THE ROLE OF SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) IN CONFLICT RESOLUTION IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC) 1998-2003: 'AN APPRAISAL'

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DECLARATION

I, Ntumba Kapinga, declare that, "**THE ROLE OF SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) IN CONFLICT RESOLUTION IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC) 1998-2003: AN APPRAISAL"** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

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ABSTRACT

Situated at the heart of Africa, the DRC has been transformed into a battlefield where several African states and national armed movements are simultaneously fighting various wars. In order to achieve peace, security, and stability in the DRC, SADC intervened with the international collaboration of the UN and AU. The aim of this dissertation is to investigate SADC's role in the DRC conflict resolution process from 1998 to 2003. A qualitative research method has been chosen and two theories, namely New Institutionalism theories and Rupesinghe's model of conflict transformation were adopted. The research concludes that SADC military and diplomatic efforts to end the war have been positive. It is true that violence continues and peace remained fragile, but the conflict had ended. The weakness of the DRC government has allowed continued violence. As an organisation of states, SADC has not been able to do anything about this fragility.

Key terms: conflict; conflict resolution; DRC; mediation; military intervention; New Institutionalism Theories; peace; security; Rupesinghe's model of conflict transformation; SADC.

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ACRONYMS

ADF	Allied Democratic Forces
ADP	People's Democratic Alliance
AEC	African Economic Community
AFDL	Alliance of Democratic Forces for the Liberation of Congo
ALIR	Rwanda Liberation Army
AMF	American Mineral Fields
ANC	Congolese National Army
APSA	Africa Peace and Security Architecture
ASAS	Association of Southern African States
ASEAN	Association of South-East Asian Nations
ASF	African Standby Force
AU	African Union
CAR	Central African Republic
CCR	Centre for Conflict Resolution
CHOGM	Commonwealth Heads of Government Meeting
CNRD	National Council for Resistance and Democracy
CNS	Sovereign National Conference
COM	Council of Ministers
CPP	Comites de Pouvoir Populaire /Popular
DDR	Disarmament, Demobilisation and Reintegration
DRC	Democratic Republic of Congo
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
EWS	Early Warning System
FAC	Congolese Armed Forces
FAZ	Zairian Armed Forces
FDD	Forces for Defence of Democracy
FDL	Forces for Defence Local
FDLR	Democratic Forces for the Liberation of Rwanda
FLS	Frontline States

FNL	National Liberation Forces
FRELIMO	Front for the Liberation of Mozambique
GPA	Global Political Agreement
HI	Historical Institutionalism
ICD	Inter-Congolese Dialogue
ISDSC	Inter-State Defence and Security Committee
ISPDC	Inter-State Politics and Diplomacy
JMC	Joint Military Commission
LCA	Lusaka Ceasefire Agreement
LRA	Lord's Resistance Army
MDP	Mutual Defence Pact
MLC	Movement for the Liberation of Congo
MPLA	Popular Movement for the Liberation of Angola
MRLZ	Revolutionary Movement for the Liberation of Zaire
NATO	North Atlantic Treaty Organisation
NGOs	Non-Governmental Organisations
NIT	New Institutionalism Theories
OAS	Organisation of American States
OAU	Organisation of African Unity
OPDSC	SADC Organ on Politics, Defence, Security and Cooperation
OSCE	Organisation for Security and Cooperation in Europe
PLANELM	Planning Element
PRP	People's for Revolutionary Party
PSC	Peace and Security Council
PSC	Protracted Social Conflicts
RCD	Congolese Rally for Democracy
RCD-ML	RCD-Liberation Movement
RCD-N	RCD-National
RCI	Rational Choice Institutionalism
RDF	Rwandan Defence Forces
REC's	Regional Economic Communities
RENAMO	Mozambican National Resistance

RISDP	Regional Indicative Strategic Development Plan
RPTC	Regional Peacekeeping Training Centre
SA	South Africa
SADC	Southern African Development Community
SADC OPDS	Organ on Politics, Defence and Security
SADC-AAF	SADC Allied Armed forces
SADCBRIG	SADC Standby Brigade
SADCC	Southern African Development Coordination Conference
SADCPOL	SADC Police
SI	Sociological Institutionalism
SIPO	Strategic Indicative Plan of the Organ
SNC	SADC National Committees
SPLA	Sudanese People's Liberation Army
SSF	SADC Standby Force
UDPS	Union for Democracy and Social Progress
UN	United Nations
UNITA	National Union for the Total Independence of Angola
UNSC	United Nations Security Council
US	United States
WNBF	West Nile Bank Front

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CHAPTER 1

INTRODUCTION TO THE STUDY

1.1   INTRODUCTION

The Southern African Development Community (SADC) originally founded in 1980 as the Southern African Development Coordination Conference (SADCC) to promote regional integration and reduce economic dependence on apartheid South Africa, was transformed into SADC in 1992 (Omeje 2008:84). SADC is a sub-regional integration organisation composed of 15 members[1] that have great differences in cultural, ethnic and colonial backgrounds. They also differ in terms of their political structures and economic developments. The founding treaty signed in 1992 in Windhoek (Namibia) states in its article 5 that one of the objectives of SADC is to promote and defend peace and security in the sub-region (SADC treaty 1992).

SADC is a subsidiary body of the African Union (AU), which derive a security mandate from chapter VIII of the United Nations (UN), which gives regional organisations the right to carry out activities such as preventive diplomacy, peacekeeping, peacemaking and post-conflict reconstruction in terms of both Chapter VI and Chapter VII, including the right to utilise force in the resolution of conflicts, although only subject to mandate by the UN Security Council (Cawthra 2010:10).

When Boutros Boutros-Ghali, the then United Nations Secretary-General, presented his report, "An Agenda for Peace" (Boutros-Ghali 1992), he supported a greater role for regional organisations in preventing and resolving regional conflicts, partly on the assumption that regional states know their regions best and partly as a form of burden-sharing. Cilliers (1999:27) also argues that "a greater role for sub regional organisations is that they are closer to a conflict and therefore more familiar with local conditions. An

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[1] The members of SADC are Angola, Botswana, the Democratic Republic of Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

organisation such as SADC or ECOWAS should therefore have a comparative advantage to play the lead role in the termination of such conflict''.

In addition, Cawthra and Van Nieuwkerk (2004:9) point out that "the Southern African region has extensive experience of external involvement in promoting violent conflict and other threats to its security. The region's history speaks of colonialism and apartheid, liberation struggles, civil wars, secessionist wars, mutiny, election disputes, ideological and proxy wars. Indeed, the region has provided terrain for the superpowers to engage each other during the Cold War era. In the post-Cold War period, it is clear that global actors have maintained a presence, pursuing mainly economic and donor interests.

Baregu (2003:19) also states that SADC region is defined and structured by a history of conflicts. Therefore, SADC has not hesitated to play a conflict resolution role in the sub-region. It has been partially active in conflict resolution, mainly through the appointment of mediators (either typically serving or by retired African presidents) and was active in attempting to resolve the crises in countries such as Angola, Lesotho, Zimbabwe and the Democratic Republic of Congo (DRC). These interventions have been met with very mixed results at best (SADC intervention did not reach the expected results yet, but it has not failed) (Cawthra 2010:10).

However, it is argued that Southern African peace and security have deteriorated rapidly (Solomon 1998:385). The region as a whole faced many violent conflicts in the period between 1995 and 2003, specifically in countries such as Angola, DRC, Lesotho, Namibia, Malawi, Zambia, Tanzania and Zimbabwe (Nathan 2006:611). Characterised by Kaldor (1999) as "new wars", these conflicts have complex causes rooted in history, political, economic, domestic governance and international relations. They have a negative impact on the socio-economic development of the region.

In this regard, SADC leadership realised that peace and security is the prerequisites for economic integration and development in the sub-region and agreed at the Summit held at Gaborone in June 1996 to establish the SADC Organ on Politics, Defence and

Security (OPDS). The Organ is responsible for promoting peace and security in the region. It has a co-operative mechanism for collective security and peace to deal with conflict at the regional and international levels. However, the Summit Communiqué did not explicitly specify whether the OPDS was a SADC body or not. It states that the mechanism operates at the summit, ministerial and technical levels and functions independently of other SADC structures and would incorporate the Inter-State Defence and Security Committee (ISDSC) of the Frontline States (FLS) (SADC communiqué 1996). This presupposed that SADC has two chairpersons, one for SADC as regional body and the other for the OPDS.

This mechanism never became operational (Malan 1998:3) and a variety of problems erupted. The chairing of the Organ, the permanence of that position and its status vis-a-vis SADC became hotly contested issues. However, two years after its establishment, the OPDS militarily intervened in Lesotho and DRC in 1998. Furthermore, these interventions have shown a lack of co-operation between SADC and its OPDS in the matter of resolution of conflict. The matter was only resolved at Maputo Summit, in August 2001, with the adoption of a protocol in which it was made clear that the OPDS should function as a SADC substructure and report to the Summit. SADC OPDS was transformed into the SADC Organ on Politics, Defence, Security and Cooperation (OPDSC) (Isaksen and Tjonneland 2001:6).

The DRC is a SADC's member state and one of the organisation's most resource-rich members. It is located in Central Africa and is one of the largest countries in Africa, with a population[2] of nearly 77.4 million in 2014 and nine neighbouring states namely Angola, Burundi, Central African Republic (CAR), Congo Brazzaville, Rwanda, Sudan, Tanzania, Uganda, and Zambia. Since Congo gained its independence from Belgium on 30 June 1960, its history has been marked by instability. Mkandawire quoted in Mangu (2003:159) sums up the history of Congo in an alarming manner, "the political and constitutional history of the Congo has been repeating itself in a vicious cycle of coups

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[2] U.S. Census Bureau, International Data Base.

and counter-coups, rebellions, mutinies, round-tables, unconstitutional regimes, all unfolding simultaneously as both tragedy and farce".

A military coup d'état in 1965 by colonel Joseph Desire Mobutu supported by the Western nations, specially Belgium, France and the United States(US) ushered in three decades of autocratic, corrupt rule and collapse of state institutions. Mobutu was ousted by an armed movement led by Laurent Desire Kabila with significant support from neighbouring countries such as Rwanda, Uganda and Burundi. From the assault on Mobutu's regime, the DRC has witnessed three wars. The first Congo war started in 1996, the second war began in August 1998 and finally, the third war exploded in 2004.

The first Congo war started in 1996 and ended in 1997. During this period the Democratic Republic of Congo was engulfed in what was called "a war of liberation" which toppled the Mobutu regime. By 1996, the civil war in neighbouring Rwanda had spilled over into Zaire [3](now DRC). Rwandan Hutu militia forces, commonly known as Interahamwe, who fled Rwanda following the ascension of a Tutsi led government, had been using Hutu refugee camps in eastern Zaire as bases for incursion against Rwanda. These Hutu militia forces soon allied with the Zairian Armed Forces(FAZ) to launch a campaign against Congolese ethnic Tutsis in eastern Zaire(Turner 2007:124).

In order to deal with this security threat, a coalition of Rwandan and Ugandan armies invaded Zaire under the cover of a small group of Tutsi militia which undertook to fight the Hutu militia, overthrow the government of Mobutu and ultimately control the mineral resources of Zaire. They were soon joined by various Zairean politicians, who had been unsuccessfully opposing the dictatorship of Mobutu for many years and now saw an

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[3] Zaire was named by the President Mobutu on 27 October 1971. The DRC is the name of the nation that was a Belgian Colony from 1885 to 1960. The country was formerly, called, the Congo Free State, Belgian Congo, the DRC and Zaire, then again DRC. Although these names indicate that the DRC has undergone many changes in terms of players and goals, change and continuity have coexisted, and both forces have simultaneously exerted their influence on the political landscape of Congo (Kisangani 2012:11).

opportunity for them in the invasion of Zaire by two of the region's strongest military forces (Reyntjens 2010).

This new expanded coalition of two foreign armies and some long time opposition figures, led by Laurent-Desire Kabila, became known as the Alliance of Democratic Forces for the Liberation of Congo (ADFL, Alliance des Forces Démocratiques pour la Libération du Congo, AFDL). They were seeking the broader goal of ousting Mobutu and controlling his country's wealth. However, the long dictatorship of Mobutu was finally overthrown in 1997 by AFDL. Laurent Kabila declared himself as president and renamed the country the Democratic Republic of Congo.

The second war began in August 1998 and officially ended in July 2003. On 2 August 1998, Laurent Kabila's former Rwandan and Ugandan allies attacked his regime after he had requested them to return to their respective countries. Consequently, Rwandans and Banyamulenge[4] leaders, who brought Laurent-desire Kabila to power after ousting Mobutu, launched a rebellion to topple him and supported a new rebel movement called Congolese Rally for Democracy (RCD)[5], accusing Kabila of authoritarianism and corruption (Mangu 2003:159). The conflict involved a multiplicity of states and non-states actors. Namibia, Zimbabwe, Angola, Sudan and Chad sent troops on the side of the Kinshasa government. Uganda, Burundi and Rwanda supported the rebel movements such as the Congolese Rally for Democracy (RCD), the Movement for the Liberation of Congo (MLC), the RCD-National (RCD-N), and the RCD-Liberation Movement (RCD-ML). A multiplicity of local defence militia groups known as "Mai Mai" militia also sprung throughout the territories that were affected by armed conflict.

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[4]Banyamulenge group: Tutsi of Mulenge now Banyamulenge.The word 'Banyamulenge' emerged only in 1973 and in Kifulero means "people of Mulenge" or "inhabitants of hills of Mulenge". Mulenge is a small Fulero village several kilometres from Lemera, in South-Kivu province. The Banyamulenge are a group of Banyarwanda migrants who have come from Rwanda at various points in history, found mostly in the Uvira territory where they live with the Fulero and Vira, as well as in Fizi and Mwenga territories. They were few in number and they were mostly Tutsi. The Banyarwanda include natives of North-Kivu (Banyabwisha), Rwandan subjects cut off from Rwanda in 1910 when the boundaries in the Great Lakes region were redrawn by the colonial powers, and Rwandan immigrants during the colonial period(Kisangani 2012: 120).
[5]RCD (Congolese Rally for Democracy). The RCD (Congolese Rally for Democracy) split into RCD-N (RCD- National) and RCD-ML (RCD-Liberation Movement); MLC (Movement for the Liberation of Congo)

This conflict thus assumed regional dimension. Many analysts described it as the "Africa's world war" (Prunier 2009) and the deadliest after World War II with 5.4 million people dead (International Rescue Committee 2008). Millions more were displaced from their homes or sought asylum in neighbouring countries (International Rescue Committee 2008).

Confronted with the rapidly deteriorating military situation and with his hold on power becoming very tenuous at the beginning of the second war, Laurent Kabila appealed to SADC for assistance. His request was addressed directly to SADC as an organization and not to a particular state. Although the DRC is part of Economic Community of Central African States (ECCAS), the absence of dependable allies in the central African region propelled Kabila to consider SADC as an option for his request. However, Congo's request for military assistance to SADC deepened a crisis that had been caused by a clash between member states over the relationship between SADC and its Organ, specifically, whether the organ should function in subordination to, or be independent of the SADC summit (Matlosa 2007:116-117).

At the time of the request, the SADC Organ on Politics, Defence and Security Cooperation chaired by Zimbabwe, convened a meeting of the Inter-state Defence and Security Committee in Harare on 18 August 1998 and declared that SADC had come to a 'unanimous' decision to defend Kabila's regime. Three SADC members, Zimbabwe, Namibia and Angola, chose to intervene militarily and deployed the SADC Allied Armed forces (SADC-AAF) to defend the regime of Laurent Kabila on the basis of SADC's security arrangements. This intervention was based on the Inter-state and Security Committee resolution held in Cape Town, South Africa in 1995 (Mbuende 2001:46).

However, South Africa (the chair of SADC then) supported by Botswana, Mozambique and Tanzania adopted a different approach, advocating dialogue and negotiation, probably to limit division within SADC and to present a united front. The SADC Summit meeting in Mauritius in September 1998 endorsed the positions represented by both South Africa and Zimbabwe (Nathan 2006:614). The Summit also "welcomed initiatives by SADC and its member states intended to assist in the restoration of peace, security

and stability in the DRC''. The action by the three SADC member states namely Angola, Namibia and Zimbabwe was considered by the SADC Summit as a militaristic approach. Consequently, the SADC leaders "called for an immediate cease-fire and commended the government of Angola, Namibia and Zimbabwe for timeously   providing troops to assist the government and the people of the DRC'' (SADC, Final Communiqué, 13-14 September 1998).

On 13 September 1998, the SADC leaders mandated the Zambian President Frederic Chiluba to lead the peace initiative for the DRC, assisted by the president of Tanzania and Mozambique. In July 1999, the heads of state of the Democratic Republic of the Congo, Angola, Namibia, Rwanda, Uganda, Zambia, and Zimbabwe, including the rebel groups (MLC and RCD) signed the Lusaka Ceasefire Agreement, in an attempt to end the Second Congo War. The Agreement called for the establishment of a Joint Military Commission (JMC) composed of representatives of the belligerents, and also provided for an all-inclusive process, the Inter-Congolese Dialogue (ICD).

Despite the signing of the Lusaka peace Agreement, fighting continued and peace was fragile. The UN was forced to intervene and deployed peacekeeping operations shortly after the Lusaka peace agreement had been signed. It is during this conflict that Laurent-desire Kabila was assassinated on 16 January 2001 and was replaced as president by his son, Joseph Kabila.

In October 2001, an Inter-Congolese Dialogue began in Addis Ababa, Ethiopia, before relocating to Sun City, South Africa, in February 2002. The OAU mandated Sir Ketumile Masire, former president of Botswana, to facilitate the ICD. The Dialogue brought together armed factions, civil society and unarmed civilian opposition. However, Masire was confronted with a Congolese government that did not cooperate as he had expected. Laurent Kabila's uncooperative behaviour was detrimental for the internal dialogue, (to peace process) especially his rejection of Masire's collaboration as facilitator, his opposition to the UN deployment, as well as his precondition for the withdrawal of Rwanda and Uganda forces from Congo. His stalling tactics continually derailed the peace process (Kisangani 2012:151).

Following the assassination of President Laurent Desire Kabila on 18 January 2001, a multilateral peace talk to end the war was brokered between Joseph Kabila's government and a number of rebel groups. After months of international pressure, the UN special envoy to the ICD, Moustapha Niasse and South African President Thabo Mbeki, were able to pressure the major parties to the ICD to sign a Global and Inclusive Agreement in which Joseph Kabila would share power with former rebels during the period of political transition (Kisangani 2012:152). The agreement was signed on 17 December 2002, paving the way to the signing of the Pretoria Agreement or the Final Act on 2 April 2003.

1.2   PROBLEM STATEMENT

Despite SADC's military and diplomatic intervention in the DRC, the violence continues in the east of the country. Besides, it is not clear what SADC really achieved in intervening in this conflict. The DRC conflict has been a crucial test of SADC's conflict resolution capacity. As Ngoma (2005:141) suggests "the conflict in the DRC may have tolled the death-knell of diplomatic unity within the SADC and has considerably darkened the future chances of this promising regional co-operation organisation''.

Cilliers (1999:28) also points out that "in the case of Southern Africa, the conflict in the DRC has balkanised SADC into two regional blocs. In addition, with the expansion of SADC to include the DRC, the community was significantly weakened and has probably ceased to have the potential to serve as either a vehicle for regional economic or security integration''. Thus, it is important to study the role played by SADC in the resolution of the DRC conflict.

Against this backdrop, this study seeks to address the following questions:
-       What role did SADC play in conflict resolution processes in the DRC?
-       What mechanism(s) and methods did SADC make use of? What is the outcome?
-       What lessons can we draw from SADC intervention in the DRC?

1.3 AIMS AND OBJECTIVES OF THE STUDY

The aim of this study is to investigate SADC's role in the DRC conflict resolution process from 1998 to 2003. The objectives of this study are as follows:

- To understand the role that SADC played in the conflict resolution process in the DRC.
- To understand the mechanism and methods SADC made use of in order to resolve the DRC conflict.
- To understand the basis of the relationship (cooperation) between UN, AU and SADC with regards to the conflict resolution process.
- To draw lessons from SADC's involvement in the long conflict resolution process.
- To provide recommendations for future research.

1.4 LITERATURE REVIEW

This section analyses the literature on SADC intervention in the DRC. This intervention has been the subject of numerous studies including the following works: Malan (1998), Tsie (1998), Mbuende (1998, 2001), Tapfumaneyi (1999), Breytenbach (2000), Solomon (2001), Nest (2001), Stefaan and Wamu (2002), Turner (2002), Mwanasali (2002), Rupiya (2002), Adebajo and Landsberg (2003), Gambari (2003), Koyame and Clark (2003), Solomon and Ngubane (2003), Rubinstein (2005), Nathan (2006), Curtis (2007), Landsberg (2002, 2007), Essuman (2009) and Autesserre (2010).

The following paragraphs discuss some of the most important issues stemming from this later body of literature such as: SADC's military intervention; the question of legitimacy and mandate of the military intervention; SADC's diplomatic intervention and the evaluation of SADC's intervention.

1.4.1   SADC's military intervention

Scholars who have written about the military intervention in the DRC by the three SADC members namely Zimbabwe, Angola and Namibia have argued that the intervention was meant to restore peace and stability in the DRC (Mbuende 1998; Zacarias 2003).

According to the former SADC Executive Secretary, Dr Kaire Mbuende, the SADC military and political intervention in Lesotho and the DRC were aimed at ''preventing the militarisation of politics in those countries and creating a conducive environment for political dialogue in both countries" (SADC information 1998).

Zacarias (2003:31-51) provides a critical assessment of the evolution of the security debate within the SADC region. In his book chapter "Redefining Security", Zacarias analyses the origins and challenges of regional security. He argues that "the main difficulty facing SADC in translating the OPDS vision into concrete policies derives from the fact that security planners are still captive to old mind-sets" (2003:31). Zacarias (2003) also states that the military intervention was meant to restore peace and security in the DRC. However, military interventions launched by SADC states into the DRC have been the source of much controversy in the literature.

Several researchers have regarded the military intervention in the DRC as a way to pursue national and personal interests (Nest 2001; Turner 2002; Koyame and Clark 2003). Turner (2002:75-92) analyses 'Angola's role in the Congo War' and stated that Angola's intervention in the Second World War was to protect its oil, to fight Savimbi and maintain a compliant regime in the DRC amenable to the interests of Angola. He further notes that Namibia's participation in the DRC came in response to a request from Zimbabwe and Angola to support Laurent Kabila, a long-time friend of the then Namibian president, Sam Nujoma, and a close ally of both Harare and Luanda.

Nest (2001:471-472) points out that "the Zimbabwe defence forces did not go to the DRC to make money". Instead, Mugabe had lent Laurent Kabila several millions of dollars for his war effort against Mobutu. If Kabila lost power there would be no

possibility of those debts being repaid." However, later on, Zimbabwe developed extensive business interests in the Congo. Nest (2001) concludes that DRC's membership in SADC provided Angola, Namibia, and Zimbabwe with a plausible excuse for their intervention in the Congo War.

Koyame and Clark agree with Turner on the reasons for Angola and Namibia's intervention in the DRC and disagreed with Nest on the reasons for Zimbabwe's intervention in the DRC. They argue that Zimbabwe's motivations seem to be primarily economic. Since Zimbabwe has no border with the DRC from which rebels could cross into its territory, it cannot even use the pretext of security concerns to disguise its motivations. Moreover, there is no ideological reason or justification for Zimbabwe's intervention, although it is able to use the international norm against unwanted intervention as a cover for its own 'counter-intervention' (2003:213).

Koyame and Clark (2003:201-223) also analyse the economic consequences of the states that intervened in the DRC. They state that all states involved seem to have suffered economic losses as a result of the Congo War. Although the intervening states have certainly enjoyed some economic benefits from their interventions, the costs of their interventions are also considerable, even if they are less visible. In the case of Angola, the country's government was willing to bear the costs in order to pursue the war against National Union for the Total Independence of Angola (UNITA) and in the case of Zimbabwe President Mugabe was simply buying the support of his most important generals at the expense of the state treasury. Among the other interveners, only Uganda and Namibia may be realising a net economic gain from their participation in the war, but this is far from certain. South Africa also has been affected by a loss of investment income. However, it is clear that the SADC military intervention was motivated by a variety of reasons. This study will interrogate all the points mentioned above in order to analyse SADC's military intervention.

The Question of legitimacy and mandate of the military intervention
A number of scholars have questioned the mandate of the military intervention by three SADC member states, whether these three countries acted with or without the SADC

mandate remains shrouded in controversy. There are two schools of thought on the question of the mandate and legitimacy of the intervention. One group argues that this action was undertaken under the auspices of SADC (Mbuende 2001; Rupiya 2002).

In a book chapter titled "A political and military review of Zimbabwe's involvement in the second Congo war", Rupiya (2002:93-105) points out that Zimbabwe's intervention in the DRC was aimed at defending a victim of foreign aggression in the context of a broader SADC decision and argued for the legitimacy and legality of the intervention of the three states sanctioned by SADC. Rupiya (2003:96) also claims that the decision to intervene following the request made by DRC was brought up for consideration by member states in the meeting of the Inter-State Defence and Security Committee (ISDSC) held in 1998 in Harare.

In addition, Mbuende (2001:45-49) analyses efforts undertaken by SADC on the conflict prevention and resolution in the sub-region. Mbuende (2001:45) emphasises the importance of the establishment of the OPDS as a new mechanism for maintenance and strengthening of regional peace and security. This is reflected in the collective response of SADC to the situation in the DRC. In this regards, Mbuende (2001:46) argues that the intervention in the DRC was, among other considerations, based on the Inter-State and Security Committee resolution adopted at a meeting held in Cape Town, South Africa in 1995 where SADC countries agreed to take collective action in cases of attempts to remove governments by military or any other unconstitutional means. This is why the request for assistance by the government of President Laurent Kabila made to the meeting of the Inter-State Defence and Security Committee, which was held in Harare on 18 August 1998, was positively responded to by SADC and SADC Allied Armed Forces.

There is however a group of scholars who argue that this intervention was not undertaken under the auspices of SADC although it was conducted by some member states (Nathan 2006; Neethling 2006). Nathan (2006:605-622) describes and explains the SADC's difficulty in establishing a common security regime. For Nathan, the reasons for this malaise are: The absence of common values among member states which

inhibits the development of trust, common policies, institutional cohesion and unified responses to crises, the reluctance of states to surrender sovereignty to a security regime that encompasses binding rules and decision making, the economic and administrative weakness of states. These are challenges that can only be solved at national level (2006:605). Nathan (2006:612) notes that in both Lesotho and DRC cases, a small group of states embarked on military action in the name of SADC despite the absence of SADC decision's authorising such action. Nathan (2006:605) concludes that the challenge of common security in Southern African is less regional than a national challenge.

In addition, Neethling (2006:1-12) analyses the SADC military intervention in SADC regions in 1998, particularly in Lesotho. He (2006:6) states that SADC became the focus of international attention in August 1998 when Angola, Namibia, and Zimbabwe decided to take part in an intervention operation in the DRC. The decision was based on requests from President Laurent Kabila for military assistance against advancing rebel forces. Still, the undertaking was ad hoc and was not organised under SADC auspices, although it did receive retroactive endorsement from SADC.

Any intervention claims the legitimacy, standing and mandate (Rubinstein 2005). In this view, the first camp has demonstrated that this action was undertaken under the auspices of SADC. This study adopts the view that although the military action by the three SADC member states was not initially sanctioned by the supreme organ of SADC, it nevertheless opened the way for peaceful resolution of the conflict which had been a key objective of SADC action on the DRC conflict.

1.4.2   SADC's diplomatic intervention

Scholars and practitioners have been preoccupied with the question of why South Africa, Botswana and Tanzania sought to manage the conflict in the DRC through diplomatic means rather than through military operations as employed by Zimbabwe, Namibia and Angola (Mbuende 1998; Kabemba 1999; Mwanasali 2002; Adebajo and Landsberg 2003; Landsberg 2003; 2007; Curtis 2007).

Gambari (2003:255-274) analyses the security challenges faced by the UN and the SADC with regard to peacekeeping and peacemaking in Southern Africa. He states that the conflicts in the DRC and Lesotho illustrate the limits of military solutions to the problem of peace and security in the sub-region (2003:257). Military actions need to be aligned with political, social and economic programs to improve the material conditions of the people in these countries. Gambari (2003:271) also suggests that the UN and the SADC can work together to promote peace and security in SADC states.

Mwanasali (2002:53-71) examines the manifestations of both internal and external forces as they contribute to the chronic instability and violence that have overburdened humanitarian initiatives in the Great Lakes region. Mwanasali (2002) assesses the conflict management efforts and the prospects for the future of this region. In this regard, he agrees with Gambari and emphasises that military options can and will never bring a lasting settlement to problems that are essentially political. He concludes that the time has come to try another peace strategy in the Great Lakes region (2002: 68).

According to Mbuende, SADC interventions were aimed at creating a conducive environment for political dialogue in both countries (DRC and Lesotho). As a result of these interventions, consultations were initiated for a cease-fire in the DRC and Lesotho and an agreement was reached for the organisation of elections within a reasonable timeframe (SADC information 1998). He said that SADC member states are committed to ensuring that policies in the region remain outside the realm of the military. Mbuende concludes that SADC has demonstrated to the world that it has the capacity to solve the region's political and economic problems (SADC information 1998).

Kabemba cited in Adebajo and Landsberg (2003:187) explains how South Africa's neutrality was heavily questioned by other states because of its past role of supplying arms to Rwanda and Uganda. The Congolese leader, Laurent Kabila with Zimbabwe's encouragement responded not only by openly defying the South African policy but also by trying to isolate Pretoria diplomatically. Three influential SADC members, Zimbabwe, Namibia and Angola were infuriated by South Africa's decision not to intervene militarily

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on their side in the DRC in 1998, accusing Pretoria of hypocrisy because it had intervened militarily in Lesotho while refusing to do the same in the DRC.

