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Case Study of the Southern African
Development Community (SADC)“

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Abstract (English)

This thesis examines the efforts undertaken by the Southern African Development Community (SADC), Regional Economic Community, which has been established on August 17, 1992, and which encompasses fifteen states of the Southern Africa region. While regional economic integration and economic growth remain a primary goal of the organization, the community also decided to commence an ambitious project of establishment of the regional peace and security architecture. The analysis of this architecture is a main focus of this thesis.

Security cooperation has been given a special attention by the SADC, as it was very early recognized by the community that peace and security in the region constitute necessary preconditions for creation of conducive environment for sustainable socio-economic development. However, not infrequently the SADC comes under criticism as unable and unwilling to pursue its goal pertaining security in meaningful and effective manner. Analysis and reassessment of the state of security regime development reached by the SADC, as well as its effectiveness in fostering human security are in the center of this research. In other words, the aim of the master thesis is to determine what are deficiencies and achievements of the SADC's security architecture in providing for stable peace in the region.

The theoretical foundation of the research is derived from works of Emanuel Adler and Michael Barnett on security communities. Further, changing paradigms on human security and human development are discussed as a point of reference to the SADC's undertakings. The study gives an insight on the institutional structure of the SADC; provides a brief history of the organization; discusses aims and objectives of the community outlined in its documents; and elucidates its institutional structure. It also examines the community's response to the ongoing conflicts and crises in the region.

Abstract (Deutsch)

Diese Abschlussarbeit untersucht die Bemühungen der Südafrikanischen Entwicklungsgemeinschaft (SADC), die am 17. August 1992 gegründet wurde und 15 Staaten der südafrikanischen Region umfasst. Obwohl regionale wirtschaftliche Integration und Wirtschaftswachstum die Hauptziele der Organisation bleiben, entschied sich die Gemeinschaft auch für ein ambitioniertes Projekt zur Errichtung einer regionalen Architektur für Frieden und Sicherheit. Auf dieser soll das Hauptaugenmerk der Arbeit liegen.

Der Sicherheitszusammenarbeit wurde besondere Aufmerksamkeit der SADC zuteil, da die Gemeinschaft sehr früh erkannte, dass Frieden und Sicherheit in der Region notwendige Grundbedingungen zur Schaffung eines Umfelds für nachhaltige sozio-ökonomische Entwicklung darstellen. Allerdings wird nicht selten kritisiert, dass die SADC unwillig und unfähig sei, ihre Sicherheitsziele effektiv zu verfolgen. Diese Arbeit wird sich auf die Analyse und Neubewertung des Standes der Entwicklung des SADC-Sicherheitsregimes konzentrieren, sowie auf ihre Effektivität „Menschliche Sicherheit“ zu fördern. Mit anderen Worten: Das Ziel der Masterarbeit ist es, Schwächen und Erfolge der von der SADC etablierten Sicherheitsarchitektur zur Schaffung von regionalem Frieden und Stabilität aufzudecken.

Das theoretische Grundwerk der Arbeit ist von den Werken Emanuel Adlers und Michael Barnetts über Sicherheitsgemeinschaften abgeleitet. Ferner werden sich verändernde Paradigma zur Menschlichen Sicherheit und „Menschlichen Entwicklung“ als Bezugspunkt für die Unternehmungen der SADC diskutiert. Die Studie schafft Einsichten in die institutionelle Struktur der SADC, liefert eine knappe Geschichte der Organisation, diskutiert Ziele und Vorhaben, die die Gemeinschaft in ihren Dokumenten skizziert und analysiert die institutionelle Struktur im Detail. Zusätzlich untersucht der Aufsatz die Reaktionen der Gemeinschaft auf andauernde Konflikte und Krisen in der Region.

List of Abbreviation

AMU	Arab Maghreb Union
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
CEN-SAD	Community of Sahel-Saharan States
CEWS	Continental Early Warning System
COMESA	Common Market for Eastern and Southern Africa
DRC	Democratic Republic of Congo
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
EWS	Early Warning System
FLS	Frontline States
HDI	Human Development Index
ICISS	International Commission on Intervention and State Sovereignty
IGAD	Intergovernmental Authority on Development
ISDSC	Inter-State Defence and Security Committee
ISPDC	Inter-State Politics and Diplomacy Committee
MDP	Mutual Defence Pact
MoU	Memorandum of Understanding
NEPAD	New Partnership for Africa's Development
NEWCs	National Early Warning Centers
NGO	Non-Governmental Organization
OAU	Organization of African Unity
PSC	Peace and Security Council (of the African Union)
RECs	Regional Economic Communities
REWC	Regional Early Warning Center
RISDP	Regional Indicative Strategic Development Plan
SADC	Southern African Development Community
SADCBRIG	SADC Standby Force
SADCC	Southern African Development Coordination Conference
SARPPCO	Southern African Regional Police Chiefs Cooperation Organization
SEOM	SADC Electoral Observation Mission
SIPO	Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation
SNCs	SADC National Committees
UN	United Nations
UNAIDS	Joint United Nations Program on HIV and AIDS
UNDP	United Nations Development Program
UNSC	United Nations Security Council

Table of Contents

Chapter One: Introduction	1
1.1. Background Information	1
1.2. Problem Statement	2
1.3. Research Objective and Research Questions	5
1.4. Methodology.....	6
1.5. Data collection	7
1.6. Structure of the Thesis	8
Chapter Two: Theoretical Framework	9
2.1. The Notion of Security: Towards Human Security	9
2.2. The Notion of Development: Toward Human Development	14
2.3. The Concept of Security Communities	18
2.4. Adler and Barnett's Framework for the Study of Security Communities.....	20
Chapter Three: Security Integration in Southern Africa in a Wider Perspective	27
3.1. Security Culture at the Global Level: New Norms at the UN	28
3.2. Changing Security Culture on Continental Level: From Organization of African Unity to African Union	34
3.3. The New Partnership for Africa's Development and African Peer Review Mechanism	40
Chapter Four: Establishment, Structure and Development of the SADC	44
4.1. Establishment of the SADC – A Historical Context	44
4.2. Aims, Objectives and Principles of the SADC.....	45
4.3. Institutional Structure of the SADC	47
Chapter Five: Overview of the SADC's Peace and Security Architecture	55
5.1. Establishment of the Organ on Politics, Defence and Security Cooperation	56
5.2. Regional Security Arrangements in the SADC Documents	61
5.2.1. The Protocol on Politics, Defence and Security Cooperation.....	62
5.2.2. The Strategic Indicative Plan for the Organ.....	64
5.2.3. The Mutual Defence Pact	67
5.2.4. The Principles and Guidelines Governing Democratic Elections	69
5.3. Pillars of the SADC's Peace and Security Architecture.....	72
5.3.1. Early Warning System.....	72
5.3.2. SADC Standby Force	74
5.3.3. Mediation Unit and Panel of Elders	77
Chapter Six: Regional Conflicts and the SADC's Responses.....	79
6.1. Madagascar.....	80
6.2. Zimbabwe	85
6.3. Swaziland.....	90
Chapter Seven: Conclusion	95
Bibliography:.....	99

Chapter One: Introduction

1.1. Background Information

The Southern African Development Community (SADC) was established on August 17, 1992 in Windhoek, where the Treaty of the SADC (SADC Treaty) was signed. The roots of the community, however, can be traced back to two organizations existing in the region beforehand. First, the Frontline States (FLS) alliance, was an informal forum of newly independent states¹ with a main objective of a political liberation of apartheid in South Africa and termination of white rule in Rhodesia. The Southern African Development Coordination Conference (SADCC), in turn, focused on economical coordination with an ultimate aim of reducing the economic dependence of states in the region on South Africa (Cilliers, 1999, p. 4). With the abolition of apartheid in South Africa and the independence gained by Zimbabwe, motivation for the existence of both organizations changed. However, as profits from regional economic and security cooperation have been recognized by all Southern African nation states, and it was seen as desirable to sustain and strengthen this cooperation also in new political settings, old organizations have been transformed and incorporated into the SADC.

Today, the SADC comprises of fifteen member states² and is officially granted the status of the Regional Economic Community (REC) by the African Union (AU).³ While regional economic integration and economic growth are primary goals of the community, expressed in its founding

¹ According to Cilliers, heads of states of Botswana, Tanzania and Mozambique founded FLS in 1975. Angola joined FLS in 1976, Zimbabwe in 1980, Namibia in 1990, and South Africa in 1994, shortly before demise (Cilliers, 1999, p. 4).

² Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe. Madagascar has been suspended from the community since March 2009. Source: Official web page of SADC.

³ In July 2006 at the seventh ordinary session of the AU's Assembly of Heads of State and Government AU recognized eight RECs on the African Continent: The Arab Maghreb Union (AMU), The Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC) (Ruppel, 2009, p. 276).

document the SADC Treaty,⁴ the community also incorporated other objectives into its agenda. Among others, the objectives enshrined in Article 5 of the SADC Treaty are: promotion of economic growth and development; alleviation of poverty; raising standards and quality of people's rights; promotion of democracy; maintenance of peace, stability and security in the region; promotion of common values; harmonization of various economic strategies and programs; environmental protection; combating HIV/AIDS; and gender mainstreaming ([Art. 5 (a-k)], SADC Treaty).

Above all, security cooperation has been given special attention by the SADC, as it was very early recognized by the community that peace and security in the region constitute necessary preconditions for the creation of a conducive environment for sustainable economic and social development. By incorporating security cooperation into its agenda, the SADC committed itself *inter alia* to the promotion of peace and stability in the region; protection of its people; promotion of democracy; observance of human rights; and prevention of intra and interstate conflicts and their settlement. ([Art. 2], 2001, SADC). To achieve those objectives the SADC commenced an ambitious development project of a peace and security architecture, of which many elements have already been well developed. It is important to mention that the SADC's official documents pertaining security arrangements touch on both traditional security measures (which focus on enhancing military relations between states), as well as on human security (Hammerstad, 2005, p. 80), the concept, which will be explained in depth at the later stage of this thesis.

1.2. Problem Statement

Although Southern Africa has experienced many positive changes during the last two decades, due to developing very dynamically, and despite collective efforts of states to increase stability in the

⁴ SADC Treaty has been signed in 1992 and amended in August 2001. Source: SADC Official Webpage.

region, it is important to remember that the region is still hounded by many problems and remains very fragile in terms of economic and security perspectives.

First of all, the Democratic Republic of Congo (DRC), an official member of the SADC since 1997, is widely recognized as exemplary failed state. Despite improvement of the situation in the DRC in last decade, armed groups still pose considerable threat to human security, and bring about instability in northern and eastern areas of the country. According to Human Rights Watch's *World Report 2012*, there are nearly 1.7 million people displaced within the DRC borders, and 476,000 refugees in neighboring countries. Tremendous numbers of displaced people gives rise to renewed concerns about the possibility of regionalization of the conflict. Angola, which emerged from a prolonged civil war only in 2002, also continuously experiences threats posed by insurgency groups, especially in the Cabinda region. To a large extent, the situation in Madagascar, which has been suspended from the SADC until constitutional order will be restored in the country after a military coup, also remains unstable and unpredictable. Moreover, reports by civil society groups and different NGOs on widespread political violence and oppression in Zimbabwe or Swaziland are not rare. Finally, human rights advocacy groups frequently indicate serious violations of basic human rights in many other states encompassed by the SADC.⁵

Additionally, most of the SADC's member states were ranked relatively low on the *Human Development Index* (HDI) in 2011. Out of 187 countries listed by the United Nations Development Program (UNDP), the DRC is to be found at the very end of the list, followed by Mozambique, which has been placed as 184th and Zimbabwe being 173rd. With exceptions of Mauritius (located as 77th) and Seychelles (52nd), none of the SADC's member states are located within the top 100 countries.

⁵ For more details consult: Human Rights Watch's World Report 2012 (HRW, 2012).

Additionally, Sub-Saharan Africa is the region where prevalence of HIV and AIDS is the highest in the world. According to the UNAIDS fact sheet 68% (22.5 million) of all people who are infected by HIV live in that region (UNAIDS, 2010). In the countries that belong to the SADC, the estimated prevalence of HIV (excluding Seychelles and Democratic Republic of Congo) amounts to 12.7 million people.

All the factors mentioned above, pose a serious threat for both human and regional security and bring about a possibility of undermining stability in the region. Therefore, the success of the evolving SADC security regime depends on both the ability of the community to address and solve current and potential intra and interstate conflicts in a peaceful manner, as well as its ability to mitigate and effectively eliminate factors posing as threats to human security.

As hinted at before, all of those challenges have been recognized by the SADC and addressed explicitly in its most important documents. In fact, as Hammerstad pointed out, “[o]n paper, SADC has finished setting up its security structures” (Hammerstad, 2005, p. 79). However, not infrequently the Organ on Politics, Defence and Security Cooperation (henceforth: the Organ) – the SADC’s body responsible for coordination of member states’ activities in areas of politics, defence and security - comes under criticism as unable and unwilling to pursue its goal in meaningful and effective manner. Analysis of the state of security regime development reached by the SADC and its Organ in Southern African region, as well as its effectiveness in fostering human security are therefore worth deeper investigation.

1.3. Research Objective and Research Questions

Inquires into and analysis of the SADC's developing security architecture have been in the center of attention of many scholars since the organization came into existence. Among many important contributions, one should mention works of Laurie Nathan, Jakkie Cilliers, Naison Ngoma, Anne Hammerstad or Benedict Franke.⁶ Researchers' opinions are divided to a large degree over the possible future trajectory of and perspectives for the SADC, and the question of whether the community has the capacity to become an adequate organization to provide sustainable solutions to regional challenges connected with stability, peace and security. Pointing out many institutional deficiencies, as well as economic, historical, cultural and social factors, most of scholars seem to belong to the 'pessimistic camp'.

Nevertheless, taking into consideration the dynamics with which the organization develops, as well as positive changes which occurred in the last couple of years in many of the SADC's member states, this master thesis should be seen as an update on the current developments considering the SADC's peace and security architecture, a re-assessment of the organization's proceedings, and its capability to assure a secure environment in the region it encompasses. In other words, the aim of the master thesis is to determine what deficiencies and achievements of the SADC's security architecture exist in providing for stability and peace in the region.

To this end, this thesis is guided by following research questions:

(Q1) What specific frameworks and mechanisms have been developed by the community to prevent and solve intra and interstate conflicts; promote democracy; human rights and the rule of law; and foster human security in Southern Africa?

⁶ Specific contributions of those authors are to be found in the bibliography.

(Q2) What are possible factors that limit the security integration arrangements within the SADC?

What are the main challenges for the SADC concerning the creation of an effective security architecture?

(Q3) How does the SADC respond to conflicts and crises taking place within its region? Are the community's responses consistent with its own norms, values and principles enshrined in its documents? What are the SADC's responses to violations of human rights and insecurity stemming from internal instability of its member states?

(Q4) What are the specific achievements of the SADC in general, and particularly its Organ since its creation, in attaining the level of the regional integration anticipated by the concept of pluralistic security community? Is the SADC upholding its own objectives and principles, which have the potential to guide the organization toward becoming security community?

In this study, the concept of a 'pluralistic security community', as well as rationale for its utilization, will be explained in detail in the theoretical part of the paper.

1.4. Methodology

This research deploys a case study as a main research strategy, which is intended to be qualitative in nature, and which has descriptive and explanatory purposes. Robert K. Yin sees the strength of case study research as it allows the researcher "to retain the holistic and meaningful characteristics of real-life events" in order to "understand complex social phenomena" (Yin, 2003, p. 2). He suggests deploying a case study as a research strategy in situations when the researcher has little or no control over events, and when the focus of the study is "on a contemporary phenomenon within some real-life context" (Yin, 2003, p. 1) that conforms with the case in question. The scholar also emphasizes the fact that a case study allows for a wide choice of research methods to be applied.

The main unit of analysis – the SADC - comprises of fifteen nation states⁷ located in Southern and Central Africa, together with Madagascar and the Seychelles. My main point of interest is the analysis of the organization, its policy and outcomes of its policies connected with common security arrangements. While my case study seems to constitute a holistic unit of analysis (the SADC as an organization), I am aware of individual states' impact on policy formulation and their bargaining power within the SADC, as they are often translated to and expressed as a common organizational agenda. Therefore, this study will look not only at the final outcomes of the SADC policies pertaining to security arrangements, but also toward the process of constructing and negotiating them through different actors where it is relevant.

1.5. Data collection

In order to collect data relevant to addressing the research questions posed in this study, I examine already existing literature connected with my topic. Additionally, I analyze official documents issued by the SADC that are made public on establishment of various institutions, their operationalization, and overall activity of the community in the areas related to politics, peace and security. The research is further complemented by reports of various civil society groups active in the region. By doing this, I intend to reveal the trajectory along which the SADC's security arrangements have been developing in the past, unveil its aims and objectives, as well as cast some light on its most recent developments. However, it has to be noted, that the research on the SADC's peace and security architecture appears constricted. This is due to the SADC's leaders labelling most of the issues connected with security arrangements as highly confidential. As noted by Laurie Nathan - the scholar who had an opportunity to gain personal insight into the SADC's undertakings to establish a security regime - many documents issued by the organization are 'bleached' due to the SADC's sensitivity regarding confidentiality and therefore do not mirror the full dynamics within the

⁷ Including suspended Madagascar.

organization (Nathan, 2006, p. 607). Moreover, due to the very structure of the organization, which comprises of key decision-makers of the region, arranging interviews with them turned out to be a very difficult and time consuming enterprise. As a consequence, initially planned interviews had to be dropped in favor of more in-depth documents and literature analysis. Official websites relating to different elements of the organization's structure also constitute an important source of materials for analysis.

1.6. Structure of the Thesis

This master thesis is structured as follows. The first chapter introduces the topic, presents a research objective and research questions, and discusses shortly the methodology and methods of data collection. Chapter Two provides clarifications on the concepts and theories to which this study refers in the subsequent chapters. More specifically, it discusses the notion of security and development, focusing especially on human security and human development respectively, as well as the concept of the security community introduced by Karl Deutsch and developed further by Emanuel Adler and Michael Barnett. Chapter Three analyzes changes taking place on the global and regional level affecting the internalization of the new norms connected with security by the international community. It mainly focuses on internalization and institutionalization of the notions of responsibility to protect (R2P) and human security. Chapter Four, in turn, opens up the empirical part of the study by giving an insight to the institutional structure of the SADC. It also provides a brief history of the organization and discusses aims and objectives of the community outlined in its documents. Chapter Five takes a deeper insight into the peace and security architecture developed by the SADC and discusses its strengths and weaknesses. Chapter Six focuses on the practical side of the SADC's security architecture, by examining the community's response to the ongoing conflicts and crises in the region. It allows for analysis of the SADC's security architecture effectiveness and shortcomings. Finally, Chapter Seven provides a conclusion of the study.

Chapter Two: Theoretical Framework

This chapter aims to providing a clarification of several concepts and theories, to which this study will be referring to in the next chapters. Clarification on how different concepts and theories are to be interpreted is a necessary step, if one wishes to avoid misunderstandings and create common ground for successful transfer of ideas. As David A. Baldwin puts it: “without clear concepts (...) scholars are apt to talk past each other, and policy-makers find it difficult to distinguish between alternative policies” (1997, p. 6). In the following subchapters, I firstly provide a very brief overview on how an understanding of the concept of security underwent conceptual revisions during the last decades with a special focus on the concept of human security. Thereafter, I shortly elaborate on a notion of development, concentrating mainly on a concept of human development. Finally, I introduce the concept of security communities developed by two scholars - Emanuel Adler and Michael Barnett – who resurrected Karl Deutsch’s ideas on emergence of regional zones of stable peace.

2.1. The Notion of Security: Towards Human Security

From a realist’s approach to international relations, the state is considered to be the main and most important actor of the international arena, which has to struggle for its integrity and survival in generally hostile environment (Ngoma, 2004a). Realism gives priority to national interests, which means survival of the state in an anarchic environment, above concerns pertaining to morality; the end justifies the means. Therefore, constant reinforcement of military strength to keep a balance of power is considered as the key to success of every state. In this approach, security is equated with national security and can be assured only by the military strength of the state, which will be capable to effectively protect itself from external threats. Only if state security is assured, the development of the state may occur. Ken Booth, critic of the realistic approach, postulates that not infrequently the

concept of “national security” serves for many authoritarian regimes as “a cloak for state oppression” (1991, p. 317).

