mediation in Zimbabwe was an electoral dispute and SADC guidelines for democratic elections are not legally binding. Related to that the guidelines hold that electoral disputes should be solved only through national laws. As such, all SADC could do was to encourage the parties to comply with the guidelines without the legal muscle to enforce them.³³⁹

SADC's conflict transformation efforts in Zimbabwe were also hamstrung by the fact that the security sector in the country is highly politicized largely in favour of the ruling party. Opposition

³³⁸ Ibid

³³⁹ Ibid

parties have often decried human rights abuses at the hands of the security sector.³⁴⁰ Apart from the training offered through the RPTC and the regular regional joint military and security exercises there is very little that SADC can do to rein in on the wayward ways of the country's security apparatus without infringing on its sovereign independence. This can only be achieved from within the country through independent and democratic civilian oversight of the security sector. SADC was widely criticized by the west for endorsing the results of the 2013 Zimbabwe elections. SADC itself had in fact previously attempted in vain to advise Zimbabwe to postpone the election date until all conditions provided for in the GPA had been met. However a ruling by Zimbabwe's Supreme Court gave the ruling party ammunition to continue with the election amidst the prevailing conditions arguing that a postponement would be unconstitutional. Divisions appeared within the ranks of SADC itself as member states such as Botswana rejected the election outcome describing it as flawed and later vowing to stay away from future SADC election observer missions because they fail to comply with the Principles for Election Management, Monitoring and Observation in the SADC region.

³⁴⁰ Hendricks C. and Musavengana T. (Eds), "Introduction" Op. Cit.

SADC's Conflict Transformation Achievements in Zimbabwe

The question of whether or not SADC had the capacity to transform the conflict in Zimbabwe can be answered in the affirmative in as far as it had established a strong normative framework prior to the conflict. This included the SADC Parliamentary Forum Norms and Standards (2001), the Electoral Institute of Southern Africa/ Electoral Commissions Forum (2003) and the SADC Principles and Guidelines Governing Democratic Elections (2004) all of which enjoin member states to observe best practices in elections.³⁴¹ The 2008 election outcome in Zimbabwe was disputed by the opposition and rejected by SADC leading to a SADC led mediation process which resulted in a Global Political Agreement (GPA) being signed. SADC has therefore employed mediation as a tool for conflict transformation in Zimbabwe.

The GPA provided a framework for the parties to address all the issues that had been a source of discord for all parties for many years. Although it proved to be a difficult process for two strange bed fellows, the GPA represented a major milestone in SADC efforts. It resulted in the formation of a Government of National Unity (GNU) in 2009 which included all the three parties to the conflict being the MDC-Tsvangirai, MDC-Mutambara and the ruling Zanu-PF of President Robert Mugabe. In the GNU, the MDC-T was allocated the post of Prime Minister while MDC-M was allocated the Deputy Prime Minister seat. ZANU-PF retained the post of President.³⁴²

A key conflict transformation feat was that the GNU framework provided the parties with a platform for regular interactions and a forum for dialogue on the most difficult issues that lay at the heart of the conflict. At the early stages of the mediation the SADC mediator successfully

³⁴¹ Ibid, Pg.67

³⁴² Ibid

brokered some key reforms which were instrumental to reducing the levels of pre-election violence prior to the March 2008 elections.³⁴³ Further SADC declared the results of the run off Presidential elections which were boycotted by the opposition as neither free nor fair as they were effectively a one man race. This set into motion a process which led to the signing of the GPA with SADC as the guarantors together with the AU. Initially criticized for complicity and lack of firmness, SADC appeared to harden its position in January 2011 when the international affairs advisor to SADC Mediator, Lindiwe Zulu made public statements urging the conflict parties to take the GPA issue seriously and speed up the implementation of the GPA. This was supported later on that year by the Troika Summit of the OPDSC which expressed its disappointment and impatience at the slow pace of talks and the looming risk of relapse into crisis in Zimbabwe.³⁴⁴

The process initially facilitated by then South African President Thabo Mbeki on behalf of SADC, later succeeded by President Jacob Zuma ultimately resulted in a collectively owned revised constitution. The constitution was met by widespread support from the parties and the population at large. SADC efforts in this regard are worth pointing out since numerous attempts at amending the constitution to make it more inclusive and representative had previously failed.

This was followed by a referendum which led to the 2013 elections. The elections which were overwhelmingly won by the ruling ZANU-PF were generally less violent although the opposition MDC disputed the outcome. Their main contention was that the elections were not fair since they had failed to comply with some of the key provisions of the GPA. Despite the flawed electoral process, SADC at least saw through the implementation of the GPA culminating in an election

³⁴³ Gwinyayi Dzinesa and Webster Zambara, 2011, Op.Cit.

³⁴⁴ Ibid

which SADC observers described as “free and peaceful” deliberately remaining silent on the question of their fairness. SADC’s conflict transformation capacity is improving as it currently in the process of setting up a mediation unit which ought to be equipped with both human and financial resources. SADC is credited with persevering and sustaining the marriage of the GNU despite the odds in the process halting an imminent implosion in Zimbabwe.

4.4.3 A mini case study of Lesotho: Mapping A SADC Conflict Transformation success story in the Lesotho 2007 Post Election Violence and SADC’s Intervention

Historical and Contextual Background

Lesotho is a small and unique Southern African country wholly surrounded by its bigger neighbour South Africa. Popularly known as the “Mountain Kingdom” or “The Kingdom in the Sky” due to its mountainous terrain and its high altitude, it is one of the few remaining constitutional monarchies in Africa. Lesotho attained independence from Britain in 1966 under the rule of King Moshoeshoe II and Chief Leabua Jonathan of the Basotho National Party (BNP) as the Prime Minister after winning the first Post-independence elections. Lesotho’s democratic gains were however short lived as the country has for more than three decades thereafter been mired in a series of election related conflicts and violence.³⁴⁵

In 1970, the opposition Basutoland Congress Party won the elections but the ruling BNP of Chief Leabua Jonathan suspended the constitution, sent the King into temporary exile, killed and silenced political opponents effectively banning all political activity in the country. After nearly two decades of rule under a state of emergency, the army over threw Chief Leabua Jonathan in a coup

³⁴⁵ UNDP, 2012, Lessons Learned in the Mediation of the Electoral Dispute in Lesotho, Joint UNDP-DPA Programme on Building National Capacities for Conflict Prevention, UNDP, Bureau for Crisis Prevention and Recovery (BCPR), Pg.17

and replaced him with Major General Justin Lekhanya. In 1991 General Lekhanya was overthrown by Colonel Elias Tutsoane Ramaema who lifted the ban on political activity, re-establishing democracy and paving way for the first democratic elections in the country since 1970 which were won by the Basutoland Congress Party. Political party splits which became a pervasive feature of Lesotho's politics reared their head in 1997 when the Basotholand Congress Party (BCP) split and and off shoot, party the Lesotho Congress for Democracy (LCD) was formed.³⁴⁶

Following this split, the romping into victory of the newly formed LCD party in the 1998 elections saw a return of violence to Lesotho's politics. The newly elected Prime Minister Phakalitha Mosisili received a baptism of fire as he presided over what was perhaps the most violent episode of Post-election violence in the history of the country. Opposition parties who protested the results incited mass rioting which burned down large sections of the capital Maseru. The government then appealed to SADC for help resulting in the controversial deployment of military forces by South Africa and Botswana purportedly under the auspices of SADC to restore law and order in the country. Under the supervision of SADC a Multiparty Interim Political Authority (IPA) was established to review the electoral process and organize the next elections.³⁴⁷

In 2001 the parties adopted a new electoral model, the Mixed Member Parallel (MMP) political system which is a variation of the Proportional Representation model which advantages or rewards minority political parties. This was seen as a solution to the 1998 disputed election outcome which used the First Past the Post (FPTP) or Winner takes all electoral system which the opposition

³⁴⁶ UNDP, 2012, Lessons Learned in the Mediation of the Electoral Dispute in Lesotho, Joint UNDP-DPA Programme on Building National Capacities for Conflict Prevention, UNDP, Bureau for Crisis Prevention and Recovery (BCPR), Pg.17

³⁴⁷ Ibid

castigated for its encouragement of a predominant party system. It was also criticized for favouring incumbents in office and excluding opposition and minority parties therefore resulting in an election outcome that doesn't reflect the true will of the cross section of society. In May 2002, elections were held using the new (MMP) system. Won by the ruling LCD and endorsed by international observers, the election outcome was rejected by the opposition calling the outcome fraudulent. They were ultimately accepted by all the Basotho. In April 2005 the ruling LCD suffered another split where the former Communications Minister, Thomas Thabane led 17 other MPs to leave LCD to form a new party, the All Basotho Convention (ABC).



Photograph 6: Interview with The Right Honourable Lesao Lehoohla, Former Deputy Prime Minister of the Kingdom of Lesotho and Government Lead Negotiator, Mafeteng, Lesotho (August 31, 2013)

The SADC Intervention in Lesotho

In the 2007 elections the ruling LCD won the parliamentary elections taking 61 of the 80 constituencies. The opposition parties cried foul arguing that the LCD formed a pre-election alliance with a smaller party the NIP and instructed its supporters to vote in a way that manipulated the MMP system. Further infuriating the opposition, the LCD named its coalition partner, NIP as the official opposition. The loopholes in the MMP system exploited by the LCD had rewarded NIP, a little known and very small party with a limited following to be the party with the second highest number of votes. Although the main opposition party, the ABC had itself gone into an “informal alliance” with another smaller party the Basotho Workers Party (BWP) they rallied other opposition parties to vehemently prevent the LCD’s move which would effectively install a ruling party’s alliance partner into the position of the main opposition in parliament. Among a plethora of other factors, this proved to be the straw that broke the camel’s back as opposition protests culminated in a 2day long general strike which paralysed the public transport system and threatened to bring the country to its knees.

Incidentally during the general strike action, SADC’s Executive Secretary Thomas Salomao was in Lesotho for some SADC meetings, acting swiftly to contain the increasingly restive situation he held emergency talks with the government and the main parties involved assuring them that SADC would intervene to mediate and restore normalcy. The SADC Executive Secretary had been on some SADC mandated consultations on the country’s post electoral political developments on the 18th March 2007. Later on in the month, at its meeting in Dar es Salaam, Tanzania, the Summit of Heads of State and Government took a decision mandating the Organ Troika at Ministerial level to conduct an assessment of the post electoral situation in Lesotho with a view to making

recommendations to the chairperson of the SADC OPDSC, H.E. Jakaya Kikwete, President of Tanzania.

The ministerial Troika of the OPDSC undertook its working mission to Lesotho from 11-14 April 2007 with the aim of implementing the decision of the SOHSG. The ministerial mission met and received briefings from various stakeholders, including; the Government of the Kingdom of Lesotho; the Independent Electoral Commission; opposition political parties; the ruling party; the Deputy Speaker of parliament and the Deputy Clerk of the National Assembly; members of the diplomatic corps accredited to Lesotho; the Lesotho Council of Churches; former members of the Media Monitoring Panel and Election facilitation group and various civil society groups.³⁴⁸

Core Conflict issues

The Ministerial troika of the OPDSC identified the following as the core conflict issues from the findings of its consultations; opposition parties argued that the MMP system was unfairly implemented in the 2007 elections; they further decried the unfair allocation of parliamentary seats with one opposition party the Marematlou Freedom Party (MFP) taking the matter up in court; another issue was the controversies surrounding the alliances between the LCD and NIP, the latter's internal power struggles and court battles involving its president and secretary general; the ACP staged a sit in in parliament after their request for the LCD/NIP alliance to be discussed in parliament and for the NIP leader Manyeli to be sworn in as an MP were turned down; the ABC called for a three day stay away which was called off on the second day following their meeting with SADC's Executive Secretary. Another finding was concerns raised about the unruly

³⁴⁸ SADC, 2007, Assessment Report of the SADC Ministerial Troika Mission of the Organ on Politics Defence and Security Cooperation to the Kingdom of Lesotho from 11th – 14th April 2007, SADC Secretariat, Gaborone, Botswana, Pg. 1-2

behaviour of youth supporters of opposition parties which tended to stoke the flames of the highly charged environment pre, during and in the post-election period. Further, the ministerial mission noted that some parties had violated the code of conduct governing the elections. Irregularities were also identified in the reappointment of ministers who had lost the 2007 elections by the LCD since their names were also included in the NIP party list. The opposition decried this as an imposition of these ministers on the voters. Finally another identified challenge perpetuating the conflict was the lack of communication among the political leaders.³⁴⁹

Taking into account the input of other stakeholders they met in Maseru including offers of technical support and possible funding from the UNDP Country Representative, German Ambassador, US Ambassador, the Ministerial Troika of the OPDSC made the following recommendations to the chair of the OPDSC, that;

- i) The chairperson of the organ in consultation with the Troika of the organ urge the government of the Kingdom of Lesotho to initiate a formal political dialogue with a view to resolving the political problems between the opposition parties and the ruling party.
- ii) SADC should facilitate the internal political dialogue.
- iii) SADC may consider nominating one of its “Eminent Persons” from the ex-Presidents to facilitate and supervise the process of the political dialogue.
- iv) SADC should urge all political stakeholders to respect the outcome of the democratic elections and address their existing political differences peacefully through dialogue.
- v) A formal request should be made by SADC and the government of the Kingdom of Lesotho to UNDP, the governments of Germany and the USA for financial and technical assistance.
- vi) The process for internal dialogue in Lesotho should start immediately to pre-empt the possibility of repeated waves of tension.³⁵⁰

³⁴⁹ SADC, 2007, Assessment Report of the SADC Ministerial Troika Mission of the Organ Politics Defence and Security Cooperation to the Kingdom of Lesotho from 11-14 April 2007, Op.Cit. Pg.2-4.

³⁵⁰ Ibid, Pg. 4-5

The above were commendable recommendations on the part of SADC reflecting its commitment to transforming the conflict in Lesotho timeously as well as precluding the possibility of violence. In this spirit, the SADC Organ Ministerial Troika at its meeting held from 25-26th May 2007 in Dar es Salaam, Tanzania approved the above recommendations of the Organ Ministerial Troika assessment report on Lesotho's post electoral political climate which proposed that the formal political dialogue be initiated as well as the appointment of an eminent person to facilitate the dialogue process as a mediator. The chairperson of the OPDSC, thus appointed H.E Sir Ketumile Masire, the former President of the Republic of Botswana as the SADC eminent person to facilitate the dialogue.

The terms of reference of the eminent person's mission were to;

- i) Hold consultative meetings with all the relevant stakeholders
- ii) Develop the structure plan for the dialogue
- iii) Initiate dialogue between the ruling party, opposition parties and the relevant stakeholders
- iv) Facilitate the dialogue process
- v) Compile a report of the dialogue process for submission to the chairperson of the organ and for presentation to the government of Lesotho and other stakeholders.³⁵¹

Sir Ketumile Masire undertook seven missions to Lesotho over a two year period starting in mid June, 2007 until July 2009 when he relinquished his assignment.³⁵² The main agenda of the dialogue process revolved around six issues;

- An enabling environment for a successful dialogue
- Consideration of certain democratic parliamentary processes
- The status of election related court cases versus the need to facilitate the dialogue

³⁵¹ SADC, 2007, Report of the SADC Eminent Person's Mission on the Post Electoral Political Dialogue in the Kingdom of Lesotho, Maseru, Lesotho 14-16 June 2007

³⁵² Khabele Matlosa, 2010, The Role of the Southern African Development Community in Mediating Post Election Conflicts: Case Studies of Lesotho and Zimbabwe, in Khabele Matlosa, Gilbert Khadiagala and Victor Shale (Eds), When Elephants, Preventing and Resolving Election Related conflicts in Africa, Johannesburg, EISA, Pg.206

- Reviewing and safe guarding the MMP model and agreeing on the process of doing so
- Review of dialogue process and outcomes
- Institutionalisation of a sustainable culture of dialogue, a code of conduct and political tolerance.³⁵³



Photograph 7: Interview with H.E Sir QKJ Masire, Former President of Botswana (1980 – 1998) and former SADC Eminent Person to Lesotho (August 2, 2013), Gaborone, Botswana

Achievements of SADC's Mediation

SADC intervened timeously to contain the situation before it became explosive by bringing the conflicting parties to the negotiating table and subjecting them to a framework of dialogue over a two year period. Although the peace was fragile SADC demonstrated its capacity to transform the

³⁵³ Ibid

conflict sending numerous delegations to Lesotho starting with the Executive Secretary on 18th March 2007, the Ministerial Troika of the OPDSC on 11-14 April 2007 and seven missions by the SADC Eminent Person, Sir Ketumile Masire between June 2007 and July 2009. The SADC SOHSG in Kinshasa DRC, on 8th September 2009 persuaded Masire to stay on as Mediator to which he reluctantly agreed provided his terms of reference were revised and only if all the parties agreed.³⁵⁴

The Christian Council of Lesotho Take Over of the Mediation

Even beyond the resignation of SADC Eminent Person, Masire on 9th July 2009, SADC remained seized with the Lesotho situation as evidenced by a mission to Lesotho undertaken by the SADC OPDSC Troika on 21 – 22 February 2010 headed by Mozambican President, Armando Guebuza, including King Mswati III of Swaziland and Zambian minister of Defence Kalombo Mwanza. The delegation met all the key stakeholders with a view to rekindle the SADC mediation. At the end they committed SADC's support to the CCL.³⁵⁵

A major deficiency in SADC's CT capacity was exposed when the vacuum created by the resignation of its mediator became a breeding ground for violence. This was accentuated by the high treason charges laid against five individuals for attacks on the home of the leader of opposition and cabinet ministers in October 2007. In 2009, the Prime Minister also survived an assassination attempt although there was no clear connection to the electoral dispute.³⁵⁶ To fill in the void left by SADC, in July 2009 a group of NGO leaders met with key political leaders to the dispute and

³⁵⁴ Matlosa, 2010, Pg.208

³⁵⁵ Ibid, Pg.210

³⁵⁶ Kraybill, Ron. "Conversation, Risk and Transformation: Managing the Political Transition in Lesotho" Unpublished Manuscript of the UNDP-BCPR Expert in Lesotho's Post 2007 Electoral Crisis, June, 2012, Pg. 18

convinced them to participate in talks, to be chaired by national heads of churches. At this critical transition stage, SADC had dropped the mediation baton as it had made no official commitment to support the local parties yet.³⁵⁷ Such a commitment was only made in February 2010 by the Guebuza led SADC OPDSC Troika mission to Lesotho.

When SADC mediator Masire resigned, SADC further demonstrated its commitment to transforming the context, actors and structure of the conflict by committing through its Troika that;

- SADC will support the CCL of Lesotho in its role as mediator in the post-electoral dialogue;

- SADC will appoint, with immediate effect, a team of facilitators to assist the CCL, providing

- technical support and facilitating communication with the relevant SADC structures;

- SADC will assist in mobilizing financial resources to support the mediation process.³⁵⁸

Although helpful, such an intervention had been taken by the interventions of other actors, in particular the UN resident team in Maseru. Through the UN Interagency Framework Team and the UNDP Regional Service Center in Johannesburg, South Africa and support from the UN Bureau on Crisis Prevention and Recovery (BCPR) and the UN Department of Political Affairs the UN appointed a Peace and Development Advisor especially assigned to expand the mediation capacity of the local CCL team.³⁵⁹

³⁵⁷ Motoko and Moeunyane, 2013, Interview

³⁵⁸ Matlosa, 2010, Pg. 210

³⁵⁹ Kraybill, Ron. "Conversation, Risk and Transformation: Managing the Political Transition in Lesotho" Op. Cit. 2012, Pg. 18

This was part of the joint UNDP-DPA Programme on Building National Capacities for Conflict prevention which was launched in 2004. The programme has ended UNDP and DPA to collaborate on conflict prevention initiatives in the field,

...with a goal of strengthening national capacities for dialogue, mediation, and reconciliation. Over the past eight years, the joint programme has made a contribution to violence free elections or referenda in countries as diverse as Guyana, Ghana, Kenya, Sierra Leone, Benin, Togo, Kyrgyzstan, Maldives, the Solomon Islands and Lesotho. It has assisted the resolution of specific conflicts or deadlocks in Nigeria, Lesotho, Bolivia, Ghana and Kenya; helped sustain platforms for dialogue or conflict resolution in Guinea, Guinea-Bissau, Fiji, Georgia, Ukraine and Malawi and supported initiatives to reduce insecurity in Ecuador, Mauritania, and Bangladesh.³⁶⁰

From this point on UN efforts in Lesotho appear to have eclipsed SADC's input and visibility. The above described UN intervention also deliberately opted for a discreet behind the scenes role ensuring that all credit goes to the local mediation team. SADC lost an opportunity to truly transform the conflict in Lesotho by not officially collaborating with the UN at this point. This is possibly due to the tension and legal lacunae that exists in international law where there are no clear guidelines on how to operationalize the principles of subsidiarity and complementarity to inform collaboration efforts between the UN and RECs.

Given the ultimate success of the CCL led mediation effort which culminated in the successful May 26th 2012 elections, it would appear that the ultimate credit is due to the UN although this point is open for debate. The UN team through its internal structures maintained a poised and experienced posture in the manner that they discretely capacitated the local actors to successfully carryout the mediation, allowing them to take credit in the end. This is in line with the conflict

³⁶⁰ Ibid, Pg. 5

transformation principle of local ownership which increases the chances of an effective, locally owned and sustainable peace.



Photograph 8: Interview with Arch Bishop Lerotholi – Arch Bishop of Maseru & One of the Lead Civil Society Mediators in Post 2007 Peace Talks, Maseru (30-08-13)

In August 2009, talks began at UN House in Maseru, Lesotho chaired by four Heads of churches, supported by a UN funded technical team of local NGO leaders. In the year 2010 the talks yielded modest results due to the poor attendance of parties and the talks yielded modest results due to the poor attendance of parties and the dwindling commitment of the facilitators. A key breakthrough publicly brokered by the UN Resident Commissioner was the meeting between then main opposition leader and current Prime Minister, Thomas Thabane and the head of the IEC. In the meeting, Thabane, apologized to the IEC head for criticizing her and climbed down from his earlier

position of boycotting the 2012 elections. Further, the UN broke the deadlock over the electoral law tensions which had stalled talks by flying in a UN-DPA Electoral Assistance Division expert in March 2011 who successfully guided the parties to a solution.³⁶¹



Photograph 9: Interview with Mr Sekhonyana Bereng – Special Advisor to the Prime Minister – Kingdom of Lesotho, Maseru (01-09-13)

In the tense build up to the 2012 elections, the UN-DPA took the IEC Commissioners on a two day retreat to resolve their personal conflicts to secure the integrity of the elections. It also facilitated the hosting of six dialogue sessions in (February – May 2012) hosted by the Heads of Churches and attended by all party leaders described as “Prayer Breakfasts”. This followed the assassination of the Deputy Leader of the main opposition party the ABC in February 2012. A

³⁶¹ Ibid

tense atmosphere had followed the assassination with protesters throwing rocks at the Prime Minister's rallies resulting in serious injuries.³⁶²

On the eve of elections on April 27th 2012, the UNDP facilitated the attendance of Nobel Laureate and high profile South African cleric Arch Bishop Desmond Tutu to oversee the signing of an Electoral Pledge of good conduct and acceptance of the election outcome. The UNDP printed and distributed hundreds of large posters of the pledge and placed full page advertisements in newspapers just prior to the election. A defining moment for the mediation was the successful holding of elections on 26th May 2012 which were judged free and fair although they resulted in a hung parliament.

The CCL mediation continued in the post-election period where the CCL with support of the UN convened party leaders to resolve tensions over a hung parliament and the process for the formation of a new government. These talks resulted in the swearing in of the new Prime Minister on the 8th June 2012, a pledge by the former Prime Minister to accept his new position as a member of the "loyal opposition", the first ever constitutional transfer of power and the first ever coalition government in the history of the country.

In light of the above credit is clearly due to the local religious leaders and the UN for transforming the conflict and leading the parties to a successful and relatively peaceful election. Some members of the NGO technical team decried the fact that SADC came to the party too little too late in providing some funds for technical support which they also didn't use due to some tensions over the allocation the funds.³⁶³ SADC appeared on the scene again only in the period immediately

³⁶² Ibid

³⁶³ Liau Motoko, 2013, Interview

prior to the 2012 elections to assess the country's readiness for the elections.³⁶⁴ To their credit, SADC may have intended to maintain a distance from the CCL mediation to avoid interfering with the process but in the process inadvertently created a perception of negligence. UN Secretary General Ban Ki Moon hailed Lesotho's mediation process as a success and a model for other African countries following the successful 2012 elections.³⁶⁵

A key shortcoming in SADC's intervention in Lesotho is however that the mediation efforts only went skin deep in addressing the challenges confronting the country. Although it has to a degree reduced the politicisation of the defence and police forces in Lesotho through its interventions over the years, capacity of the justice and correctional services remain major concerns.³⁶⁶ SADC ought to have explored the deeper social, economic and political factors linked to past conflicts in Lesotho whose residual effect creates a potential for a relapse into future conflicts. Recent reports in July 2014 of the Prime Minister Thomas Thabane suspending parliament for nine months to avert a motion of no confidence on him by his allies in the ruling coalition point to this fact. A sternly worded warning from the Department of International Relations and Cooperation of South Africa cautioning the army against a coup are instructive. SADC ought to seek innovative ways of building Lesotho's capacity to engender a culture that rejects violence and embrace politics grounded on tolerance, political maturity and respects for democratic institutions and the will of the citizens.