Landsberg (2002:174) notes three things in SADC's intervention in the DRC. Firstly, South Africa's mistake was its failure to condemn the rebellion, and in particular the incursion into the DRC of Rwanda and Uganda. Secondly, Zimbabwe, Namibia and Angola intervened under the auspices of the SADC Organ and South Africa refused to get involved militarily. Thus, the conflict in the DRC even polarised SADC into two regional blocs. One group led by Zimbabwe comprised Angola, Namibia and the DRC itself. The other bloc led by South Africa comprised Tanzania, Mozambique and Botswana, but also relied on implicit support of Zambia, Swaziland and Malawi. The two camps in SADC were at loggerheads, both in terms of procedure and in terms of strategy.

However, South Africa's diplomatic intervention in the DRC was not only launched out of sheer altruism, but it was also motivated by self-interest. As Solomon (2001:45) notes that external intervention is not based on altruism but includes on large measure self-interest. Landsberg (2007:121-140) agrees with Solomon and stated that South Africa's national interest was defined by its desire to create a stable environment in the DRC to allow its companies to trade easily and win lucrative contracts. Pretoria was also keen to affirm the then President Thabo Mbeki's role as a peace broker and the country's status as a regional hegemony.

Curtis (2007: 257-273) also agrees with Solomon and states that South Africa has played a prominent role as intermediary, facilitator, and guarantor of the DRC's peace process. Accordingly, Pretoria adopted a leading diplomatic role during a period of limited external involvement in peacekeeping and peacemaking initiatives on the continent. South Africa's approach to peacemaking in the DRC was guided by its preference for, and promotion of, certain constitutional, judicial, and electoral structures and processes that it had used in its transition from apartheid to democracy. Pretoria's intervention was also guided by its key foreign policy goal of supporting peace and

security efforts in Africa in order to promote development and economic growth on the continent, Curtis (2007).

In addition, South Africa's attempts to export its peacemaking model to the DRC failed to address the Congo's particular circumstances and context: the weak authority of the Congolese state; the disparity between the diverse interests of domestic, sub-regional, and external actors; and the overall political economy of the conflict in the Great Lakes region, Curtis (2007). This research will interrogate all the points mentioned above in order to analyse SADC's diplomatic intervention.

1.4.3   Evaluation of SADC's intervention

A number of authors have evaluated SADC's intervention in the DRC conflict. There are two diametrically opposed views. On the one hand, scholars have concluded that SADC failed in its intervention in the DRC as the war is still continuing in Eastern Congo (Nathan 2006; Essuman 2009; Autesserre 2010).

In this context Essuman (2009:409-422) examines the efforts of the two regional bodies namely ECOWAS and SADC to resolve the conflicts. He argued that "the SADC intervention in Lesotho was botched and its peacemaking efforts in the DRC failed. In his view, this was the only authentic SADC attempts to forestall conflict in its region'' (2009:421). ECOWAS's diplomatic and military missions in Liberia and Sierra Leone were bold and innovative. In Liberia, ECOWAS prolonged the Liberian civil war causing more harm than good to displaced persons. However the ECOWAS' intervention in Sierra Leone saved thousands of lives by providing a buffer between the combatants and hundreds of displaced persons. The reason for the failure is that both the ECOWAS and SADC were created to promote sub-regional economic integration, but they now see themselves forced by changing international relations, particularly at the end of the Cold War, which they were not properly set up to deal with the functions. They have had to deal with conflicts, which to some extent had been suppressed by the Cold War and the SADC Organ on Politics, Defence and Security which was still to be established. Essuman (2009:422) concludes that ''intervention in conflicts succeeds or fails

depending on the level of regionness or the existence of structures for conflict resolution in the regional security complex".

Nathan (2006:605-622) describes and explains the SADC's difficulty in establishing a common security regime. He states that SADC failed to play a useful peacemaking role in conflict situations. In most of the intra-state conflicts, it refrained from critical comment and diplomatic engagement, treating violence and crises in governance as purely domestic affairs (2006:611). He identifies the following factors in order to account for SADC's failure: member states are keen to avoid adversarial relations that might jeopardise trade and functional co-operation; governments that are not fully democratic are naturally unwilling to speak out against neighbouring states that engage in undemocratic practices; and SADC states are determined to maintain a posture of unity and solidarity. Nathan (2006:621) also suggests that the SADC states need to work together (common purpose) to promote peace and security in Southern Africa.

Autesserre (2010) assesses why violence has continued in the DRC. Based on field interviews conducted over one and a half years, Autesserre (2010:232) argues that the international intervention strategy in the DRC failed to address local causes of the conflict which have continued to destabilise the country. She states that instead international peace-builders have focused on national and international level dynamics, ignoring local roots of conflict such as land disputes and local insecurity. Local conflicts have been neglected because the dominant discourses in international peacebuilding do not allow for a consideration of these conflicts. Autesserre (2010) recommends that effective peace-building must address conflict at all levels.

On the other hand, some authors conclude that SADC intervention in the DRC was a success (Smis and Oyatambwe 2002). Smis and Oyatambwe (2002:413-430) analyse the response of the international community to the crisis in the DRC. They argue that SADC played the primary role in proposing solutions to end the regional conflict in the absence of a clear response by the international community which has a responsibility for maintaining peace and security. Smis and Oyatambwe (2002:424) also point out that "regional diplomatic efforts in Congo began to bear fruit obliging the UN to react to

regional plans". They conclude that the international response to the crisis in the DRC is clearly dominated by the concept of 'African ownership' and what is colloquially known as 'African solutions for African problems (2002:427)'. This research will interrogate further these two positions in order to account for the SADC role in the search for political solution in the Congo conflict resolution process.

As we have demonstrated, there is a rich literature on the subject of our research. The results have shown similarities and differences depending on what the researcher sets out to achieve. A lot of the studies have focused on the motivations and strategies of the intervener country. Except for the work by Koyame and Clark (2003), little attention has been paid to the economic consequences of the military intervention on the intervener states. However, these studies have failed to demonstrate that the military intervention in the DRC by three members of SADC created a situation of power balance and opened the way to negotiation. This study will endeavour to fill that gap and by so doing make a contribution to the existing literature.

1.5   CONTRIBUTION TO THE EXISTING LITERATURE

The contribution of this study will consist in providing a new interpretation of the SADC's military intervention and bringing new data from interviews which will support the research's argument. As this study will show, the military action of three members of SADC opened the way to negotiation and peace accords because it created a situation of power balance between belligerents and rendered the conflict ripe for resolution. In evaluating SADC's contribution to conflict resolution in the DRC, this study will contribute to existing body of literature and to improving SADC capacity for resolution of conflicts and stability of the sub-region.

1.6   THEORETICAL FRAMEWORK

This study is guided by two theories, namely the New Institutionalism theories and Kumar Rupesinghe's model of conflict transformation in its attempt to investigate the role of the SADC in the Congo's conflict resolution process.

The New Institutionalism theories emphasises the relationship between institutions and action by associating institutions with 'roles' to which prescriptive 'norms of behaviour were attached (Lane1995; Hall and Taylor 1996). In this view, individuals who have been socialized into particular institutional roles internalise the norms associated with these roles, and in this way institutions are said to affect behaviour.

The New Institutionalism theories are useful for understanding SADC as an institution, the structure of SADC organisation and how these structures have functioned, the policies of SADC, the objectives, the goals and the mechanism or method that SADC used in conflict resolution in the SADC region and the impact of the role of individuals' interests or preferences in deciding about the policies or the work of SADC. It will also help to examine the decisions taken by important actors in SADC and analyse their implications for the survival and future of SADC.

This theory is pertinent for analysing SADC intervention in the DRC. The DRC conflict resolution process brought to the fore by the divisions within the SADC institution. On the one hand, a group of states made of Angola, Namibia and Zimbabwe pursued military action and on the other hand, South Africa, Tanzania and Mozambique preferred political and diplomatic options, while other states opted for inactivity (neutrality).

Rupesinghe's model provides an important theoretical framework that helps guide the study to appraise SADC's role in the Congo conflict resolution process from 1998 to 2003 and to draw lessons from this process. His model will also help to analyse the role of other regional actors in this conflict. The model emphasises internal conflicts and multi-dimensionality of protracted social conflicts. Rupesinghe (1995:65) also proposes a multi-sectorial approach to the complexity of many existing and emerging conflicts.

The model has several components that include: pre-negotiation stage; understanding root causes; ownership of the process; identifying all the actors; identifying facilitators; setting a realistic timetable; sustaining the effort; evaluating success and failure; strategic constituencies; the role of outside peacemakers; and the role of local peacemakers(1995: 80-85).

The study will pay attention to the eleven elements of conflict resolution mentioned above which Rupesinghe claims are necessary in order to achieve durable peace. With regards to ownership of the process, the researcher will examine the level of ownership of the peace process by various Congolese political parties or groups and evaluate success and failure based on empirical data. The study will evaluate SADC's role and decide whether its involvement was a success or a failure based on existing literature and empirical qualitative data to be collected by the researcher. Chapter two goes further in the discussion of the theoretical framework which guides this study.

1.7   RESEARCH METHODOLOGY

1.7.1   Method

Research methodology as described by Babbie and Mouton (2001: xxvii) refers to the various methods, techniques and procedures that are employed in the process of implementing a research project. Methodology in social sciences consists of choosing the most convenient theories, techniques, and explanatory models or paradigms which presents a clear understanding of a question and phenomenon. The objective is to provide an analytical explanation of facts, realities or a situation that has been initially considered as a problem requiring resolution or raising questions that necessitate answers.

This study employs a qualitative research. Denzin and Lincoln (1994:2) define qualitative research as follows: "qualitative research is the multi-method in focus, involving an interpretive, naturalistic approach to its subject matter. This means that qualitative researchers are studying phenomena in its natural settings, attempting to make sense of, or to interpret, these phenomena in terms of the meanings people bring to them". In this study, qualitative research approach is most suitable as it will allow the researcher to understand the meaning and contextual dynamics of SADC's actions. Strauss and Corbin (1998) note that the reason for choosing qualitative methods is the nature of the research problem and the preference of the researcher. Qualitative research approach is chosen in this study, because the research is not interested in

statistical account of the events, but on an in-depth understanding of the role of the SADC in the DRC conflict based on oral testimonies of actors and written materials.

1.7.2   Data Collection

The study relies mainly on primary and secondary data. For an exploratory study, the process of collecting information involves primarily in-depth interviews. Creswell (2012:161) points out that the importance of interviews is to describe the meaning of the phenomenon for a small number of individuals who have experienced it. Interviews play a central role in the collection of data.

Therefore, the primary data in this study were collected through semi-structured interviews with open-ended questions, by conducting face-to-face interviews, telephone or email interviews with some participants in the peace negotiations and some SADC officials in order to obtain an in-depth understanding of the problem. Most of the interviews were conducted in Botswana at the Headquarter of SADC. However, a few interviews took place in South Africa and DRC (Kinshasa). In total, ten persons from those countries were interviewed. The researcher also made use of telephone and email interviews when informants could not be reached otherwise. The questions were sent by email and the period of time for completing and sending it back to the researcher was four weeks. The interviews were conducted in a period of six months.

Interviewees were selected from the following groups:

(1)   The Congolese political parties; political practitioners; scholars; experts; policy-makers (attached to governmental departments) and facilitators. The interview also probed the level of ownership of the peace process by various Congolese political parties or groups.

(2)   SADC officials: a selected group of officials working at SADC headquarters or some foreign ministers. The aim of these interviews was, firstly, to understand the functions of the SADC as an institution and secondly, to understand SADC's role in conflict resolution in the DRC.

These interviews were tape recorded and transcribed soon after the event. In case the interview could not be recorded, for lack of permission to do so, the researcher took notes during the interview. Potential interviewees had requested to indicate their consent prior to being interviewed. In addition, they were given guarantee of confidentiality and anonymity.

This study also made use of secondary materials. Library-based research was conducted. This search of secondary materials has uncovered two types of sources. The first type consisted of the literature comprising books, journals and other classical scientific resources dealing with the subject matter. The second type includes newspapers, treaties, protocols, charters, brochures, publication, decisions, recommendations, official reports, statements, communiqués and official websites of SADC in order to get additional information on the role of SADC in the conflict resolution process in DRC.

1.8   LIMITATIONS AND DELIMITATIONS

The scope of this study is limited to exploring the role that the SADC played in the DRC conflict resolution process from 1998 to 2003 in terms of how it employed a two-pronged approach in resolving the DRC conflict making use of military intervention and mediation process. The study also considered the role of other regional actors in this conflict. During this period, SADC was involved in peacemaking actions and peacekeeping as opposed to peacebuilding. Peacemaking actions includes using mediation to persuade parties in a conflict to cease hostilities, to negotiate a peaceful settlement to their dispute and to operate with the consent of the parties to the dispute (United Nations 1995:4).

Peacekeeping intervention involves some form of military intervention. It also involves military and civilian personnel, with the consent of the conflicting parties in order to implement or monitor the implementation of arrangements relating to the control of conflicts (cease-fires, separation of forces, etc.) and their resolution (partial or comprehensive settlements) or to ensure the safe delivery of humanitarian relief (United Nations 1995:4-5).

Peace-building includes the identification and support of measures and structures, which promote peace and build trust and interaction among former enemies in order to avoid a relapse into conflict (United Nations 1995:5). However, these concepts peacemaking, peacekeeping and peace building constitute different state of shifting from conflict to a state of peace. Hence, peace building actions are not the focus of this study. Besides, while the research would have benefited from interviews with protagonists (groups) in the eastern Congo, financial limitation can only allow me to select interviewees in Kinshasa. These limitations have not jeopardised the attainment of the research objectives.

1.9   CHAPTER OUTLINE

The study consists of six chapters:

Chapter 1: This chapter which serves as the introduction to the study, presents the problem statement, the study's aim and objectives, the theoretical framework and discusses the existing literature on this topic, research methodology, limitations and delimitations and outlines the study's methodology.

Chapter 2: It will provide an overview of the theoretical framework of the New Institutionalism theories and Kumar Rupesigne's model of conflict transformation in order to appraise the role of SADC in conflict resolution in the DRC, and explains the conceptual foundations of the analysis.

Chapter 3: It will present an overview of SADC and its institutions regarding the New Institutionalism theories. This chapter will also discuss the capacities of SADC to keep peace and security in the areas of conflict and analyse the cooperation between the UN, the AU and SADC in conflict resolution.

Chapter 4: It will analyse the conflict in the DRC. This chapter will provide a background of the conflict, the causes of the conflict and the actors involved.

Chapter 5: The chapter assesses the role of SADC in conflict resolution in the Democratic Republic of Congo (DRC). It is based on the model of Rupesinghe. This chapter evaluates the military intervention, mediation process and also analyses the role of other regional actors in the DRC conflict.

Chapter 6: This chapter provides a conclusion to the study and makes recommendations for future research.

CHAPTER 2

CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1   INTRODUCTION

The purpose of this chapter is twofold. First, it provides a broad overview of the concepts that this research uses. It defines, describes and analyses the key concepts of conflict and conflict resolution. Concepts that relate to the idea of peace are also discussed such as peacemaking, peacekeeping and peace building.

Second, this chapter develops a theoretical framework which this study uses in the appraisal of the role of SADC in conflict resolution in the DRC from 1998 to 2003. As mentioned in chapter 1, this study is guided by two theories, namely the New Institutionalism theories and Kumar Rupesinghe's model of conflict transformation. This chapter therefore presents an overview of these two theories and states how they are used in understanding the role of SADC in the Congo conflict resolution process.

2.2   CONCEPTUAL FRAMEWORK

2.2.1   Defining conflict

SADC is an intergovernmental organisation that focuses on economic and political matters based in Southern African region and is one of the continent's most prominent regional co-operation bodies. The organisation played an important role in the area of conflict resolution both in the Southern African region and in Central Africa, particularly in the DRC conflict. At that time, the DRC was a member of both the Economic Community of Central Africa (ECCAS) and SADC. ECCAS was inactive for several years until 1999 due to, among others, the non-payment of dues by member states. In contrast to ECCAS, SADC played the primary role in proposing solutions to end the regional conflict in the absence of a clear response by the international community which has a responsibility for maintaining peace and security (Smis and Oyatambwe 2002:413). This role is defined and analysed from a conflict resolution perspective.

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Conceptualising conflict is a necessary first step to analysing conflict resolution. Scholars define 'conflict' in many ways. Generally, the term conflict[6] refers to clash of interests, ideologies, values, and struggle between individuals within states (civil wars) and between states, competition over scarce resources, incompatible goals by different groups etc (Effendi 2010:84). Wallensteen (2002:16) defines conflict "as a social situation in which a minimum of two parties strive at the same moment in time to acquire the same set of scarce resources". According to Ross (1967 cited by Mitchell 1981:15) conflict is a situation in which two or more human beings desire goals which they perceive as being obtainable by one or the other, but not both.

Galtung describes conflict in terms of the following necessary components: first, incompatibility of interests or a contradiction or what Mitchell (1981) calls "a miss-match" between social values and social structure; second, negative attitudes in the form of perceptions or stereotypes about others; and third, behaviours of coercion and gestures of hostility and threats (Kotze 2002: 78-79). All three components of the triangle have to be present to constitute a conflict. If one or more of them are absent, there is a latent or structural conflict. Galtung sees conflict as a dynamic process in which the three factors are constantly changing and influencing each other.

Conflicts arise for a myriad of reasons that are often a combination of politics, economics and social factors. The conflicts that have taken place in SADC region have been classified as political, economic and social. However political conflicts appear to be the dominant form of conflict in the region. The focus in this chapter is on political conflicts that arise due to power rivalries that affect political stability and peace in the SADC countries.

Political conflict occurs when the nature of the incompatibility is political. Politics by definition functions in a context of scarcity, such as the scarcity of resources, scarcity of power, scarcity of identity and scarcity of status (Kotze 2002:78). Political scientists describe conflict as a political phenomenon that emerges when states harbor

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[6] The term conflict and war are used interchangeable in this study.

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dissimilarities of interests, ideologies or values systems. According to Faget (2011:3), political conflicts occur in all forms of political organisations since confrontation between political and social groups for the control of power is a common feature in democracies. A conflict escalates when violence becomes part of the conflict expression.

After reviewing a number of definitions of conflict, the study concludes that a common element found in all definitions is the divergent goals and interests of two factors or parties, who resort to various means in pursuit of their objectives and their common denominator, being violence. This tells us that conflicts can manifest themselves in different levels such as intra-personal, inter-personal, intra-nation and international, but whichever shape they take, there remain conflicts. Conflict is an inevitable phenomenon but violence is a choice. In this study a broader definition of conflict is preferred, following the work of Galtung, as I have discussed above because this definition can be applied to several types (levels) of conflict. Therefore, conflict is an inevitable fact of human life and where conflict erupts there is a need for a resolution.

2.2.2   Conflict Resolution

SADC has adopted the language of conflict resolution, but what exactly does it mean? According to Burton (1990:2-3) the resolution of conflict means the transformation of relationships in a particular case by the solution of the problems which led to the conflicted behaviour in the first place. Such a transformation does not necessarily eliminate future problems in the relationship, or remove residual antagonisms. In this regard, Miall, Ramsbotham and Woodhouse (1999) point out that the aim of conflict resolution is to transform conflict. For them, conflict transformation is a further development of conflict resolution. Furthermore, these authors conclude that the terms conflict resolution and conflict transformation are used relatively interchangeably in terms of their meaning and application.

According to Miall (2004:15), conflict resolution means a "change in the situation which removes the underlying source of conflict. If a conflict is settled by the military victory of one side and the other does not accept the outcome and begins organising another

fight, the underlying conflict has clearly not been removed and such a conflict would not be considered resolved".

Consequently, the fundamental principles of conflict resolution are two. Firstly, the parties should be satisfied with the outcome which meets their felt needs and interests, and secondly there should not be use of any coercion to achieve such an outcome. According to Wallensteen (2002:8), conflict resolution refers to the resolution of the underlying incompatibilities in a conflict and mutual acceptance of each party's existence. Groom (1990:94) declares that a complete satisfaction of parties comes only if "they have and do actually have, full knowledge of the circumstances surrounding the dispute and the aspirations of other parties". He also maintains that conflict resolution is a goal rarely realised in practice.

However, Zartman (2000) introduced the notion of 'ripeness' in conflict resolution and defends the concept of a mutually hurtful stalemate. According to Zartman (2000:51), a conflict may be resolved only when each protagonist acknowledges the fact that they will not be able to reach a solution on their own or when they feel that escalation will lead to a catastrophe and that the costs are unbearable. Ripeness depends on internal political changes within conflicting groups, such as the emergence of new leaders or the break-up of a government.

Therefore, conflict resolution is a political process that requires a combination of factors and institutions from the grassroots to the international level. In this study, SADC's role is in a conflict resolution as a third party intervener, which is classified as a peacemaker (mediator), peacekeeper and peace builder. The term peacemaking is often equated with conflict resolution, while peacekeeping with conflict management and the term peace-building is equated with conflict transformation. Conflict resolution is used as a term encompassing all three dimensions noted above and refers both to the process of bringing about change in the situation which removes the underlying source of conflict and to the completion of this process. The definition adopted assists in the classification and clarification of SADC activities in the SADC region. The processes of conflict

resolution are characterised by three dimensions which include the nature of conflict, conflict resolution mechanisms and the outcomes of such mechanisms.

2.2.2.1 Nature of conflicts

It is crucial to understand the nature of conflict in SADC region for its effective resolution. To comprehend the nature of a conflict, the study identifies and examines the parameters such as the type of the conflict, its causes, the actors involved in the resolution of the conflict faced by SADC in the region.

2.2.2.1.1 Types of conflict

There are many different typologies of conflict (Singer 1996:43-47; Holsti 1996:21; Wallensteen 2002). From these typologies, two main types of conflict are discernible, namely inter-state and intra-state[7] conflict that SADC has been involved with. However, for the purpose of this study the focus will be on the intra-state conflict.

In recent years a new type of conflict described by Kaldor (2002:2) as the "new war" has increasingly come to the fore. This type of conflict takes place within and across states, in the form of civil war, armed insurrection, violent secessionist movement and other domestic warfare. Civil war is one of the most explosive of intra-state conflicts and occurs between the armed forces of the government and an opposing civil organised group, within the state borders. Intra-state conflicts are the dominant form of conflict in the post-Cold War era. This conflict may occur between two or more groups of power contenders within a state, each seeking access to political power in order to advance its interests and goals. For example, most of the intra-state conflicts within the SADC region have centered on the fight for political power between 1995 and 2010. These intra-state conflicts were recorded in countries such as Angola, DRC, Lesotho, Namibia, Malawi, Madagascar, Zambia, Tanzania and Zimbabwe (Nathan 2006:611).

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[7] In this study, the term intrastate conflict and internal conflict are used interchangeable.

The key characteristics of internal war include the fragmentation of societies, the militarisation of the conflict, increased flows of refugees and the internal displacement of people, the stereotyping and/or demonisation of others, internationalisation of the conflict, and massive violations of human rights and severe breaches of humanitarian law, particularly against civilians (Rupensighe 1996:157).

When internal conflicts become regional conflicts due to the involvement of the neighbouring states, the likelihood that the interests of distant powers will be engaged increases and sometimes these factors destabilise the region. Cawthra and Van Nieuwkerk (2004:9) point out that "the Southern African region has extensive experience of external involvement promoting violent conflict and other threats to its security. In post-Cold War period, it is clear that global actors have maintained a presence in SADC region, pursuing mainly economic and donor interests". Some excellent examples include the wars in Angola, Mozambique, Namibia, and the DRC.

Many of the internal conflicts also take on an international dimension. According to Jackson (2002:30), internal conflict may be transformed into wider international conflict because they can become a threat to international peace and security when the fighting spills over into the neighbouring states or 'flows of refugees' upset regional stability. External states may directly or indirectly be drawn into the conflict through support links to various sides of the conflict, supplying weapons, training, or other materials. An internal conflict may also assume an international dimension when sub-state factors such as rebel movements, militias and warlords, often receive financial and political support from Diaspora communities or ethnic kin separated by international borders. Finally, the international community may decide to send in a peacekeeping force, or take such an active interest in the fighting, that it becomes a matter of international concern as it is the case in the DRC.

According to SADC Treaty, the SADC Organ is mandated to resolve intra-state conflict within the territory of a state and inter-state conflict between a state and another state (SADC 2001: article 2). While SADC has had its share of inter- and intra-state conflicts, the majority of its conflicts were internal and these internal conflicts appear to be

increasing, as elsewhere. Therefore, it is important to analyse the underlying causes of internal conflict.

2. 2.2.1.2 Causes of Conflicts

It is important to note that the causes of internal conflicts are complex and multi-dimensional. This section looks at the theories that have been advanced by many scholars in order to fully understand the underlying causes and contributory factors of conflicts.

Some scholars explain the cause of internal conflict in terms of grievance (Azar 1990; Burton 1996). In his work, '*The Management of Protracted Social Conflict: Theory and Cases'* , Azar (1990:7-12) explains that the precondition and sources of protracted social conflicts (PSC) are the communal context of a society (this refers to the colonial period, where community groups are marked by historical rivalries and/or colonial legacy of divide and rule), the denial of access to basic human needs, identity and security, as well as through the roles played by the state(the monopolisation of power by the dominant social groups limits the state's ability to meet the needs of all social groups), international political and economic linkages and the military in politics. This can explain the cause of conflict in the DRC and Angola.

Another way of understanding causes of internal conflict is through greed. Collier and Hoeffler (2002b) argue that conflict may be explained either by grievance or by greed. For a better understanding of the causes of contemporary civil wars, explanations based on grievances should be ignored and a focus be given to greed (natural resources) of rebel groups and especially on their trade in natural resources. The natural resources can also increase the probability and duration of violent conflict like in the case of the DRC conflict, where some actors seek to enrich themselves through illicit means. Resource scarcity and lack of access to resource are all potential sources of conflict.

In conclusion, the grievance theory and the greed theory can explain the causes of the internal conflict and factors contributing to conflict. For the purpose of this study, a

combination of both is needed in order to understand the causes and factors contributing to political conflict in the SADC region, particularly in the DRC.

2.2.2.1.3 Actors in internal Conflicts

Actors refer to individuals or groups who are involved in a conflict. The actors differ in their goals and interests, their positions, capacities to realise their interests and relationships, with other actors. In most cases, the key actors in internal conflicts are the governments, rebel groups, the military, militias, foreign governments and multinationals. However, the various actors employ an array of methods for promoting their agendas, especially the articulation of their claims to state power. Some use the mobilisation of grassroots support. Others use methods such as the organisation of demonstrations and the formation of militias (Kieh 2002:38). Besides, the various groups are supported by external factors who have a stake in the outcome of the conflict.

Foreign governments and multinationals will have a strong interest in supporting one side (the governments) or the other (rebel groups, the military and militias) and their own reasons for seeing the stabilisation or destabilisation of the state in conflict. As Solomon (2006:222) noted, that external intervention or support is not based on altruism but includes a large measure of self-interest. For example in Angolan conflict, Cuba and the Soviet Union supported the MPLA, and the USA, Zaire (now DRC) and South Africa supported UNITA. In Mozambique, South Africa supported the Mozambican National Resistance (RENAMO), and China and the Soviet Union supported Front for the Liberation of Mozambique (FRELIMO).

When it comes to the SADC region, the nature of the conflict can be determined at two levels. First, there is the violent domestic political conflict within states. In this case, conflict is mostly about democracy, self-determination, exploitation and ethnic rivalry. Second, there are external interventions and the issue of the strategic interests of the West in the sub-region. That is, intervention is all about preserving access to strategic material resources, protecting its investments and illegal exploitation of resources.

2.2.2.2 Mechanisms of Conflict Resolution

In cases where conflicts cannot be prevented or managed, there are commonly used mechanisms to resolve them. Conflicts can be resolved through several ways. The following are some of the most significant methods used by different institutions, as well as SADC. Various conflict resolution mechanisms are peacemaking, peacekeeping and peace building.

2.2.2.2.1 Peacemaking

Peacemaking is an important mechanism of conflict resolution. It refers "to the use of diplomatic means to persuade parties in conflict to cease hostilities and to negotiate a peaceful settlement of their dispute" (UN Department 2000:72). It involves negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, good offices applied after a dispute has crossed the threshold into armed conflict. According to Conteh-Morgan (2004:282), peacemaking has been defined as the proactive intervention to encourage warring factions to settle their dispute. This study adopts the general definition of peacemaking that is provided by the UN Department of Public Information in 2000 as mentioned above.

Peacemaking is one of the methods used by SADC in dealing with emerging crisis situations, as well as conflicts that have erupted. SADC has made progress in its capacity to respond to political conflicts in the Southern African region through mediation. It has been actively involved in three mediation missions to Zimbabwe, Madagascar and Lesotho, Hartmann (2013:3). It has also facilitated various peacemaking initiatives, which included the negotiation and signing of the ceasefire Agreement in Lesotho, DRC, Madagascar, and Zimbabwe.

Mediation, according to Murithi (2009:72), is the process of bringing parties to the negotiation table to seek a peaceful settlement of their conflicts. It is the third party facilitation of resolution of conflicts through dialogue, premised on win-win or positive-sum. In Africa, age, personality and political position determine the choice of a

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peacemaker. Smith (1994:148) contends that the intervening third party needs power in order to bring the disputants to the point where they will accept mediation. As Rugumamu (2002:186) states, the key to third party intervention is the creation of condition of 'ripeness' in the conflict. In the context of SADC, for example, South Africa created the condition of ripeness in the Lesotho and DRC conflicts. The SADC AAF opened the way for peaceful resolution of the conflict which had been a key objective of SADC action in the DRC conflict.

SADC has yet to establish a mediation unit to strengthen its peacemaking capacity. The SADC practice has been to use former heads of states for mediation. For example, in Zimbabwe, SADC deployed the then South African President, Thabo Mbeki, to mediate the resolution of the post-election crisis, leading to the signing of the Global Political Agreement (GPA) in September 2008. Kotze (2002:80) argues that the use of elderly statesmen is sometimes contemplated as a valuable source for mediation. However, most of them cannot guarantee success. They have experience in negotiation as political leaders but not necessarily in mediation, and they seldom have the infrastructural support to sustain a settlement process. Therefore, irrespective of how attractive and idealistic it appears to be, it is likely that the success is relatively low. Sir Ketumile Masire, deployed to mediate in the DRC conflict on behalf of SADC, faced the same predicament.

