CHAPTER 7   THE REMAKING OF SADC POLITICO-SECURITY REGIONALISM IN THE POST-COLD WAR ERA

7.1   Introduction

In the early 1990s, the Southern African region emerged from protracted conflicts, which were primarily connected with the Cold War and apartheid destabilisation. The regional security frameworks since the 1970s had been marked by deep-rooted conflicts, mostly of inter-state character, propelled by a number of internal and external factors (*cf* Hanlon, 1987; Khadiagala, 1994; Klotz, 1995; Matlosa, 2001; Chapter 5). Under the circumstance, SADCC (Southern African Development Coordination Conference) was formed in 1980 as par of the strategy of the Frontline States (FLS) to counter apartheid destabilisation, reduce its members' economic dependence on South Africa, and coordinate foreign aid and investment in the region (McGowan, 1999:230-58; also Chapter 5).

Following the end of the Cold War and the demise of apartheid, however, SADCC evolved into SADC (Southern African Development Community) through the Windhoek Treaty in January 1992. Around this period, as ASEAN attempted to enlarge its members, SADC also took into account the acceptance of new members[96]. Moreover, ASEAN made efforts to establish the ASEAN Regional Forum (AFR) in 1993 in order to enhance regional security by increasing security cooperation with other states in the Asia-Pacific region (see Chapter 6). On the other hand, SADC attempted to establish the SADC Organ on Politics, Defence and Security (OPDS)[97] in 1996 with a view to 'allowing more flexibility and timely response, at the highest level, to sensitive and potentially explosive situations' (SADC Communique, 1996). That is, in a new regional

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[96] Namely South Africa in 1994, Mauritius in 1995, and the Democratic Republic of Congo (DRC) and Seychelles in 1997: but Seychelles departed from SADC in July 2004 and Madagascar became a new member of SADC in August 2005 following the country's application for membership at the 2004 Summit in Mauritius (see Profile: SADC, 2005. Internet: http://www.iss.co.za/AF/RegOrg/unity to union/sadcprof.htm. Accessed: 2 September 2005).

[97] The term of the Organ is seen by some as 'borrowed' from the Organisation of African Unity's (OAU) Central Organ of the Mechanism for Conflict Prevention, Management and Resolution (see Cilliers, 1996:2).

and international order, it became imperative for SADC to set up its own security mechanism for striving towards political stability and ensuring collective security (Matlosa, 2001:406). For both ASEAN and SADC, nonetheless, the emergence of the ARF and the OPDS was mainly to advance regional security in reaction to changing international milieu and a recognition that many of the problems and threats faced by the region which 'can only be addressed through increased cooperation' (Van Aardt, 1997:23).

Even though the demise of apartheid and the end of the Cold War brought opportunities for reconsidering concepts of 'peace and cooperation …and the possibility of … building a strong and stable region', new challenges and/or hidden conflicts (such as the protracted civil war in Angola) also emerged (Van Aardt, 1997:3). In addition, although the SADC member states have evolved the informal alliance of the FLS which has the potential to serve as a building block for the consolidation of the SADC Organ, there is neither security nor peace in the post-apartheid region (Söderbaum, 2001:108). Moreover, although a number of scholars argued that there is little prospect of external aggression against individual states or the region as a whole in the post-apartheid era (Nathan and Honwana, 1995:6), indeed, interstate tensions remain, such as the dispute between Botswana and Namibia over the Chobe River (Vale, 2003:148).

In this context, it can be argued that state policy-makers continue to hold (jealously) to state sovereignty, so restricting the region's capability to get beyond its weakness and disunity in SADC (Swatuk and Vale, 2001:48).   In this perspective, Van Aardt (1997:9) asserts that 'the supremacy of sovereignty can be transcended on the basis of the existence and promotion of an over-arching regional identity'. Nonetheless, given the fact that the SADC region is increasingly fragmented at a time when it hopes to move toward cohesion[98], the region cannot but enhance the cooperative structure and/or system of the evolving security mechanisms on the basis of regional solidarity and consensus.

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[98] In the presence of largely prostrate states, people are increasingly turning to other loci of identity for aid and support: from warlords in townships to religious movements; from renewed tribalism, to extended, sometimes bi- and tri-continental family relations; from regionally expanding elements of civil society to global social movements (see Swatuk and Vale, 2001:37).

Furthermore, although SADC was mainly created as a socio-economic and developmental organization, but for the successful accomplishment of development and socio-economic prosperity we cannot estimate the value of peace and security in the region to excess. Although SADC defines itself as a developmental body, at the same time it sees itself as a subregional political (security) organisation under the OAU (now AU), that is, essentially a political organisation (Solomon and Cilliers, 1997:200). In this context one commentator argued as follows:

> While the old SADCC always portrayed itself as an economic body, the organisation had more political and ideological inclinations than economic concerns. Its policies always portrayed political beliefs, particularly of the founding farther. Still, like other international bodies such as the Organisation of African Unity, SADC failed in many instances to condemn its own members (Sowetan, 25 August 1995, quoted in Solomon and Cilliers, 1997:200).

This chapter will analyse the political security mechanisms of SADC with a special focus on the SADC Organ, conflict management in the DRC (1998-2004), and the emergence of the SADC Mutual Defence Pact in 2003. In fact, Southern Africa has importantly witnessed the two military interventions in Lesotho and the DRC in 1998. However, the case of the DRC conflict is viewed as more appropriate in this study than the case of the Lesotho crisis (1998) because the former strengthens the purpose and argument of this study in explaining the mechanisms of politico-security regionalism in the context of a multi-level approach to regional security and regionalism. Indeed, it is contended that the DRC conflict can be illuminated at the three different levels involving the domestic, regional and extra-regional level (see 7.3). In particular terms of the regional level, the DRC conflict initially revealed a rift between the politico-security paradigms of Zimbabwe, Namibia and Angola on the one hand, and South Africa, Botswana, Mozambique and Tanzania on the other. Since the demise of the apartheid era, although the SADC member states such as Angola and Mozambique have, to a certain extent, stabilised, the DRC remains a major threat to regional security and peace (Ngoma, 2004:412).

Moreover, even though the South Africa-led SADC intervention in Lesotho in 1998 was

immediately questioned[99], the intervention (namely Operation Boleas) was arguably a success in stabilising the security situation in Lesotho, which not only prevented a military coup, but also enabled the political parties to resume negotiations on the issue of governance (Kent and Malan, 2003:3-4). Therefore, this chapter will focus on the DRC conflict which has been prominent and lingering as one of the biggest threats to peace and stability in the SADC region since 1998.

In this chapter, more importantly, the case of ASEAN, which was studied in chapter 4 and 6, will be instrumental in reflecting the differences and similarities of the nature, character, and focus of regional security cooperation in ASEAN and SADC. The primary motives and/or root causes, which determine the type and style of regional security cooperation, will be highlighted as the fundamental mechanisms of both ASEAN and SADC. In particular, this chapter argues that norms and ideas are not only constructing regional security architectures, but also constructed and reconstructed by regional actors (namely state policy-makers) in the context of political interests that the individual member states in ASEAN and SADC make for their own intents and purposes. This will, as a result, be conducive to understanding the character, nature and type of (contemporary) political security cooperation in the South, including Southeast Asia and Southern Africa.

7.2   The SADC Organ (OPDS): The emergence of a formal regional security structure

On the 28th June 1996 in Gaborone, Botswana, the SADC Heads of State and Government established the SADC Organ on Politics, Defence and Security (OPDS). Following the rejection of the Association of Southern African States (ASAS) proposal, the SADC Organ was launched under Article 4 of the SADC treaty, which provides the guiding principles of the Organ such as: the respect for the sovereignty, a commitment to solidarity, peace, security, human rights, democracy, the rule of law, and the promotion of economic development (see SADC, 1992). For obtaining these objectives, the leaders of SADC (now includes South Africa) had come to appreciate the need for

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[99] Some observers claimed that the operation went beyond precedent in international law. The only argument which seemed to have clear legal precedence was that South Africa had intervened to protect certain South African interests, such as the Katse Dam water scheme (see Kent and Malan, 2003:3).

replacing the front line states (FLS) with a new regional framework which is more appropriate to the transformed environment in the post-Cold War and post-apartheid era.

Unlike ASEAN's informal (politico-security) mechanisms – the 'ASEAN Way', the establishment of 1996 SADC Organ (OPDS) resulted in the emergence of a formal regional security mechanism out of an informal and an *ad hoc* style of the FLS, which eventually helped the SADC member states to institutionalise political and security cooperation in the form of OPDS. Although the 1976 Treaty of Amity and Cooperation (TAC) was established by ASEAN leaders to provide a formal mechanism for conflict management in the region (see Chapter 4), ASEAN member states have largely tried to maintain informal regional security mechanisms since the establishment of the organisation (see Chapter 4 and 6).

During the ASEAN Singapore Summit of 1992, however, ASEAN leaders announced ASEAN's intention to enhance 'regional security' by increasing security cooperation with other states in the Asia-Pacific region (see ASEAN, 1992). Nonetheless, ASEAN countries did not want to compromise the method of the ASEAN Way, but rather they made efforts to accomplish a key role of ASEAN in expanded regional processes by attempting to transfer such ideas of the ASEAN Way as a minimal institutional framework to the ASEAN Regional Forum (ARF).

In the post-Cold War era, although both SADC and ASEAN have been striving to invent new regional security frameworks to increase regional security, in fact, the OPDS and the ARF have rather different institutional experiences. The former resulted from the historical development of the FLS, the Inter-State Defence and Security Committee (ISDSC), SADCC, SADC and the ASAS. That is, the establishment of the OPDS has been a product both of history and evolution. Despite a number of practical defects in the structure of the OPDS, it should be noted that the member states have sought to develop the 'institutionalisation of regional security' within the SADC Organ since the end of the Cold War[100].

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[100] Prior to the creation of SADC, in particular, the ISDSC (which was formed in 1975 as an important structure of the FLS) continued to exist as an institution of the SADC Organ even after dissolution of the FLS. Like the FLS, the ISDSC is not based on a treaty, charter or constitution. Nor does it have a permanent headquarters or secretariat. However, it is more formally

In contrast, the ARF was developed only after the end of the Cold War. Its institutionalisation has largely been limited to ASEAN's informal and consensual mechanisms. As mentioned in chapter 6, the ARF's Concept Paper (which was prepared by ASEAN in 1995) stipulated that the ARF's rules of procedure should be based on ASEAN principles and practices and that decisions should be made by consensus after cautious and extensive consultations. In addition, whereas the ARF is composed of 'participants' involving the mixture of ASEAN and non-ASEAN states, the OPDS consists of 'members' defined by SADC. Here, it is important to note that while the members of the OPDS are the same as the SADC members, the participants of the ARF are differentiated from the status of membership associated with ASEAN.

Nevertheless, while ASEAN was, to some extent, successful in building the ARF an ASEAN-led process through an evolutionary approach, SADC was initially incapable of placing the OPDS under the structure of SADC as a whole. That is, SADC could not manage to integrate the OPDS into SADC. The 1996 SADC Summit stipulated that the Organ would 'function independently' of other SADC structures (see SADC Communique, 1996). Owing to this decision, SADC was put to have two summit level bodies with no clear authority relations between them. Indeed, this led to the rivalry between South Africa and Zimbabwe. Whereas Zimbabwe insisted that the Organ was an autonomous security mechanism, South Africa argued that the Organ should be subordinate to the SADC Summit, which the SADC Treaty declared 'the supreme policy-making institution of SADC' under Article of 10(1) (see SADC, 1992).

Letting the OPDS function outside the SADC framework would lead to two separate organisations with two independent chairs. This implies that the institutional mechanism of SADC regional security was not well established to harmonise and coordinate the work between SADC and the OPDS (Breytenbach, 2000a:85-95; 2000b:93-103). Against this background, Zacarias (2003:38) argued that it was clear that there was 'no consensus among members with regard to the ways in which this newly created OPDS should function'. Therefore, although the SADC communiqué

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structured than the FLS. Three sub-committees – Defence, Public Security, and State Security – were set up to facilitate the ISDSC's work (see Berman and Sams, 2000:160-167; and also Matlosa, 2001:414).

(issued on 26 June 1996) formulated a wide variety of objectives of the OPDS (see SADC Communique, 1996), the communiqué was rather vague on the institutional framework of the OPDS. Brammer (1999:21) argued that '[the SADC communique] merely stated that the Organ shall operate at the summit, ministerial and technical level, independently of other SADC structure'.

Meanwhile, SADC(C) followed, since its inception, a sectoral approach in terms of its functions and roles (see Chapter 5). However, allocating responsibility for security in the SADC region to a single country would have been dangerous in the extreme because of the highly sensitive, political nature of intra-state and inter-state problems (Venter, 2000:282). In fact, whereas Zimbabwe favoured a sectoral approach to security by maintaining the leadership role it played within the FLS context, Botswana and South Africa, in particular, strongly expressed that the SADC member states are not going to allow a single country to play the role of autonomous actor in the political and security arena (Meyns, 2000:76-77). In this context, according to Van Aardt (1996:21-23), SADC's sectoral approach is problematic when it comes to regional security: that is, such an approach is by definition a 'vertical' one, but the 'horizontal' expansion of security cuts across sectors, thus making a sectoral approach to security much more difficult. Here it is important to note that security was never dealt with in terms of a sectoral approach anyway.