³⁶⁴ Dimpho Motsamai, 28th March, 2012

³⁶⁵ Afrol News, 5 May, 2012

³⁶⁶ Hendricks C. and Musavengana T. (Eds), "Introduction" in "The Security Sector in Southern Africa", Monograph 174, Institute for Security Studies, 2010

4.5 Conclusion

Although the end of the Cold War was accompanied by the euphoria of newly democratized states in the region and throughout the continent, it ushered in new types of conflicts within states as previously marginalized groups found space to voice out their concerns about their injustice, marginalization and exclusion which became peace threatening factors. As shown in this chapter the nature of conflicts changed from being interrelated and border related to being governance related intra state conflicts. These conflicts have also been the result of the inability of governments to accommodate and effectively reconcile the national, political, economic and socio-cultural contradictions within their states. In cases such as the DRC, this has been most pronounced in the poor to non-existent infrastructure in border territories which has become a breeding ground for criminality by militia and rebel groups from both within and neighbouring countries. These conflicts have had a domino effect which has served to destabilize the two regions of the Great Lakes and Southern Africa.³⁶⁷

³⁶⁷ Ikome F.N, Africa's international borders as potential sources of conflict and future threats to peace and security, Paper No. 233, May 2012, Institute for Security Studies, Pretoria, South Africa

CHAPTER 5

A Critical Assessment of the Human Security aspects of SADC's Conflict Transformation Capacity

5.1 Introduction

In line with the stated goal of this research, this chapter sets out to assess SADC's conflict transformation capacity. It focusses its attention on the Human Security aspects of SADC's conflict transformation capacity. This it intends to achieve by using Human Security as its point of entry based on its role in the transformation of conflict. The chapter then proceeds to identify the human security challenges confronting SADC in order to clarify the steps taken by SADC to contain the challenges. The work of SADC's institutions with a mandate to discharge human security related functions is outlined and assessed with a view to identifying gaps and opportunities for strengthening their capacity. At the end the chapter suggests a framework to be adopted at the various stages of a conflict which could serve to strengthen SADC's capacity to meet the human security needs of the region particularly in pre-conflict, mid-conflict, transitional and stabilization phases of conflict situations.

5.2 The nature of Human Security tasks in Peace time and in conflict situations

The goals of human security vary depending on the operational environment during peace time and in conflict situations. In a conflict situation human security tasks manifest through humanitarian aid work provided to transform the conflict. During a conflict, humanitarian aid workers provide emergency humanitarian aid and medical care to victims of war. Peace-builders

on the other hand have a preoccupation with transforming the conflict by offering physical protection to civilians, terminating the conflict through humanitarian intervention, employing various efforts to build durable peace such as establishing reliable governance structures and maintaining social stability.³⁶⁸ Humanitarian aid and peace-building are thus different but essential components of human security. The goals of peace-building and humanitarian aid overlap in that, the establishment of durable peace is a prerequisite for meeting humanitarian needs while on the other hand, the elimination of humanitarian disasters is a foundation for a peaceful society.³⁶⁹

5.2.1 Human Security

Human Security has been broadly defined as a term that encompasses economic security, food security, health security, environmental security, personal security, community security and political security.³⁷⁰ Despite the above definition, some non-traditional approaches to the study of security have however retained the state as the referent object of study while broadening their analysis of the threats to the state to include, economic, societal, environmental, and political security challenges.³⁷¹ The individual has however been retained as ‘the irreducible base unit’ for explorations of security while the state remains the referent object for security as it is the central actor in international politics and the principal agent for addressing security.³⁷² For the reason that

³⁶⁸ See Hideaki Shinoda, *Operational Phases of Human Security Measures in and after Armed Conflict: How Can We Link Humanitarian Aid to Peace-building?* in *Conflict and Human Security: A Search for New Approaches of Peace-building*, IPSHU English Research Report Series No. 19 (2004) Chapter 2, Pg. 23 & 42

³⁶⁹ *Ibid.*, Pg.26

³⁷⁰ United Nations Development Program, *Human Development Report 1994*, New York and Oxford: UNDP and Oxford University Press (1994)

³⁷¹ See Edward Newman, *Critical human security studies*, *Review of International Studies*, 36 (2010), Pg. 85

³⁷² See Barry Buzan, *People, states and fear: the national security problem in international relations* (Brighton, Sussex: Wheatsheaf, 1983).

human security is premised on the interconnectedness between security, development and democracy, the concept requires a security sector that is responsive to the needs of its citizens to ensure that they are free from fear.³⁷³

Omari gives texture and a human face to the concept in quoting the Bonn Declaration of 1991 which describes human security as “the absence of threat to human life, lifestyle and culture through the fulfilment of basic needs”.³⁷⁴ A more comprehensive definition of the concept is given by former UN Secretary General Kofi Annan in the Commission for Human Security report. In his explanation of the concept, “human security in its broadest sense embraces far more than absence of violence. It encompasses human rights, good governance, and access to education and health care and ensuring each individual has opportunities and choices to fulfil his or her own potential”.³⁷⁵

The most common way that governments the world over meet the human security needs of their citizens is through the provision of Social Services. Failure to perform this function has often resulted in protests and in extreme cases revolution as seen in the Arab spring. In other extreme scenarios where states have failed to guarantee the social security of their citizens, the result has been a humanitarian emergency. The United Nations Peace dividends report of 2012 defines social services as organized efforts to advance human welfare and / social wellbeing, generally

³⁷³ Hendricks C. and Musavengana T. (Eds), “Introduction” in “The Security Sector in Southern Africa”, Monograph 174, Institute for Security Studies, 2010

³⁷⁴ Abillah.H. Omari, *Regional Security: One View from the Frontline States*, The Arusha Papers: A Working Paper Series on Southern African Security, 5 Centre for Southern African Studies, University of the Western Cape and the Centre for Foreign Relations, Dar es Salaam, 1995 quoted in Hussein Solomon, *From Marginalised to Dominant Discourse: Reflections on the Evolution of New Security Thinking*, Monograph No. 20, Caring Security in Africa, February 1998

³⁷⁵ Kofi Annan quoted in Commission for Human Security, *Human Security Now*, 2003, Pg. 4

understood as efforts provided by governments. This includes support provided by governments with regard to education, health, water and sanitation.³⁷⁶

This research adopts the definition of social services outlined in the SADC Code on Social Security. In the code, social services are seen as being part of the broader concept of social protection which refers to public and private, or to mixed public and private measures designed to protect individuals against life-cycle crises that curtail their capacity to meet their needs. The overall objective being to enhance human welfare. Social protection encompasses social security, social services and developmental welfare.³⁷⁷ It should thus be seen as an investment which helps the poor escape social exclusion.³⁷⁸ It is against this backdrop that global calls encouraging governments and the international community to avail services such as, sanitation, water, education, health care and income security programmes to all, dubbed; a ‘social protection floor’ have emerged.³⁷⁹ A discussion of the provision of social services would be incomplete without highlighting its links to overall development. The concept of Social development is the point of confluence for social

³⁷⁶ United Nations Peacebuilding Support Office, *Peace Dividends and Beyond: contributions of Administrative and Social Services to Peacebuilding*, New York, United nations, 2012, p.12, available at: http://www.un.org/en/peacebuilding/pbso/pdf/peace_dividends.pdf [downloaded on: 10-08-13]

³⁷⁷ SADC, *SADC Social Security Code*, p.3 available at: http://www.sadc.int/files/2513/5843/3198/Code_on_Social_Security_in_SADC.pdf (accessed on: 10-08-13)

³⁷⁸ Rodreck Mupedziswa and Dolly Ntseane, *The Role of Social Protection in Promoting Social Development in Botswana*, paper presented at the International Symposium on Social Protection in Southern Africa: New Opportunities, Centre for Social Development in Africa, University of Johannesburg, 24-26 May 2011

³⁷⁹ Rodreck Mupedziswa and Dolly Ntseane, *Human Security in the SADC Region: Learning from Botswana's Social Protection Initiatives*, Regional Development Dialogue (RDD), Vol. 33, No.2 Autumn, 2012

services and development. It is a form of human welfare that seeks to harmonise social policy and economic development.³⁸⁰ Social development has also been defined as;

that aspect of overall development brought about by the coordinated effort of an interdisciplinary team of experts from governmental and non-governmental institutions, with the active participation of the people as a whole, and is concerned with the qualitative and quantitative changes in social conditions aimed at enhancing levels of improvement in the level of living of individuals, groups and communities through such measures as social policy, social welfare, social services, social security, social administration, social work, community development and institution building through proper utilization of available resources.³⁸¹

A key deficiency identified in the social protection regimes of most SADC member states is that they are narrow and do not cover all the branches of social security. The social protection systems are also either un-developed or under developed, unemployment is one of the schemes that are not covered in SADC. This state of affairs is attributed to a lack of political will on the part of SADC leaders who hide behind the excuse of a lack of sufficient resources.³⁸² Although this may be plausible in some cases, there is no demonstrable intention on the part of governments to progressively extend social security coverage. Unrealistic as it is to provide for everyone overnight, gradual but progressive efforts need to be put in place to establish social protection systems that cover all aspects of social security.³⁸³ A recent report by Zimbabwe National Statistics Agency reveals that eighty percent of the citizens in Zimbabwe are unemployed while 6 out of every 10

³⁸⁰ Gray et al quoted in Tlamelo Mmatli and Kwaku Osei-Hwedie, *Human Rights Approach to Social Development: The Relevance of Afrocentrism* in Gloria Jacques, Gwen Lesetedi and Kwaku Osei-Hwedie (Eds), *Human Rights and Social Development in Southern Africa*, Bay Publishing, 2007

³⁸¹ Yiman quoted in Tlamelo Mmatli and Kwaku Osei-Hwedie, *Human Rights Approach to Social Development: The Relevance of Afrocentrism*, Op. Cit.

³⁸² George Mpedi quoted in Wendy Muperi, *Political will vital for SADC*, 31 March 2014, available at: <http://www.dailynews.co.zw/articles/2014/03/31/political-will-vital-for-sadc> [accessed on: 01-04-14]

³⁸³ Ibid.

households live in abject poverty. This state of affairs is reported to be synonymous in many other SADC member states.³⁸⁴

5.2.2 Matching goal of conflict transformation

For purposes of this research, SADC's conflict transformation capacity is put under the microscope, its relevance comes into play in as far as it is understood to be a tool for achieving the goals of peacebuilding. In this sense, conflict transformation performs its peace-building role through its guiding principles of transforming the issues and structures of the conflict. Regarding 'issues', its focus is on redefining the issues that are central to the prevailing conflict and reformulating the position of key actors on those very issues. On the 'structure' of the conflict, the conflict transformation goal is "adjusting the prevailing structure of relationships, power distributions and socio-economic conditions that are embedded in and inform the conflict, thereby affecting the very fabric of interaction between previously incompatible actors, issues and goals".³⁸⁵ With the above in mind, by pursuing the goals of conflict transformation, one indirectly meets the goals of human security. In like manner, by pursuing the goals of human security one indirectly meets the goals of conflict transformation. As such, we can conclude that conflict transformation is a tool of peacebuilding which together is a component of human security as described earlier.

Long-term human security will only be achieved when peace-building succeeds in establishing local good governance and a stable society. Peace-building is thus concerned with the long term and group oriented goals of human security. The requirements of peace in a particular conflict

³⁸⁴ Ibid.

³⁸⁵ See Principle number 10, Trans Conflict, *Principles of Conflict Transformation*, available at: www.transconflict.com/gcct/principles-of-conflict-transformation/ [accessed on: 02-03-14]

determine the demands of humanitarian aid. Peace-builders therefore need to incorporate humanitarian needs into the frameworks of their missions. Further, if the goals of conflict transformation are to be met, the activities of international actors ought to be well coordinated and to the extent possible efforts of the local people should be incorporated into the overall objectives of the mission.³⁸⁶

Historically Peacebuilding has been defined as actions to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict. In this conception, efforts to rebuild peace are conceived of in the context of the aftermath of conflict as captured in Boutros Ghali's famous "Agenda for Peace" report which captured the mood and thinking in the immediate Post Cold War era.³⁸⁷ According to the UN Secretary General's policy committee, "peacebuilding involves a range of measures targeted at reducing the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development. Peacebuilding strategies must be coherent and tailored to the specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritized, sequenced, and therefore relatively narrow set of activities aimed at achieving the above objectives".³⁸⁸

A distillation of the main goals of most peacebuilding efforts is listed as; the need for a cease-fire to attain a cessation of hostilities, measures to prevent a relapse into hostilities by the warring

³⁸⁶ Shinoda, 2004, Op. Cit. Pg. 25

³⁸⁷ Boutros Ghali, *An Agenda for Peace: Preventative Diplomacy, Peacemaking and Peace-keeping: Report of the Secretary General* pursuant to the Statement adopted by the summit meeting of the Security Council on 31st January 1992, New York, United Nations

³⁸⁸ United Nations Peacebuilding Support Office, *UN Peacebuilding: An Orientation*, New York, United Nations, p.5, available at: http://www.un.org/en/peacebuilding/pbso/pdf/peacebuilding_orientation.pdf [accessed on: 05-08-13]

parties, including the prevention of new conflicts. Of immediate relevance to our discussion on human security and humanitarian aid are the goals of democracy, justice and equity which are seen as key pillars in most contemporary peacebuilding efforts. Although there exists a semblance of consensus about the above, there remains disagreement about their linkages and relative priority among each other.³⁸⁹

The basic promise of Democracy is that the elected leaders will put in place measures to ensure that all citizens lead dignified lives with the enjoyment of amenities and social services that support the attainment of their life goals. Relatedly, social services are seen to be basic social and economic rights which all governments should uphold as per their commitment to international instruments, highlighting the pillar of Justice above.³⁹⁰ In the words of Bratton and Mattes (2004) the above is an instrumentalist definition of democracy where citizens' support for democracy is conditional on its ability to deliver social development and improve living standards. Their findings suggest that Africans support democracy as an intrinsic value and an end in itself beyond instrumental considerations only to a limited extent, citing the case of South Africa where the ruling party continues to enjoy popular support despite its shortcomings in the delivery of basic services to the majority.

South Africa remains an exception to the trend seen on the rest of the continent as the majority still have high hopes on the ruling African National Congress which only came to power in 1994 faced

³⁸⁹ Elizabeth Cousens, *Peacebuilding as Politics: cultivating Peace in Fragile Societies*, A Project of the International Peace Academy, London, Lynne Reinner, 2001

³⁹⁰ Centre for Economic and Social Rights, *A matter of Justice: Securing Human Rights in the Post 2015 Sustainable Development Agenda*, available at: <http://cesr.org/downloads/matter.of.justice.pdf?preview=1> [accessed on: 15-04-13]

with the mammoth task of reversing the decades old injustices of past minority white regimes.³⁹¹ Elsewhere on the continent citizens have grown disillusioned by repeated shattered hopes and promises made by politicians. They attribute this to the limited experience that the continent has had with democracy and elections and the failure of a democratic culture to take root in most African societies.

5.3 SADC's Human Security and Humanitarian aid challenges

5.3.1 Human security challenges

This section outlines the challenges encountered by ordinary citizens of SADC in their daily lives and the extent to which they live secure and dignified lives. It lays the foundation for an assessment of SADC's capacity for conflict transformation where human security challenges are concerned. SADC's human security challenges are identified with a view to assessing what the organization has done to change and improve the quality of life of its people.³⁹² Although human security has found its way onto the SADC agenda, there is insufficient debate about the topic which is a sign that concern about the issue is not accompanied by political commitment. This state of affairs is a result of three factors; one, a lack of consensus on how to prioritize human security without

³⁹¹ Michael Bratton and Robert Mattes, *Support for Democracy in Africa: Intrinsic or Instrumental?*, British Journal of Political Science, July 2001, 31, Pg. 447-474

³⁹² This approach was adapted from Maxi Schoeman, *SADC: Towards a collective security identity?* in *Monitoring Regional Integration in Southern Africa Yearbook, Volume 6 – 2006*, Anton Bosl, Willie Breytenbach, Trudi Hartzenberg, Colin McCarthy and Klaus Schade (eds), (Stellenbosch: The Trade Law Centre for Southern Africa (tralac), the Konrad-Adenauer-Stiftung, the Namibian Economic Policy Research Unit and University of Stellenbosch Printers, 2006), Pg. 239

abandoning state security; two, over which security concerns should top the SADC agenda and lastly, what must be done to respond to human security challenges.³⁹³

Human insecurity, poverty and underdevelopment have been identified as major challenges that remain to be overcome by the SADC region. The people in the SADC region have cultural similarities, some similarities have also been found in their low socio-economic status, this seems unlikely to improve at least in the foreseeable future due to the high levels of unemployment and underemployment in member states.³⁹⁴ Economies in the region “have a high proportion of workers earning low wages in the formal sector, low labour absorption rates, and a large informal sector”.³⁹⁵

HIV/AIDS is another key threat to the attainment of “SADC’s economic, social and political goals as the sub-region is the epicentre of the pandemic, with an average prevalence rate of 11% as compared to 1% for the rest of the world”.³⁹⁶ The above is further compounded by the high levels of inequality in the region with more than five countries of the region, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland and

³⁹³ Bertha Z. Osei-Hwedie, *SADC-Civil Society Interaction on Human Security: SADC-CNGO*, A paper presented at the Botswana Police Strategic Leadership course jointly organized by the University of Botswana’s Centre for Strategic Studies and Botswana Police College in Otse, 5th November 2009

³⁹⁴ Rodreck Mupedziswa and Dolly Ntseane, *Human Security in the SADC Region: Learning from Botswana’s Social Protection Initiatives*, Regional Development Dialogue (RDD), Vol. 33, No.2 Autumn, 2012, p. 56 available at: www.unrcd.or.jp/pub/rdd/rdd33_2_contents_and_editorial_introduction.pdf [accessed on: 10-08-13]

³⁹⁵ Government of South Africa (GoSA), Department of Social Development, *Evaluation of Retirement: Systems of Countries within SADC*, 2010, Ibid.

³⁹⁶ P. Matambanadzo, *President commends SADC*, The Herald, 23 Nov. 2007 quoted in Mupedziswa and Ntseane, 2012, Op. Cit. Pg. 56

Zambia having a Gini – co-efficient of more than 50 as seen in table 1 below.³⁹⁷ The Gini-co-efficient is a comparative measure of inequality (where zero represents perfect equality and 100 perfect inequality), readings above 50 are deemed critical.³⁹⁸ This means that these SADC member states have some of the highest levels of inequality in the world.

Table 8: Gini-Coefficients of Some SADC Member States

| Country (Year) | Distribution of income or consumption, 2010 World Development | | |
|----------------------|---|---|------------------------|
| | Gini Index | Percentage share of income or consumption | |
| | | Lowest 10 percent (%) | Highest 10 percent (%) |
| Botswana (2005 -06) | 61.0 | 1.3 | 51.2 |
| DRC (2005-06) | 44.4 | 2.3 | 34.7 |
| Lesotho (2002-03) | 52.5 | 1.0 | 39.4 |
| Malawi (2004-05) | 39.0 | 2.9 | 31.7 |
| Mozambique (2002-03) | 47.1 | 2.1 | 39.2 |
| Namibia (1993) | 74.3 | 0.6 | 65.0 |
| South Africa (2000) | 57.8 | 1.3 | 44.9 |
| Swaziland (2000-01) | 50.7 | 1.8 | 40.8 |
| Zambia (2004-05) | 50.7 | 1.3 | 38.9 |

Source: Muchena, 2011

Although SADC and its member states have over the years put in place a variety of human security measures, some seemingly insurmountable challenges remain. Statistics on a variety of socio-economic indicators in the region paint a chequered pattern where some member states have registered “pockets of excellence in a sea of significant weakness particularly in the area of social protection”.³⁹⁹ Some member states have put in place complex multi-pillar approaches for providing social services to their citizens while some have only fragmented mechanisms of

³⁹⁷ See Deprese Muchena, 2011, *The triple crisis of poverty, inequality and unemployment in Southern Africa and the new discussions on Social Protection in Africa*, Friedrich Ebert Stiftung, Windhoek, 10 February 2011, available at: <http://www.fesnam.org/publications.html> [accessed on: 09-02-12]

³⁹⁸ See Kenneth Good, *Diamonds, Dispossession and Democracy in Botswana*, Johannesburg, Jacana Media

³⁹⁹ GoSA, 2010, Op. Cit.

provision. As Table 9 below shows, countries such as Mozambique, Madagascar and the DRC for instance still have a major problem of access to improved water.⁴⁰⁰

Table 9: Summary of Selected Socioeconomic Indicators in SADC Countries

| Country | HDI | GINI Coefficient | Access to Improved water | Average% real GDP Growth 1990 – 2008* | GDP per capita (PPP) US\$ 2006** |
|--------------|-------|------------------|--------------------------|---------------------------------------|----------------------------------|
| Angola | 0.564 | 58.64 | 51% | 6.28 | 4, 631.44 |
| Botswana | 0.694 | 60.96 | 96% | 5.32 | 13, 474.95 |
| DRC | 0.389 | 4443 | 46% | -1.15 | 295.24 |
| Lesotho | 0.514 | 52.5 | 78% | 3.93 | 1, 183.81 |
| Madagascar | 0.543 | 47.24 | 47% | 2.74 | 879.43 |
| Malawi | 0.493 | 39.02 | 76% | 3.92 | 694.57 |
| Mauritius | 0.804 | - | 100% | 4.88 | 10, 446.49 |
| Mozambique | 0.402 | 47.11 | 42% | 6.41 | 782,57 |
| Namibia | 0.686 | 74.33 | 93% | 4.41 | 6, 009.12 |
| Seychelles | 0.845 | 42.0 | 87% | 3.63 | 18, 972.52 |
| South Africa | 0.683 | 57.77 | 93% | 2.68 | 9, 150.58 |
| Swaziland | 0.572 | 50.68 | 60% | 3.56 | 5, 202.86 |
| Tanzania | 0.530 | 34.62 | 55% | 4.79 | 1, 164.30 |
| Zambia | 0.481 | 50.74 | 58% | 2.61 | 1, 241.92 |
| Zimbabwe | N/A | 50.1 | 81% | -0.51 | 9.65 |

*Mean 3.57, Median 3.92; ** Mean US 4,942.63, Median US 1,241.92

Source: Mupedziswa and Ntseane, 2012: 57⁴⁰¹

A combination of factors have been fingered for the failure of most SADC member states to meet the human security needs of their citizens as reflected in the above statistics. Chief among these is the sheer extent of poverty, dysfunctional labour markets and the colonial legacy inherited by SADC member states.⁴⁰² Other factors which exacerbate the situation are social exclusion in the social protection systems of SADC member states, particularly in respect of the poor and informal

⁴⁰⁰ Ibid.

⁴⁰¹ Adapted from: GoSA (2010, Pg. 27 - 28)

⁴⁰² M.P Oliver and E.R Kalula, *Social Protection in SADC: Developing an Integrated and Inclusive Framework*, University of Cape Town, CICLASS, RAU and the Institute of Development and Labour Law, 2004 quoted in Mupedziswa and Ntseane, 2012, Op. Cit. Pg. 57

sector workers and a lack of comprehensive social protection systems in a majority of member states.⁴⁰³

The region has continued to register poor results on the above indicators as shown in the 2013 HDI results where DRC is the worst ranked in the region at 186 closely followed by Mozambique (185) and Zimbabwe (172). Seychelles and Mauritius are the only two with scores below 100 having scored 46 and 80 respectively. This was the case for 2011 as well as shown in table 10 below. The HDI measures the life expectancy, education levels as well as income disparities of the surveyed countries.⁴⁰⁴ There appears to be no clear correlation in these figures between the war torn countries and the performance of their more stable counterparts except for the case of the DRC. The findings show a more stable and reformed Mozambique, ranked amongst the fastest growing economies in the world faring worse than Zimbabwe which has suffered unprecedented levels of hyper-inflation and economic collapse in recent times.

A key lesson to be learnt from the above statistics is that life for the ordinary citizens of the region is precarious. They are faced with important threats which have broadly been identified as; HIV/AIDS; socio-economic inequalities; gender inequalities; landlessness; bad governance; lack of resources and capacity; forced migration; poor development and democratization processes; destabilization; civil wars; state failure and natural disasters.⁴⁰⁵ Ordinary citizens in member states have to contend with food insecurity, both human-made and natural, due to droughts; people are

⁴⁰³ E. Kaseke, *Social Protection in SADC: Developing an Integrated and Inclusive Framework – Social Policy Perspective*, 2004 quoted in Ibid.

