THE ROLE OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) IN CONFLICT RESOLUTION: THE CASE OF ZIMBABWE FROM 2002 TO 2014

by

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LIST OF ACRONYMS

ASEAN	**Association of Southeast Asian Nations**
AU	**African Union**
CZI	**Confederation of Zimbabwean Industries**
DRC	**Democratic Republic of Congo**
ECOWAS	**Economic Community of West African States**
EU	**European Union**
FLS	**Frontline States**
FTLRP	**Fast Track Land Reform Programme**
GNU	**Government of National Unity**
GPA	**Global Political Agreement**
HRW	**Human Rights Watch**
ICAO	**International Civil Aviation Organisation**
IDPs	**Internally Displaced Peoples**
IGO	**Intergovernmental Organisation**
IMF	**International Monetary Fund**
IO	**International Organisation**
ISDSC	**Inter-State Defence and Security Committee**
JOMIC	**Joint Monitoring and Implementation Committee**
LDF	**Lesotho Defence Force**
MSF	**Médecins Sans Frontières**
MDC	**Movement for Democratic Change**
MDC-M	**Movement for Democratic Change – Mutambara**
MDC-T	**Movement for Democratic Change – Tsvangirai**
NWPC	**National Working People's Convention**
OAU	**Organisation of African Unity**
OPDSC	**Organ on Politics, Defence and Security Cooperation**
PF	**Patriotic Front**
PGGDE	**Principles and Guidelines Governing Democratic Elections**
PSC	**Peace and Security Council**
RFP	**Rhodesia Front Party**
SADCC	**Southern African Development Cooperation Conference**
SADC	**South African Development Community**

SAOM	**South African Observer Mission**
SAP	**Structural Adjustment Programme**
TNO	**Transnational Organisation**
UK	**United Kingdom**
UN	**United Nations**
UNSC	**United Nations Security Council**
US	**United States**
ZACTU	**Zimbabwe Congress of Trade Unions**
ZANU	**Zimbabwe African National Union**
ZANU-PF	**Zimbabwe African National Union-Patriotic Front**
ZAPU	**Zimbabwe African People's Union**
ZEC	**Zimbabwe Electoral Commission**
ZESC	**Zimbabwe Electoral Supervisory Commission**

CHAPTER 1

INTRODUCTION

1 Identification of the research theme

Conflict is a familiar concept in the field of security studies. According to Wallensteen (2012:16) conflict is a "social situation in which a minimum of two actors (parties) strive to acquire at the same moment in time an available set scarce resources". As such conflict is distinguishable from a non-conflict situation by the existence of goal incompatibility (Mitchell 1981:17-18). The complexity of conflict as will be revealed by an exploration of its nature and scope, needs to be appreciated when conflict resolution intervention is undertaken. Therefore, conflict resolution is a condition "where conflicting parties enter into an agreement that solves their central incompatibilities, accept each other's continued existence as parties and cease all violent action against each other" (Wallensteen 2012:80). Amongst others, conflict resolution could be achieved by using the method of mediation, where as a norm a third party assumes the role of a mediator. In regional conflicts, regional organisations have amongst others the responsibility of carrying out mediation and often delegate the role of mediator to a representative. The examination of the Southern African Development Community's (SADC) conflict resolution role in Zimbabwe is informed by these considerations and conceptual clarifications.

The concept of region is contested as there are scholars who view it in terms of geographic boundaries and others who argue that it is socially constructed. Nonetheless, there is general agreement that it means both and this minimises uncertainty about what constitutes a regional organisation. While geographical proximity is important, the perception of a common identity equally contributes to the construction of a region. This is particularly relevant in the case of SADC, an organisation constituted by states that share geographic proximity (the Southern African states) and others bound to it by perceptions of a common history and identity or for cooperation purposes, such as Tanzania in East Africa, the Democratic Republic of Congo (DRC) in Central Africa and Madagascar, an island state off the southeast coast of the African continent.

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As a regional organisation with a legal capacity and a focus on the Southern Africa region, SADC emerged in 1992 out of what was then the Southern African Development Cooperation Conference (SADCC) (see Schoeman& Muller 2009:177; SADC Treaty 1992: Article 3). The SADCC organisation was itself preceded by the Front Line States (FLS), a loose political alliance of Southern African states supporting liberation movements in their struggle against the South African apartheid regime. Amongst others, the promotion and defence of security and peace in Southern Africa features as one of the prominent objectives of SADC, as stated in Article 5 of the Declaration and Treaty of the Southern African Development Community, 1992 (SADC Treaty 1992). This means that SADC should intervene when conflicts break out in the region.

Where used, for example in the protracted conflict that engulfed post-independence Angola that ended in 2002 (Nathan 2012:5), SADC interventions did not achieve positive results (Nathan 2006:611). Another contentious and more recent case in point is the Zimbabwe conflict, where SADC intervened to mitigate and/or end the conflict. The Zimbabwe conflict was the result of a series of political, policy, human rights and economic crises and culminated with the eruption of country-wide violence in the aftermath of the 2008 general elections. The most notable outcome of SADC intervention was the Global Political Agreement (GPA) that brought together all the conflict parties to form a unity government (Mehler 2009:470), and which was criticised for its 'politics of continuity' (Cheeseman 2010:208). Regardless of this criticism, SADC's conflict resolution intervention within Southern Africa and in Zimbabwe in particular, was arguably better than no intervention at all.

Therefore, the aim of this study is to examine SADC's conflict resolution role in the Zimbabwe conflict and to determine how this role impacted on both the development and outcome of the conflict.[1] In order to achieve this, the study explores different roles and functions that are associated with intergovernmental organisations (IGOs)

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[1] It is important to note that since this conflict resolution role manifested in SADC mandated mediation in Zimbabwe, this study does not analyse the mediation process at the micro level of interaction between the mediator and other negotiants, and therefore does not constitute a mediation study. Rather, and as presented, it entails a macro level description, analysis and evaluation of the regional conflict resolution role of SADC.

and regional organisations in particular, and analyse their applicability to SADC and how the organisation fulfilled these roles and functions within the context of the Zimbabwe conflict. Within the discipline of International Relations the theme falls in the specialised field of security studies. The study is of both theoretical and practical relevance. Theoretical in the sense of applying a particular understanding and framework of conflict resolution; practical to the extent that multilateral diplomatic intervention by a regional organisation was preferred to targeted sanctions or humanitarian intervention involving the use of armed force.

2 Literature overview

The literature and data sources on the research theme focus on the following areas, namely conflict and conflict resolution; the role of regional organisations in conflict resolution; and with reference to the case study, SADC and the Zimbabwe conflict.

Conflict resolution studies emerged in mid-1950s, marked by the establishment of the *Journal of Conflict Resolution* (1957), an initiative with the normative objective to 'change' the world by preventing wars (Ramsbotham, Woodhouse & Miall 2011:42). Since then the field of study and literature developed at a rapid pace. In this respect Mitchell's (1981) seminal book, *The Structure of International Conflict*, offers an incisive and detailed examination of the concept conflict, including its nature and scope. This contribution is supplemented by various works that focus on particular aspects. For example Ramsbotham, Woodhouse and Miall (2011:7-8), by focusing on the emergence of conflict, contend that "(i)t takes its origins in economic differentiation, social change … political organization – all of which are conflictual – and becomes overt through the formation of conflict parties, which come to have, or are perceived to have, mutually incompatible goals". Lake and Morgan (1997:302) link conflict to regional security and argue that if "domestic problems [conflicts] spill over into a neighbouring state ... then the problems have been regionalized". This provides both opportunity and space for (regional) IGOs to resolve internal or domestic conflicts.

At a practical level and within the African context, the Organisation of African Unity (OAU) was the first inclusive regional organisation to emerge on the continent. The

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OAU advanced the interests of African states, particularly the protection of state sovereignty and the advocacy of anti-colonialism. Due to the complexity of the issues and challenges that faced the African continent, the transformation and reform of the continental organisation was not only necessary but led to the evolution of the OAU into the African Union (AU) in 2002 (Packer & Rukare 2002:365). The OAU also supported the establishment of regional organisations such as SADC and the Economic Community of West African States (ECOWAS) (Van Nieuwkerk 2001:8-9). These regional organisations have over time come to play an important role in conflict resolution in their respective regions (Hettne & Soderbaum 2006:227-228). The literature point to the use of conflict management and resolution methods such as mediation. This is based on the fact that they "allow for (the) centralization of collective activities through a concrete and stable organizational structure and a supportive administrative apparatus" (Abbott & Snidal 1998:4). This confirms that the maintenance of regional security through resolving conflicts, at both inter- and intra-state levels, has become a core preoccupation of regional organisations (Cawthra 2010:10-11).

In as much as this is the case, regional organisations such as SADC fundamentally constitute a platform to deal collectively with (security) issues that cut-across national boundaries. This generic role, amongst others, is explained by Archer (2014:114-149) in *International Organisations*. In this publication he distinguishes between different types of International Organisations (IOs) according to their 'membership' and 'aims and activities', and links them to identified roles. Thus he argues that their main purpose is to encourage cooperation and reduce intra- and inter-state conflicts through, *inter alia*, conflict management or resolution. Considering the aforesaid, Archer contends that IGOs and in particular regional organisations fulfil the roles of both instrument and actor, in addition to serving as a platform or arena of deliberation and decision making. Archer's contribution is that he extends these roles to specific functions that include but are not limited to the articulation and aggregation of members' interests or position regarding issues of concern.

Concerning the Zimbabwe case study, many authors have provided accounts of the origins, development, scope and nature of the conflict. In the context of this study, it

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suffices to briefly outline the arguments of some authors for background purposes. Miti (2012:35) contends that the Zimbabwe conflict had its origins in the February 2000 constitutional referendum which sought, amongst others to "allow for land expropriation without compensation (and to) increase the powers of the president and; extend Robert Mugabe's tenure for another 12 years." This resulted in a rejection of President Mugabe's position and was followed by increasingly repressive rule (Raftopoulos 2002:421; Peters-Berries 2002:198; Miti 2012:35). Bratton and Masunungure (2008:45-47), adopting a different approach, argue that populist and radical political and economic policy choices combined with international sanctions created a domestic crisis and hastened the decline of Zimbabwe. Similarly, Mlambo (2014:236) also argues that the violent confiscation of land owned by white Zimbabwean farmers by the Government impacted negatively on the economy of the country and the rule of law. Matlosa (2009:57), in contrast, regards the 2008 general elections as the 'tipping point', especially to the extent that the build-up to the 2008 presidential run-off was characterised by state violence aimed at opposition supporters. However, the available literature tended to concentrate more on the causes and manifestations of conflict than on the role of SADC *per se*.

In response to humanitarian crises, SADC member states engaged in numerous diplomatic exchanges to resolve the conflict and in 2007 the SADC Extraordinary Summit of Heads State and Government in Dar es Salaam (Tanzania) mandated South Africa to mediate between the Government and opposition parties of Zimbabwe (Badza 2010:6). This event, in the context of the conflict resolution role of regional organisations – that of SADC in particular, is the focus of this study.

3 Formulation and demarcation of the research problem

In light of SADC's conflict resolution intervention role in Zimbabwe, the aim of this study is to provide an analysis of the nature and scope of this role, with particular emphasis on its process and outcome. The problem is not so much the role of SADC but the impact thereof. Hence the following research question: Would the events in Zimbabwe and the outcome of the 'Zimbabwe-problem' have been substantially different without the involvement and conflict resolution role of SADC? This primary

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question is underpinned by two subsidiary questions: Firstly, what was the conflict management role, including that of conflict resolution, that SADC played? Secondly, did this role contribute to a positive outcome by overcoming limitations and how?

In response to the research question the thesis or argument defended is that SADC, despite institutional limitations and operational constraints, indeed played a positive role that prevented an escalation of the conflict and that contributed to a de-escalation thereof on account of its conflict resolution through mediation. Thus, it is contended that the events and outcome would have been more detrimental and destabilising had it not been for the multilateral involvement of SADC.

The following research objectives are pursued, namely to:

- develop a theoretical framework to determine and assess the conflict resolution role of a regional organisation in intra-state (domestic) conflict;
- describe and classify the nature, scope and development of the 'Zimbabwe-problem' as a conflict in need of resolution;
- apply the theoretical framework to analyse the conflict resolution role of SADC – as a regional organisation – to the intra-state conflict in Zimbabwe;
- assess this role to determine whether or not the events in Zimbabwe and the outcome of the 'Zimbabwe-problem' would have been different had it not been for SADC's involvement and conflict resolution role.

The study is demarcated in conceptual, temporal and geopolitical terms. At a conceptual level, the key variables are conflict, conflict resolution and the role of international (regional) organisations. In terms of time-frame, the Zimbabwe case study is limited to the period from 2002 to 2014. The commencement year of 2002 is based on the fact that serious allegations of election rigging emerged in the presidential election held in 2002 (the 'constitutional crisis') and, therefore, created the possibility of and in fact necessitated SADC intervention. However, for background and contextual purposes, note is taken of pre-2002 events that precipitated the case study and influenced its development. The concluding year of 2014 marks the first full year since the end of the GNU and allows for a retrospective

assessment of the outcome(s) of SADC's role, as a historical case. From a geopolitical point of view, a non-comparative case study is undertaken that involves Zimbabwe as the national-level unit of analysis and SADC as the regional-level (Southern African) unit of analysis.

4 Research methodology

The research design of this study takes the form of a historical case study and entails a literature-documentary analysis. It involves a critical literature based component to construct the theoretical framework and a predominantly document-based study and analysis of the Zimbabwe case study. Accordingly, the approach to the study is descriptive-analytical, embedded in a neo-liberal institutional perspective of SADC's involvement and role as a regional organisation. A qualitative method is used, based on an inductive-empirical description and analysis of evidence pertaining to the Zimbabwe case study. Being focused on the SADC-Zimbabwe relationship, a single, non-comparative case study is made.

As far as data sources are concerned, the study is based on an exploration and use of public domain primary documentary and secondary data sources. The primary sources include official SADC documents on the Zimbabwe conflict and SADC's role, and perceptions about the conflict's impact on regional security. To the extent that SADC's conflict resolution interventions are extensively documented and also considering the polarised and emotive responses to the Zimbabwe issue, unstructured and supplementary interviews were not used. Secondary sources used include scholarly publications such as books and journal articles on the conceptual and theoretical facets relating to conflict, conflict resolution and role of regional organisations, and also on the Zimbabwe issue itself.

5 Structure of the research

This research report has a conventional format, starting with the introduction and the development of a conceptual and theoretical framework, followed by an empirical section comprising of two content chapters, and concluding with an evaluative chapter.

Chapter 1, as an introductory chapter, focuses on the identification of the research theme, the outlining of the research aim, as well as the formulation and demarcation of the research problem and objectives. Furthermore, this chapter provides a literature overview and contains sections on the methodology and the structure of the research.

Chapter 2, as a conceptual-theoretical chapter, focuses on the role of regional organisations in conflict, with emphasis on two dimensions. Firstly, an assessment of the nature and scope of regional organisations and their roles and functions, to the extent that these have a direct bearing on their conflict resolution involvement at a domestic or intra-state level. Secondly, an assessment of the nature, scope and development of conflict and conflict resolution as an approach to the management and termination of conflict.

Chapter 3 constitutes a contextual framing of the development and management of the Zimbabwe conflict. In this chapter the origins, triggers, nature and scope, and the domestic/regional impact of the Zimbabwe conflict are described.

Chapter 4 takes an analytical turn, by applying the theoretical framework to SADC's conflict resolution role in Zimbabwe. The focus is on the nature and scope of SADC's diplomatic intervention, and also on the assessment of SADC's mediation as the preferred method of intervention.

Chapter 5 presents an overall evaluation of the research findings on SADC's conflict resolution while bearing in mind the *raison d'être* and thesis of the study, based on the research question. It presents a summary of the research findings in the form of a concluding response to the stated aim, objectives, research questions and arguments of the study. By using this evaluation as the point of departure, the chapter concludes with recommendations on conflict resolution/management and on future research areas.

As a starting point this introductory chapter provided an indication of what is to follow; equally, the ensuing chapter provides a conceptual-theoretical foundation and framework for the contextualisation and analysis of the SADC-Zimbabwe case study.

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CHAPTER 2

REGIONAL INTERGOVERNMENTAL ORGANISATIONS, CONFLICT AND CONFLICT RESOLUTION: A FRAMEWORK FOR ANALYSIS

1 Introduction

The purpose of this chapter is to clarify the concepts of region and regional organisation; of conflict and conflict resolution; and of the conflict resolution role of regional organisations as the basis of an analytical framework to determine and assess the role of SADC in Zimbabwe between 2002 and 2014. In order to achieve this goal it is firstly necessary to explore the views of various scholars within IR on these contested concepts, and to scrutinise each while ultimately explaining their inter-relationship and position within an analytical framework. Secondly, in the context of the post-Cold War international system and in terms of Chapter VIII of the UN Charter, the role of regional organisations in intra-state conflict resolution is considered. This role has increased due to the development-(human) security nexus, especially in post-colonial states. There is however a lack of consensus about the nature, scope and role of regional organisations; an uncertainty that partly stems from contested conceptualisations of a 'region'.

In practical terms cognisance is taken of the ending of Cold War rivalries; a historical occurrence that changed the nature of conflict. Prior to and during the Cold War conflict was mostly inter-state, namely proxy wars involving major powers and their allies. In contrast the post-Cold War period saw a decrease in inter-state conflict to the extent that internal or intra-state conflict, with regional implications, has become more prevalent. As regional organisations confront the increasing number of these conflicts, it is necessary to reconsider the meaning, nature and scope of conflict and the subsequent or corresponding conflict resolution role of regional organisations.

2 The meaning, nature and role of regional organisations

It is common knowledge that regional intergovernmental organisations (hereinafter regional organisations) have played an increasing and important role in conflict

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resolution during the post-Cold War era, and currently still do. Notwithstanding their existence, there is no settled definition and common view of their role. Hence the clarification and explanation that follows.

2.1 The concept of region

To explore the meaning of the concept 'regional organisations' it is necessary to briefly clarify the meaning of the concept 'region'. Within IR and the academic divisions of the social sciences concepts are contested, that of a region being no exception (Goltermann *et al.* 2012:3; Fawcett & Hurrell 1995:38). Obviously a regional organisation invokes images of states belonging to a particular geographic location – namely a 'region' – forming an inter-state or more specifically a regional organisation to cooperate on the pursuit or achievement of stated goals. In this respect a region is deemed to be "constituted by groupings of territorial units in geographic proximity, constituting a spatially bound and contiguous area" (Goltermann *et al.* 2012:3). This view of a region as an exclusively geographic configuration is also shared by Bercovitch and Jackson (2009:120), as evidenced in their argument that a "region may be defined as geographical identity whose components share attributes or interaction – cultural, economic, political – that distinguish them from entities beyond the boundaries of the region, and where the level of interaction within the region is more intense than interactions between states ... outside the region".

This is misleading because while territorial proximity is important, it is not always the case that regional organisations are constituted by states grouped together in a similar geographic location. In this respect Zwanenburg (2006:489) points out that the United Nations (UN) Charter states that regional organisations include 'treaty-based' organisations and could be created for serving a variety of purposes, without explicitly requiring regional contiguity, for example for purposes of security, economic and/or political cooperation. Nevertheless, those waging for regional organisations to be configured around states sharing geographic closeness emphasise the advantages of legitimacy and acquaintance with conditions in their respective regions as something that cannot be overlooked (Zwanenburg 2006:488). However, there are exceptions. Cawthra (2008:160), for example, points out the inclusion of

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Tanzania (a state located in eastern and not southern Africa) in the SADC grouping as an example that regions are "partly constructed, and are not merely geographic". Similarly, Hammerstad (2005:71) drawing on Social Constructivist theory, contends that a region is also the result of social construction and recognisable by the existence of closer relations and in-depth diplomatic engagement amongst member states that do not necessarily belong to a similar or contiguous geographic space. Fawcett and Hurrell (1995:38) also conclude that "all regions are socially constructed and hence politically contested". These constructivist clarifications offered by Cawthra, Hammerstad, and Fawcett and Hurrell are adopted for the purpose of this study since they capture the 'reality' of regions in contemporary world politics. This near-axiomatic acceptance of a 'constructed' region provides the basis for the subsequent clarification of regional organisations.

2.2 The concept of regional organisation

The exposition and clarification of the concept 'regional organisation' requires an emphasis of its definition, origins and constitutional foundations. With regards to the latter, there is a need to consider the relationship of the United Nations with regional organisations, especially in terms of its role in providing the juridical foundations that guide regional organisations in conflict intervention. Moreover and in light of the fact that the study is concerned with SADC, the relationship of the continental organisation, the AU and the regional organisation, SADC, needs to be explored.

Firstly, concerning the definition of 'regional organisation', it is necessary to contextualise it from a typological point of view within the ambit of the concepts 'international organisation' and 'intergovernmental organisation'. An international organisation (IO) is defined as "a formal, continuous structure established by agreement between members, whether governmental representative or not, from at least two sovereign states with the aim of pursuing the common interests of membership" (Archer 2014:32). Similarly, Davies and Woodward (2014:13) argue that IOs "are defined as formal, continuous structures founded by an authoritative instrument of an agreement between members (including two or more sovereign states) or an existing international organization through which members pursue their

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interests". Accordingly, IOs are created by two or more state or non-state members and have formalised institutional structures with the aim of pursuing their common interests. Within the context of IOs, a basic distinction is made between intergovernmental organisations (IGOs) and transnational organisations (TNOs). For the purposes of this study, it suffices to focus on IGOs, defined as international organisations established in terms of an agreement between governments, for the purpose of advancing the common interests of signatory states (Archer 2014:32-37).

Various classifications of IGOs exist. On the one hand, in terms of aims and functions, a distinction is made between general organisations with a range of functions such as promoting economic and social development and security and peace, for example the UN; and organisations with specific functions such as developing standards and practices for international civil aviation, for example the International Civil Aviation Organisation (ICAO). On the other hand, in terms of membership, a distinction is made between universal or quasi-universal organisations (such as the UN) and those with a limited membership (such as the AU) (Archer 2014:41-45). The latter is dependent on various criteria, regional considerations amongst others being the focus of this study.

In light of the aforesaid, regional organisations are defined as formal, continuous structures formed by at least two sovereign states that perceive themselves to form a region, whether real or imaginary, with the aim of pursuing the common interests of membership (Alagappa 1995:361-364). The only significant difference between regional organisations and international organisations is the former's limited scope in terms of membership and aspirations. For example, geographic proximity and security, political, economic and historical considerations are some of the key determinants for membership in regional organisations. The membership of regional organisations is limited, whereas aims and activities can range from general and broad to particular and specialised. The aims and activities of a regional organisation mirror regional aspirations that for example include the promotion of regional stability and economic integration. These characteristics distinguish regional IGOs from universal IGOs.

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Regional organisations have amongst others the following structures: permanent administrative apparatuses, policy making capacity, separate sub-organs dealing with different issues, and juridical institutions and secretariats (Archer 2014:50-51; Haynes *et al*. 2011:237). Thus regional organisations also differ from temporary alliances of convenience, which have short term goals and are not permanently institutionalised (Haynes *et al*. 2011:237). Similar to universal IGOs, regional organisations can also be classified in terms of the institutional power of their members. These organisations have inclusive executive-governing organs, for example the Summit of Heads of State and Government of SADC representing all member states. Many IGOs, including regional organisations, have majority or consensus based decision making, with the notable exception being the United Nations Security Council (UNSC) where voting and veto differentiation on security and peace issues is indicative of member inequality. Obviously, the more democratic an IGO is, the more acceptable it is to its members. According to Archer (2014:52-54) power distribution can also be understood in terms of the latitude that the *bureaux* (or secretariat) has over execution of policy. He further contends that the bureaux of IGOs, indeed of regional organisations, is usually influenced by two factors when making its decisions and executing operations, namely the desire to maintain independence and to reduce members' meddling.