At the SADC Extraordinary Summit held in Blantyre, Malawi on 14 January 2002, however, SADC leaders brought forth a turning point in restructuring SADC's security architecture with adopting the renamed SADC Organ on Politics, Defence and Security Cooperation (OPDSC) by signing the Protocol on Politics, Defence and Security Cooperation (see 7.4.1). At the August 2003 Summit in Dar es Salaam, Tanzania, moreover, SADC heads of state approved the Strategic Indicative Plan for the Organ (SIPO) which covers four major sectors, including 'the political, the defence, the security and the public security sector': the political sector is to promote 'existing common values and culture' of SADC community; the defence sector is to reflect similar aspects to those shown by the political sector, namely the need for people to be protected from inter- and intra-state conflicts and aggression'; the security sector recognises the challenges, which include the transnational nature of … HIV/AIDS, … food security …, would best be done in a cooperative arrangement'; and the public security sector is to 'increase cooperation between various services responsible for law enforcement and public security, including immigration procedures and the movement

of people among the member states' (Ngoma, 2005:195-199). In this context, Hammerstad (2004b:237) notes that the SIPO was intended to be an implementation plan providing substance and direction to the goals set out in the SADC Protocol on Politics, Defence and Security Cooperation. At this stage, thus, it is important to indicate that the emergence of the SADC Organ (OPDS) did not provide the region with a complete regional security structure – rather, it laid a 'foundational framework' within which the 'institutionalisation of regional security could be developed' in an evolutionary context (Van Aardt, 1997:15).

Importantly, nonetheless, the SADC leaders attempted to strengthen the OPDS by placing two sub-branches into the institution. One is the defence and security structure operating under the Inter-State Defence and Security Committee (ISDSC), and the other is the political leg, which was a proposed Inter-State Politics and Diplomacy Committee (ISPDC), reflecting the political dimension of the former FLS. Given that the ISDSC would be dealing with 'hard security' issues such as military cooperation[101], the ISPDC would be dealing with 'softer security' issues such as democracy, governance and human rights (Hammerstad, 2004a:222). In fact, the 'politics'-leg of the OPDS dealing with softer security issues (when compared to its defence and security leg dealing with hard security issues) was weakly conceptualised and did not exist as an institution in its initial stage (Van Aardt, 1997:15). Although some weaknesses of the SADC Organ were (then) indicated in particular terms of the vagueness on the politics side of the Organ, the SADC member states made efforts to continually develop the capacity of the ISDSC. Van Nieuwkerk (2001:14) argues that the success of the ISDSC could be traced back to the FLS:

> Historically, the ISDSC advised and implemented decisions of FLS Summit meetings. When the latter was disbanded, the ISDSC was retained and its membership was expanded to include all SADC member states. Its objectives are to promote regional coordination and cooperation on matters related to security and defence and also to establish appropriate mechanism to this end.

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[101] The main objectives of the ISDSC include: undertaking joint intelligence exercises; training and logistical preparations for peace operations; development of confidence and security-building measures (see Matlosa, 2001:414).

Thus, although the ISPDC was not initially institutionalised, the defence committee (ISDSC) was well established with a long history of practical security cooperation, which has been operational even when the FLS ceased to exist. This implies that the establishment of the SADC Organ was mainly preoccupied with a traditional approach to security where various aspects related to military and state security were privileged. In this context, Van Aardt (1997:23) argued that '[m]ultiple links between the social and economic wing and the Organ did not exist, making for a rather vertical approach and division between development and security'. However, the establishment of the SADC Organ was triggered from the salient debate whether and to what extent the SADC regional security mechanism(s) should be reshaped in accordance with emphasising the importance of broad security concepts beyond a military-oriented one.

The major objectives of the SADC Organ were set out as follows:

- to protect the people and safeguard the development of the region, against instability arising from the breakdown of law and order, inter-state conflict and external aggression;
- to promote political cooperation among member States and the evolution of common political value systems and institutions;
- to cooperate fully in regional security and defence through conflict prevention, management and resolution; to mediate in inter-state and intra-state disputes and conflicts;
- to use preventative diplomacy to pre-empt conflict in the region, both within and between states, through an early warning system; to promote and enhance the development of democratic institutions and practices within member states, and to encourage the observance of universal human rights as provided for in the Charters and Conventions of the OAU and the United Nations;
- where conflict does occur, to seek to end this as quickly as possible through diplomatic means. Only where such means fail would the Organ recommend that the Summit should consider punitive measures as a last resort (thus, the possibility of enforcement actions as a last resort is explicitly recognised); to promote peacemaking and peacekeeping in order to achieve sustainable peace and security;
- to promote the political, economic, social and environmental dimensions of security;
- to develop a collective security capacity and conclude a Mutual Defence Pact

      for responding to external threats, and a regional peacekeeping capacity within national armies that could be called upon within the region, or elsewhere on the continent;

-   to develop close cooperation between the police and security services of the region, with a view to addressing cross border crime, as well as promoting a community-based approach on matters of security; and to address extra-regional conflicts which impact on peace and security in Southern Africa (see SADC Communique, 1996).

Given the expanded security concepts manifested in the objectives of the 1996 SADC Organ, it can be argued that vertical (deepening) and horizontal (broadening) approaches to security must be harmonised to attain the full extent of the SADC security mechanisms in line with Article 4 of the SADC Treaty, which shall be the guiding principles for the OPDS (see SADC, 1992). For the purpose of functional security mechanisms in the region, therefore, SADC member states had not only to resolve the dual leadership dilemma (namely the issue of political impasse), but also to attain harmonised and integrated approaches to security under the objectives of the Organ. That is, if the security mechanism (involving its contents and structure) is deeply divided, it cannot be functional and effective.

In terms of security mechanisms, while the ARF did not intend to develop a collective security framework, but rather aim mainly to promote confidence-building measures among the members (Acharya, 2003:190; also Chapter 6), the objectives of the OPDS laid down collective security arrangements which are largely associated with a 'regional alliance system' for the SADC security structure (Hough, 1998:25). In this context, Cawthra (1997:211) argues that '[m]ost of the provisions of the communiqué regarding the establishment of the SADC Organ are essentially those of collective security, …'. But just as the ARF's Concept Paper adopts comprehensive security approaches covering military and non-military issues (see ASEAN, 1995a; also Chapter 6), the objectives of the OPDS are also seen as a multifaceted and comprehensive approach to regional security cooperation that entails an expanded security concept. Therefore, whereas the ARF was, to some extent, prepared for developing a common security mechanism without a collective security arrangement, SADC member states attempted, from the start of the OPDS, to devise collective (defence) security based on common security policies in conformity with a newly transformed environment after the Cold War and apartheid, at least in theory.

Moreover, although the ARF's Concept Paper envisages three stages of security cooperation (confidence-building, preventive diplomacy, and conflict resolution), the ARF has maintained its focus on confidence-building since its formation: that is, it avoids a legal-binding approach to regional security problems, rather fosters dialogue and consultation on political and security issues of common interest and concern (Anthony, 2003b:200; also Chapter 6). On the other hand, Article 11 of the 1996 OPDS Protocol obliges the Organ to operate in terms of international law. The Charter of the UN under this Article envisages that the methods employed by the OPDS are to prevent, manage and resolve conflict by peaceful means. Furthermore, Article 11 argued that the OPDS (in enforcing all sanctions and arms embargoes imposed on any state party) must do so in consultation with the United Nations Security Council and the Central Organ of the African Unity Mechanism for Conflict Prevention, Management and Resolution[102].

As Article 11 of the OPDS Protocol implies, it is clear that the SADC member states are committed to peaceful resolution of both intra-state and inter-state conflicts which are requiring the respect of territorial integrity and the sovereignty of states. Indeed, the OPDS in its Preamble emphasised respect for good neighbourliness, interdependence, sovereign equality, political independence, non-aggression and non-interference in the internal affairs of the member states. In order to achieve these purposes, according to Nathan (2002:62-102), the SADC member states prioritised the methods of 'negotiation' and 'consensus' to punitive measures such as military intervention and economic sanction that were only approved as a last resort. For ASEAN, likewise, the main objectives of the TAC (which was established as a code of conduct among regional states) were largely characterised by universal principles (such as sovereignty and equality) as well as provisions for the peaceful settlement of disputes (see Chapter 4). However, whereas the TAC committed ASEAN members not only to settling disputes by peaceful means, but also to renouncing use of force, the 1996 OPDS Protocol leaves room for SADC members to allow use of force, such as military intervention as a last resort (see ASEAN, 1976b; SADC Communique, 1996).

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[102] As regards Article 11(1), parties shall refrain from the threat or use of force against the territorial integrity or political independence of any state, other than for the legitimate purpose of individual or collective self-defence against an armed attack (see SADC OPDS Protocol, 1996).

Meanwhile, the foundation of SADC's security architecture created through the OPDS in 1996, was negatively affected by regional tensions and conflicts. In 1998 two years after the OPDS was established, apart from the civil war in Angola, military interventions had occurred in Lesotho and the Democratic Republic of Congo (DRC). In particular, the intervention in the DRC (which will be elaborated in section 7.3) brought tensions within the OPDS to the fore: subsequently with political and economic strain between South Africa and Zimbabwe, the rivalry between these countries threatened to polarize the region into two poles – a South Africa-led grouping with the support of Tanzania, Botswana, Mozambique and Zambia, sometimes referred to as the 'peace-making bloc' and a Zimbabwe-led bloc with its allies, mainly Angola and Namibia as the 'defence treaty bloc' (Schoeman, 2002:19).

In this regard, as mentioned earlier, it is contended that the DRC conflict revealed a rift between the politico-security paradigms of Zimbabwe, Namibia and Angola on the one hand, and South Africa, Botswana, Mozambique and Tanzania on the other. Since the demise of the apartheid era, although the SADC member states such as Angola and Mozambique have, to some extent, stabilised, the DRC remains a major threat to regional security and peace (Ngoma, 2004:412). Moreover, the South Africa-led SADC intervention in Lesotho in 1998 was arguably a success in stabilising the security situation in Lesotho, which not only prevented a military coup, but also enabled the political parties to resume negotiations on the issue of governance (Kent and Malan, 2003:3-4). Therefore, this chapter will focus on the DRC conflict which has been prominent and lingering since 1998.

Furthermore, one year after the regional involvement in the DRC in 1998 as a SADC intervention (which demonstrated the inability of the SADC Organ to fulfil its functions), ASEAN was also involved in external interventions in East Timor in 1999. In fact, whereas the Australia-led intervention in East Timor (namely INTERFET)[103] was authorised by the UN Security Council under Chapter VII of the UN Charter, the Zimbabwe-led intervention in the DRC[104] was not authorised by the UN[105].

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[103] On September 15, 1999, the UN Security Council adopted Resolution 1264, creating the International Force for East Timor (INTERFET) under Chapter VII of the UN Charter. And On September 20, 1999, Australia decided to launch and lead INTERFET within the UN framework (see Chapter 6).

[104] Zimbabwean President Robert Mugabe held the chairmanship of SADC Organ during the

Within this context, the next section (7.3) will explore how the Zimbabwe-led SADC intervention in the DRC was initiated and shaped, which resulted in the legitimacy of the intervention being questioned. In doing so, it will reflect SADC's role in the intervention of the DRC in 1998 and how conflict management in the DRC has been developed, with the purpose to understand the type and nature of SADC's security mechanism. This will contribute to an understanding of why SADC leaders opted for restructuring the SADC Organ in 2001 (to be discussed in section 7.4).

7.3 Conflict Management in the DRC Crisis (1998-2004)

7.3.1 The Zimbabwe-led Intervention in the DRC: Collective Self-Defence?

In August 1998, SADC became the focus of international attention when Angola, Zimbabwe and Namibia resolved to participate in an intervention operation in the DRC. As mentioned earlier, in fact, the DRC crisis has been referred to as the 'first African world war' [106] (Reyntjens, 2001:311), involving thousands of troops from Angola, Burundi, Chad, Namibia, Rwanda, Uganda, and Zimbabwe as well as the DRC[107]. Initially, Zimbabwe, Angola, and Namibia decided to invoke the DRC's recent SADC membership[108] as a main reason to launch a SADC military intervention to defend the

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Zimbabwe-led intervention in the DRC (see De Coning, 2000:286-288).

[105] Because any intervention runs counter to state sovereignty, it is significantly checked by international law. The UN Charter prohibits unilateral uses of military force by individual states for any reason other than self-defence. In Chapter VII of the UN Charter, only the UN Security Council has the legal authority to launch enforcement operations to protect international peace and security. Chapter VIII of the UN Charter provides for regional bodies to undertake peaceful measure to resolve conflicts, but, Article 53 specifies that regional organisations may not undertake enforcement action without authorisation from the UN Security Council (see United Nations, 1993).

[106] Term coined by Susan Rice, the former US Assistant Secretary of State for African Affairs (see Reyntjens, 2001:311).