International Relations’ liberals, similarly to realists, still see the nation-state as the main actor, however recognizing the increasing significance of non-state actors in world politics. This approach assumes the rationality of human beings, who are eager to cooperate in order to attain common aims – harmony and collective security. As John H. Herz aptly grasps it: “Idealist (...) tends to concentrate on conditions and solutions which are supposed to overcome the egoistic instincts and attitudes of individuals and groups in favor of considerations beyond mere security and self-interest” (1950, p. 158). Therefore, concepts of sovereignty, national security, and the power of authority, which are at the core of the realist school, have been considerably undermined and replaced by the idea of collective security.

A need for a new approach to security has been gradually recognized after the end of the Cold War and further emphasized after 9/11. As global interdependence and interconnectedness advanced, former state-centric approaches failed to include non-conventional challenges to security. It became apparent that: “rather than originating from rival states, the origin of contemporary security threats is either non-state (domestic or transnational), or, in a different conception, the state poses a threat to its citizens. Military conflicts result primary from problems of domestic legitimacy” (Miller, 2001, p. 19). The need to redefine the notion of security was already first comprehended and voiced in 1983 by Richard Ullman (Miller, 2001, p. 20).

Challenges which have elevated on the security agenda include both terrorism and organized crimes, which cause a direct threat, but encompass also infectious diseases, poverty, climate change, food insecurity, environmental problems, and more that can lead to resentment among societies and, as a

result, indirectly exacerbate conflicts. To address those threats effectively, human security had to be raised on the agenda as the priority. This shift of thinking was explicitly pronounced in the Human Development Report published in 1994 by UNDP entitled *New Dimensions of Human Security*. The Report states that “we need (...) profound transition in thinking – from nuclear security to human security” as the old paradigms have neglected “legitimate concerns of ordinary people who sought security in their daily lives” (HDR, 1994, p. 22). This report defined several components which pose a threat to human security: economic security (unemployment leading in many cases to poverty and homelessness), food security (availability of food which prevents undernourishment and hunger), health security (infectious diseases, limited access to the health care in poor countries), environmental security (environmental catastrophes, soil degradation, water pollution), personal security (war, physical violence, crime, domestic violence, torture), community security (tension arising between or within different groups, i.e. ethnic or religious groups) and political security (state repressions, human rights violations) (*ibid.*, pp. 24-33). In short, adherents of human security approach put individuals, not states, at the center of attention and as referent objects of security (Kaldor, 2007, pp. 182-197; Owen & Liotta, 2006, p. 37).

Nevertheless, critics of the human security approach not infrequently point out, that due to the all-inclusive nature and flexibility of the concept it becomes so broad that it often results in being meaningless and analytically useless. For instance, some scholars argue that “labeling all potential harms to the individual [as] *security threats* makes prioritizing political action impossible” (Owen, 2004, pp. 378-379). Debate on whether and how to narrow down the human security concept, resulted in a significant split among scholars and policy makers⁸. One group advocates broad understanding of the concept, emphasizing mainly the importance of ‘freedom from want’ aspect,

⁸ It should be noted however, that various scholars interested in the human security approach tend to give priority to different subcategories of human security. Therefore, the debate is not *strictly* polarized between narrow-broad definitions, but rather various definitions of the concept tend to be supportive of one or the other side of the spectrum. (Owen & Liotta, 2006, p. 50).

while proponents of a narrower approach focus on ‘freedom from fear’ component (Owen & Liotta, 2006, p. 41). The previously mentioned Human Development Report 1994, which identifies seven different subcategories of human security, is often referred to as the conceptual basis for broad understanding of human security (*ibid.*, p.41). Proponents of this approach argue that the decision to shift referent object of security to the individual, *automatically* involves the need for inclusion of broad range of threats to human beings.

The narrower conception (termed also as ‘Canadian Approach’), in turn, concentrates “on protecting individuals and communities from violence” (Human Security Report 2005 quoted in: Owen & Liotta, 2006, p. 43) and “emphasizes the more immediate necessity for intervention capability rather than long-term strategic planning and investing for sustainable and secure development” (Owen & Liotta, 2006, p. 43). In other words, the narrower approach to human security to a large extent dissociates itself from developmental and environmental elements, which the broader definition embraces. The decision not to include those aspects into the narrower approach is mainly justified by pragmatic reasons of policy-making.

Despite the advocates of human security encountering many problems when trying to formulate an exact definition of the concept, and deciding which subcategories to include and which to exclude, there are certain elements common to both narrow and broad conceptions that distinguish human security from traditional security formulated by liberalists and realists scholars. The first element, already discussed, is the focus on the individual as a referent object of security. Second, both the broad and narrow approach to human security “rely on noncoercive methods” such as “security sector reform, sustainable economic development, preventive diplomacy, post-conflict statebuilding and mediation, and negotiation efforts” (Owen & Liotta, 2006, p. 43).

Taylor Owen notes that in spite of all the seven subcategories of human security being equally important, it is unfeasible due to pragmatic reasons, to be given the same priority by policy-makers. Rather, threats to human security should be ordered according to their severity in a given region and time, as well as political will and capability to address them (Owen, 2004, pp. 381-384).

While recognizing the importance of all the seven components of human security encapsulated in the UNDP report, this master thesis deploys the narrower approach to human security, with special focus on personal and political security. It has been chosen for several reasons. First of all, the inclusive analysis of all of the seven components of the human security would require in-depth examination of many separate programs of the SADC (for example those addressing food production and food security, agriculture, sustainable farming, natural resources, eradication of HIV/AIDS, malaria and other communicable diseases, etc.). Secondly, the decision to focus mainly on personal and political security eventuate from the very institutional structure of the community: while the 'proper' SADC is responsible for ensuring human security through economic and development programs, the Organ, which is a separate body (but still accountable to the 'proper' SADC), is responsible for assuring the cooperation in areas relating to collective security and defence, public and state security, as well as politics. Finally, while personal and political security are not sufficient conditions for achieving sustainable human security, it arguably constitutes an enabling condition for the other aspects of human security to develop. One can multiply examples of situations when interstate conflict, civil war, or internal instability of a state hindered its economic development (economic security), led to significant ecological disasters (environmental security), and caused the collapse of health systems (health security). While all those elements are intertwined with each other, the empirical evidence suggests personal and political security are of particular importance.

The notion of security used and applied by the SADC is however rather problematic to define and delineate. As already mentioned, the most important documents of the community (see: Chapter 5.2) clearly indicate, that the ultimate aim of the community's activity is a protection of the human security, as it is widely understood, to the citizens of the region. The SADC wants to reach this goal, on the one hand through economic integration, and on the other, through political, diplomatic, and military cooperation coordinated mainly through its Organ. Nonetheless, as it is shown in this thesis, despite its commitment on paper to values such as human rights, rule of law and democracy, which are inherent to the notion of human security and which, in theory, should lie in the heart of the SADC's activities, the organization not infrequently grants them cursory treatment (Kaime, 2004). Paulino Macaringue and Shirley Magano argue this case, as "Different states [in the SADC region] still view and articulate security in divergent ways. (...) The human security notion, although embedded in the key SADC policy documents, is still far from being the foundation of a regional practice" (2008, p. 135). Therefore, one needs to remain aware of those ambiguities in theoretical and practical approaches of the SADC to the notion of security, while analyzing the community.

2.2. The Notion of Development: Toward Human Development

The notion of development, similar to the one of security, underwent significant conceptual modifications during the last two decades. Until 1990s, when the first Human Development Report (HDR) introduced the alternative approach to development – human development, two other paradigms of development dominated the scene. Namely, basic needs and neo-liberal approaches (Fukuda-Parr, 2003, p. 311).

The basic need approach has been the first "operational and intellectually coherent vision of a people-focused development strategy" (UNIHP, Briefing Note No. 8, 2009, p. 1). It advocates

protection of people's well-being through providing those in need with a set of basic goods and services, which can assure them a decent level of life. "Basic needs may be interpreted in terms of minimum specified quantities of such things as food, clothing, shelter, water and sanitation that are necessary to prevent ill health, undernourishment, and the like" (Streeten et al. 1981, p. 25, quoted in Santos et al., 2010, p. 2).

Despite the basic need approach being people-centered, it has been widely criticized for focusing on providing merely *goods and services* to people, instead of increasing their *capabilities*. In other words, people were rather considered to constitute the object of development, than being active actors in the whole process. Fukuda-Parr also points out the fact that the basic need approach, aims merely at "meeting people's material needs" and largely ignores aspects such as "human rights, freedoms, and agency emphasized in the human development approach" (2003, p. 304). The main reason for the basic needs approach's demise is discerned in a global change of economic policies, which largely neglected social concerns and brought to the fore neo-liberal policies. In more specific terms, the change in approach to development was caused by "a return to economic orthodoxy, which was driven by three factors: the rise of Thatcherism and Reaganism in developed countries, the onset of world recession, and banking policies designed to ensure that developing countries repaid their debts" (UNIHP, Briefing Note No. 8, 2009, p. 1).

The neo-liberal approach to development dramatically shifted the focus from individuals and collectives to economic growth, because of "belief that economic indicators were and ought to be at the core of development" (UNIHP, Briefing Note No. 8, 2009, p. 3). Economic growth was, and to large extent is, perceived as a main source of people's well-being and prosperity, and by extension is perceived to be able to ensure a stable and peaceful environment. The criticism directed toward the neo-liberal approach to development has concentrated around arguments that it neglects the "rights,

freedoms and human agency” (Fukuda-Parr, 2003, p. 304) of ordinary people. It is argued that economic indicators may be useful in measuring economic development, but economic development understood in this context does not necessarily guarantee improvement of life-conditions for societies. The rise of economic indicators may even obscure the real situation within society: inequality among individuals, degradation of environment, or prevalence of devastating communicable diseases, which in the longer-term, will inevitably leave a severe imprint on economy. Richard Jolly, Louis Emmerij, and Thomas G. Weiss, authors of erstwhile quoted UNIHHP Briefing Note, indeed argue that “In the last few years, economic research has made clear that the cost of these [neo-liberal] policies was high in terms of their negative effects on economic growth and education, health, and other social services” (UNIHHP, Briefing Note No. 8, 2009, p. 4).

With the recognition that development needs to be measured in a more holistic way and not only through economic lenses, scholars became preoccupied with putting human beings back to the center of developmental agenda. In 1990, the first Human Development Report was published, introducing the concept of human development. This approach does not reject completely the importance of economic development and growth, but it states that increased income should be interpreted as a means to achieve certain outcomes, and not as an end in itself. The end of development should be people’s well-being, and economic growth is necessary but not sufficient element to achieve this aim. It also pointed out, that certain human needs cannot be satisfied simply by increased income:

“ (...) people often value achievements that do not show up at all, or not immediately, in higher measured income or growth figures: better nutrition and health services, greater access to knowledge, more secure livelihoods, better working conditions, security against crime and physical violence, satisfying leisure hours, and a sense of participating in the economic, cultural and political activities of their communities. Of

course, people also want higher incomes as one of their options. But income is not the sum total of human life” (HDR, 1990, p. 9).

Inferring from premises mentioned above, the report defined human development as “a process of enlarging people's choices” (*ibid.* p. 10). The foundations of this paradigm are to be found in Amartya Sen’s work, who saw human development as expansion of people’s “functionings and capabilities to function, the range of things that a person could do and be in her life”⁹ (Sen, 1989 quoted in Fukuda-Parr, 2003, p. 303). HDR in 1990 identified three of the most important ‘choices’ which people should be able to achieve: “to lead a long and healthy life, to acquire knowledge and to have access to resources needed for a decent standard of living” (HDR, 1990, p. 10). The report recognizes that this list is not exhaustive and other elements may gain prominence in the future, but it states that “If these essential choices are not available, many other opportunities remain inaccessible”¹⁰ (*ibid.*, p. 10).

Lars Buur et al. notice that development in its new understanding tends to embrace a wider spectrum of ‘responsibilities’, especially “[it] is being charged with the responsibility of enhancing security and non-violent forms of behaviour at all levels of society” (Buur et al., 2007, p. 10). As a result of all those conceptual modifications, the notion of development when used in various discourses may carry different meanings and as a result, involve different policies. It is important therefore to recognize what kind of development one conceives, especially given the neoliberal conception of development is still omnipresent, as human development only began gaining prominence in last decade, particularly among decision-makers. A better understanding of the

⁹ Fukuda-Parr notices that the original term which has been used by Sen - “capabilities” - has been replaced in HDR 1990 with the one of “choices”, causing confusion due to a lack of its terminological clarity in this context. (2003, p. 315, footnote 1).

¹⁰ Additional choices, mentioned in the report, encompassed human rights, political freedom and personal self-respect. (HDR, 1990). Definition of human development later included other development characteristics. For example in a HDR from 2001 ‘participation in a life of a community’ has been added and HDR from 1995 put more emphasis on issues connected with gender.

conceptualizations of different modes of development will help to apprehend which paradigm is hegemonic in the SADC , and for what reasons and with what results.

2.3. The Concept of Security Communities

By reading closely the objectives of the SADC encapsulated in its Treaty and other documents issued by the community, one can conclude that the most desired model for the SADC's integration would be the creation of the pluralistic security community. The concept of a security community was introduced by Richard Van Waegen in 1950s, given theoretical and empirical background by Karl Deutsch in 1957 (Adler & Barnett, 1998, p. 6), but gained prominence only in 1998 when it had been resurrected by Emanuel Adler and Michael Barnett. The concept entertains an idea of the eradication of insecurities in certain regions through increasing mutual trust between actors and the development of shared identities among them, which results in the creation of zones of stable peace.

Deutsch et al define a security community as a group of people, who reach such a level of integration, which assures that “the members of that community will not fight each other physically, but will settle their disputes in some other way” (Deutsch et al, 1957, p. 5). Deutsch makes the distinction between two types of security communities. The first one, *amalgamated*, exists when there is a “formal merger of two or more previously independent units into a single larger unit, with some type of common government after amalgamation” (Deutsch et al, 1957, p. 6). The second type – *pluralistic* security communities – does not require full renunciation of a state's sovereignty to a supranational body. In the words of Adler and Barnett: “[S]tates within a pluralistic security community possess a compatibility of core values derived from common institutions, and mutual responsiveness – a matter of mutual identity and loyalty, a sense of ‘we-ness’, and are integrated to the point that they entertain ‘dependable expectations of peaceful change’” (1998, p.7). Therefore, a

pluralistic security community is defined by the scholars as “a transnational region comprised of sovereign states whose people maintain dependable expectations of peaceful change” (*ibid.* p. 30).

While the emergence of the first type of security community is (currently) highly improbable in Southern Africa¹¹, the second one highly matches the final stage which the SADC wants to attain¹² – a peaceful environment in which conflicts are solved not through military means but peaceful ones, and where mutual trust and shared values ensure smooth economic and security cooperation between the SADC’s member states.

The concept of security communities builds on the assumption that the same processes that led to the creation of states may be equally relevant for the development of integration between bigger units. Among the factors which advance this process - transactions – one can mention “trade, migration, tourism, cultural and educational exchanges, use of physical communication facilities” (Adler & Barnett, 1998, p. 7). Arguably, the interstate cooperation aiming at the establishment of a regional security regime – as it is in case of the SADC – should be counted among those factors. Those forms of communication enhance mutual reciprocity, help to build trust among states, and leads to the discovery of common interests and identities (*ibid.* p., 14).

At this point, it is necessary to justify why the concept of security communities has been chosen to be deployed in this thesis. Firstly, as has already been mentioned from the analysis of the SADC

¹¹ Emanuel Adler and Michael Barnett also give more attention to pluralistic communities, as they argue “that it is theoretically and empirically closest to the developments that are currently unfolding in international politics and international relations theory” (1998, p. 5).

¹² This conclusion has been inferred from analysis of two documents: SADC Treaty and Protocol on Politics, Defence and Cooperation. For example the Preamble of the Protocol states two objectives, which point out the willingness of states to attain such a level of integration, which is in accordance with a concept of security communities: “DETERMINED to achieve solidarity, peace and security in the Region through close cooperation on matters of politics, defence and security; DESIROUS TO ENSURE that close cooperation on matters of politics, defence and security shall at all times promote the peaceful settlement of disputes by negotiation, conciliation, mediation or arbitration” (Protocol on Politics, Defence and Cooperation, Preamble)

documents, it appears that this is the intended direction in which the community wishes to develop. Secondly, many other concepts and theories that consider the possibility of the creation of regional stable peace zones perceive democracy as a necessary condition for its development. States encompassed by the SADC however are frequently described as non-democratic, or as paying a lip service only to democratic values.

The concept of democratic peace, for example, in its 'purest' form holds that democratic nations do not fight with each other, or, in a less idealistic approach, fight less. Azar Gat remarks that studies on democratic peace theory reveal that not only a positive correlation exists between peacefulness' of the state and its regime (democracy), but also *interconnectedness* between states plays a role (Gat, 2006). This interconnectedness is attained mainly through open and mutual trade and membership in international organizations. Those three elements – extensive trade, active participation of international organizations, and the type of state's regime – influence states' behavior independently, and constitute the so-called Kantian 'tripod of peace' (*ibid.* p. 586). Although many common elements are discerned between the security community concept and the one of democratic peace, lack of democracy in the SADC region implies deployment of the Deutsch's concept. As Adler and Barnett argue, the development of a security community in a non-democratic context is indeed possible, with Southeast Asia being one of the identifiable examples (1998, p. 16).

2.4. Adler and Barnett's Framework for the Study of Security Communities¹³

This subchapter briefly summarizes Adler and Barnett's conceptualizations and findings, in order to provide a better understanding of the concept of security community and in the next step, be able to

¹³ This subchapter draws heavily on Emanuel Adler and Michael Barnett's concept of 'security community' and their ideas for its operationalization (see: Adler, E., Barnett, M. (1998) *Security Communities*. Part I, pp. 1 – 65).

analyze the development of security architecture in the SADC's region through the prism of the concept explained.

Adler and Barnett, basing on works of Karl Deutsch and aiming on correcting shortcomings of his conceptualization, attempt to provide a comprehensive framework for studying security communities. To this end, scholars firstly focus on conceptual vocabulary, which is deemed to be important for studying security communities. They provide definitions of key concepts critical for studying security communities, as they accurately recognize that many of them tend to be vague or baffling. Secondly, conditions under which the development of a security community is possible are discussed. Those conditions are divided by Adler and Barnett into so-called three 'tiers'. Finally, they describe the process of development of security communities: by focusing on visible evidence of the formation of security communities, they distinguish three phases of its development: 1) nascent, 2) ascendant, and 3) mature.

In its conceptualization, Adler and Barnett start with defining a concept of a *community* by pointing to its three characteristics: 1) members of a given community exhibit shared values, meanings and identities as those features have a uniting quality, 2) relations between community members have multi-dimensional character (various areas and levels of cooperation), and 3) reciprocity between community members has a long-term disposition (1998, p. 31). Notwithstanding, Adler and Barnett emphasize the fact which is often ignored by other scholars, that cooperation between member states of a community is still to a great extent lead by the *self-interest* of states. This situation inevitably leads to an emergence of conflict situations of different scales. What is, however, specific for states, which are within a security community is the fact that despite the conflicts of interests being ever-present, they are confident that the very conflicts will be solved without resorting to military means and violence in general:

“(...) while states within a security community are likely to exhibit rivalry and other interactive interactions associated with mixed-motive games, they no longer fear the use of violence as means of statecraft and to settle their disputes” (Adler & Barnett, 1998, p. 32).

Subsequently, Adler and Barnett move to explain the next conceptual element of the security community’s definition, namely, ‘peaceful change’:

“Peaceful change can be best defined as neither the expectation of nor the preparation for organized violence as a means to settle interstate disputes (Adler & Barnett, 1998, p. 34)

The scholars stress this situation may take place without any *formal* agreement or alliances between members of a community (*ibid.* p. 35). However it is more likely to emerge between states which are bounded by some kind of security arrangements (*ibid.* p. 52).

Another issue addressed by the two authors is the question of dissolution of sovereignty under conditions of a security community. In formal terms, states within a security community retain their sovereign status. However, those states at the same time become agents of the community, which puts upon them under new obligations, rights and duties, and obliges them to act in accordance with norms prevalent within the community. As Adler aptly puts it:

“(...) states can express their agency insofar as they meet and reproduce the epistemic and normative expectations of the community. States remain ‘free agents’, acting on the

basis of their own preferences, as long as these preferences are cognitively framed by the shared understandings of the community” (Adler, 1997, p. 266 quoted in Adler & Barnett, 1998, p. 37).

