HOW SHOULD THE PEACE AND SECURITY PERFORMANCE OF SADC BE EVALUATED?
A RESPONSE TO MY CRITICS

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Abstract

This article responds to the reviews by Gwinyayi Dzinesa and Elling Tjønneland of *Community of Insecurity: SADC's Struggle for Peace and Security in Southern Africa*. It does this by exploring the methodological and analytical challenges in evaluating SADC's peace and security endeavours. It emphasises the need to present explicitly the criteria for assessment, to concentrate on the actual performance of the organisation rather than on its declarations and structures, and to make assessments and predictions on the basis of historical trends and sound analysis.

Introduction

Gwinyayi Dzinesa and Elling Tjønneland express considerable agreement with the arguments set out in *Community of Insecurity: SADC's Struggle for Peace and Security in Southern Africa*. Yet both of them believe that the book is overly critical of SADC and too pessimistic. This raises the interesting question of how one should go about evaluating the peace and security performance of a regional organisation. In many studies on SADC and other international bodies with a peacemaking mandate, the authors make categorical judgements about the effectiveness of these bodies without discussing the criteria for appraisal and the analytical and methodological complications in making such judgements. Ignoring these considerations can lead to flawed conclusions and predictions.

In this article I address the challenges in evaluating SADC's peace and security endeavours. I explore the difficulties of such evaluation and identify some fallacies and pitfalls. I emphasise the necessity to present explicitly the criteria for assessment, to concentrate on the actual performance of the organisation rather than on its declarations and structures, and to make

assessments and predictions on the basis of historical trends and sound analysis. In the course of this discussion I indicate areas of agreement and disagreement with Dzinesa and Tjønneland.

Complications in evaluating the performance of regional organisations

The problem of the counterfactual. When trying to gauge the peacemaking effectiveness of a regional organisation, we cannot always be certain about its full impact because we do not know what the security situation would have been like had the organisation not existed. In some cases, such as the South Asian Association for Regional Co-operation (SAARC), it seems clear that the organisation has had no positive effect on the intensity and severity of regional conflict.[1] In other cases the peacemaking performance of a regional body might be disappointing but it is conceivable that inter- or intra-state conflict would have been more intense or more pervasive in the absence of that body. Tjønneland deems this true of SADC. I agree, although it is not possible to prove the counter-factual position conclusively.

Similarly, a specific regional peace initiative might fail to attain adequate stability but it is conceivable that there would have been greater instability without that initiative. An example of this is President Mbeki's mediation for Zimbabwe in 2008, which led to the Global Political Agreement (GPA) and formation of a coalition government. Over the past four years political violence and harassment have persisted and the ruling party has refused to implement all aspects of the agreement.[2] Nevertheless, it could be argued plausibly that Zimbabwe would be worse off without the GPA. But we do not know what would have transpired had the SADC Summit, like Botswana, declined to recognise Mugabe's illegitimate re-election in 2008.[3]

The problem of mixed results. As illustrated by Zimbabwe, a regional peace effort might have mixed results that cannot be reduced to a simple 'success or failure' binary outcome. Dzinesa praises the Summit and President Zuma, who replaced Mbeki as the SADC mediator for Zimbabwe, for being 'instrumental in bringing the GPA implementation to where it is

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[1] K Dash, The challenge of regionalism in South Asia, *International Politics*, 38(2) (2001), 201-228.
[2] For example, International Crisis Group, Zimbabwe: Election Scenarios, *Africa Report* 202 (2013).
[3] L Nathan, *Community of Insecurity: SADC's Struggle for Peace and Security in Southern Africa*, Farnham: Ashgate, 2012, 74-75.

currently'. Yet despite Zimbabwe's reforms and success in drafting and approving a new Constitution, the political climate remains wracked by intimidation, the security services have not been transformed, it is questionable whether the forthcoming elections will be peaceful and credible, and it is uncertain whether all elements in the ruling party and security services would accept an electoral victory by the Movement for Democratic Change.[4]

Dzinesa also takes a positive view of SADC's mediation of the Malagasy crisis, which erupted in 2009 when a coup toppled President Ravalomanana and brought Andry Rajoelina to power. Dzinesa says SADC scored a major breakthrough in January 2013 when it brokered the 'ni-ni' (neither-nor) deal, in terms of which neither Rajoelina nor Ravalomanana would run for president in elections due to be held later this year; this 'has opened the way to the implementation of SADC's roadmap [on] the conduct of credible elections that can imbue the elected government with legitimacy through popular consent'.