Some analysts argue that SADC has had meager successes on peacemaking in the Southern African region (Cawthra and Nieuwkerk 2004:11; Nathan 2010:7-8). Cawthra and Nieuwkerk (2004:11) state that SADC has had few successes, and its efforts have almost always contributed to stability and security. In practice, the community has seldom been able to resolve matters as a collective body and has tended to devolve diplomatic processes and negotiations to one or more member states. For example, South Africa (and before it Botswana) brokered the Inter-Congolese Dialogue and South Africa, Botswana and Mozambique were mandated to resolve the Lesotho crisis.

2.2.2.2. 2 Peacekeeping

The majority of interventions fall in the category of peacekeeping as opposed to peacemaking. Peacekeeping is another important mechanism of conflict resolution. Conteh-Morgan (2004:282) defined peacekeeping as the use of military intervention to maintain peace and prevent an increase in confrontation. Boutros-Ghali (1992) identified peacekeeping as "the deployment of a United Nations presence in the field, hitherto with the consent of all parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peacekeeping is an activity which expands the possibilities for both the prevention of conflict and the making of peace". For the purpose of this study, peacekeeping is defined as the act of maintaining peace through the use of military intervention forces.

Moreover, peacekeeping operations require a clear and precise mandate for operations, which can be unambiguously translated into effective action on the ground in the pursuit of clear objectives. Mandates should take into account the need for peacekeeping operations to remain impartial in implementing their mission and to operate with the consent of all parties to the conflict. They also need to be framed with a view to the quality and quantity of resources which the international community would be ready to commit (Rugumamu 2002:187).

The major determinant of success is the capacity of the peacekeeping force to create an atmosphere conducive to peacemaking. In essence, the main function of peacekeeping is to keep different armed groups apart and to facilitate the transition from a state of conflict to a state of peace. Peacekeeping is also one of the methods used by SADC in order to bring peace and stability in conflicting states. In addition to its roles in peacemaking in some countries, SADC has through OPDS initiated the deployment of peacekeeping missions as an instrument for conflict management and resolution. Under its authority, SADC deployed missions to Lesotho and DRC.

Clearly, peace support operations have become an important tool in SADC efforts for managing and resolving conflicts. These operations can also be credited for playing a

role in stabilising the areas affected by violent conflicts. In the case of Lesotho, SADC ' Operation Boleas' is credited for creating a conducive environment for political dialogue and the restoration of democracy. In the case of the DRC, even if it was accused of attacks on civilians, the SADC AAF however, prevented Rwanda and Uganda from occupying the DRC, creating the conditions that facilitated the resolution of conflict and the deployment of a UN mission, which would not have been possible in its absence.

Notwithstanding these achievements, many studies have shown that these interventions in both cases have been ad-hoc measures undertaken by a small number of member states, with questionable legal mandates due to disagreement regarding whether they constituted SADC peacekeeping operations or military intervention by coalition forces made up of SADC states (Francis 2006; Nathan 2006; Neethling 2006). Neither were they formally authorised by the SADC Summit, but rather unofficially approved by the ISDSC and made up of the Defence ministers from the SADC Member states (Francis 2006; Nathan 2006; Neethling 2006). In conclusion, these interventions have been constrained by its limited peacekeeping experience.

2. 2.2.2.3 Peace building

In contrast with peacekeeping, the concept of peace-building was used by the UN to describe activities in the post-war context. According to UN, peace-building refers to "all external efforts to assist countries and regions in their transitions from war to peace, and includes all activities and programmes designed to support and strengthen these transitions (UN Department 2000:72)". Boutros-Ghali (1992:11) defines peace-building as an "action to identify and to support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict". This study adopts the general definition of peace-building that is provided by Boutros-Ghali in 1992 as mentioned above.

Peace-building is used to describe various activities including capacity-building, economic development, diplomacy, transitional justice, and democratization efforts that seek to address the core problems that underlie a conflict, with the aim of establishing durable peace. Today, the concept of peace-building is used to refer to the building of

structures for peace in all phases of a conflict, not merely after a violent phase has been replaced by a fragile peace.

SADC has attempted to make a meaningful contribution to combating socio-economic deterioration of some countries in the region. It has recognised the need to establish institutional structures to engage in a robust approach to peacebuilding and reconstruction in the SADC countries. In 2003, SADC adopted a Regional Indicative Strategic Development Plan (RISDP) to promote socio-economic development in Southern Africa (SADC Communiqué 2003).

SADC's potential to contribute to peacebuilding efforts in the DRC, Angola, Zimbabwe and Lesotho is limited by the nature of conflicts in the SADC region and the lack of financial resources. For example, in the case of DRC, SADC has recognised the need to establish institutional structures to engage in a robust approach to peacebuilding and reconstruction in the Congo. In particular, it has established a joint peacebuilding office with African Union in Kinshasa to help implement Disarmament, Demobilisation and Reintegration (DDR) in the DRC in consultation with the Congolese government, the UN and other external partners in the process.

From the above analysis of the mechanism of conflict resolution, it is possible to conclude that various conflict resolution mechanisms noted above have been employed in order to bring peace and stability in conflicting states. Compared to other Regional Economic Communities (REC's), SADC is more hesitant in seeking military solution to conflict in its member states. Peacemaking (mediation) seems to be a method of conflict resolution that is more acceptable to SADC. Clearly, SADC has made progress in its capacity to respond to political conflicts in the Southern Africa region.

2.3   THEORETICAL FRAMEWORK

The objective of this section is to discuss a theoretical framework for the appraisal of the role of SADC in conflict resolution in the DRC. As mentioned in the first chapter, this study is guided by two theories, namely the new institutionalism theories and

Rupesinghe's model of conflict transformation in its attempt to investigate the role of SADC in the Congo conflict resolution process. Furthermore, the strengths and weaknesses of Rupesinghe's model of conflict transformation and the new institutionalism theories will be discussed.

2.3.1 Rupensighe's Conflict Transformation Model

2.3.1.1 Introduction

It is an undeniable fact that a study of conflict resolution efforts in the DRC will be of little interest unless this was placed within a broader theoretical framework. By doing so, it will in a large measure assist us in determining the strengths and weaknesses of SADC intervention effort in the Congo conflict resolution process from 1998 to 2003 and to draw lessons from this process.

Resolving an intra-state conflict can be a difficult task. Rupesinghe is a theorist within the field of conflict transformation who argues for a comprehensive, eclectic approach to conflict transformation that embraces multi-track interventions. He suggests building peace constituencies at the grassroots level and across the parties at the civil society level, and also creating peace alliances with any groups able to bring about change, such as business groups, the media and the military. He sees conflict transformation as a broad approach incorporating conflict resolution training and Track I interventions including diplomatic interventions and peacekeeping(Miall 2004:5).

There are several reasons why Rupesinghe's model of conflict transformation is adopted in this study. First, due to the increasing processes of globalisation, contemporary conflicts have been significantly influenced by the changing nature of the international system. This international system witnessed changes in the second half of the 20th century. The conflicts plaguing the SADC region and the most current internal conflicts like DRC conflict have an external component such as Zimbabwe, Angola and Namibia's support of the Kabila Government, as well as Rwanda and Uganda's support of the rebel's movements.

The model of Rupesinghe (1995:65) emphasises internal conflicts which are more appropriate in the SADC region where intra-state conflicts are extensive.

The second reason why Rupensighe's model has been chosen is because it focuses on intra-state wars, which is applicable to the DRC conflict.

Third, Rupesinghe (1995:65) argues that in multi-dimensionality of protracted social conflicts, the rationalistic approach to conflict resolution or transformation must out of necessity, be complemented by an understanding of non-linear peacebuilding processes. In this regard, Rupesinghe (1995:65) suggests a double level approaches which consist in dealing with the complexity of either emerging or existing conflicts, for an efficient prevention.

Fourth, Rupesinghe's multi-sectoral approach also stresses that the number of actors involved in the peaceful transformation of a conflict needs to be increased to reflect all constituencies of broader society. In other words, there should be the development of engaged, visible and varied constituencies that are linked to the political elites of all sides and also to external supporters of peacemaking (1996:167). This is a very crucial point in the case of the DRC for various reasons:

Firstly, all constituencies of society must have a stake in peace as well as the peace process.

Secondly, it is the constituencies, which will be playing a key role in post-conflict reconstruction. Rupesinghe (1995:77) is of the view that a mere transfer of power does not amount to a meaningful conflict transformation. He asserts that meaningful transformation of conflict involves sustainable structural and attitudinal changes within the broader society and the emergence of new institutions to address outstanding issues.

Lastly, the involvement of non-state actors is also crucial, especially in situations of internal conflicts where the state cannot play the role of non-partisan mediator because in most cases, the state is a party to the conflict.

In summary, the Rupesinghe model of conflict transformation (1995:76) suggests that "a more promising approach for deep-seated internal conflicts could be a predominantly transformative process, where coming to an agreement on outstanding issues is of secondary importance to addressing the overall conflict process and coming to terms with the temporal aspects of conflict."

Rupesighe's conflict transformation model has the following as the framework for sustainable peace (Rupesinghe 1995: 80-85; 1996:166-168), which is applicable to the DRC conflict resolution:

1. **The pre-negotiation stage**: The purpose of this stage is to bring the warring parties into the negotiation process. In the DRC context many meetings and summits were convened in preparation for the ultimate negotiation process.

2. **Understanding root causes**: there is a need for a clear conceptual and theoretical understanding of the root causes and the sources of intractability of a given conflict. The causes of the DRC conflict are both internal and external. Internal causes included the authoritarian nature of the Kabila regime, inequitable distribution of scarce resources, exclusion, lack of recognition, identity problems with regards to the Banyamulenge population. The invasion by neighbouring countries such as Rwanda and Uganda for a variety of motives including the control of Congo's natural resources constituted external causes.

3. **Ownership of the process**: it is vital to involve "local actors so that they become the primary architects, owners and long-term stakeholders in the peace process". The study will examine the level of ownership of the peace process by various Congolese political parties or groups.

4. **Identifying all the actors**: accurate identification is necessary of all significant actors – the visible and articulate elites as well as the less visible, less articulate, but still influential opinion shapers and leaders. The DRC conflict involved a

multiplicity of state and non-state actors including countries such as Uganda, Burundi, Rwanda, Namibia, Zimbabwe, Angola, Chad and rebel movements such as RCD, MLC, RCD-N, RCD-ML and the Mai Mai militia.

5. **Identifying facilitators**: it is crucial to make accurate identification of people who have the background knowledge as well as the analytical and mediation skills so that a positive contribution in the design of a particular peace process can be made. In the DRC context, SADC mandated Zambian President Frederic Chiluba to lead the peace initiative for the DRC. The OAU mandated Sir Ketumile Masire, former president of Botswana, to facilitate the Inter-Congolese Dialogue (ICD).

6. **Setting a realistic timetable**: the need for realistic timetables for accomplishing phases such as the identification of roots, causes and significant actors, through cease-fires, to the elaboration of mechanisms of political and social accommodation.The Lusaka cease-fire provided for the timetable of the implementation of the agreement. However, implementation was left to the belligerents. Hence, there was little progress in this regard.

7. **Sustaining the effort**: a comprehensive approach requires an adequate investment of financial resources and patience, and a sustained commitment from sponsors. Efforts to settle the conflict in the DRC by the United Nations (UN), the African Union (AU) and SADC culminated in the Lusaka Ceasefire Agreement signed on 10 July 1999, the Inter-Congolese Dialogue (ICD) held from 15 October 2001 to 2 April 2003, the Global and Inclusive Agreement (17 December 2002) and the Final Act (2 April 2003). The mediation process was funded by European Union (EU) and South Africa.

8. **Evaluating success and failure**: "another key element of any peace-building design should be a process of evaluation which indicates whether the main interests of the parties are being addressed, the precedents and principles used in searching for a solution and their usefulness, the obstacles encountered, factors that led to progress, alternatives and missed opportunities, coordination with other peacemaking activities and lessons which could be learned from the process" (Rupesinghe 1996:167). At this stage, the study will evaluate SADC's role and decide whether its involvement was a success or a failure based on empirical data.

9.   **Strategic constituencies**: strategic constituencies must be identified to sustain peace processes over time; and these should include relevant non-governmental organisations (NGOs), the media, human rights and humanitarian institutions, peace institutions, religious institutions, independent scholars, former members of the military, members of the business community, intergovernmental and governmental officials and donors.In the DRC mediation process, civil society participated and was made of NGOs, churches, business organisations and media organisations.

10. **The role of outside peacemakers**: "traditional diplomacy and outside non-governmental peacemakers have important roles to play in the mitigation or resolution of violent internal conflict" (Rupesinghe 1995:84). In the DRC context, SADC and the AU played the role of mediators.

11. **The role of local peacemakers**: It is important that local peacemakers are involved in the peace process. In the DRC, local peacemakers have not offered to mediate the parties except Tshisekedi leader of UDPS (Union for Democracy and Social Progress), however, he was rejected.

2.3.1.2 The Rupesinghe's model and the DRC conflict situation

The conflict in the DRC dates back to the rebellion of 1996, which led to the ousting of President Mobutu from his 32 year authoritarian regime. In August 1998, Banyamulenge leaders, who brought Kabila to power, launched a rebellion against him. They accused him of authoritarianism, corruption, nepotism and tribalism. These developments led to an unprecedented inter-state and intra-state conflict involving a multiplicity of states including countries such as Uganda, Burundi, Rwanda, Namibia, Zimbabwe, Angola, Libya, Chad and rebel movements such as RCD, MLC, RCD-N, RCD-ML and the Mai Mai militia (Mangu 2003:160). The conflict in the DRC was composed of the Kinshasa government, its Angolan, Namibian and Zimbabwean allies as well as various paramilitary forces on the one hand, and a divided set of rebel groups notably RCD and MLC and their Rwandan and Uganda sponsors on the other.

Moreover, the DRC war has already seen approximately twenty three recorded peace initiatives fail since 1997. Rupensinghe (1996:164) suggests that in a multi-dimensional,

protracted social conflict, where peacekeeping and peacemaking have consistently failed to bring peace, an alternative to deadlock is a multi-sectoral approach to conflict transformation that emphasises creating sustainable frameworks for citizen-based peacebuilding initiatives. This suggestion is relevant to the DRC conflict.

The international community attempted numerous mediations in an effort to stop the civil war in the DRC and to bring about sustainable peace in the Great Lakes region. The UN, OAU and SADC organised a series of meetings and consultations aimed at resolving the DRC conflict; this culminated in the Lusaka Ceasefire Agreement signed on 10 July 1999, the Inter-Congolese Dialogue (ICD) held from 15 October 2001 to 2 April 2003, the Global and Inclusive Agreement (17 December 2002) and the Final Act (2 April 2003).

However, these peace agreements, for example the Lusaka Peace Agreement (LCA) did not lead to the desired result of ending the conflict, and the people of the DRC have continued to endure violence. One of the problems with the DRC process was that the focus was on having the leaders of the warring factions sign some form of agreement. The LCA was far from being comprehensive as there were some factions that were not signatories to it. Most importantly, no adequate attention was paid to the high level of humanitarian destruction the conflict had continued to cause (Prunier 2009: 223-226). Hence, extensive dialogue and peacebuilding efforts, not only at the level of the various actors to the conflict but also at the grassroots level, should have been given due attention to resolve the conflict.

Despite, the LCA failed to pave the way to a lasting solution to the Congolese Conflict and peace was fragile. On the basis of the LCA a national dialogue was initiated to take into consideration concerns of all parties. This led to the Inter-Congolese Dialogue (ICD) held at Sun City, in South Africa. This brought all parties together including the Kinshasa government, the rebel movements, the non-armed opposition and civil society, which adopted the Global Agreement and interim constitution for the DRC. In this regard, the model of Rupensinghe is relevant as it helps to appraise SADC's role in the Congo

conflict resolution process from 1998 to 2003 and to draw lessons for future peace actions.

2.3.1.3 *The weaknesses and strengths of the model of Rupesinghe*

Rupesinghe's model of conflict transformation, like any theory or model orientation, has its strengths and weaknesses which are related to the research. The strength of the model is that it takes up several elements which Rupesinghe claims are necessary in order to achieve a durable peace. All third-parties, such as SADC need to take up these elements in consideration to achieve an effective peace process in the DRC.

The weakness of Rupesinghe's model is that it does not describe some of the elements very clearly. The elements of "identifying all the actors" and "strategic constituencies" are similar and it is difficult to understand the complete differences between them. Identifying all the actors necessitates for example, elites, leaders, opinion-shapers and non-violent actors to get identified and brought into the peace process. This does not differ a lot from the strategic constituencies' element which for example includes the media (which can also be classified as opinion-shapers), government officials (classified as elites or leaders) and the churches and NGOs (classified as non-violent actors). Hence, Rupesinghe should have developed what these elements involve more thoroughly so as to avoid ambiguities.

One crucial aspect lacking in the model of Rupesinghe was the role played by culture. For example, there are different groups of people living in the DRC and most likely they have different cultural backgrounds, which need to be taken into account during the peace process. This element should be considered and for that reason, Rupesinghe's model should be developed in order to include an element of culture. This could be done in future study of Rupesinghe's model of conflict transformation.

In the fifth chapter, an attempt is made to use each component of this model to appraise SADC's role in the Congo conflict resolution process and to draw lessons for the future.

2.3.2 New Institutional Theories and SADC institution

2.3.2.1 Introduction

A theoretical approach which seems suitable for analysing SADC as an institution or organisation is that of New Institutionalism theories. In this regard, the aim of using the New Institutionalism theories is to understand how institutions in general and SADC in particular, are run and transformed. To put this theory into practice, a clear understanding of SADC as an institution is needed with regard to its historical evolution, goals, structure, functionality, policies and mechanisms that SADC uses in conflict resolution in the SADC region, and the impact of the role of individuals' interest, preference or motivation in deciding about the policies or the work of SADC. In addition, it will also help to examine the decisions taken by important actors in SADC and analyse their implications for the survival and future of SADC.

New Institutionalism developed as a response to behaviouralism which became popular in the 1950s and 1960s (Immergut 1998; Peters 1999). In general, new institutionalism theories seek to identify the rules, norms, and symbols that influence social behaviour, how formal the institutions affect political outcomes, and how institutions have developed over time to both enable and constrain policy making (Scharpf 2000:762-790). On the other hand, the New Institutionalism theories emphasises the relationship between institutions and action by associating institutions with 'roles' to which prescriptive 'norms of behaviour were attached (Lane 1995; Hall and Taylor 1996). In this view, individuals who have been socialised into particular institutional roles internalise the norms associated with these roles and in this way institutions are said to affect behaviour.

The New Institutionalism theories are not a single or a coherent body of theories. They are used in many different disciplinary contexts such as political sciences, economics, or organisational theory in order to understand institutions[8] (Powell and DiMaggio 1991:8).

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[8] The term institution and organisation are used relatively interchangeably in terms of their meaning and application in this study.

However, New Institutionalism recognises that institutions operate in an environment that consists of other institutions, called the institutional environment. Every institution is influenced by the broader environment and institutions are central to political science (Powell and DiMaggio 1991:8).

New Institutionalism theorists argue that institutions are important for determining decision-making outcomes and policy development. One can argue that the essence of institutionalism is that institutions matter in the study of politics. According to Meyer et al. (2007), institutions influence the choices of political actors. Institutions are generally defined quite broadly and their exact definition differs according to the respective theoretical branch. They can range from formal decision and organisational rules and procedures to informal practices, norms, values and conventions.

In line with the classification made by Hall and Taylor, three branches of New Institutionalism have been identified, namely, Historical Institutionalism (HI), Rational Choice Institutionalism (RCI) and Sociological Institutionalism (SI). All of them stress different kinds of interactions between institutions and actors within decision-making processes, and consequently "paint quite different pictures of the political world" (Hall and Taylor 1996:936-957).

2.3.2.2 The three branches of the New Institutionalisms

In the following sub-headings, the three branches will be discussed in brief, with particular attention being paid to the interactions between institutions and political factors, and the way in which institutional change can occur. This will also be related to SADC as an institution.

2.3.2.2.1 Historical institutionalism (HI)

The historical institutionalism was developed in response to the group theories of politics and structural-functionalism prominent in politics during the 60s and 70s. The group theories argue that conflict among rival groups is caused by rivalry over scarce

resources, which is one of the bases of politics (Hall and Taylor 1996:937). In addition, the group theories seek to better explain the distinctiveness of national political outcomes and the inequalities that mark these outcomes. Finally, it finds such explanations in the way the institutional organisation of the polity and economy structures conflict so as to privilege some interests while demobilising others (Hall and Taylor 1996:937).

On the other hand, the structural functionalists argue that the polity is to be viewed as an overall system of interacting parts. However, HI rejected the tendency of many structural-functionalists to view the social, psychological, or cultural traits of individuals as the parameters deriving much from the system's operation. Instead, HI saw the institutional organisation of the polity or political-economic as the principal factor structuring collective behaviour and generating distinctive outcomes (Hall and Taylor 1996:937-938).

Historical institutionalism (HI) is set out from an approach which shares certain features of RCI. In general, both agree on the broad definition of formal and informal sets of institutions. HI treats institution as "the formal rules, compliance procedures, and standard operating procedures that structure conflict or structure and shape behaviour and outcomes (Hall and Taylor 1996)".

Furthermore, Historical institutionalism conceptualises the relationship between institutions and individual behaviour in relatively broad terms. Also, it puts an emphasis on the asymmetries of power associated with the operation and development of institutions and tends to have a view of institutional development that emphasises path dependence and unintended consequences (Hall and Taylor 1996). The concept of path dependence refers to a process where contingent events or decisions result in institutions being established that tend to persist over long periods of time and constrain the range of options available to actors in the future, including those that may be more efficient or effective in the long run (Pierson 2000).

Finally, Historical institutionalism is concerned with integrating institutional analysis within the contribution that other kinds of facts, such as ideas, can make to political outcomes (Hall and Taylor 1996:938; Steinmo 2001). In order to specify the relationship between institutions and actors, historical institutionalism for example uses both calculus and culture approach, which focuses on the uneven distribution of power, and subsequent impact on both actor behaviour and promulgation of the institution itself (Hall and Taylor 1996).

However, there is a debate whether institutions can change or not. Some analysts recognised that institutions typically do not change rapidly–they are sticky, resistant to change, and generally only change in path dependent ways. Peters (1999) argues that institutional change follows the historically contingent institutional evolution, which is a way of adjusting institutions in the face of some dysfunctions or unanswered questions. For example, if SADC Summit is trying to change the direction of certain policy, it can undermine institutional stability. A policy should be considered as part of a policy package and a modification of one policy will affect the whole package. This was demonstrated in 2001 when the Summit decided to amend the 1992 SADC Treaty following the end of Cold War and the collapse of apartheid. In 2001, an extraordinary SADC Summit decided on a radical reform for far-reaching changes in SADC's institutional framework and its structure for executing the 1992 mandate. These included changes in SADC's governing structures, but most importantly a plan for the abolition of the 21 sector coordinating units and commissions located in 12 of its member countries at the Secretariat, Botswana, which will be brought together in four clusters, the repositioning of the Organ as an integral part of SADC, and the strengthening of the Secretariat (Cawthra and Van Nieuwkerk 2004:7). One could argue that all these institutional changes could be seen as an attempt to complete the architecture of an REC by establishing the pillars of a development community and repositioning the organisation to respond to emerging economic development and integration imperatives (Isaksen and Tjonneland 2001: 6).

2.3.2.2.2   SADC within the context of historical institutionalism

The application of HI in SADC can be explained by considering the historical evolution of institutions through informal (the way things are generally done) and formal (laws, rule sets) interaction and by examining their establishment, performance and change over time. This perspective seems to be an important tool for the analysis. A key concept of Historical Institutionalism is path dependence. It explains the persistence rather than the change of institutional arrangement.

Historical institutions offer a long-term perspective that focuses on path dependency and lock-in. Both path dependency and lock-in are crucial to understanding the development of SADC policy. Pierson (1996:131-142) analysed the conditions under which path dependence occurs in institutions in general, particularly in the European Union. However, this also applies to SADC, especially in the case of integration as a process that unfolds over time. For example, when SADC Summit decided to integrate SADC OPDS into SADC body, and transformed it into the SADC Organ on Politics, Defence, Security and Cooperation.

There are three factors that account for the persistence of institutions or policies over time. Firstly, the resistance of supranational actors to institutional change such as policies in favour of more member state control. Secondly, Pierson (1996:143) observes that institutions are often 'sticky' and therefore 'specifically designed to hinder the process of institutional and policy reform'. Thirdly, Pierson (1996:144) points to the role of sunk costs and the rising price of exit, stating that "individual and organisational adaptations to previous decisions may also generate massive sunk costs that make policy reversal unattractive". Therefore, these factors make an institution path dependent. These factors play a role with regard to SADC policy. In 1996, the Zimbabwean President Mugabe argued for an autonomous Organ with its own chairperson separated from the SADC Summit. This was premised on suspicion of South Africa's regional dominance agenda, fear of South African continued control of the country's security establishment and the need to separate sensitive security matters

from an array of other donor-supported SADC programs (International Crisis Group 2012:9).

On the other hand, South African President Mandela argued that the Organ needed to fall under the direction of the Summit, which it chaired at that time. SA also highlighted that there was no provision in the SADC Treaty to create a distinct body, under a separate and autonomous chairpersonship and maintained that the Treaty recognised the Summit as the supreme policy-making body. In 1997, during his tenure as the SADC Chair, Mandela became so exasperated with Mugabe's rival authority as the Chair of the Organ that he threatened to resign if the Organ were not made accountable to the Summit (Nathan 2006:610). At the 2001 Summit, after intense negotiations and pressure, it was decided to bring the Organ firmly under SADC control.

HI examines the development of SADC by focusing on its path dependence. This path dependence plays an important role in HI where past decisions lock the decision-makers into a path and consequently limit their future decisions. For example, in the context of SADC, colonial legacy and historical heritage are the path dependence in the development of the structure of SADC. SADC was inherited from SADCC structure and the FLS. Over the years, new organs have been created, while others have been abolished. As the liberation movement legacy is a potential risk for the political development within the member states, it also constitutes an asset for influence and mediation. The FLS credibility and respect for liberation elders still carry a lot of weight. The fact that SADC structures are built on the legacy of the FLS, also influences the organisation negatively as it places potential constraints on the political maneuvering in the region (Hull and Derblon 2009:12).

Therefore, it is clear that in terms of policy, SADC is not totally locked in. However, given the presence of some conditions for path dependence, changes to SADC are possible when the preference of actors have changed and it is a product of external shocks to the system for example, the end of apartheid resulted in major geopolitical changes for the SADC.

2.3.2.2.3 Rational choice institutionalism (RCI)

The rational choice institutionalism emerged from the study of American congressional behaviour. The RCI emphasizes how the rules of Congress committee influence the behaviour of legislators and why they arise (Hall and Taylor 1996:942). In recent years, rational choice institutionalisms have also turned their attention to a variety of other phenomena, including cross-national coalition behaviour, the development of political institutions and the intensity of ethnic conflict (Hall and Taylor 1996:942).

Hall and Taylor (1996:938) define institutions as "the formal and informal procedures, routines, norms and conventions embedded in the organisational structure of the polity or political, be it a 'constitutional order or the standard operating procedures of a bureaucracy or the conventions governing trade union behaviour or bank-firm relations". The RCI employs a characteristic set of behavioural assumptions, positing that the relevant actors have a fixed set of preferences and behave entirely instrumentally so as to maximisze the attainment of these preferences in a highly strategic action (Hall and Taylor 1996:942).

Besides, it tends to see politics as a series of collective action dilemmas, as instances when individuals acting to maximise the attainment of their own preferences are likely to produce an outcome that is collectively sub-optimal (Hall and Taylor 1996:942). RCI has made a major contribution in explaining politics. One of the great contributions of RCI is that, it focuses on the role of strategic interaction in the determination of political outcomes, while it has a distinctive approach to the problem of explaining how institutions originate (institutions created through voluntary agreements by relevant actors seeking to create an institution which will serve their required function) (Hall and Taylor 1996:944-945).

2.3.2.2.4 The application of RCI in SADC institution

As noted above, RCI is based on the assumption that institutions constrain political actors in the rational pursuit of their preferences. Therefore, political actors are in a way

'bounded rational' and act according to a 'logic of consequence'.

RCI assumes that institutions emerge as a result of their interdependence, strategic interaction and collective action or contracting dilemmas. Institutions emerge and survive, because they fulfil important functions for the individual factors affected by these institutions (Jonsson and Tallberg 2010). In this sense, SADC institutional creation is seen as an explicit and purposeful choice by rational, self-interest maximising actors. In this context, Lieberman (1997:91) argued that SADC persists not just because its members think they can benefit from it, but because it has developed into a recognised organisation that has gained credibility and legitimacy among its members and other international actors.

RCI focuses on the decisions taken which have created the long term policy preferences or objectives. For conflict resolution within SADC region, the RCI will help the researcher to understand why all actors (member states) are involved in decision-making process through the heads of state meeting at the same time to investigate on how individual behaviour of SADC's actors attempts to influence SADC policy for their personal benefit. However, by using strategic calculation, each actor tries to benefit from policy making process in order to have a control of SADC political outcome. This would mean that every political actor concerned in decision-making processes wants to maximise its individual benefits from the policy and engages in strategic behaviour in order to achieve this goal.

RCI views institutional equilibrium as the norm (Steinmo 2001:3). The institutional setting is essential to policy making. Scharpf (1997) gives three aspects of the institutional setting. Firstly, the actors' preferences which have developed through time as decisions are made. Secondly, there is the constellation of actors, some will have similar preferences and can create alliances, while others will be marginalised as their preferences are not compatible. Finally, the mode of interaction is determined by the rules. These three factors determine the policy outcome. In the SADC context, these factors are evident in the DRC conflict resolution process. The DRC conflict resolution process brought to the fore of the divisions within the SADC institution. On the one

hand, a group of states made of Angola, Namibia and Zimbabwe pursued military action and on the other hand, South Africa, Tanzania and Mozambique preferred political and diplomatic options, while other states are aligned to either group or have opted for inactivity (neutrality).