[107] By December 2000, Rwanda, Uganda, Burundian, Angolan, Zimbabwean, and Namibian deployments in the DRC reached 17-25,000, 10,000, 2,000, 2,500, 11,000, and 2,000 troops respectively (see ICG, 2000).

[108] The DRC became a member of SADC at its Blantyre Summit in 1997.

Kabila regime from external aggression (Caraynnis and Weiss, 2003:274). As a result, as ASEAN was divided over East Timor[109], SADC was also split up in dealing with the DRC crisis. While Australia (as a non-ASEAN member) was the lead nation in the INTERFET under a UN mandate to restore and if necessary enforce peace and security in East Timor, Zimbabwe (as a SADC member) took the leading role in military intervention in the DRC as an application of the principle of 'collective self-defence'[110] under Article 51 of the UN Charter[111](De Coning, 2000:286-288).

The three interventionists (Zimbabwe, Angola and Namibia) asserted that the decision to intervene was based on requests from Kabila (snr.) for military assistance against advancing rebel forces[112](Neethling, 2004:6-7): that is, they agreed upon Kabila's assertion that the conflict in the DRC was essentially an invasion by Rwanda and Uganda (IRIN, 19/Aug/1998). In fact, as the Australia-led intervention in East Timor (INTERFET) was only available at the Indonesian acquiescence (see Chapter 6), the Zimbabwe-led intervention in the DRC (Operation Sovereign Legitimacy) was also accomplished on the basis of requests from the DRC government for military assistance against external aggression. Yet, if the Zimbabwe-led intervention was indeed an act of collective self-defence under SADC auspices, one would have expected SADC to have authorised such an operation at the level of the SADC Organ Summit, with a specific mandate, and perhaps that SADC would have appointed the Head of Mission and Force Commander. But SADC took none of these actions associated with an authorising body. In fact, no other country, international or regional body, including SADC itself, recognised the Zimbabwean, Angolan and Namibian

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[109] While Myanmar opposed any external intervention in East Timor, Thailand and the Philippines were willing to cooperate with the UN operations in East Timor (see Narine, 2002:173-174; also Chapter 6).

[110] The idea with collective self-defence is that when a country experiences an armed attack, two or more states can act together in supporting a victim country (see Dinstein, 2001: 225).

[111] According to Article 51 of the UN Charter, 'Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security' (see United Nations, 1993).

[112] The *Rassemblement congolais pour la democratie* (RCD), which received the support of Rwanda and Uganda, posed a serious threat to the government of President Laurent Desire Kabila's *Forces armies congolaises* (FAC).

forces as a SADC force; rather, their actions were consistent with those undertaken by an 'expeditionary coalition' (De Coning, 2004:164). In this context, De Coning (2000:281-286) has referred to this new trend as 'neo-interventionism', whereby the interventionists do not enter as peacemakers but as allies of one side of the conflict.

Nonetheless, the fact that the DRC occupied Zaire's seat at the UN and SADC admitted the DRC as a member implies that the Kabila regime was internationally recognised as the legitimate government in 1997. Thus, as mentioned above, Zimbabwe, Angola and Namibia accepted Kabila's reasoning, namely that the DRC was the victim of a foreign invasion – by Rwanda and Uganda – and the SADC member states were duty bound to react to a threat against one of its members. In line with this argument, De Coning (2000:286) indicated that the type of intervention in the DRC appeared to be identifiable as 'part self-defence, part collective security'. In this context, the Zimbabwe-led intervention in the DRC could largely be considered as an incomplete act of collective self-defence although it was carried out by invitation from the DRC.

The causes of the DRC conflict combined both internal (domestic) and external (regional and extra-regional) elements. As Mangu (2003:238-245) pointed out, the conflict in the DRC involved a complex mix of 'internal rebellions' [113] against an authoritarian regime and 'foreign aggressions' by some of its Eastern neighbours, namely Rwanda and Uganda. It was largely assumed, in particular, that the Zimbabwe-led intervention in the DRC was to back a regime 'whose legitimacy is highly questionable' under the circumstances of the internal rebellions in eastern DRC (Soderbaum, 2001:108). It has generally been noted that Kabila (snr.) was a deeply unpopular ruler. In May 1997, only 11% of respondents to a public opinion poll in Kinshasa declared they would vote for Kabila in a presidential election, a percentage that only slowly rose to 33 % by July 1998 (ICG, 1999:11). In terms of a fragile legitimate-regime within the DRC, Mangu (2003:239) described as follows:

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[113] In 1996, a violent inter-ethnic conflict broke out in the DRC. This conflict was the backdrop to the Banyamulenge-dominated rebellion that led to the expulsion of Congolese Tutsi from the refugee camps in the Masisi region and eventually to former Zairean (now the DRC) President Mobutu's ousting. Kabila, who benefited from the Banyamulenge's revolt against Mobutu, turned out to be their new target, as his regime engaged in a manhunt against the Banyamulenge and other Tutsi (see Mangu, 2003:239-240).

> [During the Kabila's regime], the tribalisation or ethnicisation of power was even faster than it was under Mobutu's rule. … After Belgium's King Leopold II and Mobutu, Kabila was the Congo's new 'King' and the 'rightful' owner of the country and its abundant resources. His sense of ownership was so strong that he [did] … unilaterally change the country's name from Zaire to the DRC as Mobutu had done the reverse of in 1971. … Under Kabila, … [t]he rights curtailed were not only individual rights, but also collective rights, including the rights of minorities such as the Banyamulenge, who were denied their Congolese citizenship.

Similarly, as Indonesia was put under serious challenges from internal turmoil[114] during the East Timor crisis (see Chapter 6), the DRC was also under the circumstances of the internal rebellions. Thus, although Kabila's regime was internationally recognised as the legitimate government in 1997, his regime was shaky from the start. In addition, the three countries (Angola, Namibia and Zimbabwe) intervened in the war of the DRC in order to serve their own economic and strategic interests. Angola, for instance, wanted to strengthen its regime in fighting against UNITA in times of Kabila's anti-UNITA stance. For Angola, the involvement in the DRC conflict created an opportunity to attack UNITA's bases located in the DRC and to stop the illegal trading in diamonds and weapons which it used to finance its insurgency (Bøås and Dokken, 2002:153, quoted in Soderbaum, 2003:176)[115]. Zimbabwe's intervention in the DRC was largely to obtain economic interests through various sources controlled by high-ranking military officials and prominent businessmen such as Billy Rautenbach (Maclean, 2003:115). Within this context, Taylor and Williams (2001:273) pointed out as follows:

> [The foreign intervention in the DRC] is not only about preserving national security and defeating enemies, it is also about securing

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[114] Extensive human rights violations were committed by the Indonesian armed forces against pro-independence activists and their suspected supporters, which brought forth a growing number of NGOs to influence the Indonesian regime to allow the East Timorese to choose between autonomy within Indonesia or independence (see Martin, 2004:143-144).

[115] Namibia was also involved in the conflict for similar reasons because of its struggle with the Caprivi separatists (Söderbaum, 2003:176).

> access to resource-rich areas … that can emerge and prosper under conditions of war and anarchy. In this sense, war assumes the characteristics of a business venture, ….

Under the circumstance, the type of the Zimbabwe-led intervention in the DRC can, to some extent, be seen as a 'profit-seeking' intervention (*cf* Schoeman, 2000:42-43; also Breytenbach, 2002:6-7). That is, the Zimbabwe-led intervention in the DRC is largely regarded as a resource-based operation related to economic and strategic interests and not an intervention based on collective self-defence. Thus, as mentioned earlier, it is overburdened to define the SADC intervention in the DRC as an act of collective self-defence. From a legal point of view, *inter alia*, although Angola, Namibia, Zimbabwe and the DRC signed a pact among themselves, there was non-existent for a legal agreement encompassing the community as a whole (Field and Ebrahim, 2000:17). The three countries' (Angola, Namibia and Zimbabwe) participation in the DRC operation was not endorsed at the SADC Summit level; rather, it was approved at a meeting of SADC defence ministers (Field and Ebrahim, 2000:16). This means that SADC Heads of State and Government had not forged consensus around the intervention in the DRC. Rather, by launching the Zimbabwe-led intervention in the DRC under SADC auspices, Zimbabwe took the risk of incurring substantial costs such as other SADC member states' opposition to and criticisms of the operation. Moreover, this risk increased following Zimbabwe's tense relations with South Africa[116], which could weaken the Zimbabwe's attempt to assert regional leadership with regard to the DRC conflict.

Furthermore, in the midst of the Zimbabwe-led intervention in the DRC, SADC was not equipped with functioning collective security mechanisms which were supposed to be developed following the establishment of the SADC Organ. That is, only theoretically, the OPDS in 1996 aimed to 'develop a collective security capacity and conclude a Mutual Defence Pact for responding to external threats' (see SADC, Communique, 1996). Once the war in the DRC broke out, in this context, Field and Ebrahim (2000:17)

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[116] The 'two summits' issue has paralysed the SADC Organ since the 1997 SADC Summit in Malawi. In fact, prior to the Malawi Summit, the South African president, Nelson Mandela, wrote a letter to his Zimbabwean counterpart, Robert Mugabe and others to inform them that, while he would abide by a majority decision, South Africa would resign as SADC chair if the Summit agreed to a separate Organ Summit (see Cilliers, 1999:28-29).

argued that SADC members were compelled to develop a Mutual Defence Pact[117] (which will be discussed in the section of 7.4.2) as the region had no legal instrument to regulate collective action to prevent, manage and resolve conflicts.

7.3.2 The Unilateral Intervention in the DRC: Pursuing the legitimacy of operation

In August 1998, Zimbabwean President Robert Mugabe (who held the chairmanship of SADC Organ during the intervention in the DRC) announced 'Operation Sovereign Legitimacy' as a regional peace enforcement operation under SADC auspices: 'We are going to respond positively in a manner that will help the government of President Laurent Kabila restore peace and stability … in the DRC' (see SAPA (South African News Agency), BBC 19/Aug/1998). As a peace enforcement operation[118], however, the Zimbabwe-led SADC intervention was clearly illegal in terms of Chapter VII of the UN Charter proposing that only the UN Security Council has the legal authority to launch enforcement operations to protect international peace and security.

Zimbabwe asserted that it was a peace enforcement operation, undertaken in support of the legitimate government of the DRC against a foreign aggression. Yet, as noted earlier, the Zimbabwean decision to intervene in the DRC was neither approved by the UN Security Council, nor reached out of the consensual authority at the SADC Summit level. In addition, a peace enforcement operation regards the neutrality of the third parties to participate in the conflict as significant elements to be emphasised (*cf* De Coning, 2000:285). Unlike Australia in East Timor, Zimbabwe in the DRC can hardly be seen as a neutral actor. In fact, the action of Zimbabwe, Angola and Namibia, according to De Coning (2004:163), 'falls outside the scope of a neutral third-party intervention because they aimed to intervene with a view to supporting one of the parties in the conflict with the aim of defeating the others'.

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[117] Mutual Defence Pact was finally approved by the SADC's Heads of State at its 2003 Summit in Dar es Salaam, Tanzania (see 7.4.2).

[118] The aim of the peace enforcement operations is to impose the will of the Security Council upon the parties to a particular conflict. Peace enforcement operations are the closest manifestation of the collective security role originally envisaged for the UN by the authors of its Charter (see Bellamy et. al., 2004:6).

Although Zimbabwean President Mugabe stressed rhetorically that he sought to help the government of Kabila restore peace and stability in the DRC, the SADC intervention in the DRC was not an action to pursue peace *per se* in the region. Rather, there existed some hidden factors to incite the leaders of Angola, Namibia and Zimbabwe to intervene in the DRC as was shown in the previous section (see 7.3.1). Under the circumstance, 'peace enforcement' [119] should be distinguished from 'enforcement' in that the objective of enforcement does not aim to make peace between two conflicting parties, rather aims to act against a party that has been identified as the aggressor: moreover, whereas neutrality is an important component in peace enforcement operation, neutrality and/or impartiality are not a factor in 'enforcement' action (De Coning, 2000:285).

Unlike the Australia-led intervention in East Timor (which could largely be seen as a peace enforcement mission that was authorised by the UN), the Zimbabwe-led intervention in the DRC under SADC auspices could not be regarded as a peace enforcement operation to make peace between two conflicting parties. Rather, the intervention in the DRC could perhaps belong to the 'enforcement' category, not in terms of the UN Charter, because they were not authorised by the UN Security Council, but in terms of their own intent and interest (*cf* De Coning, 2000:285). Nonetheless, launching Operation Sovereign Legitimacy within the SADC framework allowed Zimbabwe to act in the DRC as the fulfilment of its part of the regional duty. As mentioned earlier, the DRC was a SADC member and thus had a right to expect SADC to help in times of crisis. Moreover, SADC members have pledged to 'act in accordance with the following principles: … [such as] solidarity, peace and security' (see SADC, 1992).