Progress has indeed been made towards the holding of elections in Madagascar but the SADC mediation has not been as positive as Dzinesa suggests. The mediation undertaken by former President Chissano was highly controversial: it was biased against Ravalomanana; it was not conducted in a consistent and rigorous fashion; and it generated tension both within SADC and between SADC and the United Nations (UN) and the African Union (AU).[5] Surprisingly, Chissano endorsed the Malagasy regime's refusal to allow Ravalomanana to return to the country before elections were held. The Summit rejected this position and replaced Chissano as the mediator. When the Summit subsequently forged the 'ni-ni' deal, however, it conceded that an elected President, ousted in a coup, should refrain from contesting elections intended to restore constitutional order. Complicating the situation further, in May 2013 Rajoelina reneged on the 'ni-ni' agreement, announcing that he would run in the election.[6]

The problem of causality. It is sometimes hard to determine causality and the relative weight of the factors that shape the peacemaking effectiveness of a regional organisation. This is because war, conflict and peace are complex phenomena that invariably flow from many interrelated elements and processes at national, regional and international levels. For example,

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[4] International Crisis Group, Zimbabwe.

[5] L Nathan, A clash of norms and strategies in Madagascar: mediation and the AU policy on unconstitutional change of government, *Mediation Arguments* 4 (2013), Centre for Mediation in Africa, University of Pretoria.

[6] Madagascar President Rajoelina to stand in July poll, BBC News Africa, 3 May 2013, http://www.bbc.co.uk/news/world-africa-22402044 (accessed 4 May 2013).

the peacemaking impact of a regional body in a particular conflict, such the AU in Darfur, might be blurred because its mediation activities were accompanied by UN engagement and a range of political and military interventions by neighbouring states and foreign powers.

The problem of expectations. Tjønneland poses an important question: 'Is [Nathan] – and are we – expecting too much from SADC?'. He acknowledges that it is easy to be pessimistic about the organisation, noting that its 'failures to implement and enforce decisions lend creditability to accusations of poor commitment by member states'. From a comparative perspective, though, Tjønneland is convinced that the assessment may not be so gloomy. He claims that in terms of 'policies and mechanisms for conflict resolution and promotion of [good] governance and democracy', SADC seems to be well ahead of other inter-governmental organisations in Africa, Asia and Latin America. Tjønneland offers no evidence or references to back this claim.

Making comparative judgements about regional bodies is a tough exercise because of the above-mentioned problem of causality. If one region is more democratic or pacific than another, it does not follow that the difference is necessarily due to a regional organisation. Still, on the strength of my own research and reading on regional institutions, I would suggest that the Organisation of American States is ahead of African organisations in all of Tjønneland's categories; the Economic Community of West African States (ECOWAS) is ahead of SADC with regard to peacemaking; and the Association of South East Asian Nations (ASEAN) has had a similarly positive impact to SADC with respect to the maintenance of pacific inter-state relations.[7]

Expectations of the peacemaking performance and potential of international organisations are also informed by theoretical perspectives. At the one end of the spectrum, hard-line realist scholars are wholly pessimistic about the utility of international security regimes, insisting that these regimes cannot enhance stability in an international system defined by anarchy and a relentless competition for power and security among states.[8] At the other end of the spectrum, the constructivist school is interested in the processes by which a group of states can become so well integrated and have so strong a sense of community and common identity

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[7] L Nathan, The peacemaking effectiveness of regional organisations, *Working Paper*, 2(81) (2010), Crisis States Research Centre, London School of Economics; M Herz, Does the Organisation of American States matter? *Working Paper*, 2(34) (2008), Crisis States Research Centre, London School of Economics.
[8] J Mearsheimer, The false promise of international institutions, *International Security*, 19(3) (1994/95), 5-49.

that it becomes a security community, meaning that its members consider the possibility of war among them as inconceivable.[9]

The problem of normative orientation. Assessments of regional organisations are shaped not only by theoretical paradigms but also by personal normative inclinations. Analysts with different normative orientations might regard the same situation quite differently. My own stance is unabashedly democratic, leading to criticism of the Summit for disbanding the SADC Tribunal and other failures to honour the Treaty principles of respect for human rights and the rule of law. By contrast, analysts whose normative priorities are anti-imperialism, national sovereignty and overcoming the colonial legacy of land inequity are sympathetic to Harare's defiance of the Tribunal and the Summit's moves to shut down the regional court.[10]

The fallacy of appraisal based on declarations and structures

In order to achieve their objectives, regional organisations draw up formal declarations and establish structures of various kinds. The declarations and structures can be considered potential indicators of progress since they appear to reflect a consensus among member states and provide a platform for the organisation to act in a predictable, consistent and purposeful manner. However, the structures and declarations are only *potential* indicators of progress. What matters is whether and how they are applied in practice.