⁴⁰⁴ United Nations Development Programme, *Human Development Report 2013: The Rise of the South: Human Progress in a diverse world*, New York, United Nations, 2012, available at: <http://www.undp.org/content/dam/undp/library/corporate/HDR/2013GlobalHDR/English/HDR2013%20Report%20English.pdf> (accessed on: 17-03-13)

⁴⁰⁵ Osei-Hwedie, 2009, Op. Cit.

also threatened by their governments, even though there is no overt civil war and despite the fact that successive elections have been declared free and fair, e.g in Zimbabwe; people are threatened by low life expectancy due to diseases such as HIV/AIDS; the imminent threat of intra state conflict, disorder, destruction to human life (notably in the civil war in the DRC, the very slow peace process in Angola and the continuing implosion in Zimbabwe); there has also been a steady decline in the quality of life in most member states.⁴⁰⁶

The above scenario is underpinned by a low coverage of social protection schemes in the region despite there being instruments like the SADC Social charter of 2003. This is attributable to the lack of political will which has resulted in inadequate budgetary allocation to the provision of social protection. Other causes are seen as; geographical coverage and poor targeting; poor governance; beneficiaries not being aware of their entitlements; inefficient record keeping; premature withdrawal of beneficiaries from programmes due to the cumbersome process of accessing benefits; since most programmes in member states are not linked to poverty alleviation, they have a minimum impact on social development; they are also elitist as they provide assistance to groups that need it the least; lastly most SADC member states are unable to provide comprehensive social protection measures.⁴⁰⁷

The 2006/7 SADC Annual Report recorded a decline in the regional human development index (HDI) due to the high level of both communicable and non-communicable diseases and high poverty levels reflected by limited access to social services like education, health and work

⁴⁰⁶ See Maxi Schoeman, *SADC: Towards a collective security identity?* in *Monitoring Regional Integration in Southern Africa Yearbook, Volume 6 – 2006*, Anton Bosl, Willie Breytenbach, Trudi Hartzenberg, Colin McCarthy and Klaus Schade (eds), (Stellenbosch: The Trade Law Centre for Southern Africa (tralac), the Konrad-Adenauer-Stiftung, the Namibian Economic Policy Research Unit and University of Stellenbosch Printers, 2006), Pg. 241

⁴⁰⁷ Mupedziswa and Ntseane, 2012, Op. Cit. Pg. 57

opportunities.⁴⁰⁸ According to the report, 50% of the population in the SADC region lacked access to essential medicines and the life expectancy in the entire region was 39.7 years, the lowest in the world for that period. This gloomy picture notwithstanding, some policy measures within the framework of the Regional Indicative Strategic Development Programme (RISDP) were taken to address these challenges. At programmatic level, the report lists the; Maseru Declaration, NEPAD, Dakar goals, Second Decade of Education and the Millennium Development Goals.

Table 10: HDI Rank of SADC Member States - 2011

| S. No. | Country | HDI Rank |
|--------|------------------------------|----------|
| 1 | Seychelles | 52 |
| 2 | Mauritius | 77 |
| 3 | Botswana | 118 |
| 4 | Namibia | 120 |
| 5 | South Africa | 123 |
| 6 | Swaziland | 140 |
| 7 | Angola | 148 |
| 8 | Madagascar | 151 |
| 9 | Tanzania | 152 |
| 10 | Lesotho | 160 |
| 11 | Zambia | 164 |
| 12 | Malawi | 171 |
| 13 | Zimbabwe | 173 |
| 14 | Mozambique | 184 |
| 15 | Democratic Republic of Congo | 187 |

Source: UNDP HDR 2011: <http://hdr.undp.org/en/statistics/>

The report also identifies the following as some of the policy and strategic frameworks developed to implement the above; SADC Malaria Strategic Framework; a Framework for the Operationalisation of the SADC HIV and AIDS Fund; a Business Plan for the Implementation of the Regional Pharmaceutical Programme including African Traditional Medicines; the SADC

⁴⁰⁸ SADC, *Southern African Development Community Annual Report, 2006/07*,Pg. 33

Open and Distance Learning Programme, the SADC Declaration on Productivity; the SADC Code on Social Security and the SADC Protocols on Health, Education and Training.⁴⁰⁹

5.3.2 Human Security and Conflict Transformation challenges requiring Humanitarian aid

Most of the humanitarian aid needs and emergencies of the SADC region are the result of natural disasters and a limited number are conflict related, this is due to the relative peace that currently prevails in the region. Natural disasters have affected several countries simultaneously requiring collective regional action. Since the year 2000, the Southern African region has witnessed an increase in the frequency, magnitude and impact of droughts and floods. Adverse effects related to climate change are also expected to affect the region increasing the risks related to water resources, fire, and agriculture and food security. Climate change has also left island states such as Seychelles facing the danger of losing their protective reef barrier and threats of a sea level rise which could threaten their survival. This state of affairs is exacerbated by economic underdevelopment and epidemics such as HIV/AIDS all of which hamper the achievement of the Millennium Development goals.⁴¹⁰

The challenges requiring humanitarian aid in the SADC region are largely due to policies pursued by member states as well as deficiencies in long term development aid arrangements both at regional and at member state levels. The economic meltdown in Zimbabwe for instance has resulted in unrest and insecurity for ordinary Zimbabweans. The economic sanctions imposed on the country have over the years caused a series of humanitarian emergencies which have rendered

⁴⁰⁹ SADC, *Southern African Development Community Annual Report*, 2006/07, Pg. 33

⁴¹⁰ See SADC, *Disaster Risk Management*, available at: <http://www.sadc.int/themes/disaster-risk-management/> (accessed on: 24-03-14)

many Zimbabwean citizens illegal immigrants and economic refugees in neighbouring countries. The country has also since the sanctions and as a result of its controversial land redistribution programme, experienced food shortages, an outbreak of diseases such as cholera and vulnerability of its citizens to HIV/AIDS.

In another incident in 2005, the government of Zimbabwe embarked on a controversial exercise dubbed 'Operation Murambatsvina - clear out the filth'. Rolled out ostensibly to rid Harare, the capital city of shacks, slums, shanty towns and illegal structures, the government mercilessly demolished housing and properties mostly belonging to the poor and unemployed precipitating an unprecedented humanitarian crisis where many were rendered homeless overnight. Of great concern, very few if any SADC member states criticized the Zimbabwean government for the direct threat it posed to its own citizens. This reflects the elitist identity of the SADC region which is characterized by the mutual protection of governments despite the security threats they may pose to their citizens.⁴¹¹

Ordinarily, regular long term development assistance programmes extended both to SADC and Zimbabwe would be able to the extent possible address the above identified problems, however, this is unfortunately not the case. As shown above, a characteristic feature of SADC is its policy of not publicly criticizing other member states (silent diplomacy) as they have shown with the case of Zimbabwe.⁴¹² As a result of this most International Cooperating Partners (ICPs) have responded by reducing funding for SADC and opting to provide funding for parallel structures that voice condemnation for the Zimbabwe regime. A case in point is the United States Aid for International

⁴¹¹ Maxi Schoeman, 2006, Op. Cit. Pg. 257

⁴¹² Zibani Maundeni, 2006 in Larona Makgoeng, SADC: Current State and Perspectives, in Kosler and Zimmek (eds), Global Voices on Regional Integration, Centre for European Integration Studies, Discussion Paper C176, 2007, Pg. 39

Development (USAID) who stopped funding SADC because US legislation does not allow funding for organizations such as SADC who have Zimbabwe as a member since they have imposed sanctions on Zimbabwe. This is unfortunate since SADC depends heavily on donor funds for survival, for instance, nearly 60% of the (2006 – 2007) budget of the SADC secretariat was provided for by foreign donors.⁴¹³ Most donors have chosen to channel funds through individual member states and civil society groups bypassing SADC. This has the potential of eroding the legitimacy of SADC in the eyes of the donors.⁴¹⁴ A key challenge for SADC therefore is to balance donor expectations such as those of the United States of America who put democracy and human rights as a condition for aid in Zimbabwe, with their search for autonomy. Failure to strike this balance would frustrate and ultimately paralyze the regions' security cooperation efforts due to a lack of funding.⁴¹⁵

Against the above backdrop, the protracted implosion in Zimbabwe where ordinary citizens have been violently punished for their opposition to the regime has continued unabated. Despite there having been everything in place at least on paper to address the situation, SADC dragged its feet preferring a moderate carefully calculated and slow mediation approach instead. Although this resulted in the Government of National Unity (GNU) and ultimately the 2013 elections which were overwhelmingly won by the ruling ZANU-PF, the victory was a hollow one for the ordinary citizens of Zimbabwe. With the earlier described challenges having not been addressed, it does not look like their situation will improve any time soon.

⁴¹³ Elling Tjonneland, 2006, Ibid.

⁴¹⁴ Buzdugan, 2006, Ibid. p. 40. The author quotes officials of the UNDP, European Commission and USAID in Gaborone as saying that national contributions have eclipsed support at regional level.

⁴¹⁵ Ibid. Pg. 41

To further complicate matters, 90 year old Zimbabwean President, Robert Mugabe was elected chairman of SADC in 2014, a move which proves that the old guard in the organization is still in charge. The prevailing state of affairs, is indicative of a circulation of elites and elite interests in the leadership of SADC. As the leadership continues to make a mockery of the organisation's principles and objectives, it further alienates itself from the ordinary citizens of the region who cannot relate to the values and image forged by the elites. Regime security is pursued in the name of human security as the quality of life of ordinary people in SADC including in the richer and more developed countries like South Africa has deteriorated. In cases where economic growth has been registered, it has not been translated into economic development but growth that benefits only a small elite.⁴¹⁶ Regarding the worsening inequality and the plight of the ordinary citizens in Zimbabwe, a leading economist in the country remarked:

A privileged elite [has consolidated] its position to the point where its interests are best served by maintaining the status quo. A feature of Zimbabwe's decline has been the shift in income and wealth from poor to rich and the associated near-elimination of the middle class.⁴¹⁷

In Johan Galtung's conceptualization of violence, a low life expectancy is a clear indication of violence. In this way, poverty, underdevelopment and other social ills afflicting billions of people in developing countries can be seen as manifestations of violence.⁴¹⁸ Violence ought not to be understood in the context of war and crisis only, in a more widened reading and conceptualization

⁴¹⁶ Maxi Schoeman, 2006, Op. Cit. Pg. 256

⁴¹⁷ Ibid.

⁴¹⁸ Masatsugu Matsuo, *Peace and Conflict Studies: A Theoretical Introduction*, Institute for Peace Science, Hiroshima University, Keisuisha Publishing Company, 2005

of conflict and violence, Galtung sees violence as anything that produces a gap between the physical and mental potentials of human beings and their actual conditions.

To Galtung, violence is a factor common to both war and social injustice; put differently, it does not matter whether one is killed in war or famine, the result is premature death which is a deprivation of one of the human potentials. This is how peace came to be defined as the absence of violence rather than war. This conception of violence presupposes distributive justice, the theory presupposes an ideal state in which goods and services available are distributed equally which makes the issue of structural violence, an issue of social justice as well.⁴¹⁹ The thinking is that in as much as direct violence is produced by human actors, structural violence is produced without any human agency but impairs and reduces the human potentials in the forms of poverty and discrimination which are forms of social injustice.

The SADC NGO Coalition focused on, Angola, DRC, Swaziland, Madagascar and Zimbabwe in its 'Hot Spots tracker' study of 2010. The study identified areas experiencing conflict in the region and makes recommendations of what ought to be done from a civil society perspective. Marginalisation of certain groups, rapid urbanization, rising unemployment, poverty and underdevelopment are singled out as the most pressing human security challenges in Southern Africa. Factors affecting societal security and triggers to conflict are listed as; politicized ethnicity, xenophobia, large scale economic migration, transnational crime syndication, droughts and flooding (which threaten large scale displacement of people), food shortages, natural disasters and

⁴¹⁹ Ibid.

the spread of diseases. All these are compounded by water stress, with Zimbabwe, Mozambique, Tanzania and Namibia projected to be water stressed by the year 2025.⁴²⁰

Poverty, over-stocking, unsustainable land use, soil erosion and water stress are also said to be structural factors requiring sustained attention to avert deepening food shortages in the region. These challenges have manifested in high levels of inequality, jobless economic growth and unemployment of levels between (30-50% as at 2008) in countries like Botswana, South Africa, Mauritius and Namibia often viewed as better performing economies in the region. As a result, increased levels of criminality through poaching and illegal mining have been recorded in the DRC and Zimbabwe.⁴²¹

Countries such as Botswana have even deployed their armies into their anti-poaching programmes reflecting the gravity of the situation. The above scenario paints a picture of the constraints confronting the provision of social services in the region. The SADC-CNGO study on land reform, conflict and poverty eradication in the region identifies landlessness as an acute problem in the former colonial settler territories of Namibia, South Africa and Zimbabwe where historically fertile farming land was the preserve of the white minority at the expense of the majority black populations who languished in the fringes. As a result of this legacy, access to land is still a major challenge in these countries as shown also by Zimbabwe's controversial land reform programme.

⁴²⁰ SADC- CNGO, *Hot Spots Tracker*, Southern African Development Community Council of Non-Governmental Organisations, Gaborone Botswana, 2010

⁴²¹ Ibid.

This is an issue needing urgent attention as it has implications for food security and the general well-being of the citizen.⁴²²

5.4 SADC's Institutional Infrastructure in support of Human Security and Humanitarian challenges

With the above human security challenges and areas needing humanitarian aid in mind, this section, traces and assesses the measures put in place by SADC to contain, mitigate and prevent the above challenges. Given the multi-disciplinary nature of human security and well as humanitarian relief, SADC has adopted a multi-pronged approach characterized by a number of its directorates and policy instruments which guide its work in ensuring human security and providing humanitarian relief. The concerned directorates discussed below are the Directorate of the Organ on Politics Defence and Security, Directorate on Social and Human Development and Special Programmes, Directorate of Infrastructure and Services and the Directorate on Food, Agriculture and Natural Resources.

5.4.1 Directorate of the Organ on Politics Defence and Security (OPDS)

Disaster Risk Reduction

In 2007, heavy floods unexpectedly displaced more than a million people in Southern Africa, as a result SADC held annual meetings to prepare for future occurrences culminating in the formation

⁴²² SADC-CNGO, *Land Reform, Conflict and Poverty eradication in Southern Africa- Case Study Analysis of Selected Countries*, Southern African Development Community Council of Non-Governmental Organisations, Gaborone Botswana, 2010

of a Disaster Risk Reduction Unit in 2011, located in the Politics and Diplomacy unit of the Directorate of the Organ on Politics Defence and Security.⁴²³ The Disaster Risk Reduction Unit is responsible for the coordination of regional preparedness and response programmes for trans-boundary hazards and disasters.⁴²⁴

SADC's disaster risk reduction measures are aimed at; preparedness, mitigation, response, rehabilitation and recovery. It is pursued as a multi-disciplinary enterprise through the collective efforts of stakeholders and partners such as national governments, non-governmental organisations, International Cooperating Partners, donors, civil society and the private sector. The above efforts are however hamstrung by a lack of funding and poor coordination of disaster risk reduction frameworks at the regional, national as well as local / community level. Other challenges are a lack of comprehensive and constantly updated risk assessments and analysis; weak information and knowledge management systems, specifically in high risk areas; and the need to reduce underlying risk factors. SADC has mostly experienced small but recurrent disasters which have caused more damage cumulatively than large scale events which draw more international media attention. These have adversely affected communities recovering from previous disasters.⁴²⁵

The SADC Regional Indicative Strategic Development Plan (RISDP) underscores cooperation in food security policy, effective disaster preparedness aimed at early detection, early warning and mitigation of disaster effects. While SADC has not developed a protocol on disaster risk reduction or management, it has programmes in place rolled out through the following units; the Climate

⁴²³ See SADC, Organ on Politics Defence and Security, available at: <http://www.sadc.int/sadc-secretariat/directorates/office-executive-secretary/organ-politics-defence-and-security/> (accessed on: 24-03-14)

⁴²⁴ See SADC, *Disaster Risk Management*, Op. Cit.

⁴²⁵ Ibid

Services Centre; Water Programmes; Natural Resources Management Programme; Regional Remote Sensing Unit and the Regional Vulnerability Analysis and Assessment Programme Management Unit. A number of pre-existing protocols provide policy direction in the area of disaster risk reduction and management, this is a result of its multi-disciplinary nature. They are, the Protocol on Health (1999)⁴²⁶; Protocol on Politics, Defence and Security Cooperation⁴²⁷; the Regional Water Policy (1995)⁴²⁸; the Protocol on the Facilitation of Movement of Persons; SADC Disaster Risk Reduction Pre-season Planning Workshop Outcomes and Recommendations, 2010 and the Regional Disaster Risk Reduction Update (published monthly). The key regional disaster risk management partners and International Cooperating Partners that SADC works with are: the Global Facility for Disaster Reduction and Recovery (GFDRR); United Nations Office for Disaster Risk Reduction; UNDP Crisis Prevention and Recovery Unit; Swedish Civil Contingencies Agency and the UN Office for the Coordination of Humanitarian Affairs.⁴²⁹

Early Warning

As shown above, SADC has taken steps to establish an early warning capability, this is vital for purposes of human security as well as for SADC to possess capacity for early detection, early warning and mitigation of disaster effects in the region. Although not explicitly spelt out in the

⁴²⁶ Article 25 on Emergency Health Services and Disaster Management states that, state parties: (i) cooperate and assist each other in the coordination and management of disaster and emergency situations; (ii) collaborate and facilitate regional efforts in developing awareness, risk reduction, preparedness and management plans for natural and man-made disasters; and (iii) develop mechanisms for cooperation and assistance with emergency services

⁴²⁷ Article 2 states that a specific objective of the Organ on Politics, Defence and Security Cooperation shall be to “enhance regional capacity in respect of disaster management and coordination of international humanitarian assistance.”

⁴²⁸ Includes policy provisions covering people’s protection from water related disasters, including personal security and property protection; disaster prediction, and management and mitigation.

⁴²⁹ See SADC, *Disaster Risk Management*, Op. Cit.

language of human security, such a capability has the potential of preventing large scale humanitarian catastrophes in the region as well as mitigating their effects through early detection. SADC's early warning capability forms part of its Regional Early Warning System which integrates inputs from National Early Warning Centres (NEWCs) and the Regional Early Warning Centre (REWC). The REWC derives its mandate from SADC's Strategic Indicative Plan of the Organ (SIPO) on peace, security and defence.

The Ministerial Committee of the Organ (MCO) in July 2004, mandated the Troika of the Organ to initiate the establishment of the REWC in two phases, Phase I, which dealt with the concept, structure working system, administrative and financial issues and Phase II which focused on the operationalization of the centre. Aimed at strengthening SADC's mechanisms for conflict prevention, management and resolution as per the provisions of the protocols on politics, defence and security cooperation, the REWC was officially launched on 12th July 2010.⁴³⁰ The functions of the REWC are to, compile strategic assessment and analysis of data collected at regional level; share information on major issues posing a threat to security and stability of the region; and propose ways and means for preventing, combating and managing such threats. The REWC also serves as the hub links the National Early Warning Centres of member states and the Continental Early Warning Centre (CEWC) of the African Union.⁴³¹

⁴³⁰ See *SADC, Regional Early Warning Centre*, available at: <http://www.sadc.int/sadc-secretariat/services-centres/regional-early-warning-centre/> (accessed on: 24-03-14)

⁴³¹ See *SADC, Regional Early Warning Centre*, available at: <http://www.sadc.int/sadc-secretariat/services-centres/regional-early-warning-centre/> (accessed on: 24-03-14)

Civil Society

Van Nieuwkerk (2001) suggests that in pursuit of the human security agenda in the SADC and ECOWAS regions, the non-state sector needs to be roped in. He identifies, civil society groups, non-governmental organizations, business interests and organized labour as stakeholders who ought to be involved in collaborative regional peacemaking efforts to avoid a stalemate or failure.⁴³² Some progress has been made in this regard with the formation of the SADC Council of Non- Governmental Organisations (SADC-CNGO) which is made up of NGO mother bodies from 15 SADC member states. It was formed in 1998 and has as its aims; the coordination of civil society engagement with SADC at regional and national levels, awareness raising through advocacy and campaigns, placing human security on the regional agenda of SADC and civil society organizations, influencing policy, exerting pressure, monitoring SADC's implementation and adherence to protocols and declarations on human security issues as well as monitoring integration.⁴³³

To steer its development agenda, the basis upon which human security is provided, in 2003 SADC crafted the Regional Indicative Development Plan (RISDP) which is a 15 year long framework to guide interventions to overcome the challenges identified in this research. The RISDP is underpinned by the Strategic Indicative Development Plan of the Organ (SIPO) which serves to operationalize the goals of the RISDP over a five year period. SIPO I was adopted in 2004 and

⁴³² See Anthoni Van Nieuwkerk, *Regionalism into Globalism? War into Peace? SADC and ECOWAS compared*, African Security Review Vol. 10 No. 2, 2001, p. 11

⁴³³ Osei-Hwedie, 2009, Op. Cit.

was recently reviewed and re-launched as SIPO II in November 2012, its aim is to promote democracy, the observation of universal human rights and conflict prevention. It has been critiqued for being a voluntary political agreement of member states which isn't legally binding and that large parts of it remain unchanged from SIPO I. Another criticism is that SADC only has national coordinating committees in select member states which will impede the implementation of SIPO II making it difficult to evaluate SIPO in an inconsistent manner among member states.⁴³⁴

The delay in operationalizing the Regional early Warning System (REWS) launched in 2012 is seen as an impediment for the early detection and prevention of conflicts within the region. This is further compounded by the recent decision of the Heads of state summit to remove Human rights adjudications from the jurisdiction of the SADC Tribunal which leaves citizens in the region with no regional recourse for justice since SADC has no human rights courts.⁴³⁵

The Peacebuilding department is the least active unit within the Organ on Politics Defence and Security (OPDS), from inception it has preoccupied with tasks that do not directly fit the mould of traditional peacebuilding such as the Universal Visa project in collaboration with the Regional Tourism Association (RETOSA) as well as refugee related programmes jointly with the United Nations High Commission for Refugees (UNHCR) and the International Organisation for

⁴³⁴ Dimpho Motsamai, *SADC 2012 Launch of the Revised SIPO II: New Hopes, Old Challenges*, Pretoria, Institute for Security Studies, 2012, available at: http://www.issafrica.org/iss_today.php?ID=1570%265 [accessed on: 10-03-13]

⁴³⁵ Ibid. See also: International Crisis Group, *Africa Report No 191: Implementing Peace and Security (II): Southern Africa*, 2012 available at: <http://www.crisisgroup.org/en/regions/africa/southern-africa/191-implementing-peace-and-security-architecture-ii-southern-africa.aspx> [accessed on: 15-03-2013] & Anthoni Van Nieuwkerk, *Towards Peace and Security in Southern Africa*, Maputo, Friedrich Ebert Stiftung, 2012

Migration (IOM).⁴³⁶ There is no running Demining programme at present due to a lack of funds, the last such programme was funded by the European Union in the 1990s. This is despite that a few member states are still in need of demining, these include, Namibia, Mozambique, Angola and DRC. A proposal by a 2009 heads of state Summit to set up a peacebuilding office in the DRC has been stalled.⁴³⁷

The directorate of OPDS has been criticized for being too secretive to the extent that other directorates are often in the dark about its activities and plans. This is made worse by the fact that the directorate seldom if ever consults or collaborates with other SADC directorates. As such the directorates are not linked in their human security and humanitarian aid related work. The situation is compounded by the fact that the reporting lines of the OPDS and other operational directorates are different. The OPDS reports directly to the Executive Secretary of SADC while the other four directorates report to the Deputy Executive Secretary for Regional Integration.⁴³⁸ This presents a challenge of harmonization at the operational level as the Deputy Executive Secretary has no power to call the OPDS to order let alone cause it to harmonise its work with the other directorates. The OPDS works closely with the Council of Ministers and the Ministerial Committee of the Organ, other directorates have complained about the fact that 80% of the time at high level meetings is spent on OPDS matters while only 20% is shared among the other directorates. This impacts on integration efforts and impedes the achievement of peace on the ground.⁴³⁹

⁴³⁶ Mauna Ntwaetsile – SADC Peacebuilding Officer, *Interview by author*, SADC Secretariat, Gaborone, Botswana, 24th October 2012

⁴³⁷ Ibid.

⁴³⁸ Prof. Jonathan Mayuyuka Kaunda – Head, SADC Department of Research, *Interview by Author*, SADC Secretariat, Gaborone, Botswana, 19th August 2013

⁴³⁹ Ibid.

5.4.2 Directorate on Social and Human Development and Special Programmes (SHDSP)

The Directorate on Social and Human Development and Special Programmes is the main unit in SADC whose mandate covers a wide array of human security related themes. Its stated goal is to

“contribute to the reduction of human poverty and to improve the availability of efficient human resources for the promotion of the region’s economic growth, deeper integration and its competitiveness in the global economy...and consolidating the historical, social and cultural ties and affinities of the people of the region”.⁴⁴⁰

The directorate is mandated to ensure the availability of educated, skilled, healthy, productive human resources required for promoting investment, efficiency and competitiveness of the region in the global economy as well as improving the quality of life of the region’s population.⁴⁴¹ The directorate pursues this goal through striving for the widening of the provision of social services to citizens in member states. The provision of social services ought to be thought of as part of a social protection floor which denotes a set of basic social rights, services and facilities to which any global citizen should have access. The provision of these rights ought to be supported and enforceable by law and should be in conformity with international treaties signed by member states.⁴⁴² In the case of SADC such rights derive from the SADC Treaty (1992) and other social protection instruments such the Charter of Fundamental Social Rights in SADC / the Social Charter (2003), SADC Social Security Code, Protocols on Gender and Development, Health,

⁴⁴⁰ SADC, *Social & Human Development & Special Programmes*, available at: <http://www.sadc.int/sadc-secretariat/directorates/office-deputy-executive-secretary-regional-integration/social-human-development-special-programmes/> [accessed on: 25-03-14]

⁴⁴¹ Ibid.