Moreover, although the SADC Organ had been paralysed since the September 1997 SADC Summit in Malawi, it had not been dissolved, and Zimbabwe kept the OPDS' Chair from 1996 to 2001. That is, Zimbabwe wanted to use its position as the Organ's Chair in order to justify its participation in and leadership of Operation Sovereign

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[119] Peace enforcement operation occurs in which the UN Security Council authorises the use of force to protect non-combatants and humanitarian aid workers, and/or to enforce compliance with internationally sanctioned resolutions or agreements (see Internet: http://www.un.org/Depts/dpko/glossary. Accessed: 3 March 2005).

Legitimacy. As previously noted, the Organ was created to protect the region 'against instability arising from the breakdown of law and order, inter-state conflict and external aggression' (see SADC Communique, 1996). Even though the Zimbabwe-led intervention in the DRC was not authorised by the UN Charter, therefore, given the fact that Zimbabwe chose to launch Operation Sovereign Legitimacy under SADC auspices, it can be assumed that Zimbabwe attempted to improve and guarantee the legitimacy of operation in the DRC. Hence, while Australia sought to assure INTERFET's legitimacy under a UN mandate (see Chapter 6), Zimbabwe tried to have Operation Sovereign Legitimacy recognised as a genuine regional initiative under SADC auspices in spite of opposition to this assertiveness. Nevertheless, both Australia and Zimbabwe argued that their interventions in East Timor and the DRC respectively were based on the consent of the intervened sovereign states (Indonesia and the DRC respectively)[120]. Thus, as Australia was concerned about the legitimacy of intervention in East Timor, Zimbabwe was also interested in enhancing the legitimacy of its operation in the DRC.

Meanwhile, in September 1998, shortly after the Zimbabwe-led SADC intervention in the DRC, South Africa and Botswana intervened militarily in Lesotho in an attempt to stop a possible coup by the Lesotho armed forces and to assist the Lesotho government in restoring law and order following election-related unrest (Neethling, 2004:7). Like the Zimbabwe-led intervention in the DRC, the South Africa-led intervention in Lesotho was also undertaken in breach of international law[121]. Under the circumstance, the Lesotho crisis in September 1998 gave the Zimbabwe-led intervention in the DRC a more justification for its participation in the conflict, at least within the SADC region.

In fact, after meeting with other SADC Heads of State during the September 1998 Non-Aligned Summit in South Africa, Mandela announced that SADC decided to support the three countries' intervention in the DRC in order to reflect some form of unity in

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[120] In fact, Australia insisted not only on gaining a UN mandate to intervene in East Timor, but also on obtaining Indonesian consent (see Chapter 6).

[121] Neither of interventions were authorised by the UN Security Council under Chapter VIII of the Charter that provides for enforcement action carried out by regional organisations (see De Coning, 2004:163).

SADC [122] (Berman and Sams, 2003:50). That is, the Zimbabwe-led intervention received SADC approval retroactively, but SADC leaders neither forged a true consensus around this intervention nor transformed the coalition into a genuine 'SADC Allied Force' (Malan, 2000:82-83). By implication, it is evident that SADC required regional consensus for the regional body to function effectively – a situation which needs the cooperation of both the South African and Zimbabwean leadership: 'Mbeki [who replaced President Mandela as South African Head of State in May 1999] … needs Mugabe on his side to ensure there is consensus within SADC on how to resolve intractable problems in the region' (IRIN, 3 September 1999).

As mentioned in Chapter 6, because the ASEAN states considered the decision to join the external intervention as a disgrace to Indonesia, they were largely reluctant to intervene in the East Timor crisis. Later on, however, ASEAN members realised that their participation in INTERFET would eventually be conducive to enhancing regional unity and solidarity as long as Indonesia calls for the participation of ASEAN states. Likewise, SADC leaders began practically to focus on regional solidarity and consensus within SADC on how to address the regional problems. At the same time, in the midst of the DRC conflict, hence, SADC was called upon to rethink the approaches towards the resolution of conflict in the region which will require 'the coordination of the different national interests and their synthesis into a common and cohesive sub-regional strategy' (Williams, 1999:171).

In particular, two important events during 1999 created an opportunity for the DRC conflict to be resolved. As noted above, the moves to improve relations between South Africa and Zimbabwe appeared. Firstly, President Thabo Mbeki replaced President Mandela as South African Head of State in May 1999 and secondly, South Africa passed the SADC Chair to Mozambique at the August Summit. Moreover, at the August 1999 Summit in Mozambique SADC decided that all SADC institutions, including the OPDS, needed to be reviewed within six months, thereby creating a sense of 'urgency and momentum' (Neethling, 2004:8).

Although the DRC conflict initially pointed to a division between a Zimbabwe-led bloc and a South Africa-led grouping, SADC members did agree upon the objective of

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[122] Yet South Africa would continue to push for a diplomatic rather than a military solution (see Berman and Sams, 2003:50).

OPDS which is primarily to protect the region 'against instability, …inter-state conflict and external aggression' (see SADC Communique, 1996). In this context, as mentioned earlier, although the SADC Organ was not placed under the SADC structure as a whole, Zimbabwe did not attempt to intervene in the DRC outside and/or without the SADC framework. Rather, Zimbabwe as the Organ's Chair tried to operate the intervention in the DRC under SADC auspices with a view to promoting the legitimacy of operation. Despite a number of problems in the Zimbabwe-led intervention in the DRC, this unilateral intervention, to some extent, was meaningful in remaining the operation within the SADC framework which could facilitate other regional powers to, later on, approach the DRC conflict in proactive ways including multilateral and bilateral negotiations.

Within this context, during the SADC Summit in Mozambique in August 1999, events in the DRC and Lesotho had urged the Summit to look for a compromise arrangement on the OPDS. Importantly, an extraordinary meeting of the SADC ministers involved in the ISDSC, in Swaziland in October 1999, agreed to recommend that the OPDS should in future be part of SADC, thereby 'breaking the impasse' that had paralysed the Southern African community (Neethling, 2004:7-8). Following the Swaziland meeting, at SADC's 2001 Summit in Blantyre, SADC leaders adopted a Protocol on Politics, Defence and Security Cooperation and reached important decisions to resolve the contention around the OPDS's leadership structure, with a view to making the SADC Organ more firmly part of the SADC structures[123] (see 7.4). Around this period, in fact, when the SADC member states tried to make the organisation alive through integrating the OPDS into the SADC structure as a whole, the regional leaders realised that the harsh treatment (meted out to Zimbabwe's President Robert Mugabe over the intervention) only served to fuel division and disunity rather than promote solidarity and unity within the region (Ngoma, 2004:9). In this context, the SADC member states began to search for practical solutions to resolve the DRC conflict. As a result, while SADC leaders pursued diplomatic paths in dealing with the DRC crisis, they not only allowed South Africa to act as a regional powerbroker, but also attempted to engage multilateral organisations such as the UN in the search for peace in the DRC.

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[123] Although a Protocol on Politics, Defence and Security Cooperation was signed on 14 August 2001 by all 14 SADC members, it was only released for public consumption in March 2002 (see Ngoma, 2005:186).

7.3.3 Peacemaking in the DRC Conflict: From unilateral intervention to multilateral diplomacy

Interestingly, while the three interventionists (Angola, Namibia and Zimbabwe) became the belligerents[124] in the war in the DRC, they participated in achieving the Lusaka (peace) agreement, signed on 10 July 1999 in Lusaka[125]. In fact, Ngoma (2004:8) argues that SADC has since the initial stage of the DRC conflict adopted a two-pronged strategy:

> Firstly, the Summit in Mauritius [in September 1998] congratulated Angola, Namibia and Zimbabwe for acting well on behalf of SADC – a … militaristic approach; secondly, by tasking the President of Zambia with pushing for peace initiatives, it meant that the organisation was also pursuing a negotiated path – the preferred strategy by South Africa.

The Lusaka agreement provides for an all-inclusive process with (all) parties[126] allowed at the negotiating table (Carayannis and Weiss, 2003:276). However, with a number of omissions, such as the Mai Mai militias (Congolese armed groups) from the agreement, the Lusaka agreement was, from the beginning, flawed in bringing forth its implementation (Mans, 2003:195-196).

With regard to the nature of the Lusaka agreement, it is important to note that the agreement sought to find a global solution through UN engagement by calling for a UN peacekeeping force to be deployed under a Chapter VII mandate as well as UN peace

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[124] The Lusaka agreement identified the governments of Angola, the DRC, Namibia, Rwanda, Uganda, and Zimbabwe as the belligerents (see Carayannis and Weiss, 2003:276).

[125] Peace negotiations culminated in the Zambian-brokered cease-fire agreement, signed on 10 July 1999 in Lusaka. Six African nations and the three major rebel groups eventually delivered their signatures, and the diplomatic community celebrated an all-inclusive peace deal for the time being (see Mans, 2003:195;also http://www.usip.org/library/pa/index/pa_drc.html).

[126] The Lusaka agreement was signed by all but two belligerents on 10 July 1999. The remaining two, the *Mouvement pour la liberation du Congo* (MLC) and the *Rassemblement congolais pour la democratie* (RCD), signed in August 1999 (see Carayannis and Weiss, 2003:276-277).

enforcement under a Chapter VIII mandate (Malan, 2000:79). However, the dual UN mandate (peacekeeping and peace enforcement) requested by the agreement, made it more difficult to implement[127]. Furthermore, while the international community has displayed a reluctance to respond in a vigorous and timely manner to African conflicts, the UN appear to prefer to undertake smaller and more specialised operations on the continent[128] (Field and Ebrahim, 2000:10). Therefore, despite calls from African leaders for a robust UN force to be deployed, the international community, including the UN, took a minimalist approach in responding to the DRC conflict (*cf* Field and Ebrahim, 2000:8-9).

In fact, it seems that no major Western powers were willing to settle internal disputes in the DRC as long as their ongoing mineral imports were not endangered (Mans, 2003:213-214). Mans (2003:214) argues that 'Western engagement, and the UN as a consequence, showed … reluctance to provide substantial support. …... Western governments continued to engage on their own terms, … hiding behind the bureaucratic UN decision-making process'. In reality, international actors – especially the US and the UN – withdrew substantially from the African continent after the Somali and Rwandan debacles during the early 1990s[129]. As a result, the (then) OAU[130] was

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[127] Peacekeepers do not make good peace enforcers, as the former implies a perception of impartiality and usually requires local consent, while the latter demands coercive action against one or more of the belligerents (see Carayannis and Weiss, 2003:278).

[128] The UN peace mission seems to continue to be limited to monitoring and observer missions, as well as multi-functional peacekeeping operations in future (see Field and Ebrahim, 2000:10). However, in a commissioned report on the genocide in Rwanda, and through a report of UN Secretary-General Kofi Annan in 1997 and 2002, the UN offered unprecedented and critical accounts of the shortcomings in UN peacekeeping for public debate and reflection: hence, this increased the urgency of demands for reforming the UN system in order to provide better responses to political needs and manage humanitarian intervention operations more efficiently (see Thakur, 2004:68-69; and also Gordenker, 2005:1-14).

[129] Although the UN seems to be reluctant to become fully engaged in African conflicts, a number of recent conflicts (e.g., Liberia, Sierra Leone, the DRC) have shown that the importance of UN cooperation with regional actors, such as the Economic Community of West African States (ECOWAS) and SADC progressively increased (see Olonisakin and Ero, 2003:233-250).

[130] The OAU was established in 1963 to protect African unity and independence. The end of the

called upon to play a more proactive role in managing conflicts within Africa.

Given the fact that the desire for regional autonomy was an important feature of several regional organisations in Asia and Africa, adopting regional solutions to regional problems was predicated on the fact that regional actors felt they were well suited to mediate in local conflicts, as they understood the dynamics of strife and cultures more closely than outsiders (Anthony, 2003b:195). That is, like such slogans as 'Asian solutions to Asian problems', the words 'African solutions to African problems' remain the motto of the West – and also of many Africans (Kent and Malan, 2003:7). In this context, the UN hoped that regional organisations in Africa would increasingly fill the vacuum left by the UN's reluctance to act in conflict management in the region. Under the circumstances, moreover, at their Summit in Cairo in 1993, the OAU Heads of State established the mechanism for conflict prevention, management, and resolution, comprising a central organ, a peace fund and a conflict management division (see OAU, 1993).

Nevertheless, as the ARF was ineffective in dealing with the East Timor crisis, during pre-Lusaka negotiations about an OAU-led, inter-African peacekeeping force for the DRC, OAU Secretary General Salim Ahmed Salim also acknowledged that his organisation lacked the capacity to successfully undertake such an operation (ICG, 1999:8). For its response to the DRC conflict, thus, the OAU merely played a reactive, and at best a limited supportive, role, far removed from its original ambition of anticipating and preventing conflicts (Van Nieuwkerk, 2004:44). With regard to promoting Africa's security and peace, the OAU's limitations were primarily due to three factors: first, the OAU's strict adherence to sovereignty and non-interference in the internal affairs of member states often limited the chances of the organisation's

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Cold War brought global and continental changes that made it necessary to restructure the organisation, and in July 2002 it was formally transformed into the African Union (AU). A major goal of the new oranisation (AU) is to promote political and economic cooperation and integration amongst the member countries; in this context, it has adopted the New Partnership for Africa's Development (NEPAD) as its central development programme. Both the AU and NEPAD acknowledge that economic growth and human development cannot be realised if the continent continues to be ravaged by violent conflicts, as it has for the past 25 years. Consequently, security matters feature prominently in the architecture of these new institutions, but particularly that of the AU (see van Nieuwkerk, 2004:41; also Ajulu, 2004:265-273).

availability; second, although the OAU Summit established a mechanism for conflict prevention, management, and resolution at its Cairo meeting in 1993, it seems that member states lacked the strong commitment to and respect for the machinery; finally, the OAU was confronted with a lack of financial resources (Amoo, 1993:239-262; Foltz, 1991:347-366).