In the second part, as already mentioned, Adler and Barnett move on to determine factors which contribute to the emergence of a security community, and systematize them into three ‘tiers’. The first tier - precipitating conditions for development of security community – refers to different push and pull factors (i.e. emergence of common threat, changes in social reality, migrations, changes in environments etc.) which motivate states to cooperate with each other, as they recognize benefits of combined efforts in addressing various issues. What is important at this stage is increased communication and interaction between actors, which in the next phase lead to strengthening of mutual trust. Tier two is defined by Adler and Barnett as the stage at which “states and their peoples have become involved in a series of social interactions that have begun to transform the environment in which they are embedded” (*ibid.* p. 39). At this stage, mutual trust among members is increasing and collective identity is being formed. The scholars emphasize the crucial influence and role of 1) international organizations, 2) intensified transactions and communication occurring between actors, as well as 3) importance of social learning¹⁴ for the emergence of shared identities, meanings, values, and norms among actors. Finally, third tier describes the phase when already existent mutual trust and collective identity eradicates the security dilemma, allowing for the development of expectations of peaceful change. In the end, a security community is being formed.

The last addition to Deutsch’s concept of security community by Adler and Barnett pertains to the conceptualization of “three stylized phases in the development of a security community” (*ibid.* p.

¹⁴Social learning has been defined as „active process of redefinition or reinterpretation of reality – what people consider real, possible and desirable – on the basis of new casual and normative knowledge”(Adler & Barnett, 1998, p. 43).

48). Namely, 'nascent', 'ascendant', and 'mature'. All those phases should be perceived as being somehow flexible, as not every developing security community necessarily needs to exhibit all of the indicators envisaged by the scholars for respective phases of community development. In the words of the concept's authors: "These phases are intended as heuristic devices rather than uncomfortable teleological exercises" (*ibid.* p. 48). Different possible variations in the development of security communities are also justified by Adler and Barnett, by the fact, that they see the development of any community as path dependent: any small event and decision, which took place in the past, can have meaningful outcomes in the future. Additionally, the variety of available choices for each respective actor in a given time is limited by decisions made in the past. Finally, the costs of change of previously taken decision are increasing over time, so that every 'step back' is more problematic. Therefore, taking into account the multiplicity of factors which lead to the emergence of a security community and the fact that they "evolve from path dependent processes, their origins and paths will vary considerably" (*ibid.* p. 49). Nonetheless, the authors take an effort to specify some characteristics and mechanisms which, according to their judgment, are symptomatic for the process of security community development.

In the first phase – 'nascent' - governments or states' elites start taking into account the possibility of cooperation with other states to attain goals dictated by their self-interest. Among the gains from collaboration, one may mention: enhancement of mutual security, increase of trade, gains from economies of scale, increases of capability in addressing interstate threats, etc. "What matters is that they recognize or discover that they have joint interest that require collective action, and can mutually benefit from some modest coordination of security policies" (*ibid.* p. 50). Cooperation, therefore, results heavily from self-interest of states, not shared identities, and is triggered by different normative and material factors. Organizations established in order to coordinate cooperation at this stage have a capability to enhance communication and trust between actors.

The second phase – “ascendant” – is defined by Adler and Barnett as:

“(…) increasingly dense networks; new institutions and organizations that reflect either tighter military coordination and co-operation and/or decreased fear that the other represents a threat; cognitive structures that promote ‘seeing’ and acting together and, therefore, the deepening of the level of mutual trust, and the emergence of collective identities that begin to encourage dependable expectations of peaceful change.” (Adler & Barnett, 1998, p. 53).

This phase is characterized by extension of already existing networks and creation of new ones, as well as by intensification of communication and cooperation in various areas, which takes place not only at the level of governments and states’ elites. The authors argue that at this phase of security community development, states may also increase cooperation in security sector, especially militarily. This again is translated into deepening of reciprocity, mutual trust, and gradual creation of shared identities.

The last phase – “maturity” – refers to the stage, when dependable expectations of peaceful change are already existent: collective identity has been developed among actors. The scholars point to two possible variants of fully fledged security communities: loosely and tightly coupled. The former “observe the minimal definitional properties [of a security community] and no more” and are defined as “a transnational region comprised of sovereign states whose people maintain dependable expectation of peaceful change” (*ibid.* p. 30), while tightly coupled variants develop a system of mutual aid and “possess the system of rule that lies somewhere between a sovereign state and a regional, centralized government; that is, it is something of post-sovereign system, endowed with common supranational, transnational and national institutions and some form of collective security

systems” (*ibid.* p. 30). Adler and Barnett point out some characteristics of mature security communities (both tightly and loosely coupled), which are: multilateralism, unfortified border, shifts in military planning, common definition of threat and shared discourse and language of the community (*ibid.* pp. 55-56). Moreover, indicators for tightly coupled communities encompass: cooperative and collective security, high level of military integration, coordination of the policies against perceived threat, and a free movement of populations. (*ibid.* 56-57).

Theoretical considerations provided by Karl Deutsch and developed by Adler and Barnett allow for detailed analysis of the level of a region’s security integration. Assuming that states encompassed by the SADC unequivocally aim at the development of a pluralistic security community – as it is indicated in the SADC Treaty - the framework developed by the two scholars, which have been discussed in this subchapter, allows for an insight into the current level of the SADC’s member states integration and future prospects for its deepening.

Chapter Three: Security Integration in Southern Africa in a Wider Perspective

Security integration and efforts to establish peace and security architecture on the sub-regional level by the SADC cannot be analyzed without reference to the changes that are taking place in wider continental and global contexts. The institutionalization and internalization of new norms, principles, and values at a global and continental level, which in many instances are responsible for a gradual change in the behaviors of the actors, as well as for the establishment of new institutions, should be taken into account. The change in understanding in concepts of security and development, and its implication for a (possible) change in global politics has already been discussed in the theoretical chapter. The following chapter, in turn, focuses more on the institutionalization and internalization by the United Nations (global level) and the AU (continental level) of new norms pertaining to security issues in order to provide a background for the developments that are taking place within the SADC. Specifically, this chapter looks into how the security culture on global and continental levels has changed during the last decades and in what way this could have shaped dynamics within the SADC. Security culture has been defined by Paul D. Williams as:

“(...) patterns of thought and argumentation that establish pervasive and durable security preferences by formulating concepts of the role, legitimacy and efficacy of particular approaches to protecting values. Through a process of socialization, security cultures help establish the core assumptions, beliefs and values of decision-makers about how security challenges can and should be dealt with” (2007, p. 256).

This chapter aims at providing a general background in order to understand the context in which the changing dynamics of the SADC are taking place.

3.1. Security Culture at the Global Level: New Norms at the UN

The United Nations can be considered as one of the most prominent world actors, which has the power and capability to conceive, articulate, and disseminate new norms pertaining to many different levels of politics, economy, security etc. Shaun Breslin, for example, argues that “The UN has published and endorsed some of the most explicit calls for the establishment of new norms of global governance based on liberal conceptions of the best way of constructing a peaceful and prosperous global order” (2007, p. 194). The author as an example points out that the adoption of the Universal Declaration of Human Rights has been probably one of first and the most ambitious steps in the establishment and dissemination of new norms by the organization, which were supposed to be embraced universally by all nations around the world (*ibid.*).

The Charter of the UN (hereafter: the UN Charter) since its inception has been guided by values such as: respect for human rights, people’s dignity and their equality and people’s right to social and economic advancement. At the level of inter-state relations and security arrangements the UN Charter invoked the principle of sovereign equality of all nation states, peaceful settlement of conflicts, good neighborhood and tolerance, all aiming at strengthening and maintaining international peace and security.

However, it has been widely acknowledged that the sanctity of principles of sovereignty and non-intervention into states’ internal affairs (as well as veto power of five permanent members of the United Nations Security Council (UNSC) who frequently used it to secure their political interests), in many cases have significantly paralyzed the activities of the UNSC in the areas pertaining maintenance to peace and security. The organization remained helpless and has been deprived of right (and will) to act when faced with gross violations of human rights and humanitarian catastrophes. The reluctance of the organization to act was (and still is in many instances) evident

especially in cases when atrocities were performed within a territory of a state by authorities on its own citizens. A report of the International Commission on Intervention and State Sovereignty (ICISS) entitled *The Responsibility to Protect* points out that the reasons for this situation lied in the very nature of the UN of that time:

“Membership of the United Nations was the final symbol of independent sovereign statehood and thus the seal of acceptance into the community of nations. The UN also became the principal international forum for collaborative action in the shared pursuit of the three goals of state building, nation building and economic development. The UN was therefore the main arena for the jealous protection, not the casual abrogation, of state sovereignty.” (2001, p. 13).

Sovereignty and the principle of non-interference into states’ internal affairs, however, started to be gradually challenged by new, emerging norms and concepts, among which the most important to mention are human rights, human security, human development and responsibility to protect.. As report by the ICISS points out, the gradual change of norms and behavior of international actors has been generated also by other factors. Namely, new challenges to security and the emergence of new actors who advocate vigorously for human rights protection and widening the concept of security:

“The issues and preoccupations of the 21st century present new and often fundamentally different types of challenges from those that faced the world in 1945, when the United Nations was founded. As new realities and challenges have emerged, so too have new expectations for action and new standards of conduct in national and international affairs. (...).

The current debate on intervention for human protection purposes is itself both a product and a reflection of how much has changed since the UN was established. The current debate takes place in the context of a broadly expanded range of state, non-state, and institutional actors, and increasingly evident interaction and interdependence among them.” (ICISS Report, 2001, p. 4).

The authors of the report also emphasize the importance of new expectations toward international organizations, as they are increasingly seen as responsible and legitimate to take upon an action (including military one) in grave circumstances pertaining to human security. Those expectations, as already mentioned, are underpinned by an evolving debate on human rights, security, and development with the recognition that the unsolved conflicts are not contained to a single place (i.e. borders of nation state), but may lead to ‘spill-over’ effects to many other neighboring states or even to ramifications at a global level (with terrorism being the obvious example).

Sovereignty has not been ‘taken away’ from states however, nor has it been constricted. What has happened, as a result of concerns described above, is rather reconceptualization of what sovereignty means and what rights and obligations it imposes over states and its governments¹⁵ (Breslin, 2007, p. 201; Paris, 2003 pp. 450-451). The report of the ICISS clearly states: “There is no transfer or dilution of state sovereignty. But there is a necessary re-characterization involved: from *sovereignty as control* to *sovereignty as responsibility* in both internal functions and external duties.” (2001, p. 13). This means that the national authorities of the state are 1) responsible for the protection of their citizens

¹⁵ Carsten Stahn, however, argues that “The shift from sovereignty as control to sovereignty as responsibility appears to be less radical than suggested by its history” (2007, p. 111). The author giving an historical account states that the recognition that the notion of sovereignty encompasses also the duty to protect state’s citizens is not as revolutionary as contemporary academics writing on R2P suggest (2007, pp. 111-114).

(internally), 2) responsible to international community (externally), 3) accountable for their actions (*ibid.*, p.13).

The concept of Responsibility to Protect (R2P) is quite a recent one, and it is highly contested whether it has already been institutionalized and internalized by international actors to the extent that it may be considered as a 'new norm'. Paul D. Williams defines norms as "collective expectations about proper behavior for a given identity" where "norm's strength is measured by the lever of opprobrium community members attract from their peers for engaging in behavior that violates the norm. If no criticism occurs then a norm cannot be said to exist" (2007, p. 258). The scholar further argues that "international norms are internalized and implemented domestically through processes of socialization that involve (...): 1) instrumental adaptation and strategic bargaining; 2) moral consciousness-raising, argumentation, dialogue and persuasion; 3) institutionalization and habituation" (*ibid.*, p. 259). However, in case of R2P, its strength as a norm is quite troublesome to measure, as it has not been clearly pronounced who has a duty to act in grave circumstances and who exactly is to decide when the action should be undertaken. However, I argue that some indicators of norm internalization by the UN can be observed.

The idea of R2P introduced by the report of the ICISS ignited a significant debate within the UN. Carsten Stahn points out that three important documents have been issued by the organization on this matter: the High-Level Panel on Threats, Challenges and Change report *A More Secure World: Our Shared Responsibility* published in 2004, the report of the UN Secretary-General *In Larger Freedom: Towards Development, Security and Human Rights for All* issued in March 2005 and *The Outcome Document of the 2005 World Summit* in September 2005 (Stahn, 2007, pp. 105-110).

Additionally, the report issued in 2009 by the UN Secretary-General Ban Ki-moon, *Implementing the Responsibility to Protect*, led to renewed discussion at the General Assembly in 2009. Subsequently, assessment of this debate has been published by the Global Center for the Responsibility to Protect, which singled out the areas of consensus pertaining to the acceptance of R2P among nation states¹⁶, but also emphasized the areas of concern and disagreement, including: doubts over selectivity and double standards of R2P application, claims that R2P might be leading in certain instances to unilateral actions as well as concerns over the definition of threshold of when the coercive action may be employed against the state and who is to decide to act (GCR2P Report, 2009). From the close reading of this assessment, one can conclude that while most of the UN's member states support the principle, the question how to operationalize it is still widely open and contested.

The principle of R2P could therefore be probably best described as an 'evolving norm'. While strategic bargaining is ongoing and the principle is gaining more prominence and visibility within the international community, lack of agreement on its further institutionalization leads to the situation that its deployment is still rather a moral issue resting on "a voluntary, rather than a mandatory engagement" (Stahn, 2007, p. 109).

To exercise efficiently activities connected with the R2P principles, the UN envisions involvement of regional and sub-regional organizations. As Tom Kabau notes "[regional] organizations are (...) expected to provide mechanisms through which the concept is to be implemented. Regional organizations can provide the mechanisms for the implementation of the concept through various approaches, including peaceful negotiations and consensual interventions" (2012, p. 57). The report

¹⁶ The Report states "With the exception of a handful of delegations, speakers affirmed that 2005 was not open for renegotiation. States supported the Secretary-General's view that R2P was an ally of sovereignty. At least two-thirds of the statements spoke positively of the Secretary-General's report; more than 40 explicitly welcomed it. Over 50 states endorsed his formulation of a three pillar strategy – state responsibility; assistance to states; and timely and decisive action by the international community. And there was unanimity on the importance of the first two pillars and the fundamental obligation to prevent mass atrocity crimes" (GCR2P Report, 2009, pp. 1-2).

of the Secretary-General issued in 2011, *The Role of Regional and Sub-Regional Arrangements in Implementing the Responsibility to Protect*, acknowledges both the importance and achievements of the AU and sub-regional organizations emphasizing that they “were in vanguard of the international efforts to develop both the principles of protection and the practical tools for achieving them” (2011, p. 2). As a matter of fact, the involvement of regional and sub-regional organizations is provisioned even in the UN Charter, as the Chapter VIII entitled “Regional Arrangements” states:

“Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations” ([Art. 52(1)], UN Charter).

Chapter VIII of the UN Charter further takes note that states which are the members of such regional arrangements in cases of conflict situations, should consult those organizations first, before referring them to the Security Council ([Art. 52(2)], UN Charter). On the issue of enforcement actions, the UN Charter states that:

“The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council (...)” ([Art. 53(1)], UN Charter).

The already mentioned report of the Secretary-General additionally emphasizes the importance of regional development of Early Warning Systems in the context of conflict prevention. This would

facilitate information sharing, as well as the significance of the development of regional stand-by forces, which would be able to complement or act on behalf of the UN, if the need for deployment of military troops arises (2011, p. 9).

Naturally, the gradual internationalization of the R2P principle by international actors cannot be solely ascribed to activities undertaken by the UN. A prominent role has been played also by civil society, which voices its support for the norm, for example through different advocacy NGOs or humanitarian agencies. The role of Human Rights Watch, Amnesty International, International Crisis Group and many others should be emphasized, as they constitute a strong lobby and have the potential to influence choices and policies of crucial decision-makers.

To conclude, despite R2P being the norm ‘in making’ and some aspects of its operationalization still being disputed and contested, its embracement by the international community has significant implications for regional and sub-regional organizations responsible for peace and security. As emphasized in the report of the Secretary-General, those bodies in many instances “are closer to the events on the ground, may have access to more detailed information, may have more nuanced understanding of the history and culture, may be more directly affected by the consequences of the action taken or not taken, and may be critical to the implementation of decisions taken in New York” (2011, p. 3).

3.2. Changing Security Culture on Continental Level: From Organization of African Unity to African Union

The Organization of African Unity (OAU) was established in 1963. At that time, the OAU’s primary concern and duty was the support of national liberation struggles taking place throughout the continent, and “to act as a guardian of Africa’s independence from colonial rule” (Engel & Porto,

2010, p. 1). Paul D. Williams argues that the establishment of the organization “was a crucial moment in the process of norm socialization on the continent” (2007, p. 263). The OAU from its inception was guided by the four principles, namely: equality of its member states, recognition of their sovereignty, the rule of non-interference into one’s internal affairs, and the principle of territorial integrity (Engel & Porto, 2010, p. 1; Williams, 2007).

The reorganization of the OAU into a new body – the AU in 2002 - can be seen as another significant threshold in socializations of norms in the continental context. Reasons for this restructuring were manifold: from changes taking place in the international environment (fall of the Berlin Wall and the dissolution of Soviet Union), through rising number of violent conflicts on the African continent, to the unwillingness of international community to prevent atrocities in Rwanda and Somalia (Engel & Porto, 2010, p. 1). Not infrequently the OAU had been accused as being a *club of dictators*, who were deaf for the needs of commoners, being too much “preoccupied with lofty political ideals and declarations, which bore little resemblance to the challenges posed by extreme poverty, conflict, governance and respect for human rights” (*ibid.* p. 1). The strict attachment to the rules of sovereignty and non-interference left the OAU unable to act and respond to those new challenges.

However, the crucial factor in the change of the OAU into the AU was the involvement and contribution of the three regional leaders of that time: Muammar Gaddafi of Libya, Thabo Mbeki of South Africa, and Olusegun Obasanjo of Nigeria. The reasons for Mbeki’s and Obasanjo’s involvement in the creation of the AU was two-fold: both leaders wanted to retain the economic and political status of their countries through the promotion of a neo-liberal agenda, which best served the new geo-political interests of their countries. Due to this, they saw it desirable to become main advocates of peace and stability, democracy, rule of law, good governance, sustainable

economic development, and fundamental human rights on the continent (Francis, 2006, pp. 27-28). As for Col. Gaddafi, the main reason for his involvement pertained to his intended rehabilitation as a progressive leader in the eyes of Western powers, but most of all “as a legitimate statesman to do business with” (*ibid.*, p. 26). More precisely, he aimed at for the removal of sanctions from Libya and the possibilities to increase the county’s revenue from oil trade. Therefore, he seized the project of the AU’s creation as he perceived it as a unique opportunity to regain his status on the international arena. Gaddafi could offer something that other leaders could not: the financial clout for the creation of a new body (*ibid.*, p. 29).

Overall, the reorganization of the OAU into the AU was seen as not only ‘old wine in new bottles’, but as a real progress toward democratization and commitment to the rule of law among African leaders. As noticed by Engel and Porto, the AU has to a great extend built upon principles previously upheld by the OAU. There is also a set of new principles, out of which the most important are “respect for democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for sanctity of human rights” (*ibid.*, p. 3), together with the very important right of the AU to intervene in the affairs of its member states “in respect of grave circumstances, namely war crimes, genocide and crimes against humanity” ([Art. 4(h)], AU Constitutive Act)¹⁷. This opened a way for the AU to adopt legal action, including military deployment, against its own member states. Another novelty under the rubric of the AU’s guiding principles is Article 4(p) of the Constitutive Act, which stipulates “condemnation and rejection of unconstitutional changes of governments”. Paul D. Williams argues that despite those two principles of the new-born organization being included into its Constitutive Act, it is arguable whether they have already been fully internalized by the AU and its member states (Williams, 2007).

¹⁷ Protocol on Amendments to the Constitutive Act of the African Union (adopted in 2003) expanded the principle encapsulated in Art 4 (h) by adding “serious threat to legitimate order” as a situation which gives the Union the right to intervene. E. Baimu and K. Sturman (2003) argue that the inclusion of this principle constitutes a step backward from protecting of human rights.

Insofar as the principle pertaining to ‘unconstitutional changes of government’ is considered, three documents institutionalizing the norm should be mentioned, the: 1) *Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government* (AHG/Decl.5 (XXXVI)) adopted in 2000 in Lomé, 2) *Declaration of the Principles Governing Democratic Elections in Africa* adopted in 2002, and 3) *African Charter on Democracy, Elections and Governance* adopted in January 2007, but which entered into force only recently on January 15, 2012. The Lomé Declaration defined the unconstitutional change of government as:

- “i) military coup d’état against a democratically elected Government;
- ii) intervention by mercenaries to replace a democratically elected Government;
- iii) replacement of democratically elected Governments by armed dissident groups and rebel movements;
- iv) the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections.”