⁴⁴² Mathias Nyenti and George Mpedi, *The Impact of SADC Social Protection Instruments on the setting up of a minimum social protection floor in Southern African countries*, 2012, available at: <http://www.saflii.org/za/journals/PER/2012/8.pdf> [accessed on: 12-03-13]

Education and the Draft Protocol on Facilitation of Movement of Persons in SADC. Other instruments include the SADC Poverty Reduction Strategy (2008), the SADC Minimum Package for Orphans and Other Vulnerable Children and Youth (2011). At a continental level the African Union NEPAD framework informs SADC's efforts. At the international level the framework includes the Millennium Development Goals (MDGs), International Covenant on Economic, Social and Cultural Rights (1996), the Convention on the Rights of the Child (1989) and the Convention on the Elimination of All Forms of Discrimination Against Women (1979) as well as the ILO and WHO Social Protection Floor 4 and 12.⁴⁴³ In order to have true conflict transformation capacity it ought to put more emphasis on ensuring that member states include women in their security forces on a 50/50 basis as per the provisions of the SADC Gender Protocol. The target of 2015 of realising this goal will however be missed by most member states.⁴⁴⁴

The SADC Social Security Code gives member states strategic direction and guidelines in the development and improvement of social security schemes to improve the welfare of citizens as well as acting as a framework for monitoring at national and regional levels for coordination, convergence and harmonization. The institutional architecture of SADC also comprises of the Integrated Committee of Ministers (ICM); the Secretariat; the Tribunal and the National Committees. The Directorate of Social and Human Development and Special Programmes strives to harmonise social security schemes of member states by promoting equity and the protection of

⁴⁴³ Ibid.

⁴⁴⁴ Hendricks C. and Musavengana T. (Eds), "Introduction" in "The Security Sector in Southern Africa", Monograph 174, Institute for Security Studies, 2010

vulnerable groups. Within the directorate there is the employment and labour sector tasked with establishing and harmonizing the social security schemes of member states.⁴⁴⁵

The directorate has six areas of responsibility i) *Education and Skills Development*: includes access to quality education and training, the aim to increase availability of educated and skilled human resources within the region to contribute to poverty alleviation and regional integration ii) *Employment and Labour*: promoting demand for labour and labour absorption in the regional economy through fostering decent work (employment, social protection, social dialogue, labour standards) and the establishment of labour market information systems iii) *Health and Pharmaceuticals*: focuses on attaining an acceptable standard of health for all SADC citizens. Implementing the SADC Protocol on health and achieving the Millennium Development Goals iv) *HIV and AIDS*: aims to significantly reduce the number of people living with HIV and AIDS in the region. Through the implementation of the HIV and AIDS Strategic framework, attempt to reduce the impact of the virus v) *Orphans, Vulnerable Children and Youth*: ensures that the needs of vulnerable children, orphans and youth are integrated into SADC sector specific activities and programmes vi) *Science, Technology and Innovation*: use Science and technology to drive sustainable social and economic development.⁴⁴⁶

To ameliorate the poor access to social services in the region Nyenti and Mpedi advocate for the establishment of a minimum social protection floor⁴⁴⁷ in member states. This will ensure protection for vulnerable groups such as migrant workers, people living with HIV/AIDS, and the

⁴⁴⁵ Ibid.

⁴⁴⁶ See SADC, Social & Human Development & Special Programmes, Op. Cit.

⁴⁴⁷ The concept was adopted by the United Nations System Chief Executives Board in April 2009 as one of the initiatives to respond to the crisis in social protection coverage

provision of empowerment to women. To put this in place they propose a social security stair case comprised of four key guarantees being; access to essential healthcare, income security for children, assistance for the unemployed and poor, and income security for the elderly and persons with disabilities linked to a mandatory social insurance and voluntary insurance, these it is believed will facilitate access to other services.⁴⁴⁸ Gender disparities in Southern Africa continue to decrease as women continue to have greater access to credit and land ownership, this is due to the emergence of more organized women's groups as well as a widening of political space with more countries enacting legislation calling for gender equality.⁴⁴⁹

HIV/AIDS is one of the biggest security threats to SADC member states, it has been declared a national emergency in countries such as Botswana. Access to life saving Antiretroviral drugs is mainly accessed through the public health system which is used by the majority of citizens in SADC member states. Despite that most public health systems suffer challenges such as shortage of infrastructure, skilled personnel and are generally inaccessible to the rural poor as they are mostly found in the urban areas, access to ARVs for Prevention of Mother to Child Transmission (PMTCT) has reached 80% in South Africa, Botswana, Swaziland and Namibia with AIDS related deaths falling by 24% between 2004 and 2009. In Botswana AIDS related deaths fell by 50% between 2002 and 2009 because there is over 90% access to ARVs in the country while access to ARVs is credited with the 10% drop in adult mortality in Malawi. A number of countries, Mozambique, South Africa, Zambia, Namibia and Botswana have social protection programmes

⁴⁴⁸ See Mathias Nyenti and George Mpedi, 2012, Op. Cit.

⁴⁴⁹ See Y, Bradshaw and S.N Ndegwa, *The Uncertain Promise of Southern Africa*, Bloomington, Indiana University Press, 2000

for orphans and vulnerable children while Mauritius is the only country that pays unemployment or hardship relief allowances to its unemployed.⁴⁵⁰

All units of the directorate of SHD&SP hold joint monthly and quarterly meetings to harmonise their work. The unit has devised a Monitoring and Evaluation tool through which member states periodically fill out a questionnaire and meet to share experiences at regional level. The directorates cooperates with the directorate of OPDS through the Protocol on the Facilitation of the Movement of Persons where the employment and labour unit in the SHD&SP collaborates with the OPDS in facilitating the movement of labour in the region. This will further be strengthened by the draft Protocol on employment and labour which has been approved at ministerial level. A key challenge is however that the Protocol on the Facilitation of Movement of Persons has not been ratified by all member states and is as such not fully implemented.⁴⁵¹

There is limited knowledge about the available policy instruments at the regional level by member states. If citizens in member states knew about the policy instruments they would refer to some SADC Protocols when they bargain with their governments rather than resorting to protests and conflicts. This is a result of the failure both at SADC and member state levels to popularize the policy instruments. At the member state level, those who attend SADC meetings tend to attend and then forget shortly thereafter. The SADC National Contact points in member states are weak as they only do SADC work on a part time basis, they as such pay little attention to it and in some cases officers only look at the files when they prepare to go for a meeting. If they had a strong full time and coordination role then things would be much better. The state of Human security in the

⁴⁵⁰ See Mathias Nyenti and George Mpedi, 2012, Op. Cit.

⁴⁵¹ Arnold Chitambo – Employment and Labour Officer, SADC Directorate on SHD&SP, *Interview by author*, SADC Secretariat, Gaborone, Botswana, 19th August 2013

region is expected to significantly improve with current efforts to transform the SADC Charter on Fundamental Social Rights into a Protocol with legal muscle.

5.4.3 Directorate on Infrastructure and Services (IS)

The Directorate of Infrastructure of Infrastructure and Services performs an indirect role in supporting the objectives of human security and humanitarian aid as outlined in the challenges outlined above. Its stated objective is to ensure “the development and quality of strategic infrastructure in the Southern African region”.⁴⁵² It goes without saying that in the face of conflict infrastructure such as roads, energy grids, water and transport systems are destroyed. Conflict and other natural and man-made disasters disrupt regular provision of services such as water, electricity and telecommunication services. It is against this backdrop, this section outlines the work of the Infrastructure and Services to show the measures that SADC has put in place in this regard. The directorate looks to the SADC Protocol on the Development of Tourism, Protocol on Energy, Protocol on Shared Watercourses and the Protocol on Transport, Communication and Meteorology.⁴⁵³

The activities of the directorate are coordinated by six thematic units as stipulated in the Regional Indicative Strategic Development Plan (RISDP) i) *Energy*: focusing on electricity and hydropower development ii); *Tourism*: promoting investment for infrastructure and products; iii) *Transport*: providing strategic support to transport corridors & spatial development initiatives, roads & road transport development, railway infrastructure, air transport & aviation, maritime concerns, and

⁴⁵² See SADC, *Infrastructure and Services*, available at: <<http://www.sadc.int/sadc-secretariat/directorates/office-deputy-executive-secretary-regional-integration/infrastructure-services> (accessed on: 25-03-14)

⁴⁵³ SADC, *Infrastructure and Services*, available at: <http://www.sadc.int/sadc-secretariat/directorates/office-deputy-executive-secretary-regional-integration/infrastructure-services/> (accessed on: 24-03-14)

ports & inland waterway development; iv) Water Resources Management & Sanitation: supporting and facilitating integrated water resources management, water-related infrastructure, access to clean drinking water and sanitation; v) Meteorology: including a Regional Observation Network, global telecommunications systems for meteorology and Regional Climate Data Processing Centre; vi) Communication: Information and Communications Technologies (ICT) and telecommunications.⁴⁵⁴

5.4.4 Directorate on Food Agriculture and Natural Resources (FANR)

For the simple reason that food is the provider and sustainer of life, food security lies at the heart of human security objectives. Humanitarian emergencies disrupt the regular daily lives of civilian populations hampering their ability to feed themselves. It is therefore instructive to look at the mechanisms that SADC has put in place to ensure the food security needs of the citizens of the region. This lays the foundation for an assessment of the extent to which these measures are sufficient in the face of natural disasters such as droughts and famine as well as food shortages that follow conflict situations. The mandate of the Food, Agriculture and Natural Resources (FANR) directorate is to coordinate and harmonise agricultural policies and programmes in the SADC region as per the priorities of the Regional Indicative Strategic Development Plan (RISDP). The directorate draws its policy direction from The Protocol on Wildlife Conservation and Law Enforcement, Protocol on Fisheries, Protocol on Forestry and the SADC Policy Paper on Climate Change: Assessing the Policy Options for SADC Member States.⁴⁵⁵

⁴⁵⁴ Ibid.

⁴⁵⁵ SADC, Food Agriculture & Natural Resources, available at: <http://www.sadc.int/sadc-secretariat/directorates/office-deputy-executive-secretary-regional-integration/food-agriculture-natural-resources/> [accessed on: 24-03-14]

The specific functions of the directorate are the; development, promotion and facilitation of agricultural policy harmonization, taking into account gender equity in all strategies and programmes; ensuring sustainable food security policies and programmes; development, promotion and harmonization of biodiversity, phytosanitary, sanitary, crop production and animal husbandry policies; development of measures to increase agricultural output of agro-based industries; development, promotion and facilitation of harmonized policies and programmes aimed at achieving effective and sustainable utilisation of natural resources such as water, wildlife, fisheries, and forestry; development and facilitation of harmonized and sound environmental management policies; and promotion of trade in agricultural products. All the above are done to ensure, food availability; access to food; promotion of improved safety and nutritional value of food; disaster preparedness and awareness for food security; equitable and sustainable use of the environment and natural resources; and an institutional framework strengthening and capacity building.⁴⁵⁶

⁴⁵⁶ Ibid.

5.5 A Framework for Human Security and the Provision of Humanitarian

Assistance at various phases of a conflict

5.5.1 Pre- Conflict Phase

During peace time, a lack of access to social services as discussed above can lead to rebellions which may turn violent even in peaceful and stable societies. This may result from grievances ranging from political corruption or extreme poverty explained as ‘living in an environment without food security, clean water, sanitation, basic health service, literacy and basic income. This school of thought argues that poverty and conflict have a positive correlation as both result in destitution, despondency, disintegration, destruction and human suffering. The argument being that when their grievances are not met, the poor and deprived in society will riot, question the leadership as well as join rebel groups.⁴⁵⁷

The correlation between absence of material wellbeing and the prospects for violence manifest through incidences of crime in inner-city neighbourhoods, political instability and social conflict in poor nations.⁴⁵⁸ In light of the numerous service delivery protests in various SADC member states, no effort should be spared by both the secretariat and member states in ensuring the equitable and broad based provision of social services to all citizens to stem the tide. In this way, poverty causes conflict, but conflict may also cause poverty as during the mayhem and violence

⁴⁵⁷ Brian-Vincent Ikejaku, *Poverty – Conflict Nexus: The Contentious Issue Revisited*, European Journal of Sustainable Development, 2012, 1,2, Pg. 127-150

⁴⁵⁸ Atwood quoted in Ibid.

people will not be able to till their lands and feed themselves leaving them at the mercy of humanitarian aid workers.⁴⁵⁹

At the heart of human security is the issue of equity which corresponds directly to the question of access raised at the beginning of the chapter. It is therefore not enough to put the services in place without accompanying them with measures that will ensure that they are equally and equitably enjoyed and accessed by all citizens. The above views are echoed in Roland Paris' (2004) work looking at the types of interventions that have followed violent conflicts worldwide, particularly in the Post-Cold War era.⁴⁶⁰ Salient in their debates is the need to address the root causes of conflict which revolve around the above themes and which if left unresolved may result in a relapse into hostilities or worse still a triggering of fresh conflicts.

The above begins to paint a picture of the linkages that exist between peacebuilding and development, it has in fact been argued that development is a human rights issue which is central to reducing conflicts in Africa. The inequitable distribution of development in most African countries is faulted for plunging economies into a state of permanent crisis which has in some cases exacerbated pre-existing tensions and elsewhere reduced the capacity of the state to respond to emerging tensions. The legacy of Structural Adjustment programs prescribed by the Bretton Woods institutions is also blamed for the significant reduction in social spending in most African countries which has greatly curtailed the delivery of the most basic social services in most African countries. In response to this, the IMF and the World Bank have since 1999 developed the Poverty Reduction Strategy Papers (PRSP) framework geared at devising a comprehensive country-based

⁴⁵⁹ Prof. Rodreck Mupedziswa – Head of Department of Social Work, University of Botswana, *Interview by author*, University of Botswana, Gaborone, 19th August 2013

⁴⁶⁰ See Roland Paris, *At wars End: Building Peace After Civil Conflict*, Cambridge University Press, 2004

strategy for poverty reduction. The strategy is meant to link national public actions, donor support, and the development outcomes needed to meet the UN's Millennium Development Goals (MDGs) aimed at halving poverty between 1999 and 2015.⁴⁶¹

Perceptions about imbalances and inequality in the access to basic social services have only cultivated fertile ground for even further conflict as parties advance their grievances.⁴⁶² The report points to economic growth as the panacea that will result in increased household spending and broader access to social services. In his 2012 report the UN Secretary General reiterates the above by making reference to "The New Deal", the UN system's strategy for engagement in fragile states which underscores the centrality of social services to peacebuilding and state-building. The report outlines the UN's commitment and support to its six focus countries none of which are in the SADC region. It identifies, population growth, environmental degradation, demand for water, food, energy and poverty reduction as sub-Saharan Africa's key challenges.⁴⁶³

At the SADC level there is also a discrepancy between policy and implementation, different member states are doing things differently in the area of provision of social services. The Organ on Politics, Defence and Security has also not made sufficient provision for human security laying a lot of emphasis on state security. There is limited political will to address the threat of HIV/AIDS in SADC member states. Some leaders such as former South African president Thabo Mbeki dwelt

⁴⁶¹ International Monetary Fund, *Poverty Reduction Strategy Papers Fact Sheet*, 2013, available at: <http://www.imf.org/external/np/exr/facts/prsp.htm> [accessed on: 15-08-13]

⁴⁶² See United Nations, *Report on the Causes of conflict and the promotion of durable peace and sustainable development in Africa: Report of the Secretary General on the work of the Organisation*, adopted on 13th April 1998, New York, United Nations

⁴⁶³ See United Nations, *Report on the Causes of conflict and the promotion of durable peace and sustainable development in Africa: Report of the Secretary General on the work of the organization*, adopted on 27th July 2012, New York, United Nations

on debates about the origins of AIDS and its linkages to poverty rather than providing much needed lifesaving drugs to citizens. Other leaders such as Zimbabwean President Robert Mugabe make grand statements about the need to fight the disease but on the other hand condone state sponsored violence which cultivates ground for rape and the spread of disease. Botswana especially under former President Festus Mogae is the only leader who declared HIV/AIDS a national emergency and rolled out a comprehensive ARV programme for free to all citizens.⁴⁶⁴

5.5.2 The Mid- Conflict Phase

During the conflict phase there are a number of critical humanitarian and peacebuilding activities which need to be under taken to meet the human security and conflict transformation needs of the civilian population. These will be outlined in this section as areas in which SADC's capacity needs to be improved to better meet the human security needs of its citizens. In the mid conflict phase, human security needs are met through the provision of humanitarian aid.

Humanitarian Aid

Humanitarian aid has been defined as aid and action designed to save lives, alleviate suffering and maintain and protect human dignity during and in the aftermath of emergencies. This definition excludes any long term development assistance. Humanitarian aid is governed by the principles of humanity, neutrality, impartiality and independence.⁴⁶⁵ Examples of humanitarian aid provided in response to humanitarian crisis are; material relief assistance and services (shelter, water, medicines etc); emergency food aid (short term distribution and supplementary feeding

⁴⁶⁴ Prof. Rodreck Mupedziswa, 2013, Op. Cit.

⁴⁶⁵ Global Humanitarian Assistance: A Development Initiative, Defining Humanitarian Assistance, available at: www.globalhumanitarianassistance.org/data-guides/defining-humanitarian-aid [accessed on: 20-03-14]

programmes); reconstruction relief and rehabilitation (repairing pre-existing infrastructure as opposed to longer term activities designed to improve the level of infrastructure); disaster prevention and preparedness (disaster risk reduction, early warning systems, contingency stocks and planning).⁴⁶⁶

At the beginning of a conflict the aim of humanitarian aid is to provide the vital needs of human life such as water, food, medicine, sanitation, shelter, clothes, fuel and the protection of people's lives and liberty from physical threats. Humanitarian aid is as such, short term in scope and is aimed at meeting the individual based demands of human security. A major disadvantage of humanitarian aid is that it does not guarantee durable human security as it may make people vulnerable and dependent upon foreign aid. Another shortcoming is that it may not be able to distinguish between victims and wrong doers and as a result prolong conflict.⁴⁶⁷

In the mid conflict phase, unarmed humanitarian workers find it difficult and unsafe to work but since most victims are civilians, there's a strong demand for humanitarian aid. This is often provided by prominent International NGOs such as United Nations High Commission for Refugees (UNHCR), World Food Programme (WFP) and the United Nations Children's Fund (UNICEF) as well prominent NGOs like Medicine Sans Frontiers (MSF), OXFAM and CARE which all work hard to provide vital services for suffering people during the conflict.⁴⁶⁸

The demand for such aid is heightened by the fact that large numbers of refugees and Internally Displaced People (IDPs) are moved out of conflict areas. As such, international aid could be their

⁴⁶⁶ Humanitarian Innovation, *Humanitarian Assistance*, available at: www.humanitarianinnovation.org/about/humanitarian [accessed on: 20-03-14]

⁴⁶⁷ Shinoda, 2004, Op. cit., Pg. 25

⁴⁶⁸ Shinoda, 2004 Op. Cit. Pg.28

channel for sustenance. A limited role needs to be reserved for development aid workers who usually start their work when the conflict is over. This averts the formation of a gap which may leave civilians vulnerable when emergency aid workers hand over to development aid workers at the end of the conflict. Although controversial, the involvement of the military in humanitarian aid in the mid conflict phase is often a necessity. Neutral military actors like the U.N peacekeepers could be authorized to help in delivering humanitarian aid where more robust measures to protect civilians are needed.⁴⁶⁹

There's however need for balanced involvement of the military in important roles like policing in peacebuilding and humanitarian intervention. Peace enforcement measures need to be anticipated depending on the peacebuilding needs. When deployed during a conflict the military may be given roles including the creation of safe havens and humanitarian corridors. In the case of SADC, the SADC Brigade needs to be capacitated to be able to carry out these functions on top of its normal military roles. In some cases, military measures are the only ultimate option to make humanitarian aid possible. In conflict situations, certain legal services may count as humanitarian work in refugee camps and detention centres to help refugees obtain legal status. Legal personnel may be required to collect evidence for future war crimes tribunals and reconciliation commissions for human rights abuses, further efforts need to be taken to protect investigative NGOs.⁴⁷⁰ In this phase, political leader who serve as negotiators and brokers should also function as coordinators of human security related activities.⁴⁷¹

⁴⁶⁹ Ibid.

⁴⁷⁰ Ibid. Pg.29

⁴⁷¹ Ibid. Pg.30

5.5.3 The Transitional Phase

The transitional phase starts after the brokering of a peace agreement and the termination of armed conflict, society is often still fragile at this stage and thus susceptible to criminal activities including, riots, looting, terror and physical violence through vandalism, factional disputes, revenge, rape etc. While there is need for emergency aid to continue during this phase, there is also need for increased security measures such as the involvement of the military and police personnel.⁴⁷² In this phase aid workers are guided by a peace agreement or a UN Security Council resolution. Humanitarian workers play a peacebuilding role through the creation of institutions. Institution building at this early stage serves to lay the foundation for political, social and economic institutions necessary for stable peace in the long term.⁴⁷³

Humanitarian organisations make more use of local resources by for example recruiting local personnel which will reinforce resettlement efforts. Empowering local communities can also take the form of provision of social services and rebuilding of infrastructure essential for human security such as hospitals, police facilities, fire stations and main roads. Programmes for facilitating Disarmament, Demobilisation and Reintegration (DDR) may also be rolled out in the form of aid in kind, submission of small arms and light weapons in exchange for job training and community based infrastructure. At the political level, administrative infrastructure necessary for elections may need to be rebuilt. The first critical stages of DDR have to be finished before elections, this is to contain disruptions from resistant armed groups. The 1992 election in Angola showed that holding an election without real disarmament puts the peace process at risk. A

⁴⁷² Ibid. Pg. 32

⁴⁷³ Ibid.

successful DDR programme is important for transforming the transitional phase to the stabilization phase.⁴⁷⁴

The SADC region currently enjoys relative peace, sporadic violent conflicts can be found in only a few member states. Most member states although free of violent conflict are still grappling with challenges of building peace and setting their countries on a development path that would ensure human security and the accessibility of social services to all. Presenting the data for 2012 on conflicts in Southern Africa, the Hedelberg Research Centre only identifies incidences of full war and limited war at level 5 and 4 of intensity to have taken place in the DRC.⁴⁷⁵ SADC has 15 member states which vary in size, economic development, resources, vegetation, political maturity, history and levels of conflict. A hallmark of SADC's peacebuilding efforts is that it has assigned mediators from within the region to defuse conflicts in member states. This is due to its excessive suspicion of external, especially western intervention in regional affairs; a consequence of the region being the last to be liberated on the continent. These mediation efforts were preceded by two sets of controversial military interventions by two sets of countries in Lesotho and DRC in 1998.⁴⁷⁶

⁴⁷⁴ Ibid.

⁴⁷⁵ See Hedelberg Institute for International Conflict Research, *Conflict Barometer: 2012*, Department of Political Science, University of Hedelberg, 2012, available at: www.hiik.de [accessed on: 06-03-13]

⁴⁷⁶ South Africa and Botswana intervened in the post-election crisis in Lesotho in 1998, later on in the year, Zimbabwe, Namibia and Angola intervened in the DRC, in both cases the intervening parties claimed that they had been invited by the leaders of the host nations. These interventions have been described as being legitimate though illegal according to international law since SADC had no policy framework to guide intervention in the internal affair of member states in place by then. See Katherine Cole, *International Organisations and Peace Enforcement*, Cambridge University Press, 2007

Examples of SADC's mediation efforts include the Inter Congolese Dialogue (2000 – 2003) where former president of Botswana Sir Ketumile Masire was appointed the lead mediator, as well as in Lesotho in 2007, although in the latter case the mediation process was completed by SADC backed civil society groups in Lesotho. Other mediation efforts in the region include the appointment of former Mozambican President, Joaquim Chissano as lead mediator in Madagascar after the coup of 2009. In the case of Zimbabwe where SADC appointed South Africa to mediate, the regional grouping jealously guarded the case from western interference signaling the sad reality that the region has not fully recovered from its colonial past and hurt.

5.5.4 The Stabilization Phase

Since institution building was started in the transitional phase, the stabilization phase puts an emphasis on capacity building. At this stage international actors efforts shift from direct human security measures to the cultivation of local capacity to sustain human security measures. The goals of human security do not change in this phase, they are just pursued using different methods, for instance, the roles of the security sector change according to the daily needs of the people. Humanitarian aid is channelled into peacebuilding activities to create durable stability.⁴⁷⁷

In this phase, international actors are encouraged to retreat and act as trainers or consultants for locals. The capacity of local people is the focus of the stabilization phase with the goal of achieving a sustainable social system. The repatriation of refugees is a major challenge in this phase as many refugees remain stuck in post conflict societies. This can be addressed through the coordinated efforts of multiple actors including, the host government, international agencies like UNHCR. Repatriation helps to ensure long term stability, as such the refugee question needs to be addressed

⁴⁷⁷ Shinoda, 2004, Op. Cit. Pg. 36

simultaneously with the political question through dialogue to avert threats to peace.⁴⁷⁸ If addressed well, repatriation will allow for smooth voter registration in preparation for new post conflict elections. In this stage, emergency aid is scaled down and developmental aid increases in importance. The goals of peacebuilding shift towards social and economic development which couldn't be pursued in the immediate aftermath of conflict. They aim at addressing poverty, joblessness, scarce resources and rehabilitating destroyed infrastructure. This task ought to be performed jointly by developmental agencies such as International Financial Institutions (IFIs), international social development agencies such as the UNDP, UNICEF and development oriented NGOs.⁴⁷⁹

At this phase, there is a need to formulate a strategy to reconcile the desperate post conflict conditions with the demands of IFIs. Human rights NGOs also have a role to play to achieve social stability to check human rights violations. There is also a need to set up a system to ensure rule of law and to punish international criminals and to afford victims justice to victims through setting up a special war crime court. Truth and Reconciliation Commissions may also be set up to compensate for the limitations of the judiciary and to avoid a "cycle of revenge" at the grass roots level.⁴⁸⁰ TRCs insert a sense of justice in post conflict society and bolster peacebuilding efforts. In this phase conflict prevention, early warning and other measures to avoid conflict ought to be employed. Measures to crack down on organized crime such as trafficking in women, abduction of children, illegal trade in narcotics and weapons which are common in post conflict societies.