Although the organisation's transformation from the OAU to the AU in 2002 has included changes to its conflict-related mechanisms[131], the AU has not played a meaningful peacemaking and/or peacekeeping role in the DRC conflict (Van Nieuwkerk, 2004:53). As a result, the AU's defects in conflict management generally, and peace enforcement in particular, have implied that, according to Carayannis and Weiss (2003:292), 'the organisation's principal roles in the wars in the Congo have been limited to those of legitimiser of UN action, intermediary between extra- and subregional organisations, and 'moral guarantor'[132] of the peace agreement'.

SADC therefore had to take the lead in responding to the DRC conflict. For ASEAN as well, although the organisation was initially criticised for its reluctance to participate in the East Timor crisis, when the UN Transitional Authority in East Timor (UNTAET) formally replaced INTERFET in February 2000, ASEAN's response proved to be more

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[131] The AU adopted the protocol relating to the establishment of the Peace and Security Council (PSC) at its inaugural session in Durban in July 2002. In reality, the AU appropriated the Central Organ of the OAU's mechanism for conflict prevention, management, and resolution, and established the PSC as a standing decision-making organ for preventing, managing, and resolving conflict. According to Article 2 of the protocol relating to the establishment of the PSC, the council shall be a collective security and early warning arrangement to facilitate a timely and efficient response to conflict and crisis situations in Africa, and shall be supported by the AU commission (the AU's secretariat), a panel of the wise, a continental early warning system (EWS), an African standby force, and a special fund (see African Union, 2002).

[132] The OAU played a role, on behalf of the region, in nudging, cajoling, and otherwise pressuring the parties involved in the DRC conflict to adhere to the peace settlement. In practical terms, this means that AU staff is present at all meetings between belligerents to observe and monitor the peace process, and on occasion is used by regional leaders to exert pressure on the parties through declarative statements or the convening of meetings (see Carayannis and Weiss, 2003:292).

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robust and substantial than many outside the region had expected[133] (see Chapter 6).

Likewise, SADC as a regional response to the DRC conflict was gradually gaining strength among regional leaders. Although the Lusaka peace negotiations were encouraged by the international community, including the UN Security Council, the United States, and the EU, in fact, regional powers (such as South Africa, Zambia and Tanzania) were the primary actors in pressuring Uganda and Rwanda to acknowledge their military involvement in the Congo and to accept the terms of the agreement (Carayannis and Weiss, 2003:276). Efforts to bring about peace initiatives in the DRC conflict were largely undertaken by leaders in the SADC region. For example, (then) Zambian President Frederick Chiluba led regional efforts to pressure the parties into signing the Lusaka agreement for a cease-fire in the DRC on 10 July 1999. A more proactive regional mediation in the DRC conflict that has led to the signing of a power-sharing agreement (namely the Pretoria agreement signed on 16 December 2002) was largely brokered by South African President Thabo Mbeki. Beyond a militaristic approach, that is, by tasking the Presidents of Zambia and South Africa, SADC attempted to pursue a negotiated way together with peace initiatives in resolving the regional conflict.

For ASEAN, as mentioned in chapter 4, Indonesia took the initiative of mediation[134] for resolving the hostile relations between Malaysia and the Philippines caused by the Sabah territorial dispute during the Cold War. Moreover, during the Cambodian crisis (1978-1989), ASEAN appointed Indonesia as the organisation's official spokesman to Vietnam so that Indonesia's leadership in the Cambodian issues would reduce the role of external actors and pursue regional solidarity and unity (Antolik, 1990:135; also Chapter 4). In terms of the South China Sea conflict, furthermore, since 1990, Indonesia has sponsored a series of annual and multilateral workshops on conflict resolution (entitled 'Managing Potential Conflicts in the South China Sea) which have contributed to confidence-building and the facilitation of contacts between regional states (Narine, 2002:87; also Chapter 6).

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[133] For instance, a Filipino, Lt. Gen. Jaime de los Santos, became the Force Commander of the UN peacekeeping force, replacing the former head, Major-General Peter Cosgrove of Australia (see Chapter 6).

[134] The initiative was facilitated by the institutional context of ASEAN, which made third-party mediation legitimate and unthreatening (see Khong, 1997:330; also Chapter 4).

Nonetheless, since the late 1990s, Indonesia appears to have waned in acting as a regional power. Although ASEAN tended to view Indonesia, to some extent, as a regional leader during the Cold War, Indonesia seems to have lapsed into a regional troublemaker in lieu of peacemaker under a series of regional crises including the Asian economic crisis (1997-98) and the East Timor crisis (1999-2000). In fact, neither Indonesia nor other member states in ASEAN were capable of playing the leadership role in shouldering responsibility for stability and order in the regional crises mentioned above (see Chapter 6).

Meanwhile, for SADC(C), although South Africa was strong enough to dominate other regional states in military and economic terms during the apartheid era, South Africa has attempted to transform its position (as a regional hegemon) towards a 'pivotal'[135] state in regional order since the demise of apartheid (Habib and Selinyane, 2004:49-60). In terms of peace and security in Africa, by implication, this means that South Africa attempts to pursue a policy of 'non-hegemonic cooperation' through multilateral organisations like SADC, AU, the NAM, and the Commonwealth (Habib and Selinyane, 2004:52). In reality, at the same time, South Africa also appeared as a regional powerbroker not only with having the capacity to back up political commitment, but also with the necessary financial resources in addressing regional security problems, including the DRC conflict (*cf* Kent and Malan, 2003:1-7).

In the post-apartheid period, South Africa has been encouraged by Western powers (such as the US and the UK) to become a regional power[136] which is supposed to shoulder responsibility for stability and order in its neighbouring countries: at the same time, South Africa has played an important role globally as a middle power [137]

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[135] The term 'pivotal' gives a significant character to South Africa's foreign policy that implicitly emphasises multilateralism, non-hegemonic behaviour, and partnership (see Habib and Selinyane, 2004:53).

[136]In as far as responsibility for regional peace and security is concerned, South Africa has been targeted by the US and UK to accept Western aid for building peacekeeping capabilities to be utilised in African crises (see Schoeman, 2003:358).

[137] South Africa played a leading part in the NAM and various international agencies: in particular, the development or review of international arms conventions are the focus of South Africa's participation in the field of promoting international peace and security (see Schoeman,

(Schoeman, 2003:355). In this context, it can be argued that South Africa is an 'emerging middle power'[138] (Schoeman, 2003:349-365; also van der Westhuizen, 1998:435-455). Indeed, because a middle power cannot impose its own idea in the presence of superpowers, it attempts to utilise a multilateral approach in order to exert influence as well as to limit the possibility of unilateral actions by big or superpowers (Schoeman, 2003:351). With regard to conflict management in the SADC region, thus, unlike a hegemon that would attempt to mould the region in its own way, and commit resources to this end, South Africa has deliberately attempted to shun from hegemonic behaviour while remaining a pivotal state (Habib and Selinyane, 2004:51-52).

Therefore, unlike ASEAN, multilateralism in SADC has largely been promoted by South Africa as a regional power. In so doing, SADC has attempted to take advantage of multilateral organisations such as the UN which can largely be influenced by the West. Although South Africa intended to be a non-hegemonic partner with other member states in SADC in the post-apartheid era, it is widely believed that South Africa is encouraged in its position and role as an emerging middle power with the emphasis on regional leadership. In contrast, ASEAN is devoid of such a regional power as South Africa in SADC. Indeed, what is important for ASEAN was to construct multilateralism in the Asia-Pacific region with persistent adherence to the Asian way of multilateralism in the ARF (see Chapter 6). That is, although Western powers attempted to impose their own concepts and frameworks on the ARF, ASEAN rejected it and seized the ARF within the ASEAN initiative. On the other hand, since South Africa has projected itself as an emerging (middle) power under the support of the West in the post-apartheid period, its position helped pave the way for the West to influence the style and character of regional security cooperation in SADC as a multilateral organisation. In this sense, Schoeman (2003:358) argues that '[i]n as far as responsibility for regional peace and security is concerned, South Africa is …to accept Western support for building peacekeeping capabilities to be used in African crises'.

2003:355).

[138] South Africa is often regarded as an emerging power, referring to its position as a regional leader and its position in the international or global political system as a feasible middle power: in terms of its role as a middle power, South Africa (that is considered to be 'emerging') would seem to have a role somewhat different from established, developed middle powers such as Canada and the Scandinavian states (see Schoeman, 2003:349).

Nonetheless, the South African government in the post-apartheid era has been careful not to become directly and, especially, militarily involved in regional peacekeeping (with some exceptions such as the South Africa-led SADC military intervention in Lesotho in September 1998) (Venter, 2001:174). By opting for peacemaking rather than peacekeeping, South Africa has attempted to pre-empt speculations from its neighbours that it intended to demonstrate its strong military muscle; rather, South Africa pursued strengthening regional security forums, by sharing security information, early warning of potential crisis, and preventive measures that promote peace and stability in the region (Ralinala and Saunders, 2001:61).

In fact, as an important guideline for South Africa to form a regional security policy, the 1996 South African White Paper on National Defence illuminates that 'South Africa has a common destiny with Southern Africa; [d]omestic peace and stability will not be achieved in a context of regional instability and poverty' (Hough and Du Plessis, 2000:80). Moreover, while the 1999 White Paper on South African Participation in Peace Missions provides comprehensive policy guidelines for deployment, it highlights that 'the level and size of South African contribution to any particular peace mission will depend on how closely the mission relates to our national interests' (see White Paper, 1999). Considering the two South African White Papers, stability in the DRC can be regarded as part of South Africa's national interest. That is, by implication, the two White Papers indicate that for South Africa, peace and stability in the DRC as a member of SADC should not be neglected, but be emphasised. Under the circumstance, South African President Thabo Mbeki was willing to send 150 technical personnel to the UN Mission in the DRC (MONUC) in April 2001; and later on, South Africa decided to provide 1,268 additional troops to the MONUC (Kent and Malan, 2003:5-6).

At this stage, however, it is important to note that as ASEAN countries do not have a shared perception of what is in their national interests relating to regional security problems, including the South China Sea conflict and the East Timor crisis (see Chapter 6), SADC countries also have different national interests. For instance, the contest between a South Africa-led grouping (namely peace-making bloc) and a Zimbabwe-led grouping (namely defence treaty bloc) re-emerged on the issue of a proposed SADC Mutual Defence Pact at the Blantyre Summit in August 2001. Here, a Zimbabwe-led bloc wanted a defence pact (legally) obliging SADC countries to assist fellow member countries in internal conflicts, while a South Africa-led grouping wanted

to limit the defence pact to external threats (Isaksen and Tjonneland, 2001:43). This means, by implication, that even though South Africa takes a national interest in the security of the DRC, the agreement that includes an automatic military response to an outbreak of war in the DRC 'would have … drawn South Africa into the conflict, rather than allow it a role as an outside peace mediator and facilitator' (Hammerstad, 2004a:229-230). Hammerstad (2004a:229) continues to argue as follows:

> While it is … in the interest of … a weak and war-torn country like the DRC to   have its neighbours guarantee its sovereign borders, the region[al] power, South Africa, hardly needs such a guarantee itself, and it is questionable whether it is in its national interest to provide one for volatile countries such as the DRC.

In terms of the pattern of regional security cooperation, South Africa seems to opt primarily for using diplomatic means to pre-empt conflict in the region, with coercive (militaristic) measures only as a last resort (SADC Communique, 1996). South Africa is likely to prefer a peacemaker through multilateral negotiations to a peacekeeper that is largely supposed to be more directly and militarily involved in the conflict with a bigger role and much more cost. In this context, Schoeman (2004:10) points out that: '[t]he idea that conflicts can be solved through negotiation is one strongly adhered to by South African policy makers'. As implied previously, in fact, in an earlier draft version of the SADC Mutual Defence Pact (which was finally approved at the 2003 SADC Summit), it bound member states to the requirement of 'immediate collective action' in the case of an armed attack against a fellow state[139]. However, some SADC members, including South Africa, objected to this requirement and after a series of consultations Article 6 of the Pact was modified by adding that 'Each State Party shall participate in such collective action in any manner it deems appropriate', thereby providing a free choice for each member country whether or how to react if a fellow member fell victim to military attack from outside or within its borders. At the core of the Pact, therefore, states have a variety of "tools" to choose from. South Africa has throughout preferred that of diplomacy.

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[139] An earlier draft version stated that 'An armed attack against a State Party shall be considered a threat to regional peace and security and such an attack shall be met with immediate collective action by state Parties' (see Draft SADC Mutual Defence Pact, Article 6(1), Maputo: SADC, 23 August 2002).