Secondly, concerning origins, Fioramonti (2012:3) contends that the creation of regional organisations is the result of the desire by states to provide necessary governance structures to ever-increasing events and processes that cut across the borders of states. The first post-1648 or Westphalian regional arrangement to emerge was the Central Commission for the Navigation of the Rhine, a regional organisation set up by European states in 1815 to manage a cross-boundary transportation channel, namely the Rhine River (Haynes *et al*. 2011:239; Fioramonti 2012:3). As an historical antecedent of what eventually culminated in the European Economic Community, the European Community and the European Union, this organisation was formed as a response to the absence of a management structure for the Rhine transport channel. Many years later, similar regional organisations also emerged,

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such as SADC, but with a focus on array of issues. Considering the aforesaid, regional organisations originate against a backdrop of common regional issues and challenges.

Thirdly, because regional organisations operate within the provisions of the UN Charter, specifically Chapters VI to VIII, it is necessary to briefly explore their constitutional framing and foundations in this respect. In Chapter VI Article 33 of the UN Charter it is stated that parties to dispute must first seek to resolve the dispute through pacific settlement approaches and methods, using amongst others mediation and regional organisations. However, if the parties fail to resolve the dispute by pacific means they are obliged to refer it to the UNSC and if the latter judge the dispute to be perilous to international peace and security it may recommend suitable means to end the dispute. Accordingly, the UN prescribes the approaches and methods of conflict management and resolution to regional organisations; however, the commitment is qualified in the sense that the UN, in particular the UNSC, reserves the right to intervene in any dispute that threatens international peace and security and use whatever means it deems appropriate (this could include economic sanctions, diplomatic isolation and/or armed force intervention) after determining that the parties have failed to settle the dispute.

Article 52 of the UN Charter states that 'regional arrangements' are welcomed by the global organisation as long as their existence serves to promote international peace and security. It further states that regional organisations must seek to settle domestic or regional disputes in a pacific manner before referring them to the UNSC. Not only does the UN encourage the formation of regional organisations, but also require the peaceful settlement of conflicts, something that conflict management and resolution also seek to achieve. As far as their powers are concerned, regional organisations cannot initiate enforcement action, except against an enemy state (i.e. an enemy of any signatory state of the UN during the Second World War), without authorisation of the UNSC (UN Charter Article 53). This lends credence to the use of peaceful conflict resolution methods. Zwanenburg (2006:484) argues that the UN embraces and tolerates regional organisations partly because the latter has relieved the UN from the strain of resource and capacity stretch. However, Hettne and Søderbaum

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(2006:227-228) contend that "(r)egions, through their regional agencies, have transformed from objects into subjects, making their relationship to the UN much more complex". According to them, regional organisations are not merely instruments of the UN but have gained prominence as independent actors.

As far as the AU is concerned, the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union (hereinafter the 2002 Protocol) commits the organisation to work closely with the UN, specifically the UNSC, on matters of peace and security and recognises that the UNSC has primary responsibility for the maintenance of international peace and security (AU 2002: Article 17). The UN, on its part, accepts and recognises the AU's existence and competence on peace and security matters as predicated on the provisions of Chapter VIII of the UN Charter. Regarding the its relationship with 'regional mechanisms' (SADC and ECOWAS for example) on peace and security on the African continent, the AU considers them part of the organisation's Peace and Security Council (PSC), where the latter has to channel and coordinate the activities of regional mechanisms in the area of peace, security and stability (AU 2002: Article 16). The 2002 Protocol further commits the PSC, in consultation with regional mechanisms, to promote initiatives intended for peacemaking and peacebuilding in instances where a conflict situation has taken hold (AU 2002: Article 16). Clearly and in conclusion, the AU is guided by the UN and in turn guides regional mechanisms or organisations in Africa in a hierarchal, top-down relationship among the three levels of intergovernmental organisations.

2.3 The roles and functions of regional organisations

The roles and functions of regional organisations have a direct bearing on the nature and scope of their conflict resolution role and these require further clarification and explanation. In this respect and for the purposes of this study, the seminal contribution and classification rubric of Archer (2014) is used as a framework for analysis. Although this typology pertains to IOs in general, it is by implication obvious that being generic in nature and unless they serve a specific functional purpose (i.e.

of an economic or security nature), these roles and functions also apply to regional organisations (i.e. the EU, AU and SADC).

Firstly, concerning the roles of international organisations, a distinction is made between those of an instrument, an arena and an actor (Archer 2014:114 135). As an instrument, international organisations serve and are used to achieve members' goals. This raises the concern that dominant states could use regional organisations for self-interest motives. However, IGOs have evolved to have large membership that encompasses all (eligible) states (as is the case with SADC) and as such it becomes difficult for one state to dominate at the expense of others. As regards the second role, that of an arena, international organisations are seen as an arena or platform within which members can "discuss, argue, co-operate or disagree" (Archer 2014:119). They offer the institutional platform (with the inclusion of institutions, rules and conventions) that enable members to converge and discuss issues of common interest. Regarding the role as actor, international organisations are seen to be independent international actors in their own right. As actors they initiate action, for example mediation, but they do so on behalf of member states.

The three roles are interconnected (Archer 2014:114-135) and they are equally applicable to regional organisations as they are to international organisations. As far as conflict resolution is concerned, regional organisations serve as an instrument of conflict management. For example member states often turn to SADC to resolve conflicts that threaten regional security and peace (i.e. Madagascar in 2009 and Lesotho in 2014). When used as an instrument of conflict resolution, related measures are initiated and carried out within the institutional configuration of the organisation. Linked to this instrumental role is the fact that regional organisations provide the platform within which member states raise, discuss and deliberate appropriate conflict resolution methods for whatever conflict situation that affects the legitimate purview of the organisation. For example, the Zimbabwe conflict was a concern of SADC as Zimbabwe was signatory to the SADC Treaty and, therefore, SADC was an appropriate platform within which decisions to mediate the conflict were taken. By implication, regional organisations fulfil the role of an independent or

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autonomous actor in that they provide the institutional framework and wherewithal for conflict resolution. While member states provide regional organisations their authority to act, the referent object is eventually the organisations and not the member states, as the initiators and implementers of conflict resolution measures. This is true of SADC in particular, irrespective of the fact that South Africa became the official SADC mediator in Zimbabwe, considering that the mediation was mandated by and referred to as SADC mediation and not South African mediation.

Secondly, as far as the functions of international organisations are concerned, it is noted that they are supportive of the aforesaid roles. Archer (2014:135-152) distinguishes between the following functions, namely articulation and aggregation, norm development, recruitment, socialisation, rule making, rule application, rule adjudication, information and operations. Regarding articulation and aggregation, an international organisation serves as an instrument to formulate and express members' interests. In the case of regional organisations and for example, these interests may be the resolution of domestic or regional conflict within the institutional framework of the organisation. Regarding norms, international organisations are purveyors of norms in the international or regional political systems. The charters of international organisations, together with treaties, are sources of international law that is at most normative. The recruitment, function of international organisations pertains to identifying and including new eligible members. For example, when South Sudan seceded from Sudan and achieved independence, it was recruited as a member of the UN and AU respectively. For recruitment to succeed certain criteria such as sovereignty and a functioning government have to be met – the failure of which can result in a denial of membership. The socialisation function pertains to socialising members into accepting the values set by the organisation itself. This socialisation process cuts across countries and governments, but also has a localisation effect on individuals and/or groups within member states.

The subsequent functions of rule making, rule application and rule adjudication, although not in a true sense tantamount to a *triaspolitica* separation of powers, relates to the notion of governance at a regional level (see Archer 2014:144-148).

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The rule making function concerns the fact that international organisations formulate rules that bind member states as signatories. Subsequently, international organisations as agents exercise the function of rule application albeit that this function, in the absence of a supranational authority, becomes the prerogative of (sovereign) member states. Regarding rule adjudication and to the extent that appropriate judicial organs for this purpose exist, international organisations adjudicate on cases where rule application has been undermined or violated. Concerning the remaining two functions, namely that international organisations disseminate information and perform operations (Archer 2014:148-149), it suffices to state that the former can include any information that falls in the ambit of the said organisation and that may be essential for or beneficial to its functioning; and that the latter relates to the activities of the organisation in the implementation of decisions through the use of selected means.

In summary, regional organisations are formed through inter-state agreements in support of member state interests. Regions can be both geographic and socially constructed. Regional organisations may therefore include states who do not share geographic proximity but who belong to a region based on an ideational predisposition. These organisations fulfil various roles and functions. However, it is necessary to first explore the nature of conflict as the rationale and context of this role.

3 The meaning, nature and scope of conflict

Conflict is a complex and dynamic phenomenon and scholars have different and competing conceptions of what it is. This section explores the meaning, nature and scope of conflict as a point of departure to clarify the related concept of conflict resolution. Considering the limited scope of this study, this discussion is based on the seminal contribution, typology and framework of Mitchell (1981) supplemented, where applicable, by reference to the contributions and views of other scholars.

3.1 Conflict as goal incompatibility

As a concept conflict is contested and there is no consensus on its meaning. Definitions of conflict abound, albeit that none gives an exhaustive account of the phenomenon but instead indicates the most salient aspects thereof. However, there

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is convergence on the notion that it involves goal incompatibility. In this respect Stagner (cited in Mitchell 1981:15) contends that "conflict is a situation in which two or more human beings desire goals which they perceive as being obtainable by one or the other but not by both". Hence conflict is understood as a situation characterised by goal incompatibility involving at least two actors or groups. This idea of goal incompatibility implies the existence of a scarcity of resources or desirables. In terms of the nature of conflict, Mitchell (1981:18) differentiates between conflict situations that involve scarcity and those that are a result of value incompatibility. Conflict situations characterised by scarcity involve tangible goods while those characterised by value incompatibility entail disagreement over intangibles such as ideas and ideologies on how society should be structured.

However, Binns, Dixon and Nel (2012:240-241) emphasise that goal incompatibility must produce certain outcomes (specifically death) in order to pass as a conflict situation. According to them, the Uppsala Conflict Data Project contends that conflict is a 'contested incompatibility' within a defined territory where at least two parties, one of which is government, deploy force of some sort that results in at least 25 deaths per year. According to these views, all arguments indicate that goal incompatibility is necessary but not sufficient for conflict to emerge.

3.2 The nature of conflict

An exploration and understanding of the concept of conflict is desirable for many reasons, one of which (in the context of this study) is practical in that a clear conceptualisation may enhance conflict management. To this end a systematic exploration of the classification, development and scope of conflict is necessary.

3.2.1 The conflict phenomenon

Being intrinsic to human existence and life itself and regarding its general nature, Mitchell (1981:16-32) argues that conflict has a triadic structure that includes three different yet inter-related components. These are 'a conflict situation', 'conflict attitudes and perceptions' and 'conflict behaviour'. As the first component, a conflict situation exists when two or more parties possess goals that are mutually exclusive.

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This goal incompatibility prevails during the lifespan of conflict. Under this condition any attempt to resolve conflict should focus on reducing or ending goal incompatibility, through methods that include mediation. In this respect Mitchell (1981:21-23) distinguishes between 'positive' and 'negative' goals. Positive goals involve desired future states, such as peace or security, while negative goals are in essence expressions of fear in respect of and aimed at the eventual avoidance of undesirable futures. However and for example, since it is often easier to avoid war (or confrontation) than to achieve peace (or cooperation), negative goals are more realisable than positive goals. Also to be considered is the fact a conflict situation does imply the mutual exclusion of a non-conflict situation (and *vice versa*), but that conflict and cooperation for the most exist simultaneously (Mitchell 1981:23). The benefit of the mutual co-existence of cooperation amidst conflict is the scope this opens up for the pacific resolution of the conflict.

The second component of conflict, namely conflict attitudes and perceptions, involves the psychological conditions and predispositions that feature in and that may worsen conflict situations (and also conflict behaviour). Conflict attitudes and perceptions are not the cause of conflict situations but emerge during conflict as part of the conflict development and escalation process. They can exacerbate conflict situations (i.e. goal incompatibility) by increasing the predisposition towards and eventually the level of conflict behaviour of parties involved in conflict. Being psychological in nature, conflict attitudes and perceptions involve emotional, judgemental and perceptual elements. The perceptual or cognitive element relates to beliefs about the world, the desire to maintain these beliefs and the extent to which a conflict situation compromises or threaten these beliefs. The emotional and/or judgemental element relates to feelings, usually negative, such as feelings of resentment that conflict parties direct towards one another.

The final component of conflict, namely conflict behaviour, depicts the behaviour or actions that parties to a conflict situation exhibit in their pursuit of mutually incompatible goals enhanced by conflict attitudes (Mitchell 1981:29-30). The behaviour is essentially adversarial action intended to make the opposing party

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modify or relinquish its goals. For example, the imposition of economic sanctions is conflict behaviour intended to make the target party 'water down' or abandon its goals. This does not exclude the possibility that the imposition of cost in any form (political, economic or security) by one party on another may negatively affect all the parties, the initiator and recipient of costly action. Conflict behaviour usually takes two different forms, namely conflict and competition. The first relates to behaviour of a coercive or punitive nature aimed at the opposing party while the second implies behaviour intended at realising identified but incompatible goals, without necessarily attacking the rival party.

Similar to Mitchell, various authors have also offered useful explanations of the nature of conflict. For example, Webel and Johansen (2012:153) contend that under the circumstances of conflict, parties tend to portray "three basic types of behaviour: persuasion, coercion and reward". This approach of examining conflict through the assessment of the effect that conflict has on the parties involved is insightful and helpful for the purposes of this study. The fact is that parties react to positive or negative sanctions and their hostility may end or continue in line with the nature of the intervention. Thus, if the intervention takes the form of positive sanctions or is of a positive nature, this offers the chance that the conflict situation could be ended or resolved. Regarding goals incompatibility, Ramsbotham, Woodhouse and Miall (2011:30-31) argue that this phenomenon cannot be reduced to merely armed struggle between rival groups. For them the concept of conflict is much broader and alludes to "a wider class of struggle than armed conflict". Hence they argue that conflict "apply to any political conflict, whether pursued by peaceful means or by the use of armed force". This argument is significant in that it draws attention to the fact that conflict is not exclusively a physical phenomenon and that it is also not necessarily tantamount to using armed force in a violent and coercive manner. Similarly, Galtung (1969:168) argues that it is important to pay attention to the way conflict is expressed. He admits that conflict could manifest through the commission of violence, but contends that violence can take different forms. He grappled with defining the condition of violence and argued that "violence is present when human beings are being influenced so that their actual somatic and mental realizations are

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below their potential realizations". His reason for not limiting violence to physical annihilation was because it has a multiplicity of manifestations that impact directly or indirectly on people, but that do not exclude 'potential realisations' and by implication the peaceful settlement or pacific resolution of conflict.

3.2.2 The classification of conflict

Arguably the distinction between inter-state and intra-state conflicts is an extremely important aspect of conflict and also of its explanation and understanding. Conflict between two or more states constitutes inter-state conflict while conflict that occurs within a state's territory involving the government and some group or organisation is called intra-state conflict (Sarkees, Wayman and Singer2003:51-53). Sarkees, Wayman and Singer (2003:59) also argue that although indicating different reasons, most scholars agree that the post-Cold War era has seen the decline of inter-state conflict and the rise and increase of intra-state conflict. This trend – considering the sources, the human security implications and the enormous socio-economic and political cost of intra-state conflict in the developing countries of the Global South – means that regional organisations have an important role to play in managing and resolving internal conflicts.

Since this intra- and inter-state divide represents a generic classification and is often regarded as a given, there is a need to narrow down the classification or types of conflict to a level that is more useful for analytical purposes. Mitchell (1981:35-45), for example, classifies conflicts in terms of the interests, values or ideologies, the attribution, and the means involved. Conflicts of interest relate to those conflicts that are distinguishable in terms of the existence of disagreement on the distribution of scarce resources. According to Mitchell (1981:35), this kind of conflict "arise(s) from all parties possessing wholly different sets of beliefs and values about desirable future social structures, ways of achieving these, and the basic nature of the circumstances within which relationships exist". A conflict of values or ideologies is closely related to the aforesaid. In this type of conflict, the conflict parties lack shared or similar values that could serve as a basis for and enable a compromise over the distribution of the valued resources. Conflicts of ideologies or values are far more

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difficult to resolve since people are usually reluctant to modify or abandon their fundamental values or ideological beliefs.

Conflict of attribution (Mitchell 1981: 38-39) is characterised by disagreements over what or who has caused or led to the conflict. Many conflicts, irrespective of being intra- or inter-state, contain elements of attribution, often with conflict parties disagreeing on what caused the conflict in the first place. As the belligerents continue to hold divergent views on what caused the conflict, the already soured inter-party relations worsens with each blaming the other for the continuation of the conflict. Conflict of attribution is often accompanied by conflict of means. This entails disagreements centred on strategies of resolving the conflict. For instance, it may happen that two political parties disputing an election result do not necessarily view a power sharing arrangement as the best or more acceptable means of ending the conflict, at least in the interim. At the international level, particularly within the UN system, there is often disagreement amongst member states (often mediators in conflict) over the right course of action in resolving international conflicts. Hence, disagreement over means is not limited to conflict parties but also includes and extends to those given the responsibility of mediating between conflict parties.

The aforesaid typology of Mitchell is by no means exhaustive or definitive. Different observers and analysts provide different typologies of conflicts. However, Mitchell's typology has been selected and prioritised since it highlights the basic features of the current and more salient conflicts in the world, including that in Zimbabwe.

3.2.3 The phases of conflict

Conflict phenomena can also be dissected and analysed in terms of the stage of development that a conflict is in at a particular point in time. In addition, as is pointed out at a later stage (see Section 3.3), the stages or phases of conflict development do not only contribute to the explanation of conflict phenomena but also frame the positioning of particular conflict management instruments, including the use of mediation for conflict resolution purposes, in the broader conflict process.

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Sriram and Nielsen (2004:12) use the notion of 'phases of conflicts' to differentiate between and indicate the existence of "potential conflict, gestation of conflict, trigger/mobilization of conflict, conflict/escalation and post-conflict". According to them, the potential conflict phase is a stage where all the conditions for conflict, from socio-economic to political, are present but one where conflict could still be averted through timely intervention in the form of conflict prevention. The gestation phase is when sporadic, isolated violence breaks out and is mainly accompanied by increasing misrule or mismanagement. In contrast, the trigger/mobilisation phase is the stage where confrontation and threatened and/or actual violence between conflict parties take hold, and where occurrences such as coups and fraudulent elections spark manifest conflict of a more violent nature. The conflict/escalation phase is distinguishable by the sudden emergence of high intensity violent conflict between opposing parties. The post-conflict phase is associated with a cessation of violent hostilities, with the de-escalation of manifest conflict, and with efforts to rebuild the shattered socio-economic and political structures that resulted from the conflict. The appeal of conflict development and these associated phases of conflict not only lies in their ability to differentiate between stages that bridge the spectrum between normality and abnormality or functionality and disfunctionality, but also the ability to develop and position intervention strategies that are informed by and appropriate in respect of the stage that a conflict is at.

As a different version of this escalation-de-escalation contextualisation, Mitchell (1981:49-51) identifies three stages of conflict development based on the triadic structure of conflict (see Section 3.2.1), namely incipient conflict, latent conflict and manifest conflict. He adds a caveat to manifest conflict called suppressed conflict, which occurs when conflict behaviour is suppressed by the overwhelming coercive power of an adversary. Conflict is deemed to be at an incipient stage when a conflict situation exists, namely when goal incompatibility exists between two parties even though this incompatibility may not necessarily be discerned by all or one of the parties. For example, it may happen that incipient conflict dissipates without the parties even realising or being aware of its existence. However, when and once the conflict parties explicitly recognise and develop attitudes and perceptions on the

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existence of a conflict situation, the incipient conflict transforms into latent conflict. During this latent stage disputants also consider alternative courses of action necessary for securing own interests or pursuing own goals. Latent conflict becomes manifest conflict when palpable conflict behaviour exists. Although conflict does not always develop in practice in this sequential and mechanistic manner, the majority do and therefore an approach based on a conflict situation, conflict attitudes and conflict behaviour is useful to analyse the scope and informed responses to conflict.

3.3 The scope of conflict

Conflict phenomena can also be analysed in terms of the scope of conflict, in particular by focusing on the manifestations, causes and effects of conflict.

(a) Manifestations of conflict: Concerning the practical manifestations of conflict, two SADC examples illustrate conflict development and eventual conflict manifestation. The first is the 1998 conflict in Lesotho that became manifest when members of the Lesotho Defence Force (LDF) temporarily overthrew the Lesotho government, detained high ranking Government officials with the inclusion of the Prime Minister, and seized and vandalised key state institutions such as broadcasting stations (Neethling 1999:1). The goal incompatibility that caused the conflict was opposition parties' allegations that the Lesotho parliament was fraudulently elected and illegitimate, leading to demands that King Letsie III dissolve it and call for a re-election. For the opposition the dissolution of parliament and a new election was the only intervention that could resolve the conflict and prevent it from escalating. The mutinous faction of the LDF exploited the political instability and temporarily overthrew the Government; conflict behaviour that triggered manifest conflict. The conflict was ended by the military intervention of SADC, led by South Africa and Botswana, that stabilised the situation, reinstituted the Government and paved the way for a return to (relative) normality. In this instance, since diplomatic initiatives had failed, SADC used military intervention to manage the conflict.

A second example is that of the DRC that experienced one of Africa's and SADC's longest ongoing and most complex post-Cold War, violent intra-state conflicts (see

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Binns, Dixon & Nel 2012:243). Characterised from the outset by a complex mix of goal incompatibilities and conflict enhancing psychological dimensions, it manifested in its most extreme form in the so-called First Congo War of 1997 that led to rule by Laurent Kabila, and the subsequent Second Congo War that claimed the lives of more than five million people. The Second Congo War also took on an inter-state nature when Kabila's forces clashed with Rwandan and Ugandan troops occupying the eastern part of the DRC for purported security reasons (despite allegations that they were in fact looting the country's natural resources). In addition, the Rwandan and Ugandan governments supported the Banyamulenge rebels who sought to overthrow Kabila's government, resulting amongst others in the involvement of Zimbabwe, Angola and Namibia (also SADC member states) who sent troops to the DRC in support of Kabila. In response, representatives from SADC, the then OAU and the UN converged in Lusaka on 21-27 June 1999 and after extensive negotiations with representatives of most of the parties to the conflict, concluded the Lusaka (Ceasefire) Agreement on 10 July 1999 (UN 2014). Despite the multi-group Agreement that included the cessation of military operations by the conflict parties as one of its conditions, the conflict continued and culminated in 2001 with the assassination of Laurent Kabila and the instalment of his son Joseph Kabila (the current president of DRC) as his successor. The current *status quo*, although by no means a resolution and termination of the conflict, is characterised by relative stability and sporadic violence, particularly in the eastern Kivu region of the country. Although not exhaustive, these two examples illustrate conflict manifestations in the SADC region.

(b) The causes of conflict: Concerning the causes of conflict, Mitchell (1981:18) argues that conflict can result from the inter-action of social structures and values. This happens when there is scarcity of a certain good in the social structure (of the state) and a great value is placed on the acquisition of this scarce good. The acquisition of the valued scarce good by one party reduces the availability of the good for others; hence conflict may arise over the resource. The good could be material such as food, or positional such as employment opportunities. The scarcity of these goods means that there would be goal incompatibility within the social

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structure as the different groups possessing disparate values vie for the limited goods, invariably leading to the emergence of conflict (Mitchell 1981:20). Due to the finite nature or limited availability of valued resources, conflict becomes an inevitable feature of the human condition.

In addition, a criss-crossing social structure can emerge where cleavages between the 'haves and have-nots' intersect reciprocally in that the 'haves' in one layer of the social structure such as political power, may be the 'have-nots' in another layer such as economic power (Mitchell 1981:20-21). Although a criss-crossing social structure does not necessarily prevent conflict from emerging it can diminish the intensity of the rigour with which groups pursue their interests. Within a criss-crossing social structure those who have political power and not economic power, or *vice versa*, may be consoled by their possession of this good. The result of this may be that groups use their possession of the different valued goods to influence one another in struggles for scarce resources instead of engaging in open violent conflict.