⁴⁷⁸ Ibid. Pg. 37

⁴⁷⁹ Ibid.

⁴⁸⁰ Ibid. Pg. 38

The achievement of this will ensure social stability. Failure to curb the above may reverse the achievements of DDR programmes.⁴⁸¹

In addition to the above, international actors may need to assist in the creation of a new professional and disciplined army and police force by unifying the various armed groups. Their roles may include providing training and equipment to ensure law and order and to ensure conformity to a normative framework of human rights. These may extend to the rolling out of Security Sector Reform (SSR) and Security Sector Transformation (SST) programmes depending on the extent of the damage.⁴⁸² In extreme cases the old army and police may need to be abolished depending on the record of human rights violations and acts of corruption committed. Difficult decisions would also need to be made regarding the recruitment of former officers in the army, police and judiciary. Such measures need to ensure the restoration of public trust in the judiciary which is key for durable peace. The rule of law will lead to durable social stability and long term peace and human security.⁴⁸³

If the above are carried out, countries can avert a relapse into hostilities and build confidence in the political process early on by prioritizing the strengthening of core national capacity. The provision of basic services, such as water and sanitation, health and primary education, support to the safe and sustainable return and reintegration of internally displaced persons and refugees; the restoration of core government functions, in particular basic public administration and public finance at national and sub national levels. The UN Secretary General's report on Peacebuilding

⁴⁸¹ Ibid. Pg.39

⁴⁸² Ibid.

⁴⁸³ Ibid. Pg.40

in the Immediate Aftermath of conflict acknowledges that this is one area which the UN has failed to deliver immediate tangible results in. The increase in the inclusion of social services in peace agreements is proof of their role as a vital cog in peacebuilding efforts.⁴⁸⁴ Basic social service infrastructure is usually severely damaged during violent conflict, this is despite that the two conflict drivers with the highest ratings have been identified as ‘poverty/poor education’ and ‘injustice /inequality / corruption.’⁴⁸⁵ The skewed provision of social services in favour of other groups may also trigger conflicts, these services need to be delivered in a conflict sensitive manner as they may reinforce the horizontal inequalities that triggered the conflict in the first place.

The end of the Cold War and the interventions that took place in previously protracted conflicts internationally provide a backdrop for this study’s analysis. In the SADC region such interventions were seen in Namibia, Mozambique, Angola, South Africa and the Democratic Republic of Congo (DRC). The attainment of peace in these countries as elsewhere also saw key questions taking centre stage, revolving around what should be done once the humanitarian emergency was over.⁴⁸⁶ This was met with the reinterpretation of the patterns of international conflicts led by Cousens (1998). Their core message centred around the finding that in the 1990s Post Cold War world era, most conflicts were intrastate in nature and as such required the parties to the conflict to live together once the violence had ended. This therefore meant that intervention efforts in this period

⁴⁸⁴ United Nations Peacebuilding Support Office, *Peace Dividends and Beyond: contributions of Administrative and Social Services to Peacebuilding*, Op. Cit.

⁴⁸⁵ World Development Report, 2011 quoted in Ibid.

⁴⁸⁶ See Roland Paris, 2004, Op. Cit; Elizabeth Cousens, Chetan Kumar and K. Wermester, *Peacebuilding as Politics: Cultivating Peace in Fragile Societies*, A Project of the International Peace Academy, London, Lynne Rienner Publishers; S. Ryan, *Conflict Transformation: Reasons to be modest* in J.D. Sandole, S. Byrne, I. Sandole-Staroste and J. Senehi (Eds), *Handbook of Conflict Analysis and Resolution*, Routledge, Taylor & Francis Group , 2009

focused on rebuilding states destroyed by the war, restoring the rights of citizens and on post violence peacebuilding.⁴⁸⁷

A key challenge in this regard in the SADC region is the fact in most member states, the social protection framework is very narrow and don't cover all aspects of social security as shown earlier. They mainly cover retirement, public service pensions, limited maternity and worker's compensation. The elderly and children are littering the country's cities as the governments and the community fail to provide for the weak in society. To remedy this state of affairs SADC member states need to nip corruption in the bud and re-align their priorities to guarantee their poor to a dignified existence. There is need to make provision for poverty alleviation measures and deliberate action to curb corruption, fraud and wasteful government expenditure.⁴⁸⁸

A major deficiency in most SADC member states is that social security in the region is still framed in a way that mostly caters for formerly employed people. This state of affairs can be ameliorated by increasing efforts towards growing the economy, economic growth will ensure that more people are able to pay taxes. The numbers of the unemployed will also be significantly reduced freeing up government resources to be used for the provision of more social services.⁴⁸⁹

⁴⁸⁷ See S. Ryan, in Ibid.

⁴⁸⁸ George Mpedi, Wendy Muperi, 2014, Op. Cit.

⁴⁸⁹ Mathias Nyenti quoted in Wendy Muperi, *Political will vital for SADC*, 31 March 2014, available at: <http://www.dailynews.co.zw/articles/2014/03/31/political-will-vital-for-sadc> [accessed on: 01-04-14]

5.6 Conclusion

This chapter has demonstrated and concludes that SADC is faced with numerous seemingly insurmountable human security related challenges as well as those that may require humanitarian aid. Further, the chapter concludes that although SADC has taken extensive efforts to address human security challenges in the region as well as setting up structures and institutions to address disaster risk reduction and management, serious discrepancies exist as the various SADC directorates operate in silos leaving gaps that perpetuate human insecurity in the region. A major conclusion in the chapter is the lack of political will by the leadership in the region to broaden the social security systems in their countries to include all aspects of social protection as well as to cover the unemployed, children and the elderly. This failing has deprived many ordinary citizens of SADC member states of access to vital social services leaving them vulnerable to a plethora of human security related threats.

A major obstacle to the achievement of human security in the region is the different reporting lines of the various SADC directorates where the directorate of the OPDS reports directly to the Executive Secretary while the other four directorates with human security related mandates report to his deputy. This arrangement has served to privilege state security at high level meetings at the expense of human security which is also not addressed as an important problem deserving of its own stand-alone department in the SADC directorate of the OPDS. At the end, the chapter has also outlined measures that SADC should focus on in order to strengthen its conflict transformation capacity and ultimately ensure durable peace in the region. The recommendations cover the pre conflict, mid conflict, transitional, and stabilization phases of a conflict, explaining the roles of various actors involved in humanitarian aid and peacebuilding activities.

CHAPTER 6

Peacebuilding and Operationalising Conflict Transformation through the creation of an Effective and Self-Sustainable Regional Infrastructure for Peace (RI4P) in SADC

“Essentially, the aim should be the creation of a sustainable national infrastructure for peace that allows societies and their governments to resolve conflicts internally and with their own skills, institutions and resources...” – Kofi Annan (Former UN Secretary General)

6.1 Introduction

As seen from the findings of chapter two to five, SADC’s conflict transformation capacity has been grossly undermined and impeded by a host of factors. As such SADC has only gone skin deep in transforming conflicts in the region. In light of this, this research proposes a deepening of the search for an effective and self-sustainable conflict transformation framework by recommending that SADC ought to formulate a comprehensive Regional Infrastructure for Peace (RI4P).

This chapter unpacks the meaning and rationale for such a framework, what it entails, how it should be implemented as well as the need for it to be underpinned by a sensitivity to local ownership to guarantee its effectiveness as well as to ensure that it’s rolled out in a self-sustainable manner. This as shown in previous chapters is for the reason that SADC has not explicitly nor thoroughly applied peacebuilding and conflict transformation, therefore failing to effectively and thoroughly address the root causes of conflicts in the region. The chapter argues that since SADC has alienated ordinary citizens in its member states, serving instead the interests of leaders as abundantly

demonstrated in previous chapters, an RI4P is the ultimate solution to ensure local ownership and capacity to effectively resolve conflicts at member state level in a self-sustainable manner.

It demonstrates how the RI4P constituted by peace committees at ward and district levels and a regional and national peace council or bureau supporting a full-fledged Ministry of Peace would function in rolling out the regional conflict transformation programme. It envisions that such a structure would be funded and supported from regional / SADC level aimed at capacitating local communities in member states to solve their own conflicts in a self-sustainable manner. It also proposes the introduction of Peace Education at all levels in schools in member states to entrench a culture of peacefulness. In the end it highlights precedents of similar structures in countries such as Ghana, Kenya, Solomon Islands, Nepal and South Africa. It also highlights international instruments in support of such proposed reforms as well as recent dialogues and consultative processes and declarations which support capacitating communities at the local level for conflict transformation and linking them up with national, regional, continental and international efforts.

6.2 Deepening our Understanding of Conflict Transformation

Conflict Transformation is an approach to peacebuilding that focuses explicitly on relationships between people. It engages with and tries to influence the power that characterizes each relationship from three angles – ‘where it comes from, who has it, and how it is used or abused’. It is based on the understanding that human relationships are both at the root of conflict and the key to finding alternatives to violence. It explores the ‘attitudes, behaviours, systems and structures that define people’s perceptions of each other and uses solution focused dialogue to develop goals to aim at in transforming the root causes of conflict’. It focuses both on the individuals within an

organization as much as it does on the organization itself.⁴⁹⁰ It is for this reason that this research endeavours to establish the suitability of the conflict transformation approach as a peacebuilding tool even at the level of the SADC secretariat.

Action for conflict transformation offers the following definition of the concept;

Conflict transformation is a holistic and multifaceted process of engaging with conflict. It aims to reduce violence and to protect and promote social justice and sustainable peace. It requires work in all spheres, at all levels and with all stakeholders. Conflict Transformation needs to be accountable to those directly affected by conflict but requires networks and linkages to sustain it. Conflict Transformation is an ongoing process of changing relationships, behaviours, attitudes and structures, from the negative to the positive. It requires timely interventions, respect for cultural context, patience and persistence and a comprehensive understanding of the conflict. As conflict is dynamic and Conflict Transformation is an ongoing process, learning is a vital component.⁴⁹¹

Rather than eliminating conflict, conflict transformation aims to change conflict into something constructive. The term was coined by John Paul Lederach in the 1980s, its emergence was a response to critiques levelled against Conflict resolution and management which were increasingly seen as quick solutions to deep social political problems which didn't change things in any significant way. They were seen as being a way to cover up the changes that are really needed in conflict settings. The Conflict transformation approach aims to build relationships and social

⁴⁹⁰ Smith, R, (No date), Transforming Conflict, Transforming Lives: The emergence of Partners in Conflict Transformation (PICOT) Sierra Leone, (Case study: A conflict transformation approach to peace and development work), Action for Conflict Transformation, Johannesburg, South Africa

⁴⁹¹ Ibid, Pg. 7

structures through respect for human rights and non-violence as a way of life, it sees peace as being embedded in justice and seeks to find constructive responses to violent conflict.⁴⁹²

In its early days conflict transformation was critiqued for being too value laden, too idealistic or too “new age” while its proponents saw it as accurate, scientifically sound and clear in vision. This was because Conflict Resolution was more well-known and accepted in the mainstream academic and political circles.⁴⁹³ Conflict transformation has however over time grown in prominence and usage by both academics and practitioners. Global networks specializing in Conflict Transformation work and promotion have also emerged, two such examples are the Global Coalition for Conflict Transformation (GCCT) and the Action for Conflict Transformation who do advocacy and capacity building in conflict torn societies the world over using conflict transformation methods. In the SADC region, the SADC Coalition of Non-Governmental Organisations (SADC-CNGO) appears to have embraced the approach in its appointment of a Regional Peacebuilding and Conflict Transformation Advisor.⁴⁹⁴ There is little evidence in the literature of where else it has been applied in the region except for through the activities of the South African based NGO, Action for Conflict transformation whose work is mentioned above.

⁴⁹² Lederach, John Paul “Conflict Transformation”, Beyond Intractability (Eds) Guy Burgess and Heidi Burgess, Conflict Transformation Consortium, University of Colorado, Boulder, Posted: October, 2003 available at: <<http://www.beyondintractability.org/essay/transformation> (downloaded on: 09-11-13) Pg1

⁴⁹³ Ibid, Pg. 2

⁴⁹⁴ Dr Adane Ghebremeskel, Regional Peacebuilding and Conflict Transformation Advisor, SADC-CNGO, interview, (23-10-12), Gaborone, Botswana

6.3 An Adoption of Conflict Transformation Principles as Analytical Points for SADC's Capacity

The Global Coalition for Conflict Transformation (GCCT) has developed sixteen key principles⁴⁹⁵ to aid in understanding the concept of conflict transformation. In this section, analysis is conducted of the extent to which these principles have been adhered to and applied in SADC's peacebuilding and conflict transformation efforts. The conflict transformation approach has predominantly been used as an assessment tool in situations of protracted conflict as well as in localized community based conflicts, this research extends this scope to include an assessment of efforts made at the formal regional institutional setting of the SADC organization as well as to non-state actors within the region. Due to the multi-faceted and broad scope of the concept of conflict transformation, this research has uncovered constituent parts of the theory which may be well suited to efforts aimed at deepening peacebuilding within SADC. Due to its non-linear and cyclical nature, the mandate of conflict transformation spills over into all stages of a conflict including the; conflict prevention, conflict resolution, conflict management and conflict settlement stages. It is on this reasoning that this research tests its applicability even at the formal institutional level in SADC.

6.3.1. Sixteen (16) Analytical Points

- 1. Conflict Transformation Principle:** Conflict should not be regarded as an isolated event that can be resolved or managed, but as an integral part of society's on-going evolution and development;

⁴⁹⁵ The Global Coalition for Conflict Transformation, Principles of Conflict Transformation, www.transconflict.com (accessed on: 11-11-2013)

Reality in SADC: peacebuilding efforts within SADC have mostly revolved around conflict management and resolution, which have been criticized by proponents of conflict transformation as being shallow and inadequate since the organization has only come up with short term solutions to the causes of conflicts. Although there are only a few cases of protracted social conflict within SADC, possibly in the eastern DRC, there are threats of more emerging in other member states. Threats of re-escalation of conflict in Angola and Mozambique, democratic deficits in Zimbabwe and Swaziland, the over throw of government in Madagascar, threats of secession in Namibia, violent xenophobic attacks against immigrants in South Africa and high rates of inequality in Botswana, Namibia and South Africa. This list is of course not exhaustive, but it provides a glimpse into the challenges to peacebuilding that are prevalent in the region which need to be addressed in an effective and sustainable manner at their roots.

- 2. Conflict Transformation Principle:** Conflict transformation goes beyond merely seeking to contain and manage conflict, instead seeking to transform the root causes themselves – or the perceptions of the root causes – of a particular conflict;

Reality in SADC: Due to a host of reasons chief among which being the loyalties of heads of state towards each other, efforts to diffuse conflicts in the region have borne only limited fruits. SADC interventions have only gone skin deep in addressing the root causes of conflicts in the region. The Summit of Heads of State and Government (SHSG) which is the highest decision making body in the organization, operates like an old boy's club where fears of violating each other's sovereignty have allowed governments to ignore calls to strengthen their democracies and to stop human rights violations. A conflict transformation

approach if adopted would address this anomaly by ensuring that the best interests of the ordinary citizen of SADC are served even at the highest levels of the institution.

- 3. Conflict Transformation Principle:** Conflict transformation is particularly suited for intractable conflicts, where deep-rooted issues fuel protracted violence;

Reality in SADC: as indicated above, there are few instances of protracted conflicts in the SADC region save for the long running conflicts between the government of the DRC and various rebel formations in that country. These as well as the other potentially explosive situations emerging in other member states provide impetus for the need to deepen efforts of getting to the root causes of these conflicts and defusing them even before they manifest. At the institutional level, SADC has an opportunity for its various agencies and units including those tasked with non-traditional security related mandates to work together within a conflict transformation framework to formulate innovative strategies of both curbing and diffusing social conflicts where ever they manifest in the region. This may be through formulating a Common Regional Peacebuilding Policy underpinned by a Conflict Transformation strategy to complement other pre-existing policy instruments.

- 4. Conflict Transformation Principle:** Conflict transformation adjusts to the ever changing nature of a conflict, particularly during pre- and post-violence phases and at any stage of the escalation cycle;

Reality in SADC: the malleability of the conflict transformation approach described above presents an opportunity for SADC to widen its efforts and strengthen its capabilities in solving a wider range of conflicts and their causes. Hitherto most efforts at dealing with conflicts in the SADC region have largely been top down revolving around mediation and external military interventions in conflict situations in the region to the neglect of other

types or aspects of conflict. To date, SADC does not explicitly commit to the goal of peacebuilding, within the Directorate of the Organ of Politics Defence and Security (OPDS) there exists a post of a peacebuilding officer whose terms of reference are vague and have largely included other non-traditional peacebuilding tasks. The directorate has concentrated its energies on military, governance (elections) and mediation related interventions. In fact there is even limited usage of the word peace, something which is indicative of the lens through which conflicts are viewed in the region. If there are to be deliberate efforts at resolving conflicts, the starting point should be the framing of the approach and end point which should be durable peace instead of defence and security as is the case at present.

5. **Conflict Transformation Principle:** Conflict transformation is always a non-violent process, which is fundamentally opposed to violent expressions of conflict;

Reality in SADC: following on from the point made in number 4 above, it would appear that the energies of the SADC secretariat have been directed predominantly at the violent expressions of conflict. This explains why the SADC military Brigade is one of the most organized units in terms of preparedness levels within the directorate. A conflict transformation approach if adopted will compel the organization to pay closer attention to the non-violent expressions of conflict revolving around the relational structures and power dynamics within conflict settings. The approach aims at ridding conflict societies of a culture of violence as well as addressing the drivers of injustice, social exclusion and inequality which are some of the most frequent grievances to trigger and escalate conflicts.

6. Conflict Transformation Principle: Conflict transformation is concerned with five specific types of transformation, focusing upon the structural, behavioural and attitudinal aspects of conflict:

- a. Actors – modifying actor’s goals and their approach to pursuing these goals, including by strengthening understanding as to the causes and consequences of their respective actions;
- b. Contents – challenging the meaning and perceptions of conflict itself, particularly the respective attitudes and understandings of specific actors towards one another;
- c. Issues – redefining the issues that are central to the prevailing conflict, and reformulating the position of key actors on those very issues;
- d. Rules – changing the norms and rules governing decision-making at all levels in order to ensure that conflicts are dealt with constructively through institutional channels;
- e. Structures – adjusting the prevailing structure of relationships, power distributions and socio-economic conditions that are embedded in and inform the conflict, thereby affecting the very fabric of interaction between previously incompatible actors, issues and goals.

Reality in SADC: reforms in SADC’s institutional structure for addressing conflicts in the region can be underpinned by the above framework. This presents an opportunity for structures such as the SADC Parliamentary Forum which was recently formally incorporated into the institutional structure of the organization to modify the norms and decision making mechanisms of SADC to embrace a philosophy of conflict transformation

if ever there is to be long lasting in and durable peace the region. This can be through innovative legislation of conflict transformation strategies or through playing an oversight role over the Organ's activities.

- 7. Conflict Transformation Principle:** Conflict transformation stresses the human dimension by reminding parties of the compatible nature of their needs, instead of emphasizing their opposing interests, and by rejecting unilateral decisions and action, particularly those representing a victory for one of the parties to the conflict;

Reality in SADC: this presents an opportunity for SADC to shed its image and negative reputation for favouring sitting heads of state to the exclusion of opposition parties in conflict settings. Adopting a conflict transformation approach would mean winning over the conflicting parties to both work towards a solution in the knowledge that the type of settlement reached would meet both their needs.

- 8. Conflict Transformation Principle:** Conflict transformation invariably involves a third, impartial party, in order to help actors alter their cognitive and emotional views on the 'other', thereby helping to break down divisions between 'Us and Them';

Reality in SADC: conflict transformation affords SADC an opportunity to introspect and improve on those aspects of its character that bring its credibility as an impartial third party into doubt. It gives the organization a chance to explore innovative and dynamic ways of engaging with conflicting parties through mediation and other locally brewed solutions.

- 9. Conflict Transformation Principle:** Conflict transformation represents an ambitious and demanding task, which is better equipped to contend with the asymmetric, complex and protracted nature of contemporary conflicts than prevailing techniques and approaches.

Reality in SADC: this attribute of conflict transformation is yet another chance for SADC to give its newly revised SIPOII impetus for greater impact by thinking outside the box in its implementation. As described above, the region is now confronted with new types of threats and with the individual as the referent of security, this is an opportunity for the Human Security situation in the region to be improved since human beings are the ones at the heart of all protracted social conflicts. The risk of such protracted conflicts emerging is now more than ever highly likely since the threats to security are no longer strictly related to a violation of sovereignty by the minority white regimes as was the case during the apartheid era. The threats are now directed to the very citizens of the region directly rather than their states in the form of unemployment, poverty, food shortages, disease, illiteracy, trans-border crime, cattle rustling to name but a few examples.

10. Conflict Transformation Principle: Conflict should not be understood solely as an inherently negative and destructive occurrence, but rather as a potentially positive and productive force for change if harnessed constructively;

Reality in SADC: a conflict transformation approach presents an opportunity to non-state actors such as the SADC Council of Non- Governmental Organisations (SADC-CNGO) to engage with communities in conflict torn societies to help deepen their understanding of conflict and its positive elements can be harnessed for peaceful co-existence.

11. Conflict Transformation Principle: Conflict transformation addresses a range of dimensions – the micro-, meso- and macro-levels; local and global;

Reality in SADC: through the conflict transformation approach interventions aimed at resolving conflicts in SADC will not only be top down and state centric. Non state actors

have an opportunity to engage with conflict parties from grass roots level, national as well as regionally through collaborative efforts with other regional civil society actors.

12. Conflict Transformation Principle: Conflict transformation looks beyond visible issues and is characterized by creative problem-solving, incorporating the perspectives of a broad array of actors, including those typically marginalized from such considerations;

Reality in SADC: the conflict transformation approach will afford SADC a chance to interrogate past approaches to peacebuilding in the region, with a view to formulating innovative alternative approaches to address the weaknesses and unintended consequences of past peace processes such as the peace deal signed with RENAMO in Mozambique which is now showing signs of cracking. The Truth and Reconciliation Commission in South Africa is another case in which past efforts at peace and reconciliation in the region are now showing cracks through the cases of reverse racism meted out on whites by blacks in the country as well as the violent xenophobic attacks on foreigners in the country.

13. Conflict Transformation Principle: Conflict transformation does not resort to a predetermined set of approaches and actions, but respects and adapts to the particularities of a given setting;

Reality in SADC: SADC's rigid conception of peacebuilding largely framed through a military security, DDR and SSR lens, will be widened by the adoption of a conflict transformation framework to include other elements of peacebuilding, making it more malleable and applicable to the particularities of different conflict settings. Non state actors appear to be best suited for this task.

14. Conflict Transformation Principle: For conflict transformation to occur, tensions between parties to the conflict must be overcome – first, by ensuring all actors recognize

that their respective interests are not served by resorting to violence; and second, by seeking consensus on what should be transformed and how;

Reality in SADC: this is another area where non state actors led by (SADC-CNGO) who are seen as impartial can have a meaningful role to play by conducting workshops and providing forums in communities in conflict societies for the conflicting parties to explore less expressive forms of violence in their conflicts. By working closely on the ground with the conflicting parties, they can shepherd them towards consensus on what needs to be transformed and how with a view to comprehensively and totally addressing the conflict.

15. Conflict Transformation Principle: Conflict Transformation is not just an approach and set of techniques, but a way of thinking about and understanding conflict itself;

Reality in SADC: since peacebuilding appears not to be a priority for SADC, non-state actors can lead efforts to enhance the role of civilians in peacebuilding in the region. The level of engagement can be led from below in an effort to address the root causes of conflict. The SADC-CNGO has an opportunity to enhance peacebuilding capacities of member states outside of the framework of states. This can be achieved through giving practical meaning to the MoU and programme of action they signed with the OPDS. This will serve as a tool to prevent future conflicts where structures will be in place to set the necessary processes in motion at the early signs of conflict in a decentralized manner.

16. Conflict Transformation Principle: Conflict Transformation is a long-term, gradual and complex process, requiring sustained engagement and interaction;

Reality in SADC: due to the long-term nature and scope of the conflict transformation process, opportunities exist for the process to be driven by non-state actors even if it is only at the initial stages of the conflict. In any case, non-state actors are often more accepted by

local communities in conflict situations since they are sensitive to the context of the conflict. In cases like Swaziland which is Africa's last existing absolute and executive monarchy, the authoritarian nature of the state apparatus veiled in the pretext of tradition has seen hard handed crack downs on any sign of dissent and a ban on party politics in the Kingdom. SADC has remained ambivalent and conspicuous in its failure to intervene or condemn state sponsored repression in the country. Within the framework of a conflict transformation approach, non-state actors can work with local parties in the country to deepen their understanding of the conflict as well as to devise innovate, appropriate and culturally sensitive methods of continued engagement with the monarchy.

