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REGIONAL POWER POLITICS UNDER COVER OF SADC

– Running Amok with a Mythical Organ¹

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INTRODUCTION

Established for the purpose of harmonising subregional economic policies, the Southern African Development Community (SADC) has increasingly come to be regarded as a security arrangement of the type envisaged under Chapter VIII of the United Nations Charter. Over the past few years, the organisation has entered areas far removed from that of development co-ordination and facilitation, and Africa and the rest of the international community have expressed great hopes that SADC will play a major role in peacekeeping endeavours in sub-Saharan Africa.

The ambiguous nature and purpose of SADC have been exacerbated by recent initiatives aimed at rationalising the organisation to enable the more effective pursuit of its economic integration aims, and by the articulation of ambitious goals in the realm of politics, defence and security by SADC heads of state and government during 1996. However, the urgent issue of structuring the proposed SADC Organ for Politics, Defence and Security has deliberately been excluded from the agenda of subsequent SADC summits — including the latest held in Mauritius during September 1998.²

This is perhaps because the leaders of member states have been at odds over modalities for resolving the armed rebellion in one of SADC's newest members, the Democratic Republic of Congo (DRC). One camp had promoted armed intervention, while the other had insisted on a negotiated settlement. Avoiding the issue of the SADC Organ may have resulted in a polite Summit, but it prolonged the confusion about the exact nature of the Organisation as a possible multinational instrument for conflict prevention and resolution. Subsequent to the Summit — and adding to the confusion — the umbrella of SADC was [ab]used to justify South Africa's military take-over of Lesotho, ostensibly in partnership with Botswana and with a legitimate regional mandate.

Such robust interventions, of dubious international legality, should not be undertaken by an organisation that lacks any kind of coherent structure and mechanisms for dealing with collective security challenges. The aim of this paper, therefore, is to revisit the processes and events leading up to the current state of confusion, in an attempt to determine what SADC is and is not, and what should or should not be done under its auspices in the name of peace and security.

SADC AS A REGIONAL SECURITY ARRANGEMENT

Interstate security co-operation in the Southern African region dates back to the early 1970s, when the independent states of Tanzania and Zambia formed a grouping known as the Front-Line States (FLS) in order to co-ordinate their efforts for the liberation of Namibia, South Africa and Zimbabwe. As other countries in the region gained independence from colonial rule, they joined the FLS in its resistance to colonial and white rule. Upon independence in

1980, Zimbabwe joined the FLS to play a key role in the liberation of Namibia and South Africa. The FLS dealt with security issues on an informal basis, where the longest serving member acted as chairperson at joint meetings.

However, it was the resolutions and recommendations of the SADC Workshop on Democracy, Peace and Security, which was held in Windhoek from 11 to 16 July 1994, that set SADC on a course towards formal involvement in security co-ordination, conflict mediation, and even military co-operation. The Windhoek initiative was strengthened by the decision of the FLS, on 30 July 1994, to dissolve and "*become the political and security wing of SADC.*"

This notion began to take form at a January 1996 meeting in Gaborone of the SADC Ministers of Foreign Affairs, Defence and Security. The ministers agreed at this meeting to recommend to their heads of state that a SADC Organ for Politics, Defence and Security should be created, which "*would allow more flexibility and timely response, at the highest level, to sensitive and potentially explosive situations.*" This agreement, it was assumed, would allow for a permanent SADC mechanism while maintaining the flexible approach of the old FLS grouping.³

The concept of this political and security 'leg' of SADC was accepted by the SADC heads of state at the 28 June 1996 Summit in Gaborone. Indeed, the Summit proceeded to define sixteen substantive political, defence and security objectives to be pursued through the Organ.⁴ Eventually, these objectives were bound to precipitate a crisis in SADC political and security co-operation, for they signalled a need for a break with the informality of the FLS. Clearly, none of these objectives can be addressed by existing SADC structures. Thus far, the only authoritative guidelines that have emerged as an institutional framework for the pursuit of these objectives have been derived from the 1996 Summit communiqué:

- the SADC Organ on Politics, Defence and Security will operate at the summit level, and function independently of other SADC structures;
- the Organ will also operate at ministerial and technical levels;
- the chairpersonship of the Organ shall rotate on an annual and on a troika basis;
- the Inter-State Defence and Security Committee (ISDSC) will be one of the institutions of the Organ; and
- the Organ may establish other structures as the need arises.