Focusing on causes of conflicts that are usually applicable to intra-state conflicts, Alexandrou (1997:21) argues that (intra-state) conflicts may be caused (if not merely exacerbated) by statements that imply threat or political action in a form of economic sanctions, military intervention or the termination of diplomatic ties. As a first point, processing information is a subjective cognitive activity. This means hostile political rhetoric that does not necessarily denote an intention to wage war may be wrongly interpreted, resulting in unnecessary hostile retaliation that could escalate into confrontation. As a second point, a targeted party may discern acts (behaviour) of suspending diplomatic exchanges for example as constituting a declaration of conflict of some form, and would respond accordingly. Bowd and Chikwanha (2010:X-XI) similarly focus on the causes of conflict. While acknowledging that there is no single explanation for the emergence of conflict, they argue that for conflict to emerge there has to be social change of some sort. They point out that repressive socio-political relationships are likely to lead to the emergence of conflict and that political polarisation can also have the same effect. Webel and Johansen (2012:156), on their part, draw attention to Albert Einstein's argument that conflict is

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caused by 'political power-hungry' individual leaders who regard conflict as means to advance their selfish interests. The Webel and Johansen diagnosis differs from that that offered by Bowd and Chikwanha. Whereas the former emphasises the salience of the leadership style of individuals, the latter emphasises the nature of socio-political relationships in a society as the primary cause of conflict.

Sriram and Nielsen (2004:2-3) point out that the origins of conflict are context-specific, varied and numerous, considering that they may include "disputes over ideology, land, access to resources and power of the state, gross inequality, ethnicity and religion, and borders". Moreover, Sriram and Nielsen (2004:2) approach conflict analysis in terms of "structural causes, proximate causes and triggers". They posit that structural causes are inherent sources of dissatisfaction, that are connected to the relationship of the state with its citizens, to the ability of government to deliver services to its citizens and to the legitimacy of the ruling elite. Proximate causes, according to them, are those that are prerequisites to shift society to the brink of a conflict, such as pervasive human rights transgressions. Since these precipitating causes have to be triggered to produce Mitchell's aforementioned manifest conflict, the trigger is usually in a form of an event (thus conflict behaviour) such as election rigging or the removal of a leader from a position of power (i.e. the 2013 removal of Riek Machar as deputy president of South Sudan). Although not an exhaustive and mutually exclusive list, the aforesaid provides some indication of what are deemed to be causes of conflict, intra-state conflict in particular.

(c) The effects of conflict: The scope of conflict can also be understood in terms of the effects or impact that it produces. According to Binns, Dixon and Nel (2012:241), the period from 2000 to 2010 saw violent conflict affecting 24 countries in Africa with the result that well over a million people lost their lives. Conflict undeniably causes extensive cost in terms of the loss of human life. However, the effects thereof also extend to displacement, underdevelopment, insecurity and fear. In the aftermath of any major and violent intra-state conflict, actors involved in post-conflict reconstruction obtain a clear picture of the human and material cost of the conflict, as well as of the non-material impact thereof. Regarding the latter Bowd and

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Chikwanha (2010:XII-XIV) argue that apart from severe human and material destruction, conflict also "leave(s) individuals psychologically scarred and the intricate network of social interaction deeply torn". Thus the devastating psychological effects of conflict and the disruption of social relationship patterns are considered to be some of the most devastating outcomes of conflict. Similarly, Pirouet (1995:275) contends that while gross human rights violations can lead to conflict, human rights abuses are also one of the many effects of conflict. Furthermore, he posits that apart from being both the cause and effect of conflict, human rights violation can also generate refugees as a further negative outcome. In addition conflict can also result in a rise in the number of internally displaced people (IDPs), an argument also shared by Binns, Dixon and Nel (2012:254-256). The latter pointed out that by 2009 Africa already had 6.4 million IDPs and 2.3 million refugees respectively. This situation has not since improved. In addition, economic output often plummets drastically during conflict as production patterns are disturbed significantly.

In summary and as argued by various authors, conflict at its core is associated with goal incompatibility between two or more parties. As a phenomenon conflict is complex and goes through different development phases representing an escalation from cooperation through contestation to the violent and coercive use of armed force, in the process and depending on conflict situations, attitudes and behaviour, assuming an incipient, latent and manifest nature. Furthermore, its scope is dependent on its causes, manifestations and effects. However, understanding the nature and scope of any particular conflict is but one contextual requirement to describe, explain and evaluate the role of regional organisations in conflict resolution. Another, conceptually positioned in the aforesaid, is the linkage of and relationship between conflict resolution and regional organisations.

4 Conflict resolution and regional organisations

The clarification of conflict resolution as a process of dealing with and hopefully terminating conflict, and that of other related approaches to and methods of managing conflict is needed to develop and provide an analytical framework for the

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Zimbabwe case study. Equally important is the position that regional organisations occupy and the role they play as multilateral institutions dealing with conflict.

4.1 The meaning and process of conflict resolution

Regarding the meaning and process of conflict resolution, Ramsbotham, Woodhouse and Miall (2011:31) point out that, on the one hand, conflict resolution has a broad meaning in that it enters and denotes a post-conflict stage where the underlying causes of conflict have been addressed and transformed. This meaning refers to an achievement; a situation where conflict has been terminated or ended through conflict resolution. In a narrower and more specific context conflict resolution also refers to the actual process of addressing or resolving conflict. Thus for them conflict resolution is both an end-state situation (the broader meaning) and a process (the narrower meaning). The latter, being more applicable to the underlying case study, is also significant since it refers to and involve activity; and since it requires a process that involves a range and sequence of steps aimed at resolving conflict (as an end-state).

Within the broader ambit of conflict management – and in contrast to conflict avoidance and conflict suppression directed at incipient conflict and conflict prevention directed at latent conflict – conflict resolution (as an extension of the conflict settlement process) is usually introduced and undertaken at the stage when conflict is manifest and ongoing (Mitchell 1981:275-276). The aim of conflict resolution is to broker a compromise solution that is generally acceptable to the parties involved in conflict. Because conflict resolution emphasises the need for solutions that are broadly acceptable to conflict parties, the solution needs to be self-supporting in order to last longer or endure. Since directed at manifest conflict, conflict resolution needs to target all three components of conflict namely the conflict situation, conflict attitudes and perceptions, and conflict behaviour. In so doing this approach increases the likelihood of success as (all) sources/causes of conflict would be addressed, along with the psychological and behavioural aspects of the conflict. However, in considering the complexities of conflict resolution, Binns, Dixon and Nel (2012:258 & 243) is of the opinion that conflict resolution becomes even more complex when parties involved in conflict have an incentive to fuel the conflict.

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This in particular happens when belligerents are profiting from the continuance of the conflict, as is the case in the eastern Kivu province of the DRC.

Regarding the approaches to and methods of conflict resolution, a distinction is made between traditional and new approaches and methods. In a seminal contribution Bercovitch and Jackson (2009) outlined different approaches representative of what is deemed 'traditional' and 'new' approaches. They contend that in the Cold War international order traditional and state-centric approaches to conflict resolution dominated the political landscape. According to them, the experiences of both the First and the Second World War influenced and shaped the approaches deployed during this era, with the main aim of conflict resolution being the promotion of order and security that allow states to pursue their national interests (Bercovitch& Jackson 2009:6). The traditional approaches relied on "legal methods, peacekeeping, mediation and negotiation frameworks, and incorporated actors defined in terms of either a state or insurgents" (Bercovitch & Jackson 2009:6). The traditional approaches viewed "power, authority, and legitimacy to emanate from states" (Bercovitch & Jackson 2009:6) and were 'state-centric' in that the ultimate objective was to restore and serve the interests of the state. In order to prevent and/or resolve conflicts states relied on a combination of tools that included "deterrence, coercive diplomacy and/or defensive alliances" and also supplemented these tools with a mixture of negotiation and mediation (Bercovitch & Jackson 2009:6). Moreover and under these conditions, the use of the military (or security forces) was limited to peacekeeping, observation and policing in order to provide an enabling environment for negotiation and mediation. This implied keeping peace before making peace. Thus the traditional approaches precluded the use of peacemaking and peacebuilding as means of ending conflict and, tellingly, conflict was seen in terms of physical violence or the threat thereof. During this Cold War era the primacy of sovereignty was emphasised and the role of IGOs, such as the UN or the OAU in conflict resolution, was limited to outlining procedures and providing a platform for diplomacy.

The new approaches to and methods of conflict resolution blend with if not supplanting those deemed traditional. According to Bercovitch and Jackson (2009:8-

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10) these approaches and methods address the underlying and structural factors that contribute to conflict (and not merely the symptoms or manifestations thereof) and involve both official and unofficial state and non-state actors. In addition, the increasing involvement of international non-governmental organisations such as the *Médecins Sans Frontières* (MSF) and Human Rights Watch (HRW) has become a constant feature of the new conflict resolution landscape. The thread that runs through these new approaches is their emphasis on both human and state (or regime) security, whereas traditional approaches tended to focus only on the latter by conflating it with national security. As Bercovitch and Jackson (2009:9) contend: "Individuals matter, as do states, and human security is as sacrosanct as state sovereignty." Moreover, they (2012:9) argue that "the new approaches to conflict resolution have as their goal not just cessation of violent behaviour, but the establishment of new forms of interactions that can reflect the basic tenets of justice, human needs, legitimacy, and equality." Thus the new approaches and methods of conflict resolution also have human security as the referent object.

4.2 Conflict resolution through mediation

Mediation as a peaceful method of ending or more specifically resolving conflict has gained prominence in the post-Cold War international order. Bercovitch (1992:7) defines mediation as "a process of conflict management, related to but distinct from the parties' own efforts, where the disputing parties or their representatives seek the assistance, or accept an effort of help, from an individual, group, state or organization to change, affect or influence their perceptions or behaviour, without resorting to physical force or invoking the authority of the law". This definition is appealing because of its comprehensiveness and depth and, importantly, because it covers the most salient characteristic of mediation, namely the principle of third party involvement.

The characteristics of mediation include it being an extension of conflict management involving third party intercession between conflicting parties by an individual, group or organisation; the mediators, despite being impartial, bring their own ideas and interests with them; mediators initiate the process for the purpose of modifying or changing conflict, and not only ending it; it is voluntary and conflict parties can reject the

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outcomes thereof; it is undertaken on an *ad hoc* basis; and there is no legal recourse to enforce outcome implementation (Alexandrou 1997:48; Bercovitch 2011:17).

The first characteristic relates to the fact that mediation constitutes an attempt at managing conflict and that a third party is involved. The second pertains to the conviction that although mediators are assumed to be impartial and disinterested, they in fact have subjective ideas and pursue own interests. The next two features highlight the fact that as *ad hoc* intercession, mediation is initiated to (positively) alter or modify the causes of and predispositions to conflict, that conflict parties enter the mediation process voluntarily, and that they can decline or withdraw if they feel mediation or its outcome does not serve their interests. Despite the principles of voluntary participation and volition to accept or reject the outcome, there is nevertheless domestic and international pressure on the parties to enter mediation and to adhere to and implement the outcome thereof. In particular this is the case when conflict has become violent. Finally, the mediation process is often unstructured and non-institutionalised, and its outcomes are not legally enforceable. The latter reiterates that conflict parties can reject or deviate from mediation outcomes, but there is always pressure on them to adhere to and implement these outcomes.

Bercovitch (2011:21-26) points out that mediation could be informal where a private mediator takes charge of the process, or formal where a high-ranking government official acts as a mediator. This means that mediation can be undertaken by professional experts or by representatives of governments or IGOs. Bercovitch (2011:20-21) furthermore contends that informal mediation by individuals is usually motivated by their desire to gain access to key political actors and open channels of communication; to put into practice their knowledge of conflict management; to disseminate own ideas and improve own professional prestige; and obviously to change conflict behaviour and promote peace. Informal mediation by individuals is motivated by both altruistic and expedient motives. In contrast, mediation that is undertaken by a representative of a government, regional organisation or universal IGO is motivated by the desire to stop the negative impact of conflict on the mediator's political interests; by an institutional mandate to intervene in disputes; by

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the desire to preserve the prevailing structure; by the aim to extend and expand own influence; and by a formal request by both or one of the conflict parties. For a variety of reasons and motives, including the aforementioned, the constitutive acts of regional organisations such as SADC include clauses that commit these organisations to resolving conflicts within their regions. The idea of a third party mediator is at the core of (informal and formal) mediation; a third party who must be acceptable to the conflict parties and crucially, who is able to change the dyadic structure of conflict into a triadic one that enables a settlement agreement (Bercovitch 2011:17).

The (pre)conditions for successful mediation vary as a result of the practicalities of the conflict and of the mediation process. Susskind and Babbit (1992:31-36) and Bercovitch (2011:20) emphasise that disputants must recognise the futility of unilateral action; that deadlock produces a significant political or economic cost; that regional and/or international pressure is exerted on the disputants; that conflict parties must be prepared to cooperate in order to end conflict; and that conflict often proves to be long and complex. The negative outcome of unilateral action, the conflict cost and the continuation of these must dissuade conflict parties from carrying on with conflict behaviour and persuade them to agree to third party intervention. External pressure must be so intensive as to compel conflict parties to resolve their goal incompatibility. The duration and complexity of conflict must be so extensive that parties become prepared to enter negotiations. The combined presence of these conditions would precipitate and hasten conflict parties' acceptance of mediation efforts.

In summary, mediation is a method of conflict resolution that is undertaken to find a compromise settlement. It has distinguishable traits that differentiate it from other methods, also considering that certain conditions are necessary and conducive for mediation. Since mediation can be informal or formal, opportunity is created for official mediation by expert representatives on behalf of regional organisations.

4.3 Multilateral conflict resolution through regional organisations

In order to contextualise the conflict resolution role of regional organisations it is necessary to indicate how they do this. Considering that regional organisations fulfil

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three generic roles as an instrument, arena and actor that not only serve the interests of member states but also of the organisation itself, they are ideally positioned. Therefore, when conflicts occur, member states use the instrumental, arena and actor roles of their regional organisation to end or manage conflicts. Apart from being an instrument to promote regional peace and security, when and where conflict exists, regional organisations also provide an arena for and involve themselves as collective actors in conflict resolution. In this respect these organisations provide the institutional, multilateral platform where member states can meet, raise and discuss issues related to conflicts and pursue resolutions through collective action. This includes the use of regional organisations (or a representative thereof) – SADC and its member states amongst others – as a conflict mediator.

In fulfilling this conflict resolution role, regional organisations perform certain functions. First, as multilateral institutions, regional organisations perform the function of articulating and aggregating the feelings and positions of member states on conflicts in their respective regions. For example, this includes the desire of member states to managed or resolve the conflict in a peaceful manner by using the organisation as an arena and actor that expresses this common concern. Second and in addition to serving the aim of conflict prevention, regional organisations socialise member states on the need for and benefits of conflict resolution, while simultaneously promoting norms within the region that counteract the likelihood of conflict. For example, this includes democratic norms (supportive of the 'peace through democracy' thesis) and the settled norms of non-aggression and the peaceful settlement of disputes. Third, regional organisations, by fulfilling the functions of rule making, rule application and rule adjudication, can undertake conflict resolution. In this respect the constitutive acts of regional organisations specify certain rules that govern the behaviour of member states or make provision for organs that can make and ensure the application of these rules, and also for tribunals to adjudicate cases where rules (and norms) have been violated or where rule application has been undermined. Finally, regional organisations promote and enhance conflict resolution by collating and disseminating information relevant to the conflict, and by undertaking certain operations. For example, they disseminate

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information, also as a form of collective pressure to convince conflict parties of the need for mediation and to justify operations that may include logistical support for the purpose of facilitating mediation initiatives.

In summary, the nature, meaning and scope of conflict resolution has evolved from the pre-Cold War traditional approaches and methods that emphasised state security to the new post-Cold War approaches and methods that also encompass human security concerns. As such regional organisations provide the multilateral platform for, and as an actor serve as an instrument of conflict resolution, amongst others also using mediation and playing the role of mediator in intra-state conflicts that have regional repercussions and ramifications.

5 Conclusion

This chapter examined different theoretical understandings of regional organisations, conflict and conflict resolution with the aim of providing a concept-based framework for analysing the conflict resolution role of regional organisations. As far as the nature, meaning and scope of regional organisations are concerned, they are either region-bound or treaty-based and not pre-determined by the physical location and geopolitical proximity of member states. However, there is agreement that a region can take both forms, being geographically and socially constructed. This ensures that the nature and scope of regional organisations are understood, thus enabling an analysis of their conflict resolution role.

Various theoretical traditions and assumptions offer different accounts of the utility of regional organisations and allow for an understanding of their conflict resolution role (potential or actual. Although conflict is complex, there is agreement that it is the result of the incompatibility of goals between at least two parties. Furthermore, a differentiation is made between internal and external conflict, especially considering that the former has become more prevalent in the post-Cold War era along with a corresponding decline of the latter. This exploration of conflict provided an understanding of the complex processes and stages of conflict and of the opportunities that exist for regional organisations to undertake informed

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interventions. In this respect it was indicated that conflict has to be understood in terms of causes, development and effect, aspects that collectively constitute its scope. As regards conflict resolution it is evident that in carrying out initiatives, regional organisations rely on a variety of approaches and methods. However, there is agreement that despite this wide array, there is a tendency to use mediation as a preferred method of resolving conflict.

Based on this concept-based framework for analysis that has as its central pillars a clarification and explanation of regional organisations, conflict, and conflict resolution through regional organisations, the next chapter provides a contextualisation of the Zimbabwe conflict as the basis of SADC's conflict resolution role.

CHAPTER 3

THE DEVELOPMENT OF THE ZIMBABWE CONFLICT:
A CONTEXTUAL OVERVIEW

1 Introduction

Zimbabwe held its first democratic elections in 1980 under the Lancaster House Agreement which made provision for the drafting and authorisation of the Independence Constitution. The 1980 election marked the break from an era that was dominated by the liberation struggle in Zimbabwe. As the post-election majority party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF) has been in power since 1980. Its rule has been problematic as the late 1990s saw the emergence of a series of political and economic crises that contributed to intra-state conflict, the collapse of the Zimbabwean economy, the alleged violation of human rights and threats to human security. Hence the Zimbabwe conflict became one of the major political issues of the post-Cold War period, at least within the SADC region. It is acknowledged that the conflict was the result of many factors, chief amongst which were the persistent violation of the constitution, the controversial land reform, economic mismanagement, pervasive human rights violations, intolerance of opposition parties, the alleged undermining of electoral processes and targeted international economic sanctions. The domestic and regional effects of the conflict are still evident today and are likely to prevail in the near future. In addition the conflict has had a negative impact on regional stability; a development that necessitated SADC mediation in pursuit of domestic and regional peace and security in respectively Zimbabwe and Southern Africa.

Considering the aforesaid, the aim of this chapter is to describe and assess the Zimbabwe conflict in order to contextualise the analysis and evaluation (see Chapter 4) of SADC's conflict resolution role. The chapter explores factors (origins and causes) that contributed to the emergence (development stages) of the Zimbabwe conflict, focusing on political and economic developments and the critical moments and decisions in these developments. Although the time-frame under consideration

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is 2002 to 2014, for background and contextual purposes reference is made to relevant and informative events that occurred prior to 2002.

2 The emergence of the Zimbabwe conflict

Historically, Zimbabwe was granted independence in 1979 at the Lancaster House Conference, in the United Kingdom (UK). The Conference not only culminated in the Lancaster House Agreement that produced a political settlement to and concluded the decolonisation process, but it also drafted the country's Independence Constitution (Lancaster House Agreement, 1979). During the 1980s and early 1990s the post-independence Government enjoyed a period of successful and effective rule. Towards the 2000s a succession of crises emerged as a result of illegal land seizures, alleged human rights violations, the decline of the economy and election-related violence. The Government contributed to these developments by its failure to halt the illegal land occupations, human rights abuses, economic mismanagement and intolerance of democratic practices. With the emergence of the Movement for Democratic Change (MDC), a large number of Zimbabweans shifted their political support from the ruling ZANU-PF to the opposition. In response ZANU-PF not only entrenched a dominant party system but increasingly adopted an authoritarian approach. Considered collectively, the aforesaid contributed to what became known as the Zimbabwe conflict, a conflict that was manifestly violent and affected thousands of people, particularly in the aftermath of the 2008 General Election.

2.1 The Lancaster House Agreement, 1979

The Lancaster House Conference involved representatives of the Zimbabwe liberation movements, the then Zimbabwe-Rhodesia government and the UK as the colonial power to discuss the granting of independence to Zimbabwe. The UK delegation was led by Lord Carrington who also doubled as the Chair of the Conference, the Patriotic Front (PF) by Joshua Nkomo and Robert Mugabe, and Zimbabwe-Rhodesia by Ian Smith and Abel Muzorewa. The ensuing negotiations had several objectives amongst which were firstly, the ending of the Zimbabwe-Rhodesia war (the armed

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liberation struggle); secondly, the terms under which Zimbabwe-Rhodesia would be granted independence; and thirdly, the drafting of the Independence Constitution.

With regards to the first objective, Lord Carrington emphasised the UK's call for the end of the war (or armed struggle). Despite apportioning blame on the other, both the PF and the Zimbabwe-Rhodesia government agreed that the continuation of the armed struggle was not in the best interest of the country. They agreed in principle to end the war and each committed their forces to stop the use of armed force. Concerning the second and third objectives, it was agreed that independence would only be granted pursuant to the acceptance of the Independence Constitution. The respective objectives were sequenced and to acquire legal independence the parties had to agree to the Independence Constitution. As far as independence was concerned, the PF desired the then Zimbabwe-Rhodesia to be given outright independence with all the people granted equal rights. This was an ideal that the UK sympathised with subject to certain conditions. In contrast, the representatives of the Zimbabwe-Rhodesia government were less concerned about issues of equal rights and more about securing legal independence, the removal of sanctions, and recognition of the country's sovereignty. Eventually, the PF emerged victoriously as its demands for independence and equal voting rights were granted (Lancaster House Agreement 1979).

However, the Independence Constitution guaranteed a temporary form of inclusive government. In practice this implied that Smith's Rhodesia Front Party (RFP) (with 20 of the 100 seats in the National Assembly) was granted powers to veto any future constitutional amendment it deemed unsatisfactory or unacceptable. This was based on a provision that reserved 20 of the 100 seats in the National Assembly for white Zimbabweans on a separate White Voters Roll (Lancaster House Agreement 1979). This meant that although equal voting rights were guaranteed in principle, in practice they were qualified. Instead, emphasis was put on the creation of a politically inclusive society.

The Lancaster House Agreement determined but also influenced the nature of the Zimbabwe political system from 1980 to 1990. The Independence Constitution and voters roll separation split political power along racial lines. This delayed any

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meaningful national reconciliation and reform that would have addressed the legacy of racial oppression and would have contributed to the creation of a more inclusive society. The initial settlement thus produced a residue of dissatisfaction and created and enhanced conditions for future instability if left unattended.

2.2 The post-independence period, 1980-1999

On February 1980 Zimbabwe-Rhodesia held its first all-race, democratic elections. Mugabe's newly renamed ZANU-PF won 57 of the 100 seats in the National Assembly and a government of national unity that included Nkomo's Zimbabwe African People Union (ZAPU) was formed (Mlambo 2014:193). It is important to note that the two parties merged in 1987 in the aftermath of the Matebeleland conflict, retaining the name ZANU-PF. Subsequent to the 1980 election ZANU-PF took over power in the sanction affected country riddled by the legacies of minority rule and racial oppression. On the emergence of popular rule, the white minority Zimbabweans (roughly 5% of the population) maintained their historical domination over the economic and social spheres. For example, 80 per cent of arable land was owned by white Zimbabweans (Mlambo 2014:192) which meant that land ownership overwhelmingly favoured whites in post-independence Zimbabwe. However, it was the issues of land invasions, alleged election riggings and state sponsored violence against perceived opponents of the Mugabe regime in the late 1990s and 2000s that triggered most of the political and socio-economic problems that bedevilled Zimbabwe (Dzinesa & Zambara 2011:64; Howard-Hassmann 2010:899).

Although the Lancaster House Agreement outlined the terms of independence and democratic elections, for both Nkomo and Mugabe the liberation struggle was as much about land as it was about political freedom and independence. The independence negotiations at Lancaster House nearly collapsed when the two became aware that the UK sought to secure the *status quo*, for at least a period of ten years. After realising that the negotiations were about to collapse Sir Shridath, Britain's Commonwealth Secretary, appealed to the then president of the US, Jimmy Carter, to join the UK and commit the US to contribute towards land redistribution initiatives in Zimbabwe; Carter heeded the call and the looming collapse of negotiations

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was averted (Mlambo 2014:192-193). Under Prime Minister Margaret Thatcher, the British government along with other countries agreed to assist with the funding of land reform initiatives in Zimbabwe as long as land was acquired on the 'willing seller willing buyer' principle at market prices. However, in 1997 the government of Prime Minister Tony Blair declared that it was pulling out of the agreement provision obligating the UK to finance land reform in Zimbabwe. This decision was informed by the 1997 statement of the Minister of International Development, Clare Short, stating that the Blair government did not accept that Britain had a "special responsibility" to meet the costs of land purchase in Zimbabwe (The Guardian 2003).