6.4 What is a Regional Infrastructure for Peace (RI4P)?

The idea of a RI4P is an adoption and expansion of the I4P concept for application at a regional level. The UNDP defines I4P as “a network of interdependent systems, resources, values and skills held by government, civil society and community institutions that promote dialogue and consultation, prevent conflict and enable peaceful mediation when violence occurs in a society”.⁴⁹⁶ I4P is described as a promising, comprehensive, inclusive approach in peacebuilding which involves the main stakeholders at all levels: national, district, and local. It is a problem solving approach to conflict, based on dialogue and non-violence. It allows societies and their governments to resolve conflicts internally, developing institutional mechanisms, structures and capacities that

⁴⁹⁶ UNDP quoted in Van Tongeren P, 2013, Background Paper on Infrastructures for Peace, Seminar on Infrastructure for Peace; part of the Sixth GAMIP Summit, September 19th, 2013, Geneva, Switzerland, Global Alliance for Ministries and Infrastructures for Peace and International Civil Society Network on Infrastructures for Peace, Pg. 9

promote this approach. I4P holds a lot of promise as it has already worked several times in countries like South Africa, Kenya and Ghana.⁴⁹⁷

The core components of an I4P include:

- National, district and local peace councils comprised of trusted and highly respected persons of integrity who can bridge political divides and who possess competence and experience in transforming conflicts;
- National peace platforms for consultation, collaboration and coordination of peace issues by relevant actors and stakeholders;
- A government bureau, department or ministry of peacebuilding;
- Passing legislative measures to create national infrastructures for peace with appropriate budgets;
- Expanding the capacities of national peacebuilding institutions, related government departments, peace councils and relevant groups of civil society organisations (CSOs);
- Renewing and using traditional perspectives and methodologies for conflict resolution;
- Promoting a shared vision for society and for a culture of peace.⁴⁹⁸

6.5 Why a RI4P?

In a “world divided into states and moderated by international organisations”, there are questions about whether the international liberal human rights regime and a liberal social contract can be reconciled with local customary practices in different parts of the world. The international peace architecture that emerged in the 20th century lacks an understanding of and often empathy for the contextual local political dynamics in conflict settings.⁴⁹⁹ As a result, the great powers and the UN cannot be expected to permanently take care of and maintain stability in some of the most volatile

⁴⁹⁷ Van Tongeren P, Infrastructure for Peace is a promising approach, Peace Monitor; Changing Perspectives, April 1, 2013, downloaded on: 10-01-14 available at: (<http://peacemonitor.org/?p=427>)

⁴⁹⁸ Peter Van Tongeren, Increasing Interest in Infrastructure for Peace, Op. Cit. 2011

⁴⁹⁹ Richmond O, no date, Pg. 3

regions of the world. As such regional bodies such as SADC should step up their efforts since they are closer to the conflicts and have a better understanding and influence on them. A RI4P fosters mutual understanding and a deepening of trust between the regional body and the local communities in the conflict affected country. This is because it is underpinned by the principle of local ownership which is sensitive to the local context and the distinctiveness of the local society. It also bridges the gap between the implementation system of international peacebuilding activities and the local society.⁵⁰⁰

The rationale for advocating for I4Ps is that they are timely and urgent since most countries lack structures, capacities and mechanisms to deal adequately with ongoing and potentially violent conflicts. Another reason is that violent conflicts are widespread and a global problem which will not go away on its own. Immediate and long-term conflicts have been forecast to emerge due to competition for scarce resources, contested elections, energy deficits, climate change issues, migration, displacement and many other factors. There is also strong evidence from countries such as South Africa, Ghana and Kenya where I4Ps have worked successfully. Another reason in support of the feasibility of I4Ps is that they are inexpensive, in the past decade alone the UN has funded the establishment of I4Ps in ten countries spending on average 2 to 3 million US dollars per country. Lastly, outside interventions have for a number of reasons often proven to be ineffective. They have tended to be slow, difficult and costly, I4ps on the other hand allow societies to build peace on their own terms thereby promoting long term stability.⁵⁰¹

⁵⁰⁰ Shinoda H, The Difficulty and Importance of Local Ownership and Capacity Development in Peacebuilding, Hiroshima Peace Science, 30, 2008, Pg.101

⁵⁰¹ Van Tongeren P, 2011, Increasing Interest in Infrastructure for Peace, Journal of Conflictology, Policy Briefing, November, 2011 Pg. 50

The creation of a RI4P by a regional organization such as SADC also affords it a chance to redeem itself and rid itself of the image of a body which constantly favours governments of member states with little regard for the interests of local communities. This is because in war torn societies in a state of fragility and transition, there are usually a variety of actors with a claim to and different interpretations of local ownership. These actors may also include the government of such a state which lacks legitimacy and may serve as a divisive and disruptive force. There is thus a need to widen the net by accommodating as many actors as possible from the local government, tribal and religious leadership to civil society organizations within the structures of a RI4P. This will not only show respect and an acceptance of the principle of local ownership, but it will also ensure that it is fostered for outcomes which are desirable and favourable to all.⁵⁰²

RI4P provides a unique opportunity for conflictual regions to turn into areas of positive cooperation where the likelihood of another war is reduced or even eliminated. Peacebuilding strategies after a war are usually geared towards one country, however, neighbouring countries are affected by refugee flows, disruption of transportation routes and smuggling of weapons. They are as such actively involved in these wars. In some cases as seen in Rwanda and Uganda's involvement in the DRC, neighbouring countries may actively support certain opposition parties or the government making a civil war in one country a regional concern. Seemingly unrelated conflicts become interconnected through what has been called a 'regional conflict complex'. Another advantage to a regional approach to building peace is that finding a regional settlement to all conflicts is more effective than dealing with them one conflict at a time.⁵⁰³

⁵⁰² Shinoda, H, 2008, Pg. 101

⁵⁰³ Wallensteen P, 2012, Regional Peacebuilding: A new challenge, New Routes, Vol. 17, 4, Pg. 3-4

A Self-Sustainable and Effective Regional Infrastructure for Peace (RI4P) in SADC

Through the establishment of the Organ on Politics, Defence and Security (OPDS) in 1996, the signing of the Protocol on Politics, Defence and Security in 2001 and the Strategic Indicative Plan of the Organ (SIPO I & II) in 2004 and 2012 respectively, SADC strengthened its capacity to respond to the above regional challenges. Its institutional capacity was further enhanced by the restructuring exercise which created the Directorates on Social & Human Development and Special Programmes (SHDSP), Infrastructure and Services (IS) and Food Agriculture and Natural Resources (FANR) all of which have human security related mandates. SADC thus has admirable policies and institutions in place which are hamstrung by implementation failures.

The earlier identified challenges have set in motion a series of identity conflicts in SADC member states fuelled by actual or perceived exclusion, inequality and discontent relating to control over access to natural resources and decision making power. Current traditional conflict resolution efforts employed by SADC have thus only gone skin deep in addressing the above challenges. These have failed to deliberately and effectively transform the conflictual attitudes, perceptions, beliefs and cultures amongst conflict parties in member states. It is against this backdrop that this contribution recommends the creation of a self-sustainable and effective Regional Infrastructure for Peace (RI4P) in SADC. The RI4P will enhance peacebuilding capacities in the region and link grassroots conflict transformation efforts in SADC member states with regional efforts. At the systemic level the RI4P ought to be underpinned by a common foreign and security policy outlining shared regional interests and values which will serve to improve relations with donors, the AU and the UN. The increased donor funding and support will greatly enhance SADC's capacity to address the human security related factors that impede conflict transformation.

At the Institutional level The RI4P ought to be underpinned by a regional peacebuilding policy, and a regional conflict transformation strategy. Since human security challenges are cross cutting, a dedicated human security department and a human security policy and strategy ought to be created to transform the human security aspects of conflict at all levels. At the member state level the RI4P should be operationalized by local peace committees and councils at the ward, district, regional and national levels. Fully fledged Ministries of Peace may be established in countries experiencing or emerging from protracted conflicts. These peace infrastructures ought to work closely with civil society groups and other non-state actors to effectively contain human security related challenges. The RI4P framework ought to increase the ability of individuals involved in conflicts to empathize with the other side. It should further transform relationships between conflicting parties from a mistrustful to a friendly and cooperative one by engendering trust. The RI4P will ultimately transform societies in conflicts by promoting positive attitudes, perceptions, emotions and personal relationships between conflicting parties resulting in durable peace in the region. The findings of this research indicate that this would be an effective intervention which would result in the attainment of self-sustainable peace in the region. A representation of the RI4P is shown in figure 5 below.

A Self Sustainable and Effective RI4P

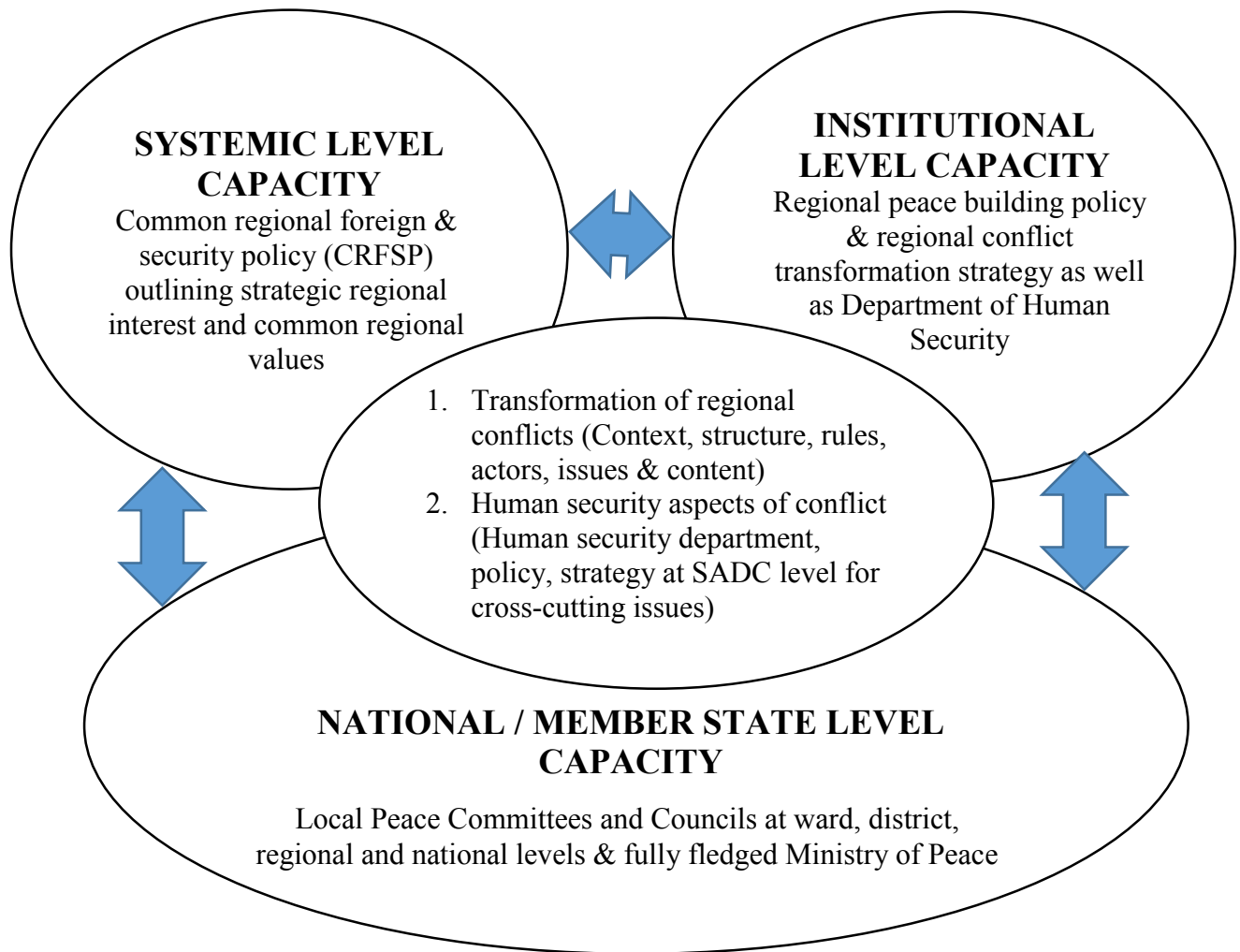


Figure 5: A self-sustainable & effective regional infrastructure for peace (RI4P) in SADC

Operationalising A Self Sustainable and Effective RI4P in SADC

There are many advantages to the creation of an RI4P in SADC, a decision to create an RI4P enables planning for peace and conflict prevention. An RI4P provides a ready standing capability to build peace in case of instability or conflict through cooperation by all stakeholders. I4Ps have been found to be inexpensive and cost-effective, compared to the cost of armed conflicts. An RI4P enables Early Warning and Early Response capabilities in conflict areas and builds on traditional

structures such as Councils of Elders, which ought to be community driven and locally owned. An RI4P ought to be supported by legislation in each member state to make it effective and functional, it should be accompanied by Peace Education in the school curriculum from elementary school to university and involve non state actors such as the private sector to reflect how peace supports business and economic development.

An RI4P should have the capacity to conduct Peace impact assessments for monitoring and evaluation purposes, it has the potential to reduce crime by engendering a culture of social peace, harmony, justice and co-existence in SADC member states. RI4P will ensure that conflicts are readily contained within the societies they occur and ensure the emergence of a strong and dedicated cadre of peace professionals and practitioners forming part of a peace bureaucracy in SADC member states which works proactively to find innovative ways of sustaining peace rather than taking it as a given. An RI4P will ensure deliberate and ongoing efforts to build capacities in member states and within the region at all levels, this will give peace the urgency and sensitivity afforded to similar topics such as Climate Change and Global Warning. An RI4P will help change the nomenclature and vocabulary in SADC member states to replace the usage of defence and security in its nomenclature with peace. The mindsets of all involved will thus be conditioned to pursue positive and self-sustainable peace proactively. An RI4P would thus ensure that SADC member states seek for peaceful solutions to problems and conflicts as opposed to the status quo where they have a disposition toward solutions involving the use of force as evidenced by the fact that the SADC BRIG is one of the most advanced units within the Organ.

Historical Precedents for Infrastructures for Peace

In 1793 US founding father Dr Benjamin Rush called for the creation of a Department of Peace on equal footing with the department of war in the US. The aim of the department would be to teach us to forgive and love our enemies and subdue our passion for war and encourage respect for human life. In 1935 the first bill was introduced in Congress for the creation of a Department of peace in the US. Since then over 100 similar bills were introduced in 31 Congressional sessions but none of them has ever passed.⁵⁰⁴ There is evidence of success of I4Ps in other African countries such as Ghana, Kenya and South Africa. I4Ps have thus proven to be adaptable to country specific contexts and needs of the environment. Other structures that resemble I4Ps have been created in Afghanistan, Costa Rica, Democratic Republic of Congo, Kyrgyzstan, Nepal, Peru, Sierra Leone, Solomon Islands, South Sudan, The Philippines, Timor-Leste, Togo, Uganda, Nicaragua, Northern Ireland, the former Yugoslav Republic of Macedonia.⁵⁰⁵ Based on the foregoing, the creation of an RI4P in SADC would thus not be a far-fetched idea.

International Instruments in Support of RI4P

Impetus for a RI4P can also be found in a number of recent reports and activities organised by regional and international organisations. These include; the 2009 UN Secretary General's Report on "Peacebuilding in the Immediate Aftermath of Conflict"; the 2011 UN Secretary General's Report on "Civilian capacity in the aftermath of conflict"; the 2012, UNDP Governance and Peace Report; the UNDP Study of local peace committees, "An Architecture for Building Peace at the

⁵⁰⁴ See: Peace Now: www.admissionsfilm.com/admissions-screening-for-peacenow/

⁵⁰⁵ Ibid

Local level” authored by Andries Odendaal; the Busan Partnership Agreement on development cooperation and on a “New Deal for Engagement in Fragile States”.⁵⁰⁶

Other similar instruments, declarations, campaigns and reports include: The Peace Now! One Billion Signatures for Peace Campaign; UN CHARTER- “...dedicated to saving succeeding generations from the scourge of armed conflict”; Universal Declaration on Human Rights- “...human-beings should act towards one another peacefully and in the interest of the common good”; UNESCO Constitution- “Since wars begin in the minds of men, defences of peace must also be constructed in the minds of men”; UN Security Council Resolution 1325 of October 31st 2001 on Women, Peace and Security- acknowledges women’s role in peace processes; UNSC Resolution 1820 of 19 June 2008 on Women, Peace and Security; UN Resolution 52/15 of 20 November 1997- Proclaiming the year 2000 as the International Year for the Culture of Peace; UN Resolution A/RES/53/25 of 19 November 1998, proclaiming 2001-2010- “The International Decade for a Culture of Peace and Nonviolence for the Children of the World”; UN Resolution 53/243 of 13 September 1999 about UN Declaration and Program of Action for a Culture of Peace- to strengthen global culture of peace; UN Resolution A/RES/52/13, 15 January 1998 on a Culture of Peace; A/RES/55/282 of 28 September 2001 on International Day of peace; 2005 Mid-Decade Status Report on the International Decade for a Culture of Peace and Nonviolence for the Children of the World; Earth Charter Initiative- recognizing global inter-dependence and indivisibility of ecological protection, poverty eradication, equitable economic development, respect for human rights, democracy and peace; 2009 UNSG Report on Peacebuilding in the Aftermath of Conflict; 2011 UNSG Report on Civilian Capacity in the Aftermath of Conflict.

⁵⁰⁶ Richmond O, no date, Peace Formation and Local Infrastructures for Peace, Unpublished Manuscript

Recent Dialogues and Consultative Processes in Support of Building Capacities for IAPs

Further international consensus and support which justifies the timeliness of this research and approaches which build a bridge between local, national, regional and international efforts to transform conflicts was shown by the collaborative work of the UNDP Bureau of Crisis Prevention and Recovery (BCPR), African Union, ECOWAS and SADC. On 24th – 25th June 2013, the UNDP-BCPR and the African Union hosted a Joint African Union Commission (AUC) and Regional Economic Community (REC) Consultation on Linking National to Regional and Continental Efforts in Conflict Prevention and Mediation in Addis Ababa, Ethiopia.⁵⁰⁷

This meeting was followed by another one in Accra, Ghana on the 9th – 10th September 2013 where the UNDP, the AUC and ECOWAS hosted a regional consultative meeting. The meeting resulted in the signing of the Accra Declaration on strengthening national, regional and continental coordination towards building national peace infrastructures for conflict prevention.⁵⁰⁸ On 16th – 17th September, a similar consultation process took place in Maseru, Lesotho, jointly hosted by SADC, the AU and the UNDP. The consultation was aimed at exploring the modalities for strengthening peaceful and resilient development in SADC by building and strengthening national capacities for peace and sustainable development and establishing synergies between national, regional and continental efforts. The consultation resulted in the signing of the Maseru

⁵⁰⁷ UNDP, Report of the Joint AUC-RECS-UNDP Consultation on Linking National to Regional and Continental Efforts in Conflict Prevention and Mediation, 24-25 June, 2013, Addis Ababa, Ethiopia

⁵⁰⁸ Government of the Republic of Ghana, The Accra Declaration on Strengthening National, Regional and Continental Coordination towards Building National Peace Infrastructures for Conflict Prevention, 10th September, 2013, Accra, Ghana,

Declaration.⁵⁰⁹ Relatedly the secretariat of the African Insider Mediators Platform in collaboration with the Action Support Centre and the UNDP-BCPR hosted a consultative meeting aimed at the development and application of national and local capacities for mediation in Africa. The meeting resulted in the signing of the Liliesleaf Declaration on the 13th September 2013 at Liliesleaf, Rivonia, South Africa.⁵¹⁰ In tandem with the above, on the 29 – 30th October 2013 the Government of Cote d'Ivoire, the African Centre for the Constructive Resolution of Disputes (ACCORD), the African Leadership Centre (ALC), Kings College, the Institute for Peace and Security Studies (IPSS), Addis Ababa University and the African Union Commission jointly hosted the Annual Pilgrimage of International Envoys and Mediators working on Africa. This was among others attended by members of the AU Panel of the Wise, as well as members of the Pan-African Network of the Wise (PanWise). This was the fourth African Union (AU) High level retreat of Special Envoys and Representatives on the Promotion of Peace, Security and Stability in Africa held in Abidjan, Cote d'Ivoire under the theme: “The AU 2013 Golden Jubilee Retreat: 50 Years of Peace-making in Africa- A Critical Retrospective of the OAU/AU Peace-making” resulting in the signing of the Abidjan Declaration.⁵¹¹

In 2014, a similar consultative process was held in Gaborone, Botswana on the 14th – 15th May 2014 on the occasion of the 10th anniversary of the African Union Peace and Security Council (PSC). The meeting served as a consultative exercise for civil society representatives from across

⁵⁰⁹ Government of the Kingdom of Lesotho, The Maseru Declaration on A Framework for Peaceful Development in Southern Africa, 17 September 2013, Maseru Lesotho

⁵¹⁰ Drums of Change, Liliesleaf Declaration, Volume 8, Issue 4, 2013, A Quarterly Newsletter of the Peace and Development Platform of the Action Support Centre, Johannesburg, South Africa

⁵¹¹ ACCORD, Abidjan Declaration, The AU 2013 Golden Jubilee Retreat: 50 years of peace-making in Africa: A critical Retrospective of OAU/AU Peace-making, , the African Centre for the Constructive Resolution of Conflicts (ACCORD), Durban, South Africa

the continent to give their perspectives on how the PSC has responded to conflicts and security challenges in Africa since inception as well as to explore ways of improving relations between the PSC and non-state actors.⁵¹²

International Organisations Working in Support of RI4Ps and Engendering a Culture of Peace

Over the years a number of organisations and networks in support of agendas that resonate with a RI4P have emerged. Listed here are some examples; Global Alliance for Ministries and Infrastructures for Peace (GAMIP); Peace Now; Infrastructure for Peace (I4P) International Network; Action for Conflict Transformation (ACT); UNDP Bureau for Crisis Prevention and Recovery (BCPR); West African Network for Peacebuilding (WANEP); The Earth Charter Initiative; African Union Commission; Campaign to Construct A Canadian Department of Peace; Global Partnership for the Prevention of Armed Conflict (GPPAC); SADC-CNGO; The Africa Insider Mediator Platform; The UN Non-Governmental Organisation Liaison Service and the UN General Assembly; Operation Peace Through Unity; Global Movement for the Culture of Peace.

⁵¹² ACCORD, “Report of the Southern Africa Consultation on the Occasion of the 10th Anniversary of the Peace and Security Council”, 14-15 May 2014, Gaborone, Botswana, the African Centre for the Constructive Resolution of Conflicts (ACCORD)

Also see issue 14 of Drums of Change, Action Support Centre newsletter of 14th May, 2014, Action Support Centre, Johannesburg, South Africa

6.6 Strengthening Conflict Transformation capacity and enhancing Local Ownership in SADC through the creation of a Self-Sustainable Regional Infrastructure for Peace (RI4P)

A logical starting point for an assessment of SADC's conflict transformation capacity is to assess the organization against its own stated goals and objectives. Questions which ought to be asked - should include whether the objectives truly reflect the aspirations of member states or whether they are just rhetorical. A further interrogation should be done to identify the unstated objectives such as a tendency to protect incumbents in government which has been prevalent in SADC.⁵¹³

Box 1. Objectives of the SADC Organ

- Protecting the people of Southern Africa from instability and conflict
- Promoting the evolution of common political values and institutions
- Developing common foreign policy approaches
- Promoting regional cooperation and coordination on security and defence
- Preventing, containing and resolving inter and intra state conflict by peaceful means
- Promoting the development of democratic institutions and practices (SADC, 2001, Article 2)

A key objective of SADC is stated as being to “promote self-sustaining development on the basis of collective self-reliance, and the inter-dependence of Member States, achieve complementarity between national and regional

strategies and programmes, and promote and maximise productive employment and utilisation of resources of the region”. SADC has not succeeded in achieving most of the above objectives.⁵¹⁴

In order to achieve this, SADC needs to lead and guide the development of policies at national level as well as the development and implementation of regional norms and standards and the

⁵¹³ Nathan, 2012

⁵¹⁴ Ibid

development of the necessary capacity at member state level.⁵¹⁵ International peacebuilders have been called upon to embrace the principle of local ownership and capacity development in order to achieve sustainable peace. Ownership here is understood as one's right over his or her property, although used in the context of a state and external actors.⁵¹⁶ In the area of Peacebuilding this can be achieved through the construction of an effective and self-sustaining RI4P which would serve as the point of confluence for attaining the complementarity between national and regional strategies and programmes.

6.7 The Merits of a RI4P

RI4P is a multi-level regional peacebuilding initiative, this is defined as “ a collective initiative by various actors aimed at ensuring the absence of violent conflict and presence of positive / structural, sustainable peace from a regional perspective – taking into account the geographic and functional elements of the regional conflict formation”.⁵¹⁷ Regional peacebuilding doesn't negate national and local peacebuilding, it instead seeks to complement them with additional levels of action that wouldn't ordinarily be targeted at the latter. National or state level initiatives remain important as the state remains the framework within which solutions to violent conflict will be found. However

⁵¹⁵ Report on SADC's Regional Capacity Building Strategy for Education Management and Information Systems (EMIS), March 2009 commissioned by the Association for the Development of Education in Africa (ADEA) Working group on Education Policy Support for the SADC Secretariat. Pg. 9

⁵¹⁶ Shinoda H, 2008, The Difficulty and Importance of Local ownership and Capacity Development in Peacebuilding, Hiroshima Peace Science, 30, 2008, Pg. 95 - 97

⁵¹⁷ Maina and Razia, 2012, Pg. 23

a key challenge for national peacebuilding initiatives is that they focus on promoting peacebuilding at the national level and are not designed to accommodate specific trans-national problems.⁵¹⁸

Regional peacebuilding therefore aims to bridge this gap through innovative solutions such as the creation of a RI4P. Lederach underscores the importance of the creation of infrastructures for peace which eventually lead to the formation of Peace Commissions and even official Peace Ministries. He draws from his pioneering involvement in the formation of similar structures in Nicaragua in the 1980s and South Africa in the early 1990s.⁵¹⁹

I4Ps help fragile, divided, and transitional or post conflict societies build and sustain peace by:

- managing recurring conflicts over land, natural resources or contested elections;
- finding internal solutions, to specific conflicts and tensions through mediated consensus or multi-stakeholder dialogue;
- negotiating and implementing new governing arrangements, such as new constitutional provisions, in an inclusive and consensual manner.⁵²⁰

The main objective of this research which is to assess SADC's conflict transformation capacity has been given greater impetus by an ongoing joint consultation process between the African Union Commission (AUC), Regional Economic Communities (RECs), including SADC and the United Nations Development Programme (UNDP) aimed at harmonizing conflict prevention policies and mechanisms between the AU and the RECs in search of long lasting peace, security and stability on the continent as shown earlier. A notable pattern in all the above mentioned

⁵¹⁸ Maina G, and Razia, W, 2012, Pg. 23

⁵¹⁹ Richmond O, no date, Pg. 9

⁵²⁰ Van Tongeren P, 2011, Increasing Interest in Infrastructure for Peace, Journal of Conflictology, Policy Briefing, November, 2011, Pg. 49

gatherings and in their resolutions was their explicit reference to the idea of conflict transformation and calls for the establishment and strengthening of Infrastructures for Peace (I4Ps) in their member states. “The UNDP’s recent programmes in support of local ‘peace architectures’ is indicative of a realization of the potential and legitimacy of such processes. In UNDP’s vision local peace architectures link grassroots organisations, local peace councils and committees, with local and national governmental institutions”.⁵²¹ This development although rare is both timely and welcome as it represents a turning point in efforts to deepen the pursuit of sustainable peace.