The recent controversial actions of SADC member states in the DRC and Lesotho indicate that the creation of a mechanism and process for the continuing prevention, management and resolution of conflicts is overdue. There is also a need to place the present activities of the ISDSC and the Southern African Regional Police Commissioners Co-operation Organisation (SARPCCO)⁵ within a rational framework for the pursuit and co-ordination of the political and security objectives stipulated in the SADC Treaty and refined at the 1996 Gaborone Summit. However, proposals on structuring the Organ in line with a 'two-legged', or 'triangular' SADC (meeting at the summit level, but organisationally totally divergent at lower levels) have encountered considerable resistance — notably from the incumbent chair of the Organ.

Member states have been deadlocked on the conflicting views on structuring the Organ put forward by two key players. The South African point of view sees the legal basis of the Organ deriving from Article 10 of the SADC Treaty, which states, among others, that:

- the Summit shall consist of the heads of state or government of all member states, and shall be the supreme policy-making institution of SADC;
- the Summit shall be responsible for the overall policy direction and control of the functions of SADC;
- the Summit shall elect a chairperson and a vice-chairperson of SADC from among its members for an agreed period, on the basis of rotation; and
- the Summit shall decide on the creation of commissions, other institutions, committees and organs as the need arises.

According to this interpretation, the Treaty makes no provision for a SADC Organ Summit that is separately constituted, under separate chairpersonship, and with a mandate separate to that of SADC proper.

On the other hand, Zimbabwe believes that it is entirely possible for the Organ to function

under a separate chair. The idea is to run the Organ on the same 'flexible and informal' basis as the FLS operated prior to the ending of apartheid rule in South Africa. This implies that the Organ, in fact, would operate in parallel to SADC, but it would not be based on the type of firm legal principle that is required for intervening in conflicts.

The tensions between these opposing viewpoints came to a head at the 1997 SADC Summit, which was held on 8 August in Blantyre, Malawi. This Summit was shrouded in controversy that was created by media reports which intimated that Presidents Mandela and Mugabe were at loggerheads as to the future development of the Organ, and that Mandela had threatened to take South Africa out of SADC if he did not get his way on the issue. While such reports were obviously exaggerated, they did sound a clear warning that the Organ has the potential to become a source of conflict, rather than an instrument for its prevention, management and resolution.

Nevertheless, the Summit *"reaffirmed the importance of the Organ as a vehicle for strengthening democracy in the region and co-operation in defence and security matters"*, without any further reference to the way in which this instrument should be organised and structured.⁶ The matter of structuring the Organ was postponed until a further extraordinary meeting of SADC leaders, to be held in Luanda during September 1997 — a meeting which never took place, since the war, by then, had re-started in Angola.

The issue of the Organ was raised once again during an extraordinary meeting of the SADC heads of state held in Maputo on 2 March 1998. However, no decision was taken. Mozambican President Joaquim Chissano (deputy chairperson of SADC) said that the meeting had avoided taking any decision, as a thorough study of the matter was required. He announced that a working group comprising the leaders of three SADC states (Mozambique, Malawi and Namibia) would discuss in detail how to *"better define the very concept of a defence and security organ and its relationship with SADC."*⁷

This task was not as daunting as it seemed — if viewed in isolation from regional jealousies and power plays. For example, the model proposed by the Institute for Security Studies in 1997 provides a useful basis for discussion, as do comparable security arrangements from other subregions of the world.⁸ More pertinent, and certainly very obvious, is the example provided by the existence of the Organisation of African Unity's Central Organ for Conflict Prevention, Management and Resolution.