Finally, writers such as Hall and Taylor (1996) and Peters (1999), indicate that RCI does not pay much attention to accurately theorizing institutional change and the conditions under which it occurs. They are of the view that change comes when an institution fails, precisely when it does not succeed anymore in fulfilling its purpose in an efficient way. If this is recognised, institutional change becomes a conscious rather than a continuous process (Peters 1999). Hall and Taylor (1996:945) also suggest that institutions are subject to change by the individuals who follow and/or challenge existing rules (Hall and Taylor 1996:945). In the context of SADC, this means that its institutions change from time to time, depending on actors like in the case of the suspension of the SADC Tribunal in 2010. The suspension of the Tribunal as a result of a member state's dissatisfaction with the decisions of the Tribunal casts doubt on the acceptability of decisions of supranational institution by SADC member states. For example, the issues surrounding Zimbabwe's refusal to accept the decision of the Tribunal ruling in relation to rights violated during its controversial land reform program in 2008. The Zimbabwean government rejected this ruling, challenging its legality and lobbied the Summit to suspend the Tribunal. SADC Summit suspended the power of the tribunal in August 2010 and commissioned a review of its mandate and jurisdiction (Saurombe 2012:459). In line with this, SADC is determined by the 'logic of consequences', which informs the preferences and strategies of political actors.

2.3.2.2.5 Sociological institutionalism (SI)

Sociological institutionalism arose primarily within the subfield of organisation theory. The New Institutionalists in Sociology began to argue that many of the institutional forms and procedures used by modern organisations were not adopted simply because they were most efficient for the tasks at hand, in line with some transcendent rationality.

Instead, they argued that many of these forms and procedures should be seen as culturally specific practices (Hall and Taylor 1996:946).

SI tends to define institutions much more clearly and broadly than political scientists do to include, not just formal rules, procedures and norms, but the symbol systems, cognitive scripts and moral templates that provide the frames of meaning, guiding human action, collapses the distinction between institutional explanations and cultural ones and redefines culture itself as institutions (Hall and Taylor 1996: 947). Furthermore, it has a distinctive understanding of the relationship between institutions and individual action, which follows the cultural approach, but also adds in a normative dimension of institutional impact (Hall and Taylor 1996: 948).

Finally, it states that organisations embrace specific institutional forms or practices because the latter are widely valued within a broader cultural environment (Hall and Taylor 1996:947). SI does well to explain the persistence of institutions as they bound the choices available for actors within them and also sees the emergent properties of institutions beyond the aggregation of individual choice (Hall and Taylor 1996:950).

In the Sociological institutionalism perspective, institutional change occurs when there is a perceived need to adjust policy (Peters 1999:33). This means that institutional adaptation and change can take place through processes of learning. SI argues that such institutions constitute actors, shaping the way the latter view the world. In the case of SADC, Sociological institutionalism scholars examined the process by which SADC is diffused and shapes the preferences and behaviour of actors in domestic and international politics.

2.3.2.2.6   Sociological institutionalism (SI) and SADC

The application of SI to SADC indicates a process in which participation in SADC policy-making provides actors with conceptions of their own identities and of how to act. SADC can be seen to emerge as a result of actor behaviour which is learnt from being identified as a particular actor in SADC system. Therefore, actors can be seen to behave

in a manner they perceive to be socially appropriate in accordance with their roles, leading to the dispersal of authority away from the central state. In this sense, SADC does not only emerge, but also becomes self-reinforcing whereby actors learn to function according to the behavioural rules of the SADC.

Institutions are the rules and the guides to human interaction. SADC have the norms, rules and principles that member states should adhere to and follow. Members of an institution are expected to obey and be the guardians of its constitutive principles and standards (March and Olsen 1989, 2006). In the case of SADC, officials or members enter the organisation, and are confronted from the onset with its social structure and rules. For example, in Article 4 of SADC Treaty (1992), SADC and its member states shall act in accordance with the following principles: Sovereign equality of all member states; solidarity, peace and security; human rights, democracy, and the rule of law; equity, balance and mutual benefit and peaceful settlement of disputes. This means that it does not matter who SADC officials were or what their interests were since SADC had established a system of norms in 1992 and regardless of their status and interests they are obliged to accept and follow the rules established within the organisation.

SI holds that a 'logic of appropriateness' guides the behaviour of actors within an institution. The norms and formal rules of institutions will shape the actions of those acting within them. According to March (2005: 8) the logic of appropriateness means that actions are 'matched to situations by means of rules organised into identities'. In SADC context, if one takes the provision of the Mutual Defence Pact into account; for example when Rwanda invading the DRC in 1998, this conflict could result in a war between SADC member states and Rwanda and its allies. This means that the positions of the political actors are informed by the institutional values of the SADC, most likely those of 'solidarity' which commits them to act accordingly. In line with this, SADC is determined by the 'logic of appropriateness', which informs the behaviour of political actors.

2.3.2.3 The weaknesses and strengths of the New Institutionalisms

The New Institutionalism theories like any other theory have its strengths and weaknesses which are related to its essential research. However, the theories have strength because they are not a single or coherent body of theory. They are used in many different disciplinary contexts such as political sciences, economics, or organisational theory in order to understand institutions (Powell and DiMaggio 1991).

Although the New Institutionalisms theories have made great progress some weaknesses have been identified. One of the weaknesses of the New Institutionalism theories is much observed when trying to explain the genesis and transformation of institutions. According to O'Riordan and Jordan (1999:84), the problem with the three branches of the New Institutionalism theories to date is unclear on vital questions (e.g. how do institutions develop and how do they change?), is replete with ambiguities and is too discipline bound. Additionally it has been criticised for not providing a unified theory of institutional behaviour.

In sum, as noted above, institutions are central to political science. Today, political science is confronted with not one but the three branches of the New Institutionalism theories. All of them devote much attention to how actors (member states) create, maintain and change institutions and in turn, how actors or member states are influenced and constrained by institutions over time. Institutions need some consistency over time and they continue to exist even if the members change, they create predictable and regulate behaviour and they are necessary for a stable and efficient political system (Peters 2008:5-8). This is relevant to SADC in order to understand the institution. Institutions are not the only explanation to political behaviour, but they do affect the political outcome, therefore they need to be considered when trying to understand politics.

Historical Institutionalism is useful for understanding how SADC institutions and policies develop, yet it lacks the ability to explain and analyse events that change the path taken. RCI, on the other hand, is concerned with assessing the impacts of structure on

behaviour and policy and finally, SI is used to understand the importance of informal and cultural institutional features, such as the norms and values diffused by an institution. This theory is pertinent for analysing SADC as an institution and its impact on behaviour and outcomes. As discussed above, it will also help to examine the decisions taken by important actors in SADC and analyse their implications for the survival and the future of SADC.

2.4   CONCLUSION

Appraising the role of SADC in conflict resolution process in the DRC from 1998 to 2003 is the focus of this study. It is important to note that conflict is an inevitable fact of human life. When conflict erupts, it needs to be managed and resolved. In cases where the conflict cannot be prevented or managed, there are commonly used mechanisms to resolve it. How conflicts are resolved will have a significant impact on the success or failure of the conflict resolution mechanisms. SADC conflict resolution mechanism is the SADC OPDS. The ultimate goal is to resolve conflicts. However, understanding the nature of the conflict is important and necessary in order to determine the most appropriate approaches and mechanisms of conflict resolution. This is because the understanding of the types of conflict, causes of conflict and actors involved in the conflict will be a very useful tool for the purpose of resolving it.

Therefore, there are two main dimensions to SADC OPDS intervention in conflict. Intervention could imply peacemaking efforts (mediation) in the conflict or it could be in the realm of peacekeeping (military intervention). Both could be waged independently depending on the nature and character of the conflict. However, SADC's involvement in the post-conflict peace building has been weak and less systematic.

This chapter has also discussed two theories namely the New Institutionalism theory and Rupesinghe's model of conflict transformation which will guide this study's investigation of the role of SADC in the Congo conflict resolution process. Using Rupesinghe's model of conflict transformation, the study would pay attention to the eleven elements of conflict resolution mentioned above which Rupesinghe claims are

necessary in order to achieve durable peace. The New Institutionalism theories are useful for understanding SADC as an institution and impact on behaviour and outcomes.

CHAPTER 3

OVERVIEW OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

3.1   INTRODUCTION

Since the end of the Cold War, the world has witnessed the growth of regional organisations with both economic and political security interests. These include among others the following: the Organisation of American States (OAS) in America; the European Union (EU) and The Organisation for Security and Cooperation in Europe (OSCE) in Europe; the Association of South-East Asian Nations (ASEAN) in Asia and the African Union (AU) in Africa. At the sub-regional level, there are myriad of sub-regional organisations on the African continent in different domains like economy, politics and security. These sub-regional organisations are established to regulate inter-state relations and to manage and resolve conflicts.

However, some have progressed tremendously while others have been stalling for decades. ECOWAS and SADC are the most advanced sub-regional organisations. They are dominated by two powerful members who are Nigeria and South Africa respectively. According to Cawthra and Van Nieuwkerk (2004:4), SADC differs from these regional organisations in some respects. First, it has a unique history, including the history of civil war and liberation from colonial and apartheid domination. Second, it does not have external security guarantees in the form of the US or any other major Western power.

The purpose of this chapter is to discuss an overview of SADC in terms of its formation, principles, objectives, memberships and Institutions. This will be discussed in relation to the New Institutionalism theories. A particular attention will be paid to the interactions between SADC institutions and political actors, and the way in which institutional change occurs. There are three important concepts that will be addressed in the discussion of SADC's overview. These are 'path dependence', 'logic of consequences' and 'logic of appropriateness'.

Firstly, under HI, SADC decision emerges through a process of path dependency in which initial policy choices structure and restrict development. Previous SADC decisions and the institutions around which they are built are expected to have an impact on the range of positions available to political actors.

Secondly, there is a rational calculation which is derived from the Rational Choice Institutionalist's 'logic of consequences'. It means that the political factors base their positions on calculations directed at maximising their individual benefit from SADC policy, thereby taking into account formal institutional constraints such as consensus voting.

Thirdly, commitment, duties, obligations are derived from the Sociological Institutionalist's 'logic of appropriateness'. This means that the positions of the political factors are informed by the institutional values of the SADC, especially those of solidarity which commits them to act accordingly. The interaction of the actor positions with the institutional factors is then reflected in the SADC policy outcome. The main argument presented is that SADC policy has largely followed the dictates of the member states.

In addition, the chapter analyses SADC conflict resolution system and the cooperation and relationship between SADC, the AU and the UN in conflict resolution. This cooperation and relationship presents challenges of coordination and opportunities for collective action.

3.2 FORMATION, PRINCIPLES, OBJECTIVES, MEMBERSHIPS AND INSTITUTIONS OF SADC

The purpose of this section is to analyse the historical roots of the SADC predecessor and how these impacted on the establishment of the SADC, its organisational structures, goals and potential for conflict resolution. The section also explores the manner in which the SADC has applied its principles, norms, values, powers and functional modalities to explain its decision-making processes during real-time conflicts. A particular focus will therefore be on the genesis, principles, objectives, memberships and institutions of SADC.

3.2.1   Genesis of SADC

The development of SADC, like that of ECOWAS, has been shaped by the changes in the international system and the political dynamics of the region. SADC was established in 1992 through a merger of the Frontline States (FLS) and the Southern African Development Coordination Conference (SADCC). The FLS and the SADCC were established in the 1970s and 1980s respectively to deal with security cooperation and socio-economic development (Hull and Derblon 2009:7). As an informal political grouping, the FLS was established by Angola, Botswana, Mozambique, Tanzania and Zambia while Zimbabwe joined them in 1980. The main motive for this formation was the political liberation of the Southern African region, including the need to oppose the increasing regional dependence on the South Africa's minority white rule at that time (Hull and Derblon 2009:7).

By 1980, the SADCC was established by Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe as a development aid coordination mechanism. This mechanism was part of the FLS's strategy to economic liberation of the Southern African region. The main goals of SADCC at inception were to reduce economic dependence, particularly but not only on apartheid South Africa; foster regional integration and to promote resource mobilisation. However, none of these goals was the SADCC particularly successful (Bawer and Taylor 2011:357).

However, the independence of Namibia in the early 1990s and the end of apartheid in South Africa in 1994 put an end to the struggle against colonialism in the region. At the continental level, the 1980 Lagos Plan of Action[9] was reaffirmed in 1991 in Abuja when the African Economic Community (AEC) was established. Therefore, the FLS was disbanded and the SADCC was transformed into SADC in 1992 by the Treaty in Windhoek, Namibia, on 17 August 1992 (Burgess 2009:2). SADC was established as an international organisation with a legal personality, capacity and power to enter into

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[9] The Lagos Plan of Action officially the Lagos Plan of Action for Economic Development of Africa 1980-2000 was an Organisation of Africa Unity (OAU) backed plan to increase Africa's self-sufficiency.

contracts, acquire, own or dispose of movable or immovable property and to sue and be sued (SADC 1992: article 3).

Unlike its predecessor, SADC was aimed at forging deeper economic cooperation and integration to respond to the new socio-economic, political and security imperatives. In line with this, it has adopted two strategic plans to achieve its mission: Regional Indicative Strategic Development Plan (RISDP) in 2003 and Strategic Indicative Plan of the Organ (SIPO) in 2004. In contrast to the ECOWAS, SADC has clearly stated its economic and security objectives.

Since its establishment, SADC has made efforts to achieve development and integration in political, economic, social and security areas. The formation of the SADC OPDS in 1996 is among its achievement. However, the SADC OPDS was more or less dormant due to among others, the political tension between Mandela Chair of the SADC body and Mugabe Chair of the SADC Organ, up until 2001, all member state's leaders made an effort to renew and improve the Organ (Francis 2006:193).

In 2001, the 1992 SADC Treaty was amended due to the end of Cold War and the collapse of apartheid. The amendment heralded the overhaul of the structures, policies and procedures of SADC, a process that is still ongoing. One of the changes of SADC institutional structure was that political and security cooperation was institutionalised in the Organ on Politics, Defence, Security and Cooperation (OPDSC) (Isaksen and Tjonneland 2001:6). Therefore, the SADC Treaty was amended to take into account these institutional changes. SADC has become a more coherent organisation than it was before, yet it still suffers from a lack of human capital and financial resources, which exacerbates problems of implementation (Van der Vleuten and Hulse 2013:9).

3.2.2   Principles and Objectives of SADC

The Treaty endows SADC with objectives, principles, structure, functions and power of execution. The principles and objectives of SADC are very ambitious and comprehensive than those of its predecessors. For example, Article 4 of SADC Treaty

(1992) enumerates principles, which SADC and its member states must act in accordance with. The following are SADC principles:

- Sovereign equality of all member states;
- solidarity, peace and security;
- human rights, democracy and the rule of law;
- equity, balance and mutual benefit; and
- peaceful settlement of disputes (SADC Treaty 1992: Article 4).

In addition, SADC members have agreed to cooperate in a number of areas including politics, diplomacy, international relations, peace and security (Cilliers 1999:11). However, this cooperation is affected by both the lack of political will among member and common values.

According to Ndlovu (2013:54), SADC's ultimate objective is to build a developed, prosperous and peaceful community through regional integration, guided by a vision of a common future. The specific objectives of SADC, as stated in Article 5(I) of the SADC treaty are to:

- Achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration;
- evolve common political values, systems and institutions;
- promote and defend peace and security;
- promote self-sustaining development on the basis of collective self-reliance and the interdependence of member states;
- achieve complementarily between national and regional strategies and programmes;
- promote and maximise productive employment and utilisation of resources of the region;
- achieve sustainable utilisation of natural resources and effective protection of the environment; and

-       strengthen and consolidate the long standing historical, social and cultural affinities and links among the people of the region.

These objectives are to be achieved through increased regional integration built on the principles as noted above. Thus, it is clear that SADC has economic, political and security objectives, but there is more emphasis today on the political and security objectives than on the economic objectives.

3.2.3   SADC Membership

When the SADC Treaty of 1992 was signed, SADC had ten member states. The five subsequent members joined between 1994 and 2005. Today, SADC is a sub-regional integration organisation composed of fifteen member states that have great differences in cultural, ethnic and colonial backgrounds. They also differ in terms of their political structures and economic developments, but share a strong post-colonial legacy. The particularity of SADC is that it consists of member states in and outside of the Southern African region. This includes the DRC[10], which might be termed an 'outsider' state in terms of SADC's categorisation. The DRC became a member of SADC in 1998. Some argue that the admission of the DRC at the insistence of South Africa into SADC was an error because the DRC is a nation that presents a number of problems for SADC (Cilliers 1998:28; Ngoma 2005:141; Oosthuizen 2006:81).

According to Oosthuizen (2006:81), the DRC's admission into SADC in mid-1998 was not destined to be as problematic as it turned out to be. The SADC Summit noted that it 'has major strategic significance to the region because the country shares borders with several SADC countries and has great potential to cooperate with SADC in key sectors such as energy, water, tourism, transport and communication'. For these reasons, it is clear that the admission of the DRC into SADC was based on economic and geostrategic interests. However, shortly after its accession, the DRC slid back into war

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[10]Angola, Madagascar and Tanzania also lie outside of the AU's regional definition of Southern Africa.

and soon divided SADC between members preferring negotiations and those for a military solution for the resolution of conflict.

Laurent Kabila appealed to the SADC for assistance, in the early stages of the Second War. A meeting of the Inter-state Defence and Security Committee in Harare on 18 August 1998, declared a decision to defend Kabila's regime. Zimbabwe, Namibia and Angola, chose to intervene with the military and deployed the SADC Allied Armed forces (SADC-AAF). However, South Africa (the chair of SADC then) supported by Botswana, Mozambique and Tanzania adopted a different approach, advocating dialogue and negotiation. This was probably to limit division within SADC in pursuit for a united front. The SADC Summit meeting in Mauritius in September 1998 endorsed the positions represented by both South Africa and Zimbabwe (Nathan 2006:614).

The deployment in the DRC of SADC AAF leads to the question of interests and preferences of member states. The question is which interests came first in SADC decision-making processes, the institutions or its individual member states interests? Whose interests are the most important: the collective interest of SADC member states or the individual interests or preferences?

Differences in preferences can be found between democratic states and non-democratic states, between pacifists and militarists and between old and the new member states. Isaksen and Tjonneland (2001:43) note that the reality is that not more than half of the regional states can be said to have their democratic credentials intact. SA together with Botswana, Mozambique, Mauritius and Seychelles could be said to be the most democratic of the SADC states. Zimbabwe together with Angola, Namibia and the DRC may be viewed as least democratic (Isaksen and Tjonneland 2001:43).The outcomes on SADC policy seem to present compromises between these positions, with considerable exceptions to the actual SADC rules. SADC states participate in military interventions for reasons of national and personal interests rather than humanitarian reasons or out of a primary interest in preserving regional stability. It is clear that national and personal interests come first in SADC decision-making processes. This was also the case in

Lesotho in 1998. In line with this, SADC is determined by the 'logic of consequences', which informs the preferences and strategies of political actors.

3.2.4 SADC Institutional Structure

When SADC was formed in 1992, its member states decided to create an institutional framework in order to execute the new mandate of the new organisation. As mentioned earlier, the 1992 SADC structure was amended. Under the new framework SADC now consists of the following structures: The Summit of Heads of State and Government; The Troika; the Organ on Politics, Defence and Security Cooperation; the Council of Ministers; the Integrated Committee of Ministers; the Standing Committee of Officials; the Secretariat; the Tribunal (currently suspended) and the SADC National Committees (SADC 2001: Article 9).

3.2.4.1 The Summit of Heads of State and Government

The Summit is the top hierarchical structure of SADC which consists of the heads of State and government of the member countries. As a supreme institution, the Summit is responsible for the general direction and control of the functions of SADC and the achievement of its objectives (SADC 1992: article 10). The Summit meets twice a year in August and September within member states, where a new Chairperson and Deputy are elected.

The decisions of the Summit are adopted by consensus and are binding. However, the use of consensus by the Summit has compromised its functions, for example, the issues surrounding Zimbabwe's refusal to accept the decision of the Tribunal ruling in relation to rights violated during its controversial land reform program. The Zimbabwean government rejected this ruling, challenging its legality and lobbied the Summit to suspend the Tribunal. The Summit sided with Zimbabwe and suspended the Tribunal (Saurombe 2012:459). It is clear that for the decision to be endorsed by the Summit, Zimbabwe will have to support it.

In addition, President Mugabe clung on to power by means of fraudulent elections (Cawthra 2010:29). SADC Summit remained silent on issues of human rights abuses and failed to exercise any criticism of electoral processes, congratulating President Mugabe after the election. SADC also sought to protect President Mugabe from any external action as a result of his actions. For example, following the Commonwealth decision to suspend Zimbabwe in March 2002, SADC through Lesotho as Chair of the SADC Organ issued the following statement:

> *"we wish to voice our strong disagreement with the decision not to allow Zimbabwe back into the Councils of the Commonwealth as reflected in the Abuja Commonwealth Heads of Government Meeting (CHOGM) Statement on Zimbabwe. We are concerned that the matter of Zimbabwe's participation seems to have been prejudged, considering the pronouncements made by some members prior to the finalisation of this matter" (*Africa News Service 2003*).*

This leads to the question of what common values are shared by SADC states. Solidarity became the dominant 'logic of appropriateness' in SADC. It is clear that SADC is determined by the 'logic of appropriateness'.

Despite these developments, Zimbabwe continued to participate in SADC activities. On the contrary, in the case of Madagascar, SADC Summit took a clearer stance, where it refused to recognise the leaders of the coup in 2009 and therefore the country was suspended from all SADC institutions. It is clear that the Summit decisions have given rise to serious concerns about the rule of law in the organisation.

3.2.4.2 The Troika

The Troika system consists of the Chair, the Incoming Chair and the Outgoing Chair of SADC. It has been effective since its establishment by the Summit during its meeting held in Maputo (Mozambique) in August 1999. According to Article 9(1), the Troika system operates at the level of the Summit, the Organ on Politics, the Defence and Security, Council and Standing Committee of Senior Officials. Other member states may

be co-opted into the Troika when necessary. This system has enabled the organization to execute tasks and implement decisions expeditiously, as well as provide policy direction to SADC Institutions.

3.2.4.3 The Organ on Politics, Defence and Security Cooperation

The OPDSC or the Organ is the body of SADC responsible for the maintenance of peace and security. It was formally established in its present form by the SADC Treaty, and is now clearly an institution of SADC (Oosthuizen 2006: 213). Interestingly, this Organ has been endowed with objectives, principles, the structure and functions in its Protocol adopted in 2001.

According to Article 2 of the Protocol, the general objective of the Organ is to promote peace and security in the region. Its specific objectives are to:

- Protect the region against instability arising from the breakdown of law and order, intra- and inter-state conflict and aggression;
- promote political co-operation among state parties and the evolution of common political values and institutions;
- develop regional coordination and co-operation on matters related to security and defence, and establish appropriate mechanisms to this end;
- prevent, contain and resolve intra - and inter-state conflict by peaceful means;
- consider enforcement action in accordance with international law as a matter of last resort where peaceful means have failed;
- consider the development of a collective security capacity and conclude a Mutual Defence Pact to respond to external military threats; and
- develop peacemaking capacity of national defence forces and coordinate the participation of state parties in international and regional peacekeeping operations (Ndlovu 2013: 62).

These objectives can be further placed into five broad categories: military and defence cooperation, crime prevention, intelligence, foreign policy and human rights (Malan and

Cilliers 1997).The SADC Organ is consistent with the principle of the SADC organisation. To execute its mandate, the SADC Organ needs to get consent of member states.

The Protocol also provides an elaborate structure and functions of the Organ. It comprises a Chairperson of the Organ; The Troika; a Ministerial Committee; an Inter-State Politics and Diplomacy (ISPDC); an Inter-State Defence and Security Committee (ISDSC); and sub-structures established by any of the ministerial committees.

The SADC Summit elects the Chairperson of the Organ for a term of one year. The Chairperson is responsible for the overall policy direction and achievement of the objectives of the Organ (SADC 2001: article 4.4). Decisions are taken in consultation with the Troika of the Organ and the SADC Summit. This means that the OPDSC has lost its erstwhile independence (Solomom 2004). The OPDSC operates on a Troika chairing system. This is the same as the overall SADC.

The ISPDC comprises the ministers responsible for foreign affairs from SADC member states and is mandated to perform such functions as may be necessary to achieve the objectives of the Organ relating to politics and diplomacy. The ISDSC (which is a former FLS structure) consists of the ministers responsible for defence, public security and state security and performs the functions necessary to achieve the objectives of the Organ relating to defence and security. The ISDSC meets at a ministerial level and have three sub-committees, namely, defence sub-committee, public security sub-committee and state security sub-committee. The Ministerial Committee responsible for the co-ordination of the work of the Organ and its structure consists of all the above ministers. It reports to the Chair of the Organ. The ISPDC and ISDSC also report directly to the Chairperson of the Organ.

Compared to the OPDS that was based on the strength of a Summit Communiqué, there are now legal documents. The legal documents governing activities of the Organ are the SADC Treaty, the Protocol on Politics, Defence and Security Cooperation, SIPO and the Mutual Defence Pact. SIPO adopted in 2004 and revised in 2010, is a broad five year

plan setting out strategies and activities for the implementation of the objectives set out in the Protocol. Finally, the SADC Mutual Defence Pact of 2004 guides the implementation of the Protocol on Politics, Defence and Security Cooperation.

In addition, the OPDSC is based on a combined structure of the FLS and the OSCE's Troika system, with a very broad mandate covering two areas of cooperation in politics, and peace and security (Osei-Hwedie 2002:158). This is a positive development within the structure because it reinforces notions of a holistic, expanded and integrated security and prevents abuse (Solomon 2004:26).

Therefore, SADC OPDSC functions like a Peace and Security Council (PSC) of the Africa Union and the Troika as the executive arm. The Summit, OPDSC and Secretariat played the role in prevention, management and resolution of conflict in SADC region. Even the OPDSC, whose mandate is to promote peace and security in the region, does not seem to have the capacity to take binding decisions (Oosthuizen 2006).

3.2.4.4 The Council of Ministers (COM)

The Council of Ministers consists of at least one minister from each of the member states; normally the one responsible for foreign affairs and economic planning or finance. It is responsible for overseeing the functioning of SADC and implementation of the policies and execution of programmes. It advises the Summit on matters of overall policy and the development of SADC, approves policies, strategies and work programmes of SADC (SADC1992: article 11). The Council meets four times a year in January and before summit in August or September and is chaired by the same country that currently chairs SADC.

3.2.4.5 The Integrated Committee of Ministers

The Integrated Committee of Ministers is a new institution aimed at ensuring policy guidance, coordination and harmonisation of cross-sectorial activities. The Committee consists of at least two ministers from each of the Member States with a mandate to

meet, at least, once a year and is responsible to the Council. It oversees the activities of the four core areas of integration according to Article 13 of the SADC Treaty (1992).

3.2.4.6 The Standing Committee of officials

The real functioning units of SADC are the Standing Committee of officials. According to Article 13 of the SADC Treaty of 2001, the Standing Committee of officials consists of one permanent secretary or an official of equivalent rank from each member states, preferably from a ministry responsible for economic planning or finance. The Standing Committee makes recommendations to the Council of Ministers and the Council in turn makes recommendations to the Summit. They function as a technical advisory committee to the Council of Ministers.

3.2.4.7 The Secretariat

The SADC Secretariat, located in Gaborone, Botswana, is the principal administrative and executive institution responsible for the general servicing of and liaison with SADC institutions and coordination of the execution of the tasks of SADC (SADC Treaty 1992: Art 14). It is headed by an Executive Secretary who is appointed by the Summit for a once renewable four year term. There are two Deputy Executive Secretaries under the Executive Secretary who function at the level of regional integration and finance and administration.

3.2.4.8 The SADC Tribunal

The Tribunal is the judicial arm of SADC established in 1992 by Article 16 of the SADC Treaty. Among its tasks, is to ensure adherence to, and proper interpretation of the provisions of the SADC Treaty and subsidiary instruments, and to adjudicate upon disputes, referred to it (SADC Treaty 1992: Article 16). The "Summit and Tribunal are the only institutions whose decisions are expressly described by the SADC Treaty as binding, though it does not say on whom" (Oosthuizen 2006:168). However, the Summit

suspended the power of the Tribunal in August 2010 and commissioned a review of its mandate and jurisdiction.

3.2.4.9 SADC National Committees (SNC)

These Committees are composed of key stakeholders notably from government, private sector and civil society in member states. Their main purpose is to "ensure broad and effective participation" by key stakeholders in policy formulation and implementation (SADC Secretariat 2001). SADC National Committees are also responsible for the initiation, implementation and monitoring of projects. The Committees meet at least four times a year (SADC 2001: article 16).

The institutional structure of SADC has gradually been formalised, to some extent inspired by the Organisation for Security and Co-operation in Europe (OSCE) (Troika system) and the European Union (EU). In contrast to the EU, the SADC institutional structure is not supranational because it is not independent of the influence of the member states. Clearly, SADC is an intergovernmental organisation primarily responsible to its member states, while at the same time, it struggles to achieve its norms within the framework of its missions and objectives. It operates on the basis of highly decentralised structure, for example, each member states continues to have the responsibility for coordinating one or more sectors. Decision making is centralised within the Summit Heads of State and government, whose decisions the secretariat is expected to implement, though it has no enforcement or monitoring capacity.

However, the current reality within the organisation is that some of the residual attitudes inherited from the SADC's predecessor are still prevalent within the structures of the institution. Hull and Derblon (2009:11) state that the legacy from the FLS is still affecting decisions as internal member state relations renders SADC institutions inefficient sometimes. Cawthra and Van Nieuwkerk (2004:11) also note that SADC is effectively a 'club of states' and functions on the basis of 'sovereign equality' and on the principle of 'non-interference in internal affairs'. This is illustrated in SADC Security area, the fact that the SADC's predecessor, the SADCC deliberately excluded political and security

issues from its agenda, concentrating on economic development; and security issues were the preserve of the FLS. This functional division initially continued with the foundation of SADC, and consequently the SADC Organ was affected until 2001. For example when SADC Summit decided to integrate SADC OPDS into SADC body, and transformed it into the SADC OPDSC. In line with this, SADC's development policy is determined by path dependence. In the next part, I analyse the SADC as actor in conflict resolution.