A number of authors fall into the trap of claiming that SADC has been successful in the political and security spheres by virtue of having constructed an institutional framework comprising a treaty, protocols and mechanisms for security co-operation, peacemaking and democratic governance.[11] This formalistic criterion for success is inadequate as it ignores the most pertinent questions: Is the behaviour of member states consistent with the principles and objectives set out in the declarations? Does the organisation take corrective action when a

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[9] E Adler and M Barnett (eds), *Security Communities*, Cambridge: Cambridge University Press, 1998.
[10] For example, C Manyeruke, SADC Tribunal's ruling on Zimbabwe's land case and its implication on land reform in Southern Africa, *SALARN Newsletter* 1(3) (2010), 7-9, Southern African Land and Agrarian Reform Network.
[11] For example, N Ngoma, SADC's Mutual Defence Pact: a final move to a security community? *The Round Table*, 93(375) (2004), 411-423; G Cawthra, Collaborative regional security and mutual defence: SADC in comparative perspective, *Politikon*, 35(2) (2008), 159-176; and B Franke, *Security Cooperation in Africa: A Reappraisal*, Boulder: FirstForumPress, 2009.

member state violates the principles? And what is the actual impact of the mechanisms and declarations?

Dzinesa motivates a positive assessment and prognosis of SADC in terms of new structures and plans. These include the revised Strategic Indicative Plan for the Organ, known as SIPO II, that was launched in 2012; the SADC Electoral Advisory Council, intended to promote the SADC Principles and Guidelines Governing Democratic Elections; and mediation structures that include the Panel of Elders, the Mediation Reference Group and the Mediation Support Unit in the Organ Directorate. I am not dismissive of these developments. In fact, since 2007 I have been involved in designing the new mediation entities. But until the structures and plans have been put into operation and proven to be useful, we should not prematurely herald them as major achievements.

The SADC experience throws up many examples that justify a cautious approach to assessing progress. One such example is SIPO I, an ambitious strategic plan adopted in 2004, which did not come close to meeting its objectives. Although Dzinesa sees SIPO II as an improvement on SIPO I, he notes correctly that the 'Achilles heel' of the new plan is its non-binding status. The document urges member states to implement its provisions through the SADC national committees, national contact points and sector ministries in their countries but, as Dzinesa observes, these bodies 'have not been very functional or effective' to date. The historical trend here confirms the need to avoid depicting official documents and structures as constituting progress in themselves.

The SADC Guidelines on democratic elections, adopted by the Summit in 2004, is another manifestation of the gap between the official discourse and the reality. For example, when President Mugabe signed new electoral laws in 2005, SADC officials lauded Zimbabwe for becoming the first member state to comply with the Guidelines. The laws were patently inadequate, however, failing to ensure a level playing field and guarantee the rights and freedoms required for legitimate elections.[12] The South African government, at that time the Chair of the SADC Organ on Politics, Defence and Security Co-operation, was unperturbed

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[12] For example, Human Rights Watch, Zimbabwe: electoral bill fails to meet benchmarks, press release, 25 November 2004; P Kagwanja, When the locusts ate. Zimbabwe's March 2005 elections, *EISA Occasional Paper* 32 (2005), Electoral Institute for the Sustainability of Democracy in Africa.

by this, maintaining that 'no one expects 100 per cent adherence to the guidelines'.[13] In truth, the Guidelines are peremptory, demanding 'scrupulous implementation' by member states.[14]

The recent saga of the SADC Tribunal is an even more dramatic and salutary manifestation of the gap between official institutions and the realpolitik of the Summit. When the Tribunal ruled in 2008 that the Zimbabwe government's land seizures violated the SADC Treaty principles of the rule of law and non-discrimination, Harare contemptuously dismissed the rulings and disavowed the court's jurisdiction. This was despite the fact that Mugabe had signed the Treaty, which makes the regional court an institution of SADC; the Tribunal Protocol of 2000; and the 2001 amendment to the Treaty, which provides for the Tribunal Protocol's entry into force.[15] Faced with a stark choice between either defending the Treaty and the regional court or defending Harare and national sovereignty, the Summit jettisoned the court. The Tribunal judges denounced this decision as illegal, ultra vires and taken in bad faith.[16]

Evaluation in relation to goals and performance

In *Community of Insecurity* I deal explicitly with the question of evaluation and expectations of a regional organisation, explaining that I assess SADC's performance in terms of its stated goals and objectives. This approach seems analytically sound since all institutions are set up in order to achieve one or more objectives and their effectiveness hinges on their success in realising those objectives. The approach is also 'fair' in the sense that it avoids judging an organisation according to goals that the organisation does not claim to have. Similarly, regional bodies can be assessed in terms of the principles they espouse in their declarations and protocols.