The Central Organ of the OAU is a body of member states that provides political direction for and oversight over the Mechanism for the Prevention, Resolution and Management of Conflicts. The Central Organ gives operational counsel and legal authority to the Secretary General, in much the same way as the UN Security Council does for the UN Secretary-General. Its responsibilities include:

- the anticipation and prevention of conflicts (as a primary objective);
- undertaking peacemaking and peace-building functions in circumstances where conflicts have occurred; and
- mounting and deploying civilian and military missions of observation and monitoring.

The Central Organ consists of the members of the Bureau of the OAU Assembly of Heads of State and Government, who are elected annually in terms of the OAU's principles of equitable regional representation and rotation. The current chairperson, the outgoing chairperson and the incoming chairperson (the so-called troika) are also members of the Central Organ. The current chairperson of the OAU, i.e. the chairperson of the Assembly of Heads of State and Government, is also the chairperson of the Central Organ. The Secretary General and the Conflict Management Division function as the Central Organ's operational arm.

The Central Organ functions at three levels: heads of state and government, ministers, and ambassadors. The Central Organ is supposed to meet once a year at the level of heads of state and government, twice a year at ministerial level (ministers of Foreign Affairs), and at least once a month at ambassadorial level. The increasingly frequent contact at ambassadorial level is deemed essential to the functioning of the Central Organ.⁹

At present, there is little similarity between the OAU Organ and the direction in which the

SADC Organ seems to be headed — aside for the same unfortunate name. This promises to make co-operation in the realm of conflict resolution between the OAU and SADC extremely difficult. Nor is there any indication that the committee of leaders of the three SADC member states, appointed in Maputo on 2 March 1998, have made meaningful progress, beyond delegating the task to their ministers of Foreign Affairs. On 8 May 1998, Mozambique convened a SADC Organ Ministerial Meeting, which was held at Pequenos Libombos Dam outside Maputo. The purpose of the meeting was for the foreign ministers of Mozambique, Malawi and Namibia to *"put forward some recommendations on the proposed form and structure of the SADC Organ."*¹⁰

DANGEROUS DIRECTIONS

The deliberations and recommendations of the meeting of foreign ministers provide valuable insight into the potential that SADC has to become an active intergovernmental security organisation with the self-appointed power to authorise military interventions. Importantly, the meeting *"... took into account the fact that the creation of the SADC Organ had been delayed for almost two years since a decision to create one was made by the Gaborone SADC Summit on 28 June 1996."* This is a clear admission that the Organ does not yet exist. It also implies that the legitimacy of any agreements made or actions undertaken under the auspices the SADC Organ is dubious.

The tragedy of the Pequenos Libombos recommendations is that they amount to a ham-fisted effort at steering a middle road between the positions of South Africa and Zimbabwe. Like the proverbial horse designed by a committee, the results are rather ugly. If the ministers' recommendations ever become a reality, the SADC Organ is set to be a clique of rulers with supranational powers to meddle in the affairs of others. For example, the ministerial meeting agreed to recommend to the committee of the heads of the three member states that, *"the SADC Organ on Politics, Defense and Security should be created as a Committee comprising five SADC member states"* and that this Committee *"would be given full mandate to intervene in all conflicts arising within the region."*

The ministers went on to reason that, *"... a small committee would operate more efficiently because it would be flexible and could easily meet at short notice to take appropriate decisions. Second, it would be possible to keep such sensitive information confidential to avoid leakage."* The interventionist nature of the envisioned Organ becomes positively dictatorial with this notion that its decisions will be taken at short notice and be based on 'flexibility', with little deference to the norms, standards and procedures of international law. When combined with an emphasis on 'confidentiality', all the existing Organ objectives relating to democracy, transparency, good governance and the rule of law, become deeply distressing.

The existing SADC Summit of heads of state and government, in effect, would be subordinated to an Organ whose decisions, according to the ministers' recommendations, will *"... not be vetoed upon but could be modified or improved by the SADC Summit to facilitate quick resolution of any conflict or tension. In this regard, a link would be established between the SADC Summit and the SADC Organ."* The supposed link would be tenuous at best, with the SADC Summit merely 'rubber-stamping' decisions taken by the executive clique of five in the Organ.