3.3   SADC CONFLICT RESOLUTION SYSTEM

The SADC plays a conflict resolution role in the sub-region, whereby the Southern African region's history was dominated by apartheid, civil wars, colonialism ideological and proxy wars, including secessionist wars, mutiny and election disputes (Baregu 2003; Cawthra and Van Nieuwkerk 2004). However, it is argued that Southern African peace and security have deteriorated rapidly (Solomon 1998:385). The region as a whole faced many violent conflicts in the period between 1995 and 2003, specifically in countries such as Angola, DRC, Lesotho, Namibia, Malawi, Zambia, Tanzania and Zimbabwe (Nathan 2006:611).

In this regard, the SADC leaders established the OPDS or the Organ as a cooperative mechanism for collective security and peace in the region. As mentioned in Chapter 2, SADC through its OPDSC plays an important role in the area of conflict resolution within both the Southern African region and in Central Africa. The purpose of this section is to analyse the SADC conflict resolution system by addressing its evolution and capabilities as a viable conflict resolution actor.

3.3.1   Evolution of SADC's conflict resolution mechanisms

The role of SADC's Organ in conflict resolution evolved in response to the changes in the international system, the SADC's own internal political dynamics and its capacity and willingness to play a major role in conflicts (Ndlovu 2013:60). Cooperation in politics, defence and security in the region can be traced back to the creation of the FLS in 1975.

The FLS was politically responding to PW Botha's apartheid government in South Africa. The FLS played a pivotal role in the liberation struggle and an ending of apartheid and racial regimes in the Southern African region (Cawthra and Van Nieuwkerk 2004:4).

In addition, the FLS functioned as a quasi-collective regime. As Cawthra (2010:2) noted, the FLS had operated much as a 'club of presidents' and there was some resistance to any institutionalisation. At least, to institutionalise their defence and security cooperation, the FLS established the Inter-State Defence and Security Committee (ISDSC) to serve as a mechanism for defence and security (Ndlovu 2013:60). At the time the ISDSC was chaired by Zimbabwe and the FLS by Tanzania.

The ISDSC became institutionalised, but remained informal forum bringing together ministers responsible for state security, defence, home affairs and internal security to address issues relating to national and collective security and defence (Francis 2006:188). However, the independence of South Africa in 1994 signalled the end of the FLS as it had accomplished its mission but its ISDSC was retained (Osei-Hwedie 2002:157). This is due to the fact that the ISDSC has shown success in its functional area of cooperation, defence and security (Van Nieuwkerk 2001:7). In 2001, the ISDSC and its sub-committees were incorporated into the SADC Organ.

With the end of the FLS, members felt the need for another security framework to make policy and to coordinate their efforts to tackle problems of peace and security. Hence, they proposed the creation of the Association of Southern African States (ASAS) as a successor to the FLS. At a meeting held in Harare in March 3, 1995, the SADC Foreign Ministers agreed that ASAS be established as the political arm of SADC that will focus on conflict prevention, management and resolution. It was to be a new-look FLS with informal and flexible modus operandi, operating independently outside of the SADC secretariat, and would report directly to the SADC Summit (Francis 2006:191).

It was also envisaged that ASAS would incorporate two specialised SADC sectors, one dealing with political affairs and the other with military security. As with its predecessor, the FLS, the foreign ministry of the country that would chair it would assume the

responsibility of servicing the ASAS. However, the ASAS proposal was rejected at the SADC Summit meeting in August 1995 in Johannesburg. One of the reasons for its rejection was that the Ministers of Foreign Affairs needed more time to consult their Ministers of Defence and Security (SADC Communiqué 1995:3).

Having moved away from the ASAS, SADC leadership agreed at Gaborone in June 1996 to establish the SADC Organ on Politics, Defence and Security (OPDS), which by inheritance was chaired by Zimbabwe, while South Africa chaired the SADC body. It was declared that 'the OPDS is the appropriate institutional framework by which SADC countries would coordinate their policies and activities in the area of policy, defence and security (SADC 1996:2). The Organ is a security mechanism similar to that of the Security Council within the UN, or the AU's Peace and Security Council. It has a cooperative mechanism for collective security and peace to deal with conflict at the regional and international levels.

However, the SADC Summit Communiqué did not explicitly specify whether the OPDS was a SADC body or not. It states that the mechanism operates at the summit, ministerial and technical levels and functions independently of other SADC structures, and would incorporate the Inter-State Defence and Security Committee (ISDSC) of the Frontline States (FLS) (SADC Communiqué 1996). This presupposed that SADC has two chairpersons, one for SADC as regional body and the other for the OPDS. No institutional mechanism was established to harmonise or to coordinate the work between the SADC and the OPDS.

In the five years between 1996 and 2001, this mechanism never became operational (Malan 1998:3) and a variety of problems erupted. First, there was the issue of the permanency of the chair of the OPDS. Zimbabwe's President was appointed the first chair of the Organ. Despite the fact that the chair was to rotate annually, he managed to secure himself as chair for an additional four years until 2001 when SADC Summit forced him to give up the position. Second, there was the problem that the OPDS functioned independently of the SADC. Indeed, President Mugabe wanted the Organ to have its own Summit, while President Mandela of South Africa wanted it to be integrated

within only one Summit for the whole of SADC. The third set of problems confronting the SADC OPDS revolved around a weak organisational structure incapacitated by a shortage of financial resources, poor political direction and a dearth of skilled professionals (Solomon 2004:184).

During this period, the military interventions in Lesotho and in the DRC in 1998 have caused controversy among the member states (Zacarias 2003: 43). Furthermore, in the matter of the resolution of conflict, the lack of cooperation between SADC Chair, South Africa, and its OPDS Chair, Zimbabwe, was exposed in these interventions. Since both have their own strategic and national interests and political objectives, they obviously orientated the OPDS's discussions to achieve their goals. Finally, these interventions clearly showed how national and personal interests became intertwined.

The matter was only resolved in Maputo Summit in August 2001 with the adoption of a Protocol on Politics, Defence and Security Cooperation in which it was made clear that the OPDS functions as a SADC substructure and report to the Summit. The SADC OPDS was transformed into the SADC Organ on Politics, Defence, Security and Cooperation (OPDSC) (Isaksen and Tjonneland 2001:6).

3.3.2   Capacities of SADC in conflict resolution

Much has been written on the capacity of SADC as a viable conflict resolution actor in the sub-region (Nathan 2006; Essuman 2009; Hull and Derblon 2009). The elements of capacity in this context include organisational capacity, resource capacity, and operational experience. Organisational capacity refers to the mandate and organic structure; resource capacity is related to the financial and human assets; and operational experience encapsulates the procedural ability of SADC to undertake action in conflict resolution.

As shown in Chapter 2, SADC through SADC OPDSC has made progress in its capacity to respond to political conflicts in the region despite its limitations. A two-fold approach has been used by the SADC OPDSC to deal with problems of peace and security such

as peacekeeping (military action) and peacemaking (mediation). The commitment is that SADC OPDSC will continue to play a prominent role in promoting peace and security in the region. To strengthen its capacity effectively, the SADC OPDSC has created several units, most notably the SADC Early Warning System, the SADC Mediation and SADC Standby Brigade.

3.3.2.1 SADC Early Warning System

According to Zacarias (2003:31), the SADC OPDSC has placed particular emphasis on the issue of conflict prevention and the anticipation of conflicts at an early stage. However, this has failed to prevent conflict in the sub-region. The reason is that the SADC OPDSC did not have a clear strategic vision to address the insecurity facing the region. To this effect, SADC established the Early Warning System (EWS) in 2010 with the tasks of providing for the collection and analysis of information on any real or potential crisis to inform response strategies. The SADC EWS consists of an analysis room and monitoring centre located at the Secretariat in Gaborone, which is also known as 'the Situation Room'. It operates through a network of in-country centres that feed a central system in Gaborone, International Crisis Group (2012:12).

The EWS, which is intended to assist the SADC OPDSC, is still crippled by various weaknesses. First, the slow establishment of national centres has hindered effective implementation of the regional EWS. Second, the exclusion of civil society groups suggests that the EWS has adopted a state-centric approach to conflict resolution. Third, the lack of political will by SADC member states to make the EWS more effective because they have different interests and agenda. Fourth, lack of adequate finances and resources (human and material) is impeding the development of the system and finally, the lack of coordination from early warning to early action, International Crisis Group (2012:12).

Because of these weaknesses, the SADC EWS has not yet functioned as an operational pillar of the African Peace and Security Architecture (APSA). Despite the SADC OPDSC set up, criticisms have been made that the EWS has failed to detect and raise alarm

about new conflict in the region. For example, it could not prevent the social protest and heavy-handedness by security forces in Malawi and Swaziland in 2011. This was a result of weak preventive diplomacy, International Crisis Group (2012:13). Therefore, it is clear that the principle of sovereignty, non-intervention and the lack of coordination continue to impose constraints on the ability of SADC to intervene at an early stage.

3.3.2.2 SADC Mediation Unit

In 2010 the SADC OPDSC established a mediation unit to strengthen its peacemaking capacity to deal with conflicts within and among member states, which had first been mooted in 2004. Over the years, this Organ has been on an ad hoc basis with eminent leaders of Southern Africa being called upon to intervene in troubled countries.

After a six year lag, leaders of SADC have come to realise that the mediation unit is an important tool for politics and diplomacy in the region. It established the structure of the SADC Mediation unit, consisting of Panel of Elders to provide leadership in mediation missions which is tasked with using its expert knowledge and moral authority to persuade various actors to resolve their conflicts peacefully. The Panel is supported by a Mediation Reference Group to deliver expertise in conflict resolution and is administered by a Mediation Support Unit for logistical support and technical issues (Hartmann 2013:8). This provides an opportunity for the involvement of civil society to participate as technical team. As a technical team, it ideally comprises experts and not exclusively politicians and their appointees. As mentioned earlier, mediation is a strategic diplomatic tool. However, the SADC refuses external support in areas that are designated as strategic, as it believes members should only own and fund such areas. One of the interviewees noted that SADC's budget was inadequate to cover planned peace and security activities (interview with SADC official).

Finally, the SADC's mediation structure is based on core principles that guide SADC-led mediation missions in line with the UN Guidance for Effective Mediation (Hartmann 2013:8). These include the ownership of agreements with the conflict parties, the ultimate goal of a restoration of relationships, flexibility and adaptability of interventions,

impartiality in engagement with the parties, inclusiveness of presenting both conflict issues and root causes and acceptability of the mediator to all parties (Hartmann 2013:8).

Despite this structure, a range of challenges confronts the SADC mediation. Among these challenges is the slow pace in the implementation and operationalisation of the SADC mediation's unit. This is due to lack of adequate finances and resources. Clearly, the SADC Mediation unit appears to have had a slow start due to a delay in its operationalisation and its capacity.

3.3.2.3 SADC Standby Brigade (SADCBRIG)

Since its intervention in the conflicts that occurred in the DRC and Lesotho in 1998, the SADC region has not experienced new military interventions. These interventions have been constrained by its limited peacekeeping experience. In this regard, the leaders of the region launched the SADC Standby Brigade (SADCBRIG) in 2007. It was later renamed the SADC Standby Force (SSF) in accordance with Article 13 of the Protocol, July 2002 establishing the AU Peace and Security Council (Hull and Derblon 2009:10).

This brigade comprises of a civilian and police component (SADCPOL), as part of the AU African Standby Force (ASF) to be deployed. The aims of the brigade are to deploy peacekeeping operations in the SADC region, including enforcement tasks and to carry out complex multifunctional peace support operations. All member states have made specific pledges of troops contribution to the brigade (Cawthra 2010:11).

Additionally, the brigade is firstly supported by the Regional Peacekeeping Training Centre (RPTC) located in Harare (Zimbabwe) which offers training and research for peace support operations. Various training exercises have been carried out to test the brigade's effectiveness. Most recently, Exercise Golfino[11], a joint exercise with 7,000

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[11] Exercise Golfino is a multinational peacekeeping operation with over 7000 participants from different security forces and support elements of Angola, Botswana, DRC, Lesotho, Malawi, Mozambique, Namibia, SA, Swaziland, Tanzania, Zambia and Zimbabwe.

troops from twelve countries, was held in South Africa in September 2009. Secondly, a Planning Element (PLANELM) has been established at the SADC secretariat in Gaborone and the command, control and logistics arrangements were also put in place to provide logistical, planning, assessment and operational support to the Standby Force. Despite these efforts, the lack of coordination with other components of the Organ contributes to strained political-military relations within SADC, International Crisis Group (2012:18-19).

SADC has created the SADCBRIG (SADC Standby Brigade) as a tool to intervene rapidly in a SADC member state in order to restore peace and security under UN or AU mandate. However, it should be noted that the planning and preparations of the SADCBRIG do cater for deployment under the mandating authority of SADC Summit, Baker and Maeresera (2009:107). For example, in 2008 an extra-ordinary SADC Summit decided that SADC would immediately deploy a team of military experts to assess the situation and would dispatch the SADC Monitoring Commission to monitor the border between DRC, Rwanda, Burundi, and Uganda (SADC Secretariat 2008). This intervention was not designed as a peace enforcement mission, but rather as monitoring mission. As Boshoff[12] (2008:1) explains, SADC did not sent peacekeeping troops in Eastern DRC despite continued fighting because "it did not have the military capacity as yet for robust action and it was difficult to see where the troops would come from within such a short notice".

Despite some progress, SADC Standby Brigade is confronted by a range of challenges including issues of availability of pledged forces, interoperability, lack of logistics, the slow progress in the development of civilian capacities and lack of adequate resources (interview with SADC official). Clearly, the Standby Force has not yet been adequately prepared for engaging in complex multi-dimensional peacekeeping missions. Multi-dimensional peacekeeping is usually undertaken when the conflict has degenerated to the point where it can be described as experiencing grave circumstances or war crimes, human rights abuses and crimes against humanity.

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[12]IRIN interview, Military analyst at the South African-based Think-Tank, ISS, 11 November 2008

However, it is clear that the SADC OPDSC unit faces several political, technical, administrative and implementation challenges. Some of these challenges are symptomatic of the SADC system. For Nathan (2006:605), the main challenge of the SADC system is the absence of common political values among member states which inhibits the development of trust, common policies, institutional cohesion and unified responses to crises. Therefore, these challenges vary from inadequate human and financial resources to technical issues and the SADC's institutional's mandate. Although, in reality these problems are neither exhaustive nor permanent, the failure to address them could significantly constrain the effectiveness of the SADC Organ.

The performance of SADC OPDSC and its effective participation in conflict resolution in SADC region depends on several factors that can be summarised as follows:
- The coherence of the SADC as an actor: the division of labour between SADC Summit and OPDSC often makes the actions of SADC uncoordinated;
- the perception of the SADC by the different parties in a conflict: the SADC's strength depends on its image as perceived by the parties in the conflict. Another important factor is the way the membership is seen by the various actors as a means to achieve their own goals;
- the viability of the membership perspective: the SADC's viability depends on its image as perceived by its members. The divergence of SADC member states is that some countries regard SADC as an economic grouping and others as a Security and Defence forum. This has led to the perception of two rival blocs within the organization, the pacifist bloc and militarist bloc;
- the range of instruments or mechanism applied: the effectiveness of the SADC OPDSC depends on the combination of instruments for conflict resolution such as peacemaking, peacekeeping and peace building; and
- the cooperation with other factors and their role in the conflict: the future success of the SADC OPDSC depends on how well it is able to develop relationships with the UN and the AU, as well as on how well it develops political cooperation in the Organ (Coppieters et al. 2005).

From the above analysis of the capacities of SADC in conflict resolution, it is possible to conclude that in terms of the organisational capacity, the SADC OPDSC functions like a Peace and Security Council (PSC) of the Africa Union and has a coherent mandate. In terms of resource capacity, the SADC members have not yet provided it with adequate resources in the form of finance, personnel or peacekeeping because all SADC countries depend on external support at different levels.

Finally in terms of operational experience or interventions in conflict situations, SADC track record is mixed. This means that SADC's intervention did not reach the expected results yet, but it has not failed. For instance, SADC's intervention in Lesotho was led by Botswana and SA which proved to be successful because it restored constitutional order and compelled the military to stay out of political processes. In the DRC, SADC initially struggled to preserve its internal cohesion and this division undermined its actions. However, SADC was able to resolve internal disagreements later on and became a major role player in the DRC peace process. Compared to the OPDC before it, the OPDSC can be described as productive, efficient and cooperate institution. The next section will analyse the cooperation between SADC, the AU and the UN in conflict resolution in the SADC region.

3.4   COOPERATION BETWEEN SADC, THE AU AND THE UN IN CONFLICT RESOLUTION

The UN, the AU and the SADC are actively engaged in promoting peace, security and stability in the SADC region. However, the cooperation between these bodies in conflict resolution presents challenges of coordination. It is important to note that the UNSC has been conferred with the primary responsibility to maintain international peace and security in the world (UN Charter 1945: Article 51) and SADC recognizes the primacy of the UN and the AU in the maintenance of international peace and security in Southern Africa and Africa in general. The objective of this section is to analyse the cooperation and relationship between SADC, the AU and the UN in conflict resolution.

3.4.1 Cooperation between SADC and the UN

The UN and SADC may cooperate to prevent, manage and resolve conflict in SADC region. Article 53(1) of the UN charter confers the UN Security Council with the ultimate responsibility to order military intervention in a member state to maintain international peace and security. Consequently, the SADC military interventions in conflicts have to receive prior authorisation from the UN to secure legitimacy.

Most importantly, the legal basis for such cooperation is enshrined in Chapter VIII of the UN Charter that recognises the possibility of regional organisations such as SADC to take appropriate action over matters relating to international peace and security because such activities are consistent with the purpose and principles of the UN (Gambari 2003). The forms that cooperation is taking in the context of maintaining peace and security are:

- Consultation and Diplomatic Support: all peace agreements relating to recent conflicts in the SADC region have been negotiated under the coordinated and collaborative action of SADC, the AU and the UN, for example, in Angola, DRC, Madagascar and Zimbabwe;
- Operational Support: the very important DDR components of peace support operations, as well as capacity-building and post-conflict elections, have always been conducted under the auspices of the UN but in consultation with SADC. Angola and DRC are practical examples; and
- Co-deployment and Joint Operations: SADC has intervened in conflicts in SADC region to create the necessary conditions for the deployment of UN peacekeeping missions. A case in point is the SADC AAF mission in the DRC (Boutros-Ghali 1995).

These initiatives have helped to forge a reasonable working relationship between the UN and SADC in the peace and security sector. It is, however, important to note that in spite of these positive developments of cooperation in conflict resolution, there is a lack of clarity on the authorisation for intervention and engagement between the SADC Mutual Defence Pact and the UN Charter, which leads to questions of prioritisation. For

example, Article 6(4) of the SADC Mutual Defence Pact (MDP) states that the AU and the UN Security Council need to be notified soon after a military response by member states. A case in point is the SADC AAF mission in DRC. This intervention has failed to obtain prior authorisation from the UN Security Council as required by Chapter VIII of the Charter, but it has a mandate from SADC. This contradiction is seen as a legal tension that may impede the future rapid deployment of the SADCBRIG.

Clearly, SADC has been progressively developing collaborative action with the UN system in the area of conflict resolution. Although both face similar challenges in promoting peace, security, and development, there are also particular challenges for each organisation. Despite these differences, both bodies are bound to work together to address the challenges on the SADC region. The SADC and the UN have complementary roles to play in promoting development, peace and security for the benefit of the peoples of Southern Africa (Gambari 2003:271).

3.4.2 Cooperation between SADC and the AU

The AU and SADC share the goal of a peaceful and socially and economically advanced Africa. The framework guiding the relationship between the AU and Regional Economic Communities (RECs) is the Protocol on relations between the AU and RECs adopted in July 2007 in Accra, Ghana. Collaboration and coordination of peace and security policies are articulated in Chapter 2, Article 7, paragraph 2(b) and Article 30 of the Protocol. These provisions offer the legal basis for a possible working partnership between AU and SADC.

SADC is one of eight regional economic communities (REC's) formally recognised by the AU as building blocks of an African Economic Community (AEC) and it complements the role of the AU (Burgess 2005:2). Compared to other REC's in Africa, SADC is one of the prominent regional cooperation bodies, particularly in the economic sphere. Furthermore, SADC has one main regional institution for defence and security cooperation, the OPDSC (Krapohl 2008: 17).

In addition, SADC is a subsidiary body of the AU, which gives it the right to carry out activities such as peacemaking and peacekeeping in terms of both Chapter VI and Chapter VII of the UN Charter (Cawthra 2010:10). SADC forms part of the AU's African Peace and Security Architecture (ASPA), and in this capacity it has established one of the five proposed regional brigades, SADCBRIG.

The AU and SADC signed some Protocols and Treaties. For example, the AU and SADC support norms and principles that reject attempts on unconstitutional changes of government and election-related disputes or conflicts (Cawthra 2010:11). The reaction and responses from the AU and SADC to the conflict in the DRC (1998-2003) demonstrated some elements of coherence, particularly due to the fact that the two organisations responded on the basis of their existing norms and protocols. This is important because in such circumstances it is vital for key stakeholders such as the AU and SADC to articulate a common position, otherwise the target country can easily play one organisation off against the other (interview with SADC official).

In addition, both the AU and SADC took a clearer stance in Madagascar's conflict, where they refused to recognise the leaders of the coup in 2009, and therefore the country was suspended from all AU activities and in all SADC institutions. However, there was tension and competition in this approach pertaining to who would lead the mediation process because the UN, the AU and SADC all had mandates to mediate. All three organisations had a legitimate claim to lead the Madagascar peace process. It is important to note that SADC's focus on the region gives it the natural advantage of having a greater understanding of issues and of being able to take the initiative. The most obvious example of SADC-AU tension came over the SADC's decision to lead mediation in the second phase of the negotiations in 2009. Despite SADC appointing former Mozambican president Joaquim Chissano as mediator, the AU remained formally in charge of the negotiation. As Vines (2013:104) pointed out, there needs to be a clear division of labour between AU and SADC. Ancas (2011:131) notes that the tension and competition between the UN, AU and SADC have limited the success of conflict resolution effort in establishing lasting peace. This is illustrated in the peacemaking action in the DRC, Madagascar and Zimbabwean cases.

It is clear that the relationship between the AU and SADC is evolving progressively. This relationship is supposed to be a hierarchical one wherein the AU harmonises and coordinates the activities of the SADC in the peace and security area. The principle of sovereignty and non-intervention continues to impose constraints on the ability of the AU and SADC to intervene at an early stage.

Therefore, in order for the SADC, the UN and the AU's cooperation in conflict resolution in SADC region to function properly, it is essential for them to work together. However, concrete cooperation begins with information sharing and building a common understanding of a certain crisis. In the final analysis, it is clear that the SADC OPDSC has developed good working relationships with a range of relevant institutions. Nevertheless, there is certainly scope for these to be enhanced and some important details remain as work in progress. These relationships will also continue to evolve as SADC develops more of its own capabilities.

3.5   CONCLUSION

This chapter presented an overview of the SADC in relation to the New Institutionalism theories. A particular attention was also paid to the interactions between institutions and political actors, and the way in which institutional change occurs. Three arguments have been formulated, following the three main theoretical strands of NIT.

Under HI, it has been argued that the development of SADC policy can be explained by path dependence. The institutional factors responsible would be member states control of the decision-making process and consensus as the voting rule. The RCI however, has argued that SADC policy is determined by a 'logic of consequences', that is, the rational calculations of the political actors on how to maximise their utility from the policy. Consensus as the voting rule in the SADC Summit is considered the institutional factor that leads to a compromise which provides benefits to every member state. Under the SI, it has been argued that the 'logic of appropriateness' has the biggest impact on SADC policy. A commitment, duty, or obligation towards solidarity within the developed SADC regions would be the major institutional factor, and would inform actor positions

as well as the policy outcome. The main argument presented here is that SADC policy has largely followed the dictates of the member states.

From the discussion above, it is possible to conclude that the establishment of SADC was an evolutionary process, which the FLS and the SADCC have undergone. Therefore, the formation of SADC was a culmination of a long process of institutionalisation. SADC is an intergovernmental organisation structured in line with other intergovernmental organisations such as the EU in that its membership consists of states represented by their governments. This chapter also discussed the SADC's objectives, principles, structure, functions and powers of execution in its Treaty in order to understand the SADC as an institution. However, it is not independent of the influence of member states, its success depends largely on what individual member states collectively want it to achieve.

Due to security challenges faced by SADC region from the 1960s to the early 1990s the SADC OPDSC was created within SADC framework to promote peace and security. The SADC Organ has a very ambitious mandate of deploying and strengthening its capacity. The success of its work, however, depends firstly, on internal cooperation between institutions where the Summit is conducting and carrying out the will of the member states and secondly, on cooperation with other international organizations.

SADC is a subsidiary body to and a building block of both the AU and the UN collective security system from which it has a legitimate security role in terms of Chapter VIII of UN charter. In this context it has developed a good working relationship with the UN and the AU. The cooperation is based on the established principles. This cooperation is necessary to bring different interests and vision around the table to discuss the best possible way forward in tackling conflicts on the SADC region. The cooperation may become fruitful in achieving the ambitions of strengthened political partnership. In light of this, the division of labour between the UN, the AU and SADC in conflict resolution should be clarified. Therefore, the UN, the AU and SADC have complementary roles to play in promoting development, peace, and security for the benefit of the peoples of Southern Africa. The next chapter will analyse the DRC Conflict of 1998-2003.

CHAPTER 4

THE DEMOCRATIC REPUBLIC OF CONGO CONFLICT, 1998-2003

4.1   INTRODUCTION

Since the end of the Cold War, the African continent has been engulfed in intermittent armed and violent intra-state conflict. In most cases, these conflicts assumed international dimensions and they have also devastated African countries. The Democratic Republic of Congo[13] conflict is one of those conflicts with an international dimension and it also had impact on the neighbouring countries. Since 1996, there have been three civil wars and three distinct periods to the conflict, each with its own dynamic and complexity (Weiss and Carayannis 2005:145-158). The First Congo war which saw the overthrow of President Mobutu and the coming to power of Laurent-Desire Kabila started in 1996 and ended in 1997; the Second Congo war, also known as 'Africa's world war' (Prunier 2009), in which armies from at least seven African countries participated, erupted in1998 and officially ended in 2003 and the Third Congo war, also known as Kivu Conflict exploded in 2003 and despite a formal end to the war in 2003 and an agreement by the former belligerents to create a government of national unity, violence still continues in the eastern region.

The purpose of this chapter is to analyse the DRC conflict of 1998-2003, also known as 'war of occupation', 'war of resources' (Turner 2013) as well as 'Africa's world war' (Prunier 2009). The second conflict started in 1998 and it had a devastating effect on the country. It is also considered the deadliest war after World War II with 5.4 million people dead (International Rescue Committee 2008). Millions more were displaced from their homes or sought asylum in neighbouring countries (International Rescue Committee 2008). Therefore, the conflict was very complex and complicated due to the fact that it involved a number of countries on the Congolese soil. This chapter analyses the background, the underlying causes of conflict, the actors involved and their interests in the conflict.

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[13] In this study it is abbreviated as the DRC but can also be referred to as DR Congo or the Congo.

4.2   BACKGROUND TO THE CONFLICT

This section analyses the background of the DRC conflict. It starts by describing briefly the socio-economic and political-historic situation in the DRC, which is relevant for understanding the origins, causes and context of conflict in the country. It then provides a short historic overview of conflict in the DRC and the various contributing factors.

The DRC, former Republic of Zaire, is located in Central Africa and is one of the largest countries in Africa, with nine neighbouring states, namely, Angola, Burundi, Central African Republic (CAR), Congo Brazzaville, Rwanda, Sudan, Tanzania, Uganda and Zambia (see figure 1). Its geopolitical position makes the country strategically key to the entire Central African region and even beyond (Kadima and Tshiyoyo 2009:101). Most of these countries have witnessed civil conflicts at one time or another during the period 1960-2002, with the exception of Zambia (Prunier 2009). For example, some recent conflicts in countries that border the DRC include the civil war and genocide in Rwanda, the Lord's Resistance Army rebellion in Uganda, and the long-lasting civil war between MPLA and UNITA in Angola.

The conflicts in neighbouring countries have provided politicians and rebels with potential military allies. In the same way, Congolese rebels were using neighbouring states as refuge. For example, Kabila was organising his rebellious project from the Tanzanian territory (Prunier 2009:73-99). Therefore, these conflicts had serious adverse effects on the DRC and have impacted on the stability of the Great Lakes region because the DRC became a combat zone. Reyntjens (2009:6) point out that "the DRC shares borders with nine countries, many of which have serious security issues of their own, it serves as a critical link between eastern and western components of what is referred to as Africa's war zone".

With a population of nearly 77.4 million in 2014, the DRC is the fourth most populous nation in Africa, as well as the most populous officially Francophone country. The population of the DRC is ethnically diverse, containing more than 250 distinct ethnic groups from four main cultural categories, namely: the Bantu, the Sudanese, the Nilo-

Hamitics and the Pygmies. In addition to French, which is the official language, there are four national languages namely, Lingala, Kikongo, Kiswahili and Tshiluba. Many Congolese have a strong sense of identity based on their ethnic group. Such groups exist in every province of the DRC. Rivalry between different ethnic groups was at the origin of multiple rebellions that took place in the early 1960s (Marjolein de Ridder 2013: 29). For example, the Lumumba's rebellion of the 1960s is an illustrative case.

Economically, the country is endowed with vast natural resources and mineral wealth such as cobalt, copper, diamond, gold, uranium, zinc, natural gas, phosphate, petroleum, and a range of rare minerals. The Congo River is the second-longest river in Africa after the Nile and is also second in the world after the Amazon in terms of hydro-electric potential. As Kadima and Kabemba (2000:73) point out, the DRC has enough hydro-electric potential to meet the continent's needs, with its territory being completely dominated by the Congo River. Therefore, it could be the answer to Southern Africa's water and energy crises.