ZANU-PF's approval of land invasion – spearheaded by war veterans and landless peasants – proved costly as it disrupted the agricultural sector which was the backbone of the Zimbabwean economy. Nonetheless, to attribute the invasions of white-owned farms to the Blair government's renunciation of the promise to fund land reform provides an inadequate and partial explanation. The Zimbabwean government also condoned and supported land invasions, starting at the time when its electoral hegemony was seriously threatened by the recently formed political party, the MDC (formed in February 1999) (Tendi 2010:1-2; Mlambo 2014:232). Hence, political opportunism was also at play. This raised questions of whether or not there were constructive ways of instituting land redistribution that would avert the drastic decline of the economy and human rights violations that became characteristic of Zimbabwe's land reform process. As a new but also a serious opposition that ZANU-PF had to reckon with, the MDC opposed forceful land occupations, called for the revival of the failing economy and pursued a social democratic government that would respect the human rights of all Zimbabweans (Mlambo 2014:231-233). Against this backdrop the further development and escalation of the Zimbabwe conflict were precipitated and triggered by land reform and farm invasions, economic mismanagement, the 2000 Constitution Referendum and human right violations.

2.2.1 Farm invasions and the Fast Track Land Reform Programme

Regarding the earliest land dispossession of indigenous peoples, Tendi (2010:2) argues that the British South Africa Company, co-owned by the British colonialist

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Cecil John Rhodes, established its rule in Zimbabwe in the late 1800s and systematically dispossessed blacks of their land by giving it to whites. As Cawthra (2010:26-27) indicated, the issue of land reform was a constant source of pre-independence disagreement that prevailed at the Lancaster House negotiations and remained so thereafter. Clearly, land was to constitute a source of potential instability if not handled effectively by the Zimbabwean government. As a result and as previously indicated, the post-independence Government faced the challenge of balancing land ownership between specific sections of the population.

Zimbabwe for the first time witnessed a land invasion in June 1998. This transpired when peasants living in the Svosve Communal Area illegally occupied a farm owned by a white commercial farmer adjacent to their location and refused to vacate when ordered to do so, arguing instead that they have grown wary of Government's promises to resettle them in land that is adequate and productive. This conduct soon spread to regions such as the Matebeleland, Manicaland and Masvingo, creating a potentially volatile situation. The Government's failure or inability to effect meaningful land redistribution that would leave every Zimbabwean, both black and white, satisfied or at least have them feel that justice was done, proved catastrophic in the longer run. The issue of land reform, especially as demanded by peasants and poor Zimbabweans, was exploited by the ZANU-PF government for political gain. Reeling from the loss of the 2000 Constitution Referendum, the ZANU-PF war veterans spearheaded country-wide attacks on white-owned commercial farms across Zimbabwe. They violently occupied white-owned farms and, at times, physically assaulted and repelled farmers and their workers from the farms. This was done in the name of the so-called 'Third Chimurenga', a revolution that focused on changing land ownership in Zimbabwe. As the mayhem unfolded, the tacitly police supported the illegal occupations and Mugabe reportedly went as far as to publicly demonise white farmers, stating that they were the enemy of the state and that land occupations should in fact be encouraged (see Mlambo 2014:236-237; Adolfo 2009:39-40).

These farm invasions were followed (in 2000) by the Fast Track Land Reform Programme (FTLRP), with 2 076 white-owned farms targeted by the Government for

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compulsory repossession during its first phase (Mlambo 2014:236). The Government had two main aims with the FTLRP: firstly to resettle the people who had recently invaded farms and secondly, to ease congestion and overpopulation in communal areas through the resettlement of people on the acquired land (Mabaye 2005:12; Mandizadza 2009:26). The Government created two FTLRP models; Model A1 and Model A2. Model A1 was to resettle people from the congested communal areas to the acquired farms. Model A2 was to create medium size black owned farms by giving the confiscated land to black farmers. To acquire the land, the Government ordered white farmers to leave their land within three months. As they heeded the order, agricultural production declined by 25 per cent between 2000 and 2003, creating a potentially catastrophic crisis. With the production of maize (a staple food in Zimbabwe) falling from 800 000 tonnes in 1999 to 2 000 tonnes in 2002, the FTLRP posed a serious threat to food and human security in Zimbabwe (Mabaye 2005:13-14).

This confrontational approach, encapsulating the farm invasions and the land reform policy, was problematic. It had the cumulative effect of destroying an erstwhile vibrant agricultural sector, perpetuating widespread human rights abuses and intensifying the international condemnation of the Zimbabwean regime. Crucially the destruction of the agricultural sector, which had been a stronghold of Zimbabwe's economy, heralded the dawn of rapid economic decline. The manufacturing sector which was heavily reliant on the agricultural sector as most firms were involved in agro processing, noted through the Confederation of Zimbabwean Industries (CZI) that by December 2002, 400 firms had already closed shop and that 10 000 people had lost their jobs as a result. Consequently, the primary foreign currency earner industry was destroyed and by late 2002 over six million Zimbabweans were estimated to be facing starvation (Mlambo 2014:236 37). In addition, the situation was so dire that by 2003 roughly a quarter of Zimbabweans had fled to neighbouring countries, in particular to Botswana, Mozambique and South Africa (Mathye 2013:2).

By focusing on other factors that contributed to the decline of the Zimbabwean economy, Mamdani (2009:4) pointed out that the International Monetary Fund's

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(IMF) Structural Adjustment Programme (SAP) and repeated droughts impoverished peasant farmers and increased their demand for more prime agricultural land. The SAP, a combination of fiscal policy consolidation and public expenditure reduction programmes, was notorious for having contributed to widespread poverty in many developing and poor countries. The people who settled on the land previously owned by white farmers, with some exceptions, neither possessed the capital nor the skills required to productively work the land. As a result there was no immediate prospect for the recovery of agricultural production (Mlambo 2014:237).

Due to these developments the 2001 SADC Summit of Heads of States and Governments, for the first time put Zimbabwe on its agenda and tasked the SADC Troika, namely the presidents of South Africa, Mozambique and Botswana, to address the deteriorating law and order situation and to assist the conflict parties to reach a peaceful settlement (SADC *Communiqué* 2001). In a related response, the 2001 Commonwealth Summit in Abuja (Nigeria) resolved to sponsor land reform under the precondition that farm violence be halted (IOL 2001). Thus land was identified as a direct cause of the conflict in Zimbabwe, evidenced eventually by the fact that both SADC and the Commonwealth prioritised it at a multilateral level.

2.2.2 Economic mismanagement

At an economic level Zimbabwe suffered as a result of Mugabe's repressive rule and questionable governance. According to Howard-Hassmann (2010:899), during the period from 1980 to 2000, Zimbabwe along with South Africa was a stable and thriving economic powerhouse within the SADC region. This however changed as Zimbabwe experienced various problems, in addition to the problems in the agricultural sector, that contributed to the decline of the country's economy. First, the IMF and World Bank's SAP initiative that was introduced in the early 1990s negatively impacted on the economy of Zimbabwe and resulted in price increases, increased unemployment, reduced earnings, declining production output, increased debt and currency problems (with the Zimbabwe dollar losing 74% of its value in 1997) (Adelmann 2004:250; Dube & Midgley 2008:10). Second, the Zimbabwean government's decision to send troops to the DRC to support Laurent Kabila's regime

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against the campaigns of rebel movements led to millions of US dollars being spent on the mission, further depleting the country's limited resources (Dube & Midgley 2008:10). Third, the Zimbabwean war veterans demanded compensation for their sacrifices during the liberation struggle against the former Rhodesia. The Government obliged, despite budget constraints, and committed to make a once off payment of US$4 000 to each former liberation fighter, followed by a monthly payment of US$2 000 to fund war veterans' health care and to finance their children's education (Mlambo 2014:201). The confluence of these events and the resentment this produced, arguably co-contributed to Mugabe losing the 2000 Constitution Referendum and to the MDC's stellar showing in the Parliamentary Election held later in the same year.

The response of the international community to the authoritarian and repressive rule of the Zimbabwean government, particularly that of Western states and international organisations, further compounded Zimbabwe's economic decline. In the wake of the Government sponsored violence against opposition supporters and white farmers, Western states, in particular the US and the UK, imposed targeted sanctions, withdrew development aid and withheld any other support for the regime. Inevitably the Zimbabwean economy suffered as a result. The economic decline was also exacerbated by the emigration of Zimbabweans with critical professional skills, such as doctors, engineers and educators, to other countries on the continent and overseas (Mlambo 2014:235). Skilled people are generally regarded as the lifeblood of any economy and losing them affected the Zimbabwe economy negatively. The political cost of this, for the Government in particular, was that the Zimbabwean electorate started to gravitate towards the opposition, thus threatening ZANU-PF's hold on power. In turn, Mugabe's government shifted towards a radical policy posture and blamed the economic troubles of the country on opposition leaders, white Zimbabweans and Western countries (IOL 2005).

2.2.3 The 2000 Constitution Referendum

Within the broader context of its existence, the constitution of Zimbabwe has always been at the centre of the struggle for control over the country and its political

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institutions. Admittedly the Lancaster House Agreement was the result of a settlement agreement between people of different political persuasions attempting to secure their own interests. Furthermore, there was a ten year moratorium on constitutional changes that applied to issues related to the Declaration of Rights (a bill of rights), unless unanimously approved by the House of Assembly. However, system changes not involving fundamental rights could be introduced after the lapse of the seven year moratorium on the relevant provisions of the Independence Constitution (Lancaster House Agreement 1979). As soon as allowable and from 1987 the ZANU-PF-led government was able to introduce changes that involved the system but excluded fundamental human rights (Vollan 2013:10-11). These changes specifically targeted the Independence Constitution's provisions for a parliamentary system with a prime minister answerable to parliament and for a bicameral legislature.

First, the constitution was amended by Amendment Act No.7 (1987) to annul the parliamentary system of a ceremonial president and a prime minister and to install an executive presidency with political power concentrated in the latter (Zimbabwe Lawyers for Human Rights 2016). Before the system was changed Mugabe was the Prime Minister (head of government) and he subsequently became the President (head of state and government) after Zimbabwe reformed to the presidential system. Second, since the settlement agreement moratorium on the Senate and National Assembly had a life span of seven years as stipulated in the Independence Constitution, Amendment Act No.6 (1987), was introduced and the bicameral system was replaced by a unicameral one. This constitutional change increased the influence of the President to appoint members of government and for the first time since independence Parliament would need the assent of the President in order for bills to become law. Third and at the end of the ten years moratorium on changes to the bill of rights, Amendment Act No.11(1990) abolished the powers of the courts to determine the fairness of compensation that the Government had to pay to people who lost their land as a result of land reform (Zimbabwe Lawyers for Human Rights 2016; Vollan 2013:8-10).

Despite the aforesaid there was an obvious need for a new constitution that would reflect the realities of post-independence Zimbabwe. Accordingly, in May 1999 Mugabe established a Constitutional Convention to draft a new constitution. The draft was completed and on 29 November 1999 Judge Godfrey Chidyausiku, the Chairperson of the Convention, announced the adoption of the Draft Constitution by the Constitutional Convention. A date was also set for a Constitution Referendum, namely 12-13 February 2000 (hereinafter the 2000 Constitution Referendum). In the build-up to the referendum, Mugabe and ZANU-PF called for the term and powers of the president to be extended and land confiscated without compensation. The MDC, which had been formed a year earlier, campaigned against the proposed constitutional amendments and in February 2000 Zimbabweans rejected the Draft Constitution by 53.15 per cent to 44.05 per cent (Zimbabwe Human Rights NGO Forum 2001: 10-19).

The MDC was formed in February 1999 when the Zimbabwe Congress of Trade Unions (ZACTU) decided to convene a conference, the National Working People's Convention (NWPC) to deliberate over the country's dwindling economic fortunes. The NWPC resolved, amongst others, that the MDC should be formed to contest elections in order to establish a social democratic government. Hence the opposition of the MDC to the Draft Constitution. The referendum, a first electoral defeat for ZANU-PF since independence in 1980, provided further momentum to the efforts of the MDC to increase its support base. In June of the same year the MDC secured 57 of the 120 seats in the Parliamentary Election, signalling a serious challenge to ZANU-PF's electoral hegemony (Mlambo 2014:232-234).

The war veterans, who constituted a primary sub-constituency of ZANU-PF, reacted to the party's defeat in the 2000 Constitution Referendum by leading a violent campaign against white commercial farmers, forcibly dispelling many from their farms. The state security forces never stopped or prevented these illegal acts and, in fact, encouraged the illegal occupations. The Government also dismissed a number of judges and in their stead installed judges sympathetic to the land reform programme (Mamdani 2009:7). This happened after farmers had challenged the legality of the occupations in courts of law and had the majority of rulings in their

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favour (Dube & Midgley 2008:2). The misrule during the immediate pre- and post-Constitution Referendum periods also included the Government's ransacking and demolition of thousands of shacks, housing over 7000 000 Zimbabweans, in the informal settlements of cities. These inhabitants were also suspected of supporting the MDC in the 2000 Constitution Referendum (Mlambo 2014:234). Apart from humanitarian concerns this constituted a constitutional crisis that continued unabated, with the result that lawlessness and disorder became prevalent.

The importance of the 2000 Constitution Referendum – as a turning point in the post-independence history and the development of the Zimbabwe conflict – did not reside in the opposition victory but in the manner it exposed the waning popular support for Mugabe's regime. As a result ZANU-PF leaders reacted through ultra-violent forms of politics – repressing political opposition and adopting policies couched in populism. Likewise, the stellar performance of the MDC in the 2000 Parliamentary Election also made ZANU-PF aware that its electoral dominance was not unassailable.

2.2.4 Human rights violations

Human rights violations, mainly around land reform and election related, were a prominent feature of the Zimbabwe conflict. From as early as 2000 the Zimbabwe government committed political violence against farmers and farm workers, civil servants and civilians opposed to its policies and believed to be supporters of the opposition MDC (Zimbabwe Human Rights NGO Forum 2001:27). Although experienced earlier and intermittently manifest (see below), these transgressions and violations gained in frequency and intensity in the build up to the 2000 Constitution Referendum and Parliamentary Election. In respect of the violence against farmers and their workers, the violent occupation of farms by Government sponsored forces saw roughly 60 farmers killed by 2006 and their employees tortured (Howard-Hassmann 2010:899). To the extent that the violent land occupation campaign led to the decline of Zimbabwe's agricultural sector and other sectors reliant on agriculture, as previously indicated, it obviously impacted negatively on human security by compromising freedom from want.

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As alluded to above, violence against perceived opponents of the Mugabe regime and accompanying human rights violations dated as far back as the 1980s. For example, in 1983 the North Korean trained 5th Brigade was sent to Matabeleland by the Government to curb support for ZAPU and eliminate opponents of the Government in the mainly Ndebele speaking province. The first attack saw a massacre of 40 people in one village. The killings continued throughout the months of January and February 1983. By 1984, thousands of people had been tortured and abused by the 5th Brigade (Chatham House 2007). It is apparent that the Zimbabwe government had a long record of committing human rights violations.

Similarly, the ZANU-PF government continued to harass and abuse individuals and groups perceived to threaten its rule. In the build up to and after the 2002 Presidential Election, which Mugabe won, there were allegations of gross human rights violations against thousands of opposition supporters (Solidarity Peace Trust 2002). The violence did not stop after the 2002 elections but instead continued. The 2005 Parliamentary Election was similarly preceded and characterised by the torture and intimidation of opposition supporters (UK House of Commons 2005). According to Amnesty International (2013) and as previously indicated, the Government's Operation Murambatsvina was one of the major systematic state sponsored human rights violations, committed against supporters of the opposition in particular. It is clear that the Mugabe regime's human rights abuses were systematic and targeted at those individuals and groups perceived to be opponents of his rule.

In March 2008 Zimbabwe yet again held a ferociously contested Presidential Election with the MDC believed to have performed well. The election results were not immediately released by the Zimbabwe Electoral Commission (ZEC), fuelling interparty political violence. However, the situation worsened when the results were eventually released on 2 May 2008 and ZANU-PF discovered that it had lost the election, with 43.2 per cent voter support against the MDC's 47.9 per cent. Because none of the main parties secured an absolute majority required for victory, a run-off election was set for 27 June 2008. Mindful of a possible second electoral defeat, the ZANU-PF-led government instigated political violence that saw 250 people lose their

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lives, with roughly 12 000 injured and thousands displaced (Amnesty International 2013). The MDC's presidential candidate, Tsvangirai, pulled out of the race citing the persecution of opposition supporters as the main reason behind his decision. Mugabe went ahead to win the run-off election by an overwhelming majority.

The interparty political violence did not stop after the run-off election. In response Zambia's president, Levy Mwanawasa, called for an emergency SADC summit on Zimbabwe. Mugabe declined to attend the Summit with only the MDC's Tsvangirai attending it. The Summit was held on 12 April 2008 in Lusaka (Zambia) and specifically dealt with the Zimbabwe post-2008 election violence. In his capacity as SADC Chairperson, Mwanawasa argued that SADC needed to help Zimbabwe find a solution that would reflect the will of its people. He also criticised Mugabe for his absence from the Summit and stated that SADC could not turn a blind eye to the grave human rights violations committed in Zimbabwe (Zimbabwe Situation 2008). In light of the escalating conflict, SADC increased the frequency and intensity of its conflict resolution efforts (see Chapter 4) aimed at ending the Zimbabwe conflict.

3 Assessment of the Zimbabwe conflict

The account of the Zimbabwe conflict was provided for purposes of contextualisation. As indicated, the way in which the Lancaster House Agreement and the resultant Independence Constitution were structured increased the probability of conflict. The political and economic implications of the Government's handling of the land reform issue and its response to the emergence of political opposition also contributed to its further development. From a conceptual and theoretical viewpoint, and based on the analysis of conflict-relevant aspects previously discussed (see Chapter 2), the following:

3.1 Goal incompatibility and the Zimbabwe conflict

Considering the situation and conditions in Zimbabwe since the 1979 settlement process and during the post-independence period until 2008, the question is whether or not these collectively correspond to the notion of conflict. In Zimbabwe's case the conflict was the result of multiple goal incompatibilities rather than a single point of

contention. These were further exacerbated and even increased by the political repression and economic mismanagement that characterised the 2000s. Essentially the contestation was characterised by goal incompatibility between two or more opposing groups over the scarcity of highly sought-after goods – in particular land and political power – rather than clashing values or ideologies. This core feature is evidenced by dissatisfaction over the initial post-independence political rights of the white minority and the post-colonial socio-economic privileging, that denote goal incompatibility on the political equality norm; and secondly, by the land issue that had extensive implications for and ramifications reaching into the political, economic and social spheres of Zimbabwean society, that denote goal incompatibility on the distribution of scarce material resources. Hence the consideration of the developments that contributed to and that illustrate this goal incompatibility.

Firstly, a key point in the development of the Zimbabwe conflict was the systematic war veteran-led invasion of white owned farms since the early 2000s. Being a valuable, scarce and finite commodity, the (re)distribution of land obviously has a competitive zero-sum nature. In addition, the number of violent deaths linked to the land invasions exceeded the Uppsala Conflict Data Project threshold of 25 deaths required for conflict classification (The Guardian 2001). This goal incompatibility was exacerbated by conflict attitudes and perceptions, in particular those of the war veterans who distrusted and resented white farmers and the belief that these farmers supported opposition formations (Dzimiri 2014:232). Notwithstanding the land ownership disparity between blacks and whites in Zimbabwe, the violent manner in which land redress was pursued leaves the question unanswered of whether or not land was the only source of goal incompatibility. While land was a desirable good, the fact that the war veterans who led the farm invasions were a key ally of the Government, that both were losing support in the referendum and elections, and that the cause of both were successfully challenged, indicate that land also became a proxy for political aspirations and gain. The Government, by amending the Land Acquisition Act to allow forcible removals, gave weight to the argument that land reform was also politically motivated (Ncube 2013:102) and informed by the struggle for political power as a scarce resource that guarantees privilege.

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Secondly, since ZANU-PF desired to maintain its position as the ruling party, the MDC challenge resulted in goal incompatibility in the sense that the latter contested the political power of the former (Reuters 2016). In response to this challenge the ruling party, ZANU-PF together with the Government, embarked on a terror campaign against the opposition (Human Rights Watch 2008). This highlights the reality that ZANU-PF viewed its goal, that of ruling in government, as being threatened and was willing to go to extreme lengths and use illegitimate and illegal means to further its goals. Similarly, the allegation of election rigging by ZANU-PF further illustrates the ruling party's resolve to maintain its grip on power, by any means and at all cost. ZANU-PF's resolve and actions to cling to power risked the emergence of political conflict. In summary, the goal incompatibility underlying and evidencing the situation in Zimbabwe constitutes the core of designating it the Zimbabwe conflict.

3.2 The structure of the Zimbabwe conflict

The structure of the Zimbabwe conflict pertains to the presence of the required triad of structural components (see Chapter 2). In this respect the following: Firstly, a conflict situation existed based on the aforesaid goal incompatibility. Secondly, conflict attitudes and perceptions emerged that provided a conflict enhancing psychological dimension to the conflict. For example on 18 April 2000 Mugabe reportedly branded white farmers 'enemies of the state' in a formal address to the nation marking the 20th anniversary of independence from Britain (The Guardian 2000). Furthermore, the conflict attitudes also involved attempts to discredit opponents in and through public discourse. More often than not this took the form of labelling opposition parties, in particular the MDC, as puppets of Western imperialists, more specifically the UK and the US (IOL 2003). This is in line with Galtung's (1969:168) assumption that the definition of violence also applies to processes that are aimed at limiting mental realisations. For example, by presenting the MDC as pawns, the Mugabe regime hoped to instigate fear amongst the people about a return to imperialism, illustrating the incompatibility of independence and neo-imperialist dependence, should the MDC be voted into power. These hostile (mis)perceptions, emotions and assessments of

an adversary as they arise in a conflict situation could feed into the ongoing conflict behaviour and exacerbate it, as was the case in the Zimbabwe conflict.

Thirdly, conflict behaviour became an entrenched feature of the situation. This happened as the opposing parties engaged in behaviour that underlined conflict as each sought to realise the goals that have led to goal incompatibility in the first place. For example, the widespread acts of farm invasions and violence by residents of the Svosve Communal Area that began in June 1998, and the harassments and beatings of supporters of opposition groups (see Chapter 3, Section 2.2.1 and 2.2.4) marked the escalation and entrenchment of manifest conflict in Zimbabwe. However, in some cases conflict behaviour aimed at the opposition can impose mutual costs to the conflict parties, as was the case in Zimbabwe where actions directed at white farmers collapsed the country's economy and contributed to widespread hunger and social strife. In addition and specifically in Zimbabwe's case, conflict behaviour as a structural feature revealed the asymmetrical nature of the conflict. This was evidenced by the fact that farmers and opposition supporters suffered the most in terms of cost-imposition, in particular as it pertained to the physical and violent element of conflict behaviour. It suffices to conclude that the Zimbabwe situation in terms of its features and structure was indeed one of conflict.

3.3 The characteristics of the Zimbabwe conflict

Two observations are made about the characteristics of the Zimbabwe conflict. On the one hand, it is an intra-state conflict representative of domestic conflict in a post-colonial developing country of the Global South. Considering the post-Cold War proliferation of intra-state conflict, in Africa in particular, the Zimbabwe case study is significant but not unique. On the other hand, with reference to underling values and ideology, who is to blame and has means to conduct and manage the conflict, the following: Firstly, the Zimbabwe conflict was in part also a conflict of belief systems. For example, there were some ideological differences and a lack of a consensus on the principles and ways of redistributing land; the 2000 Constitution Referendum was as much about land reform as it was about the political future of Zimbabwe (World Socialist Web Site 2000). Secondly, the Zimbabwe conflict was a conflict of attribution.