In 2007, with the adoption of the *African Charter on Democracy, Elections and Governance*, the fifth element expanding the definition of ‘unconstitutional change’ was added. It stated that “any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government.” ([Art. 23(5)], AU, 2007) should be considered as an unconstitutional change of government. The Charter since coming into force in January 2012, contrary to previously discussed documents, is legally binding for signatories.

While Williams asserts that “(...) evidence appears to support the argument that the AU has internalized – as well as institutionalized – this new norm” (2007, p 274), Ulf Engel is more skeptical about this, claiming that:

“In general, the Union has started to effectively live-up to the expectations which were created in Africa and elsewhere by adopting these norms in the first place – though selectively: In some cases the African Union kept a rather muted stance (...). So far the results of the African Union’s policy on unconstitutional changes of government are mixed: The rather successful policy on Mauritania and, mostly likely Niger, is faced by lack of progress on Madagascar and Guinea-Bissau.” (Engel, 2010, p. 13)

It has to be noted however, that Engel is not so much critical about the state of *internalization* of the norm by the Union, as about the lack of clarity and standards of its *operationalization*.

As already mentioned, R2P has been institutionalized by the AU in its Constitutive Act in 2000. However, the AU has never invoked Article 4(h) in situations which arguably required such a decision. Paul D. Williams believes that the reluctance of the AU to take upon more decisive action pertaining to the situation in Darfur evidences lack of full internalization of the norm by the organization¹⁸ (2007, p. 278). The issue of R2P internalization by the AU however requires further in-depth research and case-to-case analyses of responses of the AU to continental conflicts.

While both ‘new principles’ of the AU discussed above are still undergoing a process of full internalization, institutionalization of them has had significant repercussions for Regional Economic

¹⁸ Williams at the same time signals the lack of any significant advocacy to address the situation in Darfur through the prism of R2P by the UN Security Council or individual states. He concludes: “the responsibility-to-protect principle has yet to be fully internalized anywhere in the world” (2007, p. 278).

Communities (RECs). *The Protocol on Amendments to the Constitutive Act of the African Union* envisioned establishment of the Peace and Security Council (PSC) as a “standing decision-making organ for the prevention, management and resolution of conflicts” ([Art. 2(1)], PSC Protocol). *De facto*, the PSC Protocol, besides the establishment of the PSC itself, provisioned also for the establishment of other institutions which altogether constitute the African Peace and Security Architecture (APSA), the: 1) Panel of Wise [Art. 11]; 2) Continental Early Warning System (CEWS) [Art. 12]; 3) African Standby Force (ASF) [Art. 13]; and 4) Peace Fund [Art. 21]. Additionally, the PSC Protocol makes an important provision on the inclusion of regional mechanisms responsible for the promotion of peace and security into APSA.

RECs, being the building blocks of the AU in which most regional mechanisms for peace and security are vested, have been tasked with the development of observation and monitoring units which would support and cooperate with CEWS, as well as with erecting regional standby brigades.¹⁹ The more active role of the AU in promoting peace and security influences regional organizations as “the African Union favors a principle of regional subsidiary and expects the respective Regional Economic Communities (RECs) to be the first to get involved into conflict mediation – coordination at a sub-regional and international level is critical” (Engel & Porto, 2010, p. 8).

¹⁹ For the account of the detailed development of those two pillars of APSA see: E. Wane et al. (2010). ‘The Continental Early Warning System: Methodology and Approach. In: U. Engel, J. G. Porto, ed. 2010, *Africa’s New Peace and Security Architecture. Promoting Norms, Institutionalizing Solutions*. Farnham: Ashgate; J. Cilliers, J. Pottgieter (2010). ‘The African Standby Force. In: U. Engel, J. G. Porto, ed. 2010, *Africa’s New Peace and Security Architecture. Promoting Norms, Institutionalizing Solutions*. Farnham: Ashgate. For an overview and assessment of APSA pillars’ efficiency and state of development see also: *African Peace and Security Architecture. 2010 Assessment Study* (2010). Report Commissioned by the African Union’s Peace and Security Department. Available: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/RO%20African%20Peace%20and%20Security%20Architecture.pdf>

This division of labor between the AU and RECs was sealed in January 2008, when the Memorandum of Understanding (MoU) was signed by the parties²⁰. The MoU is a binding document, which delineates “principles, rights and obligations to be applied in the relationship between the Union, the RECs and the Coordinating Mechanisms” ([Art. 3], 2008a, AU). As is recognizable, efficient operationalization of APSA cannot be accomplished without the involvement and active participation of regional actors, as well as harmonization of procedures and systems between them.

I argue that changes taking place at the continental and regional levels pertaining to the security culture should be seen as mutually reinforcing processes. The emergence of new norms and institutions at the continental level influence significantly regional structures, but at the same time, the process of change cannot be accomplished without consent and willful cooperation from sub-regional actors.

3.3. The New Partnership for Africa’s Development and African Peer Review Mechanism

David Francis in his book “Uniting Africa”, expresses the opinion that “The African Union cannot be discussed without serious reference and analysis of the New Partnership for Africa’s Development (NEPAD)” (2006, p. 131). To broaden his argument, I argue that not only NEPAD should be taken into account, but also one of its most important achievements, the African Peer Review Mechanism (APRM). APRM aims at fostering transparency, democracy and good governance, and has the potential to further internalize the new norms and principles discussed in the previous subchapters. It also demonstrates commitment of individual African states and their leaders pertaining to incorporation of those principles and values into their political agendas.

²⁰ Full title of the document: *Memorandum of Understanding on Cooperation in the Area of Peace and Security Between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the regional Standby Brigades of Eastern Africa and Northern Africa*. The document was signed by representatives of CEN-SAD, COMESA, EAC, ECCAS, ECOWAS, IGAD, UMA and SADC and representatives of AU (Porto & Engel, 2010, p. 151).

NEPAD was adopted in 2001 and incorporated into structures of the AU (Francis, 2006, p. 131). The primary objective of the program was “poverty eradication, promotion of sustainable growth and development, and the empowerment of women through building genuine partnerships at country, regional and global levels” (NEPAD’s Official Webpage). Söderbaum and Hettne emphasize that NEPAD is unique, in comparison with previous socio-recovery programs for Africa, as it “stresses a closer engagement (and ‘partnership’) with the North, as well as good governance, democracy and an improvement in Africa’s political-economic leadership” (2010, p. 21). Similarly, Francis stresses that NEPAD’s commitment to good economic and political governance, peace, security and democracy, constitute prominent characteristic of the program (2006, p. 132).

In July 2002, the Assembly of Heads of State and Government of the OAU in the Declaration on Democracy, Political, Economic and Corporate Governance provisioned the establishment of the APRM. APRM is a voluntary self-monitoring mechanism, open for all states of the AU for accession.

APRM is a form of assessment for the states’ performance in the areas of democracy and political governance, economic governance and management, corporate governance and socio-economic development (NEPAD’s Official Webpage), based on five forms of review (Herbert & Gruzds, 2008, p. 5). Firstly, state authorities with support of civil society conduct self-assessment of its conduct and deliver two documents: Country Self-Assessment Report and Program of Action. Secondly, APRM Country Review Report is prepared by the group of “eminent African academics, diplomats, business people and governance experts” (*ibid.*, p.5). Thirdly, report is being discussed among the group who prepared the report and the head of state, which is subjected to the review. In the next step, the country’s progress in implementing recommendations encapsulated in the Program of Action is being reviewed annually. Finally, every two to four years another self-assessment of the

country should be held, closing the circle (*ibid.*, p. 5). Thus far, thirty countries have officially joined APRM, out of which fourteen were subjected to the review²¹ (NEPAD Official Webpage). Even though APRM faces many challenges, including its complexity, lengthy time-consumption, high costs, and still unclear rules of conduct of reviews²² (*ibid.*), it has the potential to increase the transparency and accountability of many areas pertaining to political and economic aspects, enhance national dialog and build trust. As Herbert and Gruzd aptly put it:

“At many levels, the APRM is an exceptional undertaking. For a continent that has jealously protected its sovereignty, it is diplomatically exceptional for nations to throw themselves open to outside scrutiny. Politically, it is unprecedented for incumbent governments to provide civil society and foreign experts a chance to write a definitive critique of national performance” (Herbert & Gruzd, 2008, p. 5).

To harness fully the potential of the APRM, the mechanism and process of its implementation has to be still significantly strengthened. Also, there are concerns about the politicization of APRM in a way that “[g]overnments can use the APRM to reposition themselves as champions of reform and win political credit for fostering rather than frustrating reform”. (Herbert & Gruzd, 2008, p. 6). Notwithstanding all those challenges, the APRM is an interesting and innovative endeavor, as the initiative and will to take part in the whole process has been handed over not merely to state

²¹ According to the official web page of NEPAD, the countries who are the members of APRM are: Algeria, Angola, Benin, Burkina Faso, Cameroon, Congo, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Mauritius, Mozambique, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Togo, Uganda and Zambia (status from 29.01.2011). Countries subjected to the review until January 2011 are: Ghana, Rwanda, Kenya, South Africa, Algeria, Benin, Uganda, Nigeria, Burkina Faso, Mali, Mozambique, Lesotho, Ethiopia. It is worth emphasizing that eight out of fifteen members of SADC are members of APRM, but only three of them were so far reviewed.

²² Herber and Gruzd point out that for such a complex process of country reviews as provisioned by APRM, the expertise and knowledge distribution among both civil society, as well as individuals involved personally in conducting it, is inadequate: “The system is complex, the rules are unclear in certain respects and little attention has been paid to training and advising the countries that sign up for review. Governments and civil society often do not fully understand the process, but more importantly lack information on the financial, logistical, research and political implications of launching such a large-scale public consultation.” (2008, p. 6).

authorities, but also to representatives of civil society and individuals connected with business. If the mechanism becomes ameliorated and more states embrace it, it has the potential to hasten the internalization of norms of transparency, good governance, democracy etc., and be a catalyst for a real change. In the words of Herbert and Gruzd “[APRM] represents a greater opportunity for governments to escape the political blame game and start afresh” (*ibid.* p. 6). It is crucial to grasp the potential to enhance mutual trust between states, open inclusive dialogue between ruling class and society, as well as building up a community based on shared values.

Chapter Four: Establishment, Structure and Development of the SADC

This chapter aims to provide some basic background information on the SADC. First of all, it gives a historical overview of the development of regional integration in the Southern African region. It starts by examining the factors and incentives which influenced the regional leaders' decision to establish the SADC. Secondly, it scrutinizes the objectives that the community expects to achieve as well as the principles which guide its development. Finally, it examines the institutions established by the SADC Treaty and, where feasible, provides assessment of their conduct and efficiency.

4.1. Establishment of the SADC – A Historical Context

As was already hinted in the introduction of this thesis, the SADC was established on August 17, 1992 in Windhoek with the primary aim of economic integration and development. However, the roots of the SADC reach back to 1975, when Angola, Botswana, Tanzania, Mozambique and Zambia established the FLS. The FLS, being the first regional, though informal, body, was primarily concerned with political liberation of the region from colonial rule and with the struggle against apartheid in South Africa (RISDP, 2003, p.1). At a time when most of the countries in the region had finally achieved independence, other challenges came to the fore. Namely, poverty and economic backwardness. "Thus, the leaders saw the promotion of economic and social development through co-operation and integration as the next logical step after political independence" (RISDP, 2003, p.1). It was against this background that the SADCC was launched. The SADCC, encompassing Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe, constituted a platform for coordination of their economic policies. The main aim of the SADCC was not only to gain economic independence from South Africa, but also "to forge links to create genuine and equitable regional integration; to mobilize resources for implementing national and interstate policies; and to take concerted action to secure international co-operation within the framework of the strategy of economic liberation" (RISDP, 2003, p.2).

The transition of the SADCC into the SADC in 1992 was dictated by several factors connected with a changing international, continental as well as regional political and economic environment. First of all, the end of the Cold War brought an ideological thaw between many states in the region, thus forging wider acceptance for multi-party systems (Nathan, 2006, p. 608) and constituting a push factor toward (partial) democratization. Additionally, the year 1990 marked the formal end of colonialism in Southern Africa, as Namibia gained independence and signs of the end of white-minority rule in South Africa were under way (RISDP, 2003, p. 2). On the continental level the OAU took steps to establish the African Economic Community, which envisioned Southern Africa as constituting one of its pillars (*ibid.*). This required the member states of the region to change their focus from merely ad hoc economic cooperation to long-term oriented regional economic integration (Nathan, 2006, p. 608). Finally, with the ascendant era of globalization and the decreasing interests of western powers in Africa, there was a “deep concern about the growing marginalization of Sub-Saharan Africa” (*ibid.*). All of the above-mentioned factors were decisive to the leaders of Southern Africa’s states in their replacing the SADCC and establishing in its place a strengthened body, the SADC, which would be an international organization with legal status.²³ Nathan points out that the SADC was different from the SADCC, as it “included regional power, South Africa, its primary goal goes beyond economic co-ordination to encompass regional integration; and its mandate extends to the political and security spheres” (*ibid.*, pp. 607-608).

4.2. Aims, Objectives and Principles of the SADC

The aims and objectives of the SADC are concluded in the two most important documents of the community: the SADC Treaty and the Protocol on Politics, Defence and Security Cooperation

²³ While both FLS and SADCC did not have a legal status, the SADC does. Article 2 of the SADC Treaty proclaims: “SADC shall be an international organization, and shall have legal personality with capacity and power to enter into contract, acquire, own or dispose of movable or immovable property and to sue and be sued”.

(hereafter: the Protocol), which seeks to provide the framework for the Organ. The SADC Treaty promulgates objectives pertaining *inter alia* to socio-economic development of the region with a special focus on the most disadvantaged citizens, the promotion of democratic and legitimate institutions, consolidation and maintenance of peace, security and stability, advancement of self-sustainability of the member states, harmonization and coordination of programs and strategies on a regional and national level as well as environment protection, the combat of communicable diseases (HIV/AIDS) and gender mainstreaming [Art. 5(1)]²⁴. The SADC Treaty also specifies the methods for achieving the above objectives, which are: harmonization of member states' political and socioeconomic policies, involvement of civil society in implementing the SADC's policies, creation of adequate institutions and mechanisms, development of policies which allow for free movement of people, capital, labor, goods and services across the region, development of both human resources and technology and advancement of international relations among the SADC's member states [Art. 5(2)]. Five guiding principles of the community to which all of the member states should adhere include "a) sovereign equality of all Member States; b) solidarity, peace and security; c) human rights, democracy and the rule of law; d) equity, balance and mutual benefit; and e) peaceful settlement of disputes" ([Art. 4], SADC Treaty).

The objectives that are enshrined in the Protocol address issues connected with the promotion and maintenance of peace and security in the region. The notion of security as encapsulated in the Protocol consists of both the components of a traditional understanding of security (state security) as well as of human security. The aims and objectives of the Organ, however, will be addressed in detail in the chapter dedicated to the development and structure of this body (Chapter Five).

²⁴ For a full list of the SADC's objectives check: SADC Treaty, Art. 5(1).

4.3. Institutional Structure of the SADC

The SADC Treaty provided for the basic structure of the community by establishing eight institutions, the: 1) Summit of Heads of State and Government; 2) Organ on Politics, Defence and Security Cooperation; 3) Council of Ministers; 4) Integrated Committee of Ministers; 5) Standing Committee of Officials; 6) Secretariat; 7) Tribunal; and 8) SADC National Committees. Each of these institutions is briefly discussed below, apart from the Organ whose structures are discussed in Chapter Five.

The Summit of Heads of State and Government is “the supreme policy-making institution of SADC” which is “responsible for the overall policy direction and control of the functions of SADC” ([Art. 10(1-2)], SADC Treaty). The Summit operates on the basis of the so-called Troika, which consists of the Chairperson of the SADC, the Incoming Chairperson and the Outgoing Chairperson ([Art. 9A(2)], SADC Treaty). The Chairperson and the Incoming Chairperson are selected by the Summit from members of the Summit for a period of one year ([Art. 10(4)], SADC Treaty). Currently, these functions are being performed by Armando Emilio Guebuza, the President of the Republic of Mozambique, and President Joyce Banda of the Republic of Malawi, respectively (SADC Summit Communiqué, 2012, p. 1). The Summit should convene at least two meetings a year. The decisions of the Summit are binding and need to be taken by consensus ([Art. 10(9)], SADC Treaty). As Jakkie Cilliers aptly points out, the required consensus for decision-making leads to a situation where each of the members of the Summit have, in fact, the right of veto (1999, p. 11).

The Council of Ministers (hereafter: the Council) consists of “one Minister from each Member State, preferably a Minister responsible for Foreign or External Affairs”²⁵ ([Art. 11(9)], SADC

²⁵ Before the SADC Treaty was amended in August 2001 the ministers who were supposed to be incorporated into the Council were preferably to be responsible for economic planning and finance. This change represents a further shift in the focus of the SADC from merely economic cooperation toward a more holistic approach to integration.

Treaty). The Council is, among others, responsible for implementation of the SADC policies, plays an advisory role to the Summit in terms of functioning and development of the SADC as well as coordinates and supervises institutions which are subordinate to it. The Council, similarly as the Summit, operates on the basis of the Troika system. The SADC Treaty requires that the Council meet at least four times a year [Art. 11(4)].

The Integrated Committee of Ministers (hereafter: the Committee of Ministers), which reports directly to the Council, consists of at least two ministers from each member state ([Art. 12(1)], SADC Treaty). The Committee of Ministers is a relatively new institution provisioned in the amended SADC Treaty as a part of the SADC's restructurization process which replaced former commissions. It is responsible for monitoring and control of implementation of the Regional Indicative Strategic Development Plan (RISDP), management of the directorates' work (vested in the SADC Secretariat), and has a mandate to oversee and guide the Secretariat's work. It bears responsibility for managing areas of integration connected with "1) trade, industry, finance and investment; 2) infrastructure and services; 3) food, agriculture and natural resources and 4) social and human development and special programs" ([Art. 12(2a)], SADC Treaty). The Committee of Ministers, similarly as the Summit and the Council, operates on the basis of the Troika. It is obliged to convene a meeting at least once a year ([Art. 12(5)], SADC Treaty).

The Standing Committee of Officials' (hereafter: the Standing Committee) main responsibility is to provide the Council with technical advisory. It is also directly responsible to the Council. The Standing Committee should consist of one permanent official from each Member State ([Art. 13(1)], SADC Treaty). Additionally, the SADC Treaty envisages that the Standing Committee operate on the basis of the Troika system and that it call a meeting at least four times a year [Art. 13(6)].

The Secretariat is the executive institution of the SADC, which is headed by the Executive Secretary (currently Dr Tomaz Augusto Salomão) with support of the Deputy Executive Secretary. The primary responsibilities of the Secretariat as an executive body include, among others, implementation of decisions of the Summit, the Council, the Committee of Ministers and of the Organ and their respective Troikas; finances; promotion of the SADC's activities; administration; strategic planning; harmonization of policies and strategies of its member states; and organization of the community's meetings ([Art. 14(1a-f)], SADC Treaty). The Secretariat's mandate has been extended even further in the process of the SADC's restructurization, thus adding to the Secretariat's responsibilities functions that are connected with, *inter alia*, mobilization of resources, including development of strategies of self-financing; monitoring the status of regional programs implementation of policies; development and maintenance of communication technology for the region; assuring mainstreaming of gender in the community's activities; oversight of the SADC's special programs; and conducting research on the integration process within the SADC ([Art. 14(1g-p)], SADC Treaty).

It is not infrequently emphasized by researchers on SADC that its Secretariat is significantly understaffed and, at the same time, overburdened with responsibilities (see: Cilliers, 1999, p. 12; Fisher & Ngoma, 2005, p. 7-8; ICG, 2012). The SADC Secretariat Capacity Development Framework, issued in March 2008, indeed points to this problem explicitly by stating that restructurization of the SADC concentrated many different responsibilities on the Secretariat which had previously been decentralized (SADC Secretariat, 2008). The multitude of tasks ascribed to the Secretariat forces it to simultaneously fulfill the role of think tank, principal regional coordinator, provider of support services and professional 'program manager' (*ibid.*, p. 5). The document concludes that: "The new roles (...) demonstrate the huge demands placed on the abilities and capacities of Secretariat which it is not able to perform in the present set up required standards due

to severe institutional capacity constraints as well as lack of requisite competencies for staff' (*ibid.*, p. 5). The permanent headquarters of the Secretariat are located in Gaborone, Botswana.