After its independence, the DRC was the second-most industrialised country in Africa. However, it is one of the poorest countries in the world today, characterised by massive greed and corruption. The natural resources as mentioned above were brutally exploited by the Belgians until its independence in 1960. President Mobutu exploited the sector for personal enrichment and political survival. L D. Kabila used it to fund his war efforts. Unfortunately, these natural resources have never been harnessed in a way to provide much benefit to the majority of its population (Trefon 2011: 40-41).

Despite its economic potential, economic activity declined drastically during the period 1960-2000. This is as a result of kleptocracy, instability and conflicts that characterised the history of the country. Regrettably, much of the conflict (1996-7, 1998-2003) has focused on gaining control of substantial natural resources in the country. As the UN panel of experts on the illegal exploitation of natural resources and other forms of wealth of the DRC has shown in its reports, all the parties to the conflict, including Congolese officials and rebels, Congo's allies and the invaders have taken part in the pillage of the natural resources of the DRC (Nzongola-Ntalaja 2004:16). Therefore, with its resources,

vast territory and strategic location, the DRC has long served as an arena of regional and international competition.

Politically, ever since the DRC became independent from Belgium, 30, 1960, it has been unstable because of the corrupt leaders, whereby history repeats itself, over again, only to experience the rebellions, mutinies and the unconstitutional regimes. A military coup d'état in 1965 by colonel Joseph Desire Mobutu backed by the Western nations, especially Belgium, France and the US ushered in three decades of autocratic government, corrupt rule and the collapse of state institutions.

On 24 April 1990, Mobutu announced the political reforms including the revision of the constitution, the multi-party system and a one-year transition period ending in April 1991 towards the democratisation process. This led to the convening of the National Sovereign Conference (CNS- Conference National Souveraine) on 7 August 1991, a body of 2,842 delegates taken from political parties, civic and religious organisations across the country that produced a widely accepted plan for transition to democracy. This national constitutional conference opted for a power-sharing plan with Mobutu and elected Etienne Tshisekedi, the leader of political opposition Union for Democracy and Social Progress (UDPS), as interim prime minister. The '*Acte Constitutionnel de la Transition de la Republique du Zaïre' (*the Transitional Constitutional Act of the Republic of Zaïre*)* was adopted in the CNS and *promulgated* on 9 April 1994 (Weiss and Carayannis 2005:145). However, this democratisation process weakened the Mobutu regime.

The weakening of Mobutu's regime encouraged the emergence of a rebellion in eastern Congo in 1995. Consequently, he was ousted by an armed movement led by Laurent Desire Kabila with significant support from neighbouring countries such as Rwanda, Uganda and Burundi. Nzongola-Ntalaja (2004:13) notes that the fall of Mobutu's regime resulted from a combination of internal weaknesses and the exploitation of these weaknesses by neighbouring countries to get rid of a bad symbol of a political figure in the region.

4.2.1   The DRC Civil War

Since the overthrowing of Mobutu's regime, the DRC has witnessed three wars. As mentioned earlier, the study focuses on the Second Congo conflict. In order to set the background for this conflict, it is important to give a brief overview of the first conflict. However, the details of the Third Congo war are beyond the scope of this study.

4.2.1.1 First Civil War, 1996-1997

In 1996, the Democratic Republic of Congo was engulfed in what was called "a war of liberation" which toppled the Mobutu regime. As noted above, the conflict in the neighbouring countries had serious adverse effects on the DRC, particularly the conflict in Rwanda. Nzongola-Ntalaja (2004:97) point out that the two Congo wars are in many ways the continuation of the civil war in Rwanda, with the same belligerents fighting each other in a different land. By 1996, the civil war in neighbouring Rwanda spilled over into Zaire. The Rwandan Hutu militia forces, commonly known as Interahamwe, used the Hutu refugee camps in eastern Zaire. The militia forces became allied to the Zairian armed forces, which fought against the Congolese (Turner 2007:124). The coalition of the Rwandan and Ugandan armies invaded Zaire and fought the Hutu militia. They overthrew the government of Mobutu and controlled the mineral resources (Reyntjens 2010).

The Alliance of Democratic Forces for the Liberation of Congo (ADFL *Alliance des Forces démocratiques pour la libération du Congo*, (AFDL), was led by Laurent-Desire Kabila, as well as other political members. The AFDL was created in 1996 and it was a collection of four small groups. It consisted of the People's Democratic Alliance (*Alliance Democratique des Peoples*, (ADP) – a grouping of Congolese Tutsi led by Deogratias Bugera); National Council for Resistance and Democracy(*Conseil National de Resistance et pour la Democratie*(CNRD) – a Lumumbist guerrilla group established in 1993 in eastern Congo by Andre Kisase Ngandu); Revolutionary Movement for the Liberation of Zaire(*Mouvement Revolutionnaire pour la Liberation du Zaire* (MRLZ) – a South Kivu opposition group led by Anselme Masasu Nindaga) and Kabila's People's for

Revolutionary Party (*Parti Revolutionnaire du Peuple*, (PRP). These groups wanted to be rid of Mobutu and wanted full control of the running of the country.

The long-term dictatorship of Mobutu's regime was finally overthrown in1997 by AFDL. It is clear that the weakness of the state, accompanied by the external influence such as the Rwandan genocide of 1994 laid the foundation to the first conflict. However, the ascendancy of Kabila to power led to the end of this conflict.

4.2.1.2 Second Congo War, 1998-2003

Kabila proclaimed himself president and renamed the country the Democratic Republic of Congo in May 1997. Once in power, the AFDL disappeared as a political coalition and was replaced by the *Comites de Pouvoir populaire* (CPP). The reason for its disappearance was the disunity concerning the agenda of the alliance. Some were interested in looting, vengeance or sheer violence and others focused on the political agenda, Nzongola-Ntalaja (2004:14). President Kabila was challenged to uphold the decisions of the CNS for which he refused to do. Consequently he banned the political parties in the country. The Union for Democracy and Social Progress (UDPS) led by Etienne Tshisekedi was among the banned political parties. Laws were issued by presidential decree called the '*Acte constitutionnel de la transition de la Republique du Zaire'(Transitional Constitutional Act of the Republic of Zaire) and* vested in the president's absolute control over the executive, military and legislature. Kabila further organised new power networks based on his ethnic group, the Baluba.

Due to his dictatorial tendencies, Kabila became increasingly unpopular. Sadiki (2007: 32) shows that Kabila's internal political influence had severely decreased before the second war began. Firstly, he was in deep disagreement with the unarmed political opposition, whose activities he had suspended. Secondly, Kabila faced an ever-increasing popular dissatisfaction *vis-a-vis* his defensive attitude toward his Rwandan allies, whose presence was no longer tolerated in the country. Thirdly, the Kabila regime encountered its own internal resistance as adversarial camps started to develop from

within and consisted of 'authentic Congolese' on one side and 'Tutsi' (Rwandans and Banyamulenge) on the other side.

The relations between Kabila and his Rwandan and Ugandan backers subsequently deteriorated because Kabila was not serving their interests. Weiss and Carayannis (2005:150) point out that the leaders who had been most responsible for putting Kabila into power were dissatisfied with his performance because he acted too independently and ignored advice given to him. Eventually, Kabila ended the military cooperation with Rwanda in July 1998 and ordered all foreign troops to leave the DRC. This shift severely damaged bilateral relations between the DRC and Rwanda. Protesting the measure, two units of Congolese Tutsi soldiers mutinied and stationed in the east. Following the decision of Kabila, Rwanda's military units crossed the border to support the insubordination (Marjolein de Ridder 2013: 36).

The Second Congo War began in 2 August 1998 when the Rwandans and Banyamulenge leaders who brought Kabila to power after ousting Mobutu, decided to destroy Kabila as well and supported a new rebel movement Rally of Congolese for Democracy (RCD). To counterbalance the power and the influence of Rwanda in DRC, another rebel movement, which was backed by Uganda, called the Movement for the Liberation of Congo (MLC), came to the scene. Burundi joined the Rwanda-Uganda invasion of DRC later and also sponsored the rebels. However, it limited its incursion to South Kivu, and especially to Uvira-Baraka-Fizi, which Prunier labels its "back door", Prunier (2009:198). After a short time the rebels controlled eastern and northern parts of the country, accounting for over 50% of the national territory (Equipo Argentino de Antropologia Forense 2002:57).

Kabila was not coping properly and thus appealed to the SADC for assistance. In response to the rebel attack, Angola, Namibia and Zimbabwe sent troops to support the Kabila government at its request. Later, Chad and Sudan also provided Kabila with brief military support (Prunier 2009:183-193). The government forces and the troops from Angola, Namibia and Zimbabwe maintained control mainly of the western and southern

parts of the country. The ex-FAR and the Mai Mai Congolese nationalist groups seeking to expel foreign invaders also sided with Kabila.

At this stage, this conflict thus assumed regional and international dimension. The Congolese wars of 1996-1997 and 1998-2003 together constitute one of the most severe humanitarian disasters since World War II. These conflicts also led to extreme poverty and misery and devastated any hopes of continuing with the democratisation process of the DRC which started in 1990. L.D. Kabila became the president of the DRC from May 1997 until his assassination in 16 January 2001 by a bodyguard. Unfortunately, Kabila's leadership was similar to Mobutu's. For example, a few months after being president, Kabila followed Mobutu's steps to the extent that he was called Mobutu's clone. The Mobutu regime was both a military dictatorship and established a system of absolute power and personal rule. Kabila also developed his own patronage system and networks and appropriated a number of mining operations with his foreign backers, such as Zimbabwe (Kisangani 2010:133).

L.D. Kabila was replaced by his son Joseph Kabila in 2001. The rise of Joseph Kabila to power marked a period of high hopes for the end of the war. President J. Kabila was chosen by consensus among leading domestic and foreign players rather than by any constitutional mechanism and was subsequently designated president of the transitional government in 2003. Upon assuming the presidency, he continued to exercise autocratic authority inherited from his father as stated in Decree Law no. 3 of 1997 granting him full executive, legislative and judicial power (Trefon 2011:20).

Clearly, the Kabila's have been battling numerous rebel groups to maintain their power. However, many of these groups are constantly being reconfigured. The internal and external factors colluded and pushed the country towards a Second Congo War. Therefore, the second conflict was precipitated by President Laurent Kabila's supporters' dissatisfaction with his performance and his domestic opposition. The difference between the first war and the second war is that many Congolese who were discontent with the Mobutu regime welcomed the ADFL's rebellion advance across the country and few Congolese, even among Kabila's enemies, embraced the RCD

rebellion. Instead, they denounced the rebellion as an aggression of foreign governments hostile to the interests of the Congolese population.

4.3   CAUSES OF THE CONFLICT

Against this background, this section analyses the causes of conflict based on the grievance theory and the greed theory in order to fully understand the underlying causes and contributory factors of conflicts. The analysis distinguishes between the underlying causes which create the conditions under which conflict may occur and the proximate causes or triggers which ignite the situation.

It has been argued in Chapter 2 that the cause of the DRC conflict must be explained in terms of grievance as developed by Azar but also in terms of greed. Azar (1990:7-12) focused more on the internal dynamics of societies, especially the relationship between communal or identity groups and the state, which he held drive conflict. Azar identified the deprivation of human needs as the underlying sources of protracted social conflict, and the state's failure to address those needs as leading to outbreaks of violence. As Azar (1990:10) explained, protracted social conflict is most likely to occur in those parts of the world characterised by multi-communal compositions and by "incompetent, parochial, fragile and authoritarian governments that fail to satisfy basic human needs". Azar's protracted social conflict theory give a rather secondary role to the external dimension of intra-state conflict.

From the perspective of the PSC, much of the violence that continues to cause destruction to the eastern Congo were underlying communal problems, which grew up in intensity in the years leading up to 1996. These communal problems spun out of control from that point forward and took on a life of their own. However, the long-term causes of the conflict can be traced back to the post-independence history of the DRC, which saw long periods of autocratic and authoritarian rule, and a failure to establish democracy or effective governance[14].

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[14]Interviews with informant from the DRC, who shared the same view on the issues, these include Professor Biyoya Makutu, Dr Muzong Kodi, Mr Muzungu Diakolo, Mr Mavungu Puati, Mr Ndombi Kamuanza and Mr Koko Sadiki.

One of the immediate causes was widely perceived even by some anti-Kabila revolt to be failures of governance by the Kabila administration. The perception was that he used his position as president to benefit his extensive business interest and had also monopolised power. For example, the rebels' coalitions accused Kabila of authoritarianism, corruption, nepotism and tribalism. The Kabila regime was obtaining some financial backing from contracts with foreign mining firms such as the American Mineral Fields (AMF) and Anglo-American; and Belgian investors such as Texaf, George Forrest International, Petrofina and *Union Miniere (*interview with koko Sadiki[15]*).* However, he failed to attract the large-scale foreign investment needed by the country.

In addition, the monopolisation of power and the politics of exclusion are as a result of nationality issue and the democratisation process. Once in power, Kabila refused to share power with political party like UDPS and adopted exclusionary policies. Afoaku (2010:496) pointed a number of weaknesses Kabila had, namely, the lack of political skills; his inexperience; autocratic leadership style; reluctance to act on the nationality issues; failure to construct a broad domestic constituency by opening up the political space; and inability to secure eastern Congolese borders which created the conflict. For example, the Banyamulenge argued that Kabila had not solved their nationality concerns.

The marginalisation of other ethnic groups was also identified as a predominant feature which has worsened under the Kabila rule. Kisangani (2010:142-143) argues that the anti-Kabila war was Kabila's decision to prevent a coup by excluding the Banyamulenge and other Tutsi from power. Besides, their exclusion from the government forced them to reassert themselves because exclusion from power also meant the denial of their Congolese nationality. For example, the RCD was in fact a coalition of convenience that contained major excluded players from the AFDL. The MLC was created by former Mobutist clients who became isolated when Kabila took power in May 1997. Kisangani (2010:143) also states that the war against Kabila was a war of replacement to help the excluded elites reposition themselves while they used nationalistic ideology to justify

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[15]Koko Sadiki is a former researcher at the University of South Africa, Pretoria, SA, 24 August 2014.

their objectives. Therefore, the civil war against Kabila intended to bring the Banyamulenge and the Tutsi back into the political system that they had no incentive to change.

The most important and immediate cause, however, was simply personal animosity between Kabila and his allies (protectors). However, they did not believe that Kabila had expected to seize power as he did not have a master-plan for the revolution. He simply grabbed the opportunity when it arose as a result of a chain of circumstances. Later, the Kabila regime had become an irritation to the United States, North American mining interests, and to his Uganda and Rwandan patrons. In fact, international capital has since been frustrated by Kabila's erratic behaviour and his repeated dishonouring of contracts he had signed with foreign businessmen (interview with Koko Sadiki).

As a result, as early as January 1998, the intelligence chiefs of Angola, Rwanda and Uganda held discussions regarding the desirability of finding an alternative leader for the DRC. It was also apparent that a coup against Kabila would be welcomed in certain international circles (Weiss 2000:13). L.D Kabila's big mistake was to annul the deals he made with the mining cooperation and to forget that the Cold War had ended (interview with Biyoya[16]). Therefore, the interests of Western powers revolved around the need to control those resources. Clark (2002:2-4) argues that the war against Kabila, just like the war against Mobutu, was part of a continental trend- the withdrawal of support from powerful patrons, the United States, France and from international financial institutions.

Another way of understanding causes of the DRC conflict is through greed. The Collier and Hoeffler greed theory observe civil wars as being caused by poor growth, poverty, and the abundance of natural resources and other precious minerals that can often be the source of much greed. In the DRC, the main driver of conflict is its abundance of valuable minerals and resources. Indeed, the Congolese government's inability to

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[16]Interview with Philippe Biyoya, IPRIS, Director and Professor of university, DRC, 27 September 2013, Johannesburg, SA

control the entirety of its territory has allowed rebel armed forces to exploit these resources and fuel the continuous conflict in the Congo.

Collier and Hoeffler (2002) have shown that natural resources considerably increase the chances of civil conflict because the available rents can be used to finance rebellions. Minerals resources such as copper and diamonds have allegedly been used by politicians to grease their patronage network. During this conflict, the DRC was divided into three administrative parts, each resulting from military occupation. As mentioned above, the country was controlled by the Kabila government in the west, including Kinshasa; the RCD reigned in the east and the MLC dominated the north. The rebels groups had no resources whatsoever. They needed money to finance their military activities against the government. Kabamba (2013:129) contends that in the conquered territories, the rebels exercised political power and conducted all the affairs of administration such as taxes, customs services, police army, judiciary, etc because they seemed very profitable to them.

The abundance of natural resources also provides incentives for foreign players to get involved in the country, further complicating the security situation. As mentioned above, the UN Panel of Experts (2001; 2003) advanced the argument that the illegal exploitation of the DRC's resources directly funded the participation of the neighbouring states. For example, in 1999 an estimated 80 % of the expenditure of the Rwandan Army (Rwandan Defence Forces, *Forces Rwandaises de Défense,* RDF) was covered by profits from coltan (a mineral used in electronic devices) sales of the DRC. Uganda, Rwanda and Burundi have become a major exporter of diamonds, coltan, gold and other natural resources from the DRC.

In the final analysis, it can be deduced that the issue of grievance such as governance problem and political exclusion were the dominant factors contributing to the conflict. Natural resources have thus, played an important role of sustaining and perpetuating war in the DRC.

4.4   ACTORS AND THEIR INTERESTS IN THE CONGOLESE CONFLICT

Since all conflict involves participants, understanding who these parties are, is fundamental to understanding the conflict. The DRC conflict was characterised by the participation of many actors in complex alignments. On the one side there were Angola, Chad, the DRC, Namibia, Sudan, Zimbabwe and the Mai Mai aligned forces. On the other side were the RCD, the MLC, Burundi, Rwanda, and Uganda aligned forces. Both had two opposing objectives. While some group mobilised against the invasions, others came to support the rebellion. This section analyses the actors involved and their interests. These can be analysed on two levels, namely, internal and external actors.

4.4.1   Internal Actors

There were three main internal actors in the second conflict, namely, the Kinshasa government, the RCD and the MLC.

4.4.1.1 Kinshasa government (Kabila regime)

Kinshasa government represented the interests of all Congolese. When Laurent Kabila came to power, he created a new national army called the Congolese force (the New *Force Armees Congolaises* FAC). It consisted of four groups. The first group consisted of the Katanga Tigers who were the sons of the Katanga gendarmes[17] who fled to Angola after the Katanga's attempted secession was defeated by the UN forces in 1962. The Katanga Tigers had split into two wings. One was led from Angola by Henri Mukatshuing Mwambu and the other was led by Dr Emile Ilunga from Brussels. Later, Dr Ilunga fell out with Kabila and joined the RCD, this was at a time when the Katanga Tigers became united and chose to support Kabila. The second group consisted of the

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[17]Katanga Gendarmes were also known as Katanga Tigers. Katangan gendarmes originally established by Belgian Congo government of Katanga province as Katangan gendarmere force as local internal security and police force in July 1960. Later used as a regular army by the local Katangese leader Moise Tshombe to support the seceding of Katanga to form an independent state from July 1960 until January 1963 as Katangan gendarmere national (*gendarmerie nationale Katangaise).* Katanga is one of the eleven provinces of the DRC; they were in rebellion against Central power of Kinshasa.

former members of the national army, Forces Army of Zaire (*Forces Armees Zairoises*, FAZ), Mobutu's army, that collapsed after the 1996 rebellion and invasion. The third group consisted of Tutsi soldiers who would be vehemently resented by the Kabila regime as foreigners. The last group consisted of the so-called Kadogos, the young men and boys who had been recruited into the ADFL army (Weiss 2000:7-8).When the conflict started in 1998, Tutsi soldiers also fell out with Kabila and joined the Rwandan and Ugandan forces. Within two weeks, Kabila's regime and the new army were weakened and faced almost certain military defeat. Afoaku (2010: 496) argues that the Kabila regime was politically too isolated and militarily fragile to survive the combined firepower of the Congo rebels and their regional backers.

As a consequence, Kabila enrolled into his armed forces Interahamwe militias and Hutu soldiers of the former Rwandan army. He also made alliance with Congolese guerrillas, the Mai-Mai, particularly in the RCD controlled area and incorporated them in the new armed Congolese force. The Mai Mai consists of the Congolese guerrilla troops, in ethnically homogeneous groups and they were active in the eastern part of the country. However, they became a major source of insecurity. These groups have never managed to come together under a central leadership structure but share one common goal, that is, to oppose any foreign invasion (Weiss and Carayannis 2005:152).

There are at least thirty distinct Mai Mai groups operating in the DRC. The term Mai Mai comes from the Kiswahili word meaning water and has been adopted by a wide range of communal militias, emerging at different times across the DRC. Mai Mai groups played a key role in fighting the AFDL rebellion during the 1996 and rose to greater distinction acting as proxy for the national military forces, opposing RCD-Rwanda during the second conflict (Acled 2013:5). The difference between the AFDL and the Mai Mai is that the AFDL, although composed of several groups, was under the leadership of one person, whereas the Mai Mai operated heterogeneously and did not have one leadership.

In turn, the Mai Mai extended the alliance to Rwandan and Burundian insurgency groups, who were consequently provided with arms and political support from Kinshasa government (Weiss and Carayannis 2005:152). Firstly, these included the Democratic

Forces for the Liberation of Rwanda (FDLR, *Forces Democratiques pour la Liberation du Rwanda)* a union of Hutu extremists formerly belonging to the ex-FAR and the interahamwe. It has also been involved in the recruitment of child soldiers. As noted above, the Kinshasa government supported the FDLR which opposed Rwanda and RCD-Goma.

Secondly, the Rwanda Liberation Army (ALIR*, Armee de Liberation du Rwanda)* a collection of Hutu who oppose the Tutsi government in Kigali, but are not associated with the genocide of 1994. However, they have joined hands with the FDLR against Rwanda. The ALIR began as a guerrilla movement in May 1997 before being pushed into the Congo in 1998;

Thirdly, the Forces for Defence of Democracy (FDD, *Forces de la Defense de la Democratie) and* National Liberation Forces *(FNL Front National de Liberation)* are the main guerrilla movements that have been fighting the Burundian government from Congolese soil. The FDD is a movement that was founded by Leonard Nyagoma, following the assassination of President Melchior Ndadaye in 1993; and FNL is a significant militia movement headed by Hutu insurrectionist, Agathon Rwasa, and has maintained bases and troops in eastern DRC, though limited in number (Turner 2013: 68). Therefore, these groups were allied to the Kinshasa government in order to fight the RCD-Rwanda-Uganda alliance (Weiss and Carayannis 2005: 152).

4.4.1.2 The RCD

The RCD was established by Rwanda and Uganda to serve their interests and was headed by Professor Ernest Wamba dia Wamba. The RCD brought the politicians and intellectuals together from very different, even opposed backgrounds. However, it soon became clear that Rwanda and Uganda did not share the same agenda and interest in the Congo conflict. Hence, the RCD had split into two groups, the RCD-Kisangani backed by Uganda; and the RCD-Goma, backed by Rwanda. The RCD alliance was weakened by internal division and by armed challenges to its legitimacy in much of eastern Congo, particularly in North and South Kivu (Weiss and Carayannis 2005: 152).

(a)   RCD- Goma

RCD-Goma is one of the two parties which resulted from the split of the RCD in 1999. It is called RCD-Goma because its headquarters were in Goma. It has been supported by two armed factions, the *Armee Nationale Congolaise* (ANC) and an auxiliary militia known as the Forces de Defence Locales (FDL). RCD-Goma was headed by Emile Ilunga and supported by Rwanda. It exercised control over parts of South Kivu, Maniema, North Kivu, Orientale and Katanga, and has created an administrative government in order to rule these areas. Turner (2007:142) states that the main interests of the RDC-Goma were to retain political and military control of its remaining territories and the economic benefits accruing from this control.

(b)   RCD-K/ML

This is the second party resulting from the split of the RCD in 1999.Its founder was Professor Ernest Wamba dia Wamba and is led by Mbusa Nyamwisi. The RCD-K/ML originally allied itself to the MLC and Uganda to oppose the influence of RCD-Goma backed by Rwanda within parts of eastern Congo. Its headquarters is located in the Beni region of North Kivu.

(c)   RCD- N

This army split off from the RCD-K/ML when the latter abandoned its alliance with Uganda to join the Kinshasa government in 2001. The RCD-N has remained close to Uganda and is led by Roger Lumbala. RCD-N is also allied to the MLC and some viewed it as a proxy force created by the MLC. Clearly, the split of the RCD has shown that the rebels were fighting on two different wars. There was the original war whose stated objective was to topple J.K Kabila and there was also inter-factional fight within the anti-Kabila opposition over political and administrative control of rebel territories that were fuelled by narrow economic motives or financial greed.

4.4.1.3 The MLC

The MLC, which is an anti-Kabila armed group, was established with Ugandan support in northern Equateur Province some months after the founding of the RCD. The MLC headed by Jean-Pierre Bemba whose family was closely allied to Mobutu and is believed to have included former members of Mobutu's Presidential grand (Weiss 2000:18). The RCD and the MLC were the coalition of rebels with the objectives of replacing the Kabila dictatorship with a transitional government of national unity. Unlike the RCD, the MLC was the only rebel group that could not be linked to any Tutsi group.

4.4.2 External Actors

The external actors are involved in the DRC conflict for different reasons. However, the external actors who were involved in the first war are not the same as those in the second war. In the case where one finds the same actors, they do not support the same conflicting parties as they did in the past. The case of Angola, Burundi, Uganda and Rwanda illustrates the situation in these two wars quite clearly. Angola helped the AFDL (a rebel group) to topple the Mobutu regime but did support the Kabila's regime against rebel groups. By contrast, Rwanda, Uganda and Burundi backed the rebel group in the two wars but in the second, Rwanda and Uganda diverged with the evolution of the war. These are two categories of external actors, namely, those who support the Kabila government and those backing the rebels. Both two groups were involved in conflict for political ideology, security and economic interests.

The external actors who supported the Kabila government were Angola, Namibia, Zimbabwe, Chad and Sudan. Of the five countries that came to Kabila's rescue, three are members of the SADC, namely, Angola, Namibia and Zimbabwe. The responses were greatly influenced by their own national interests. The SADC members justified their intervention in the Congo as support for a fellow SADC member facing external aggression (Nzongola-Ntalaja 2004:101). Despite such justification, the three states

which participated in the intervention each had its own strategic and economic reasons for involvement.

4.4.2.1 Angola

Angola was the first of Congo's neighbours to come to its aid in 1998. However, Angola's interest in the stability of the DRC was related to its strategy of neutralising the Savimbi-led rebel UNITA in order to cut off the insurgents' lines of communication and deny them secure rear bases in the Congo (Turner 2002:84). Angola also sought to protect its petroleum and diamond resources, especially the oil-rich enclave of Cabinda, and maintain a compliant regime in the DRC amenable to its interests (Turner 2002:75-92).

4.4.2.2 Zimbabwe

Zimbabwe does not share a border with DRC, but its interests were driven largely by Mugabe's ambition to assert his leadership as an African statesman and to set himself free from the overwhelming shadow of Nelson Mandela in the region. Support for the economic interests of Zimbabwe's ruling elite, rather than larger national interests, underpins the country's involvement in the Congo War (International Crisis Group 2000: 60). Moreover, the support offered apparently as a matter of principle by Harare to protect Congolese territorial integrity and sovereignty was also perceived on the wider African support. Zimbabwe's leaders also benefited from the Congo's natural resources (Nzongola-Ntalaja 2004: 116-126).

4.4.2.3 Namibia

Namibia's participation in the military intervention in the DRC came in response to a request from Angola and Zimbabwe to support LD Kabila, a long-time friend of the then Namibian president, Sam Nujoma, and a close ally of both Angola and Zimbabwe (Turner 2002:75-92). The armies of the three SADC allies also were involved in illegal exploitation of the DRC's resources (UN Panel 2003). Besides the three SADC states,

other states of the Central Africa region have been trying to be stakeholders on the side of the DRC.

4.4.2.4 Chad and Sudan

Chad was encouraged by France to join those supporting Congo as a means of regaining influence in Central Africa region where the French had retreated in disgrace after the genocide in Rwanda in 1994. In contrast, Sudan's involvement in the DRC conflict was mainly meant against Uganda for supporting the guerrilla movement in the south of Sudan, the Sudanese People's Liberation Army (SPLA).Those backing the rebels were Rwanda, Uganda and Burundi.

4.4.2.5 Rwanda

Rwanda has been more heavily involved in the Congo Wars than any of the other neighbouring states. This is due in part to Rwanda's long history of interaction with DRC (Turner 2013:51). Rwanda's intervention in the DRC was not launched out of sheer altruism but it was also motivated by self-interest. According to Longman (2003:130-138), Rwanda's intervention reflected complex reasons. Firstly, humanitarian interests and ethnic solidarity; Secondly, security threats from the Congo; Thirdly, domestic security concerns; Fourthly, economic interests for intervention in DRC and Longman adds a fifth factor, which he calls 'political triumphalism".

4.4.2.6 Uganda

Uganda intervened twice in the DRC conflict. Its intervention was not based on altruism but included a large measure of self-interest like Rwanda. President Yoweri Museveni has tried his best to divide the Congo among rival warlords for the purposes of maintaining political influence in the country (Nzongola-Ntalaja 2004:101). However, Uganda's efforts to merge the MLC and the RCD-ML in the DRC failed dismally. Clark (2003:148) also considers four more serious explanations for Uganda's intervention in DRC in 1998. Firstly, because of its severe threats to its security emanating from the

border region, for example the Allied Democratic Forces (ADF), West Nile Bank Front (WNBF), and the Lord's Resistance Army (LRA) are the three anti-Museveni guerrilla movements from Uganda and have maintained bases in the DRC. ADF has existed since the mid-1990s. While relatively small, the ADF has also abducted Congolese nationals and is known to have the terrorist networks of Al-Qaeda. The ADF's ultimate goal is to establish shari'a law in Uganda. The LRA is led by Joseph Kony, a self-proclaimed mystic who has conducted a campaign of terror against the population of northern Uganda, particularly recruiting child soldiers. These three Ugandan rebels' movements were backed by Sudan in revenge for Ugandan support of the Sudan People's Liberation Army (Prunier 2009:132-133). Secondly, for ideological purposes; thirdly, because of its alliance with Rwanda; and Clark (2002: 152-154) notes a fourth explanation which he referred to as economic interest.