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For example while the MDC alleged that the dictatorial tendencies and economic mismanagement of Mugabe's regime caused the conflict, the Government countered that the MDC, along with the UK and the US, caused the conflict through political destabilisation and economic sabotage The attributional conflict, being but one conflict element, soured relations between the parties as each blamed the other for the conflict. Finally, the Zimbabwe conflict was a conflict of means. The disagreement on how to manage and end the conflict was highlighted in practice: on the one hand by the Government's heavy handed and violent response to popular opposition to its rule; and on the other hand by the MDC argument that a free and fair democratic election is the most practical recourse that would enable Zimbabweans to end the conflict and usher in a new era. Because neither of the aforesaid succeeded in ending the conflict, SADC formally initiated mediation to manage and resolve the conflict.

3.4 The development of the Zimbabwe conflict

The emergence and development of the Zimbabwe conflict corresponded with the classical pattern. On the one hand, starting from the post-settlement 'normality' which admittedly was unstable but with prospects of stable peace, the Zimbabwean situation escalated into manifest conflict, peaking with the killing of 107 people in political violence between March 2000 to March 2002 (Mail & Guardian 2014). On the other hand, considering the absence of a suppressed conflict phase, three distinct stages are evident. Firstly, based on the situation related to goal incompatibility, incipient conflict already existed as framed by the 1979 settlement agreement. The conflict was also forced into a cycle of escalation by the goal incompatibility that was evidenced by differences amongst the conflict parties on the exercise and implementation of political values and the distribution of scarce resources. Secondly, it progressed to latent conflict to the extent that attitudes hardened during the immediate post-settlement phase, justified and strengthened by the different belief systems and ideologies of the conflict parties. Thirdly, due to the eventual behaviour of the war veterans in particular, manifest conflict emerged. The struggle and violence around land (a limited resource) demonstrated that while issues central to the conflict varied, the conflict contained an element of resource conflict (Mitchell

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1981:43). In all the elections since 2000 the war veterans systematically and violently attacked supporters of the MDC, including farmers. This was supplemented by the authoritarian and security actions of the Zimbabwean government. The Zimbabwe conflict had elements of survival conflicts – intractable conflicts that may not necessarily entail the physical survival of a people but the perpetuation of a political structure (Mitchell 1981:43) – in the form of the ruling elite's determination to preserve its rule by any means and at all cost. In terms of its development the Zimbabwe conflict clearly progressed through the three stages of incipient, latent and manifest conflict.

3.5 The scope of the Zimbabwe conflict

The scope of the Zimbabwe conflict is circumscribed by its causes, manifestations and effects. Firstly, although the conflict exhibited goal incompatibilities, these translated into identifiable causes of the conflict. Land was not only an underlying source but also an immediate cause of the conflict. Hence the Government's failure to initiate peaceful land reform saw violent land occupations by residents of the densely populated communal land and by those who sought it for farming purposes. Aligned with Mitchell's (1981:18) assertion the aforesaid came about as a result of the interaction between resource distribution, social structures and competing values; a situation whereby great value was attached to land ownership than to other goals. Conflicts have detrimental effects and the Zimbabwe conflict was no different. These consequences had a 'knock-on' effect and became the origin and the cause of further goal incompatibilities, especially in respect of equality and distributive norms.

Secondly, the manifestations of the conflict included a steep plummet in agricultural output that contributed to the demise of the largely agriculture-based industrial sector, subsequently leading to unemployment, displacement, food insecurity and emigration. As a direct result, farmers, farm workers and supporters of opposition parties lost their livelihoods and a culture of human rights violation became entrenched. Finally, the effects of the conflict spread across the political-security and socio-economic domains. This happened as the political system deteriorated into authoritarianism, with the result that insecurity prevailed and the socio-economic welfare systems collapsed. Apart from these domestic effects the Zimbabwe conflict

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also had regional ramifications ranging from the accommodation of refugees and displaced persons, through the insecurities it created and the regional polarisation effect of this, to its threat to regional peace and security. In summary, the goal incompatibilities, the nature and scope as well as the regional spill-over effect of the Zimbabwe conflict provided cause, reason and justification for SADC involvement.

4 Conclusion

As a contextualisation this chapter provided an overview and assessment of the Zimbabwe conflict. It was emphasised that the Independence Constitution negotiated at the 1979 Lancaster House Conference was problematic in that it preserved a colonial legacy that sustained the socio-economic structures of the pre-independence era. Thus scarce resources (i.e. land) remained in the hands of one section of society that was racially defined, thereby increasing inter-racial hostility. In the immediate post-independence period Zimbabwe enjoyed some measure of peace. However, the late 1990s saw a series of crises, mainly that of land-reform and the 'constitutional crisis'. The political opposition to the constitutional changes saw the Government react with a brutal campaign against its opponents, thus triggering and escalating manifest conflict. The proposed unilateral changes to the draft 2000 Constitution were rejected in a referendum and subsequently human rights violations escalated. In addition, Zimbabwe was already affected by a severe economic decline brought about by a variety of factors, including bad government policies and targeted sanctions.

In conclusion and based on this assessment it is evident that the state of events that developed in Zimbabwe since 1979 – especially considering the conflict situation, conflict attitudes and perceptions, and conflict behaviour that emerged after the 2002 Presidential Election – was one of intra-state conflict. The complexity of the underlying goal incompatibility that centred on the issues of land and political power meant that the conflict became entrenched. To the extent that the manifest behaviour and its effects sustained and perpetuated the conflict, it increasingly became evident that the conflict could not be resolved without the intervention of a third party through mediation. Hence the subsequent discussion of the external response to and SADC's conflict resolution intervention in the Zimbabwe conflict.

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CHAPTER 4

CONFLICT RESOLUTION INTERVENTION IN ZIMBABWE BY THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC): A CASE OF MEDIATION

1 Introduction

As the Zimbabwe situation intensified during the late 1990s and early 2000s, SADC for the first time at its 2001 Summit expressed its concern about the worsening situation in the country. This concern was directed at the fast track land reform process, the economic decline and the increased violence and instability in the country, as well as at the way forward in Zimbabwe. In response SADC established a task force to engage with the Zimbabwean government and other stakeholders, including SADC and its member states, to resolve the situation amicably. As the Zimbabwe conflict wore on and worsened during the 2000s, SADC increased its conflict resolution efforts. The result was a series of Summit *communiqués* that reported on the conflict and SADC's involvement; the initiation of SADC mediation; the eventual culmination thereof in a settlement agreement in the form of the 2008 GPA that ended the conflict; and a commitment to and forming of an inclusive government by the conflict parties. This commitment to conflict resolution and the use of mediation raises two questions. Firstly, how did SADC respond to the Zimbabwe conflict? Secondly, how and to what effect did SADC intervene to perform this role? Bearing these questions in mind, the aim of this chapter is to analyse SADC's conflict resolution role (and functions) in Zimbabwe from 2002 to 2014 so as to determine the rationale and the impact of this intervention. It includes an overview of SADC's peace and security framework; an account of its response to the conflict as it emerged and escalated; and an analysis and assessment of the mediation process and its outcome.

2 The peace and security framework of SADC

From the outset SADC's concern about the situation in Zimbabwe saw the organisation take steps to resolve the conflict. SADC is dedicated and institutionally structured to deal with situations that threaten peace and security in the region. The conflict was dealt with at two levels, namely within and by the Summit of Heads of

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State and Government (hereinafter the Summit) where representatives of SADC member states discussed measures to resolve the conflict; and to a lesser extent within and by the SADC Organ on Politics, Defence and Security Cooperation (hereinafter the Organ). The legal framework of the former is the SADC Treaty and of the latter the Protocol on Politics, Defence and Security Cooperation, 2001. Before considering SADC's response, the organisation's institutional-legalistic basis is clarified.

2.1 SADC and the Summit of Heads of State and Government

The regional grouping and organisation known as the Southern African Development Community (SADC), officially launched in 1992, emerged out of the former Southern African Development Cooperation Conference (SADCC). The primary focus of SADCC was economic cooperation and the reduction of economic reliance on the then apartheid South Africa (Schoeman & Muller 2009:177). Chronologically SADCC was preceded by another inter-state formation that had a bearing on SADC, namely the Frontline States (FLS). This was a loose political grouping comprising Zimbabwe, Tanzania, Mozambique, Zambia, Lesotho and Botswana that supported the liberation movements in Southern Africa (Chimanikire 1990:1; Swart & Du Plessis 2004:30-31).

In its founding document, the 1992 SADC Treaty, SADC proclaims to act in accordance with the principles of the sovereign equality of its members; solidarity, peace and security; human rights, democracy and rule of law; mutual benefit; and the peaceful settlement of disputes (SADC Treaty 1992: Article 4). Its objectives, amongst others, are to promote development and economic growth; evolve common values; promote peace and security; maximise the benefit of natural resources and protect the environment; and consolidate social and cultural links among the region's peoples (SADC Treaty 1992: Article 5). The upholding of the principles and the pursuit of the objectives are the responsibility of the organisation and its member states[2], exercised through its main organs and subsidiary bodies. These are the Summit of Heads of State and Government, the Council, the Commissions, the Standing Committee of Officials, the Secretariat and the Tribunal (SADC Treaty 1992: Article 10-16).

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[2]The current member states of SADC are Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Madagascar (suspended in 2009 and reinstated in 2014), Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe.

The Summit of Heads of State and Government is the primary institution of SADC. It is comprised of the heads of state and government of the member states. The Summit is responsible for overall policy making and direction, and it elects the organisation's Chairperson and Deputy Chairperson (SADC Treaty 1992: Article 10). The Summit, held at least once a year in different locations, deliberates important issues ranging from economic development, through health to security. The Council consists of ministers, preferably of economic affairs, from each member state and oversees the functioning and development of SADC (SADC Treaty 1992: Article 11). The Commissions include a cluster of bodies instituted to coordinate cooperation and integration policies in stated areas, such as the Politics, Defence and Security cluster (SADC Treaty 1992: Article 12). The Standing Committee of Officials consists of secretaries from each member state and plays a technical advisory role to the Council (SADC Treaty 1992: Article 13). The Secretariat is the principal administrative institution of SADC at an executive level and is responsible for the overall administration of the organisation (SADC Treaty 1992: Article 14). The Tribunal exists for the purpose of ensuring compliance with the SADC Treaty and adjudicates disputes where Treaty provisions have been violated (SADC Treaty 1992: Article 16).

For the purposes of this study it suffices to focus on the peace and security aspects of SADC. As a regional organisation and mainly through its Summit, Commissions and Committees, SADC exercises the moral and primary responsibility – in terms of its principles and objectives – to pursue peace and security and direct the peaceful management and settlement of disputes. In this respect the SADC Summit, in particular, provides the political direction and decides on the policy framework to implement these initiatives (SADC Treaty 1992: Article 10).

2.2 The SADC Organ on Politics, Defence and Security Cooperation

In addition to the main bodies there is also the SADC Organ on Politics, Defence and Security Cooperation (OPDSC), commonly known as the Organ.[3] The Organ initially

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[3]The Organ had a history of autonomy, institutional ambivalence and leadership contestation that was not only highly problematic, but that also had a dysfunctional impact on itself and on SADC. For a discussion of this and its incorporation into SADC (falling outside the ambit of this study) see: Swart and Du Plessis 2004: 30-33

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had an autonomous existence and operated at the Summit level, but was integrated into and became SADC's primary institution to deal with peace and security in Southern Africa. As an institution that had a bearing on SADC's role in the Zimbabwe conflict, a brief account is provided of its nature and scope. The Organ was established in June 1996 in Gaborone (Botswana). From its inception it was a problematic body that was not decisively active, and in 1999 the Summit ordered a review of all SADC institutions including the Organ. This review culminated in the adoption of the SADC Protocol on Politics, Defence and Security Cooperation (hereinafter the 2001 Protocol) that clarified the scope and powers of the Organ (Nyakudya 2013:42). In terms of the 2001 Protocol the Organ specifically deals with peace and security issues. It has the characteristically regional focus of Southern Africa and a membership that overlaps with that of SADC (Breytenbach 2009:85-86). SADC views the Organ as an institutional framework that assists the Summit to coordinate policies in the area of politics, defence and security (Swart & Du Plessis 2004:31). As such the Organ provides an ancillary multilateral platform to SADC.

The Organ has a Chairperson and Deputy Chairperson who are elected on a rotating basis for a period of a year by the Summit from its ranks (SADC 2001: Article 4). The Chairperson, in consultation with the other members of Organ's Troika (i.e. the previous Chairperson and the Deputy Chairperson), is responsible for policy direction and the pursuit of the Organ's objectives (SADC 2001: Article 4). In addition, the Chairperson has powers to instruct any Ministerial Committee of the Organ, constituted of the ministers of defence, public security, foreign affairs and state security from all the member states, to consider any issue judged to be within its jurisdiction (SADC 2001: Article 4).

Following its incorporation into SADC in 1999, the Organ became an institutional branch to facilitate the organisation's conflict resolution role. Article 2 of the 2001 Protocol states that the objective of the Organ, amongst others, is "(t)o prevent, contain and resolve inter and intra-state conflict by peaceful means" (SADC 2001: Article 2). It focuses on both inter-state (regional) and intra-state (domestic/internal) conflict and deals with conflict in three ways, namely prevention, containment and

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resolution. Crucially the phrase 'peaceful means' demarcates the instruments that can be deployed and it precludes hard power in the form of coercive instruments to deter or compel, such as the deployment of a regional peace enforcement force (and arguably also economic sanctions) when dealing with conflict.

The Organ's approach to peace and security is informed by the UN Charter and the Constitutive Act of the African Union that both include recognition of the sovereignty norm and the non-intervention principle (UN Charter 1945: Article 2; AU 2000: Article 4). Notwithstanding, the UN acknowledges that sovereignty may be waived in circumstances of individual or collective self-defence (UN Charter 1945: Article 39) or when collective security measures are used in prescribed circumstances under the auspices of the UNSC (UN Charter Chapter VII). Similarly, the AU Act also makes provision for rescinding the non-intervention norm where humanitarian intervention is required in cases of genocide, war crimes and crimes against humanity (AU 2000: Article 4). The 2001 Protocol, however, emphasises pacific methods of conflict resolution (SADC 2001: Article 11) considering that the Organ has limited means and instruments to ensure peace and security.

In returning to the position and role of the Organ, it is noted that it has jurisdiction where conflict threatens the peace and security of the region or a member state (SADC 2001: Article 11). The 2001 Protocol (Article 11 subsection 2) asserts the right of the Organ to intervene and resolve significant intra-state conflict in the territory of a member state and that 'significant intra-state conflict' involves, amongst others, genocide, ethnic cleansing and gross violation of human rights; military coups; and civil war or insurgency. This indication and demarcation of intra-state conflict is particularly relevant in the Zimbabwe case. Concerning the approaches to and methods of dealing with conflict, the 2001 Protocol lists an array of instruments that can be used. In particular and in accordance with the norm to settle disputes peacefully, provision is made for the use of diplomacy, international tribunals, mediation, negotiation, conciliation, good offices and arbitration (SADC 2001: Article11). If and when peaceful intervention fails, the Organ has the power to advise

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the Summit of the need for enforcement action against one or all the parties in conflict, but only with the authorisation of the UNSC (SADC 2001: Article 11).

2.3 Assessment of the SADC framework for peace and security

In assessing the SADC framework for peace and security the following is noted. Firstly, it is not only about dealing with conflict but also about the position and value of the regional organisation on the African continent. As Hendricks (2005:119) points out, SADC specifically prioritises regional peace and security as the cornerstone and precondition for regional development and integration (also considering that SADC is one of the sub-regional building-blocks of the AU and the African agenda). Hence, the regional organisation has the responsibility of responding to crises and conflicts that may derail not only the promotion of peace and security (as an objective), but also regional development and integration (as a broader rationale). It is not surprising that SADC was perturbed by the emergence of conflict in Zimbabwe.

Secondly and as a general observation on SADC indicative of a weakness or limitation, is that its recognition of the need to promote regional peace and security seems not to have contributed to a greater awareness of the importance of protecting human security, as Schoeman and Muller (2009:176) have indicated. They argue that SADC's security posture leans towards military and political security and hence conflicts that threaten or violate human security are not approached with requisite resolve or vigour. Furthermore, they (2009:178) point out that SADC "is premised on the principle of sovereign equality and non-intervention, principles that indicate preference for state rather than human security." While this impedes the organisation's ability to intervene in member states to protect human security, the approach is reasonable in a region where a human rights culture is not yet entrenched, where resources are scarce and where the transference of state sovereignty to a regional organisation with supra-national jurisdiction is not realised.

In summary and as indicated, the aims of SADC include the promotion of peace and security in Southern Africa and, accordingly, the organisation is institutionally structured with an accompanying security architecture and framework to serve this

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purpose. Consequently the organisation's Summit, supplemented by the Organ, constitutes an arena within which SADC member states raise and discuss issues of regional security and in a multilateral manner act upon them. As such SADC serves as an instrument of conflict resolution. Apart from these roles, SADC and its Summit fulfil the function of articulation and aggregation of member states' position(s) on issues of peace and security, amongst others. The SADC Treaty and the 2001 Protocol also provide the normative (and legal) framework within which SADC as a regional organisation deals with peace and security matters. As an organisation and through its main bodies, SADC and the Organ socialise member states to adhere to the norms and principles on the peaceful settlement and resolution of conflicts. The exercise of its rule- and decision-related functions, its information collection and dissemination, and its operational functions is a correlate of its conflict resolution and mediation role in Zimbabwe, as forthwith discussed.

In conclusion, cognisance is taken of the fact that at a higher level SADC's conflict resolution role is contextualised and directed by the AU and UN frameworks. The Zimbabwe conflict was referred to the UN and also dealt with by the AU. Apart from adding to the complexity and coordination of efforts, the question was which of these three organisations had the primary responsibility for the Zimbabwe issue? Complicating the situation was the fact that while SADC emphasises peaceful conflict mediation, the Constitutive Act provides the AU with the additional right to intervene in a member state in the case of war crimes, genocide and crimes against humanity (AU 2000: Article 4). Similarly the UN can, in addition to peaceful initiatives, through the UNSC institute collective (coercive) action (UN Charter Article 42) without AU or SADC approval. These collective security possibilities, being part of the decision-making problematique of the Zimbabwe issue, represent polar opposite policy alternatives to peaceful settlement. Fortunately, in the case of Zimbabwe, SADC settled for the latter and fulfilled the primary mediation role.

3. The response of SADC to the Zimbabwe conflict

In response to the Zimbabwe conflict and in accordance with its institutional-legalistic framework, SADC involved itself in the conflict management process. As forthwith

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discussed, this ranged from an expression of concern, through mediation, to a settlement agreement that produced an inclusive unity government as an intermediate step to the normalisation of the situation in Zimbabwe.

3.1 From expressing a concern to mediation

SADC expressed its concern about the Zimbabwe situation as early as August 2001 when, at the Summit in Blantyre (Malawi), it indicated its discomfort with the political and economic developments in the country. At the Summit, SADC welcomed the efforts to defuse the situation and established a task force to deal with these issues (SADC *Communiqué* 2001).The task force comprised of the SADC Organ Troika and heads of state from Botswana, Mozambique and South Africa, and had to work with the Zimbabwean government to resolve the economic and political issues affecting the country. After the task force's deliberations with the Zimbabwean government on 17 and 18 September 2001 (Harare), the Government assured the Summit that the rule of law would be upheld and violence contained, and that land reform which was the main cause of the political instability would be handled in accordance with the country's laws. A SADC Ministerial Task Force was also established to monitor the implementation of the resolutions thereon (SADC *Communiqué* 2001; Amnesty International 2002:2-3). The SADC Ministerial Task Force visited Zimbabwe from 10 to 12 December 2001 as part of its observation mission and, despite rampant political violence, it commended Zimbabwe and said that they "welcomed the improved atmosphere of calm and stability" (Amnesty International 2002:3).

Since the situation did not improve the Summit meeting in January 2002 in Blantyre (Malawi) called on the Zimbabwean government to respect human rights; investigate and end the political violence; ensure that the Zimbabwe Electoral Supervisory Commission (ZESC) operates effectively and independently in the forthcoming May 2002 Presidential Elections; and allow international observers access to the electoral processes in accordance with the law. In response Mugabe assured the Summit that the elections would be free and fair. In this instance SADC used the platform provided by Summit to urge the Government to respect and uphold the principles of democracy and human rights, principles that are critical to the organisation. As

indicated, the 2002 Presidential Election was won by ZANU-PF (SADC *Communiqué* 2002). On the one hand, several commentators considered the 2002 elections to have been undemocratic and un-free (Makumbe 2002:87-89; Raftopoulos 2002:416). Similarly, on 12 February 2002 Mbeki acting on behalf of South Africa appointed the Judicial Observer Mission (JOM) to report on the 2002 Presidential Election. It deemed the 2002 election not to have been free and fair on the basis that opposition parties were deliberately disadvantaged, amongst others through the police harassment of their supporters and unequal access to publicly owned media (Mail & Guardian 2014). As far as international observers were concerned, the EU cancelled its observer mission to the 2002 Zimbabwe election after the leader of the mission was denied accreditation by the Zimbabwean government. Other prominent international election observer institutes, such as the US-based Carter Institute and the National Democratic Institute, abstained from monitoring the election (SAIIA 2002:44).

On the other hand, SADC judged the 2002 election to have been free and fair and in its first Summit thereafter, held from 1 to 3 October 2002 in Luanda (Angola), did not discuss it but only received a briefing from Mugabe on the implementation of land reform. On 25-26 August 2003 the Summit reaffirmed its support for Zimbabwe and emphasised the indivisibility of the region. This was after the EU, the Commonwealth and the US had imposed targeted sanctions against Zimbabwe on account of human rights violations that were associated with the land reform programme (Zimbabwe Situation 2014; VOA 2015). The Summit called for the EU, the Commonwealth and the US to lift sanctions against Zimbabwe, arguing that the sanctions were crippling the economy of the country and thereby affecting ordinary Zimbabweans (SADC *Communiqué* 2003). However, this expression of solidarity by the SADC Summit failed to convince these international actors to lift sanctions against Zimbabwe.

In August 2004 Mugabe informed the Summit in Grand-Baie (Mauritius) that Zimbabwe had drafted electoral laws which were consistent with the newly adopted SADC Principles and Guidelines Governing Democratic Elections (PGGDE). The PGGDE, introduced at this Summit (SADC *Communiqué* 2004), amongst others fosters free and fair elections, participatory democracy and transparent elections

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within the region (SADC 2015). Despite the fact that the 2005 Parliamentary Elections, won by ZANU-PF, had been considered undemocratic, the SADC Summits from 2005 to 2006 yet again did not discuss the Zimbabwe situation.

As the conflict worsened and since these early interventions did not prevent further political and economic deterioration, SADC turned to mediation as a preferred method of conflict resolution based on the settled international norm that conflict should be ended through peaceful, non-confrontational methods. On 28 29 March 2007 in Dar -es-Salaam (Tanzania), the Summit mandated South Africa to mediate and facilitate dialogue between the opposition parties and groups and the Zimbabwean government (SADC *Communiqué* 2007). The facilitation involved the encouragement of all stakeholders to find a lasting solution to the issues affecting Zimbabwe and, in this respect, constituted the multilateral involvement of SADC in the form of designated third party mediation.

Another important event of the mid-2000s that involved SADC and had implications for its role, was when a white Zimbabwean farmer (Mike Campbell) brought a case, involving the ZANU-PF government, to the SADC Tribunal in October 2007. This was after his farm was repossessed by the Government, following the passing of the Constitutional Amendment Act No.17 (2005) in September 2005; an act that gave the Government the power to confiscate any land for redistribution purposes. On 28 November 2008 the SADC Tribunal ruled in favour of Campbell by finding that farm confiscations violated the SADC Treaty to which Zimbabwe was a signatory, and also ordered the Zimbabwean government to halt the seizure of land (Dube & Midgley 2008:2-4; Nathan, 2013:185). The Tribunal however pointed out that regardless of its rulings, and in accordance with the sovereignty norm, its ability (or for that matter SADC's) to enforce rulings was questionable. Although not involving the Summit or Organ, this Tribunal ruling did extend SADC's involvement from the political to the legal domain. Unfortunately this decision was not supported or enforced at a political level by the Summit and soon afterwards, on 16-17 August 2010, the Summit in Windhoek (Namibia) decided that the role and functions of the Tribunal should be reviewed, effectively suspending the institution (SADC

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Communiqué 2010). Subsequently in 2012 the Summit resolved that should the Tribunal be reconstituted, its role and functions must be confined to disputes between (and not within) SADC member states (SADC *Communiqué* 2012). This step not only weakened the organisation but also compromised its integrity and ability to act purposively to ensure peace and security in the region.