South Africa's preferred mode of engagement in the DRC remained that of diplomacy. Searching for a breakthrough, Mbeki and his deputy Jacob Zuma decided to broker a bilateral deal to bring about the Pretoria agreement in 2002, which effectively excluded most of Lusaka's main signatories[140] (Mans, 2003:202-211). As a regional powerbroker South Africa adopted a flexible approach, opting for a less complex and more practical approach to the DRC conflict with taking the risk of political exclusion, instead of getting stuck in the inactive multilateral peace initiatives which at one point appeared to have had little prospect for solution.

Therefore, since the Pretoria of 2002, South Africa claimed the key position in the DRC peace process, and managed to broker bilateral deals with the DRC and Rwanda respectively, playing a mediating role in addressing the DRC conflict through a bilateral approach. Mans (2003:215) argues that 'South Africa has projected itself as a regional powerbroker and has received widespread support from Western donor governments to sustain its commitment'.

Nevertheless, adopting a bilateral negotiation position in the DRC conflict does not mean that South Africa is willing to abandon multilateral diplomacy as a way of approaching regional problems, including the DRC conflict. Rather, South Africa's bilateral approach to the DRC conflict in the case of the 2002 Pretoria agreement means that South Africa sought largely to find a breakthrough in the DRC conflict following the subsequent failures of implementing the provisions such as the cease-fire in the Lusaka agreement. In fact, the 2002 Pretoria agreement aimed mainly to form an inclusive, transitional government with Joseph Kabila as president and four vice presidents drawn from rebel and civil society leadership (Carayannis and Weiss, 2003:288)[141]. Consequently, South Africa's bilateral approach to the DRC conflict

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[140] In fact, the Pretoria agreement signed on 16 December 2002 took the risk of political exclusion. Interestingly, that same exclusion was a confirmation of what Laurent Kabila that the conflict in the DRC was primarily a problem between Rwanda and the DRC, and that rebel groups should not be allowed in as part of a resolution (see Mans, 2003:203).

[141] Until his assassination, in fact, Laurent Kabila did not accept the Lusaka agreement's provision that all parties, including the government, would enjoy the equivalent status in the inter-Congolese dialogue. But Joseph Kabila (who is the son of Laurent Kabila), once in power in January 2001, was willing to cooperate not only with the UN, but also with the dialogue's

forced the internal belligerents in the Congo's 1998-2002 war to establish a transitional government in Kinshasa in June 2003 (ICG, 2004:3)[142]. However, the transitional government's inability to find a political solution to the division between president Kabila (jnr.) and several RCD factions re-ignited the crisis in May-June 2004 (ICG, 2004:3-4). The crisis in the Kivus in June and November 2004, to some extent, revealed the limitation of such regional mediators as South Africa to end the fighting in the DRC (Terrie, 2005:54).

Nonetheless, it is widely believed that for South Africa, 'any DRC mission should not be just a SADC affair. …We know if it is just SADC then South Africa will be left to underwrite the whole deployment' (IRIN, 27 August 1999). As was shown in the 1999 White Paper on South African Participation in Peace Missions, South Africa prefers UN engagement to disengagement in addressing regional conflicts. Moreover, the White Paper's principles include (but are not limited to) collaboration with the UN, the OAU (now AU), and SADC: that is, South Africa's fundamental policy to address regional problems, including the DRC issue, should largely be seen as an 'inclusive and cooperative approach' to regional conflicts[143] (see White Paper, 1999). In this context, since South Africa has projected itself as a driver of inclusive and cooperative regionalism in the security arena, South Africa has been able to promote SADC's 'advocacy role'[144] in lobbying in favour of the engagement of multilateral organisations such as the UN (Caryannis and Weiss, 2003:292-293).

As we have seen so far, the SADC security mechanism in the DRC conflict evolved out of unilateral (the Zimbabwe-led) intervention toward multilateral diplomacy which was

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neutral actor, former Botswana president, Ketumile Masire (see Carayannis and Weiss, 2003:286).

[142] The broad transitional government includes, in addition to representatives from the armed groups such as several RCD factions, political parties opposed to the previous Joseph Kabila-led government (the 'political opposition'). The Congo's civil society movement also plays a key role in the transition process (see ICG, 2004:3).

[143] According to De Coning (1999:18), the 1999 White Paper on South African Participation in Peace Mission is 'the first comprehensive …and … holistic multidisciplinary approach to peacekeeping'.

[144] For instance, SADC ambassadors actively lobbied at the UN for the acceptance of the responsibilities in resolving the DRC conflict (see Carayannis and Weiss, 2003:292-293).

headed by South Africa as an emerging middle power. Thus, this evolement could largely be attributed to the role of South Africa that tried to utilise bilateral as well as multilateral negotiations. Nonetheless, given the fact that the Zimbabwe-led intervention received SADC approval retroactively, the underlying force for South Africa to spearhead conflict management in the DRC can be found in the SADC leaders' consensus that peace and stability in the region could not be realised without regional solidarity on security problems.

Indeed, despite the regional split and rivalry between South Africa and Zimbabwe, the value of regional solidarity in SADC has continued to be developed in the wake of the Zimbabwe-led intervention in the DRC. For instance, although the SADC Organ had been paralysed since the 1997 SADC Summit in Malawi, it had not been dissolved. Rather, the SADC member states sought to manage and resolve the DRC conflict under the objectives of the SADC Organ[145]. As mentioned earlier, moreover, even though the DRC conflict initially revealed a rift between the 'foreign policy paradigms' of a Zimbabwe-led bloc and a South Africa-led grouping (Williams, 1999:171), SADC members did agree upon the objective of the SADC Organ which is primarily to protect the region 'against instability arising from the breakdown of law and order, inter-state conflict and external aggression (see SADC Communique, 1996).

In this context, although the SADC Organ was not initially placed under the SADC structure as a whole, as previously mentioned, Zimbabwe did not attempt to be involved in the DRC conflict without SADC approval. Rather, Zimbabwe, as the Organ's Chair, tried to operate the intervention in the DRC within the SADC framework. As a result, the Zimbabwe-led intervention in the DRC under SADC auspices can, to some extent, be seen as a stepping-stone to facilitate other regional powers to approach the DRC crisis in proactive ways including multilateral and bilateral negotiations. In this context, therefore, it can be argued that the DRC conflict helped pave the way for SADC leaders to restructure the SADC Organ in order to harmonise and integrate the different national perceptions and interests into a unified regional security structure.

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[145] According to the objective of the SADC Organ, 'where conflict does occur, to seek to end this as quickly as possible through diplomatic means. Only where such means fail … the Organ recommend that the Summit should consider punitive measures. … ' (see SADC Communique, 1996).

Furthermore, a number of new security threats beyond a militaristic point of view have brought forth prominent security challenges to the region in a new era, such as environmental degradation; illegal migration; food insecurity; transnational crime; poor economic development; political instability; and disease including HIV/AIDS. Under the context of these new security threats as well as regional tensions and conflicts, the failure of the OPDS to 'defend and promote peace and security' that Article 5 of the SADC Treaty commits members to, called for reviewing and reforming the OPDS. This helped SADC leaders to realize the importance of empowering the institution with protocols, norms and values with the prospect of more effectively activating the work of the OPDS in a formal and legally binding way.

7.4   Restructuring SADC's Security Architecture

7.4.1   From OPDS to OPDSC: Towards regional security integration

While the SADC Organ, had initially been headed by Zimbabwe's Mugabe, SADC members at the Blantyre Summit in August 2001 decided to bring the Organ under SADC control. The formalisation of the SADC Organ with the signing of the Protocol (on Politics, Defence and Security Cooperation) allowed SADC members to deal with regional security affairs within a legal framework. This implies that the signing of the Protocol would clarify what the member states can and cannot do under the auspices of the "new" SADC Organ. Thus, the structure, mechanisms, and functions of the Organ will be controlled by the new Protocol on OPDSC. The Protocol signed by SADC Heads of State and Governments in August 2001 provides for a fairly elaborate structure of the Organ:[146]

- the Organ is guided by a troika (composed of the current, outgoing and incoming Chair) reporting to the SADC Summit;
- under the Troika there is the Ministerial Committee comprising SADC Ministers responsible for foreign affairs, defence, public security and state security;
- under this Committee two ministerial subcommittees are devised;
- one is an Inter-State Politics and Diplomacy Committee (ISPDC) is to be set up

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[146]See SADC, OPDSC Protocol, 2002; and also Department of Foreign Affairs: Statement on the SADC Summit and Accompanying Meetings in Blantyre, Malawi, 6-14 August 2001, (see Internet: http://www.dfa.gov.za/docs/sadcblan.htm. Accessed: 15 May 2003).

comprising ministers responsible for foreign affairs to fulfil the objectives of the Organ relating to politics and diplomacy;

- the other is an Inter-State Defence and Security Committee (ISDSC), which has been existent for more than 20 years, composed of ministers of defence, public and state security. ISDSC will enhance regional confidence building, including the fields of disaster management, satellite communications, peacekeeping training and doctrine, and public security issues such as drug trafficking and firearm-smuggling.

In terms of the structure and function of the OPDSC, as indicated above, the 2001 Blantyre Summit solved some of the major problems that had hampered the work of the Organ. The new Organ would be run by a leadership troika – following the same principle as the SADC chairmanship. That is, the SADC Organ was integrated into the SADC structure and report to the SADC Summit, rather than acting as an independent institution in the tradition of the Frontline States (FLS). In this way, the SADC member states attempted to consolidate a formal regional security structure within SADC in developing a common approach to the SADC Organ and its area of operation.

In contrast, although ASEAN has also been challenged to reform a structural system of regional security since the Asian economic crisis (1997-98) and the East Timor crisis (1999-2000), member states have largely opted for a minimal and/or thin institutional framework (see Chapter 6). In July 1998, for instance, ASEAN rejected the Thailand's proposal for 'flexible engagement' which challenged to dilute the ASEAN Way. Rather, only a limited step has been undertaken in the form of an ASEAN troika system which was proposed by Thailand's premier, Chuan Leekpai in November 1999. In fact, as mentioned in chapter 6, the troika would not be a decision-making body, but an 'ad-hoc body'. Moreover, the troika was accepted by the ASEAN member states as it must be compatible with the principles enshrined in the 1976 Treaty of Amity of Cooperation (TAC) which adheres to the norms of consensus and non-interference. SADC, though, has indicated an intention to move rapidly into the progress in institutionalising a regional security structure. By adopting the new Protocol on the OPDSC, the "new" SADC Organ was facilitated to upgrade the degree of formalisation as well as institutionalisation within the SADC structure as a whole.

In this context, whereas the Chair of old SADC Organ provided the secretariat services, the new Protocol on OPDSC (see Article 9) stipulates that the SADC Secretariat shall

provide secretariat services to the Organ. This illustrates that the new SADC Organ seeks to strengthen institutional capacity by firmly locating the Organ within broader SADC structures. However, there remain some problems relating to this structural development:

- the existing SADC secretariat is already overstretched and is currently undergoing rationalisation to reduce costs for the organisation;
- the needs of the Organ are such that a specialised secretariat, trained in security matters, is necessary to provide adequate support (Solomon, 2004:190).

Nonetheless, the historical evolvement of structures such as the FLS, ISDSC, SADCC, SADC, the ASAS, and the OPDS shows that the states of SADC region are concerned with seeking 'structural stability to enhance the [security] community' (Ngoma, 2003:19). Given the haphazard and *ad hoc* SADC interventions in the DRC and Lesotho in 1998, the signing of the Protocol can be seen as an important development in setting out the primary goals for SADC security integration. That is, the Protocol can be instrumental in clarifying the parameters for SADC's role in dealing with regional conflicts.

In particular, Articles 11 in the OPDSC Protocol seeks to address SADC security problems by peaceful means under the heading of 'Conflict Prevention, Management and Resolution'. In this regard, ASEAN has also attempted to provide for a mechanism of managing the conflict in Southeast Asia. Given the contents of 1976 Treaty of Amity of Cooperation (TAC), Chapter IV in the TAC is largely associated with 'pacific settlement of disputes' in the ASEAN region. Here it is important to note that the TAC avoids explicitly using legality-oriented words such as conflict resolution. Rather, it prefers to use softer words, including friendship, good neighbourliness, amity, cooperation and friendly negotiations (see ASEAN, 1976; also Chapter 4).

On the other hand, for SADC, within the context of a legally binding security architecture, the OPDSC Protocol stipulates the jurisdiction of the Organ with stressing the approach to 'resolution' of regional conflicts. According to Article 11(2a) of the Protocol, the OPDSC was mandated to seek to 'resolve any significant inter-state conflict between the Signatories or between a Signatory and another state'[147]. As

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[147] According to the Protocol, a significant inter-state conflict shall include: 'a conflict over

regards Article 11(2b) of the Protocol, the Organ may also seek to 'resolve any significant intra-state conflict within a Signatory'[148]. Hence, both Article 11(2a) and 11(2b) imply that the SADC member states appear largely to be interested in equipping the OPDSC (in terms of jurisdiction) with a legal instrument in which to provide for the 'resolution' of inter-state as well as intra-state conflicts effectively.