6.8 A RI4P as a Fosterer of Conflict Transformation and Local Ownership

With the inherent contradictions in the argument for SADC (an external regional actor) to strengthen local capacities for conflict transformation in Southern Africa, an appropriate role of SADC in the creation of a RI4P could be that of a “fosterer” of conflict transformation. This can take the form of nurturing and creating the right conditions for sustainable conflict transformation. SADC will first need to examine the roles and functions of external actors in various conflict situations in the region. The roles which ought to be geared towards strengthening and creating local capacities should be conceived of in a positive manner since local ownership is “pursued for better self-realization, which ought to be supported by self-confidence and developed through capacity development by enlargement of choice and freedom of the “self”.⁵²²

In order to succeed in its role of a fosterer of conflict transformation, SADC can draw a leaf from the experiences and precedents set by the UN Peacebuilding Commission (PBC) which was

⁵²¹ UNDP report, “An Architecture for Building Peace At the Local Level: A Comparative Study of Local Peace Committees” cited in Richmond, no date, Pg. 9

⁵²² Shinoda H, 2008, Pg.102

established in December 2005. The PBC is a forum-style organization which doesn't implement programmes by itself but only recommends strategies for peacebuilding. The UN Security Council and General Assembly gave national governments the primary responsibility for peacebuilding strategies to ensure national ownership of the process as well as to ensure that the PBC doesn't interfere with national jurisdictions. The PBC is supported by the Peacebuilding Support Office (PBSO) which offers the intellectual support for better implementation of peacebuilding strategies. It also administers the Peacebuilding Fund which finances the policy goals of peacebuilding.⁵²³

Guided by the above framework of the UN PBC, SADC could formulate a Regional Peacebuilding Policy (RPP) underpinned by a Regional Conflict Transformation Strategy (RCTS) which can form the basis of the RI4P by guiding its formation and roll out. As is the case with the UN PBC, which has an initial focus on a limited number of countries of need, Burundi, Sierra Leone, Guinea-Bissau, the SADC RI4P may adopt a modest start by prioritizing those member states in critical need of intervention. With the support of a regional tool similar to the Peacebuilding Fund of the UN, the RI4P can gradually be rolled out in all SADC member states to serve as a conflict transformation and early warning device.

6.8.1 Local Ownership & Civil Society Participation In a RI4P

The real challenge for peacebuilding is not the amount of aid given but the design of peacebuilding programmes and support as well as the sustainability of peacebuilding interventions. Ideal peacebuilding interventions ought to be viable long term projects with an ability to measure impact. They should also be under pinned by an integrated peacebuilding framework rather than a fragmented approach which fails to synergies activities and make the maximum use of limited

⁵²³ Shinoda H, 2008, Pg.103

resources. The intervention has to incorporate local ownership right from the design stage with a view to building local capacities for peace by utilizing local resources.⁵²⁴ A RI4P is informed by the principle of local ownership in peacebuilding which holds that local people should be allowed to play a leading role in the process of creating social foundations for durable peace. Understood in this way, peacebuilding is seen as a set of activities to create social foundations for durable peace.⁵²⁵

SADC government's suspicions of non-state actors especially civil society organisations have been fuelled by fears that foreign powers use them to gather intelligence and exert their influence in the region. That notwithstanding, taking cue from the AU and other RECs, SADC has made provision for civil society actors both in the SADC treaty as well as through an MoU signed with the SADC Council of NGOs, the Protocol on Politics Defence and Security⁵²⁶ as well as the Strategic Indicative Plan of the Organ (SIPO II). Commitments made in these agreements have for the large part remained hollow platitudes without any real translation at both national and grassroots level in member states. In fact knowledge or indeed awareness of SADC, its work and achievements within its member states and among ordinary citizens has remained confined to the educated few and those with access to the media.⁵²⁷ This lack of awareness about SADC is coupled with the non-existence and in some cases incomplete status of SADC National Committees (SNCs) which

⁵²⁴ Maina G, and Razia, W, 2012, Pg. 22

⁵²⁵ Shinoda H, 2008, The Difficulty and Importance of Local Ownership and Capacity Development in Peacebuilding, *Hiroshima Peace Science*, 30, 2008, Pg. 99

⁵²⁶ van Schalkwyk, 2004, Pg. 11

⁵²⁷ Carolyn Logan, SADC in the Public Mind, SADC Barometer, Issue 6, August, 2004, South African Institute of International Affairs (SAIIA)

were intended to be the primary vehicles for consultations and implementation of SADC activities at national level.⁵²⁸

These lacunae represent lost opportunities for effectively addressing the root causes of conflicts and structurally unfair patterns of relation which could prevent future conflicts and resurgences of old conflicts. This presents space for the introduction of idea of Conflict Transformation and a RI4P to the case of SADC. With its systemic focus which ensures a greater role for civil society in conflict prevention, management and resolution, a conflict transformation approach also creates scope for the transformation of the relationship between states and civil society in SADC from one of mutual distrust to one of interdependence and sharing which means unlimited potential for durable peace in the region.⁵²⁹

6.8.2 Preconditions for Success in engendering Local Ownership

Peacebuilding and conflict transformation interventions are doomed to fail unless the local society acquires the will and capacity sufficient enough to build and maintain durable peace. This point is highlighted by the fact that in most conflict affected societies, local people often lack the sufficient will and capacity for peacebuilding. Since it is difficult to readily find individuals with an aptitude and a predisposition to build peace, deliberate efforts should be made to identify and capacitate them. Another challenge is that even where there are local people willing to own and engage in peacebuilding and conflict transformation activities, they will need to be equipped with the

⁵²⁸ Van Schalkwyk, 2004, Pg.12

⁵²⁹ Van Schalkwyk, 2004, Pg.13

political and socio-economic capacity in the form of human, institutional, material and financial resources to enable them to do their work.⁵³⁰

⁵³⁰ Shinoda H, 2008, The Difficulty and Importance of Local Ownership and Capacity Development in Peacebuilding, Op. Cit. Pg. 100

CHAPTER 7

Conclusions and Recommendations

7.1 Conclusion

In chapter one the declared goal of this research was to assess SADC's Conflict Transformation capacity with a view to identifying gaps and opportunities to strengthen the current existing capacity if any. This was to be done looking at SADC's capacity to transform the context, structure, issues, actors and rules governing conflicts in the region. To do this, the research adopted a framework which assessed SADC's conflict transformation capacity at the systemic, institutional and national / member state levels. At the member state level it considered three mini case studies of conflicts in the DRC, Zimbabwe and Lesotho which SADC intervened in. This was in an effort to assess SADC's conflict transformation capacity as shown by the results or outcomes of the interventions. Further, the research assessed the human security aspects of SADC's conflict transformation capacity. This was informed by the fact that at the heart of conflict transformation lies a concern for social justice, equality, empathy and the prevalence of a culture of peaceful co-existence. SADC's social protection mechanisms were thus assessed in an effort to establish the efficacy of the mechanisms and institutions in place at the regional level to ensure the optimal and equitable delivery of social services to citizens in member states.

Overall, the research recognized the fact that at all the above mentioned levels SADC had to varying degrees put in place some measures and mechanisms which armed it with a degree of capacity to transform conflicts in the region towards the realization of durable peace. However the overall conclusion drawn from the findings in the research is that there are major limitations in

SADC's capacity to transform the context, structure, issues, actors as well as the rules governing conflicts in the region. A recurring explanation for this limitation has been SADC's failure to implement its own treaties and agreements which are consonant with the agenda of conflict transformation. Another consistently identified impediment is the elitist nature of its structure which vests all decision making powers in the hands of heads of state and government who make all the ultimate decisions relating to regional peace and security. On numerous occasions regional leaders have taken decisions informed by personal, parochial, factional and at times national interests to the detriment of the ordinary citizens of the region in order to protect each other.

7.2 Summary of Major Findings, Conclusions and Recommendations

The research has established that in an ideal set up regional organisations such as SADC are best suited and equipped for the implementation of conflict transformation. This is based on the fact that regional organisations are constructed by states to facilitate cooperation and to provide a forum for states to discuss how to deal with conflicts. The advantage of having a regional forum for discussion is that it is less costly since diplomatic solutions may be reached through discussions and negotiations precluding the need to resort to violence. Through information sharing at the regional level, confidence building measures (CBMs) are established enabling an air of transparency which minimizes suspicions and misperceptions among member states. Addressing issues at the regional level also has the added advantage of having a sobering effect on states to take a long term perspective on issues under consideration without being blinded by the allure of immediate pay-offs. Due to their multilateral nature regional organisations are perceived as being impartial and thus more effective when intervening in conflict situations. This research has gone to great lengths to illustrate the extent to which SADC has established itself in law and in deed as

an entity in possession of most if not all of the above qualities. Notwithstanding the goodwill bestowed on it by the supposed air of impartiality surrounding it, SADC's conflict transformation capacity has been put to the test at a number of levels and on several occasions and unfortunately it has been found to be wanting on many fronts.

Chapter 2 of this study established that at the systemic level, this has been the result of a multiplicity of reasons ranging from systemic and structural factors such as the legacy of colonialism, the vestiges of Cold War and apartheid era proxy wars fought in the region as well as modern forces of globalization and capitalism which have put pressure on SADC member states in many ways. During the Cold War era, some SADC member states used external military threats as a pretext for militarising their domestic politics. The military and other state security agencies were used to crush domestic dissent, sadly this has lingered on in the post-apartheid and post-cold war era and is a major constraint for SADC's ability to transform the context of conflicts occurring in member states when the military remains a strong political actor.

The legacy of colonialism is especially a key factor in SADC since the Southern African region was one of the last regions on the continent to decolonize. As such SADC's conflict transformation capacity constraints can be traced to the nature and history of its member states most of which are still grappling with basic post-colonial state-building and consolidation challenges. They as such cannot be expected to fully perform the functions of the state as defined in western International Relations theory. This means that the conflict transformation project in SADC was founded on a weak foundation from inception since the primary unit expected to drive the process, the state was itself weak to start with. Most member states have become non-viable entities whose leaders are preoccupied with regime survival as opposed to providing the best services to their people. Leaders have been entangled in contests for state power robbing their citizens of the enjoyment of rights

and services. Rather than a guarantor of security, the state in SADC has been a constant source of insecurity as it grapples with preventing an implosion caused by threats of civil war, secession, ethnicity, social exclusion, greed, corruption, repression etc.

The latter have been latent causes and drivers of conflicts in the region in the process eroding SADC's capacity to transform the conflicts. Plagued by corruption, bad governance, economic mismanagement, inequalities, social exclusion, state weakness and failure, transnational organized crime, war-lordism, militias and rebel movements, wars over natural resources among a host of social and political problems, most SADC member states have found themselves in a state of near implosion. Their preoccupation with these first order issues of state building and development has robbed the regional project at SADC level of their undivided attention and contribution towards SADC's conflict transformation capacity. The above issues have had a spill-over effect beyond the jurisdiction and control of single member states requiring the collective attention of SADC at the regional level.

A major conclusion from the findings of this research has thus been the fact that most conflict transformation efforts in SADC have been conducted in a shallow and cosmetic way which has not paid attention to addressing the root causes of conflicts and social inequality for the realization of long lasting, self-sustainable and durable peace in the region. There is very little and scant if any reference to peacebuilding and conflict transformation in the lexicon and nomenclature of SADC, as evident in its treaties, protocols, declarations and literature generally. This is indicative of the fact that thinking about conflict transformation both at an institutional and member state level in SADC is still in its nascent stages. As such, SADC's conflict resolution, conflict management and mediation activities have been equated to bandage remedies which have only covered the surface or symptoms of conflicts without adequately addressing the core of the wounds

inflicted by conflict. It is against this backdrop and on the back of ongoing international consensus by leading organisations such as the UNDP Crisis Prevention and Recovery Unit as well as calls by non-state actors such as the I4P, Trans Conflict and GAMIP, that the research recommends the need to deepen the search for regional peace through the formulation of an effective and self-sustainable Regional Infrastructure for Peace (RI4P).

Part of the research's assessment of conflict transformation capacity was guided by Galtung's theory of conflict which holds that, even the non-military aspects of conflicts need urgent attention because when measures to curb the conflict fail, it is the very failure to transform conflicts that leads to violence. He identifies three types of violence, cultural, structural and direct violence which require transformation. Cultural violence is the invisible element of violence which has significant weight on the minds of individuals stemming from a clash in norms and value systems of different cultures which gives individuals the distinction between right and wrong, good and evil or acceptable and unacceptable. Structural violence is also an invisible form of violence which occurs when the structures in a society are geared in a rigid inflexible manner. Direct violence is the most understood of the three as its direct, wilfully harmful and aims to harm, injure or kill making it the most destructive and irreversible form of violence.⁵³¹ A key finding in the research is thus that SADC has not fully nor successfully succeeded in transforming the cultural, structural and direct forms of violence in regional conflicts. Some of SADC's capacity limitations in this respect were flagged above and more are illustrated below.

When South Africa became a member of SADC in 1994, it served as a divisive force among the ranks of SADC member states as some still viewed it with suspicion. This was due to the lingering

⁵³¹ Galtung, 2000

memories of the systematic harassment meted out on neighbouring states by the apartheid regime. Although some had hoped that it would play a leadership role as the sub regional economic and democratic hegemon, the reality is that it is a reluctant hegemon. This reluctance represents a lost opportunity as South Africa could boost SADC's conflict transformation capacity by influencing the context that breeds the conflicts as well as the rules and actors who govern the conflicts. Indeed South Africa has in some instances made contributions to conflict transformation such as when it spearheaded the Zimbabwean mediation process on behalf of SADC as well as its contribution to the Madagascar mediation and the UN/SADC Force Intervention Brigade operating in the eastern DRC. It is implausible to think of a SADC military intervention without the involvement of South Africa, never mind a scenario of SADC intervening in South Africa itself should the need arise. These represent major constraints on SADC's independence and conflict transformation capacity as a regional organization which if not timeously addressed will render SADC toothless.

Related to the above is SADC's strained relationship with International Cooperating Partners (ICPs), the colonial history of SADC member states has made them sensitive to external influence in foreign policy related matters as they jealously guard their self-determination, and avoid receiving policy direction from donors. In spite of this SADC relies on donors for more than half its funding, this has denied most donors access to funding SADC projects in the process impeding its ability to implement its conflict transformation programmes and mechanisms such as the SADC Brigade which is not deployable without donor support. Another conflict transformation capacity constraint is the tension and inconsistency in the policy framework and strategies guiding the working relationship of the UN, AU and SADC. This is worsened by SADC's own highly politically charged work environment which is antagonistic to other external actors. Compounding the situation is the fact that the UN Charter and the Constitutive Act of the AU clash in that they

both claim primary responsibility for peace and security on the continent. The clash is exacerbated by a vacuum created by the absence of clarity on how to implement the principles of subsidiarity and complementarity in operational terms. Unless addressed timeously by all parties concerned this legal tension and lacuna may delay and frustrate future conflict transformation efforts.

The multiple concurrent membership of other regional organizations on the continent by SADC member states has been identified as another constraint on SADC's capacity to transform both the context and rules of conflicts as it has failed to adequately transform its own context and rules in preparation for such a conflict transformation role. The findings indicate that from inception, a number of SADC member states have held multiple concurrent memberships in other regional organisations such as COMESA, East African Community and the International Conference of the Great Lakes just to name a few. This has had negative implications for their commitment as they have torn loyalties and responsibilities demanding them to abide by different rules of more than one regional body. This has been accompanied by a duplication of efforts and a waste of resources which complicates the harmonization and coordination of member states at SADC level. This phenomenon described as a 'spaghetti bowl' results in a complex entanglement of political commitments and institutional requirements which impedes all conflict transformation efforts. Member states are derailed by counter-productive competition in pursuit of political and strategic national interests which push them to join multiple RECs.

Another identified constraint on SADC's conflict transformation capacity at the systemic level is member state's experiences with democracy which is an enabler of successful conflict transformation. Conflict transformation requires equality, social justice and social relations based on empathy, fairness and mutual respect, democracy provides good ground for these to flourish. Research findings indicate that in most SADC member states democracy has been reduced to a

preoccupation with holding regular elections which although frequent are often not free and fair. A typology of SADC member states reveals a variation of dictatorships, one person and one party ruled states, defacto one party ruled states, military dictatorships and dejure one party ruled states, dynastic rule and some liberal democracies.

The above differences in the nature of member states has provided grounds for a divergence in values and political culture. Although member states are loathe to publicly admit the divisions in their ranks, two camps exist of the militarists (those inclined to military solutions) and pacifists (those inclined to diplomatic solutions). The existence of these divisions does not bode well for conflict transformation since time may be wasted unnecessarily on suspicions and failure to reach unified responses to crisis and conflicts in the region fanned by state parties' divergent value systems. This situation can in the long run be remedied by reforming SADC to become a supranational body with the legal muscle to enforce compliance with protocols on democratic governance upon member states. Related to this is a predisposition to a policy of non-interference in the domestic affairs of other member states even in the face of human rights abuses against citizens. The values of the leaders thus don't always match the rapidly evolving political and cultural values of their own citizens as they tend to protect each other.

The research has established that the pattern of conflicts in the region has been intra-state rather than the traditional inter-state conflicts seen during the cold war and apartheid era. In SADC these occurred in Namibia, Mozambique, Angola, South Africa and the Democratic Republic of Congo. With most of the above over, in some cases such as in Mozambique there have been threats of a relapse while Angola and Namibia contend with threats of secession. South Africa is marred by regular mass protests which at times threaten to paralyse the economy while the DRC is constantly fighting off rebels and war lords. Zimbabwe and Lesotho have also had to contend with election

related conflicts and disputes. In order to be effective, SADC thus has to focus its attention on these internal conflicts through the involvement and empowerment of local actors in the communities where the conflicts first began and where they will inevitably end. Although some would argue that this would be tantamount to a breach of sovereignty, a way has to be found through the framework of SADC treaties and commitments signed by member states committing to aid the peaceful resolution of conflicts in their midst.

In chapter 3, the research has established that SADC has established a comprehensive policy framework that supports conflict transformation at the institutional level. This is comprised of the SADC Treaty of 1992, the Protocol on Politics, Defence and Security Cooperation, the Regional Indicative Strategic Development Plan (RISDP), the Mutual Defence Pact (MDP). All these constitute SADC's policy framework in support of the AU's APSA which is the framework within which all conflict transformation activities take place. On top of these an MOU was signed with the SADC CNGO, though commendable, civil society has not been sufficiently involved in SADC's conflict transformation related activities.

Further, SADC has formulated Principles and Guidelines Governing Democratic Elections which articulates the values and normative framework to be observed by all member states in the conduct of elections. It has been shown in this research that SADC member states have constantly breached and ignored their obligations as outlined in the above treaties and agreements. This is a major problem that has undermined and will continue to limit SADC's conflict transformation capacity. Aiding this is SADC's Troika system which despite its advantage of speeding up decision making, it has had the unintended effect of serving the narrow interests of a small cabal who make decisions. SADC's conflict transformation policy framework has further been undermined by its failure to coordinate the formulation and implementation of the SIPO and the RISDP. Despite the existence

of this framework, implementation of the commitments made in the policy instruments often go unimplemented which circumscribes its conflict transformation capacity. SADC's SIPO I was thus akin to a wish list without clear benchmarks for monitoring and evaluation and implementation responsibilities for the relevant structures. By 2013, SIPO II's implementation also appeared stalled after being launched a year earlier. This is another limitation on SADC's conflict transformation capacity since it is also a voluntary political agreement which isn't legally binding. SIPO II has also missed the opportunity to repair SADC's fragile relationship with ICPs which as shown earlier greatly throttles its conflict transformation capacity.

The MDP is a strategic fulcrum in SADC's conflict transformation machinery, it outlines the action to be taken in response to an armed attack against a signatory party which sees an attack on any member state shall be met with immediate collective action. It has guided SADC's recent decision to intervene in the DRC to pacify the rebels in the east of the country. The success of the intervention is a reflection of the existence of some capacity on the part of SADC although it was financed by the UN. SADC thus has capacity to transform conflicts in terms of its policy frameworks although it has serious constraints to deploy alone. This is further complicated by the identified legal tension that exists between the MDP and the UN charter where the latter requires UNSC authorization before enforcement action and the former which says that the UNSC needs to be notified soon after a military response by member states which weakens its conflict transformation capacity.

Regarding the institutional conflict transformation capacity of SADC, the findings have identified some shortcoming in its supreme decision making structure, the SOHSG which is the fact that its decisions are taken by consensus and aren't legally binding on member states. It was also found that the summit may also at times take decisions which favour individual leaders or member states

over the interests of the region. This does not bode well for its conflict transformation capacity which is premised on social justice and serving the interests of grass root communities.

The Summit also robs the SADC secretariat of autonomy and decision making power especially in the areas of conflict transformation and security. This is despite that the 2001 restructuring exercise centralized programme coordination and implementation to the secretariat. The secretariat has also not clearly spelt out its coordination arrangements with departments in member countries. It is faced with serious human resource challenges in the form of the mismatch between available staff and work loads as well as poor investment in staff development especially in technical areas such as mediation. These are major capacity constraints which inhibit success in conflict transformation.

The SADC Directorate of the Organ on Politics, Defence and Security is the primary arm charged with carrying out conflict transformation work in SADC. The findings however reflect that it lacks in-house technical expertise in fields like mediation support and early warning although it is in the process of establishing REWS and a POE. These deficiencies were reflected in the limited successes and setbacks that SADC mediation missions suffered as shown in this study. Within the OPDS is the RPTC which has the primary responsibility of building peace and security in the region. From inception in 1995, RPTC has carried out numerous training courses and participated in all major SADC Peacekeeping exercises. Most of its activities have been financed by SADC since 2005 when the main donor Denmark pulled out. This is a sign that SADC has some measure of conflict transformation capacity and commitment. The findings however reflect a need for the RPTC to drop its military identity and adopt a multi-dimensional character consonant with international trends of PSOs as well as by including civilian police and other civilians in its training.

A key milestone in SADC's conflict transformation capacity was the launch of the SADC Standby brigade (SADCBRIG). Armed with civilian policing and civilian components, it has a permanent presence at the SADC secretariat through its planning element (PLANEL) in Gaborone. The pledge by member states of all the required 3500 troops was a great sign of their commitment to transforming conflicts in the region. The findings urge SADC to address the challenges of interoperability and incompatibility of equipment among member states which may impede future deployment.

The closure and the limiting of the powers of the SADC Tribunal which was the only SADC judicial dispute settlement mechanism has robbed SADC citizens of a mechanism for recourse in their social justice needs. It has also robbed SADC of a chance to effectively transform the rules, actors and issues at the heart of regional conflicts further weakening its conflict transformation capacity. Related to this are the numerous strong calls for the need to equip the SADC Parliamentary Forum with legislative powers and to convert it into a full-fledged regional parliament to enhance its democratic stature and to improve governance, accountability and local ownership in SADC. This would greatly boost SADC's Conflict Transformation capacity since it would be compulsory to domesticate conflict transformation related legislation formulated at SADC level within member states. The findings have also pointed at a need to further involve the SADC-CNGO in the internal institutional structure and activities of SADC beyond the MoU they signed with a particular focus on helping to empower civil society organisations with capacity to conduct conflict transformation related work.

Chapter four conducted an assessment of SADC's conflict transformation capacity at the national level in SADC member states. Following the 2001 restructuring exercise SADC member states were expected to establish SADC National Committees tasked with national level coordination of

SADC activities. The findings show that the committees are weak in countries where they have been established while they haven't been established in most other countries. Where they exist SNCs are supposed to involve civil society, workers unions and private sector representatives. The reverse is however true in practice. This is a great capacity constraint as SNCs provide a good foundation for conflict transformation work as they can serve as local forums to resolve and transform conflicts. Further, the findings show that there is no clarity on how the organ relates to the SNCs and their implementation frameworks. It is thus recommended that SNCs should be reformed into semi-autonomous structures located outside government for greater efficiency and local ownership.