The division between Rwanda and Uganda was their desire to become regional power in the Great Lakes region and each laid claim to its own sphere of influence.A case in point is the fighting between Rwandan and Ugandan armies on the Congolese territory of Kisangani which may only be understood as a fight for leadership and control over diamonds, the gold mining industries and other natural resources (Mangu 2003:243).

4.4.2.7 Burundi

Burundi was the junior partner in the invasions of the DRC in 1998. It has also sought to justify its limited military involvement as arising out of the need to eliminate continuing threats to Burundi security posed by Hutu extremists based in the Congo. However, Burundi was also involved in Congo to exploit natural resources and to protect its commercial interest. The main reason was that Burundi was under regional trade embargo after the July 1996 coup through which Buyoya came to power (Turner 2013: 66-67).

It is clear that the DRC conflict involved several actors and also numerous foreign rebel groups allegedly based in the DRC. These actors played active military role because of the chronic political instability and the weakness of the government. The military logic of

the 'enemy of my enemy is my friend' was readily employed in the conflict. According to Laremont and Ostergard (2005: 251-252), these actors have played and most likely will continue to play active military roles in the DRC for three reasons: firstly, ethnic conflicts in border regions between the DRC and many of these states remain unresolved; secondly, these states have economic incentives to seize valuable mineral resources found in the DRC; and thirdly, the DRC's government and military forces are comparatively weak and foreign governments can emplace themselves with relative ease in the DRC. For these reasons, these external actors will continue to play different roles in the DRC in the near future. These includes training of insurgents against countries, provision of military and arms supplies, arms trafficking and looting of natural resources.

4.5   CONCLUSION

This chapter has analysed the DRC conflict from the period 1998-2003. This second conflict illustrates the intra-state dimension of modern warfare in Africa, although with international dimension. This conflict was basically a continuation of the first conflict. The origins of this conflict can be traced back from the aftermath of the 1994 Rwandan genocide and the weak state of the Congo which led to the first conflict in the DRC. The second civil war was more intense than the first one due to the division within the RCD and the concomitant inflation of belligerents, the dominance of foreign armies and foreign rebels groups on Congolese soil. The underlying causes of the conflict have been identified as greed for natural resources, security of the DRC's eastern border with its neighbours, the problem of nationality of Rwandan immigrants, bad governance, hitches in the democratisation process and external aggression of the country. Therefore, the nature of this conflict was complex and multidimensional because the Congolese conflict was both an internal rebellion against an authoritarian regime and also a foreign aggression of the DRC by some of its eastern neighbours.

The chapter has shown that the second conflict was a vicious and complicated conflict. It has involved several actors and it can be characterised by several phases, demarcated by various shifts in alliances and contradicting interests. Therefore, a solution to the

conflict must encompass multiple approaches. This requires international, regional and local action before a long-lasting peace can prevail. Nzongola- Ntalaja (2004:21-22) suggests that, any chance for peace in the DRC is dependent on successful political culture consisting of the rule of law, a democratically elected and inclusive government and national reconciliation. The next chapter will focus on the role of SADC in conflict resolution in the DRC.

CHAPTER 5

THE ROLE OF SOUTHERN AFRICAN DEVELOPMENT COMMUNITY IN CONFLICT RESOLUTION IN THE DEMOCRATIC REPUBLIC OF CONGO 1998-2003

5.1   INTRODUCTION

Situated at the heart of Africa, the DRC has been transformed into a battlefield where several African states and national armed movements are simultaneously fighting various wars. The death toll of the conflict was beyond five million killed, besides millions of internally displaced persons. The conflict also affected the country's economic and political development negatively. Bringing peace and security to the DRC would not only contribute to SADC sub-regional economic development, it would also create significant social, political and other benefits for Southern and Central Africa (Centre for Conflict Resolution (CCR) 2010:11).

In order to achieve peace, security, and stability in the DRC, SADC intervened with the international collaboration of the UN and AU. However, the entire DRC peace process has largely been a SADC-driven initiative and SADC member states have also engaged in a joint military operation to safeguard peace and security in the region. Through these initiatives SADC has shown its willingness to fill the gap which emerged as a result of inaction on the part of the international community (Field and Ebrahim 2000:15). Stefaan and Wamu (2002:411) also argue that SADC played the leading role in proposing solutions to end the regional conflict in the absence of a clear response by the international community which has a responsibility for maintaining peace and security.

Therefore, the purpose of this chapter is to appraise SADC's role during the second Congo war in terms of how it employed dual approach to resolve the DRC conflict through the use of military intervention and mediation process. The chapter will also consider the role of other regional actors in this conflict. It argues that the DRC has been a crucial test of SADC's conflict resolution capacity.

5.2   SADC MILITARY INTERVENTION

The purpose of this section is to appraise the successes, but also the difficulties that emerged in SADC Allied Armed Forces (AAF) mission called 'Operation Sovereign Legitimacy'. The attempt by the SADC to stop the second civil war in the DRC through the use of peacekeeper is now more than sixteen years old. This intervention was not designed as strictly a peacekeeping or peace enforcement mission, but rather represents a new form of intervention with mandate to protect the territorial integrity of the country against foreign aggressors. Cedric de Coning (2000:281-286) has referred to this new trend as 'neo-interventionism, whereby the intervening forces do not enter as peacemakers but aligned to one side of the conflict with the aims of influencing the balance of power. Balance of power is a system of distributing power among two or more competing coalitions of nations states intended to prevent a predominance of power by any one coalition (Conteh-Morgan 2004:295).

What SADC AAF has done, can be argued from a narrow military perspective that 'Operation Sovereign Legitimacy' was a success in the sense that the military objectives of the mission were accomplished. The operation succeeded in shoring up and securing the besieged government of President Kabila, when he was assassinated on 16 January 2001 by one of his body guards. The SADC AAF intervention secured Kinshasa capital and its environs from being overtaken by Rwandan, Ugandan and rebel factions. It is important to note that Angola, Namibia, Zimbabwe had signed a Mutual Defence Pact with the DRC, so they were bound by the pact to defend their alliance partner. The relative stability led to the re-opening and protection of the international airport for commercial and normal business operations. The SADC AAF helped to save lives and contributed to human protection activities, for example, facilitating humanitarian relief operations.

The SADC AAF created a situation of power balance between belligerents and rendered the conflict ripe for resolution. The development of the stalemate on the combat zone attests to the fact that both sides have lost so much equipment that a modern

conventional war was no longer possible. With the military tool now illuminating its limitations, only political negotiations could bring about peace.

The military stalemate led to the new diplomatic and political initiatives by Zimbabwe and SA, led by President Mbeki, to encourage mediation and political resolution of the Congo crisis. The mutually hurtful stalemate amongst the intervening states and the assassination of President L.D Kabila changed the political dynamics in favour of a negotiated resolution of the conflict. Joseph Kabila initiated a fundamental foreign policy shift that paved the way for the departure of certain foreign forces and the deployment of the United Nations Mission to the Congo (MONUC) (Francis 2006:203-204).

In spite of all this significant progress, the deployment of the SADC Allied Armed Forces (AAF) in August 1998 has presented many challenges to the SADC. These challenges include the regional collective security framework and mandate, question of legitimacy, operational problem, media coverage and the financial problem.

5.2.1   Regional collective security framework and mandate

At the time of the intervention, although the SADC OPDS has been created, it was not operational. There seemed to be a clash of personalities between Mugabe and Mandela as to how the organisation must run. As a result SADC hesitated to intervene decisively to end conflict in member states. SADC AAF participated in the DRC operation called 'Operation Sovereign Legitimacy', which was endorsed at a meeting of SADC defence ministers despite the fact that there were political disagreements between SADC leaders and a lack of co-ordination in SADC around the intervention.

The Inter-state Defence and Security Committee in Harare on 18 August 1998 and stated that SADC had come to a ''unanimous' decision to defend Kabila's regime. Zimbabwe, Namibia and Angola, chose to intervene via their military and deployed the SADC Allied Armed forces (SADC-AAF) to protect the regime. Zimbabwe, Namibia, Angola and the DRC also have signed a Mutual Defence pact amongst themselves.

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According to Mbuende (2001:46), this military intervention was based on the Inter-state and Security Committee resolution held in Cape Town, South Africa in 1995.

However, South Africa (the chair of SADC then) supported by Botswana, Mozambique and Tanzania espoused the need for dialogue and negotiated settlement to the conflict. In this regard, SADC Summit convened a meeting in Mauritius in September 1998 where SADC leaders reached a consensus and endorsed the positions represented by both South Africa and Zimbabwe (Nathan 2006:614). The Summit also "welcomed initiatives by SADC and its member states intended to assist in the restoration of peace, security and stability in the DRC". The SADC Summit was approached as militaristic. The SADC leaders commended the government of Angola, Namibia and Zimbabwe for providing troops on time to assist the government and the people of the DRC (SADC Final Communiqué, 13-14 September 1998).

It is clear that the DRC conflict in particular had the effect of dividing the SADC community between those who supported the operations and those who disapproved it. The lack of clarity over whether decisions made by the SADC Summit, as the highest level decision-making body, take supremacy over decisions made by the SADC OPDS caused major disagreement within the community at the begin of the second DRC conflict.

5.2.2   The question of legitimacy

The legality of the intervention has been a major issue. During the DRC conflict the anti-intervention group such as South Africa, Botswana, Mozambique and Tanzania argued that the problem was an internal Congolese issue. The UNSC declined to sanction the intervention arguing the SADC AAF intervention constituted enforcement action that was not supported by Chapter VII of the UN Charter and therefore SADC AAF intervention was unlawful. The international community on the other hand also declared that the SADC AAF 'Operation Sovereign Legitimacy' in the DRC was illegitimate because the UNSC has not sanctioned the intervention.

In response, SADC AAF justified its intervention as an obligatory response to save a member state facing foreign aggression that threatened sub-regional peace and stability. They also claimed that the intervention was authorised by SADC according to Article 4 of the SADC Treaty of 1992 which called for military assistance and collective defence against external aggression and Article 6(4) of the SADC Mutual Defence Pact (MDP) which states that the AU and the UN Security Council need to be notified soon after a military response by member states. The three countries invoked provisions of Article 51 of the UN Charter on collective self-defence, as well as principles of the OAU/AU. It further argued that the communication of its decision to intervene to the UNSC was sufficient justification of its action.

It is necessary for a regional organisation to get authorisation for any regional intervention, but if there is none, and it is taking time, it is the obligation of the regional, sub-regional organisation to intervene when there is a very serious crisis. For instance, in the DRC, the SADC AAF intervened very early. However, the UNSC decided to deploy troops in the DRC later on in 1999 to supervise the ceasefire and monitor compliance with human rights standards (Mangu 2003:162). Many criticised the UN for its late intervention in peacekeeping operations after the situation has stabilised. For example, the UNSC took time to recognise that DRC was invaded by their neighbours and needed peace operation to manage the crisis (Stefaan and Wamu 2002:423). Some consider this as a lack of interest of the international community toward African conflicts.

SADC was not the first body that has failed to secure the UNSC authorisation for intervention. The NATO, led by US also failed to obtain authorisation of the UNSC for its intervention in Kosovo and Yugoslavia between March and July 1999 respectively. The same scenario happened in Afghanistan case. The US coalition's war against terrorism in Afghanistan could be instructive for the new coalition paradigm of conflict resolution that found it expedient to implement regional security policy frameworks with or without appropriate UNSC approval (Aboagye 1999:157,279-80). What the UNSC needs in the future is to review its policies of decision making in terms of intervention.

5.2.3 Media coverage

In 1998, SADC became the focus of international attention when Angola, Namibia and Zimbabwe decided to intervene in the DRC. However, the intervention was criticised by the South African media, as reporters claimed that the intervention was motivated by national and personal interests.Despite the international interest in the Congo, the international media coverage largely ignored the conflict except occasionally reporting incidents of massacres and outbreaks of intense fighting (Francis 2006:203-204). Rupiya (2003:100) argues that the regional dominant media based in SA, mounted an unrelenting campaign, portraying the SADC AAF involvement in the DRC as illegitimate, ill-advised and based on personal quests for enrichment from the gold and diamonds in the DRC. Therefore, Rupiya (2003:100) concluded that the negative internal media coverage of the intervention and the role of external actors "…partly succeeded in delegitimising the sterling efforts of the SADC allies to uphold the principles of sovereignty and territorial integrity…[A]s a result of the orchestrated international media war against the SADC allies, who were in the midst of fending off a determined and coordinated military thrust, Angola, Zimbabwe, and Namibia were forced to defend themselves against those distortions within SADC, the AU and the UN".

5.2.4 The Operational problem

SADC AAF also experienced serious problems concerning a lack of extensive peacekeeping experience (interoperability, insufficient troops) for the mission. The operation was intended to be a joint one. The composition and structure of forces were hastily improvised to respond to the DRC conflict. Meanwhile on 17 and 18 August 1998 the defence ministers of Angola, Namibia, Zambia and Zimbabwe explicitly appealed to other members to contribute with contingents in the course of intervention to participate in the force's operation. However, SA did not send troops to support the operation. Hough (1998:36) argues that SA would only consider sending troops in the case where a peacekeeping force was deployed in accordance with the UN mandate.

The Zimbabwean Defence Forces (ZDF) deployed a preponderant military force including tanks, armoured vehicles, helicopters and fighter ground attack aircrafts. In

addition, the Zimbabwe military deployment was complemented by Angola and Namibia military deployment later (Rupiya 2003:98). When they arrived in the DRC without military maps of the city, the SADC Allied Armed force did not have relevant training in peace enforcement operations (except ZDF) and there was no inter-operability between contingents (telecommunication difficulties). They were attacked by the rebels, who then controlled almost some of the western part of Kinshasa, for example, Masina suburb particularly Ndjili international airport. This rapid and unexpected degradation of the security situation led SADC AAF to shift its mission to that of peace enforcement, revised its strategy and began deploying its forces in strategic places in the country. Francis (2006:201) notes that SADC AAF was forced by the military situation on the ground to change its military strategy from defensive to offensive, hence a hurtful stalemate.

The command and control of forces was perhaps the most intractable problem for SADC AAF in the DRC. SADC AAF's command structure was organised in such a manner as to accommodate the interests of all contributing countries. According to Rupiya (2003:98) the conduct of the initial military deployment has been coordinated with the Angola and Namibia defence forces. Key elements among the forces detached from the allied countries were the tank and air power squadron formations. However, even these contributions did not address the problem that beset the mission. Without the requisite training and discipline, SADC AAF became involved in illicit mining activities. These activities compromised the objectives of the mission and its credibility (UN Panel of Experts 2001 and 2003). Unfortunately, this was due to the lack of professionalism, experience and skill personnel.

The 'Operation Sovereign Legitimacy' was also limited by the variety of languages spoken among them. There were Angolan spoken Portuguese and both Namibian and Zimbabwean spoken English. This operation, in particular was hampered by its lack of DRC speakers, who could play a crucial role in the understanding of the local population and the FAC (Armed Congolese Force).

5.2.5 Financial constraints

Despite the financial constraints experienced by most members' states and the absence of mechanism for collective security at the regional level, SADC AAF intervened with its own resources. The operation was largely reliant on Zimbabwean funding, and the cost to Zimbabwe totaled US$ 30 million per month (Rupiya 2003:101). Many of these costs were indirect, as well as direct. The DRC government would also have to carry the costs. The costs of the war would be shared from the exploitation of the mineral resources of the Congo. According to Koyame and Clark (2003:209), the gains derived from the special contracts given to Angola, Namibia and Zimbabwe by Congolese state, as well as direct payments, must be balanced against the cost of their military activities. Clearly, it was the first time the SADC took offensive military action in support of the government of a member state. The military objectives defined in the mandate were accomplished, despite certain difficulties likely to be faced by any peace operation undertaken by regional organisation.

5.3 SADC MEDIATION PROCESS

Besides military involvement, SADC states such as SA, Angola, and Zambia have also led peacemaking efforts in the DRC, which resulted in the signing of the DRC's Global and All-Inclusive Agreement in December 2002. It is important to note that the DRC conflict resolution initiatives can be categorised into two stages (Mpangala 2004:19). The first stage constitutes the period from August 1998 to the signing of the Lusaka Ceasefire Agreement in July1999. During this first stage, the diplomatic efforts focused exclusively on the official belligerents in the war, namely the Kabila government, the rebel movements and the external armed forces, leaving little room for the Congolese unarmed actors. Even the Mai Mai, an internal armed group, was excluded from formal peace talks and ceasefire agreement, despite being party to the conflict (Naidoo 2000:91). The Lusaka peace Accord was essentially a ceasefire agreement. This peace accord produced the beginning of the resolution of the DRC civil war.

The second stage of the DRC conflict resolution initiative constitutes the period after the signing of the Lusaka Ceasefire Agreement in July 1999 to the signing of the Global and All-inclusive Agreement. This Global and All-Inclusive Agreement of 17 December 2002 was a transitional power-sharing peace agreement, with election planned for two to three years after the establishment of the transitional government (Daley 2006:312). Power sharing is now commonly viewed as the only feasible way of promoting peace and reconciliation between warring factions.

The objective of this section is to appraise the implication of SADC's intervention in the DRC and the role it played in the mediation process based on the model of Rupesinghe. In making this appraisal, each component of his model as briefly discussed in Chapter 2 will be elaborated here.

5.3.1   Pre-negotiation Stage

The purpose of this stage is to bring the warring parties into the negotiation process and realistic goals for the negotiation process should be set up. It is important that the parties have the willingness to commit to the peace. "the strategic intent of the pre-negotiation phase is to reduce intractability, to formulate and design a process that can bring parties to the negotiation table and begin the trust and confidence-building necessary for a successful negotiating exercise" (Rupensighe 1995:80). It should be questioned why the warring parties are coming to the negotiation table and their motivations for deciding to come to the negotiation table must be understood. It should also be ascertained whether they are ready to negotiate for peace or whether they are just trying to buy time whilst they resupply?

The warring parties in the DRC conflict were not willing to go to the negotiating table. In the first place, the peace process was perceived more as a route for the various rebels group to come to power and securing international recognition rather than representing a commitment to peace by the signatories (Fourier and Solomon 2002:15). Mediators actually brought pressure to bear upon all the parties to the conflict. The UN, the AU, SADC and the Western countries were intensely pressurising the parties to negotiate.

At the time the Lusaka Agreement was signed, the belligerents went to the negotiating table with entrenched position not because they were really ready to talk peace, but because the peace negotiation was imposed on them. In fact, they were using the break to re-arm themselves. Although all signed the agreement, the belligerents have not changed their attitude. For the rebels and most of their backers, their first objective was not to force Kabila to democratise, in contrast, their priority was to topple him from power. Furthermore, it is important to note that the rebels were not certain that they would survive as political movements in the democratic environment as they commanded little support (Kabemba 2000:30).

On the other hand, Kabila has visibly advocated two options, neither of which envisaged negotiation with the rebels. He has vowed to oblige Rwandan and Ugandan forces out of the DRC, either by force or through international pressure. Even after the signing of the Lusaka Agreement, this attitude continued. No side of the divided parties has changed its vision on how to end the conflict (Kabemba 2000:31). Besides, it was not possible for the warring parties to start negotiating since the trust between them was non-existent. In violation of the Lusaka agreement, sporadic fighting amongst the combatants and the illegal extraction of minerals resources continued. In fact, there was lack of political will by the belligerents to honour the Lusaka Peace agreement.

5.3.2   Understanding Root Causes

Settlements which ignore the root causes can lead to further confrontation. Rupesinghe (1996:166) claimed that "it is abundantly apparent from recent experiences in Somalia, the former Yugoslavia, Sri Lanka and elsewhere that there is a need for a clear conceptual and theoretical understanding of the root causes and the sources of intractability of a given conflict". Therefore, it is imperative that conflict resolution facilitators come to grips with how and why a conflict erupted so that the sources, which generated the conflict, can be addressed. This would then form the basis of the conflict resolution process.

It has been argued that the causes of the DRC conflict had both internal and external dimensions. The main internal causes of the conflict were the politics of exclusion and dictatorship. The aggression by neighbouring countries such as Rwanda and Uganda for diversity of reasons including the control of Congo's natural resources constituted external causes. In the DRC peace process, the mediators addressed all the causes of the conflict both internal and external. For example, the Lusaka Agreement addressed simultaneously both internal (the absence of effective state authority and inclusive governance in the DRC) and external factors (such as the continuing threat posed by the Rwandan ex-FAR and Interhamwe militia). The LCA also posed the principles of internal negotiations in the DRC to resolve the political crisis while simultaneously attempting to provide mechanisms to resolve the security concerns of Rwanda and Burundi (Kabemba 2000:28).

There were several issues to the war in DRC and most of them were solved. The settlement eventually met all of the coalition's demands for a multiparty state, the end of the Marxist political and economic system of Kabila and the inclusion of the population. The political settlement itself resolved the major outstanding grievance of access to the political system. Thus, the settlement's resolution of the immediate cause of the conflict was sufficient to establish normal politics (interview with Biyoya[18]). Even though not all root causes were solved, the resolution of the war had the support of the people in the DRC. Some respondents indicate that Congolese were satisfied with the resolution of the grievances. The support of the people is a requisite for peace to last.

One example of an issue which did not get solved was the question of nationality of Banyamulenge, which led to question of land distribution. According to Mokolo[19], the Banyamulenge are Congolese of Tutsi origin who migrated to South Kivu. With regard to the Banyamulenge's citizenship, the Congolese people and their government are not opposed to granting of citizenship to this community, in accordance with the law of the country. The Banyamulenge issue has simply been politicised at the highest levels to

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[18]Philippe Biyoya, IPRIS, Director and Professor of university, DRC, 27 September 2013, Johannesburg, SA

[19] Interview with Mokolo, Procurer and lawyer, DRC, 3 December 2014, Pretoria, SA

serve as a pretext while hidden agendas are accomplished. The Congolese law recommends that citizenship be solicited individually. When Kabila took power, the Banyamulenge took most of the key political and military posts in South Kivu. The population was never opposed to this policy. For the people, it was a question of tolerating the Banyamulenge with whom they have lived for so long, and in the process the people of Kivu were ready to support their administrative process for obtaining Congolese citizenship. Unfortunately, because of their loyalty lie with Rwanda, the Banyamulenge decided to turn against Kinshasa government (Partiel 2000:158). Makonero (2000:75) also notes that the problem of nationality was not the original reason for the second conflict. The original aggression between the native people of Kivu and the Rwandan immigrants centered around land-for agricultural use for the former and for grazing of herds for the latter. Furthermore, he writes that this dispute, not to mention the claims for citizenship, resulted from the Rwandan immigrants realising that, without political power, their ambitions to access the land would remain a dream. This is why for some time the Rwandan immigrants and refugees have resorted to violence against the Kivu population (Kivu natives) (2000:75). In spite of this, the question of nationality was not a problem. However, the question of land remains problematic and was not settled by the mediator.

With regard to the external factors of the cause of conflict, the problem of invasion by neighbouring countries such as Rwanda and Uganda was resolved. There were two peace agreements reached on the issue. One was the Pretoria Agreement signed by the DRC and Rwanda in July 2002, which committed Rwanda to withdraw its troops from the DRC and the Congolese government to support the disarmament, demobilisation and repatriation of those groups identified in the Lusaka Ceasefire Agreement as "negative forces". The other was the Luanda Agreement signed between the DRC and Uganda in September 2002, which has addressed the security concerns of neighbouring countries referred to in the Lusaka Agreement in its preamble and Article 2. The Luanda Agreement also provided for the withdrawal of Ugandan forces from the DRC within three months, against the establishment of a joint security mechanism at the border and a Pacification Commission for Ituri, involving Uganda (Moffett 2009:15).

Therefore, the mediators or facilitators of the DRC peace process addressed the internal and external factors of the DRC conflict during the process of negotiation. It is clear that the Lusaka Ceasefire Agreement, the Pretoria Agreement, the Luanda Agreement and the Global and Inclusive agreement peace process took into consideration the root causes of the DRC conflict.

5.3.3   Ownership of the peace process

In the negotiation for peace process, it is important to encourage or stimulate ownership amongst the different stakeholders as suggested by Rupesinghe (1995:81). He argues that imposed settlements that do not involve representatives of the majority who are in favour of a peaceful solution and that gloss over the root causes of conflict are likely to postpone further confrontations due to the little support (Rupesinghe 1996:166).

The DRC peace process was in large measure imposed upon the parties. Foreign leaders were the actual architects of the peace agreement, not local actors. Nevertheless, there was general consensus amongst most of those interviewed[20] that Global and All-Inclusive Agreement was accepted and endorsed by all participants in the national dialogue ICD. The Lusaka Accord gave equal status to all participants in the dialogue. It brought together five components and three entities. The components were the DRC government, RCD, MLC, the non- violent opposition, and the "*forces vives"* or civil society. The entities consisted of the RCD-ML, RCD-N, and the Mai Mai (Mangu 2003: 164).

Rogier (2004:35-36) argues that although the Global and All-Inclusive Agreement deal was a necessary step on the road to peace and may eventually mark the beginning of a new era in the DRC, the Pretoria II Agreement did not stem from the political will of the signatories but was achieved just like the previous ones, after protracted negotiations and under intense international pressure exerted in particular by the UN, SA and

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[20]Interviews with informant from the DRC, who shared the same view on the issues, these include Professor Mangu Mbata, Biyoya Makutu, Dr Muzong Kodi, Mr Muzungu Diakolo, Mr Mavungu Puati, Mr Ndombi Kamuanza and Mr Moise Nyarugabo

Western countries. In the end, the parties' motives for signing were to avoid being marginalised and to have their share of power preserved, confirmed or recognised, but probably not to offer the DRC an opportunity to rise from its ashes.

As some respondents indicated that in the first phase of the ICD, the Congolese parties have been unable to reach a consensus on the agreement on the composition and establishment of a new, consensual and inclusive interim government. As result, foreign leaders were the architects of the peace process. Therefore, the peace process was accepted and endorsed by all participants and so they had an interest in maintaining it.

5.3.4   Identifying all the actors

It is important to identify all the actors involved in the conflict and bring them to the negotiating table. According to Rupesinghe (1996:167), there is a need to identify all the key players, irrespective of their political weight. It is also important to take into account the opinion of each of them. Failure to bring all the actors into the peace process can result in a breakdown of the process. Rupesinghe (1996:167) notes that "in situations of violent conflict it is imperative that non-military actors be fully involved in the peace process because exclusive reliance on highly visible political or military elites has proved disastrous in the former Yugoslavia, Somalia, and Sri Lanka, to give only few examples."

The mediator and facilitator worked hard in getting all the warring actors and non-armed into the peace process. These actors involved in the DRC process are listed below:

- The DRC government represented by the president of the country is one of the main actors to the conflict.
- Of the foreign countries involved in the conflict, five were on the government's side - Angola, Namibia, Zimbabwe, Chad and Sudan while three were on the rebel side - Burundi, Rwanda, and Uganda.

Key former rebel movements included the following:

- RCD- Goma, supported by Rwanda and was in control of large parts of eastern provinces;

- MLC supported by Uganda and headed by Jean-Pierre Bemba. This movement was in control of the northern regions; and

- Breakaway factions of the original RCD, RCD-K/ML and RCD-N in control of stretches of the territory in the eastern and north eastern parts of the country.

- Several Congolese militias including Mai Mai and other non- armed internal actors, such as the various Congolese political parties (the opposition), which the UDPS is the leading opposition party in the DRC and the *forces vives* (civil society*)*.

Furthermore, all major political actors, together with the SADC, the AU, and the UN participated in consultative processes. It is clear that the DRC got a lot of actors into the peace process. Therefore, the DRC peace process accurate identification of all significant actors was made.

5.3.5 Identifying facilitators

Rupesinghe (1996:167) stresses the importance of identifying all actors, whom appear to have the background knowledge as well as the analytical and mediation skills that may have a positive role in working towards a durable peace.

As noted above, since the peace process was imposed and the architects were outside sponsors, facilitators also came from those sponsoring countries. There was a large and experienced pool of facilitators from Libya, the UN, the OAU, the EU, and SADC who contributed to the peace process.

The most notable facilitators, who played an active role were the Zambian President Frederic Chiluba, who led the peace initiative for the DRC, assisted by the president of Tanzania and Mozambique. In July 1999, the heads of state of the DRC, Angola, Namibia, Rwanda, Uganda, Zambia, and Zimbabwe, and the rebel groups (MLC and

RCD) signed the Lusaka cease-fire agreement, in an attempt to end the Second Congo War. The agreement called for the establishment of a ceasefire; the establishment of a Joint Military Commission (JMC) composed of representatives of the belligerents under a neutral chairperson appointed by the OAU to investigate ceasefire violations, establish mechanisms to disarm militias and monitor the withdrawal of foreign troops; the deployment of an appropriate peacekeeping UN mission to disarm belligerents and provide humanitarian assistance to vulnerable populations; the withdrawal of all foreign troops within a period of 9 months(270 days); and provided for an all-inclusive process the Inter-Congolese Dialogue (ICD) (Rogier 2004:35). An important provision was that all parties to the internal dispute, whether armed or not including the Kinshasa government were required to participate in this dialogue as equals (Weis and Carayannis 2005:153-154).

However, the Lusaka Ceasefire Agreement was criticised for the exclusion of certain actors. The Lusaka Agreement was negotiated and signed only by the main actors (DRC government, Angola, Namibia, Rwanda, Uganda, Zimbabwe, RCD and MLC). It did not include other rebels groups such as the Ugandan or Burundian rebels, UNITA, and other militia groups operating from the DRC, especially the Hutu militia and the Mai Mai. The approach taken in the Agreement was to disarm these Hutu militias and to repatriate them to Rwanda.

Former President Muammar Gaddafi of Libya held talks at different times with President Kabila of the DRC, Museveni of Uganda and Kagame of Rwanda from November 1998 to June 1999. Arising from such an initiative President Museveni signed a Ceasefire agreement with President Muammar Gaddafi in May 1999 in the Libyan town of Sirte under personal initiative of President Muammar Gaddafi (Mpangala 2004:19).