Below the level of Chief Executive, the foreign ministers' (surprisingly) recommended what amounts to a perpetuation of the present situation where political decisions are made by the securocrats. They suggested that, *"[t]he Ministers of Defense, Home Affairs and Security should continue to operate as the Inter State Defense and Security Committee (ISDSC). The Organ may ask the ministers of Foreign Affairs to assist in its activities when the need arises."* There would obviously be little room for 'diplomatic solutions' to conflict situations in an organisation where a trip-wire committee of chief executives consorts almost exclusively with the generals on matters of security and conflict management.

The dismal picture of the proposed Organ becomes even darker with the recommendation that there *"shall be no permanent secretariat for the SADC Organ."* If there is no permanent secretariat, there can be no secretary-general, no multinational staff, no continuity, and no

means of effectively implementing decisions that go beyond impetuous military interventions decided upon by individual presidents in their capacity as Commanders in Chief of their armed forces.

On the frequency of meetings, the committee of ministers recommended that the "SADC Organ may meet at any time depending on the circumstance since conflicts are unforeseeable and may occur at anytime." Once again, the emphasis is on the need for *ad hoc* crisis management, implicitly with the aid of the blunt military instrument. It is only with regular and frequent meetings at a number of levels that an identity, unity of purpose, and constructive programmes for conflict prevention and management become possible.

The committee concluded with a statement that their proposals "... largely represent a compromise between the different perspectives held by member states of SADC." This says it all. The development (or lack thereof) of a meaningful subregional security architecture continues to be based on compromise rather than on logic or principle. At this stage, it is unclear whether or not the ministers' recommendations were approved by the committee of three heads of state and government, in anticipation of the September 1998 SADC Summit. It matters little anyway, for the pressing issue of the Organ was kept off the agenda.

Nevertheless, in the final communiqué of the Summit, a third of the items were devoted to issues of a political and security nature (the other two-thirds were split between procedural/protocol items and those pertaining to economic/ development issues). But the discussions and resolutions were extremely shallow. For example, despite the ongoing conflict in Angola and the regional war in the DRC, the Summit "expressed satisfaction over the predominantly peaceful atmosphere of political stability prevailing in Southern Africa."¹¹

It almost seems as if SADC leaders were wishing the harsh realities of the subregion would disappear. However, as the Summit progressed, it became patently obvious that these leaders were also willing to condone and even praise military intervention by certain SADC member states in the affairs of other member states.

'BACKYARD PEACEKEEPING' UNDER SADC AUSPICES

When war broke out again in the Congo in August 1998, South Africa remained aloof from the fray, with SADC chairperson Mandela espousing the need for dialogue and a negotiated settlement to the conflict. On the other hand, the appointed chairperson of the SADC Organ, Zimbabwe's Robert Mugabe, had been the first to defend Kabila's regime with military forces. Angola, fighting its own rebels who use Congo's territory, soon followed suit, as did neighbouring Namibia. The involvement of the three SADC states was endorsed at a meeting of SADC defence ministers in Harare on 18 August 1998.

This commitment to the defence of Congo's territorial integrity stands in sharp contrast to the events of last year. When Rwanda initiated a seven-month military campaign to overthrow dictator Mobutu Sese Seko, no African leader spoke of stopping the *coup*. Since his victorious march into Kinshasa, however, Kabila has squandered much of his credibility.¹² Some would argue that his regime has been little different to that of Mobutu.

Nevertheless, in the wake of the Harare meeting of defence ministers, Mugabe claimed that the fourteen countries belonging to SADC had come to a 'unanimous' decision to help Kabila. Mandela publicly reprimanded Mugabe for his inflammatory talk, and called upon SADC countries rather to work towards a peaceful settlement. An emergency summit of SADC leaders was convened in Pretoria on 23 August 1998. The leaders present decided to confirm their recognition of the legitimacy of the government of the DRC and to call for an immediate cease-fire, to be followed by political dialogue on a peaceful settlement to the crisis.