The turning point in the evolution and eventual de-escalation of the Zimbabwe conflict and SADC's role in it came during the 2008 Presidential Election. As previously indicated, the election that took place in March was won by the Movement for Democratic Change-Tsvangirai (MDC-T) (47.9%) with a margin just short of the constitutionally required 51 per cent to avert a run-off election (Dzinesa & Zambara 2011:64). For the first time in post-independence Zimbabwe an opposition party won the election, albeit short of the required majority. In the aftermath of the election widespread interparty violence gripped Zimbabwe and SADC, through Mbeki (South Africa), responded by intensifying its mediation efforts, facilitating dialogue and pressurising the conflict parties. The result was the GPA signed on 11 September 2008; the political agreement that ended the interparty violence and charted the way forward by committing the conflict parties to an inclusive government (Republic of Zimbabwe 2008).

Based on the norm that conflict should be ended through peaceful, non-confrontational methods, as espoused in the SADC Treaty, the preferred method of conflict resolution for SADC is mediation. This was borne out in the case of Zimbabwe – a state within the purview and under the jurisdiction of the regional organisation – considering that mediation was preferred to armed force and humanitarian intervention. SADC mandated South Africa as its mediator. As the Zimbabwe case proved, the mediation while not decisively ending the conflict, produced a negotiated settlement, de-escalated the conflict and committed the conflict parties to a post conflict reconstruction process. In this regard mediation not only proved to be effective but indeed to be the desirable and preferred method of conflict resolution.

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3.2 SADC member state perspectives on the Zimbabwe conflict

From the outset the Zimbabwe dispute and subsequent conflict were problematised by the absence of a singular position and consensus-based approach amongst SADC member states on how to proceed. Therefore the ensuing account of SADC involvement in Zimbabwe. On the one hand, there were states who questioned the actual existence of conflict in Zimbabwe, such as Angola, Mozambique, Namibia and South Africa (under Mbeki); and on the other hand, there were those states who were concerned about the situation in Zimbabwe, such as Botswana, Malawi and Zambia (Adolfo 2009:24).

The first grouping, namely those states who doubted the existence of conflict in Zimbabwe, supported Mugabe's regime in light of the international criticism of the Zimbabwean government's authoritarian and repressive rule. Notably these states were led by early generation post-liberation political parties and leaders. President Mbeki, as the head of state and government of the *de facto* regional hegemonic power South Africa, was the most prominent figure amongst the SADC leaders who supported Mugabe. As the designated SADC mediator, his perceptions are of particular significance.

Even as late as 2008 Mbeki went on record as saying that there was 'no crisis' in the country (Mail & Guardian 2008). He made this statement when transiting Harare on his way to Zambia for an emergency SADC summit on Zimbabwe. While in Harare he met Mugabe face-to-face for the first time since the disputed election of 2008. As the president of South Africa, Mbeki was also the bearer of South Africa's position on the Zimbabwe situation, represented by and in the media as one of 'quiet diplomacy' to be exercised within the multilateral SADC framework and not as a unilateral or bilateral endeavour. As expected, his viewpoint drew the ire of the opposition MDC with Tsvangirai claiming that Mbeki was no longer credible to continue as SADC mediator (Business Day 2008). He was perceived to be partisan and sympathetic to Mugabe, and less inclined to pressurise and persuade Mugabe in the course of the mediation. Mbeki's notion that no crisis existed in Zimbabwe was also ironic because there was already concrete evidence of widespread interparty political violence in

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Zimbabwe, the result of which saw South Africa, along with Botswana, receive thousands of refugees from Zimbabwe. However, when Zuma became president of South Africa in 2009 and the official SADC mediator, he adopted a more assertive stance and even pressurised Mugabe (see Section 4.1). Hence a noticeable change occurred in the South African position, it becoming more qualified and not one of implicit support and/or sympathy.

The second grouping of the SADC states was critical of the Zimbabwean government because of its role in and contribution to the conflict. What these states shared in common was that they were led by advanced generation post-liberation parties and rulers. For example, in March 2007 President Levy Mwanawasa of Zambia likened the Zimbabwe situation to a 'sinking Titanic' whose passengers are jumping off to save their lives (referring to the millions of Zimbabweans who had already fled to neighbouring countries) (Financial Times 2007). In a reproachful manner he charged that the 'quiet diplomacy' approach of SADC's official mediator, South Africa, had failed and that it was time for SADC to change its approach on the Zimbabwe situation. Similarly, Botswana's President Ian Khama publically acknowledged the existence of the Zimbabwe conflict and took a more hard line position against the Zimbabwean government (BBC 2015). Although Botswana's real or perceived power and influence is difficult to determine, its position as the seat of the SADC headquarters and the region's beacon of political and economic success gave it some weight as far as the Zimbabwe conflict was concerned. Finally the other SADC states, Angola, Lesotho, the DRC, Mauritius, Mozambique, Seychelles, Swaziland and Tanzania, did not hold any firm view on the conflict other than supporting the official position and approach of the organisation.

Although the SADC member states disagreed on the nature of the situation and the role of the Zimbabwean government in the conflict, they nevertheless expressed mutual support for the multilateral viewpoint of the Summit. Also notable is that the Summit *communiqués* or resolutions for the most expressed solidarity with the Zimbabwean government, and neither adopted nor represented a firm position and compelling view on the conflict.

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3.3 The 2008 Global Political Agreement and its implementation

In 2008 the SADC mediation efforts to end the Zimbabwe conflict culminated in the GPA. It covered a range of issues spanning the political, economic and social spectrum (GPA 2008) and signalled SADC's determination to address both the causes and effects of the conflict and set Zimbabwe on a trajectory of post conflict reconstruction. Its key provision was the establishment of an interim and inclusive Government of National Unity (GNU) that included ZANU-PF, the Movement for Democratic Change-Tsvangirai (MDC-T) and the Movement for Democratic Change-Mutambara (MDC-M), and which was essentially a temporary arrangement born out of desperation to halt a destructive conflict. The GNU had to rule Zimbabwe for a five year period pending the drafting of a new constitution and the holding of an election to form a new legislature and executive. In terms of the agreement all the key state positions were distributed amongst the members of the political parties constituting the GNU. Mugabe remained the President while the MDC-T's Tsvangirai held the newly created position of Prime Minister and the MDC-M's Mutambara became the Deputy Prime Minister (Mutisi 2011:3). The Ministerial Portfolios were also shared by the members of the GPA parties. This (equitable) distribution of valued state and government positions between the former conflictants in Zimbabwe is indicative of Mitchell's assumption that positional goods can be a source of conflict (see Chapter 2, Section 3.2.2) and that their attainment can greatly reduce the intensity of conflict behaviour.

The responsibilities of the GNU included the drafting of a new constitution; the promotion of equality, human rights and respect for the rule of law and the constitution; the restoration of economic stability and growth; the canvassing of support for the removal of sanctions against Zimbabwe; and the conducting of a land audit with a view to undertake land reform (GPA 2008). The GNU's objectives were extensive and decisive, not only in respect of the writing of the new constitution but also by addressing the underlying causes of the conflict and governance shortcomings.

The GPA also made provision for the establishment, in 2008, of a Joint Monitoring and Implementation Committee (JOMIC) by the parties to the GNU. The JOMIC was comprised of four representatives from each of the political parties in the GNU. In

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terms of its scope, it had the responsibility to ensure the implementation of the GPA; if necessary to take steps to expedite this implementation; to conduct a continuous assessment of the implementation process; to receive reports on and complaints about the implementation process; and to promote mutual trust and dialogue between the parties (GPA 2008). SADC thus made provisions to minimise possible non-implementation of the undertakings as per the GPA settlement outcome. Nonetheless and regarding its mandate, the JOMIC has been criticised for failing to do its work, with the Executive Secretary of SADC, Tomaz Salomão, expressing his dismay at the lack of commitment shown by those entrusted with the responsibility of implementing the provisions of the JOMIC (Zimbabwe Independent 2013). What is gleaned from the aforesaid is that the commitment of parties to a power sharing agreement is pivotal because without it the settlement could be at risk of collapse.

As part of the SADC mediation outcome the primary responsibility to implement the GPA was entrusted to the GNU. Although the GPA called for the establishment of an inclusive government in Zimbabwe, by the onset of 2009 the required constitutional processes had not yet been undertaken to officially establish the GNU. This was indicative of the difficulty associated with the implementation of a settlement outcome born out conflict resolution efforts. In light of this and in January 2009 the Summit pressured the signatories of the GPA to request the Zimbabwe Parliament to make the necessary constitutional arrangements so that the GNU could be sworn in. The Summit further called for the Prime Minister and Deputy Prime Minster to be sworn in by 11 February 2009, and the Ministers and Deputy Ministers to be appointed by 13 February 2009; thus concluding and constituting the GNU (SADC *Communiqué* 2009). Subsequently, the GNU was constituted and came into power on 13 February 2009. SADC thus played a major role in pressurising the conflict parties through diplomacy to implement one of the critical provisions of the GPA.

Following these developments the mediation involvement of SADC was reduced to a more limited monitoring and advisory role overseeing the implementation of the GPA. This was evidenced by the various *communiqués* issued thereafter that deliberated over the progress made and urged the GNU parties to take necessary

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steps to improve implementation. In addition, the subsequent role of SADC included support for and the encouragement of the GPA parties to cooperate. For example, in August 2009 the SADC Summit that convened in Windhoek (Namibia) commended Jacob Zuma, who as the new South African president had replaced Mbeki as the SADC designated mediator, for his continuing encouragement of the GPA parties to cooperate. The Summit also urged the international community to lift sanctions against Zimbabwe (SADC *Communiqué* 2010), thereby creating conditions that would promote the GPA implementation and the de-escalation of the conflict. This quasi-monitoring role of SADC continued over the next two years.

On 11-12 June 2011 the SADC Summit, meeting in Johannesburg (South Africa), discussed the conflicts in both Madagascar and Zimbabwe. In respect of Zimbabwe the Summit received a report from Zuma as mediator about the progress made with the implementation of the GPA (SADC *Communiqué* 2011). In it he acknowledged that progress was made regarding consultation between different stakeholders on the implementation of outstanding issues. These included arrangements for the deployment of SADC election observers; the validity of electoral laws; respect for the rule of law; and media reform. In addition, the Summit urged the Organ Troika to continue to assist the stakeholder parties with the implementation of the GPA and to appoint Organ representatives to the JOMIC (SADC *Communiqué* 2011). Furthermore, the Summit resolved to continue with diplomatic efforts aimed at convincing Western powers to lift sanctions against Zimbabwe (SAD *Communiqué* 2011). Similarly, on 8 December 2012 in Dar-es-Salaam (Tanzania), the Summit urged the stakeholders to comprehensively implement the GPA and finalise the Draft Constitution, and to set a referendum date before the scheduled 2013 General Election (SADC *Communiqué* 2012). Considering the aforesaid, the Summit was used as a platform to chart the way forward; to communicate progress; to address challenges; and to encourage the removal of international sanctions in order to ensure the implementation of the GPA.

As regards convening of post GNU elections, on 31 May 2013 the Supreme Court of Zimbabwe ruled that the General Election must be convened on 31 July 2013. This

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happened after a Zimbabwean citizen, Jealousy Mawarire, submitted an application to the Court to ask it to order the president to set an election date before 29 June 2013, the expiry date of the GNU (Nehanda Radio 2013). In response Tsvangirai and Industry Minister Welshman Ncube approached the Constitutional Court to seek a postponement of the election date to either 12 or 25 August 2013 but on 4 June the court ruled that the 31 July 2013 date stood (VOA Zimbabwe2013), effectively ending the uncertainty regarding the date of election and confirming the conclusion of the GNU era. Subsequently, in his capacity as the President of Zimbabwe, Mugabe on 11 July 2013 unilaterally announced that general elections would be held on 31 July 2013, coinciding with the end of the five year term of the GNU on 29 June 2013 (The Guardian 2013). The lack of consensus among the key actors in the GNU attest to the 'uneasy' nature of an inclusive government constituted by and of erstwhile enemies. In a last attempt to secure the postponement of the election date, Tsvangirai made a speech on 15 June 2013 at the SADC Summit held in Maputo (Mozambique), in which he bemoaned Mugabe's unilateral announcement of the election date. He argued that it did not allow sufficient time for voter registration and voter mobilisation by the political parties, and also contended that the media had not yet been fully reformed (as required by the GPA) to be able to report in a nonpartisan manner (Newsday 2013). In response the Summit indicated that Zimbabwe's Constitutional Court was the only institution that could make a judgement on the election date. It nevertheless urged the GNU to request the Constitutional Court to grant an election date beyond the one set date by Mugabe (SADC *Communiqué* 2013a). Irrespective of this SADC appeal, the Court never reconsidered its ruling and its position was a reaffirmation of Zimbabwe's sovereignty from the organisation.

On 31 July 2013 Zimbabwean voters went to the polls and peacefully elected a new government. The ZANU-PF won the election by 61 per cent (Mail & Guardian 2013). The Summit held on 17-18 August 2013 in Lilongwe (Malawi), congratulated Mugabe on his electoral victory and again called for the removal of sanctions against Zimbabwe (SADC *Communiqué* 2013b). For SADC the convening of the 31 July election marked the end of the organisation's mediation and highlighted, at the time, the resolution of the Zimbabwe conflict as framed by the GPA. The electoral victory

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by ZANU-PF marked the end of the GNU and the return of the party to full power. However, it did not resolve and terminate the conflict in its entirety, as later developments and discontent would prove.

4 Assessment of SADC conflict resolution in Zimbabwe through mediation

In assessing SADC's conflict resolution role it is necessary to consider the Organ's position and to critique both the mediation process and the mediation outcome.

4.1 The (supportive) role of the Organ

It is evident that the Organ played a supportive role vis-à-vis the Summit. Firstly, the Organ did not play a significant role in the resolution of the Zimbabwe conflict with the primary responsibility and final say accorded to the Summit. Although the Organ has a wide range of objectives, with accompanying powers, the contestation of its scope (power and authority) and its subordination to the Summit is indicative of SADC member states' fear of creating and delegating power to an institution akin to the UNSC (the latter increasingly being viewed with suspicion on the African continent). The fact that the Organ reports to the Summit further indicates that it overlaps with and supports the Summit.

Second, as a sub-institution that focuses on security matters, it is questionable that the Organ did not assume a major role in the Zimbabwe conflict given that it was a security issue. In principle the Organ is a hard power instrument of SADC. Its use in conflict is more likely to be met with resistance, potentially risking the organisation's ability to gain the trust of conflict parties that is necessary for successful conflict resolution intervention. Unlike the UNSC and partly as a result of SADC's emphasis of peaceful methods (something that the Summit's more consultative consensus-based approach underpins, although also part of the Organ's mandate), it is unconceivable that the Organ would use armed force against an incumbent SADC government that perpetuates conflict. This is particularly relevant in the Zimbabwe case where the Government was regarded as the main cause of and an escalation factor in the conflict, but where it strongly resisted actions by SADC and regarded (some of) these as encroachments on its sovereignty (see Section 4.2). However,

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the existence and role of the Organ did not in any way point to an evolution of or new direction in SADC's conflict resolution approach.

4.2 The SADC mediation process

As a multilateral regional organisation, SADC has been and still is used by its member states to address and manage disputes and conflicts in the Southern African region. Before commenting on the mediation process, it is necessary to consider the role of the organisation in managing and resolving conflicts. Ngoma (2003:20-21) presents a positive picture of SADC's role as guarantor of peace and security in the region. To support this position, he argues that the FLS and SADCC, predecessors of SADC, played an important role in liberating the oppressed people of (the current) Zimbabwe, Namibia and South Africa through various peaceful and non-peaceful strategies. Although other actors and factors were also influential and decisive, the role played by the FLS and SADCC states in this decolonisation and liberation process cannot be understated. The implication of Ngoma's argument is that SADC and its peace support role cannot be separated from those of its predecessors and, in fact, represents a direct evolution of the FLS and SADCC. Thus according to this perspective, SADC's pursuit of peace and security (also in the case of Zimbabwe) is not only built upon a rich history of conflict involvement and human rights promotion in Southern Africa, but in fact represents a positive extension thereof.

In contrast, Nathan (2013: 183-185) argues that SADC's ability to promote peace and security in the region is questionable. He contends that, in particular, SADC's culture of state solidarity often overrides the principles of democracy and human rights in the region, as evidenced by the decision to disband the SADC Tribunal following its ruling on farm seizures (see Section 3.1). Nonetheless, it is important to acknowledge that the SADC Tribunal did adjudicate effectively and reach judgements consistent with the SADC Treaty. Eventually it was the failure of leaders at the summit level to offer the much needed political support to and implement the Tribunal ruling that was the problem, and not the SADC Tribunal *per se.*

Considering this broader assessment, attention forthwith turns to an analysis and critique of SADC's mediation role. As previously indicated, when the conflict broke out with farm invasions during the early 2000s, SADC first became involved by expressing its concern. However, by not making a decisive intervention early on it arguably missed an opportunity to prevent the further escalation of the conflict and to avert or reduce its effects. As the Zimbabwe situation deteriorated, this progressed through a task team to the appointment in 2007 of South Africa (under Mbeki) to carry out mediation on behalf of the organisation. It was at this point that SADC initiated formal mediation in Zimbabwe, thus altering the structure of the conflict from dyadic to triadic. Initially Mbeki's mediation efforts, which constituted an attempt by SADC to manage the conflict, failed to register significant progress. For example, when he was first deployed as SADC mediator, Mbeki was tasked with facilitating a dialogue between the opposition and the Government to ensure an enabling environment for a free and fair election in 2008. As events turned out and as commonly accepted, the 2008 election was disputed and anything but free and fair (Chinyere & Hamauswa 2015:5). However, as the interparty conflict escalated in the aftermath of the election, SADC was able to broker a power sharing arrangement through its mediation efforts. The result was a peace deal in the form of a settlement agreement – the GPA of September 2008.

Considering its initial limited progress and the fact that mediation only commenced in 2007, the question is why the SADC mediation process was able to successfully conclude a peace settlement only after and not prior to the 2008 presidential run-off? The answer is to be found in the different situations that existed pre-election and post-run-off. First, the economic cost of the post-2008 election violence was immense, as was seen with ZANU-PF's insistence that the peace deal must be followed by the removal of sanctions (Mail & Guardian 2012). Second, there was considerable international and regional pressure on the conflict parties, in particular on the ZANU-PF-led government, to end the violence (Human Sciences Research Council 2008:20-31). Third, SADC undertook mediation in Zimbabwe to stem the negative effects of the conflict on regional stability. The widespread instability that accompanied the aftermath of the presidential run-off signalled the severity of the situation and the

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urgency of a settlement. For example, by the time a decision on formal mediation was taken, Zimbabwe was already experiencing violent interparty conflict that had seriously affected socio-economic and political stability. Fourth and last, the conflict had escalated and prolonged to a point where it appeared that only a power-sharing deal could end it, and the Government had lost its legitimacy to remain in power, in particular after they had lost the election by a margin that necessitated a run-off. This situational context and the constraints associated with it meant that the Government was at its weakest point and more open to accepting a SADC mediated settlement.

In addition to this conducive situational context, SADC's use of mediation instead of other means of a more coercive nature is embedded in two considerations. The first consideration, infused by the moral and legal imperatives that guide regional organisations, is the near-axiomatic acceptance of the requisite use of peaceful methods. This position is argued by various analysts. According to Dzinesa and Zambara (2011:64) SADC opted for mediation despite the fact that it lacked an effective mediation mechanism and proven practitioners to execute mediation. However, intra-state conflicts present complex problems to regional organisations, not least because of the sovereignty and non-interference norms. Nevertheless, the fact that SADC had been able to broker a peace deal in Zimbabwe, regardless of how imperfect it might have been, is an indication of the organisation's ability to intervene successfully through mediation. Similarly, Hendricks (2005:120) argues that negotiation and mediation are the primary or preferred mechanisms for resolving conflicts for SADC. In addition, although the 2001 Protocol makes provision for enforcement action in cases where peaceful means have proved futile, the region's leaders prefer to use mediation, which is essentially a pacific method of conflict resolution (SADC 2001). SADC's preference for a pacific approach embodied in conflict mediation rather than a coercive approach involving sanctions or military intervention, has to be understood against the background of the organisation's ambition to establish a regional 'security community'.

The second consideration ties in with the reasons why SADC prefers mediation over other forms of conflict resolution. Mediation has an intrinsic appeal since it introduces

an impartial third party to an intransigent dyadic situation. Since mediation is voluntary and requires the consent of the conflict parties agreeing to the mediator, the mediation process and the mediation outcome, it does not infringe on the sovereignty of states to the same extent as a binding resolution of a multilateral organisation. With mediation there is no threat of physical force as an alternative, or the possibility of invoking a juridical authority to make a ruling binding to the parties. Mediation, being a third party facilitated process, opens up an alternative channel of communication between conflict parties, thus increasing communication and the sharing of information which improves the possibility of reaching a peace deal. Finally, because mediation is reliant on mutual consent and voluntarism, the risk of a re-emergence of conflict is greatly reduced once the outcomes are accepted by all the conflict parties involved. The SADC mediation process in Zimbabwe exemplified and reified these considerations, albeit in a qualified sense.

These reasons were specifically applicable to the Zimbabwe mediation process undertaken by SADC, especially considering SADC's circumspect and cautious low risk approach to the Zimbabwe conflict on the one hand; and also considering that Zimbabwe is a strong regional power that asserted its sovereignty, thus reducing the possibility of effectively using another alternative. For example, in April 2011 the SADC Troika comprising Mozambique, Zambia and South Africa criticised and condemned Mugabe's continued harassment of his opponents, the violence meted out against members of opposition parties who were GNU coalition partners, and his intransigence on an early election although conditions were far from ideal (The Standard 2011). In response, Mugabe reminded SADC that a facilitator was a facilitator, not someone who prescribed what must be done, and that Zimbabwe was a sovereign state and cannot be dictated to by any other state or organisation (Mail & Guardian 2011). The aforesaid rationalisation of SADC mediation in Zimbabwe set a precedent for its subsequent mediatory involvement in Madagascar (2009) and Lesotho (2014), thus reconfirming it as SADC's preferred conflict resolution method.

This does not mean that SADC mediation in the Zimbabwe conflict was exempt from the intrinsic limitations of the process and from constraints that were produced by

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operational circumstances. Firstly, Bercovitch (2011:94-95) argues that it is difficult to measure "fairness or effectiveness" of mediators in the mediation process and a perception of unfairness by one or the other party in conflict reflects negatively on the process and may affect outcomes. In the case of Zimbabwe the SADC designated mediator, South Africa under Mbeki, was perceived by the MDC to be biased towards the Mugabe government (see Section 3.2) and this perception reflected negatively on the organisation's mediation efforts. Secondly, Mitchell (1981:312) indicates that third party mediation suffers from fixation on a compromise solution aimed at halting coercive actions without addressing the goal incompatibility underlying the conflict, thus leaving attitudes unchanged. The alleged rigging of elections, amongst others, was regarded as a problematic factor in the Zimbabwe conflict and SADC's mediation did not satisfactory address this aspect. Thirdly, the Zimbabwean government reluctantly accepted SADC's mediation and although a conflict settlement was achieved, the Government often guarded against what it perceived to be SADC's 'uncontrollable imposition' of external influence by reminding the organisation that Zimbabwe was a sovereign state. Finally, SADC was unable to enforce some important GPA conditions, such as security sector reform, on the conflict parties and this limited the potential (positive) effect of its mediation.

The above aspects demonstrate that while mediation by regional organisations may be acceptable, their influence is limited, not least because of the inviolability of the sovereignty principle. On balance, in principle and in fact as concerns the Zimbabwe conflict, mediation was seen and used as the most appropriate method of conflict resolution. However, this balance sheet is incomplete without also assessing the appropriateness and effectiveness of the mediation outcome.