A key capacity weakness for SADC at the member state level is its failure to enforce and implement commitments made at regional level in SADC. Within SADC member states, matters of conflict transformation, peace and security remain the traditional preserve of the state which isolates communities and other non-state actors key to the conflict transformation process. Although they were meant to enhance the visibility and awareness about SADC at member state level, only a small group of people working directly with SADC appeared to know about the existence of the SNCs.

Since SADC is nothing more than a formation of states, SADC will not do anything that its member states will not permit it to do. As such, SADC needs to formulate a deliberate strategy that will guide the orientation of its member states to equip them with a capacity to transform and defuse conflicts at national level. The findings also point to a need for the emergence of a core group of democracies in the region who can form a united front to safeguard democracy and condemn human rights abuses. This can be bolstered by making membership of SADC legally conditional on a member state's record of good governance and implementation of democratic reforms. The

divergent foreign policy positions often adopted by SADC member states was another issue put under the microscope in the research. This tension which breeds suspicion also goes against the goals of conflict transformation as it risks pitting member states against each other as they pursue national rather than regional interests. Examples given in the research were Botswana's unilateral decision to continue engaging USA on AFRICOM although other member states took a collective decision not to. Another issue viewed in dim light was South Africa's unilateral involvement in peace missions on the continent outside SADC's mandate as well as the failure of the regional collective to denounce the human rights abuses and democratic deficits in Swaziland.

Chapter 4 also considered three mini case studies of the DRC, Zimbabwe and Lesotho in efforts to assess SADC's capacity to intervene in the three countries. In the case of the DRC, the findings reflect that DRC's joining of SADC in 1997 has overstretched the attention and resources of SADC as seen in the 1998 intervention which dragged in three SADC member states and the recent UN/SADC FIB made up of battalions from three SADC member states. The country which has been marred by a protracted conflict involving other actors in the Great Lakes region who aren't members of SADC and who SADC has no control over has greatly burdened SADC by diverting its attention from other equally pressing conflict transformation needs in the region.

The impact of SADC's intervention in the DRC cannot easily be seen as there are numerous other actors who have intervened in the country. In its most recent intervention which jointly with the UN rooted out the notorious M23 rebels, credit cannot be solely given to SADC as the UN financed the mission although SADC contributed troops. Since only SADC member states deployed and not under the banner of SADC, it cannot be said that the intervention was a sign of SADC's capacity.

Since DRC is a member of SADC however, the findings see a role for SADC in transforming conflicts at the grassroots level through peacebuilding and conflict transformation programmes which empower civil society groups and communities to be able to achieve durable and self-sustainable peace. This in the long run will alter the context of the conflict, the structure of the society as well as the attitudes of the actors involved in the conflict. SADC can however be credited with taking a firm position to pacify the eastern DRC although its programme was later high-jacked by the UN who wanted to save face. Its commitment to the cause is reflected in its continued involvement and support of the Peace Framework of the Great Lakes and the inclusion of the Director of the OPDS Col. (Rtd) Tanki Mothae in the technical support committee led by the Special Representative of the U.N S.G for the Great Lakes, Mary Robinson. Further commitment to transforming the conflict in the DRC was demonstrated by SADC member states all of whom had by the end of 2013 committed troops in a rotational arrangement to substitute the three currently forming part of the FIB when their tour of duty ends and until the mission objective is met.

In Zimbabwe SADC is credited with preventing an implosion and a civil war resulting from the post 2008 political crisis. SADC transformed the conflict by altering its structure leading the conflict parties into a Global Political Agreement which created the Government of National Unity (GNU). The SADC led mediation process also led to the transformation of the rules of the conflict through the adoption of a new constitution which led to the 2013 elections. Despite these achievements the organization is critiqued for failing to ensure that the ruling ZANU-PF party fully complies with the implementation of the GPA and the new constitution which puts a dent in the peace that currently prevails.

Another criticism of SADC's handling of the mediation in Zimbabwe is that the ruling ZANU-PF enjoyed the support of its neighbouring countries who shared a common legacy of having fought liberation wars. This was evident in the resolutions of SADC summits most of which were never openly critical of the ruling party in Zimbabwe despite the human rights abuses it carried out. The SADC appointed mediator, former S.A president, Thabo Mbeki and incumbent Jacob Zuma were also critiqued for being soft on the regime where they ought to have taken firmer positions. The bias in favour of the ruling party was also shown by SADC's frequent calls for the removal of western sanctions imposed on Zimbabwe. SADC went further to boycott the 2003 EU-Africa summit in Lisbon, Portugal and has recently elected President Robert Mugabe to the position of chairman of SADC.

As shown in chapter 2 SADC's conflict transformation capacity has been limited by its strained relationship with donors. Most donors have imposed sanctions on Zimbabwe and have not funded SADC since Zimbabwe would indirectly benefit. Despite this SADC has consistently maintained its policy of silent diplomacy on Zimbabwe. Some judge the 2013 elections won by the ruling party in Zimbabwe as a success of SADC's mediation efforts. The SADC election observer team declared the elections free and peaceful and remained silent on their fairness. Overall the elections can be seen as a success for SADC in transforming a potentially explosive conflict and averting civil war. SADC changed the rules, structure and to some extent the attitudes of the actors involved in the conflict who didn't actively incite their followers to violence.

Following the disputed outcome of the 2007 elections resulting from the manipulation of the new electoral model by the political elites seeking to exploit its compensatory mechanism for political mileage, a number of election observer missions raised concerns about the unholy political alliances between the bigger and smaller parties. Due to the conflict that ensued following the

disputed election outcome and the failure of home grown solutions, SADC decided to intervene. SADC nominated Botswana's former President, Sir Ketumile Masire as a mediator and eminent person to lead the mediation effort. The Lesotho case can in some way be seen as a SADC success story. The success is however attributed to its swift intervention which contained a potentially explosive situation. SADC is as such credited with having the capacity to transform the conflict by at least bringing the conflict parties to the negotiation table through its mediation efforts.

Although the mediation process took two years, by the time Masire relinquished his task he had undertaken seven missions to Lesotho, reflecting his commitment to the course as well as the intricate nature of the conflict. The limitations and challenges that SADC faced in transforming the conflict emanated from the following external and structural flaws; firstly the simultaneous pursuit of litigation and mediation related to the results by some of the parties derailed and complicated the mediation, secondly, the failure of a planned seminar of experts to review the electoral model used during the elections stalled the mediation, thirdly the conflict parties failed to reach agreement on signing an MoU seeking to commit ruling and opposition parties to a well-defined course of action, fourthly the high stakes involved in the conflict polarized the positions of the parties causing them to dig in their heels and preventing them from reaching a compromise. Lastly Mistrust and some lapses crept into the mediation resulting from the poor communication from the SADC secretariat and SADC's tendency to only consult with the ruling party during discussions about the Lesotho conflict at summit level to the exclusion of the opposition.

The conflict was ultimately resolved by the local Christian Council of Lesotho (CCL) with the financial and technical support of the UNDP, Action Aid and Ireland Aid. When the SADC mediator, Masire resigned from his position as mediator after his efforts were frustrated by the ruling party, critics denounced his decision to publicly state his opinion on how the mediation

ought to proceed after relinquishing his mediation work. This has been seen as a reflection of the inadequate technical mediation expertise on his team to advise him which is a further blight on SADC's conflict transformation capacity.

In chapter five, SADC's conflict transformation capacity was assessed, it was established that SADC has established a complete institutional framework made up of various directorates with mandates to transform the human security related aspects of conflicts as well as to provide social services and protections to prevent conflicts. The findings point at evidence that SADC has made progress in developing a policy framework to transform the human security aspects of conflicts. However, it revealed that there were insufficient linkages to conflict transformation and human security needs in conflict settings.

A key deficiency identified in the social protection regimes of most SADC member states is that they are narrow and don't cover all the branches of social security. This is attributed to a lack of political will on the part of SADC leaders who hide behind the excuse of a lack of resources. In conflict situations SADC needs to have the capacity to transform the course of the conflict by providing vital human needs such as water, food, medicine, sanitation, shelter, clothes, fuel and protecting civilians from physical threats. The findings have shown the difficulty of assessing SADC's impact and capacity to transform the human security aspects of conflicts due to the involvement of numerous other actors such as the United Nations Office of the Commissioner for Humanitarian Affairs (UNOCHA). The chapter also showed the complementary links between conflict transformation and human security and that long term human security will only be achieved when conflict transformation succeeds in establishing good governance and a stable society.

An important finding is that citizens in SADC member states have grown disillusioned by the repeated promises and shattered hopes at the hands of their leaders. They attributed this to the region's limited experience with democracy and the failure of a democratic culture to take root in SADC and in Africa in general. Further, it has been established that although human security is featured in SADC's agenda, there is insufficient debate about the topic which means that concern about the topic isn't accompanied by political commitment. This is therefore a deficit in SADC's conflict transformation capacity as attention is mostly given to transforming the state centric aspects of peace and security. As such human insecurity, poverty and underdevelopment have been identified as major challenges that remain to be overcome by SADC in order to enhance its conflict transformation capacity.

Related to this is the fact that economies in the region have a high proportion of workers earning low wages in the formal sector, low labour absorption rates and a large informal sector. These manifest in the high gini-coefficients recorded in the SADC region with some of the highest levels of inequality in the world. This is another impediment to SADC's conflict transformation capacity as it negates the goals of social justice, dignity and empathy which conflict transformation embodies.

Although SADC and its member states have over the years put in place a variety of human security measures, great challenges remain. Some member states have put in place complex multi-pillar approaches for providing social services to their citizens while some only have fragmented mechanisms of provision. This is reflected in the unflattering socio-economic indicators presented in chapter five where many citizens still don't have access to basic services such as improved water. This provides fertile ground for future conflict and protests and by extension constitutes a negative reflection of SADC's limited conflict transformation capacity since it is a form of structural

violence. The failure of SADC member states ability to meet the human security needs of their citizens has been blamed on poverty, dysfunctional labour markets and the legacy of colonialism. This is exacerbated by social exclusion of poor and informal sector workers in the social protection systems of member states which themselves are not comprehensive.

It thus stands in the way of SADC's ability to transform the context of conflicts and better the lives of its citizens in the long term. This is a challenge affecting SADC's conflict transformation capacity as most employees remain vulnerable to structural violence itself a form of conflict requiring transformation in order to be fully addressed. Life for the ordinary citizen in SADC is thus precarious as they grapple with overcoming stubborn human security challenges such as HIV/AIDS, socio-economic inequalities, gender inequalities⁵³², landlessness, bad governance, a lack of resources and capacity, forced migration, underdevelopment, destabilization, civil unrest, state failure and natural disasters. Challenges of natural disasters in the region include, climate change, droughts, floods, loss of protective reef barriers and a rise in sea levels in island states, over stocking, unsustainable land use, soil erosion and water stress. These are all factors requiring transformation to mitigate conflicts and avert food shortages in the region.

Chapter five has shown that SADC has at least established institutional capacity for human security through the creation of the Directorate of Organ on Politics Defence and Security (OPDS), with a disaster risk reduction, peacebuilding and early warning units; Directorate of Social and Human

⁵³² It has been shown however that SADC has promulgated a Gender and Development Protocol which is commendable. A blemish on this achievement is that two leading democracies in the region, Botswana and Mauritius have refused to sign the protocol citing the instructive nature of the language in the text. A middle ground ought to be found and progress made women and children suffer the most in conflicts. The inequalities between men and women in SADC also need to be bridged. During conflicts women are forced to look after their families alone as husbands are forcibly enlisted and children forced into child soldiering. Women also suffer the brunt of rape which is often used as a weapon of war.

Development and Special Programmes (SHDSP) with a Social Security Code, a SADC poverty reduction strategy, HIV/ AIDS Strategic Framework; Directorate of Infrastructure and Services ensuring the provision of water, sanitation, energy, transport, meteorology, and communications services; Directorate on Food Agriculture and Natural Resources (FANR) charged with agriculture, fisheries, forestry and managing climate change. The findings have also proposed a framework of human security related challenges which need to be transformed during the pre-conflict, mid conflict, transitional and stabilization stages of a conflict.

In chapter 6 the study carried out an analysis of SADC using some key conflict transformation principles as analytical points. At this stage the study clarified and unpacked the need to deepen the search for an effective and self-sustainable Regional Infrastructure for Peace (RI4P) to strengthen SADC's conflict transformation capacity. It emerged that conflict transformation has not traditionally nor deliberately been adopted nor applied in SADC. As such in order to succeed in transforming the root causes of conflict and engendering a strong culture of peace chapter 6 proposed the creation of an effective and self-sustainable RI4P. This thinking was supported by the finding that most interventions in SADC have only gone skin deep in their attempts to address the root causes of conflicts. It argues that the adoption of a RI4P would enable SADC to more explicitly embrace the conflict transformation framework as problems would be dealt with at their source in an effective and self-sustainable way.

It has been shown that such a reform would also allow SADC to more honestly introspect as it strengthens its relations with ordinary citizens as heads of state and citizens realise the compatible nature of their needs. Such a move would allow it to sober up and evolve into a truly supra national entity with resolutions which are legally binding and enforceable on member states. The chapter demonstrated the fact that since conflict transformation is a malleable, long-term, gradual and

complex concept requiring sustained engagement and interaction, it lends itself to being driven by non-state actors who are usually better accepted as mediators than states. An RI4P thus provides a platform for such engagement since it is “network of interdependent systems, resources, values and skills held by government, civil society and community institutions that promote dialogue, consultation, prevent conflict, and enable peaceful mediation when violence occurs in a society”.⁵³³

The proposal for the creation of a RI4P is premised on the logic that it involves stakeholders at all levels, national, district and local and is a problem solving approach to conflict based on dialogue and non-violence. A RI4P allows for conflicts to be solved internally and for the development of institutional mechanisms, structures and capacities. Its promise is informed by its success in South Africa, Kenya and Ghana where it was previously implemented albeit with slight modifications. Its core components include local peace councils, national peace platforms, a government bureau, department or ministry of Peace as well as expanding the capacities of national peacebuilding institutions and civil society organisations. Its suitability is anchored on the fact that its sensitive to the local context since its underpinned by the principle of local ownership as well as due to the fact that international organisations often lack empathy for the contextual dynamics of conflict settings. The rationale for a RI4P is also premised on the fact that most countries lack structures, capacities and mechanisms to deal adequately with conflicts.

On top of its success in previous cases where it was applied, the findings have shown that the creation of an I4P in one country is relatively inexpensive as the UN has funded ten I4Ps in ten countries in the past decade. Outside interventions have also proven to be ineffective, slow,

⁵³³ UNDP quoted in P Van Tongeren, 2013, Op Cit.

difficult and costly and a RI4P reduces and in some cases eliminates the likelihood of another war. Support for the idea of an RI4P has also been evident through consensus in various forms from a host of reports by international organisations such as the UNDP, the Busan Partnership Agreement on development cooperation and a New Deal for Engagement in Fragile States, the AU and a number of RECs on the continent. The construction of an effective and self-sustainable RI4P would thus serve as a point of confluence for attaining complementarity between national and regional strategies and programmes showing that regional peacebuilding efforts ought not negate local efforts but rather complement them with additional levels of action. The proposed role of SADC in the RI4P is that of a fosterer of sustainable conflict transformation who nurtures and creates the right conditions along the model of the UN PBC which is a forum style organization which only recommends strategies for peacebuilding without implementing them itself. At the end the findings recommend that the RI4P should be underpinned by a Regional Peacebuilding Policy (RPP) and a Regional Conflict Transformation strategy (RCTS) which will guide its formation and roll out. In the forefront and at the centre in such a matrix would be local communities in member states who would create the social foundations for durable. This cannot be realized unless and until local societies acquire the will and capacity sufficient enough to build and maintain durable peace. Since it is difficult to readily find individuals with an aptitude and a predisposition to build peace, deliberate efforts ought to be made to identify and capacitate them the provision of human, institutional, material and financial resources to enable them to do their conflict transformation work.

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Appendix 1: Research permit

TELEGRAMS: PULA
TELEPHONE: 3950800
TELEX: 2655 BD



OFFICE OF THE PRESIDENT
PRIVATE BAG 001
GABORONE

REPUBLIC OF BOTSWANA

Ref: OP 5/59/ 8 XIII (15)

9th August 2013

Mr. Gabriel Malebang
Gaborone,

Dear Sir,

RE: RESEARCH PERMIT-GABRIEL MALEBANG

Reference is made to above subject matter.

You are herewith granted permission for research permit to conduct a research entitled **"The search for Durable Peace and Stability: An Assessment of Conflict Transformation In African Community (SADC);**

- i. Copies of any report/ papers written as a result of the study are directly deposited with the Office of the President.
- ii. The permit does not give authority to enter any premises, private establishment or protected area. Permission for such entry should be negotiated with those concerned.
- iii. You conduct the project according to the particulars furnished in the approved application taking into account the above conditions.
- iv. Failure to comply with any of the above stipulated conditions will result in the immediate cancellation of the permit.

Yours Faithfully,

A handwritten signature in black ink, appearing to be 'T. Motsumi'.

T. Motsumi

For/SECRETARY- PRESIDENTIAL AFFAIRS & PUBLIC ADMINISTRATION
Copied to: Director, Botswana National Library Services

Appendix 2: List of all interviewees

| S. No. | NAME | DESIGNATION | Organisation | DATE |
|---------------|-------------------------------------|---------------------------------------|--|---------------------------------|
| 1. | Dr Abdelkader | Researcher | ISS-Addis Ababa | September, 2012 |
| 2. | Dr Adane Ghebremeskel | | SADC Council of Non-Governmental Organisations (CNGO) | 23 rd October 2012 |
| 3. | Brigadier General Maaparankoe Mahao | Commander | SADC Standby Brigade Force | October 2012 |
| 4. | Brigadier General Rapula | | Botswana Defence Force-Ground Forces Command, formerly with SADC Brigade | October 2012 |
| 5. | Dr Jide Okeke | Researcher | Institute for Security Studies, Addis Ababa | September 2012 |
| 6. | Gustavo de Carvalho | | Peacebuilding unit – ACCORD | 27 th September 2012 |
| 7. | Crowd Chirenje | | African Union Peace Support Operations Division – Police Coordination | September 2012 |
| | Mr Mike | | Peace Support Operations Division – Police Coordination | September 2012 |
| 8. | Linda Ramokate | Political Affairs Officer | SADC-Organ on Politics, Defence and Security (OPDS) | 25 th October 2012 |
| 9. | Charles Mwaura | Early Warning Officer | African Union Continental Early Warning Systems | September 2012 |
| 10. | Mr Rajub | Finance / Admin Officer | SADC RPTC | October 2012 |
| 11. | Sivuyile Bam | Head of Department - PSOD | African Union Peace and Security Commission – PSOD | 14 th September 2012 |
| 12. | Yvonne Kasumba | Civilian Planning and Liaison Officer | African Union – PSOD – Civilian component | September 2012 |
| 13. | Thibaud Kurtz | Regional Affairs Attache - SADC | British High Commission - Gaborone | 24 th October 2012 |
| 14. | Primrose Oteng | Former UNDPA Officer- SADC Liaison | Positive Peace Project, Gaborone | October 2012 |

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| 15. | Yvette Ngandu | African Union – Panel of the Wise Secretariat | African Union department of Peace and Security | September 2012 |
| 16. | Takwa Zebulun | Head of Post Conflict Reconstruction and Peacebuilding Unit | African Union Department of Peace and Security | September 2012 |
| 17. | Mauna Ntwaetsile | SADC OPDS – Peacebuilding Unit | SADC OPDS | 24 th October 2012 |
| 18. | Elizabeth Choge | AU/REC Liaison Officer | African Union Department of Peace and Security | September 2012 |
| 19. | Colonel Legesse | Logistics Officer | African Union PSOD | September 2012 |
| 20. | Colonel Mamadou Mbaye | Peace Support Operations Policy Officer | African Union – PSOD Policy Division | September 2012 |
| 21. | Dr Salvator Nkeshimana | Madagascar desk officer | African Union Conflict Management Division | September 2012 |
| 22. | Lt. Col. Dlodlu | Planning Officer | African Union PSOD | September 2012 |
| 23. | Prof. Anthoni Van nienewkerk | Director | Centre for Defence and Security Management – University of the Witwatersrand | 18 th September 2012 |
| 24. | Dr Cheryl Hendricks | Senior Research Fellow | Institute of Security Studies – Pretoria | September 2012 |
| 25. | Zinurine Alghali | Head of Peace Keeping Unit | African Centre for the Constructive Resolution of Disputes (ACCORD) | 27 th September 2012 |
| 26. | Senzo Ngubane | General Manager | African Centre for the Constructive Resolution of Disputes (ACCORD) | September 2012 |
| 27. | His Excellency Sir Ketumile Quett Johnny Masire | Former President of the Republic of Botswana (1980-1998) and SADC mandated Eminent person and Mediator for Lesotho (2007-2008) | Official Residence of the former President, Gaborone | 2 nd August 2013 |
| 28. | Lt. Col. (Rtd) Tanki Mothae | Director SADC Organ on Politics | SADC, Secretariat, Gaborone, Botswana | 7 th August 2013 |

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| | | Defence and Security (OPDS) | | |
| 29. | Prof. Jonathan Mayuyuka Kaunda | Head of Research unit, SADC Directorate of... | SADC Secretariat, Gaborone, Botswana | 8 th August 2013 |
| 30. | Colonel L. Metikwiza | SADC OPDS | SADC Secretariat, Gaborone, Botswana | 15 th August 2013 |
| 31. | Prof. Rodrick Mupedziswa | Head of Department of Social Work | University of Botswana, Gaborone | 19 th August 2013 |
| 32. | Mr Chitambo | Directorate of Social, Economic and Human Development | SADC | 19 th August 2013 |
| 33. 34. | Thabo Moseounyane | Governance Specialist | UNDP, Maseru | 27 th August 2013 |
| 35. | Dr Fako Johnson Likoti | Chairman, Independent Electoral Commission, Lesotho | Independent Electoral Commission of Lesotho, Maseru | 28 th August 2013 |
| 36. | Advocate Mamohao | Commissioner, Independent Electoral Commission, Lesotho | Independent Electoral Commission of Lesotho, Maseru | 28 th August 2013 |
| 37. | John Motoko | Programmes Manager, Lesotho Council of Non-Governmental Organisations | Lesotho Council of NGOs, Maseru | 29 th August 2013 |
| 38. | Prof. Francis Makoia | Lecturer | National University of Lesotho (NUL) | 29 th August 2013 |
| 39. | Mr Monyake Moletsane | Lecturer | National University of Lesotho (NUL) | 29 th August 2013 |
| 40. | Prof. Mafa Sejanamane | Provost Chancellor | National University of Lesotho (NUL) | 28 th August 2013 |
| 41. | Mr Tlohang Letsie | Lecturer | National University of Lesotho (NUL) | 29 th August 2013 |
| 42. | Thabo Moseounyane | Governance Specialist | UNDP, Maseru | 29 th August 2013 |
| 43. | Arch Bishop Lerotholi | Arch Bishop of Maseru and head of Lesotho Council of Churches | Lesotho Council of Churches, Maseru | 30 th August 2013 |

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| 44. | Tsikoane Peshoane | Political Affairs Officer | Transformation Resource Centre (TRC), Maseru Lesotho | 30 th August 2013 |
| 45. | Hoolo Nyane | Former Director of the TRC and head of mediation secretariat | Transformation Resource Centre, Maseru, Lesotho | 30 th August 2013 |
| 46. | The Right Honourable, Lesao Lehoohla | Former Deputy Prime Minister of the Kingdom of Lesotho | Mafeteng | 31 st August 2013 |
| 47. | Mr Thoahlane | Former Chair, Independent Electoral Commission of Lesotho | Maseru, Lesotho | 30 th August 2013 |
| 48. | Sekhonyana Bereng | Special Advisor to the Prime Minister | Office of the Prime Minister of the Kingdom of Lesotho | 1 st September 2013 |
| 49. | Prof. Theo Neethling | Head of Department of Politics and Governance | University of the Free State, South Africa | 2 nd September 2013 |
| 50. | Prof. Hussein Solomon | Lecturer, Department of Politics and Governance | University of the Free State, South Africa | 2 nd September 2013 |
| 51. | Prof. Laurie Nathan | Extraordinary Professor | Director, Centre for Mediation in Africa, University of Pretoria and Research Associate, University of Cape-town | 6 th September 2013 |
| 52. | Prof. Kataboro Miti | Professor of Political Science | Department of Political Sciences, University of Pretoria | 4 th September 2013 |
| 53. | Dr Martin Rupiya | Director | Africa Public Policy Research and Institute (APPRI) | 5 th September 2013 |

Appendix 3: Consent form

Topic: A Critical Assessment of Conflict Transformation Capacity in the Southern African Development Community (SADC): Deepening the search for a Self-Sustainable and Effective Regional Infrastructure for Peace (RI4P)

I, Gabriel G.G Malebang, am conducting an enquiry regarding an assessment of SADC's Conflict Transformation capacity.

I will read the form to you and if you are in agreement with it, you shall append your signature at the bottom: the signature is construed as express permission to be interviewed. In instances where the interview is conducted telephonically, you may express your consent by reply to the e-mail accompanying this form or sign and scan the form and return it to me via e-mail if you are able to do so.

The conditions of the interview are as follows:

1. Participation is entirely voluntary.
2. You are at liberty to refuse to answer any question without giving reasons.
3. If you so desire, the interview can be anonymous; in which case the interviewer will not record your names and address.
4. You are at liberty to ask questions and seek clarification from the interviewer at any time.
5. If you volitionally agree to the above conditions, please append your signature at the bottom of this form.

I confirm and affirm that I have read and understood the consent form and hereby append my signature.

Full names of the interviewee: _____

Date and time: _____