On 3 September, however, President Mandela surprised observers by announcing at a press conference that SADC had unanimously supported the military intervention by its member states in the DRC.¹³ While this turn-around may have been designed to present a façade of subregional unity, there may also have been an expectation of reciprocity should South Africa ever overstep the mark. Whatever the reasons, the Durban announcement paved the way for a diverse series of regional meetings, involving both SADC and non-SADC players, that were

intended to halt the conflict in the DRC.¹⁴ No progress was made, however, before the 18th SADC Summit of Heads of State and Government held in Mauritius on 13 and 14 September 1998.

The Summit *"welcomed initiatives by SADC and its Member States intended to assist in the restoration of peace, security and stability in DRC, in particular the Victoria Falls and Pretoria initiatives."* Importantly, the SADC leaders *"... commended the Governments of Angola, Namibia and Zimbabwe for timeously providing troops to assist the Government and people of DRC ..."*¹⁵ Shortly afterwards, military forces from at least ten countries and three subregions of Africa began mobilising for a major battle in the eastern part of the DRC.¹⁶ However, media attention had been diverted from the potential horrors of an imminent interregional armed conflagration by another 'SADC' attempt at conflict resolution.

On 22 September 1998, a 600-strong South African military task force entered Lesotho, ostensibly to assist the Lesotho government in restoring law and order following election-related unrest. Although official South African National Defence Force (SANDF) communications stressed that this was a combined military task force, consisting of Botswana Defence Force (BDF) and SANDF elements, it was not before nightfall on 22 September that about 200 BDF troops arrived in Maseru. This was after the SANDF had been engaged, throughout the day, in combat operations against the Royal Lesotho Defence Force (RLDF).¹⁷

With downtown Maseru in ruins, the South African government insisted that the military intervention was not an invasion, and that it had been in response to a written invitation by Lesotho's Prime Minister and Head of Government, Pakalitha Mosisili. The invitation to send troops was apparently also extended to Botswana, Mozambique and Zimbabwe. The South African government was also at pains to insist that the intervention was requested by Lesotho in accordance with SADC agreements, and was thus undertaken under the auspices of SADC.¹⁸ From the beginning, most South African media reports also portrayed the intervention unquestioningly as a SADC initiative that was executed by *"SADC troops."*

A meeting between South African Minister of Safety and Security, Sydney Mufamadi and 'representatives' from Botswana, Mozambique and Zimbabwe on 21 September had reportedly *"confirmed the SADC mandate that action, including military intervention, would be taken in the event of a coup in Lesotho."*¹⁹ While the situation in Lesotho may have approximated a *coup* or imminent *coup*, the only authoritative SADC pronouncement on the situation had been the SADC Summit's expression of concern *"... at the civil disturbances and loss of life following the recent elections in Lesotho..."*, and of praise for the *"... mediation initiative led by the South African Government, which resulted in the setting up of a SADC Committee of Experts to investigate the validity or otherwise of allegations that the elections were fraudulent."*²⁰

During the Summit, President Mandela also asked Mozambican President Joaquim Chissano to mediate further in the Lesotho unrest.²¹ It is hard to imagine how this was translated into a SADC mandate for a peace operation that resembled a military invasion and occupation of the Kingdom of Lesotho.

MANDATES AND MYTHS

Any justification for a military intervention on the grounds that it is in the interests of peace must proceed from the assumption that this cannot be contradictory to the purpose and principles of the United Nations, as articulated in the UN Charter. Article 24 confers upon the UN Security Council primary responsibility for the maintenance of international peace and security, and directs even this august body to act in accordance with the stated purposes and principles of the UN, and according to the specific powers granted in Chapters VI, VII, and VIII of the Charter.