4.3 The GNU settlement outcome

The Zimbabwe GNU was a power sharing arrangement between ZANU-PF, MDC-T and MDC-M. According to Miti, Abatan and Minou (2013:2) power sharing takes different forms. In general it involves the distribution of important state and government positions, spanning the executive, legislature, judiciary through to security services, especially in cases of manifest conflict. Considering this, the GNU

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was a classic example of a power sharing arrangement, with its emphasis on the distribution of key state positions to the members of the conflict parties. Hence the subsequent emphasis on the GNU that emanated from the GPA.

The GNU had to address a spectrum of issues ranging from the political through the social to the economy. Regarding the stabilisation of the economy, the GNU introduced the US dollar as the main currency as the Zimbabwe dollar had nearly lost all of its value. Socially, many institutions that shut down such as universities, reopened and the GNU encouraged the political foes to put aside their differences and work together for the betterment of Zimbabwe (Mukuhlani 2014:172-173). In the political domain the GNU had the responsibility of drafting a constitution under which democratic elections could be held subject to a referendum. To this end the GNU created the Select Committee of Parliament that was tasked with the drafting process, in consultation with civil society and communities (Republic of Zimbabwe 2008). After the Committee completed the constitution drafting process a referendum was held on 17 March 2013, with 94.5 per cent of Zimbabweans voting in favour of the Draft Constitution. The successful completion and acceptance of the new constitution marked the end of the SADC-brokered GNU, also considering that the subsequent election would usher in the post-conflict, post-GNU era. Apart from their reciprocal supportive and confidence-building effects, the relative economic wellbeing and political stability that emerged reinforced the social domain, being a precondition for human security. The GNU was nevertheless subject to criticism.

Dziva, Dube and Manatsa (2013:86-87) contend that the GNU had done the Zimbabwean people out of their fundamental right to elect their own government. For them the GNU rewarded those who had previously perpetrated grim human rights violations since "it (the GNU) was (the) joining together of victors and the vanquished, victims and perpetrators of human rights violations" (Dziva, Dube & Manatsa, 2013:86). This argument ignores the fact that the GNU was never an exercise in democracy but an attempt at political compromise to resolve a conflict that saw many people lose their lives. They also point out that the constitution drafting process was dominated by the GPA parties and majorities at the expense of

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minority communities. Therefore the claim that the people of Zimbabwe were the drafters of the country's constitution was misleading. Adding to the criticism labelled against the GNU, Dodo *et al.* (2012:211) argue that the GNU was largely a failure in that rampant civil service corruption, unchecked spending and nepotism continued during its rule. They also point out that security services vowed not to recognise any government other than the ZANU-PF led government and, that accordingly, the GNU failed to restrain the highly politicised state security sector through security sector reform. Although valid, these arguments were applied in the wrong context in that the commonly understood purpose of a GNU is to end conflict and pave the way for free and fair elections, which the SADC-brokered GNU in Zimbabwe achieved to a significant albeit not an absolute or undisputed extent.

Furthermore, Dzinesa and Zambara (2011:64) argue that ZANU-PF disregarded its coalition partners' pleas for consultation in making senior state appointments. They (2011:65) contend that the fallacy of the JOMIC was that the three parties to it were both 'players and referees', thereby leaving aggrieved parties without an external and independent adjudicator. This argument understates the role that SADC Summits played in the implementation of the GPA by the GNU and the extent to which it pressurised the GNU partners. For example, in 2011 in Livingstone (Zambia) the Summit of the Organ Troika expressed its disappointment with the lack of progress in the implementation of the GPA and subsequently urged the GNU to fast-track its implementation (RSA 2011).

Although there were occasional disagreements between the political parties that formed the GNU, it nevertheless introduced a measure of stability and, during its existence Zimbabwe was by far a more peaceful, safer and secure country than before. Thus the SADC-brokered GNU, from a security viewpoint, managed to significantly reduce the level of conflict, particularly violent conflict, and to procure a constitution to ensure free and fair elections and a more stable political future for Zimbabwe. The achievements (or lack thereof) of the GNU are in no way a complete measure of the outcome of SADC intervention. In the final analysis the successful and effective implementation of the GNU was the responsibility of the parties to the

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conflict and not that of SADC. The successful conclusion of the GNU that saw the cessation of interparty violence and a reduction of intra-state instability was the most important and direct conflict resolution outcome of the SADC mediation.

4.4 SADC's conflict resolution role

In conclusion, SADC's conflict resolution role in Zimbabwe is assessed with reference to the role, the functions and the mediation of the regional organisation.

(a) The role of SADC: SADC is a multilateral regional organisation that fulfils the role of an instrument, an arena and an actor. First, the reason SADC was used by its member states as an instrument of conflict resolution in Zimbabwe was because their interest, namely that of promoting peace and security (see SADC Treaty: Article 5), was threatened by the Zimbabwe conflict. Fortunately the possibility that SADC would be used to achieve the selfish interest(s) of regional powers in Zimbabwe was reduced because by its multilateral nature. The organisation has 15 member states which make it difficult for one or few states to dominate at the expense of others. Second, SADC member states were able to use the organisation's institutional platforms as an arena, in particular the Summit and the Organ, to deliberate on the Zimbabwe situation and to take the decision to appoint a mediator. Third, the resolution of the Zimbabwe conflict through mediation demonstrated that the organisation is an autonomous actor that is capable of undertaking conflict resolution on behalf of its member states in the SADC region.

(b) The functions of SADC: In performing its conflict resolution role in Zimbabwe SADC carried out a variety of (supportive) functions. Firstly it was able to articulate and aggregate the views of member states on the Zimbabwe situation expressed through various Summit *communiqués*. Secondly because of its ability to spread and localise the norm that each member state shall permit SADC into its territory to perform its functions, as contained in Article 3 of the SADC Treaty, the Zimbabwean government was compelled to allow the conflict resolution intervention by SADC. Thirdly, the fact that SADC has been able to expand its membership from ten states in 1992 to 15 in 2014 and to socialise these states into embracing its principles and

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values, is evidence of the organisation's ability to recruit distant member states and to develop socially constructed notions of belonging to SADC. Lastly, the establishment of the Tribunal provided for in Article 16 of the SADC Treaty and the subsequent adjudication of a land dispute between the Zimbabwean government and farmers demonstrated SADC's ability as a regional organisation to perform the functions of rule making, rule application and rule adjudication.

(c) The third party mediation of SADC: The third party mediation of SADC in Zimbabwe marked its involvement as directly aimed at the peaceful management and resolution of manifest conflict. Thus moving beyond conflict suppression, avoidance and prevention. Because SADC was not involved in the waging of the conflict, it entered the conflict with presumed impartiality and the conflict parties accepted the organisation's mediation intervention. Its involvement linked to its role as an actor saw the de-escalation of the conflict through a peacemaking effort, eventually leading to a conflict settlement agreement. In light of and supportive of the settlement agreement reached, SADC used its various institutional platforms to oversee and monitor the implementation of the agreement by communicating progress, identifying challenges and exerting pressure on the GPA parties. This by implication had a preventive effect and reduced the possibility of conflict escalation – thus preventing increased levels and also the expansion of the conflict.

5 Conclusion

The primary aim of this chapter was to analyse SADC's conflict resolution response to the Zimbabwe conflict, focusing on its mediation efforts. For clarity the historical evolution of SADC was indicated along with the institutional configuration, principles and objectives of the organisation. From its evolution from SADCC in 1980 to SADC in 1992, the organisation has several sub-institutions such as the Summit and the Organ that enables it to fulfil its envisioned role. It presently has 15 member states represented at the highest level of decision making in the organisation, the Summit. As a regional organisation committed to promoting peace and security, SADC fulfilled the roles of an instrument, an arena and an actor in relation to the resolution of the Zimbabwe conflict and as a result was able to undertake successful mediation.

The preference of mediation by SADC over other forms of intervention, i.e. humanitarian intervention accompanied by the use of armed force, highlights a recognition of the acceptability of mediation to members of the organisation. In addition, the organisation is informed by the provisions of both the UN Charter and AU Act that prescribes the use of pacific approaches and methods to conflict resolution. SADC's mediation of the Zimbabwe conflict, while complex and difficult, was facilitated by the use of the platforms that the Summit and the Organ provided. The mediation of the organisation culminated in the GPA, in the post 2008 presidential run-off election that committed erstwhile conflict parties to a GNU that came into effect in 2009, and in several undertakings such as the drafting of a new constitution. The adoption of the constitution through a referendum and the subsequent convening of the General Election on 31 July 2013 formally concluded SADC's involvement in the Zimbabwe situation. Based on this the ensuing chapter provides an evaluation of the entire study.

CHAPTER 5

EVALUATION AND RECOMMENDATIONS

The aim of this study was the description and analysis of the nature and scope of SADC's conflict resolution intervention in Zimbabwe and to determine how this intervention impacted on the development and outcome of the conflict. It required, as a framework for analysis, a conceptual-theoretical clarification of the conflict-related roles and functions of IOs, in particular of regional organisations. Apart from serving as a foundation for the description and analysis of the case study, this framework also enabled the assessment of SADC's conflict resolution intervention and its outcome. As such the study described and analysed the causes, manifestations and effects of the Zimbabwe conflict, as well as SADC's conflict resolution role and the process and outcomes of its mediation.

The aim of the study led to the primary research question: Would the events in Zimbabwe and the outcome of the 'Zimbabwe-problem' have been substantially different without the involvement and conflict resolution role of SADC? This question generated two subsidiary questions namely what was the conflict management role, including that of conflict resolution, that SADC played?; and did this role contribute to a positive outcome by overcoming limitations and how? In response to the primary research question it was argued that despite its institutional limitations and operational shortcomings, SADC played a constructive conflict resolution role through mediation that prevented escalation and contributed towards the de-escalation of the conflict in Zimbabwe.

In summary, attention was given to three aspects. Firstly, selected conceptual and theoretical dimensions – as a framework for analysis – were clarified and explained to the extent that they not only grounded the descriptive-analytical approach to the case study, but also served to structure the study. This part concentrated on the phenomena of regional organisations, conflict and conflict resolution through mediation. As concerns regional organisations, it was reiterated that they form multilateral institutions used to pursue member states' interests and that they fulfil

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certain roles and perform supportive functions – even and particularly under circumstances of conflict.

Various scholars have explored the concept conflict, particularly focusing on its nature and scope. Conflict is viewed to be a social phenomenon that is brought about as a consequence of incompatibility of goal(s) between two or more parties. Conflicts are generically classified as inter- or intra-state conflicts. Nonetheless and in terms of the frequency of conflict, it is acknowledged that in recent history intra-state conflicts have become more common than inter-state conflicts. Regardless, there is agreement that conflicts depict a sequential pattern in the form of stages or phases, and varied descriptions of these phases exist including incipient, latent, manifest, that in essence correspond with escalation and de-escalation stages. Similarly, conflict as a concrete phenomenon can be approached in terms of its scope, that is with reference to its manifestation, causes and effects or consequences. In summary, albeit conflict is frequent in the international system, it is dysfunctional and its destabilising effects denote abnormality that requires redress – i.e. conflict management and conflict resolution.

Concerning the latter and for the purposes of this study, emphasis was placed on and the study confined to the conflict resolution role of regional organisations. In this respect it suffices to state that while the concept of conflict resolution refer to two distinct phenomena – that is conflict transformation and the processes of managing/ending conflict – emphasis was placed on the latter in insofar as it relates to conflict management by regional organisations. These regional organisations leverage their strategic position to mediate in regional conflicts, acting as a multilateral instrument, platform and actor in conflict resolution, which sees them undertake related functions in support of these roles. As it pertains to methods of conflict resolution, it was emphasised that mediation is preferred due to its pacific nature and the fact that the UN Charter specifically encourages the use of peaceful methods, thereby shaping the legalistic declarations/treaties of regional organisations on matters of conflict resolution.

Secondly, the situation in Zimbabwe was described and analysed to indicate that its labelling as the Zimbabwe conflict was indeed justifiable. To validate this argument reference was made of the manner in which the Independence Constitution entrenched social tensions; of the (re)emergence of violent politics in the late 1990s; of the 'normalisation' of this disfunctionality in the post-2000 era; of the violent land reform process; and of the persecution of political opposition. These factors collectively contributed to the emergence and perpetuation of manifest conflict in Zimbabwe, so much so that SADC decided to intervene through conflict resolution.

Thirdly and as the core of this study, a description and analysis was provided of SADC's conflict resolution role in Zimbabwe through mediation. SADC viewed the conflict as antithetical to its goal of promoting regional peace, security and development. In response to the Zimbabwe conflict posing a threat to regional stability, SADC member states used the organisation's institutional platform, in particular the Summit, to mediate the conflict. Before the decision was taken in 2007 to appoint South Africa as the official SADC mediator, the organisation limited its role to encouraging conflict parties to settle their disputes; obviously to no avail as the conflict escalated and led to the deployment of a mediator. This produced the 2008 SADC-brokered GPA that effectively de-escalated the conflict and introduced a post-conflict era.

Based on the content of the study as summarised above, and bearing the primary and subsidiary research questions in mind, the key findings are the following:

- A regional organisation such as SADC constitutes an instrument to promote regional peace and security, an arena to discuss issues related to regional security, and an actor in the sense of being able to initiate conflict resolution.
- Conflict resolution as a process of ending or resolving conflict, as initiated by a multilateral regional organisation such as SADC, has evolved to favour mediation, a peaceful method that changes the structure of conflict to triadic through the addition of a (neutral) third party.

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- As conflict behaviour, the violent farm invasions, political violence against opposition supporters and economic mismanagement denoted the existence of and attitudes on goal incompatibility between the conflict parties and, as such, contributed to both the emergence and escalation of conflict in Zimbabwe.

- The scope and more particularly the dysfunctional impact of the conflict collapsed the notion of a politically democratic polity, entrenched human rights violations and weakened democratic institutions (specifically the electoral system) in Zimbabwe and ultimately threatened regional stability.

- SADC as a regional organisation deemed the Zimbabwe conflict to be inconsistent with its goal of promoting peace and security in the region and responded by embarking on a conflict resolution initiative using mediation.

- Because the international (and regional) system of states is based on the recognition of every state's right to self-determination and sovereign integrity, military intervention was resisted and SADC's conflict resolution approach was informed by the discernment of this fact.

- The definitive and constructive outcome of the mediation was the GPA which brought together the conflict parties to form a GNU as part of the post-conflict rebuilding and reconstruction process in Zimbabwe. It also provided for the drafting of a new Constitution albeit produced new sources of conflict

- The SADC Summit was the apex of the institutional framework of the organisation and played the primary role in the management of the Zimbabwe conflict. As such the Summit and the conflict resolution efforts were prioritised and positioned institutionally, strategically and diplomatically. The Organ played a supplementary and predominantly monitoring role.

- Although the GPA had notable shortcomings (i.e. the marginalisation of minority groups, its contribution to de-escalate the conflict and to establish an interim power sharing government was not only constructive but is also commendable.

For the purpose of concluding the study and based on the key findings, brief recommendations are made at the practical and scholarly levels.

At a practical policy level the following:

- In light of the fact that most conflicts in the region are intra-state, it is recommended that SADC periodically engage its member states to ensure that domestic-level potential sources of conflict are not only noted at a Summit or Organ level but are assessed and mitigated accordingly. This could be done by annually convening an *ad hoc* Summit that specifically assesses audits on the internal stability of each SADC member state and that explores ways of addressing challenges that might affect stability in the region.

- SADC needs to further improve its early warning capacity so as to ensure that incipient and latent conflicts are dealt with as they emerge instead of allowing them to develop unabated and manifest at a point where regional peace and security is threatened. This will allow for timeous conflict resolution to be undertaken, particularly through conflict avoidance, prevention or mediation.

- The ongoing diffusion and localisation of democratic ideals and human rights values within the region will ensure that political conflicts that are caused by authoritarian tendencies are reduced. For example, SADC should encourage its member states to adopt and constitutionally entrench an irrevocable two term limit to presidential and/or prime ministerial positions in their respective countries.

- It is crucial that SADC continues to play an important monitoring role in the implementation of political agreements so as to prevent a collapse of GPAs.

- The SADC Electoral Observation Mission (EOM) should be involved in the preparations of post-conflict elections, not only as an observer but as an *ad hoc* part of the domestic election commissions to facilitate free and fair elections.

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At an academic level regarding scholarly research, the following:

- Theoretical and applied research on how SADC can undertake productive conflict resolution timeously without transgressing the sovereign right of its member states to self-determination and non-interference.
- Applied research on the domestic and regional conflict nexus to assess whether, when and why SADC member states may justifiably resist regional interference if domestic developments have a negative impact on regional peace and security.
- Comparative research that focuses on regional conflict resolution. This could include intra-regional comparison (i.e. the Zimbabwe and Madagascar cases); cross-regional comparison (i.e. SADC and ECOWAS interventions); cross continental comparison (i.e. Southern Africa and Southeast Asia); and cross-structural comparison (i.e. Global South and North cases).

In conclusion it is contended that the study accomplished its stated aim and objectives. A concept-based theoretical framework was developed and was used to structure the study at a macro level and to analyse and assess SADC's conflict resolution role and mediation efforts in the Zimbabwe conflict at a micro level. Regarding the two subsidiary questions it was firstly found that although SADC's initial response and involvement was delayed and limited, it developed this into a concerted mediation effort and a dedicated conflict resolution role; and secondly that this mediation role, despite limitations and constraints, overcame a range of challenges to produce an accepted settlement agreement. Based on these supportive findings and in response to the main question, it is evident that events in Zimbabwe and the outcome of the 'Zimbabwe-problem' would have been significantly different and undeniably much more adverse (even disastrous) – not only to Zimbabwe but also to the Southern African region – without the intervention and conflict resolution role of SADC. Its mediation involvement contributed to the de-escalation of the Zimbabwe conflict and to acceptable levels of stability (unstable peace) in the region and within the country. A superficial retrospective hindsight and

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diachronic comparison (although not part of this study) indicates a relative improvement in political, economic and social conditions (if juxtaposed with the first decade of the 2000s) and testifies to and confirms the conclusion. This conclusion does not imply a successful termination of the conflict and existence of stable peace. The lingering dissatisfaction produced by the GPA; the electoral and constitutional contestation that still prevails; and the authoritarian and repressive regime trends still discernable in Zimbabwe all confirms to continued conflict of both a latent and manifest nature. This affirms the tenet that intra-state conflict is never actually terminated, rarely resolved but only managed in an efficacious manner to result in a minimally acceptable outcome of unstable peace.

BIBLIOGRAPHY

Abbot, K.W. and Snidal, D. 1998. Why States Act through Formal International Organisations. *Journal of Conflict Resolution*, 42(1):3-32.

Adelmann, M. 2004. Quiet Diplomacy: The Reasons behind Mbeki's Zimbabwe Policy. *Africa Spectrum*, 39(2):249-276.

Adolfo, E. 2009. The Collision of Liberation and Post-Liberation Politics within SADC. Internet: www.foi.se/reportfiles/foir_2770.pdf (Accessed 18 October 2015).

African Union (AU). 2000. The Constitutive Act of the African Union.Internet: www.au.int/en/sites/default/files/ConstitutiveAct-EN.pdf (Accessed 17 March 2015).

African Union (AU). 2002. Protocol Relating to the Establishment of the Peace and Security Council of the African Union. Internet: http://www.peaceau.org/uploads/psc-protocol-en.pdf (Accessed 15 November 2015).

Alagappa, M. 1995. Regionalism and Conflict Management: A Framework for Analysis. *Review of International Studies*, 21(4):359-387.

Alexandrou, A.C. 1997. *Conflict Management in Cyprus through United Nations Peacekeeping and Peacemaking*, M.A. Dissertation. Pretoria: University of Pretoria.

Amnesty International. 2002. Zimbabwe: Memorandum to the SADC on the Deteriorating Human Rights Situation in Zimbabwe. Intern: http://www.amnesty.org/en/documents/AF46/004/2002/en/ (Accessed 25 October 2015).

Amnesty International. 2013. Zimbabwe: Human Rights Agenda for the Government, 2013-2018. Internet: http://www.amnestyusa.org/our-work/countries/africa/zimbabwe (Accessed 27 October 2015).

Archer, C. 2014. *International Organisations*. 4th edition. London: Routledge.

Badza, S. 2010. Zimbabwe's 2008 Elections and their Implication for Africa. *African Security Review*, 17(4):1-16.

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Bercovitch, J. 1992. The Structure and Diversity of Mediation in International Relations. In Bercovitch, J. and Rubin, J.Z. *Mediation in International Relations: Multiple Approaches to Conflict Management*. New York: St. Martin's Press.

Bercovitch, J. 2011. *Theory and practice of international mediation: selected essays*. New York: Routledge.

Bercovitch, J. and Jackson, R. 2009.*Conflict Resolution in the Twenty-First Century: Principles, Methods and Approaches*. Michigan: University of Michigan Press.

Bercovitch, J. and Rubin, J.Z. 1992. *Mediation in International Relations: Multiple Approaches to Conflict Management*. New York: St. Martin's Press.

Binns, T., Dixon, A. and Nel, E. 2012. *Africa: Diversity and Development*. London: Routledge.

Börzel, T.A., Goltermann, L., Lohaus, M. and Striebinger, K. (eds). 2012. *Roads to Regionalism: Genesis, Design, and Effects of Regional Organizations*. Farnham: Ashgate.

Bowd, R. and Chikwanha, A.B. (eds). 2010. *Understanding Africa's Contemporary Conflicts: Origins, Challenges and Peacebuilding*. Monograph No 173. Pretoria: Institute for Security Studies.

Bratton, M. and Masunungure, E. 2008. Zimbabwe's Long Agony. *Journal of Democracy*, 19(4):41-55.

Breytenbach, W. 2009. Failure of Security Cooperation in SADC: The Suspension of the Organ on Politics, Defence and Security. *South African Journal of International Affairs*, 7(1):85-95.

British Broadcasting Corporation (BBC). 2015. Botswana Leaders: President Seretse Khama Ian Khama. Internet: http://www.bbc.com/news/world-africa-13041482 (Accessed 01 November 2015).

Business Day. 2008. Mbeki must explain 'no crisis', says MDC. 16 April 2008. Internet: http://www.bdlive.co.za/article/2008/04/16/mbeki-must-explain-no-crisis-says-mdc (Access 7 August 2015).

Cawthra, G. 2008. Collaborative Regional Security and Mutual Defence: SADC in Comparative Perspective. *Politikon: South African Journal of Political Studies*, 35(2):159-1796.

Cawthra, G. 2010. *The Role of SADC in Managing Political Crisis and Conflict: The Cases of Madagascar and Zimbabwe.* FES Peace and Security Series No.2. Maputo: Friedrich-Ebert-Stiftung.

Chatham House. 2007. Zimbabwe's Gukurahundi: Lessons from the 1980-1988 Disturbances in Matabeleland and Midlands.
Internet: https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/040907zimbabwe.pdf (Accessed 20 October 2015).

Cheeseman, N. 2010. Power-sharing in Perspective: The Dynamics of 'unity government' in Kenya and Zimbabwe. *Journal of Modern African Studies*, 48(2):203-229.

Chimanikire D. 1990. South Africa's Destabilization Policy: The Zimbabwean Perspective. Research Paper Series No. 2. Harare: Zimbabwe Institute of Development Studies.

Chinyere, P. and Hamauswa, S. 2015. Unpacking the Complexities of Mediation in Africa: Some Lessons from SADC's Mediation Role in Zimbabwe between 2008 and 2013. Internet: http://www.up.ac.za/media/shared/237/PDFs/International%20conference%202015/2.-s-hamauswa-paper-on-mediation.zp58697.pdf (Accessed 15 May 2016).

Davies, M and Woodward, R. 2014. An Introduction to International Organisations in Theory and Practice. In Davies, M. and Woodward, R. (eds). *International Organizations: A Companion*. Cheltenham: Edward Edgar Publishing.

Davies, M. and Woodward, R. (eds). 2014. *International Organizations: A Companion*. Cheltenham: Edward Edgar Publishing.

95

Dodo, O., Chipaike, R., Ngwerume, E.T. and Etiya, E. 2012. Four Years into Zimbabwe's Government of National Unity: Assessing the Challenges and Successes from the Civil Society's Perspective. *Journal of Contemporary Research*, 9(3):202-215.