The SADC National Committees (SNCs), which are new structures of the SADC established by amendments to the SADC Treaty in 2001, consist of the key stakeholders of each respective member state. According to the SADC Treaty, those stakeholders should include government, private sector, civil society, NGOs and workers' and employers' organizations [Art. 16A(13)]. The SNCs constitute a platform for wider involvement of the people of the region in the decision-making processes taking place at the SADC level. The RISDP also anticipates that:

“SNCs will be the entry point between SADC and Member States and will be responsible for coordinating and mobilizing national consensus on issues of regional importance. They shall also make critical inputs into regional policy and strategy formulation taking into consideration the peculiarities and interests of particular Member States. SNCs also have the responsibility to ensure the harmonization of national with regional policies and the streamlining of RISDP activities into national development plans.” (RISDP, 2003, p. 87-88).

Additionally, the SNCs are tasked with duties pertaining to implementation of the SADC programs on a national level and to advancement of communication between individual member states and the Secretariat ([Art. 16A(4)], SADC Treaty; Nzewi & Zakwe, 2009, p. 10). The SNCs have theoretically opened an unprecedented opportunity for citizens of the SADC member states to contribute to the policy-making process of the community. However, as Nzewi and Zakwe found in their research on the level of the stakeholders' participation in SNCs' activity: “[a]ll indications are that SNCs are still largely government-centric and inept, which brings into question the degree of

policy influence that is actually afforded to civil society” (2009, p. 46). Moreover, Mozambique is the only state whose SNC structures are fully developed and functional (ICG Report, 2012).²⁶

The last body provisioned by the SADC Treaty has had a rather turbulent trajectory that still poses a major headache both to the leaders of the SADC as well as to the different civil society groups and human rights proponents. The Tribunal was already established in 1992 by the SADC Treaty, however, it became operational only in 2005²⁷ (SADC Tribunal Official Web Page). Despite the Tribunal being initially established mainly to “ensure adherence to and the proper interpretation of the SADC Treaty and subsidiary instruments, and to adjudicate upon such disputes as may be referred to it” ([Art. 16(1)], SADC Treaty), it also later allowed individuals to make claims about human rights abuses against their own nation states, under condition that local remedies had been exhausted (Ruppel, 2009, p. 296). As can be read in the publication issued by the Tribunal itself:

“The SADC Tribunal is not a human rights court *per se*. The Tribunal has ruled that it does have jurisdiction to entertain human rights matters as one of the principles of SADC is the observance of human rights, democracy and rule of law. On this basis it is possible to bring a violation of human rights before the Tribunal.” (SADC Tribunal, nd. p. 3).

²⁶ Participation of the civil society in the SADC’s undertakings is in general rather marginal. The SNCs are not yet fully functional and are still government-based; the SADC Parliamentary forum also remains powerless as it does not have legislative powers; and the SADC Council of NGO (SADC-CNGO), which has been active since its inception in 1998 and comprises NGOs from all of the SADC’s states, is not meaningfully taken into account by the community as the body which should have an important advisory role in the SADC’s policy-making processes (Matlosa & Lotshwao, 2010, pp. 40-42).

²⁷ The reasons for such a long delay in operationalization of the SADC Tribunal are not provided on the SADC Tribunal’s Official Page. However, as Oliver C. Ruppel pointed out, in the course of the Tribunal’s establishment different human rights instruments were considered for establishment, which were then turned down (Ruppel, 2009, p. 291) and which possibly delayed operationalization of the body.

However, already by August 2010 the operations of the Tribunal were significantly limited as a result of differences in the interpretation of Tribunal jurisdiction eventuating from the Tribunal's ruling over the *William Campbell and another v Republic of Zimbabwe* case.²⁸ The SADC Summit, instead of helping the Tribunal enforce its adjudications against Zimbabwe, decided at that time to review until August 2012 "the role, responsibilities, and terms of reference of the Tribunal" (Matyszak, 2011, p. nd). As a consequence, "[t]he Tribunal was not to hear any further cases henceforth, whether pending or otherwise, and members of the Tribunal were not to be reappointed or replaced, effectively rendering the Tribunal inquorate and defunct" (*ibid.*). This decision of the Summit to, in fact, suspend the Tribunal's activities have been seen as disturbing among human rights activists: "It is an alarming sign that the member states, faced with a contested ruling, failed to take any steps to enforce it and instead paralyzed and try to weaken the Tribunal itself" (Human Rights Watch, 2011).

In fact, the main deficiency of the Tribunal is that, in spite of its final decisions being binding, it has no enforcement mechanisms over member states that refuse to comply with its rulings. The only mechanism available to the Tribunal is "to refer cases of non-compliance to the SADC Summit for the latter to take appropriate steps" (Ruppel, 2009, p. 300). However, the last SADC Summit of Heads of State and Government, which took place on August 17-18, 2012 in Maputo, Mozambique, ruled – to the chagrin of many civil society forums, human rights groups and lawyers associations²⁹ – that "(...) a new Protocol on the Tribunal should be negotiated and that its mandate should be confined to interpretation of the SADC Treaty and Protocols relating to disputes between Member

²⁸ The SADC Tribunal ruled in November 2008 that dispossession of farmers from their land by the government of Zimbabwe violated human rights and commanded that Zimbabwe pay compensation to the farmers. Zimbabwe did not comply with those orders (Matyszak, 2011, pp. nd). All adjudications of the SADC Tribunal can be found on the official SADC Tribunal web page.

²⁹ Among many others, disapproval of the Summit's decision has been voiced by the International Commission of Jurists, SADC Lawyers Association, and the Southern Africa Litigation Centre (ICJ&SADC LA&SALC, 2012), and the Open Society Initiative for Southern Africa (Lee, 2012a). Efforts to save the mandate of the SADC Tribunal and to adjudicate claims pertaining to human rights abuses have also been supported by Archbishop Emeritus Desmond Tutu (SALC, 2012).

States” (SADC Summit Communiqué, 2012). The decision of the Summit clearly indicates the lack of a real commitment to the rule of law, democracy and human rights norms among the leaders of the SADC’s members states as well as to the principles they decided to adhere to by signing the SADC Treaty. It also proved that the Summit is not ready to hand over some of its powers pertaining to decision-making to other bodies, and that the community tends to care more about regime than human security.

An institution that was not directly envisioned in the SADC Treaty but which was established at a later stage, in 1997, on the basis of Article 9(2) of the Treaty is the SADC Parliamentary Forum (Official Web Page of SADC Parliamentary Forum). The body is envisioned to be an “autonomous institution of SADC” (*ibid.*). It constitutes a consultative platform for representatives of national parliaments of the SADC member states who seek to influence the policy-making process of the community. The objectives of the SADC Parliamentary Forum center around strengthening the implementation capacity of the community’s policies, improving the efficiency of the SADC institutions, accelerating the pace of economic integration, promoting human rights, democracy, good governance, accountability and transparency along with promoting peace, stability and security in the region, disseminating the SADC’s aims, objectives and values, and engaging civil society and various stakeholders in the activities of SADC (SADC PF, 1996).

To this end the SADC Parliamentary Forum decided to establish four organs: the Plenary Assembly, which is the main policy-making body; the Executive Committee which is responsible for, among others, implementation of the Plenary Assembly’s decisions; the Office of the Secretary-General; and five Standing Committees (the Legal Committee; Regional Development and Integration; Democratization, Government and Gender Equality; Inter-Parliamentary Cooperation and Capacity Development; HIV and AIDS; and Regional Women’s Parliamentary Caucus) (SADC PF, 1996;

official web page of the SADC Parliamentary Forum). The Forum's performance, however, has been assessed rather poorly. A monograph issued by the Institute for Security Studies, a research institution based in South Africa, points out the significant marginalization of the SADC Parliamentary Forum within SADC structures, which largely accounts for its inefficiency:

“In its more than ten years of existence, the SADC PF has been peripheral to, if not completely excluded from, SADC decision-making structures and processes. It has not been consulted, nor has it contributed to regional policy formulation, including the more than 20 protocols and declarations that SADC has developed so far. Since the SADC PF is not considered a formal SADC structure and SADC structural arrangements do not envisage a role for parliaments in policy formulation, the only time that parliamentarians come into contact with regional policies and protocols is when the executive brings such instruments to national parliaments for ratification, and domestication into the domestic legal framework. At that time, such policies are fait accompli, as they have been signed by heads of state and government or responsible minister.” (Musavengana, 2011, p. 50).

Further obstacles inhibiting the SADC Parliamentary Forum from exercising a more influential role are connected with weak national governments in the region in general, financial constraints, concerns of the member states about loss of sovereignty (Musavengana, 2011, p. vii), and the common perception of the Forum as merely an NGO (*ibid.*, p. 51). Notwithstanding the impediments above, the SADC Parliamentary Forum has the ambition of strengthening its own position by transforming itself in the future into a more formal body – The SADC Parliament – which would be recognized explicitly by the SADC Treaty.

Chapter Five: Overview of the SADC's Peace and Security Architecture

One of the prominent outcomes of the transition from SADCC to SADC has been the extension of the organization's mandate, which now also encompasses the areas of peace and security. It has been recognized by the leaders of the community that sustainable economic development and inter-state cooperation are not possible without a stable and secure environment. On the other hand, also reverse links have been acknowledged, namely, that sustainable and fair economic development has the capacity to successfully foster human security in the region. *A Framework and Strategy for Building the Community*, the document that sought to translate the community's principles into a regional integration program, explicitly stated that:

“A new peace and security order is needed in Southern Africa, recognizing that defence and security have economic, environmental, political and social dimensions, which often pose non-military threats, but could threaten security and cause conflict. For instance, the abuse of human rights, economic underdevelopment, the lack of food and energy, constitute a threat to the security of the people. They also threaten the security of member States, since they invariably lead to conflict between countries, and between governments and the citizenry within countries.” (SADC, 1993, p. 30).

The SADC Treaty, before the amendments, did not yet provision for a separate institution that would be responsible for peace and security cooperation. Nevertheless, it provided that “politics, diplomacy, international relations, peace and security” should constitute one of the areas of the member states' cooperation [Art. 21(3g)] and that one of the SADC's objectives should be to “promote and defend peace and security” [Art. 5(1c)].

This chapter will therefore shed some light on the institutions and instruments which were erected by the community in order to address this area of cooperation. First of all, it gives an account of the

process of establishing the Organ on Politics, Defence and Security Cooperation (the Organ), which is the SADC body that is responsible for coordination of the member states' activities and policies connected with security, defense and politics. Thereafter, it examines the community's most crucial documents that set up the basis of the peace and security architecture in the region: The Protocol on Politics, Defence and Security Cooperation (the Protocol); the Strategic Indicative Plan for the Organ (SIPO); the Mutual Defence Pact (MDP); and the Principles and Guidelines Governing Democratic Elections. Finally, the chapter shortly elaborates on the establishment of two structures which constitute a part of both the SADC's and AU's security architecture: the SADC Standby Brigade (SADCBRIG) and the SADC Early Warning System (SADC EWS) as well as the intended development of the Mediation Unit and Panel of Elders.

5.1. Establishment of the Organ on Politics, Defence and Security Cooperation

Despite the SADC leaders' acknowledging the inextricable connection between peace, security and development very early in the history of the community, the anticipated establishment of a body managing the region's sphere of security was a major issue and brought about a significant split among the community's leaders. The Organ was officially established already in June of 1996 by decision of the SADC Summit (SADC Summit Communiqué, 1996). However, only in 2001, when the SADC's leaders came to an agreement on the functions and structures of the Organ and concluded the Protocol on Politics, Defence and Security Cooperation (the Protocol), did long-lasting stagnation come to an end and the Organ became operational. The bumpy trajectory of the Organ's formation is worth a deeper investigation, as the protracted negotiations and disputes over the functions and structures of the body reveal deeper problems (Nathan, 2006), which are, arguably, still haunting the community.

An already mentioned document, i.e. *A Framework and Strategy for Building the Community*, envisaged a new defense and security order for Southern Africa which was to be accompanied by the creation of a new discourse on national and regional unity, accountability and transparency in both public debate and formulation of security policies, reduction in military spending, joint military training and information exchange, adoption of the “non-offensive defence” doctrine³⁰, creation of a forum for arbitration and mediation as well as conclusion of a non-aggression treaty and mutual defense pact (1993, pp. 30-31). As can be seen, this ‘new defence and security order’ aimed to negotiate some common guidelines for the member states in order to foster general cooperation and information exchange in the areas of the politics, defense and security. What is, however, most important, is that it attempted to boost confidence and mutual trust among the community’s member states.

The next step taken by the community was the SADC Workshop on Democracy, Peace and Security, convened in Windhoek in July 1994, which “set SADC on a course towards formal involvement in security co-ordination, conflict mediation, and even military cooperation at heads of state level” (Cilliers, 1999, p. 19). The Workshop recommended that the Conflict Resolution and Political Cooperation sector should be created to deal with issues connected with security, and that responsibility for this sector should be assigned to one of the SADC’s member states (*ibid.*). Besides, the Workshop concluded that the Protocol on Peace, Security and Conflict Resolution needs to be drafted (Malan, 1998a, np.; Cilliers, 1999, p. 19).

Subsequently, during a meeting of the Council of Ministers which took place in Botswana, it was decided to abandon many of the Workshop’s recommendations as they had a potential to “infringe upon the sovereignty of member countries” (Malan, 1998a, np.). The idea of establishing Conflict

³⁰ The ‘non-offensive defence’ doctrine aimed to “ensure adequate defence against external aggression, while minimizing offensive capabilities” (SADC, 1993, p. 31).

Resolution and Political Cooperation as a sector was also discarded in favor of the 'SADC's wing' option (*ibid.*).

At a meeting of the SADC Foreign Ministers in March 1995, the creation of yet another body – the Association of Southern African States (ASAS) – was suggested. The ASAS would be independent from the SADC Secretariat and responsive only directly to the SADC Summit (Malan, 1998a, np.; Cilliers, 1999, p. 19). Cilliers suggested that this proposal was “a deliberate attempt to preserve the key features of the previous FLS arrangement, namely an informal and flexible *modus operandi* with unimpeded access to the SADC heads of state, while keeping bureaucracy to a minimum” (Cilliers, 1999, p. 20). It needs to be mentioned at this point that the Foreign Ministers' proposal of establishing the ASAS was partly unilateral, as it was not consulted with other stakeholders such as ministers responsible for defense, intelligence, etc. (*ibid.*, p. 20). The idea of establishing the ASAS did not in the end receive much applause at the SADC Summit in August 1995 (especially the idea of creating the body as a sector under the auspices of one of the SADC's member states was rejected) and more time was granted to ministers for further consultations.

The prolonged debates over the structure of the security body and to what degree it should be independent from the SADC were commonly attributed to Mugabe's expectations that the new body would continue the traditions of the FLS, his desire to become its permanent chair as well as his concerns over the increasing dominance of South Africa (Cilliers, 1999, p. 20). Laurie Nathan, however, who personally became involved in efforts pertaining to the establishment of a security regime of the SADC, came to the following conclusion: “It appeared that a consensus prevailed on the principles, objectives and strategies of the security forum and the issues in contention were limited to its status, structure and procedures. In retrospect (...) it is clear that many states did not support the anti-militarist and democratic norms” (Nathan, 2006, p. 609). Cilliers, in fact, formulates

a similar argument, claiming that most of the conflicts within the SADC resulted from “fundamental differences in political values and practices” (Cilliers, 1999, p. 25).

Notwithstanding the above, the long-lasting deadlock was finally broken and in January 1996 the SADC Organ for Politics, Defence and Security was established with its official launch during the SADC Summit in Botswana on June 28, 1996 (SADC Summit Communiqué, 1996). The Communiqué issued after the Summit indicated that the principles of the Organ shall be the same as those provided in the SADC Treaty. Additionally, the communiqué emphasized that the Organ should be guided by the principles of sovereignty and territorial integrity of the states and that military intervention to stabilize or prevent intra- and interstate conflict is allowed only after all peaceful means have been exhausted (*ibid.*). The objectives of the Organ, as concluded in the document, pertained to the protection of the region’ people, cooperation in areas of defense and security, evolution of common values and promotion of democratic institutions, respecting human rights, development of a common foreign policy, a collective security capacity and a conflict prevention mechanism (early warning system), promotion of peacekeeping, promotion of the non-military dimensions of security and conclusion of the Mutual Defence Pact (*ibid.*). Possible ‘punitive measures’ against warring parties were to be used only in case all other methods had failed, and these were supposed to be agreed upon in a separate Protocol. Additionally, the communiqué provided that:

“The SADC organ on Politics, Defense and Security shall operate at the Summit level, and shall function independently of other SADC structures. The Organ shall also operate at Ministerial and technical levels. The Chairmanship of the Organ shall rotate on annual and on a Troika basis.” (SADC Summit Communiqué, 1996).

Concurrently, the Inter-State Defence and Security Committee (ISDSC), which had earlier constituted a substructure of the FLS, became incorporated into the Organ as one of its institutions. Finally, the Summit elected Zimbabwe's President Robert Mugabe as the first chairperson of the Organ (*ibid.*).

Both Nathan and Cilliers agree that the manner in which the Gaborone Communiqué was written and its lack of clarity in what the Organ's 'independency from other SADC structures' means brought about many misunderstandings and tensions among the member states, in particular between South Africa and Zimbabwe (Cilliers, 1999; Nathan, 2006).

Nathan argued that the overall establishment of the Organ was too precipitate, as a protocol that was supposed to regulate the structure, functions and powers of the body at a later stage and to replace the interim provisions of the Gaborone Communiqué, was accomplished only in 2001 and entered into force even later, in 2004. Additionally, the scholar emphasized that the *de facto* existence of the Organ was also questionable as: "none of its envisaged structures was set up and the Organ Chair did not rotate annually" (Nathan, 2006, p. 609).

In the period between the official launch of the Organ and approval by the SADC Summit the Protocol which sought to operationalize it, a series of various meetings to negotiate its content took place. Notwithstanding, the SADC Summits which took place in 1998 and 1999 were not very successful in bringing any satisfactory solutions (Nathan, 2006, p. 610). Moreover, the year 1998 brought contested military interventions in Lesotho and DRC, which caused further significant tensions among the member states. On the other hand, the need to finally operationalize the Organ became more urgent. Against this backdrop, negotiations were renewed with a new verve and were led by the Foreign Minister of Swaziland, Albert Shabangu (Nathan, 2006, p. 610). The final draft of

the Protocol, which was approved by the SADC Summit in August 2001, leaned toward solutions lobbied mainly by South Africa: the Organ was given a rather pacifist orientation, it was decided that it should constitute a part of the SADC and that it would be responsive to the Summit. Still, as Nathan concludes: “other contentious issues were finessed, ignored or left vague” (Nathan, 2006, p. 610).

The impasse around the Organ, both before and after its official establishment, was attributed by scholars to several factors. First of all, this was the already mentioned difference of values among the member states of the region and their political culture (Nathan, 2006; Cilliers; 1999). Secondly, it was the incompatible visions of the member states of what should be the main function and focus of the Organ. Laurie Nathan, for example, points out that the so-called ‘pacifist camp’, which comprised Botswana, Mozambique, South Africa and Tanzania, was in favor of the Organ constituting a “common security regime whose primary basis for cooperation and peacemaking would be political rather than military” (2006, p. 610), while the ‘militarist camp’, led by Zimbabwe, Namibia and Angola, championed focus on military cooperation and a responsive rather than preventive approach to conflicts (*ibid.*). Finally, the question of whether, and to what degree the Organ shall be independent from the SADC and responsive to it caused much tension, especially between Zimbabwe and South Africa³¹.

5.2. Regional Security Arrangements in the SADC Documents

The three documents, i.e. the Protocol on Politics, Defence and Security Cooperation (the Protocol), the Strategic Indicative Plan for the Organ (SIPO), and the Mutual Defence Pact (MDP),

³¹ In the process of drafting the Protocol, Mandela decisively objected to the idea of the Organ being a completely separate body from the SADC, an idea which was championed by Mugabe, who threatened that in case a majority of votes would support this option, he would resign from being chair of the SADC Summit (Cilliers, 1999, p. 28; Nathan, 2006, p. 610).

provide basic arrangements in relation to peace and security architecture in the Southern African region. Additionally, the document entitled Principles and Guidelines Governing Democratic Elections, which aims at consolidating democracy in the region, will be discussed. The document, despite not being binding on the member states, has a significant meaning for enforcing democracy and enhancing human security in the region. Therefore, this subchapter takes a closer look at those documents in order to elucidate their provisions as well as to scrutinize their strengths and weaknesses.