Chapter VI deals with 'The Pacific Settlement of Disputes'. It emphasises the primacy of negotiation, mediation, conciliation and arbitration, judicial settlement or any other means for the peaceful settlement of disputes. Chapter VI makes no provision for unsolicited intervention. It merely empowers the Security Council to determine which disputes, if allowed

to continue unresolved, would endanger peace and security, and to recommend 'appropriate' measures to resolve such disputes. Peaceful military intervention, or peacekeeping operations, can only be authorised under Chapter VI with the consent of the parties directly concerned with a conflict.

The UN Charter was drafted with the view to regulate relationships among its members, i.e. independent states. It granted equal status to all members, and assumed that states would continue to be the primary and sovereign actors in international relations. It does not contain provisions whereby *"the Security Council or General Assembly may relate to non-state agencies such as liberation movements, communal minorities, or political parties."*²² However, while Article 2 (7) states that *"[n]othing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state ..."*, it goes on to add that *"... this principle shall not prejudice the application of enforcement measures under Chapter VII."*

Chapter VII deals with 'Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression'. It empowers the Security Council to decide on measures to be taken to restore peace (implicitly, once a dispute has degenerated into armed conflict and has been identified by the Security Council as a threat to the peace, breach of the peace, or act of aggression). Chapter VII is essentially coercive. Through Chapter VII the UN Security Council is empowered to investigate alleged violations and then determine measures to be taken against the states concerned. These measures can include political and economic pressure, as well as the use of force (Article 42). However, the Security Council has no forces of its own, and has to rely on contributions by UN member states. The UN Charter also allows member states to form subordinate groupings in order to assist with the maintenance of peace and security.

Chapter VIII deals with 'Regional Arrangements'. Article 52 (1) states that, *"[n]othing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations."*

Unfortunately, the UN Charter does not provide a precise definition of regional arrangements and agencies, or guidelines for their structure. Article 53 does refer to enforcement action by regional bodies, but it clearly states that *"... no enforcement action shall be taken under regional arrangement or by regional agencies without the authorisation of the Security Council ..."*

Of course, the existence of the UN Charter has not prevented nations and subnational actors from going to war with one another. However, it does serve to demarcate the limits of third party military intervention. While SADC is commonly accepted as a 'regional arrangement or agency' that may deal with matters related to the maintenance of peace and security, it is patently clear that it may not undertake any military enforcement action without the specific authorisation of the Security Council.

Ironically, the myth that the military interventions of SADC member states in the DRC and Lesotho are multinational peace operations has been given some credibility by a number of Western initiatives aimed at creating an indigenous peacekeeping capacity in Africa and Southern Africa. Moreover, UN Secretary-General Kofi Annan has admitted that, *"[t]he United Nations does not have, at this point in its history, the institutional capacity to conduct military enforcement measures under Chapter VII. Under present conditions, ad hoc Member States coalitions of the willing offer the most effective deterrent to aggression or to the escalation or spread of an ongoing conflict."*²³

Thus, despite the failures of UN peace enforcement in places such as Bosnia and Somalia, there is a perceived utility in enforcement operations within the context of civil wars that threaten the stability of a particular region. As Corum puts it: *"Regional organisations and coalitions, due to their greater familiarity with conflicts in their own area and their clear national interest in maintaining regional stability, are better motivated to employ force when*

necessary. The UN and United States ought to provide diplomatic support to such operations and, when necessary, aid and financial support. The UN can contribute more effectively to peace by entering conflict as an observer or peace keeper after regional intervention has compelled stability."[24](#)

Substantial and forceful missions have indeed been conducted by the Economic Community of West African States (ECOWAS) in West Africa, by the Commonwealth of Independent States (CIS) in the territories of the former Soviet Union, and by the North Atlantic Treaty Organisation (NATO) in the former Yugoslavia. In 1997, a 6 000-strong Italian-led multinational force intervened in the civil turmoil in Albania, with a Chapter VII Security Council mandate to deliver emergency humanitarian aid. Similarly, on 6 August 1997, the Security Council retrospectively provided a Chapter VII mandate for the 800-member Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB) in the Central African Republic (CAR).[25](#)

All these regional or alliance interventions have been far more controversial than 'traditional' UN peacekeeping operations — not least because UN member states are not assessed for any portion of the mission costs, which must be borne by participating countries. However, these operations have all been legitimised in one way or another by the UN Security Council. In some cases, such as the interventions in Albania and CAR, a simple Security Council resolution was sufficient. In others, such as the ECOWAS Monitoring Group (ECOMOG) in Liberia and the CIS in Georgia, the UN deployed an Observer Mission alongside the regional force.