Dube, M. and Midgley, R. 2008. Land Reform in Zimbabwe: Context, Process, Legal and Constitutional Issues and Implications for the SADC Region. Internet: http://www.tralac.org/za (Accessed 21 June 2015).

Dzimiri, P. 2014. Naming, Identity, Politics & Violence in Zimbabwe. *Stud Tribes Tribals,* 12(2):227-238.

Dzinesa, W. and Zambara, G. 2011. SADC's Role in Zimbabwe: Guarantor of Deadlock or Democracy. Internet: www.osisa.org (Accessed12 July 2015).

Dziva, C., Dube, B. and Manatsa, P. 2013. A Critique of the 2008 Government of National Unity and Human Rights Protection in Zimbabwe. *International Journal of Humanities and Social Science Invention*, 2(8): 83-92.

Fawcett, L. and Hurrell, A. 1995. *Regionalism in World Politics: Regional Organisations and International Order*. Oxford: Oxford University Press.

Financial Times. 2007. Zambia warns of sinking Titanic. 21 March 2007.
Internet: http://www.ft.com/cms/s/0/c58d1888-d7c0-11db-b218-000b5df10621.html#axzz3qVbGvlZC (Accessed 28 October 2015).

Fioramonti, L. 2012. Introduction: Regionalism in Times of Crises. In Fioramonti, L. (ed.) *Regions and Crises: New Challenges for Contemporary Regionalism*. New York: Palgrave Macmillan.

Fioramonti, L. (ed.) 2012. *Regions and Crises: New Challenges for Contemporary Regionalism*. New York: Palgrave Macmillan.

Galtung, J. 1969. Violence, Peace, and Peace Research. *Journal of Peace Research*, 6(3):167-191.

Goltermann, L., Lohaus, M., Spielau, A. and Striebinger, K. 2012. Roads to Regionalism: Concepts, Issues, and Cases. In Börzel, T.A., Goltermann, L., Lohaus, M. and Striebinger, K. (eds). *Roads to Regionalism: Genesis, Design, and Effects of Regional Organizations*. Farnham: Ashgate.

Hammerstad, A. 2005. Domestic Threats, Regional Solutions? The Challenge of Security Integration in Southern Africa. *Review of International Studies*, 31(1):69-87.

Hansohm, D., Peters-Berries, C., Breytenbach, W., Hartzenberg, T., Maier, W. and Meyns, P. (eds). 2002. *Monitoring Regional Integration in Southern Africa Yearbook*. Windhoek: Gamsberg Macmillan.

Haynes, J., Hough, P., Malik, S. and Pettiford, L. 2011. *World Politics*. Harlow: Pearson Education.

Hendricks, C. 2005. Zimbabwe: Beyond the Democratic Impasse. *African Security Review*, 14(3):119-121.

Hettne, B. and Söderbaum, F. 2006. The UN and Regional Organisations in Global Security: Competing or Complementary Logics? *Global Governance*, 12(3):227-232.

Howard-Hassmann, R. 2010. Mugabe's Zimbabwe, 2000-2009: Massive Human Rights Violations and the Failure to Protect. *Human Rights Quarterly*, 32(4):898-920.

Human Rights Watch. 2008. Zimbabwe: Surge in State-Sponsored Violence. Internet: https://www.hrw.org/news/2008/04/25/zimbabwe-surge-state-sponsored-violence (Accessed 25 April 2015).

Human Sciences Research Council (HSRC). 2008. 'Saving Zimbabwe: An Agenda for Democratic Peace'. Internet: http://www.hsrc.ac.za/en/research-outputs/view/3870 (Accessed 16 May 2016).

Independent Online (IOL). 2001. Zimbabwean crisis solved in Nigeria. 7 September 2001. Internet: http://www.iol.co.za/news/africa/zimbabwean-land-crisis-solved-in-nigeria-1.73072#.Vj3K8Euhdhg (Accessed 17 October 2015).

Independent Online (IOL). 2003. 'Puppet of the West deserves jail' – Mugabe. 14 June 2015. Internet: http://www.iol.co.za/news/africa/puppet-of-the-west-deserves-jail---mugabe-108111 (Accessed 01 June 2016).

Independent Online (IOL). 2005. Mugabe blames whites for Zimbabwe's woes. 23 March 2005. Internet: http://www.iol.co.za/news/africa/mugabe-blames-whites-for-zimbabwe-s-woes-1.237076#.Vjm4oNIrLIU (Accessed 29 October 2015).

Lake, D.A. and Morgan, P.M. 1997. *Regional Orders: Building Security in a New World*. University Park: Pennsylvania State University Press.

Lancaster House Agreement. 1979. Southern Rhodesia Constitutional Conference Held at Lancaster House, London, September-December 1979. Report. Internet: www.zimlii.org (Accessed 12 May 2015).

Mabaye, T. 2005. Land Reform in Zimbabwe: An Examination of Past & Present Policy, Shortcomings & Successes and Recommendations for Improvement. Ethics of Development in a Global Environment.
Internet: http://www.stanford.edu/class/e297a/Land%20Reform%20in%20Zimbabwe.doc (Accessed 04 September 2016).

Mail and Guardian. 2008. No crisis in Zimbabwe, says Mbeki. 12 April 2008.
Internet: http://mg.co.za/article/2008-04-12-no-crisis-in-zimbabwe-says-mbeki (Accessed 02 November 2015).

Mail and Guardian. 2011. Mugabe fumes over SADC rebuke. 11 April 2011.
Internet: http://mg.co.za/article/2011-04-11-mugabe-fumes-over-sadc-rebuke (Accessed 28 October 2015).

Mail and Guardian, 2012. EU seeks to normalise ties with Zanu-PF. 18 February 2012. Internet: http://mg.co.za/article/2012-02-18-eu-seeks-to-normalise-ties-with-zanupf (Accessed: 04 April 2016).

Mail and Guardian. 2013. Reflections on the 2013 Zimbabwe election. 8 August 2013.Internet: http://www.mg.co.za/article/2013-08-08-00-reflections-on-the-2013-zimbabwe-elections (Accessed: 12 September 2015).

Mail and Guardian. 2014. Report on the 2002 presidential elections of Zimbabwe. 8 August 2013 Internet: http://www.mg.co.za/article/2014-11-14-00-report-on-the-2002-presidential-zimbabwe-elections-of-zimbabwe.pdf (Accessed 12 September 2015).

Makumbe, J. 2002. Zimbabwe's Hijacked Election. *Journal of Democracy*, 13(04):87-101.

Mamdani, M. 2009. Lessons of Zimbabwe: Mugabe in Context. Association of Concerned African Scholars, Bulletin No. 82:2-13.
Internet: http://concernedafricascholars.org/tag/mahmood-mamdani (Accessed 13 June 2015).

Mandizadza, S. 2009. *The Fast Track Land Reform Programme and Livelihoods in Zimbabwe: A Case Study of Households at Athlone Farm in Murehwa District*, M.A. Dissertation. Johannesburg: University of the Witwatersrand.

Mathye, N. 2013. *Has South Africa Managed to Coordinate SADC's Response to Zimbabwe?* Policy brief No. 95. Pretoria: Africa Institute of South Africa.

Matlosa, K. 2009. The Role of Southern African Development Community in the Management of Zimbabwe's Post-Election Crisis. *Journal of African Elections*, 8(2):46-73.

Mehler, A. 2009. Peace and Power Sharing in Africa: A Not So Obvious Relationship. *African Affairs*, 108(432):453-473.

Mitchell, C.R. 1981. *The Structure of International Conflict*. London: Macmillan.

Miti, K. 2012. South Africa and Conflict Resolution in Africa: From Mandela to Zuma. *Southern African Peace and Security Studies*, 1(1):26-42.

Miti, K., Abatan, E. and Minou, S. 2013. Is Power Sharing a Solution to Africa's Conflicts? *Southern African Peace and Security Studies*, 2(1):1-8.

Mlambo, A. 2014. *A History of Zimbabwe*. New York: Cambridge University Press.

Mukuhlani, T. 2014. Zimbabwe's Government of National Unity: Successes and Challenges in Restoring Peace and Order. *Journal of Power, Politics & Governance*, 2(2):169-180.

Mutisi, M. 2011. Beyond the signature: Appraisal of the Zimbabwe Global Political Agreement (GPA) and Implications for Intervention. African Centre for the Constructive Resolution of Disputes. Internet: www.accord.org.za (Accessed 17 October 2015).

Nathan, L. 2006. SADC's Uncommon Approach to Common Security, 1992-2003. *Southern African Studies*, 32(3):605-622.

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

Nathan, L. 2013. Synopsis of Community of Insecurity: SADC's Struggle for Peace and Security in Southern Africa. *African Security Review*, 22(3):181-189.

Ncube, C. 2013. The 2013 Elections in Zimbabwe: End of an Era for Human Rights Discourse? *Africa Spectrum*, 48(3):99-110.

Neethling, T. 1999. Military Intervention in Lesotho: Perspectives of Operation Boleas and Beyond. *The Online Journal of Peace and Conflict Resolution*, No. 2.2. Internet: http://www.operationspaix.net/DATA/DOCUMENT/6107~v~Military-Intervention-in-Lesotho-Perspectives-on-Operation-Boleas-and-Beyond.pdf (Accessed 02 June 2015).

Nehanda Radio. 2013. Full text of the ruling made by the Supreme Court ordering President Robert Mugabe to proclaim elections before 31 July 2013. 01 June 2013. Internet: http://nehandaradio.com/2013/06/01/full-text-of-supreme-court-ruling-on-elections/ (Access 02 December 2015).

Newsday. 2013. Tsvangirai presentation at SADC Summit. 18 June 2013. Internet: https://www.newsday.co.zw/2013/06/18/18/tsvangirai-presentation-at-sadc (Accessed 10 September 2015).

Ngoma, N. 2003. SADC: Towards a Security Community? *African Security Review*, 12(3):17-28.

Nyakudya, M. 2013. SADC's crisis management in Zimbabwe, 2007-2015. In Van Nieuwkerk, A. and Hofmann, K. (eds). *Southern African Security Review*. Johannesburg: University of Witwatersrand.

Packer, C.A. and Rukare, D. 2002. The New African Union and its Constitutive Act. *The American Journal of International Law*, 96(2):365-379.

Peters-Berries, C. 2002. The Zimbabwe Crisis and SADC: How to Deal with a Deviant Member State? In Hansohm, D., Peters-Berries, C., Breytenbach, W., Hartzenberg, T., Maier, W. and Meyns, P. (eds). *Monitoring Regional Integration in Southern Africa Yearbook*. Windhoek: Gamsberg Macmillan.

Pirouet, M. L. 1995. The Effects of Conflict, I: Human Rights and Refugees. In Furley, O. *Conflict in Africa*. London: Tauris Academic Studies.

Raftopoulos, B. 2002. Briefing: Zimbabwe's 2002 Presidential Election. *African Affairs*, 101(404):413-426.

Ramsbotham, O., Woodhouse, T. and Miall, H. 2011. *Contemporary Conflict Resolution*. 3rd edition. Cambridge: Polity Press.

Republic of South Africa (RSA), Presidency. 2011. *Communiqué: Summit of the Organ Troika on Politics, Defence and Security*.
Internet: http://www.thepresidency.gov.za/pebble.asp?relid=3776&t=79 (Accessed 30 March 2016).

Republic of Zimbabwe. 1987*. Amendment Act No. 6*.

Republic of Zimbabwe. 1987*. Amendment Act No. 7*.

Republic of Zimbabwe. 1990. *Amendment Act No. 11*.

Republic of Zimbabwe. 2005*. Constitution Amendment Act No. 17*.

Republic of Zimbabwe. 2008. Global Political Agreement (GPA). Internet: http://mlgi.org.za/resources/local-government-database/by-country/zimbabwe/peace-agreements/Zimbabwe_GPA.pdf (Accessed 10 October 2015).

Reuters. 2016. Until God says come': turning 92, Zimbabwe's Mugabe refuses to relinquish power. 18 February 2016. Internet: http://uk.reuters.com/article/uk-zimbabwe-mugabe-idUKKCN0VR0L6 (Accessed 01 June 2016).

Sarkees, M.R., Wayman, W.F. and Singer, D.J. 2003. Inter-state, Intra-state and Extra-state Wars: A Comprehensive Look at their Distribution Over Time, 1816-1997. *International Studies Quarterly*, 47(1):49-70.

Schoeman, M. and Muller, M. 2009. Southern African Development Community as Peacemaker: Myth or Reality? *African Security*, 2(2-3):175-192.

Solidarity Peace Trust. 2002. We'll make them run: A report on post election violence in Zimbabwe, March to May 2002.
Internet: http://www.solidaritypeacetrust.org/342/we%E2%80%99ll-make-them-run/ (Accessed 19 October 2015).

Solomon, H. (ed.). 2004. *Towards a common defence and security policy in the Southern African Development Community*, Pretoria: Africa Institute of South Africa.

Southern African Development Community (SADC). 1992. *Treaty of the Southern African Development Community*. Internet: http://www.sadc.org/structures (Accessed 27 June 2015).

Southern African Development Community (SADC), 2001. *Protocol on Politics, Defence and Security Cooperation*. Internet: http://www.sadc.org/structures (Accessed 13 May 2015).

Southern African Development Community (SADC). 2004. *Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation*. Internet: http://www.sadc.int/about-sadc/overview/strategic-pl/strategic-indicaive-plan-organ/ (Accessed 04 July 2015).

102

Southern African Development Community (SADC). 2006. *Summit Communiqués – Southern African Development Community: 1980-2006.*Internet:http://www.sadc.int/files/3913/5292/8384/SADC_SUMMIT_COMMUNI QUES 1980-2006.pdf (Accessed 17 October 2015).

Southern African Development Community (SADC). 2007. *SADC Summit Communiqué August 2007.*
Internet: http://www.sadc.int/files/4113/5292/8387/SADC_Summit_Communique_- Aug_2007.pdf (Accessed 04 October 2015).

Southern African Development Community (SADC). 2009. *Communiqué Extraordinary Summit of the SADC Heads of State and Government: Presidential Guest House, Pretoria, Republic of South Africa, 26-27 January 2009.*
Internet: http://www.sadc.int/files/4613/5292/8386/SADC_ExtraordinarySummit_Com munique-Jan_2009.pdf (Accessed 08 October 2015).

Southern African Development Community (SADC). 2010. *Communiqué of the 30th Jubilee of the SADC Summit of Heads of State and Government*. Internet: http://www.sadc.int/files/4613/5292/8386/SADC_ExtraordinarySummit_Communique -Jan_2009.pdf (Accessed 18 October 2015).

Southern African Development Community (SADC). 2011. *Communiqué: Extra-ordinary Summit of the SADC Heads of State and Government, Johannesburg, South Africa*. Internet: http://www.sadc.int/documents-publications
(Accessed 25 August 2015).

Southern African Development Community (SADC). 2012. *Extraordinary SADC Summit of Heads of State and Government*.
Internet: http://www.sadc.int/files/4213/5523/4282/SADC_Extraordinary_Summit_CO MMUNIQUE_8_DECEMBER_2012_English.pdf (Accessed 17 October 2015).

Southern African Development Community (SADC). 2013a. *Communiqué: Extra-ordinary Summit of the SADC Heads of State and Government, Maputo,*

Mozambique. Internet: http://www.sadc.int/documents-publications (Accessed 25 August 2015).

Southern African Development Community (SADC). 2013b. *Communiqué of the 33rd SADC Summit of Heads of State and Government*.
Internet: http://www.sadc.int/files/6313/7148/8702/COMMUNIQUE_of_the_June_15_2013_Extraordinary_Summit_of_SADC_Heads_of_State_and_Government.pdf (Accessed 19 October 2015).

Sriram, C.L. and Nielsen, Z. 2004. Why Examine Subregional Sources and Dynamics of Conflict? In Sriram, C. L. and Nielsen, Z. (eds).*Exploring Subregional Conflict: Opportunities for Conflict Prevention*. Colorado: Lynne Rienner.

Sriram, C. L. and Nielsen, Z. (eds).2004. *Exploring Subregional Conflict: Opportunities for Conflict Prevention*. Colorado: Lynne Rienner.

Susskind, L. and Babbit, E. 1992. Overcoming the Obstacles to Effective Mediation of International Relations. In Bercovitch, J. and Rubin, J.Z. (eds). *Mediation in International Relations: Multiple Approaches to Conflict Management*. New York: St. Martin's Press.

Swart, G. and Du Plessis, A. 2004. From apartheid destabilisation to a Southern African security community. In Solomon, H. (ed.). *Towards a common defence and security policy in the Southern African Development Community*, Pretoria: Africa Institute of South Africa.

Tendi, B.M. 2010. How Intellectuals Made History in Zimbabwe. Internet: http://www.africaresearchinstitute.org (Accessed 11 September 2015).

The Guardian. 2000. Mugabe stokes the fires of resentment. 19 April 2000. Internet: http://www.theguardian.com/world/2000/apr/19/zimbabwe.garyyounge1 (Accessed 04 June 2016).

The Guardian. 2001. Doctor who left a curse on Zimbabwe. 05 June 2001. Internet: https://www.theguardian.com/world/2001/jun/05/zimbabwe.chrismcgreal (Accessed 01 September 2016).

The Guardian. 2003. Short denied responsibility to Zimbabwe. 11 August 2003. Internet: http://www.theguardian.com/politics/2003/aug/11/freedomofinformation.zimbabwe (Accessed 18 May 2015).

The Guardian, 2013. Mugabe cannot decide on election date on his own, says Zimbabwe's PM. 12 June 2013.
Internet: http://www.theguardian.com/world/2013/jun/12/mugabe-election-date-zimbabwe-pm (Accessed 10 September 2015).

The Standard. 2011. Sunday Comment: New SADC stance on Zim laudable. 3 April 2011. Internet: http://www.thestandard.co.za.zw/2011/0403/sundaycomment-new-sadc-stance-on-zim-laudable/ (Accessed 08 February 2016).

United Kingdom (UK) House of Commons 2005. Zimbabwe after the 2005 Parliamentary Election.
Internet:http://www.solidaritypeacetrust.org/342/we%E2%80%99ll-make-them-run/ (Accessed 02 October 2015).

United Nations (UN). 1945. Charter of the United Nations and Statute of the International Court of Justice.
Internet: https://treaties.un.org/doc/publication/ctc/uncharter.pdf (Accessed 03 April 2015).

United Nations (UN). 2014. Lusaka (Ceasefire) Agreement. 10 July 1999.
Internet: http://peacemaker.un.org/drc-lusaka-agreement99 (Accessed 18 May 2014).

Van Nieuwkerk, A. 2001. Regionalism into Globalism? War into Peace? SADC and ECOWAS Compared. *African Security Review*, 10(2):6-18.

Voice of America (VOA). 2015. US Sanctions against Zimbabwe to Stay in Place. 29 May 2015. Internet: http://www.voanews.com/content/united-states-sanctions-zimbabwe/ 2798784.html (Accessed 02 October 2015).

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Voice of America (VOA) Zimbabwe. 2013. Constitutional Court: Zimbabwe to Hold General Election on July 31. 04 July 2013. Internet: http://www.voazimbabwe.com/a/zimbabwe-elections-constitutional-court-dismisses-election-date-appeals-july-31/1695148.html (Accessed 08 November 2015).

Vollan, K. 2013. The Constitutional History and the 2013 Referendum of Zimbabwe. Internet: https://www.jus.uio.no/smr/english/about/programmes/nordem/publications/docs/zimbabwe_constitution_2013.pdf (Accessed 16 October 2015).

World Socialist Web Site. 2000. Civil war looms in Zimbabwe. 11 August 2000. Internet: http://www.wsws.org/en/articles/2000/08/zim-a11.html? (Accessed 19 April 2016).

Zimbabwe Human Rights NGO Forum. 2001. Human Rights and Zimbabwe's June 2000 Elections. Internet: www.hrforumzim.com (Accessed 18 October 2015).

Zimbabwe Independent.2013. Zanu PF, Sadc on warpath. 22 March 2013. Internet: http://www.theindependent.co.zw/2013/03/22/zanu-pf-sadc-on-warpath/ (Accessed 13 June 2016).

Zimbabwe Lawyers for Human Rights. 2016. Amendments to the Constitution of Zimbabwe: A Constant Assault on Democracy Constitutionalism. Internet: http://hrlibrary.umn.edu/research/constitution%20statement-sunday%20mirror.pdf (Accessed 05 April 2015).

Zimbabwe Situation. 2008. Mwanawasa: No country "can turn blind eye" to events in Zimbabwe. Internet: http://www.zimbabwesituation.com/old/apr13_2008.html (Accessed 01 October 2015).

Zimbabwe Situation. 2014. Zimbabwe's EU sanctions case opens. Internet: http://www.zimbabwesituation.com/news/zimsit_g_zimbabwes-eu-sanctions-case-opens/ (Accessed 30 October 2015).

Zwanenburg, M. 2006. Regional Organisations and the Maintenance of International Peace and Security: Three Recent Regional African Peace Operations. *Journal of Conflict and Security Law,* 11(3):483-508.

Wallensteen, P. 2012. *Understanding Conflict Resolution.* 3rd edition. London: SAGE.

Webel, P. C. and Johansen, J. (ed). 2012. *Peace and Conflict Studies. A Reader.* London: Routledge.

THE ROLE OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) IN CONFLICT RESOLUTION: THE CASE OF ZIMBABWE FROM 2002 TO 2014

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The aim of this study is an examination of the Southern African Development Community's (SADC) conflict resolution role (through multilateral mediation) in the Zimbabwe conflict and to determine how this role impacted on the development and outcome of the conflict. The underlying problem is not so much the intervention of SADC but the process and impact thereof. The primary research question is: Would the events in Zimbabwe and the outcome of the 'Zimbabwe-problem' have been substantially different without the involvement and conflict resolution role of SADC? This question is underpinned by two subsidiary questions: Firstly, what was the conflict management role, including that of conflict resolution, that SADC played? Secondly, did this role contribute to a positive outcome by overcoming limitations and how? In response the argument is that SADC, despite institutional limitations and operational constraints, played a positive role that prevented an escalation of the conflict and that contributed to a de-escalation thereof on account of its mediation.

The study includes a framework for analysis to explore the conflict resolution role of a regional organisation in intra-state (domestic) conflict; a contextualisation of SADC's role with reference to the nature, scope and development of the 'Zimbabwe-problem' as conflict; the analysis of the conflict resolution role through SADC mediation; and an evaluation of key findings as a basis for policy and research recommendations. The study is demarcated in conceptual, temporal and geopolitical terms. At a conceptual level, the key variables are conflict, conflict resolution and the role of international (regional) organisations. In terms of time-frame, the study covers

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the period from 2002 to 2014. The commencement year of 2002 is based on the constitutional and humanitarian crises that emerged and necessitated SADC intervention. The concluding year of 2014 marks the first full year since the end of the Global Political Agreement's (GPA) Government of National Unity (GNU) and allows for a retrospective assessment of the outcome(s) of SADC's role. The non-comparative case study focuses on Zimbabwe as the national-level and SADC as the regional-level (Southern African) units of analysis. The research design is that of a historical case study and entails a critical literature-documentary analysis.

Although SADC's initial response and involvement was delayed and limited, it developed into a concerted mediation effort and a dedicated conflict resolution role. This role, despite limitations and constraints, overcame challenges and produced a settlement agreement. It is evident that events in Zimbabwe and the outcome of the 'Zimbabwe-problem' would have been substantially different and undeniably more detrimental (even disastrous) – not only to Zimbabwe but also to the Southern African region – without SADC's involvement and conflict resolution role. Its intervention contributed to the de-escalation of the conflict and to acceptable levels of stability (unstable peace) in the region and within the country. A retrospective and diachronic assessment confirms a relative improvement in political, economic and social conditions (if juxtaposed with the first decade of the 2000s. This, however, does not imply a termination of the conflict and the existence of stable peace. The residue of dissatisfaction produced by the GPA; the prevailing electoral and constitutional contestation; and the authoritarian and repressive regime trends still apparent in Zimbabwe attest to continued latent and manifest conflict. This confirms the tenet that intra-state conflict is never really terminated, seldom resolved but only managed in an effective manner to produce a minimally acceptable outcome of unstable peace.

KEY WORDS