However, both ASEAN and SADC are equally concerned about managing regional conflicts by 'peaceful means'. In this context, as previously shown in the DRC conflict (see 7.3.2), one of the significant attempts by SADC leaders was to mediate a peaceful settlement during the later Congo wars. The SADC leaders such as South African President Thabo Mbeki sought to manage the DRC conflict by 'peaceful (diplomatic) means' which was clearly emphasised in Article 11(1) of the OPDSC Protocol. Nevertheless, as regards Article 11(3a), 'the methods employed by the Organ to prevent, manage and resolve conflict by peaceful means shall include … arbitration, and adjudication by an international tribunal'. In addition, according to Article 11(1d), 'the Organ shall seek to ensure that the Signatories adhere to and enforce all sanctions and arms embargoes imposed on any party by the United Nations Security Council'. In this regard, whereas Article 17 in the TAC appears to ambiguously approach the method of settlement of disputes in terms of any (coercive) measure provided for by the UN[149], SADC, as both Articles of 11(3a) and 11(1d) of the OPDSC Protocol illustrate, seems to be more explicitly stipulating how and to what extent the UN can

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territorial boundaries or natural resources; a conflict in which an act of aggression or other form of military force has occurred or been threatened; and a conflict which threatens peace and security in the Region or in a Signatory which is not a party to the conflict' (see SADC, OPDSC Protocol, 2002).

[148] According to the Protocol, a significant intra-state conflict shall include: 'large-scale violence between sections of the population or between the state and sections of the population, including genocide, ethnic cleansing and gross violation of human rights; a military coup or other threat to the legitimate authority of a state; a condition of civil war or insurgency; and a conflict which threatens peace and security in the Region or in another Member State' (see SADC OPDSC Protocol, 2002).

[149] According to Article 17 of TAC, '… The High Contracting Parties which are parties to a dispute should be encouraged to take initiatives to solve it by friendly negotiations before resorting to the other procedures provided for in the Charter of the United Nations' (see ASEAN, 1976).

intervene in the regional affairs. In this context, it can be argued that ASEAN is less reliant than SADC upon and less open to external and/or global forces such as the UN.

Within this context, it is important to note that not only Article 11 of OPDSC Protocol but also Article 3 of SADC Mutual Defence Pact took a relationship between SADC and global organisations such as the UN into account in resolving regional conflicts. Put differently, these articles pave the way for SADC to collaborate with external organisations like the UN in addressing international and regional conflicts. In fact, Article 11(2c) of Protocol on the jurisdiction of the SADC Organ stipulates that 'in consultation with the United Nations Security Council and the Central Organ of the Organisation of African Unity Mechanism for Conflict Prevention, Management and Resolution, the SADC Organ may offer to mediate in … conflict that occurs outside the region'. That is, Article 11(2c) promotes the interoperability between SADC and non-SADC organisations. As Ngoma (2003:23) notes, the signing of the Protocol opens the door for the SADC member states to participate in 'peacekeeping operations on the African continent … and as a member of the world community in missions outside the continent'[150].

However, the cooperative interrelations between SADC and the UN need to be reoriented. As was previously mentioned, neither the Zimbabwe-led intervention in the DRC nor the South Africa-led intervention in Lesotho, was approved by a UN Security Council Resolution. In this context, Solomon (2004:191) argues that the modalities of relationship between the SADC Organ and the UN under Chapter VIII of the UN Charter need to be addressed when it comes to the prior authorisation of the UN Security Council before SADC forces can intervene in any state. Moreover, although SADC leaders sought to consolidate a formal regional security structure with signing the OPDSC Protocol, as the Protocol (see Article 8(c)) stipulates, decisions of the Ministerial Committee shall be taken by 'consensus', with a quorum of two-thirds of member states present. In other words, the rule of decision-making by consensus is a right to veto the majority decision within SADC. Under the circumstance, by implication, it can be argued that consensus-based decision-making has largely been practised

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[150] Yet, in terms of SADC peacekeeping, the modalities of its force have to be worked out by member states and the questions of common command and control, a common logistics framework, uniformed training, compatible armaments, common military doctrine, and common defence budgeting all need to be factored in (see Solomon, 2004:192).

within the frameworks of SADC.

In this context, similar to SADC, ASEAN also has committed itself to the principle of decision-making through consensus since the establishment of the organisation (see Chapter 4). However, the connotations of the word 'consensus' in ASEAN are, to some extent, different from those in SADC. In ASEAN, the idea of consensus was conceived as a common understanding of an agenda achieved through 'lengthy dialogue and consultation' (Katsumata, 2003:107). But consensus in the ASEAN context need not be the same as unanimity: what is important is, in fact, that ASEAN-style consensus has largely been seen as a way of moving forward by establishing what seems to be broad support despite the reluctance of some of the members to participate in it (Acharya, 2001:68-69). On the other hand, given Article 8 of OPDSC Protocol under the heading of 'Committee Procedures'[151], the procedural aspects of decision-making – or the actual number of votes – seem to be more important in SADC than in ASEAN. What seems peculiar to ASEAN, when compared to SADC, is the 'process' of arriving at a consensus (*mufakat*) through a consultation (*musyawarah*): in other words, the process of consensual decision-making is supposed to be practised in a way of making gentle suggestions of the path a community should follow, being careful always to take their views and feelings into consideration[152] (Jorgenson-Dahl, 1982:166; also Chapter 4).

Nonetheless, given the fact that the rule of decision-making by 'consensus' is largely based on the principle of 'national basic rights and equality', it can be argued that both ASEAN and SADC are deeply committed to 'national sovereignty' (which is one of universally accepted norms) as a paramount national concern that cannot be compromised. In fact, just as Article 2 of the TAC provides for '[m]utual respect for …sovereignty, equality, territorial integrity, …[n]on-interference in the internal affairs of one another…', the Preamble of the OPDSC Protocol also stresses that '[r]ecognising and [r]e-affirming the…strict respect for sovereignty, …equality, territorial integrity,

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[151] The following provisions shall apply to the ministerial committees of the Organ: (a) the quorum for all meetings shall be two-thirds majority of the Signatories; (b) the ministerial committees shall determine their own rules of procedure; and (c) decisions shall be taken by consensus (see SADC OPDSC Protocol, 2002).

[152] The outcome of consultations and the movement toward consensus and dialogue may largely be regarded as a cornerstone of collective identity generated by ASEAN members in terms of regional security cooperation (see Chapter 4).

…and non-interference in each other's internal affairs'. Within this context, Hammerstad (2004a:223) argues as follows:

> Due to the [consensual] decision-making structure, the [new SADC] Organ has, in practice, no enforcement mandate and can only be…involved in the internal affairs of a member state if invited by it to do so. This … circumscribes the power of the Organ to deal with the most salient security threats in the region, since these do not [largely] arise from inter-state tensions, but from internal issues of governance, legitimacy and power.

Under the circumstance, moreover, it is important to note that although the OPDSC Protocol provides for SADC to deal with such internal security issues in member states as a condition of insurgency or large-scale violence, in reality, the rule of consensual decision-making leaves room for SADC to pursue strict adherence to the principle of non-interference in each other's internal affairs. It can be assumed that although the new SADC Organ can, to some extent, be seen as a legality-driven security mechanism in the region, the Organ faces a number of challenges ahead for translating the Protocol into the implementation of the practical policies in the areas of operation.

Apart from a number of domestic problems and violent conflict in individual SADC countries, therefore, how and whether the member countries will operationalise the new SADC Organ is and should be highlighted as the primary question of building security integration in the region. In particular, given the fact that SADC is reliant on the international donor community for 80 % of its operational costs (SADC, 2000; also Tjønneland, 2004:15), the question of the capacity and expertise in the SADC region comes to the fore. In this context, Schoeman (2002:17-20) raises important questions: will SADC empower the OPDSC with the necessary financial, human and other resources and will it also empower the OPDSC with decision-making power in such a way of abiding by majority decisions in lieu of consensus formula within the institution.

Lastly, although the ISDSC has a good track record of cooperation since, there has been a recent setback: the SADC Regional Peacekeeping Training Centre in Harare was closed down because Denmark, the principal funder, decided to withdraw all funds

in reaction to developments in Zimbabwe[153] (Isaksen, 2002:30). Therefore, under the auspices of the ISDSC, although a Mutual Defence Pact was approved at the 2003 SADC Summit, it is likely to be difficult to implement. It usually requires greater supra-national authority compared to a mere collective security arrangement and it presupposes a willingness to supply mutual information on e.g. the procurement of defence equipment[154] which in the end many member countries may be reluctant to do (Isaksen, 2002:31).

Given the integrated nature of the security structure in SADC, nevertheless, the incorporation of the SADC Organ into SADC can be seen as an evolutionary development. According to Solomon and Ngubane (2003:4), moreover, such incorporation into SADC 'reinforces notions of holistic, expanded and integrated security set-up – emphasising that questions relating to peace and development cannot be separated [and] …it prevents abuse by one state of the Organ for national – or even personal – reasons, as was evident in the decision to intervene in the DRC'. Together with structural formalisation of the SADC Organ, the OPDSC Protocol can largely be viewed as one of the biggest successes in the evolutionary processes of regional security integration. Despite a number of flaws indicated so far, therefore, it can, to some extent, be argued that the adoption of the Protocol by the SADC member states suggests a 'unity of purpose' among SADC leaders as well as a 'preference for collective leadership': at least in theory, hence, this has potential to translate into a conflict-free environment among member states (Ngoma, 2003:22). In order to cultivate an atmosphere conducive to providing a security mechanism to prevent internal conflicts as well as external aggressions, furthermore, SADC attempted to advance a collective identity among the members through creating the SADC Mutual Defence Pact in 2003 which will be discussed in the next section.

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[153] Apart from mentioning the major problems underpinning Zimbabwe's current crisis such as the undemocratic and authoritarian type of state, there is also the crucial issue of land redistribution which aggravated the economic crisis and deteriorated governance and lawlessness. The Zimbabwe regime has managed to create a highly politicised debate around the land question. This debate obfuscates legitimate concerns surrounding violence and human rights abuses, and distracts attention of the international community, from the poor governance record of Mugabe and his ruling party, ZAUN-PF (Taylor and Williams, 2002: 548-551).

[154] See Article 9(c) of the SADC Mutual Defence Pact.

7.4.2   The Politics of the SADC Mutual Defence Pact

The SADC Mutual Defence Pact was launched to promote regional cooperation in politics, defence and security. The Pact was adopted by the SADC Summit in Tanzania in 2003 (IRIN, 27 August 2003). A mutual defence pact is classically viewed as a collective self-defence strategy that includes such forms as mutual assistance treaties and military alliances (Dinstein, 2001:226-233). Mutual assistance treaties proclaim that 'an armed attack against one of them will be regarded as an armed attack against all, pledging to help out each other in such circumstances' (Dinstein, 2001:227). Military alliances are the hallmark of military integration in the areas of the 'military high command, the amalgamation of staff planning, the unification of ordnance, the establishment of bases on foreign soil, organisation of joint manoeuvres and the exchange of intelligence data' (Dinstein, 2001:230).

The North Atlantic Treaty Organisation (NATO) (which was established in 1949 as a Cold War collective self-defence arrangement against a possible attack by the Soviet Union) is a case in point in explaining a classic mutual defence pact. In fact, Article 5 of the 1949 North Atlantic Treaty lays down the principle of mutual assistance[155]. Article 3 of the Treaty stipulates that the parties 'will maintain and develop their individual and collective capacity to resist armed attack'[156]. These articles (operating within the collective self-defence provisions of Article 51 of the UN Charter) have brought into being NATO, which has evolved over the years into a military alliance (McCoubrey and Morris, 2000:71-72).

But the SADC member countries do not commit themselves to the principle of 'an attack on one is an attack on all', as is the case for NATO. Article 6 of the SADC Mutual Defence Pact[157] (dealing with collective self-defence and collective action), Article 6(1)

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[155]   According to Article 5 of the Treaty, 'Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them … will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties … to restore and maintain the security of the North Atlantic area' (see McCoubrey and Morris, 2000:71).

[156]   Ibid.

[157]   See SADC Mutual Defence Pact, 2003.

notes that 'An armed attack against a State Party shall be considered a threat to regional peace and security and such an attack shall be met with immediate collective action'. However, Article 6(3) of the Pact stipulates that 'Each State Party shall participate in such collective action in any manner it deems appropriate'. In this sense, Hammerstad (2004a:229) argues that whether and how to intervene in the SADC region will be left entirely up to each state to decide.

Indeed, the SADC Mutual Defence Pact, under collective self-defence, makes provision for the member states to protect each other from external aggressions on their own intent and purpose. This implies that the SADC member states want to utilise 'flexibility' in their own favour in responding to military attacks from outside or within their borders. In this sense, it may be argued that the SADC Mutual Defence Pact was established as a weak or loose form of military alliance as distinguished from the NATO version. On the other hand, ASEAN has never seriously contemplated adopting such a military pact as a collective defence arrangement, rather the extent and scope of member states' military cooperation has been limited to bilateral agreements because of the flexibility it affords (see Chapter 4 and 6). In reality, nonetheless, both ASEAN and SADC are unable to form a formal military alliance like NATO given the lack of military capabilities and the clear choice in favour of national sovereignty by members of both organisations.