Without debating the merits or dangers of regional peace enforcement operations, suffice it to say that such undertakings are extremely expensive and risky, and that they cannot be contemplated without UN authorisation. Perhaps the confusion about what SADC may or may not mandate in terms of peace operations, arises from the over-ambitious and potentially intrusive objectives that were set for the SADC Organ on Politics Defence and Security — and the lack of appropriate structures and procedures for pursuing these objectives.

According to Article 3 of the SADC Treaty, "*SADC shall be an international organisation, and shall have legal personality with capacity and power to enter into contract, ... [and] such legal capacity as is necessary for the proper exercise of its functions.*" This legal status does not cover the recent military antics of SADC member states, that seem destined to eclipse the meaningful pursuit of the economic development aims of SADC, as well as those dedicated to the peaceful resolution of disputes.

CONCLUSION

The recent military interventions by SADC member states in the DRC and Lesotho are a serious cause for concern. The governments of SADC member states have sent a message to the world that Africans prefer different, more brutal methods for dealing collectively with conflict than those accepted by the UN. Another worrisome aspect for the leadership of both South Africa and Zimbabwe is that the constitutionality of their respective military interventions has been called into question by the citizenry. In both countries, the constitution allows for foreign military intervention only to satisfy an international obligation.

The interventions in the DRC and Lesotho have highlighted the fact that there is a great deal of confusion about what may or may not be legitimately accomplished in the realm of conflict resolution under the auspices of SADC. And there is even greater confusion about when SADC is acting in concert, and when one or two member states act unilaterally and then claim to be acting on behalf of SADC. If regional co-ordination is to result in a legitimate instrument for conflict management under Chapter VIII of the UN Charter, a firm but flexible legal structure is needed.

The legal basis for delegating responsibilities for the maintenance of peace and security in Southern Africa to SADC remains extremely vague, and the legality (or lack thereof) under the SADC Treaty of the Organ for Politics, Defence and Security, remains a major point of contention among member states. It would thus appear that the negotiation of a completely new treaty defining the modalities for security co-operation has become an urgent

requirement.

In the process, the leaders of Southern Africa should be mindful of the Cairo Declaration of 1993, which stipulated that the OAU Mechanism would have the anticipation and prevention of conflicts as a primary objective — not that of forceful conflict resolution. They should reaffirm the obligations of all UN member states to settle their disputes by peaceful means and acknowledge the primary responsibility of the Security Council for the maintenance of international peace and security in accordance with the UN Charter.

When forceful collective intervention is required in the name of peace, it should be based on the greatest possible measure of regional consensus, and it must be predicated upon an authorising resolution of the UN Security Council. Failure to meet these standards will prolong the embarrassment created by a fictitious Southern African mechanism for dealing with issues of politics, defence and security.