5.2.1. The Protocol on Politics, Defence and Security Cooperation

The Protocol, which was approved by the SADC Summit in 2001 and entered into power in March 2004, determines the objectives, structure, functions and procedures of the Organ. The general objective of the Organ is “to promote peace and security in the Region” ([Art. 2], 2001, SADC). Specific objectives described in the Protocol, despite being formulated differently in some instances, are similar to those already encapsulated in the Gaborone Communiqué which established the body. What is important is that the Protocol specified the obligations, jurisdiction and methods of the Organ pertaining to the prevention, management and resolution of conflicts [Art. 11]. It anticipates resolution of conflicts by peaceful means, such as “preventive diplomacy, negotiations, conciliation, mediation, good offices, arbitration and adjudication by international tribunal” [Art. 11(3a)], and only if those methods fail, enforcement action may be considered. The Organ was given a mandate to intervene:

- 1) in case of significant inter-state conflict taking place between the member states of the SADC or between a member and non-member state of the SADC [Art 11(2a)].
- 2) in case of significant intra-state conflict taking place in an SADC member state’s territory [Art 11(2b)].

In the second case, genocide, ethnic cleansing, gross violations of human rights, military coups, civil war, insurgency, as well as any other conflict endangering stability in the region is considered to be a 'significant conflict'. The decision to give the Organ and the SADC the right to intervene in grave circumstances into the affairs of sovereign and independent states is in line with the already discussed concept of R2P and testifies that an understanding of the notion of 'security' among the SADC leaders is not confined to the security of a state only, but that it also encompasses human security.

The structures set up by the Protocol encompass the position of the Chairperson, the Troika, the Ministerial Committee, the Inter-State Politics and Diplomacy Committee (ISPDC) and the Inter-State Defence and Security Committee (ISDSC) [Art. 3(2)]. As was already hinted, the SADC leaders decided to make the Organ responsible to the SADC Summit [Art. 3(1)].

The Troika comprises the Chairperson, the Deputy Chairperson (also known as the Incoming Chair), and the Outgoing Chairperson ([Art. 3(3)], 2001, SADC), who are elected by the SADC Summit. Currently, these positions are held, respectively, by Jakaya Mrisho Kikwete, President of the United Republic of Tanzania, President Hifikepunye Pohamba of the Republic of Namibia and President Jose Eduardo dos Santos of the Republic of Angola (SADC Summit Communiqué, 2012). The Chairperson is responsible for the "overall policy direction and the achievement of the objectives of the Organ" ([Art. 4(4)], 2001, SADC).

The Ministerial Committee, which is responsible for "coordination of the work of the Organ and its structures" ([Art. 5(2)], 2001, SADC), consists of ministers of foreign affairs, public security and defense from each member state. The Ministerial Committee should be chaired by the minister of the same country from which the Chairperson of the Organ is, and to whom the Committee is in

general responsible. The Ministerial Committee is obliged to convene at least one meeting a year ([Art. 5(1-5)], 2001, SADC).

The ISPDC, which comprises the ministers of foreign affairs of each member state, holds responsibility for achieving objectives which are related to politics and diplomacy. The ISDSC, which is a more developed body than the previously constituted substructure of FLS, comprises the ministers of defense, public and state security, and aims at achieving objectives connected with defense and security. Both institutions should be chaired by ministers from the country of the Organ's Chairperson and rotate annually. Both are also required to have at least one meeting per year, and shall regularly report to the Ministerial Committee and the Chairperson. ([Art. 5-6], 2001, SADC).

The Organ does not have its own Secretariat, as it was decided that those services are to be provided by the SADC Secretariat. Later, in 2004, it was specified that those functions shall be fulfilled by the newly established body, the Department for Politics, Defence and Security, which is to be located within the SADC Secretariat. The Department comprises three sub-divisions, the: 1) Directorate for Politics and Diplomacy, 2) Directorate for Defence and Security, and 3) Strategic Analysis Unit (SADC, 2004a, p. 48).

5.2.2. The Strategic Indicative Plan for the Organ

The Strategic Indicative Plan for the Organ (SIPO), approved by the community in 2003 and adopted in 2004 (Nathan, 2006, p. 610; van Nieuwkerk, 2012, p. 5), is an ambitious document which outlines the strategies and activities for the Organ, with the ultimate aim of achieving the objectives encapsulated in the Protocol. Hence, it seeks to provide “the institutional framework for the day to day implementation of the activities of the Organ” (SADC, 2004a, p. 6). Besides, the SIPO

implementation aims at aligning the policies of the SADC and the AU in the areas of peace and security. The document was expected to guide the Organ for a period of five years, after which it was supposed to be reviewed. The revised version of the document was approved by the SADC Summit only in August 2010 (van Nieuwkerk, 2012, p. 11), however, until now (September 2012) it has not been released to the public. Van Nieuwkerk assumes that most probably implementation of the SIPO II is also lagging³² (*ibid.*, p. 5).

Paulino Macaringue and Shirley Magano argue that in spite of the document being very ambitious, it inescapably faces many challenges connected with its operationalization and implementation due to the way it was formulated (2008). The authors point out that the SIPO, similarly to every strategic document, shall include components such as “vision, mission, values, lines of business, strategic issues, goals (based on outcomes); objectives and performance measures; and implementing, monitoring and reporting aspects” (2008, p.137). On the contrary, goals in the SIPO are confused with objectives, strategies with activities, the division of labor and line of responsibilities are ambiguous, and the document does not provide any milestones to be reached and against which the achievements of the Organ could be judged (*ibid.*, p. 137). In the words of Macaringue and Magano, “most of [the SIPO] components are ill defined with no measurable outputs” (*ibid.*, p. 135). Moreover, the authors noticed that although the SIPO is said to constitute an element of a wider developmental strategy encapsulated in the RISDP, the documents “hardly talk to each other” (*ibid.*, p. 142).

Notwithstanding, van Nieuwkerk shows that implementation of the SIPO has been successful in several aspects: introduction of the Mutual Defence Pact, the successful launch of the SADC

³² Van Nieuwkerk reports that SIPO II is formulated similarly to SIPO I. The author mentions that the two documents differ in two respects: SIPO II distinguishes five sectors of cooperation, while SIPO I singled out only four. Besides, SIPO II gives more attention to evaluating and monitoring the Organ’s activity (Van Nieuwkerk, 2012, p. 16).

Standby Force, the Southern African Regional Police Chiefs Cooperation Organization's (SARPCCO) integration into the ISDSC, as well as establishment of the Regional Early Warning Center (REWC) and the SADC Electoral Advisory Council (2012, p. 10). Additionally, the scholar argues that increased cooperation pertaining to the sensitive sector of security helped to boost mutual trust and confidence among the member states of the SADC (*ibid.*, p.10).

However, the key to success for both the SIPO and the Organ in achieving the intended objectives still remains the will of the political leaders and key stakeholders. This was clearly recognized and emphasized in the SIPO:

“Political commitment is the linchpin and fundamental ingredient underlying all stages of the implementation of the SIPO. Member States have to uphold the principles and objectives of the SADC Treaty and the Protocol on Politics, Defence and Security Cooperation as they implement the SIPO” (SADC, 2004a, p. 43).

However, some of the SADC's principles have arguably not yet been internalized by individual member states. Also the will is often not yet present on the ground. By way of example, Van Nieuwkerk claims the following:

“Despite SADC's sophisticated security architecture (...) the behaviour of its members suggests that they are not yet willing or able to share democratic political values and norms, or harmonise national decision-making structures and practices in order to enhance SADC's ability or authority to make, implement, and enforce rules.” (Nieuwkerk, 2012, p. 20).

To sum up, although the SIPO provided strategies and activities for the Organ, it did not outline any specific systematic plan that would prioritize their implementation. The SADC's limited budget as well as logistics in general excludes the possibility of implementing all of the strategies at once, therefore, such a prioritization would be crucial for its effectiveness. Moreover, to fairly assess this effectiveness, measurable outcomes need to be determined against which a regular evaluation could be carried out.

5.2.3. The Mutual Defence Pact

The Mutual Defence Pact (thereafter: MDP) is the SADC's document which aims at operationalizing "mechanisms of the Organ for mutual cooperation in defence and security matters" ([Art. 2], 2003, SADC). More specifically, the document deals with "defence co-operation and with collective action in response to an armed attack" (Nathan, 2006, p. 610). The MDP was approved by the SADC Summit in July 2003, and by July 2011 it was ratified by all but two states³³ (SADC, 2011, p. 11-12).

The MDP reiterates the principles of sovereignty, non-interference in internal affairs and territorial integrity [Art. 7(2)] as well as the resolutions of the Protocol stating that conflicts between member states shall be solved in a peaceful manner [Art. 3; Art. 13]. It also confirms the Organ's mandate to mediate in case of conflicts between state parties [Art. 5]. Furthermore, it seeks to curb actions carried out by individual member states without the consent of the SADC Summit [Art. 7(2)]. This provision possibly aims at preventing future situations, such as the one from 1998 when Zimbabwe, Angola and Namibia decided to deploy troops to DRC, which was contested by the other member states of the SADC. The pact also envisions cooperation of state parties in the form of joint military

³³ Those states are DRC and Malawi. Madagascar was not taken into account as it has been suspended from the community after the coup d'état in 2009. The MDP entered into force on August 17, 2008 (SADC, 2011, p. 11-12).

trainings, military intelligence and information exchange as well as collaborative research, development and production of military equipment [Art. 9]. Article 6 of the MDP, entitled *Collective Self-Defence and Collective Action*, which arguably constitutes the core of the pact, provides that “[a]n armed attack against a State Party shall be considered a threat to regional peace and security and such an attack shall be met with immediate collective action” ([Art.6(1)], 2003, SADC). However, the same article provides that “[e]ach State Party shall participate in such collective action in any manner it deems appropriate” [Art. 6(3)], 2003, SADC). As is pointed out by Sadiki Maeresera, this leads to the situation where “parties have the option of choosing how to respond to a call for immediate action, presumably including the classic ‘do nothing’ policy option” (2008, p. 126).

Laurie Nathan argues that this version of the ‘watered down’ pact is the result of a low level of trust as well as a lack of affinity and unity among the member states (2006, p. 615). Naison Ngoma, to the contrary, perceives the conclusion of the MDP as the expression of a high level of trust among the member states, claiming that “the attainment of a mutual defence pact is the ultimate achievement, which would equate to the mature level in Adler and Barnett’s formulation of a security community” (2003, p. 25). The author maintains that especially Article 13 of the MDP on the peaceful settlement of disputes between the SADC’s member states “assures that member states would no longer target each other militarily – a critical factor of a security community” (*ibid.*, p. 25). Whether Ngoma is correct in his judgments remains to be seen.

Thus far, challenges to security in the region mainly stem from intrastate, not interstate conflicts. A valid exception was the situation between Zambia and Angola in 2000, when the latter accused the former of supporting subversive actions on Angola’s territory. However, those disputes never turned into a full-blown military conflict.

More disturbing was, however, the quite recent statement of the Tanzanian Committee Chairman, Mr. Edward Lowassa, on the ongoing disputes between Tanzania and Malawi over the waters of Lake Malawi. Mr. Lowassa declared that Tanzania is “satisfied with progress being made by the government on the diplomatic front but also military preparations must be made to make sure that all options are available when it comes to making the final decision” (quoted in: Simbeye, 2012). Tanzanian officials also informed that military forces were ready to act in case the diplomatic solutions failed (*ibid.*). However, a week after Mr. Lowassa’s statement, the newly elected president of Malawi, Ms. Joyce Banda, declared in an amicable tone that “[e]ven if the diplomatic route fails, it does not necessarily mean we will go to war with our brothers and sisters in Tanzania, because we can resort to other channels to solve the matter” (Anonymous, 2012a). Assumably, Ms. Banda had in mind mediation through either SADC or AU. Thus far, five-days-long talks between the two countries, which started on August 20, ended in a deadlock (Anonymous, 2012b), and another meeting of the officials was scheduled for September. In spite of the Tanzanian President’s assurance that his country also wished to solve the conflict amicably through diplomatic means (Anonymous, 2012c), thus far both parties seem to be far from finding a negotiable solution. Interestingly enough, so far neither Tanzania nor Malawi have asked the SADC to mediate between the parties, nor did the SADC itself offer such a possibility³⁴. It would be interesting to observe what stance the SADC takes if the disputes between the two member states escalate, and whether Ngoma was correct in his assumptions.

5.2.4. The Principles and Guidelines Governing Democratic Elections

The last document discussed in this chapter – the Principles and Guidelines Governing Democratic Elections – is distinct from the others discussed as it has the form of a declaration, and as such it

³⁴ The conflict was neither tackled in any way during the SADC Summit of Heads of State and Government in August 2012 nor mentioned in the communiqué of the Organ Troika Summit which took place on September 4.

is not binding on the member states. The document, which was adopted by the SADC Summit in August 2004, firstly outlines the principles for the conduct of a democratic election³⁵ and thereafter delineates in detail the mandate of the SADC Electoral Observation Missions (SEOM) as well as the responsibilities of the states holding the elections.

Those principles and guidelines have the invaluable potential of hastening the democratization process. This is especially the case because of its regional character. Often the winning party manages to rule without many obstacles (but not infrequently with much terror), despite the doubtful election process and the lack of popular support among citizens. However, if the party is not legitimized through the election process at the regional level, i.e. because the elections have been proclaimed null and void by the regional body, the situation of the winning party is significantly different, as the diplomatic, political and economic relations between the country and other members may be considerably shattered.

Nonetheless, despite the document's potential in enforcing democratization in the region, in reality it may be considered as rather weak. Gina van Schalkwyk notices that the shortages of the document relate to the optional character of inviting the SEOM (the countries are not obliged to do so if they do not wish it), as well as to the fact that there are no punitive measures anticipated if a state fails to meet the guidelines (2005, p. 36). In addition, Khabele Matlosa observes that the content of the document focuses, to a great extent, on *observation* of the election and not, as its title would indicate, on election management. As such it resembles more an "election observation guide than an election management guide" (Matlosa, 2005, p. 6). Finally, Matlosa takes note that "all the SADC election observer missions are put together by the troika governing the SADC OPDS [Organ]" (2005, p. 6).

³⁵ Among those principles one can find: full participation of citizens, tolerance, regularity in holding elections, equal access to the media by competing parties, equal right to vote, impartiality of the judiciary and electoral commissions (SADC, 2004b).

In this situation, doubts about the impartiality of the observers may be raised, especially if the Chairperson comes from the country where the elections are to be held.

It also has to be remembered that the legitimization power of the SEOM (as well as the other observation missions) brings about the danger that flawed or partly flawed elections will be nonetheless endorsed, which may not be very favorable for the consolidation of democracy. In addition, *the Principles and Guidelines Governing Democratic Elections* have a rather discretionary character, i.e. the document does not provide the exact benchmarks as to when elections are flawed to the point that they cannot be considered as free and fair. By way of example, the recent general elections held in Angola (August 31, 2012) were approved by the SEOM as being “credible, peaceful and transparent”, despite the many concerns raised by Angolan civil society groups and the opposition³⁶. To be fair, however, the SEOM also raised some concerns about certain parts of the election process. Nonetheless, according to observers the elections were “not of such magnitude as to affect the credibility of the overall electoral process” (SEOM, 2012, p. 10)³⁷. On the other hand, the SEOM, when observing run-off presidential elections in Zimbabwe in June 2008, harshly criticized the country for its conduct and declared that “[t]he Mission is of the view that the prevailing environment impinged on the credibility of the electoral process. The elections did not represent the will of the people of Zimbabwe” as “[t]he pre-election phase was characterized by politically motivated violence, intimidation, and displacements” and “[t]he process leading up to the presidential run-off elections held on June 27, 2008 did not conform to the SADC Principles and Guidelines Governing Democratic Elections” (SEOM, 2008, p. 6). However, as already mentioned, the

³⁶ The main concerns pertained to the delay in making the voting lists public, the presence of many “ghost votes” on them and the absence of those who were entitled to vote, unequal access to the media by competing parties (Redvers, 2012) as well as refusal of accreditation to the opposition party to monitor the voting and counting process (Anonymous, 2012d).

³⁷ It needs to be mentioned, however, that the Angolan General Elections were also approved as generally free and fair by AU, EU and the United States.

SADC largely remains toothless, as it did not anticipate any punitive measures toward countries which did not meet the criteria concluded in the guidelines.

In conclusion, *the Principles and Guidelines Governing Democratic Elections* are the right step toward enforcing democracy in the region, but the document should be empowered by becoming legally binding on the SADC's member states and by making it obligatory for the SADC member states to invite SEOMs every time elections are being held in the region. Only if that is done it will be given the potential to truly boost democracy in the region. Naturally, this may be hard to execute, as it would surely be met with strong opposition of the states because it infringes on their sovereignty.

5.3. Pillars of the SADC's Peace and Security Architecture

The SADC Standby Brigade (SADCBRIG) and the Early Warning System are mechanisms erected by the SADC with the aim of prevention, management and resolution of potential conflicts. They are, however, not only a part of the SADC peace and security architecture, but also a continental project of the AU. This chapter will look at the process of their establishment, the level of operationalization as well as their functioning and objectives. This subchapter does not aim to do an in-depth assessment of the structures, but rather to provide basic information on its status, aim and mandate. It needs to be mentioned that research on the Standby Brigade and the SADC Early Warning System in particular is inhibited due to confidentiality of most of the documents and reports connected with the topic.

5.3.1. Early Warning System

The SADC's early warning system (SADC EWS) constitutes a part of one of the pillars of AU's peace and security architecture, the Continental Early Warning System (CEWS). As such, swift and transparent performance of the SADC's mechanism is crucial for a successful functioning of the

whole continental network. The establishment of an early warning system in the Southern African region was already provisioned in 2001 by the Protocol, which states that “the Organ shall establish an early warning system in order to facilitate timeous action to prevent the outbreak and escalation of conflict” ([Art. 11(3c)], 2001, SADC]. However, similarly as most of the other SADC projects, this one also took a long time for the community to establish.

SADC EWS is designed to comprise the Regional Early Warning Center (REWC) based in Gaborone and the National Early Warning Centers (NEWCs) in each of the SADC member states (AU, 2008b, p. 21). The AU’s publication on operationalization of early warning systems expected the REWS to be launched in the first quarter of 2007 (AU, 2008b, p. 23). However, the REWC was successfully launched only on July 20, 2010 and it still needs to be connected with the NEWCs (Anonymous, 2010a)³⁸. As was already mentioned, research on the SADC EWS is relatively difficult as the SADC does not publish its documents on the process of establishment and operationalization of the mechanism. Nonetheless, other sources indicate that the delay may be caused partly due to financial reasons, as equipment for the center was supposed to be procured gradually due to its high costs (AU, 2008b, p. 23).

As for the scope of the SADC EWS’s activity, it primarily aims at preventing conflicts in the region. However, as Cilliers points out, “[p]ractically, the interpretation of the mandate does (...) appear to go beyond a legalistic and narrow view, including issues such as natural disasters, drugs, small arms trafficking, disease, food security and ‘foreign interference’ within its purview” (Cilliers, 2005, p. 17). By way of example, the community owns an advanced mechanism responsible for monitoring food

³⁸ Various sources dealing with the status of the SADC EWS provide inconsistent information on whether NEWCs have already been established in all of the SADC member states’ territories.

security in the region – the Regional Early Warning Unit. Similarly to the SADC EWS’s structure, it is complemented by National Early Warning Units in the territories of SADC’s countries³⁹.

Criticism of the SADC EWS is related to its structure and methods of collecting information. The SADC EWS is not harmonized with AU’s standards, as it is “highly linked with the intelligence community in the region” (Tiruneh, 2010, p. 19). As such, data gathered by the SADC EWS as well as information on its establishment and operationalization are considered to be highly confidential. At the same time, CEWS, with which SADC EWS is supposed to be harmonized, is envisaged to be “an open-source system where information is gathered from a variety of different sources, including, inter alia, governmental and inter-governmental actors, international and non-governmental organizations, the media, academia and think-thanks” (Wane et al., 2010, p. 93).

All in all, due to constraints related to confidentiality of all aspects of the SADC EWS’s functioning, it is difficult to access how and what kind of information from the region is to be collected, processed and, what is most important, used in practice.