ASEAN attempted to contribute to efforts toward regional confidence building through the ARF. In fact, as mentioned in chapter 6, although the ARF Concept Paper in 1995 outlined a three-staged approach (including the mechanisms of confidence building, preventive diplomacy and conflict resolution) in managing conflicts in the region, the ARF has largely focused on confidence building measures (CSBMs). Similar to CSBMs in the ARF, the SADC Mutual Defence Pact is also likely to be concerned about regional confidence building. Article 7 of the Pact (which delves into intra-regional relations in a regional context) deals with non-interference into each other's internal affairs. SADC leaders seem to continually place emphasis on the issue of non-interference in the domestic affairs of member states with incorporating elements of a 'non-aggression treaty'[158]into the SADC Mutual Defence Pact. Thus, the Pact can be

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[158] Non-aggression treaties provide that member states of a regional organisation shall refrain from the threat or use of force or aggression against other members, or from committing or condoning acts of subversion, hostility or aggression against each other (see Hough, 1998:28).

seen as a complex agreement that combines elements of collective self-defence as a classic mutual defence pact and elements of a 'non-aggression treaty' seeking to engage in regional confidence and security-building measures (CSBMs) for SADC (Hough, 1998:27-28; Solomon, 2004:189). In this context, the provision of Article 9 of the Pact for areas of cooperation in defence matters such as joint military exercises (which also promote CSBMs) needs to be understood in the context of principles such as non-aggression and/or non-interference in the SADC region.

Within this context, Article 1 of the Defence Pact clearly indicates that the Pact continues to view states as sovereign in a desire to ensure and guarantee security for states in conformity with the principle of non-interference in each other's internal affairs. Although the statements regarding the protection of people were expressed in the Preamble[159], Article 7 (on non-interference) and 8 (on destabilising factors) of the Defence Pact, most of the articles of the Pact[160] appear to highlight the security of state and government. SADC leaders seem to be more preoccupied with the matters of state and military issues than with non-military threats such as poverty, disease and inequality in a transformed environment in the post-Cold War and post-apartheid era. Article 1(2) of the Pact is a case in point in arguing for the perspective above, which states that 'armed attack means the use of military force in violation of the sovereignty, territorial integrity and independence of a State Party'[161].   In this context, therefore, it is argued that the SADC Mutual Defence Pact can primarily be seen as the guardian of 'state and regime security' (Swart and Du Plessis, 2004:35).

Although the formative nature and character of the SADC Mutual Defence Pact may be seen to be justified from the earlier historical discussion of the Southern African sub-region (*cf* Ngoma, 2004:414; also Chapter 4), there can be no denying that the SADC

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[159] 'Seeking to promote peace, security, stability and well being among our peoples; Determined to defend and safeguard the freedom of our peoples and their civilisation, as well as their individual liberties and the rule of law; Convinced that close cooperation in matters of defence and security will be to the mutual benefit of our peoples' (see SADC Mutual Defence Pact, 2003).

[160] Most of the articles seek to address conflict resolution, military preparedness, consultation, collective self-defence and collective action, defence cooperation, and so forth (see SADC Mutual Defence Pact, 2003).

[161] See SADC Mutual Defence Pact, 2003.

region should go beyond the state-centric approach to security while at the same time placing greater emphasis on people who are supposed to be primary referents of security as clarified in Article 23 of the SADC Treaty[162] (see SADC, 1992). Within this context, Schoeman (2004:10) argues as follows:

> The mutual defence pact could widen existing rifts and its impact on regional cooperation …. One of its biggest dangers might be its reorientation of SADC's initial 'new security' approach that de-emphasised military-political security and any form of violence as a solution to conflicts towards a more traditional approach in which state security, military-political issues and external (military) threats are given priority.

The SADC Mutual Defence Pact was a product of a long history, starting with the FLS alliance and through the continual development of ISDSC, SADCC, SADC, ASAS, OPDS and currently OPDSC (Ngoma, 2004:412-413). In particular, one of the key objectives of the SADC Organ was to 'conclude a Mutual Defence Pact to respond to external military threats' (see SADC Communique, 1996). In the course of evolvement of the regional security architecture, however, the emergence of the SADC Mutual Defence Pact cannot be seen merely as a move toward a more militaristic direction in SADC's security integration, but rather as an outcome of 'intense political dynamics' which refer to the contest in the region for political influence and domination (Van Nieuwkerk, 2003:2-3).

Historically, that is, SADC(C) has primarily dealt with political conflicts and tensions such as the racial confrontation between South Africa and SADCC members during the apartheid era, and the rivalry between South Africa and Zimbabwe in the post-apartheid period. In line with this argument, Van Nieuwkerk (2003:3) goes on to argue that 'the significance of the Pact can be seen to be a strengthening of the South African approach to regional affairs – … the tendency to avoid military in favour of diplomatic intervention'. The adoption of the Pact can be seen, as evidenced in Article 6(3) of the Pact, as a political scheme for the SADC member countries to develop the diplomatic

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[162] Article 23 on Non-Governmental Organisation states that 'In pursuance of the objectives of this Treaty, SADC shall seek to involve fully the people of the Region and non-governmental organisations in the process of regional integration (see SADC, 1992).

means to be applied prior to a scheme of armed force as a last resort. In this context, this argument is conducive to understanding why the SADC member countries do not commit themselves to the principle of 'an attack on one is an attack on all', as is the case for NATO.

Moreover, although the SADC Mutual Defence Pact has the potential to provide increased legitimacy for SADC members who choose to take military action in defence of a fellow member (even if others do not follow suit) for peace enforcement operation under a SADC umbrella, there will have to be (political) consensus on the action within the SADC Organ (Hammerstad, 2004a:230). Hence, as the OPDSC Protocol recommits the member countries to the principle of sovereignty, in fact, the SADC Mutual Defence Pact also continues to stress the political norms of strict respect for sovereignty and non-interference in each other's internal affairs. In this context, it can be argued that the Defence Pact does not oblige the member countries to defend a fellow member under attack in times of crisis. Nonetheless, the Pact can, to some extent, be seen as having the ability to prevent member states from promoting hostile activities in each other's territories and encouraging each other's support in such a collective (mutual) defence (Ngoma, 2003:25). As mentioned earlier, the SADC Mutual Defence Pact was primarily projected by state elites in the SADC region to maintain the closeness of the relationship among the member countries, which is essential to protecting the security of state and government.

Summing up, therefore, although the SADC member countries created the Mutual Defence Pact as an evolutionary evidence of regional security integration and cooperation, the Pact cannot be considered merely as a military approach to resolving regional conflicts. Rather, the Pact can be viewed as a political calculation for SADC leaders to allow for a flexible approach to regional security problems. Although the SADC member countries attempted to enhance the formalisation as well as legalisation of SADC's security architecture, SADC leaders aimed mainly to advance a political scheme to deal with regional conflicts.

7.5   Conclusion

The emergence of both the OPDSC Protocol in 2001 and the SADC Mutual Defence Pact in 2003 has opened the way for the member states to deal with military conflicts in the region. But the Defence Pact does not go further in legally committing members to

military enforcement action than what the Protocol already did (Hammerstad, 2004a:230). In fact, although the creation of the OPDS(C) and the Defence Pact illustrate that the 'regional grouping …desires to work as one on matters of defence and security' (Ngoma, 2003:25), there remain a number of problems in achieving the goal of SADC's security integration. Both the OPDS(C) and the Defence Pact cannot be viewed purely as legal tools in resolving security conflicts in the region. Instead, they were developed by SADC leaders to provide security mechanisms to be largely utilised as a political rather than legal means.

After the end of apartheid and the Cold War, SADC members attempted to restructure the regional security architecture. Despite a number of flaws in developing the security mechanism(s), SADC leaders were, to some extent, successful in achieving regional solidarity and consensus on integrating their security structures. The SADC member countries have evolved the degree of formalisation and institutionalisation of security frameworks in the region even before SADC(C) was born. In contrast, ASEAN members have largely continued to maintain informal security mechanisms within the 'ASEAN Way' context since the establishment of the organisation.

Thus, the scope and style of institutionalisation in ASEAN have been different from those of SADC. Nonetheless, both ASEAN and SADC kept maintaining the focus on such political norms as sovereignty, equality and territorial integrity. The deep commitment of both organisations to these norms can be understood in the context of regional identities which are closely interrelated with their unique historical experiences as well as political dynamics. This means that both ASEAN and SADC have developed their own ideas and norms to shape the member states' actions in managing conflicts in the regions. As mentioned earlier, for instance, both organisations placed emphasis on 'consensus' as a means of regional solidarity in particular terms of decision-making mechanisms. That is, the idea and/or norm of consensus in both ASEAN and SADC were instrumental in defining the nature and character of approaching to regional conflicts. What is noted for ASEAN is the process of arriving at a consensus (*mufakat*) through a long-winded consultation (*musjawarah*). In contrast, what is counted for SADC are the end-results of the process of regional security cooperation/integration, such as unanimity of which arrived at the rule of decision-making by consensus. In other words, while ASEAN prefers a process-driven (informal) approach to regional conflicts, SADC opts for an outcome-oriented (formal) approach.

This distinction has, to some extent, helped pave the way for distinguishing the extent and scope of formalisation and institutionalisation in ASEAN and SADC. Although both organisations took consensus-based decision-making into account, different political logics related to regional identities (which are reflected from the ideas of consensus) have been used by the member states. Hence, each organisation chose its own approach to managing conflicts in their respective regions. From a constructivist perspective of international relations, one could argue that managing conflict in these two regions is, to paraphrase Wendt (1992:396-421), 'what states make of it and how they do it'. Indeed, despite some splits and divisions among the member states in addressing the issues of South China Sea conflict and East Timor crisis in ASEAN, and the DRC crisis in SADC, as mentioned in chapter 6 and 7, the member states in ASEAN and SADC appeared, later on, to be a driver of responding to the crises in their own ways. Thus, by implication, this means that the mechanisms of managing conflicts in ASEAN and SADC are 'what the members of each organisation make of them and how they do them'

What is important for both leaders of ASEAN and SADC is to commit themselves to political norms such as national sovereignty in which individual members attempt to allow for a flexible approach to regional security problems. In fact, the commitment of both members of ASEAN and SADC to the principle of the modern Westphalian state system should be understood in the context of the search for internal stability and regime security. As examined in the cases of the rejection of flexible engagement and the acceptance of the ASEAN troika system by the member states (see Chapter 6) and the insertion of Article 6(3) of the SADC Mutual Defence Pact (see 7.4.2), therefore, both member states of ASEAN and SADC appear to re-emphasise the continued validity of the norm of non-interference not only to protect national sovereignty, but also to improve the level of flexibility in addressing regional security problems.

In terms of external interventions in East Timor and the DRC, member states in both ASEAN and SADC were concerned about the issue of legitimacy. Both INTERFET (led by Australia as a non-ASEAN state) and Operation Sovereign Legitimacy (led by Zimbabwe) were based on the consent of the intervened sovereign states (Indonesia and the DRC respectively). That is, although such external interventions as INTERFET and Operation Sovereign Legitimacy were authorised and justified by the UN Charter, they also required political consensus recognised by regional states in their organisations. Thus, the issue of legitimacy plays a crucial role in determining the

type and character of external (international and regional) interventions in international politics.

Moreover, both ASEAN and SADC attempted to utilise multilateral security frameworks with regard to managing conflicts in the regions. However, the character of the multilateral approach to regional security differed between ASEAN and SADC. ASEAN rejected Western ideas of the ARF and tried to develop the concept of multilateralism on the basis of the regional norms of the ASEAN Way. As a result, ASEAN has been quite successful not only in promoting norms and principles in the ARF, but also to induce China to be engaged in the forum. On the other hand, a multilateral approach among SADC members has largely been placed under South Africa's leadership. Since South Africa has projected itself as an emerging (middle) power under the support of the West in the post-apartheid period, it is likely that SADC can be put under Western influence for constructing the type and style of regional approach to security cooperation in the region.

Finally, in terms of inclusive and cooperative approaches to regional security problems, the ASEAN states expressed their intention to adopt an inclusive method in order to increase security cooperation with other states in the Asia-Pacific region during the 1992 Singapore Summit (see ASEAN, 1992). For instance, ASEAN has attempted to develop the ARF as the embodiment of the principle of 'inclusiveness' since the early 1990s (*cf* Acharya, 2003:215). In the same period, though, SADC did not establish such an expanded multilateral organisation as the ARF which includes non-ASEAN states. Rather, SADC member states seem to have largely focused on collective security and/or collective defence under the SADC Organ within the region (Hough, 1998:25-26; also Cawthra, 1997:211). However, given the fact that the objectives of the OPDS suggest a comprehensive approach to security cooperation (see SADC Communique, 1996), it can be argued that the Organ also paved the way for the members to orient SADC towards 'inclusive regionalism' as an important component of the principle of 'cooperative security' (Acharya, 2003:295).