ENDNOTES

1. This paper is published in accordance with the aims and objectives of 'Training for Peace in Southern Africa', a project funded by the Royal Norwegian Government and executed in partnership with the African Centre for the Constructive Resolution of Disputes (ACCORD) and the Norwegian Institute for International Affairs (NUPI).
2. *Final Communiqué of the 1998 SADC Summit of Heads of State and Government*, Grand Baie, Republic of Mauritius, 19 September 1998.
3. For a more detailed exposition of the institutional developments preceding the Gaborone meeting of 18 January 1996, see J Cilliers, *The Evolving Security Architecture in Southern Africa*, [African Security Review, 4\(5\)](#), 1995.
4. Among others, the Organ is to "co-operate fully in regional security and defence through conflict prevention management and resolution" and to "develop a collective security capacity and conclude a Mutual Defence Pact for responding to external threats, and a regional peacekeeping capacity within national armies that could be called upon within the region, or elsewhere on the continent." *SADC Summit Communiqué*, Gaborone, 28 June 1996.
5. The Inter-State Defence and Security Committee (ISDSC) is composed of a ministerial council with three subcommittees each on defence, security and intelligence. Below the level of the three subcommittees there are three functional committees: the Operations Subcommittee, the Standing Maritime Committee and the Standing Aviation Committee. The ISDSC has no permanent structure, but meets on a rotational basis in the various SADC countries and is chaired by the ministers of Defence of the various SADC countries, also on a rotational basis. The Southern African Regional Police Commissioners Co-operation Organisation (SARPCCO) was established on 2 August 1995 at a meeting of police commissioners of eleven of the (then twelve) SADC countries. Real co-operation among the police services takes place under the auspices of SARPCCO, with its permanent secretariat in Harare, rather than under the ISDSC's sub-committee on security.
6. *Final Communiqué of the 1997 SADC Summit*, Blantyre, Malawi, 8 August 1997.
7. PANA, 3 March 1998.
8. See M Malan & J Cilliers, *SADC Organ on Politics, Defence and Security: Future Development*, [ISS Papers, 19](#), March 1997; and M Malan, *SADC and Sub-Regional Security: Unde Venis et Quo Vadis?*, [ISS Monograph Series, 19](#), Institute for Security Studies, Halfway House, February 1998.
9. C de Coning, *The Role of the OAU in Conflict Management in Africa*, in M Malan (ed.), *Conflict Management, Peacekeeping and Peacebuilding: Lessons for Africa from a Seminar Past*, [ISS Monograph, 10](#), Institute for Security Studies, Halfway House, April 1997.
10. This and all subsequent quotations in the following section are drawn *verbatim ad literatum* from an unpublished *Report on the Ministerial Meeting of the SADC Organ on Politics, Defence and Security*, Maputo, 8 May 1998.
11. *Final Communiqué of the 1998 SADC Summit*, op. cit.
12. L Santoro, *Africa's Domino Rebellion*, *Christian Science Monitor*, 21 August 1998.
13. *UN Integrated Regional Information Network (IRIN) for Central and Eastern Africa*, Update, 494, 3 September 1998.

14. R Cornwell & J Potgieter, *Foray Lacks Clear Doctrines*, The Star, 23 September 1998.
15. *Final Communiqué of the 1998 SADC Summit of Heads of State and Government*, 19 September 1998, op. cit.
16. On 26 September 1998, the 'SADC allied forces commander', Major General Michael Nyambuya of Zimbabwe, reportedly said he was planning a SADC forces offensive into Eastern Congo. *SADC Forces Take Offensive to Eastern Congo*, PANA, 28 September 1998.
17. SANDF Communication Bulletin, 57/98, 22 September 1998.
18. Ibid.
19. R Hartley, *11 Days that Led to War*, Sunday Times, 27 September 1998.
20. *Final Communiqué of the 1998 SADC Summit*, op. cit.
21. *Chissano to Mediate in Lesotho*, PANA, 15 September 1998.
22. S Bailey, *The United Nations and the Termination of Armed Conflict 1946-1964*, International Affairs, Summer 1992, p. 469.
23. *UN Report on Reform*, 16 July 1997, <www.un.org/reform/track2/part2.htm>
24. J S Corum, *Operational Problems in Peacekeeping and Humanitarian Operations*, in J Cilliers & G Mills (eds.), *Peacekeeping in Africa*, IDP and SALLA, Johannesburg, 1995, p. 132.
25. The force, which had been operating without international approval since early 1997, consisted of voluntary troop contributions by Burkina Faso, Chad, The Gabon, Kenya, Senegal, and Togo. Under Chapter VII of the UN Charter, MISAB was entitled to use force in order to implement its mandate, which included the disarmament of rebellious factions of the CAR military.