5.3.2. SADC Standby Force

Similarly to the SADC EWS, the SADC Standby Force (SADCBRIG) constitutes not only a part of the SADC peace and security architecture, but also the AU’s continental project. The SADCBRIG was launched on August 17, 2007 in Lusaka during the opening ceremony of the SADC Summit (Vreĳ, 2009, p. 63), where also the *Memorandum of Understanding on the Establishment of a Southern African Development Community Standby Brigade* (MoU) was signed (Madakufamba, 2007).

³⁹ The mechanism responsible for monitoring food security in the SADC region is known as the SADC Regional Early Warning System (it comprises the Regional Early Warning Unit [REWU] and National Early Warning Units [NEWUs]) (SADC, 1998, p. ii) and should not be confused with the mechanism responsible for conflict prevention, which is also often referred to in publications as the ‘Regional Early Warning System’. Relations between the two mechanisms require further research.

The MoU, which seeks to provide a legal basis for SADCBRIG operationalization [Art. 2] defines, among others, the functions, structures and rules for deployment of the body. According to the document, the SADC Standby Force shall participate in observations and monitoring missions as well as peace support missions. It may also be deployed on the territory of the state party to the MoU in case of grave circumstances or in order to restore peace and security. Furthermore, intervention may be requested by a state party itself. In addition, the brigade can be deployed in order to prevent a conflict in the region from escalating or spreading to other areas. Finally, the MoU envisions the possibility of the brigade's utilization in post-conflict phases to facilitate demobilization or disarmament [Art. 4].

The SADCBRIG may be deployed on mandate of either the SADC itself as well as of the AU or the UN ([Art. 7(2)], 2007, SADC). Nonetheless, there is some skepticism about the feasible deployment of troops on the SADC mandate due to severe splits within the community pertaining to preferable policy responses to conflicts by the individual member states (Baker & Maeresera, 2009, p. 108). Most often, scholars tend to recall the divisions within the SADC caused by the military deployment in DRC and Lesotho in 1998, concluding that the lack of shared values and different national interests may also hinder the rapid deployment of troops in the future (*ibid.*, p. 108-109). Additionally, the SADC exhibits many features of an inter-governmental organization, where the main decision-making power is hijacked by the heads of state and government of the region. Against this backdrop Thomas Mandrup accurately observes that “[o]ne of the problems of having a security structure within the SADC structure is that it relies on states to solve problems between states, even though many of these states constitute the very problem” (2009, p. 11). The author's observation holds true not only in relation to the SADCBRIG, but also for all other structures established by the community to manage peace and security in the region.

As for the SADCBRIG's structure, it shall comprise military, police and civilian components ([Art. 3], 2007, SADC) which are to be provided by the state parties. The allotted troops will stay in "their countries of origin at an 'on call' level of alert for the duration for the duration of the assignment" (Baker & Maeresera, 2009, p. 107). What is more, they need to remain on the stand-by mode at all times and cannot be delegated to other tasks (Mandrup, 2009, p. 16). The MoU also provides for the establishment of an SADC Planning Element and Main Logistics Depot [Art. 6 and Art. 9], which are to be the only standing permanent SADCBRIG structure.

Jakkie Cilliers and Johann Pottgieter note that the SADCBRIG has made significant progress since its establishment: it managed to accomplish its doctrine, operational guidelines for the brigade, standard operating procedures as well as logistic concepts. Besides, it verified readiness of the troops as pledged by the SADC's member states (2010, p. 134). On the other hand, the challenges which still needed to be met in 2010 encompassed: "(1) additional forces on standby are required (...), (2) finalization of the standby concept and roster, (3) funding, (4) logistic support and location of the depot, (5) operationalization of an early warning system, (6) interoperability (...), (6) effective coordination and communication, and, (7) capacity building, especially in a civilian component" (Cilliers & Pottgieter, 2010, p. 134).

Another complication in erecting a swiftly working standby brigade is the overlapping membership of some states in various RECs (Cilliers & Pottgieter, 2010; Mandrup, 2009, p. 4), e.g. Angola and DRC remain to be the members of both the SADC and ECCAS (Cilliers & Pottgieter, 2010, p. 135). It is not clear whether in this case the state needs to decide in which regional ASF project it wishes to become engaged or whether it needs to become involved in both of them and risk resources and financial overstretch. Moreover, the sensitiveness of the SADC's states over sovereignty and lack of

mutual trust leads to situations when the SADC's officials are not permitted to inspect the pledged military capabilities of individual states (Mandrup, 2009, p. 15). The same jealousy over sovereignty and sensitiveness over security arrangements in general stopped the SADC from harnessing the benefits of donors' support. However, as Cilliers and Pottgieter point out, this situation also has a positive aspect, as it strengthened the feeling of ownership by the community over the standby brigade project, which was identified to be a serious problem in the case of standby forces of the other regional communities (2010, p. 140).

Not infrequently do scholars point to the special role held by the regional power, South Africa, in erecting a swiftly working regional Standby Force. South Africa has not only the most extensive experience of all the countries in the region when it comes to peacekeeping and peacemaking operations (ICG, 2012), but also due to its level of economic development it has capabilities to provide resources "to fill the gaps of the other member states" (Mandrup, 2009, p. 19). Thomas Mandrup emphasizes the country's importance in the establishment and operationalization of the ASF in general and of the SADCBRIG in particular (*ibid.*, p. 18). Nonetheless, South Africa remains very careful when imposing its solutions onto the other members of the SADC, as it does not want to be perceived (due to reasons discussed elsewhere) as a regional hegemon (ICG, 2012). As Mandrup notices "(...) co-operation and especially contributions in SADCBRIG, is described as joint SADC, when South Africa in reality is often the main provider" (*ibid.*, p. 20).

5.3.3. Mediation Unit and Panel of Elders

The SADC has also expressed its willingness to establish two additional mechanisms, the Mediation Unit and the Panel of Elders, that would strengthen the community's ability in areas of diplomacy and conflict prevention. The Mediation Unit, although not operational yet, has already fully finalized its frameworks (ICG, 2012, p. 13). It is supposed to be led by the Panel of Elders, which consists of

former leaders and prominent persons from the region and shall be “supported by a mediation reference group (MRG) and administered by a mediation support unit (MSU)” (*ibid.*, pp. 13-14). As will be evident from Chapter Six, which discusses crisis management as led by the SADC, this can empower the SADC in a significant way as it will allow the community to be perceived as more impartial while leading negotiations. Additionally, the creation of a Mediation Unit will tackle an aspect of the mediations that has so far been neglected but is important, the participation of civil society, because “technical teams will ideally comprise experts and not exclusively politicians and their appointees” (*ibid.*, p. 14). The details of the structures’ operationalization, however, remain so far unknown, as the SADC labeled its development as a “strategic” priority area, therefore, deciding not to involve external partners such as academics or civil society in its very development (*ibid.*).

Chapter Six: Regional Conflicts and the SADC's Responses

The two previous chapters of this thesis aimed at analysis of the level of institutional development of the SADC and its peace and security architecture respectively. Undoubtedly, the community has gone through a long and bumpy road to create a working peace and security architecture since its establishment in 1992. Only recently it managed to launch the last provisioned element of its architecture, Early Warning System (EWS). Nonetheless, many details of its functioning and deployment must still be worked out. The SADC, however, shall not be assessed according to the level of institutional development only, it also needs to be judged against its performance pertaining to its conflict solution capacity and effectiveness of preventive diplomacy. Therefore, this chapter examines the SADC's role in resolutions of regional conflicts and crises in the region.

The SADC took upon itself a responsibility to mediate in conflicts or, if needed, to take more decisive stances, even when its architecture was still in its infancy. It sought, among other tasks, to resolve militarily conflicts in DRC and Lesotho in 1998, which led to a significant split between its members. As those conflicts, their outcomes and the role of the SADC have already been analyzed in-depth by many scholars,⁴⁰ this chapter will focus on more recent conflicts and crises.⁴¹ Namely, it focuses on the ongoing political tensions in Madagascar and Zimbabwe, where the SADC and its Organ are actively searching for sustainable solutions through negotiation efforts. It also investigates the tense situation in Swaziland, which has the potential to evolve into full-blown conflict, as basic political and human rights of its citizens are neglected but on which the community remains worryingly muted.

⁴⁰ See for example: Berman E. G., Sams, K. E. (2003) The Peacekeeping Potential of African Regional Organizations. In: *Dealing with Conflict in Africa. The United Nations and Regional Organizations*. Ed. Boulden, J. Palgrave Macmillan.

6.1. Madagascar

Madagascar has been a member of the SADC since August 2005, when it was admitted as the 14th country of the community (SADC Summit Communiqué, 2005). However, the country enjoyed only four years of fully-fledged membership in the SADC, as in March 2009 the Extraordinary Summit of SADC Heads of State and Government decided to suspend the country from the community. That was a response of the community to the ousting of the Malagasy president Marc Ravalomanana by the Mayor of the country's capital city Antananarivo Andry Rajoelina on March 17, 2009. The SADC Summit decided Madagascar should be suspended from the community until "the return of the Country to constitutional normalcy" (SADC Summit Communiqué, 2009a). Since that time, the SADC together with other prominent international organizations remains active in a search for the solution to the conflict, which has lasted for over three years currently. This subchapter examines the stance and role of the SADC in resolving this conflict.

The Malagasy conflict has its proximate cause in tensions that arose between Marc Ravalomanana, the president of the country since 2002, and Andry Rajoelina, which fulfilled the function of the Antananarivo's Mayor. The situation started to deteriorate gradually starting with 2007, when the leader of president's party - Tiako I Madagasikara (TIM) - lost mayoral elections in favor of young Rajoelina. According to the report of the Congressional Research Service, the animosity between the two leaders was manifested for example by delays of Ravalomanana's government in the "disbursal of funds for various local government infrastructure projects in the capital, diverted investments from the city and (...) [reluctance in] co-operation between the central and municipal governments" (Ploch & Cook, 2012, p. 9). However, the situation between the two leaders became irrevocable after Ravalomanana decided to close Rajoelina's TV channel, which broadcasted the interview with

⁴¹ This chapter does not address military intervention in Lesotho and DRC due to two reasons: firstly, the topics have been exhaustively analyzed by other scholars and secondly, this thesis aims at analysis of SADC recent undertakings, and not those which took place when the SADC peace and security architecture was still in its infancy.

the former president of Madagascar, Didier Ratsiraka. Ravalomanana's refusal to re-open the channel, added to the general dissatisfaction over his presidency, caused many anti-governmental demonstrations in the capital (*ibid.*, p. 10)⁴². Demonstrations, which endured with different intensity from mid-January until March 2009, were in many instances violently repressed. Many people died as a result of state repressions on demonstrators, though also because of the general unrest, mostly due to "crowd stampedes and arson" (*ibid.*, p. 10).

The military which had historically remained neutral, over the prolonged instability, became more supportive toward Rajoelina. Subsequently, when president Ravalomanana decided to resign and handed over the power to the military on March 17, it transferred the authority to Rajoelina justifying that "a popular uprising had taken place and a legitimate government already existed" (Cawthra, 2010, p. 14). The SADC was of different opinion however, and in its communiqué from the Extraordinary SADC Summit suspended Madagascar's membership in the community announcing "The Extraordinary Summit decided not to recognize Mr. Rajoelina as President of Madagascar as his appointment did not only violate the Constitution of Madagascar and democratic principles, but also violated the core principles and values of the SADC Treaty, the African Union Constitutive Act and the United Nations Charter." (SADC Summit Communiqué, 2009a). Furthermore, the SADC emphasized that "the return of the constitutional order" in Madagascar should happen through "unconditional reinstatement of President Ravalomanana" (*ibid.*). The country was suspended also from membership in the AU until constitutional order was restored (PSC Communiqué, 2009). However, the AU in contrast to the SADC did not imply necessity of reinstating Ravalomanana as the only way out, but remained open also to other resolutions.

⁴² Gawin Cawthra in addition to previously mentioned causes of the conflict mentions also the general failure in consolidation of democracy in Madagascar's history since independence as well as marginalization of military and security services (2010, p. 16).

The role of the SADC as an actor in negotiating political transition in Madagascar needs to be seen in a wider context, as its efforts to restore order in the country were conjoined with those of others international organizations. More specifically, the AU created International Contact Group (ICG) on Madagascar, through which it coordinated efforts to resolve the conflict, to which belonged among others the AU, the SADC, the COMESA, the UNSC, the EU, the Organisation internationale de la Francophonie (OIF) (Ploch & Cook, 2012, p. 12).

As Gavin Cawthra (2010) points out, the SADC got involved in efforts of managing the political crisis at an early stage of the conflict, as already in February 2009 the Swazi foreign minister visited Madagascar. The SADC's Organ was also quick to react; it issued a statement condemning unconstitutional changes even before the AU and the SADC Summit, two days after Rajoelina seized power (*ibid.*, p. 19). The Organ at first considered the possibility of military intervention in Madagascar through SADCBRIG – an option supported by the COMESA and Swaziland (*ibid.*, p. 20). However, at the later stage in May 2009, the community realized its position of both military intervention and the reinstatement of Ravalomanana was “untenable in terms of realities on the ground, and out of phase with that of other international actors” (*ibid.*, p. 20).

In short, the SADC was obliged to modify its strategy, if it wanted to play any relevant role in solving the conflict, and avoid becoming a by-stander to the situation taking place in its own backyard. To strengthen its position, the SADC decided to work closely with other actors involved in negotiating transition in Madagascar and in June appointed the former president of Mozambique Joaquim Chissano to lead mediations (SADC Summit Communiqué, 2009b). Chissano in early August managed to conduct a meeting of four Malagasy leaders: Ravalomanana, Rajoelina, as well as two former presidents of Madagascar, Didier Ratsiraka and Albert Zafy. The parties came to the agreement that the transitional government shall be established for the period of fifteen months that

would prepare the country for democratic elections (Ploch & Cook, 2012, p. 13). The agreement, however, was soon violated by Rajoelina and in October 2009 another meeting was convened. During this second meeting, Rajoelina agreed to make some concessions pertaining to his unilaterally-established government. Nonetheless, as was the case earlier, he violated conditions of the agreement at the later stage by “rationing it by implementing the articles that he sees as serving in his favor” (Cawthra, 2010, p. 21). The year 2010 did not bring about any breakthrough either. Negotiations led by international actors became less zealous and enthusiastic: the AU passed the stick to the SADC and the UN mandate expired (Ploch & Cook, 2012, p. 13). International actors counted on Madagascar’s leader will finally giving up without international aid and so suspended funds, as the economy of the country was deteriorating. It is believed that mainly for this reason Rajoelina decided to renew his talks with Ravalomanana and become more willing to compromise at the beginning of 2011 (Larbuissou, 2011).

The SADC, once again, took a more active stance and became the main negotiator. The negotiations over the transition roadmap endured until September 2011, during which complicated political bargaining aiming at reaching sustainable power balance in the government took place⁴³. In September the transitional roadmap was signed by representatives of Madagascar’s ten main political parties (out of eleven), and a month later the timetable for implementation of the roadmap was also agreed (Ploch & Cook, 2012, p. 14). Lauren Ploch and Nicolas Cook, despite citing some significant successes in implementing the roadmap (appointment of prime minister, cabinet, legislature and electoral commission; adoption of provisional electoral timetable; and passage of amnesty law), emphasize that overall “environment remains volatile” (*ibid.*, p. 1). It remained that the most contentious issues were not solved, causing another deadlock. First of all, Ravalomanana during the whole period of conflict remained outside the country. His return was complicated by the fact that

⁴³ For details of this political bargaining see: *Madagascar: From Crisis to Transition*. C. Larbuissou. May 16, 2011.

Rajoelina's government decided to sentence him in August 2010 for lifetime imprisonment and labors, as he was found to be responsible for violent attacks on protesters in February 2009 (Ploch & Cook, 2012, p. 3). One of the negotiated provisions by the SADC in the transitional roadmap assumes passage of amnesty law, with the aim of allowing Ravalomanana's return to the country and ultimately taking part in elections. However, the law that was indeed passed in April 2012 is formulated in such a way which excludes Ravalomanana to profit from it⁴⁴ while still complying with the SADC's demands (*ibid.*, p. 3). At the same time, Rajoelina withdrew his promises of not taking part in future elections. The most recent talks conveyed by the SADC between Ravalomanana and Rajoelina (Ratsiraka and Zafy were not invited) on July 24-25, 2012 in Seychelles also did not bring any significant changes and the SADC's press statement on the meeting concluded only that "the two leaders should reconvene to conclude on the outstanding issues stemming from the implementation of the Roadmap" (SADC Troika Press Statement, 2012). After three years of political impasse the situation in Madagascar still seems to be far from being solved.

The political conflict in Madagascar brings about a significant headache to the SADC leaders: while the community tries to facilitate the transition, it naturally cannot impose the solution from above on the sovereign country. The presidential elections in Madagascar have been scheduled for May 2013,⁴⁵ however the conditions for holding free and fair democratic elections are absent in the country. The situation is even more complicated if one takes into account that the SADC involvement is perceived by many Malagasy people (with Rajoelina at the forefront) as interfering into internal affairs of a sovereign country. Besides, the initial tough stance of the community on restoring Ravalomanana to power highlighted the question of whether its position was not lead by

⁴⁴ The amnesty law does not cover individuals who committed crimes against humanity, such as genocide, war crimes and serious violations of human rights. As such, according to Malagasy judicature Ravalomanana shall not be encompassed by blanket amnesty law (Newmarch, 2012).

⁴⁵ This information was made public by Rajoelina during his speech at the UN's 67th General Assembly on September 26, 2012.

the mere feeling of solidarity among the SADC's leaders (Cawthra, 2010, p. 22). It also needs to be mentioned that the SADC's position on how to best solve the conflict has changed over time, making it difficult to trace internal logics of the whole process of negotiations⁴⁶.

The SADC found itself in between the proverbial rock and a hard place, as most of the roadmap's negotiated provisions have been implemented, but the outstanding issues are too serious for the community to ignore. If the elections in Madagascar will indeed be held without Ravalomanana's participation, the SADC will have to make up its mind whether it should endorse the elections and grant legitimacy to the new government. On the other hand, if both of the leaders participate, the community must ensure the credibility of elections by providing enough resources and sending a strong observing mission. Finally, the community must be aware that if it endorses the elections as free and fair, it will be its duty to help the country to recover from economic crisis. While it is in general commendable for the SADC to become an active negotiator in the conflict, it is evident that it lacks legal tools to act effectively. It remains to be seen whether the leaders of the community will draw conclusion from this situation for the future and try to work out legal provisions pertaining to unconstitutional changes of government, echoing those adopted by the AU.

6.2. Zimbabwe

Zimbabwe's political crisis poses arguably one of the most severe concerns for the SADC. Roots of the crisis can be traced back to 2000, when incumbent Robert Mugabe lost the constitutional referendum, which epitomized a beginning of a gradual decline of support for the president (Cawthra, 2010, p. 24; du Plessis & Ford, 2008, p. 2). Subsequent parliamentary elections held in June 2000, presidential in March 2002, local in 2003 and 2004, and again parliamentary elections in

⁴⁶ Two main inconsistencies in the SADC's Policy toward Madagascar over time include the change of the community's stance pertaining unconditional reinstating of president Ravalomanana and evident exclusion of the two former presidents, Ratsiraka and Zafy, from meeting in July 2012.

2005 were all characterized by irregularities and to different extents were marked by violence and intimidation (*ibid.*) from the side of the ruling party - ZANU PF - directed mostly at supporters of Mugabe's opposition – Movement of Democratic Change (MDC) led by Morgan Tsvangirai.⁴⁷

The SADC was concerned about the crisis' spill over effect in the region and became involved in the mediation process in Zimbabwe already in 2001 by appointment of Thabo Mbeki – then president of South Africa – as a mediator (Cawthra, 2010, p. 24). He was, however, recognized as an official mediator in the Zimbabwean case by the international community only in March 2007 (*ibid.*, p. 25). The manner of the negotiations led by Mbeki, known as 'quiet diplomacy' quickly came under harsh criticism from many international organizations, non-governmental organizations (mainly human rights organizations), as well as most Western governments (with Britain at the forefront). Particularly preparations for the run-off of presidential elections in 2008 and thereafter were criticized (Siddique, 2008). Main accusations pertained to the reluctance of Mbeki and the SADC to voice open criticism toward President Robert Mugabe's regime, being lenient towards the despot, shielding him from international criticism, and opting for the removal of Western sanctions. The justification for the choice of this method of diplomacy by the SADC (or rather by South Africa, as the mediations started to be perceived very quickly as led by South Africa and not the community as a whole (Dzinesa & Zambara, 2011, p. 67) is manifold.