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[13] C Bhagowat and S Msomi, Pahad foresees no fallout over spy saga, *Sunday Times*, 23 January 2005.

[14] SADC, *Principles and Guidelines Governing Democratic Elections*, Grand Baie, 2004, article 7.1.

[15] L Nathan, Solidarity triumphs over democracy: the dissolution of the SADC Tribunal, *Development Dialogue* 57 (2011), 123-137.

[16] A Pillay, R Kambavo, O Tshosa and F Chomba, Three illegal and arbitrary decisions taken in bad faith by the SADC Council of Ministers and Summit of Heads of State and Government, Letter to the Executive Secretary of SADC, 13 June 2011, http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71656?oid=242579&sn=Detail&pid=71616 (accessed 20 August 2011).

What are the relevant objectives and principles of SADC? The Treaty stipulates that the organisation and its members must act in accordance with the principles of sovereign equality of member states; solidarity, peace and security; human rights, democracy and the rule of law; equity, balance and mutual benefit; and peaceful settlement of disputes.[17] SADC's objectives include the promotion and defence of peace and security and the evolution of common political values, systems and institutions.[18] The Organ's objectives include protecting the people of Southern Africa from instability and conflict; developing common foreign policy approaches; promoting regional co-operation and co-ordination on security and defence; preventing, containing and resolving inter-and intra-state conflict by peaceful means; and promoting the development of democratic institutions and practices.[19]

As discussed in *Community of Insecurity*, SADC's record in relation to these objectives is mixed. The most significant positive development is that, in Tjønneland's words, 'the risk of inter-state war is greatly reduced'. The watershed moment was the advent of democracy in South Africa in 1994, bringing an end to the era of regional destabilisation by the apartheid regime. The bonds of solidarity that were forged among the Southern African states during the bloody struggles against apartheid and colonialism have endured. This has been something of a double-edged sword, though, contributing to political cohesion but also stifling collective action in response to state assaults on human rights and human security.

The most significant negative dynamic has been the Summit's failure to promote 'the development of democratic institutions and practices'. This failure has not only been one of passivity, turning a blind eye to authoritarianism and repression in the region. In the case of Zimbabwe, the Summit repeatedly trivialised the government's human rights transgressions and expressed solidarity with Harare.[20] Moreover, the heads of state dismantled the Tribunal precisely because of the regional court's determination to uphold the democratic tenets of the Treaty. By doing this, they severely undermined the rule of law, the protection of the region's inhabitants and the status and credibility of SADC's legal instruments.

Prospects for progress

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[17] SADC, *Treaty of the Southern African Development Community*, Windhoek, 1992, article 4.
[18] Ibid, article 5(1).
[19] SADC, *Protocol on Politics, Defence and Security Co-operation*, Blantyre, 2001.
[20] Nathan, *Community of Insecurity*, 64-70.

Predictions about the future of a regional organisation must take full account of historical trends and must be based on a sound analysis of those trends. If a writer wants to argue that the organisation's future is likely to be substantially better than its past, then this should be motivated in terms of compelling evidence and analysis.

In *Community of Insecurity* I attribute SADC's poor record of peacemaking and peacebuilding to three major problems: an absence of common values among member states, which has militated against effective responses to crises and the development of mutual trust and common policies; the reluctance of these states to surrender a degree of sovereignty to multilateral bodies, which is a *sine qua non* of regional integration; and the economic and administrative weakness of states, which affects all SADC's forums and programmes. Because these problems are deep-rooted and structural, they will not be overcome quickly or easily. SADC's future is therefore likely to be very similar to its past.

Dzinesa and Tjønneland are more optimistic. What, then, is the process, mechanism or agency that in their view could generate improvement? One of Tjønneland's answers is 'state interests':

> … state interests may help build co-operation and trust in a divided and diverse region.
> Progress may be both uneven and slow with the regional project advancing at 'variable
> speed' and 'variable geometry'. In this process space and opportunities may also emerge
> for making progress on peace and security issues.