First of all, one can point out historical relations between the two countries (and more generally in the region) pertaining to shared colonial experience and struggle for independence, which gave birth to the feeling of solidarity and reluctance to criticize each other. As Hamill and Hoffman emphasize, "no liberation movement taking power in Southern Africa after an armed struggle has ever lost

⁴⁷ As Gavin Cawthra points out, despite the fact that SADC adopted in 2004 its principles and guidelines governing democratic elections and that 2005 elections were considerably flawed, the community still announced them to be free and fair (*ibid.* p. 25).

office” (2009, pp. 380). Historical experiences of ex-colonial states are also the reasons of strong anti-western sentiments encapsulated in the notion of neo-colonialism. The fast economic growth and development of South Africa, as well as its recognition as such at the international arena, have strengthened its links with Western powers. It has also influenced the perception of South Africa as an important military player on the continent. Against this backdrop, South Africa, does not want to be perceived as being a puppet of Western imperial powers or a regional hegemon which resorts to power in order to accomplish narrow political goals needed to act very carefully. Therefore, Mbeki’s *via media* of how to address regional problems and - as he wished it to be – efficiently, was mirrored in his policy of “quiet diplomacy” towards Zimbabwe. Jacob Zuma, who replaced Mbeki as a negotiator in 2009, also preferred quiet diplomacy as a mode of negotiations conduct, however, he has turned out to be more decisive and critical toward the regime.

The main goal of Mbeki’s mediations in 2007 was to ensure that the presidential, parliamentary and local elections in 2008 were all-inclusive and lock-in the democratic spirit without recourse to violence and manipulations of elections (Dzinesa & Zambara, 2011, p. 64). As a result, the presidential elections which took place in March 2008 were declared to be more free and fair and the process leading to the elections more accountable and transparent (Cawthra, 2010, p. 25). That was only a fleeting success however, as the release of election results were withheld for five weeks, causing much speculations about possible manipulation of the result. As neither Mugabe nor Tsvangirai won a majority of votes, a run-off was scheduled to take place in June (Cawthra, 2010, p. 25). What followed was a wave of repressions and violence. The Zimbabwe Human Rights NGO Forum argued that the scale of crimes committed during the first phase of elections and after the run-off, could be qualified as even crimes against humanity (2008, p. 15). As a result of repressions, the leader of the MDC, Morgan Tsvangirai, resigned from participating in the run-off and Mugabe was elected for the next tenure.

The SADC Organ Troika preceding the run-off issued a statement advising the postponement of the elections, stating in diplomatic language that “[t]he Organ Summit feels strongly that because of the current charged atmosphere the parties and people of Zimbabwe deserve a cooling off period” (SADC Troika Communiqué, 2008). The attitude of the community toward Zimbabwe, in spite of not becoming extremely critical, slightly changed. Moreover, as Cawthra noticed “[t]he previously apparently united position of SADC began to show cracks, with Botswana and Zambia breaking ranks and condemning the conduct of the elections” (2010, p. 26).

Nonetheless, while Mbeki’s conduct of negotiations was widely criticized, the community has to be given acknowledgement for successfully negotiating Global Political Agreement (GPA) (September 2008). This subsequently led to the establishment of the Inclusive Government (IG) a year later, which somehow stabilized the situation in Zimbabwe. Mugabe retained the presidency, while Tsvangirai was appointed as prime minister. GPA not only provided for power sharing between main political parties in Zimbabwe, but it also foresaw adoption of the new constitution.⁴⁸ As it came to be, the process of drafting the new constitutions has been protracted and marked by many disputes, as the parties struggle to reach consensus. Four years on from the GPA’s adoption, the whole process is still far from being accomplished. The harmonized elections, in turn, are preliminarily scheduled for March 31, 2013 (Anonymous, 2012e). However, as this decision was taken unilaterally by Mugabe to general discontent of civil society and opposition party (Bell, 2012; Anonymous, 2012f), it is most probable that they will be postponed. The SADC has not yet voiced its opinion, but most probably it will urge the parties to adopt a new constitution first, and postpone elections until a conducive environment for elections is achieved.

⁴⁸ Full text of the Global Political Agreement can be accessed from the official web page of Zimbabwe Constitution Select Committee (COPAC).

The SADC's involvement in the search for a peaceful solution to the Zimbabwean conflict has been assessed critically by most observers. Above all, the international community wished the community to be more critical and decisive when dealing with the Zimbabwean regime. When the conflict started to evolve and serious violations of human rights were reported, the community for a long time remained muted. Furthermore, it has been five years since the SADC was officially involved in the mediation process (in fact, Mbeki fulfilled this role unofficially even before 2007), but the conflict has not been resolved yet. Moreover, it seems to have been a mistake of the community to appoint representatives of the individual country to mediate (Zuma and Mbeki), instead of creating a mediation team, which would be perceived as more impartial. In fact, both facilitators were perceived in Zimbabwe as pro-ZANU-PF. Finally, Dzinesa and Zambara are of the opinion that "the main mistake SADC made was that it did not establish impartial structures to effectively monitor and evaluate the implementation of the GPA" (2011, p. 64). Instead, this function was ascribed to the Joint Monitoring and Implementation Committee (JOMIC) consisting of members of ZANU-PF, MDC-T and MDC-M. As the authors aptly grasp, this led to the situation where "three political parties [are] both the players and referees" (Dzinesa & Zambara, 2011, p. 65) with no external control from the SADC or civil society groups. Arguably, the main deficiency of the community in solving the Zimbabwean conflict (but also any other), is its government-centered decision making and structure. If the heads of state and government would be willing to cede their powers to groups of experts, many of the problems discussed in this subchapter may not have happened.

Notwithstanding above, the SADC can also be given some credit and acknowledgement for its ability to negotiate the GPA which led to the establishment of the IG. While the IG is still criticized as being only a marriage of convenience, one may risk saying that without the SADC's intervention the situation in Zimbabwe could have transformed into a full-blown civil war.

6.3. Swaziland

While the situation in the Kingdom of Swaziland is substantially different to that in Madagascar or Zimbabwe, with no full-blown conflict taking place at the moment, one can certainly talk about a disturbing escalation of governance and constitutional crises in the country. Against the background of a political, economic and security situation considerably deteriorating within the borders of Swaziland, which is to be discussed shortly in this subchapter, it is informative for this study to analyze the responses (or lack of it) of the SADC to this evolving crisis and look at the measures which the community has in hand to sustainably stabilize the situation and bring the country on the more even keel.

Swaziland is the smallest of the SADC's states and is deeply dependent economically on its neighbor South Africa. It is also the last absolute monarchy on the African continent. The country has plunged in severe financial crisis for already two years and the risk of bankruptcy is very real (De Los Fayos, 2012). Estimates indicate that 40% of Swaziland's population remain unemployed (CIA, 2012) and 80% of the population live with less than 2\$ per day (HRW, 2012, p. 186). At the same time, a lavish life-style of the king and his many wives is not unknown to his subjects. Moreover, the country has the highest prevalence of HIV/AIDS amounting to 25,9% which significantly influences life expectancy (49,4 years) and maternal and infant mortality rates with 320 deaths/100 000 live births and 59.57 deaths/1,000 live births respectively (*ibid.*).

Swaziland cannot take pride in its human rights records either. Human rights violations amount to restrictions pertaining to freedom of media (self-censorship of media is prevalent); freedom of assembly such as political gatherings and peaceful demonstrations; arbitrary arrests, detentions and tortures of those protesting against inefficient management of the country, nepotism or poverty;

police harassment; widespread surveillance of political opposition and civil society organizations; as well as lack of judicial system impartiality (HRW, 2012, pp. 186-189).

Swaziland, despite calling itself a democratic country⁴⁹, lacks basic characteristics that commonly define democratic regimes. First of all, the political system⁵⁰ of Swaziland is characterized by nepotism, as the country is “in fact governed by a relatively small elite, either belonging to the extensive royal family or traditionally connected with it through tribal leaders or others” (De Los Fayos, 2012, pp. 4-5). Secondly, while the country holds regular elections, the *tinkhundla* system through which it is exercised is widely criticized as not meeting the requirements of impartiality, transparency, and accountability. Dimpho Motsamai specified that deficiencies of *tinkhundla* system pertain to *inter alia*: the fact that existence of political parties rely solely on the King who favors pro-regime parties and bans those which are critical towards it; screening of candidates to ensure they are pro-regime; or lack of guarantee of anonymity to voters (as it was the case in 2008). The system in general favors the incumbents (2012, pp. 6-7). All this amounts to a practical inability of citizens to change their government through the election process based on the *tinkhundla* model. Motsamai cynically but accurately defines this system of elections as ‘organized certainty’, stating that “they reproduce the prevailing political status quo” (*ibid.*, p. 2). Moreover, the author emphasizes that elections in Swaziland are less about competition on access to decision-making structures, but rather over access to resources (*ibid.*). Thirdly, according to the new constitution from 2005, the King holds a wide array of powers which he does not hesitate to exercise:

⁴⁹ Constitution of Swaziland begins with the statement: “Swaziland is a unitary, sovereign, democratic Kingdom.”

⁵⁰ Swaziland’s political system provides for parliament which comprises the Lower House (House of Assembly) and the Upper House (Senate). While the first one is elected – 55 members are chosen through *tinkhundla* system and 10 by the king – the second one is appointed by the House of Assembly (10 members) and the king (20) (Motsamai., 2012, p.3).

“Constitutional provisions allow King Mswati to select the cabinet, two-thirds of the senate, ten of 65 members of the House of Assembly, many senior civil servants, the chief justice and other justices of the superior courts, members of commissions established by the constitution, and the heads of government offices. Legislation passed by parliament requires the king’s consent to become law.” (Motsamai, 2012, p. 3).

The King also enjoys the right of veto - he can ban any legislation he dislikes which was approved by the parliament.

The status of the King and his cabinet has been confirmed as difficult to challenge, if not impossible, by the recent developments in the Kingdom. On October 3, 2012 the House of Assembly passed a motion of no confidence toward the cabinet - a historical moment if one takes into account that parliament has never stood up against the King or cabinet, but rather compliantly approved their decisions. According to the constitution, the King is obliged to immediately dissolve the cabinet and sack the Prime Minister (Lee, 2012b). Mswati did not comply with his constitutional obligations however, and the government did not decide to resign in an honorable way (Rooney, 2012a; Phakathi, 2012). In fact, this epitomizes the undemocratic character of the country’s political system, as the King refused to act according to people’s will and constitution, favoring the elite that rules Swaziland. The recent upsurge of the Swazi House of Assembly has been, however, quickly extinguished: on October 15, the motion of no confidence was rescinded by 32 out of 65 members of the Lower House (Rooney, 2012b). While the whole situation may not change the status quo of the Swaziland’s political system, it surely put the country again in the limelight of international media and may renew international actors’ commitment to seek democratization in the little Kingdom.

As the crisis does not have potential for very disastrous spill-over effects that could affect neighboring states due to Swaziland's size and economic irrelevance⁵¹, the ongoing 2 years-long crisis did not attract much attention of international actors. The SADC, which in its treaty and protocols embraces values such as democracy, human rights, rule of law, transparency and sustainable economic development, remains remarkably muted on deviant practices of democracy in Swaziland. On the one hand, one may argue that the situation in Swaziland does not fulfill criteria that would automatically compel the SADC to seek to resolve the crisis.⁵²

On the other hand, the SADC does not enjoy a good reputation concerning its preventive diplomacy, as some scholars, among them Motsamai, point out: "[so far] subsidiarity in the SADC region has proved to be a limiting principle that protects regimes rather than populations" (Motsamai, 2012, p. 11). If the SADC wants to regain its position and prove that it is serious about norms, values and principles which figure on the community's documents, it cannot continue its 'do nothing' policy. Besides, the Swazi civil society becomes slowly impatient with the regime (both its political and economic side), therefore one might expect that the crisis will escalate. Additionally, elections scheduled for 2013 will certainly increase those tensions. This alone, should give the SADC a red light.

South Africa tried to use a 'carrot and a stick' policy by offering Swaziland a bailout in exchange for democratic reform in the country, but negotiations allegedly came to a deadlock (*ibid.*, p.2). However, as the Zimbabwean story proves, politics carried out by the SADC through only one of its members might turn out to bring more troubles than profits. The SADC cannot for much longer

⁵¹ Swaziland's economy, however, is deeply interconnected with that of South Africa (Motsamai, 2012, p. 2).

⁵² SADC is eligible to act in case of 'significant intra-state conflict' which encompass: "(i) large-scale violence between sections of the population or between the state and sections of the population, including genocide, ethnic cleansing and gross violation of human rights; (ii) a military coup or other threat to the legitimate authority of a State; (iii) a condition of civil war or insurgency; and (iv) a conflict which threatens peace and security in the Region or in the territory of another State Party" ([Art.11(2b)], 2001, SADC).

ignore irregularities in Swaziland. It should seek for an opportunity to diplomatically mediate graduate democratization, starting with a sending consultative mission for instance. Motsamai emphasizes that diplomacy is the best option for the community to engage in solving the crisis, as its legal instruments are mostly not binding on member states and there are no punitive measures for states which breach the SADC's rules (2012, p. 12). The answer to the situation in Swaziland will clearly test the community's real attachment to its own values and principles and its true willingness to boost human security in the region.

Chapter Seven: Conclusion

The main objective of this thesis was to provide a re-assessment of the effectiveness and the level of development of the SADC's peace and security architecture as well as its proceedings and capability to ensure a secure environment in its region. More specifically, the paper aimed at determining the main achievements and deficiencies of the SADC's security architecture in assuring security and a stable peace. To this end, the study was guided by four research questions which intended to identify the level of institutional development of the community's peace and security architecture; determine the main factors that limit intended integration in this area; analyze the SADC's responses to the conflicts, crises and other instabilities taking place in the region; and finally, determine whether regional integration channeled through the SADC's security cooperation brought the community any closer to the intended final level of integration – attainment of security community status.

In order to deal with the first research question – which addresses the level of institutional development of the SADC's frameworks and mechanisms which aim at prevention and solution of both inter and intra state conflicts, promotion of the community's values and fostering human rights - the study analyzed the state of development, implementation, and operationalization of the community's various documents and institutions related to security (Chapter Five). While the overall level of the SADC's institutional development seems to be impressive at first glance, the research revealed that some of its instruments must still be fully operationalized (EWS which fulfils conflict preventive mechanism being the best example). The main deficiency of the SADC's peace and security architecture is its low level of civil society engagement. The in-depth analysis reveals yet another characteristic of the community: it is heavily government-based, as the whole decision-making process lies solely in hands of heads of states and government, as well as various ministers from member states. The lack of strong secretariat generally, and the fact that the Organ does not have a separate secretariat but all services are provided through the SADC Secretariat which is

already overburdened and under resourced, further inhibits effectiveness of its security architecture. Finally, the SADC in many aspects lacks enforcement mechanisms (as the case of debilitated SADC Tribunal). Moreover, the non-binding status of the community's crucial documents (for instance the Principles and Guidelines Governing Democratic Elections) leaves their observance voluntary for the SADC member states.

All this leads to the second research question, which addresses factors limiting effectiveness of the SADC's peace and security architecture. First of all, as is evident, the effectiveness of the architecture is severely constrained by the inter-governmental structure of the community. Bearing in mind that the SADC encompasses several states which cannot be considered as democratic, it is rather naïve to expect that the inter-governmental SADC will be able and willing to enforce democratization process upon its member states or truly embrace human rights. This is the case especially as all decisions at the Summit level shall be taken by consensus, therefore each leader has the right to veto decisions which are in opposition to their interest. This turns out to be a significant problem of the SADC's effectiveness in providing human security to people in the region, as those who are supposed to be guards of the very principles, norms, and values of the community are not infrequently responsible for their violations. In addition, the notion of solidarity among regional leaders prevents the SADC's decision-makers from taking more decisive stands against each others. Another factor that limits security integration relates to the capacity of the SADC's member states to finance its undertakings. While the ambitions of the community are laudable, in many instances establishment of the anticipated structures is lagging behind, as it does not have the financial capacity to erect the mechanisms it envisioned within the time-frameworks it imposed upon itself. Finally, the reluctance of the community to use those few punitive measures, that the SADC had envisaged in its documents against members who do not comply with the community principles, significantly weakens its performance and leaves the community toothless.

The SADC's responses to conflicts and crises, which are at the center of interest of the third research question, have been analyzed in Chapter Six. While engagement of the community in the conflicts in Madagascar and Zimbabwe are commendable, their effectiveness is questionable. The mode of negotiations in both cases suffered from serious limitations. Not once did agreements facilitated by the SADC not become upheld or fully ignored by the parties to the conflict. Moreover, the appointment of individual negotiators by the community gives rise to many suspicions about the negotiators' impartiality. Therefore, the development of a well-functioning Mediation Unit should remain a priority for the community. Little indicates that elections in Zimbabwe (March 2013) and Madagascar (May 2013) will be conducted in a peaceful environment and in a spirit of democracy. In addition, inaction by the community in case of Swaziland severely undermines the SADC's commitment to its own principles and its credibility on the international arena. While the SADC has at its own disposition a nearly fully-fledged peace and security architecture, it still needs to work out modes of effective deployment. Nonetheless, in spite of so far unsuccessful efforts of the community to solve regional conflicts, the community still needs to be given a lot of recognition for its ability to develop one of the most advanced security architectures in the African continent.

Finally, the last question posed in this paper ponders whether the SADC exhibits any characteristics which could indicate that the organization's member states converge into being a pluralistic security community. As has been established in this research, the SADC's objectives and principles have a potential to guide the organization toward becoming a security community, which is the desired direction in which the SADC intends to proceed. An answer to this question is however rather complex. According to Adler and Barnett's conceptual framework, the SADC has attained at the very least the level of integration described by the scholars as a nascent security community, as the states of the region recognized the benefits stemming from cooperation, have expressed their intention to

cooperate, and started to develop comprehensive strategies to enhance it. In a similar vein, cooperation in the areas relating to security, as it is the case with the SADC, has been always the most delicate and confidential element of each state's politics. Therefore, this epitomizes the significant level of mutual trust among actors. The second phase of emergence of a security community assumes intensification of communication and cooperation, which takes place not only at governments' and states' elites, but also encompasses civil society actors. As has been exhibited in this thesis, the SADC is still mainly an intergovernmental organization with only little involvement from the side of civil society. One of the most important features of a fully developed security community is its ability to solve emerging conflicts in other ways than militarily. The empirical evidence bears testimony that full-blown inter-state conflicts have been absent in the region since the organization's establishment. However, the states of the region still use the military threat against one another – with Malawi and Tanzania the latest examples - to attain their political goals. Nonetheless, the main obstacle to the SADC in transforming itself into a security community is its failure to foster human security in the region. On many occasions the organization has proved that it places regime security above human security. Critically, the SADC's failure to uphold its own principles connected with promotion of democracy, human rights and legitimate state institutions, hinders the potential of the community to becoming a fully developed security community. Despite this conclusion, it should not be overlooked that due to the combined efforts of regional leaders, the SADC has managed to establish an institutional framework, which if given proper direction, might facilitate the organization's transformation into a mature security community in the future.

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EDUCATION:

- 10.2010 – 02.2013** **Master in Global Studies** (A 2-year-long research based-program centered on the social, political, economic and environmental outcomes of the current globalization processes)
- **10.2010 – 07.2011 University of Leipzig, Germany.**
Faculty of Social Science and Philosophy, Global and European Studies Institute.
 - **07.2011 – 12.2011 Stellenbosch University, South Africa.**
Department of Political Science.
 - **03.2012 – 02.2013 University of Vienna, Austria**
Faculty of Historical and Cultural Studies, History Department.
- 10.2009 – 07.2011** **Master Studies at University of Wrocław.** Faculty of Philology, Journalism and Social Communication. Specialization: Public Relations. Wrocław, Poland.
- 10.2006 – 06.2009** **Bachelor Studies at University of Wrocław.** Faculty of Philology Journalism and Social Communication. Specialization: Public Relations. Wrocław, Poland.
Graduated with BA diploma in Journalism and Public Relations.
- 02.2008 – 07.2008** **Erasmus Student Exchange Program at Istanbul University.** Department of Communication. Specialization: Public Relations. Istanbul, Turkey.
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LANGUAGES:

Polish	Native
English	Advanced, TOEFL IBT (101 points)
Turkish	Intermediate (Passive)
German	Beginner