I agree that state interests can advance regional co-operation on peace and security, and I give examples of this in *Community of Insecurity*.[21] In a review of the book, Merle Lipton says that I do not 'establish, or indeed explore, whether member states have sufficient shared interests to drive closer integration'.[22] This is incorrect. I emphasise that the SADC states have a strong collective interest in regional security arrangements:

> One of the notable features of the Southern African case is that states persisted in their
> mission to create a security regime even when there were good reasons to abandon it.
> They not only devoted scarce funds and much time to the Organ with little positive
> result, but their disputes over its status and orientation damaged their relations with each
> other. Their perseverance signified their conviction that their interests would be served

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[21] Ibid, 58-62.
[22] M Lipton, review of *Community of Insecurity*, *International Affairs*, 88(6) (2012), 1373.

by a collective security mechanism. They agreed on the need for the mechanism but disagreed bitterly on its character and status.[23]

While the shared interests of SADC countries have enabled co-operation in many functional areas, they have not been sufficient to bridge the normative divisions on domestic governance and regional security. In these spheres the member states have at times been relatively united around the principles of state solidarity, anti-imperialism and respect for sovereignty, which have served the interests of the region's governments and not its people. I see these principles as a weak rather than a strong exception to the absence of common values.

> [The principles of solidarity and anti-imperialism] bolster regime security at the expense of human security and regional security and they impede rather than contribute to the resolution of conflict. They are reactive and defensive rather than proactive and programmatic, they mask rather than transcend the substantive disputes between member states and they have therefore not provided a normative platform for a common security regime. Invoked when foreign powers put pressure on a SADC state, the principles have no utility when Southern African countries are at loggerheads with each other.

Appreciating the salience of common values, Dzinesa proposes that the route to building an efficient and effective security community lies in 'socialis[ing] SADC member states to overcome their differences in order to facilitate their recognition of core common values', which would stress human security rather than regime security. This proposal has three shortcomings: it does not indicate who would do the requisite socialising and by what methods; it does not address the reasons for SADC's failure to forge common values on human security over the past twenty years; and it greatly underestimates the difficulty of overcoming the normative differences between member states. These differences derive from cardinal national values and policies that are grounded in the history and political culture of states.

This is not to say that national values and political culture are immutable. They have changed in certain Southern African countries but this has been a result of domestic politics rather than regional dynamics. More importantly for present purposes, they have changed sometimes for the better and sometimes for the worse. The picture painted by Freedom House in this regard is not reassuring. The 2004 Freedom House survey of political rights and civil liberties

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[23] Nathan, *Community of Insecurity*, 100.

classified Botswana, Lesotho, Mauritius, Namibia, Seychelles and South Africa as 'free'; Malawi, Mozambique, Tanzania and Zambia as 'partly free'; and Angola, the Democratic Republic of Congo, Swaziland and Zimbabwe as 'not free'. Most of these ratings remained the same in the 2012 survey. The exceptions were Lesotho and Seychelles, which moved from 'free' to 'partly free'. Madagascar, which joined SADC in 2005, was classified as 'partly free'.[24]

In *Community of Insecurity* I suggest that the Organ might become more effective if it is supported and used energetically by a core group of democratic countries. Yet I see no indication that this will occur in the foreseeable future. Tjønneland maintains that my bottom line is too 'dismissive of the ability to move SADC forward'. His own conclusion is that South Africa, in coalition with likeminded countries, may be driven by state interests to move the SADC project forward. This hopeful prognosis is not backed by any evidence. Instead, Tjønneland recognises that Pretoria has refrained from playing a prominent role in SADC and he adds that the lack of progress in building regional programmes is due partly to the 'weak administrative and technical capacity' of South Africa's Department of International Relations and Co-operation.

Finally, it is worth noting that since SADC's establishment in 1992, there has been an obsessive focus on its peace and security architecture. Numerous analysts, including myself, have applauded the formation of new structures and called for the introduction of yet more structures. This obsession has not abated in recent times.[25] It rests on the fallacy that the regional architecture can somehow transcend the differences between states and champion human security. The truth of the matter is that SADC is a forum of sovereign states whose governments will not permit it to act contrary to their values and interests. Many of these governments do not embrace human security and all of them are resistant to surrendering sovereignty to communal institutions. The critical issues are not the regional structures but the national and foreign policies of member states. The struggle for regional security should therefore be construed principally as a struggle at the national level.

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[24] The Freedom House surveys can be viewed at http://www.freedomhouse.org/.
[25] For example, International Crisis Group, Implementing peace and security architecture (II): Southern Africa, *Africa Report* 191, 15 October 2012.