As mentioned earlier, the Lusaka peace Agreement provided for the ICD. On 14 November 1999, the OAU/AU mandated Sir Ketumile Masire, former president of Botswana to facilitate the ICD after extensive consultations with all the parties concerned. However, no agreement was reached on the issue of the establishment of a consensual and inclusive interim government. To break the deadlock, Sir Ketumile

Masire and Congolese parties asked former President Mbeki of SA to assist in the process of reaching an agreement. In December 2002, the Congolese parties signed a Global and All-Inclusive Agreement on transition in the DRC. The Agreement provided for a transitional government, drawing on a '1+4' model from the South African experience of '1+2'. President Joseph Kabila would remain as interim president until the election and would have four vice-presidents drawn from the RCD-Goma, the MLC, Kabila's former government, and a coalition of unarmed parties. The Agreement also set out objectives for the transitional government to achieve within two years a constitution, elections and the formation of a new integrated army. The final part of the ICD was signed in April 2003 in Sun City, SA (Moffett 2009:15).

Other SADC states became involved diplomatically in the peace process such as SA and Angola. The SA and Angola initiative led to the bilateral agreement such as the Pretoria Agreement and the Luanda Agreement as mentioned above. The Luanda Agreement provides for the withdrawal of Ugandan forces from the DRC, the putting into place of a Joint Pacification Committee on Ituri to govern the district with the assistance of the MONUC. These initiatives also paved the way to a continuation of the dialogue under SA through the SADC auspices and the eventual establishment in 2003, of a new transitional government of national unity (Weis and Carayannis 2005:156). Therefore, the required skills and goodwill were available to facilitate the resolution of the conflict and to sustain the peace initiative even after reaching an agreement.

5.3.6   Setting a realistic timetable

Rupesinghe (1996:167) notes that another crucial element of a peace building design is an understanding of the stages of conflict resolution. He further emphasises the importance of writing a timetable with different steps, starting from a deep understanding of the root causes of conflict to its resolution. The timetable should not be too long or too short. If it is too long and the negotiations go on for a long time then there is a risk that the drive for peace gets lost. If it is too short there is a risk that the trustworthiness of the peace gets damaged. "Those involved in designing the peace process must also devote an adequate amount of their time to the process" (Rupesinghe 1996:167).

Chapter Three of the Lusaka Ceasefire Agreement provided the timetable for the implementation of the agreement. However, implementation was left to the belligerents and thus creating possibilities of sabotaging the process (Mpangala 2004:19). Hence, there was little progress in this regard. Repeated ceasefire violations delayed the implementation of the Lusaka Accord. Its full implementation had faced a certain number of problems that have been ignored during the process of negotiation. First, the Agreement recognised Congolese rebel groups as equal partners to the Kabila government, while former Rwandan soldiers in sanctuaries in Congo were considered "negative forces" and hence to be disarmed by the international community. Second, the Agreement not only legitimised the occupation of eastern Congo by Rwanda and Uganda, but it also froze the status quo and distinct zones of influence controlled by different rebel factions under either Rwanda or Uganda patronage. Third, Congolese armed groups in eastern Congo such as the Mai Mai, were neither represented at the peace negotiations in Lusaka, nor were they asked to sign the Agreement. They were also not mentioned as participants. The omission of the Mai Mai from the Agreement has been particularly serious since they continued to fight and were under no formal obligation to respect a ceasefire. This resistance continued despite their close relationship with and indeed their incorporation into the FAC. Finally, LCA was signed without much debate over the causes of the conflict and, in particular, the eastern Congo conflict (Kisangani 2012:151).

Therefore, the full implementation of the Lusaka Agreement required commitment and good faith from all the parties and sustained pressure from the richest and most powerful countries acting individually and collectively through the UN, the EU, the OAU/AU and SADC (Mangu 2003:163). The schedule of implementation of the Lusaka Accord from the date of signature to the withdrawal of the foreign armies and deployment of a peacekeeping mission was only about 9 months. Considering the numerous warring factions involved in the DRC conflict, a period of 9 months was very short for the main issues in the Accord to be dealt with. The timeframe was just too short for the release of hostages, disarmament and demobilization of all the warring factions. Clearly, it was impossible to accomplish all these tasks within 9 months.

In addition, the Lusaka Accord committed to organize a national dialogue, general elections and to form a national government within 9 months. All the tasks agreed upon in the negotiation leading up to the Lusaka Accord was supposed to be achieved within this time. The Lusaka Peace Accord timetable implementation was highly unrealistic.

5.3.7 Sustaining the effort

In order for a peace process to be successful it is important to invest financial resources, patience and sustained commitment from sponsors (Rupesinghe 1995:82).Since the second conflict started on 2 August 1998, there have been sustained efforts from different actors to end it. Some of these actors include: the UN, the AU, the EU and SADC.

5.3.7.1 *The United Nations*

The UN joined the peace process after the Lusaka peace agreement had been signed in 1999. On 24 February 2000, the UNSC adopted Resolution 1279, which authorised the deployment of 5,537United Nations Organisation Mission in the Democratic Republic of Congo (MONUC or *Mission de l'Organisation des Nations Unies en Republique Democratique du Congo*) to observe the 1999 Lusaka accord. MONUC costs an estimated $142 million per annum.This figure was later reduced to 3,000 numbers that have been widely criticised as far too small to monitor a peace agreement effectively (Weis and Carayannis 2005:154-155). In 2001, the UN dispatched to the DRC what was to become its largest and most expensive peacekeeping mission. It is important to note that this mission was not the first in the DRC, between 1960 and 1964 the UNSC deployed the mission in the DRC called the United Nations Operation in the Congo (*Operation des Nations Unies au Congo,* ONUC) to restore order and to end the Congo crisis. In addition, the UN appointed former Senegalese Prime minister, Moustapha Niasse as a special representative of the Secretary-general to the Congo crisis in order to facilitate agreement among the parties in the ICD on 12 June 2002 (Boshoff and Rupiya 2003:31).

5.3.7.2 The AU

The AU has assisted the peace process in the DRC since its start. The former OAU Secretary General invited states in the region to participate in a peaceful solution of the crisis based on the sovereignty, unity and territorial integrity of the DRC in order to coordinate all efforts (Stefaan and Wamu 2002:416). It appointed Sir Ketumile Masire, former president of Botswana to facilitate the application of the Lusaka Agreement, especially the organisation of the ICD. The AU also set up the Joint Military Commission (JMC) to implement the military component of the agreement in 1999. Therefore, due to the lack of financial and resources, the AU played a limiting role in supervising the dispute settlement, coordinating the various regional and international organisations involved in the process.

5.3.7.3 The European Union (EU)

The EU has spent considerable attention to the process and supported it through diplomatic initiatives, military and financial missions. The EU appointed Aldo Ajello on 25 March 1996 as the special representative of the EU for the African Great Lakes regions. His mission was to back the different efforts aimed at creating the necessary conditions for solving the crisis in the entire Great Lakes region. This includes support to the UN and the AU and the maintenance of regular contacts with regional governments (Hoebeke et al. 2007:7). In 1999, the EU supported the implementation of the LCA financially. The EU further supported the Lusaka Agreement and peace process by reviewing its arms embargo policy, and allowing for certain exemptions such as equipment for humanitarian use and for the destruction of landmines. In June 2003, the UNSC authorised the EU to send 2,000 troops to the DRC in Bunia code-named Operation Artemis, to contribute to security stabilisation and improve the humanitarian situation (Gegout 2009:236-237).

5.3.7.4 SADC

Under Mbeki's leadership, SA through SADC was playing a role in diplomatic and military involvement. Its effort, bilaterally and multilaterally was to bring the warring parties to the negotiating table, help the peace process financially and sent peacekeepers to support the UN mission in the DRC (Essuman 2009:414). It is clear that these joint efforts have been undertaken in order to end the second conflict.

5.3.8   Evaluating success and failure

For Rupesinghe (1996:167), no lasting peaceful solution can be achieved if it does not encompass interests of the main protagonists. Such process has to include inter alia obstacles, alternatives and openness to other external initiatives that could ultimately consolidate the whole process. Failures must be listed and reported and 'institutional memories' accumulated so that practitioners can learn from past successes as well as failures.

The mediation process started in 1998 and was concluded in 2003. During this period, SADC had shown success in bringing Congolese together to negotiate and to end their differences. The primary goal of the mediation was to find a solution to the conflict. As noted above, the main interests of the parties are being addressed through peace agreements.

Despite these achievements, SADC encountered the difficulties in mediating and facilitating the peace process. These included:

- President Chiluba was rejected as mediator because of his alleged links with the Angolan rebel group UNITA;
- The problem that Chiluba faced on the ground during the mediation process was the proliferation of fighting factions. This greatly complicated mediation efforts, which in turn complicated SADC mission and made implementing peace

agreements more difficult driven by looting and illegal exploitation of natural resources;

- Peace plans were regularly violated. Expectations that the signing of the LCA would bring about an end to the war were not met because of continued violations of the agreement by all belligerents, which reduced the momentum of the peace process;

- Under ICD, Masire was confronted with a Congolese government that did not cooperate as he had expected. Laurent Kabila's uncooperative behaviour was detrimental for the internal dialogue, especially his rejection of Masire's collaboration as facilitator, his opposition to UN deployment and his precondition for the withdrawal of Rwanda and Uganda forces from Congo. His stalling tactics continually derailed the peace process (Kisangani 2012:151);

- Masire's inability to speak French and problem of inadequate funding. At the final plenary session in Sun City, Masire was anxious to leave the ICD circus. He had been severely criticised for being weak and for lacking the enthusiasm and neutrality demanded by the complex Congolese conflict (Boshoff and Rupiya 2003:31); and

- The evolution of a war economy in the DRC had become a major obstacle in resolving the conflict. The DRC's immense natural resources, in particular its mineral wealth, had been an incentive for the continued occupation of Congolese soil by the foreign armies (Naidoo 2000:95-98).

In spite of these difficulties, SADC has continued to play the leading role in the peace process until the end of the second conflict and the establishment of a new transitional government of national unity in July 2003.There were certain factors that led to the progress of DRC peace process. One of the factors was the assassination of President Laurent Desire Kabila that has broken the deadlock in the peace negotiations and his replacement by his son, Joseph Kabila. Joseph Kabila showed more commitment to the implementation of the Lusaka Agreement, including the holding of the ICD. He gave unreserved support to the facilitator of the ICD, Sir Ketumile Masire. He also allowed the deployment of the UN military observer mission required to monitor the withdrawal of foreign troops from the DRC (Kadima and Tshiyoyo 2009:97).

The other factor was the international pressure exerted by Moustapha Niasse, the UN special envoy to the ICD and Thabo Mbeki, the South African President acting through SADC to force parties to the conflict to join the peace process. Their pressure took various forms, exhortations and trade embargoes.

Although the SADC mediators had faced challenges in their attempts at approaching the Congolese conflict, the DRC presented the SADC with an opportunity to forge genuine partnerships with the international community in order to promote peace and security in Africa, which can be explained by the joint efforts in the peace process. However, violence continued and peace was fragile because the International community failed to condemn the occupation of around half of the Congolese territory by Rwanda and Uganda. In other words, they have failed to recognise and address serious issues of the problem of eastern Congo and the subsequent exploitation of the national resources of the DRC.

5.3.9 Strategic constituencies

According to Rupesinghe (1996:167), strategic constituencies are understood as the pillars of any long and sustainable peace settlement. They include a wide range of entities like civil society, non-affiliated scholars, businessmen, external donors, religious groups, human rights activists, retired members of the military, governmental associations as well as the non-governmental organisations (NGOs). To maximise their impact, various constituencies could form strategic alliances focused on particular conflicts, aspects of violent conflict or the overall goal of prevention.

In his view, the role of the strategic groups is crucial in impacting directly on the pre-negotiation and negotiation stages and helping to form and sustain the linkages between parties to conflict, NGOs, the intergovernmental community and between strata within the conflicting societies (Rupesinghe 1996:167).

Civil society through representation by NGOs and religious groups are important actors if the objective is to attain sustainable peace. In other words, the degree of participation of civil society may well determine the future trajectory in any country faced with civil war. At the beginning of the second conflict, it is important to note the civil society in the DRC has simply been politicised. Some NGOs were behind the government and others were behind the non-armed opposition. As a result, they did not play their role of watchdog. There were also other NGOs which have kept their independence(which are not supporting the government or the non-armed opposition) in the sense that have remained consistent in their fight against human rights and other abuses, and who seek good governance and democracy, especially those working for the defence of human rights (interview with Tunamsifu)[21].

Consequently, LD. Kabila banned activities of the NGOs in the country. However, they did not falter in the face of this adversity. They were organised and created a space to inform the population on dynamics of the DRC crisis by the various conference, seminars and dialogues. Papers presented by academics, researchers and respected community leaders, revealed information of the conflict which could not have been obtained from normal news reports. This has proven that they were active in the DRC (Naidoo 2000:98).

At the first stage of the mediation process, the DRC Civil Society groups that campaigned for peace were not invited to the Lusaka negotiating table, which was the preserve of armed groups and representatives of Mobutu and Kabila regimes (Daley 2006: 315). After signing the Lusaka Ceasefire Agreement, the civil society has been involved in initiatives that sought to bring about peace. Civil society delegates participated in Pretoria political dialogue of 2002, which paved the way for political transition. When the ICD was adjourned on 19 April, after 52 days of negotiations, the delegates had not reached any agreement. Mbeki suggested two power-sharing plans for the post-war transition. The DRC government, the MLC and their respective allies opposed the Mbeki plan and left the dialogue on 22 April 2002. Masire and Mbeki

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[21] Philippe Tunamsifu Shirambere, Lecturer of law at ULPGL, DRC, 24 September 2014, Pretoria, SA.

continued negotiations on the formation of a transitional government of national unity. Civil society and NGO's also met in Sun City and set up the Alliance for the Defence of the Inter-Congolese Dialogue (*Alliance pour la Sauvegarde du Dialogue Intercongolais).* The aim of the Alliance according to its constitutive act, was to undertake anything possible to bring the DRC government and the MLC back to the negotiating table in order to achieve an inclusive and consensual agreement on the transitional government (Mangu 2003:164). It is clear that strategic constituencies were carefully identified and allowed to play a role in the peace process.

5.3.10 The Role of outside peacemakers

Rupesinghe (1995:84) considers that outsiders in general have a crucial role to play in the peace process. They are not only diplomats but also the representatives of non-governmental societies. These personalities have a prominent role in mediation and finally conflict resolution especially when violence tends to pull everything apart. This is illustrated in recent Norwegian intervention on the Palestinian-Israeli stalemate.

The role played by outside peacemakers was enormous. As noted above, the peace process involved several outside peacemakers from the UN, AU, Libya, and SADC. Again, the DRC experiences underscore the need for outside actors to help in finding sustainable peace to the country. The involvement of outside peacemakers in providing both financial resources and expertise helped significantly in bringing peace to the war ravaged country. For example, the EU and SA spent huge amount of money in the peace process.

5.3.11 The Role of local peacemakers

It is important that local peacemakers are involved in the peace process. "Influential members of local communities with first-hand knowledge of the conflict, actors, the political and economic situation and the cultural background will have a distinct 'comparative advantage' over other potential peacemakers wishing to act as third-party mediators. What is more, they will "own the peace" once it is made, and will maintain a

stake in ensuring its sustainability" (Rupesinghe 1995:85). Local peacemakers will have a deeper understanding of the war taking place in their country than outside actors.

There were no local peacemakers involved in the official peace process, which meant that parties were increasingly dependent on the attention of outside sponsors. At the beginning of the conflict, local peacemakers such as Etienne Tshisekedi leader of UDPS had offered to mediate the parties, however he was rejected due to the mistrust that both parties had of potential peacemakers.

It is clear that SADC mediation was characterised by stop-start negotiations. However, SADC worked to transform the relationship of the parties by undertaking numerous visits to DRC and meet with all key stakeholders to discuss ways of resolving the political crisis. SADC also continued to convince the Congolese parties to agree on an inclusive transitional government. This initiative led to the outcome of DRC peace processes being a success in the sense the all parties signed the peace agreement. The evaluation showed that all elements in Rupensighe's model are of utmost importance in order to achieve a durable peace.

5.4   CONCLUSION

The conditions in the DRC provided opportunities for SADC, the UN, the AU and others to intervene with a view to stop conflict and to build peace. The main purpose of this chapter has been to appraise the role of SADC in conflict resolution in the second conflict. Despite the fact that SADC was divided on the matter of how to intervene in the Congolese conflict, it took a lead in the DRC peace process. SADC was involved in the Congolese conflict through the use of military intervention and mediation process.

With regard to military intervention in the DRC, the SADC AAF had clear military objective. This operation was dominated by Angola, Namibia and Zimbabwe resulting in a lack of sub-regional unity and depriving the force of important legitimacy in fulfilling its tasks (Francis 2006:204). The SADC AAF's decision to come to Kabila's support did not absolutely lean the military balance in the government's favour and it forced both sides

into a stalemate. Although SADC was involved diplomatically in the DRC, which helped the parties reach a settlement to the political crisis. However, SADC diplomatic action in the DRC has shown lack of experience.

Many scholarly opinions are still debating the successes and failures of SADC intervention in the DRC. As Nathan (2006) argues, SADC failed in its intervention in the DRC as the war is still continuing in Eastern Congo. Others such as Smis and Oyatambwe (2002) have considered the fact that SADC's intervention was successful since the civil war has ended. According to Strachan[22], key objective of SADC action on the Congolese conflict was to end the conflict (interview with SADC official). From this perspective, it is possible to conclude that the SADC military and diplomatic intervention was a success in the sense that the objectives of the mandate were accomplished. It is true that violence continues and peace remained fragile, but the conflict has ended. What SADC needs in the future is to harmonise its intervention policy in member states and learn from the challenges and experience of other regional organisations like ECOWAS on the continent.

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[22]Interview by phone with Ms Janice Strachan, assistant director: Africa Multilateral, SADC desk Department of Foreign Affairs, 4 November 2013, Pretoria, SA

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

This concluding chapter has a dual purpose. First, it draws together a few threads that are running through the discussion and summarises key points. Second, it makes some recommendations for future intervention.

The aim of this study was to investigate the role of SADC in conflict resolution in the DRC conflict from 1998 to 2003. In order to achieve this goal the following questions guided our investigation:

- What role did SADC play in conflict resolution processes in the DRC?
- What mechanism(s) and methods did SADC make use of? And with what outcomes?
- What lessons can we draw form SADC intervention in the DRC?

In order to answer the above questions and to fulfill the aim of this study, the dissertation was organised into six chapters which are summarised below.

6.1   SUMMARY OF THE KEY POINTS

The first chapter is an introduction and it also presents an overview of the study. As discussed in Chapter One, the literature review revealed that the existing works on SADC intervention largely focused on SADC military and diplomatic intervention in the DRC. However, the literature reviewed failed to demonstrate that the SADC AAF military intervention in the DRC by the three members of SADC (Angola, Namibia and Zimbabwe) created a situation of power balance that paved the way to the negotiation. The understanding of power balance situation brought by the SADC's intervention in the process of conflict resolution in the DRC served as a motivation for the researcher to undertake this study. It also provided a new interpretation of SADC's military intervention.

Chapter 2 was concerned with the conceptual and theoretical framework of the study. Various concepts in conflict and conflict resolution were discussed to orientate the reader with wider literature related to the study. As discussed in this chapter, SADC through SADC Organ played an important role in the area of conflict resolution in the SADC region.

It was highlighted that the role of SADC in the conflict can be investigated through understanding the nature of the conflict in which it was involved. The discussion showed that SADC was involved in two types of conflicts, the interstate and intrastate conflict, but the latter was more prominent in the region and was often explained in terms of grievance or greed. It is important that a combination of both grievance and greed must be taken into account when the causes of conflict are discussed. Interestingly these two elements explained the cause of the Congolese conflict. The key actors in both types of conflicts were the governments, rebel groups, the militias, foreign governments and multinationals.

In addition, the way in which these conflicts were resolved was determined by the effectiveness of the mechanisms used for that purpose. As discussed in Chapter 2, the SADC Organ has used two- fold strategy to deal with conflict in the region. Emphasis and priority were given to peaceful methods, such as negotiation to settle conflicts between and within states. This means that when diplomatic efforts fail to resolve conflict, the use of military force is seen as a viable option. Members are required to reach a consensus on the use of force, which can only be used after it has been endorsed in a protocol on peace, security and conflict resolution. This means that the use of force is a last resort.

The theories of NIT and Rupesinghe's model of conflict transformation were also discussed. It was emphasised that the NIT were not a single or coherent body of theory as there are three variants of the NIT which have little interchange among them ,namely, historical institutionalism, rational choice institutionalism and sociological institutionalism. These theories were adopted to make it possible to understand the multi-faceted functioning of SADC. By adopting these theories, it was possible to show how decision

making processes within the SADC affected the work of the organisation in conflict resolution.

Another important theoretical framework that helped the study to assess SADC's role in the Congo conflict resolution process from 1998 to 2003 and to draw some lesson from this process was the Rupesinghe's model of conflict transformation. His model also helped to analyse the role of other regional actors in this conflict. The model stresses internal conflicts and multi-dimensionality of protracted social conflicts. Rupesinghe discussed an approach to the existing conflicts.

The model consists of eleven elements that included: pre-negotiation stage; understanding root causes; ownership of the process; identifying all the factors; identifying facilitators; setting a realistic timetable; sustaining the effort; evaluating success and failure; strategic constituencies; the role of outside peacemakers and the role of local peacemakers. The model is important that it adopts eleven elements which Rupesinghe claims are necessary in order to achieve a durable peace.

Chapter 3 of the study presented SADC as an institution in relation to the NIT. The chapter revealed that the establishment of SADC was an evolutionary process, which the FLS and SADCC have undergone. Therefore, the formation of SADC was a result of a long process of institutionalisation. This chapter also discussed SADC's objectives, principles, structure, functions and powers of execution in its Treaty in order to understand SADC as an institution. It was stressed that SADC is an international organisation whose main purpose is the economic, political and security integration of its fifteen member states.

SADC is run not by one body but by a series of institutions. The main institutions of SADC remain basically the same as those of SADCC. But there are some amendments regarding their mode of operation and an addition of a tribunal and troika. The following institutions were established: the SADC Summit, Troika, OPDSC, Council of ministers, integrated committee of ministers, Standing committee of officials, Secretary, Tribunal and SADC national committee. This current SADC framework is not independent of the

influence of individual member states. The organisation has been deeply affected by this double heritage (the FLS and the SADCC) within the structures of the institution. SADC OPDSC still operates more along the lines of the FLS when they had to take certain decisions. The requirement of consensus in decision making weakens the organisation. SADC is an intergovernmental organisation whose success largely depends on what individual member states collectively want it to achieve.

Above all, the study served to present SADC as an actor in conflict resolution. Conflict resolution has been one of the major challenges of our time and needs to be urgently addressed. SADC did not hesitate to play this role and is engaged in promoting peace, security and stability in the region. It has undergone significant transformation to meet the challenges presented by security matters and regional political developments.

In 1996, SADC created the SADC OPDSC as cooperative mechanism for collective security and peace to deal with conflict. This mechanism has mandate to promote peace and security in the region. However, the SADC OPDS was dormant due to among others, the political tension between Mandela Chair of SADC body and Mugabe Chair of SADC Organ, until 2001 when efforts were undertaken to revitalise the Organ.

As actor in conflict resolution, SADC OPDSC has sufficient capacity to be a decisive actor in the area of conflict resolution in the SADC region. However, its past record in conflict resolution has been mixed and the Organ faces enormous resource, institutional structure, lack of cooperation, experience challenges. This is a problem with the entire SADC system, not just the SADC Organ. Several units were created in order to strengthen SADC OPDSC capacity. Those were the SADC Regional Early Warning System, the SADC Mediation and SADC Standby Brigade.

Finally, SADC cannot be expected to do everything. SADC has developed partnerships with other actors and institutions. The central institutions in this regard are the UN and the AU. SADC is a subsidiary body to and a building block of both the AU and the UN collective security system from which it has a legitimate security role in terms of Chapter VIII of UN charter. In this context it has developed a good working relationship with the

UN and the AU which is based on the established principles. The cooperation and relationship between SADC, the AU and the UN in conflict resolution in the SADC region presented opportunities and challenge. This relationship also requires constant communication and coordination to ensure a holistic approach to conflict resolution.

Chapter 4 was devoted to the DRC conflict from 1998 to 2003. When analysing the background of the DRC, it was found that the second conflict was the continuation of the first. This analysis proved that the conflict occurred due to a number of factors, such as security of the DRC's eastern border with its neighbours, the problem of nationality of Rwandan immigrants, bad governance, hitches in the democratisation process and external aggression of the DRC.

The conflict has witnessed several actors, ranging from state actors such as Angola, Burundi, Chad, Namibia, Rwanda, Sudan, Uganda, and Zimbabwe, to armed groups namely the RCD, MLC, Mai Mai and others. Those actors were involved in the Congolese conflict for political ideological, security and economic interests. This has also extended from grievance to greed.

Chapter 5 discussed the important role played by SADC and its contribution to the return of peace and stability in the DRC. The civil war in the DRC has proven to be more complex and intractable for the SADC. A two way strategy has been used by the SADC to deal with Congolese conflict such as military and mediation process. The SADC intervention in the second conflict in the DRC through the use of peacekeeping is now more than sixteen years old. SADC AAF intervention was seen as success in the sense that it prevented Rwanda and Uganda from occupying the DRC and creating an environment for the diplomatic initiative to find a peaceful solution to the political crisis, which would not have been possible in its absence. However, the deployment of SADC AAF has presented many challenges to the SADC. Those challenges were the regional collective security framework and mandate, question of legitimacy, operational problem, media coverage and the financial problem. The mission itself was controversial, as some SADC leaders would have preferred a political solution to the problem.

This leads us to the next strategy of SADC involvement in conflict. This is mediation process, whereby SADC appointed mediator in an attempt to facilitate a resolution of the perceived incompatibility of interests that divided the parties. The outcome of peace negotiations has been the signing of peace agreements and ceasefire agreements and their implementations. The analysis has shown that mediators put importance on concluding agreements than on searching for option and non-binding outcomes.

The discussion also showed that SADC's main problem encountered in the management and resolution of the Congolese conflict was the absence of an organisational structure for security mechanism at the time of the conflict and this has led to ad hoc arrangements. This study found that DRC has been a crucial test of SADC's conflict resolution capacity and the DRC conflict caused major rifts within SADC. The disagreement among its member states left the SADC being perceived as an indecisive, inconsistent and effectively weak international actor. Despite these problems, the DRC conflict presented the SADC with an opportunity to build its peace and security architecture and also allowed it to forge partnerships with the international community in order to promote peace and security in SADC region.

Therefore, SADC's role in the DRC conflict was found to be more successful and a genuine contribution to peace. However, SADC military and diplomatic intervention has shown lack of experience. Despite the lack of experience in the field, SADC was always determined to respond to regional armed conflicts, to ensure regional stability. In addition, there are some Lessons learnt from SADC's involvement both militarily and diplomatically in the long process of conflict resolution in the DRC. Militarily they are as follow:

- The operation was improvised. In the future such mission needs to be planned;
- the parameters of future possible intervention need to be clarified in terms of SADC treaty;
- a particular attention needs to be given to the challenges of interoperability and at all relevant levels;

- interaction between local population and the intervening force is more beneficial to both entities especially to the intervening force for a good communication of motivations for interventions; and

- political opinions of member states, have to be sought for a better logistic support, (Neethling 2000:13).

The lessons learnt from SADC mediation are as follow:

- SADC diplomatic intervention was improvised.

- SADC needs to build its own internal capacity for mediation. Opposition groups complained that its interventions tended to favour the Kinshasa government.

From the methodological point of view, the results show that the model of Rupesinghe is interesting and can be used as a way to build peace in the DRC, but also that it has its shortcomings. For example, there are elements within the model which are too similar and also the aspect of culture has not been taken into account.

In the final analysis the three main conclusions drawn from the study are highlighted as follow:

- SADC intervention has achieved its primary objective that of ending the conflict.

- SADC is better positioned than other international institution to proffer a lasting solution to the Congolese conflict.

- Violence continues and peace remained fragile in the DRC, but the conflict has ended. The weakness of the DRC government has allowed continued violence and human rights abuses.

The DRC needs to take full responsibility of its own domestic problems. Therefore SADC has no right to concern itself with the internal affairs of its member state, unless invited to do so by the concerned state.

6.2   RECOMMENDATIONS FOR FUTURE RESEARCH

On the basis of some of the lessons learned from the SADC intervention and taking into account its implications in the DRC as addressed above, this study suggests some

recommendation as follow:

- SADC needs to look again at its attitudes on all of these strategic mechanisms such as peacemaking, peacekeeping and peacebuilding;
- SADC will need to establish clear policy with regard to the type of intervention;
- SADC will need to address issues of financial and logistical weakness and the lack of political consensus among leaders on collective security norms and practices;
- The division of labour between the UN, the AU and SADC should be clarified.
- SADC will need to develop capacity to monitor, evaluate and ensure implementation of agreements that it helps to broker.

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7.2   INTERVIEW PERSONAL

Interview with Mr Koko Sadiki, former research, University of South Africa, Pretoria, SA, 24 August 2014.

Interview with Mr Mavungu Puati, Lawyer, General Secretary, UDPS political party in the DRC, 27 September 2013, Johannesburg, SA.

Interview with Mr Muzungu Diakolo, First Counsellor, embassy of the DRC, SA, 30 September 2014, Pretoria, SA.

Interview with Mr Ndombi Kamuanza, Lawyer, Counsellor internal minister of the DRC, 27 September 2013, Johannesburg, SA.

Interview with Philippe Biyoya, IPRIS, Director and Professor of university of the International Relation in the DRC, 27 September 2013, Johannesburg, SA.

Interviews with Dr Muzong Kodi, Associate Fellow Africa Programme, London, UK, 27 September 2013, Johannesburg, SA.

Mr Moise Nyarugabo, General Secretary, RCD political party in the DRC, 27 October 2014, Pretoria, SA.
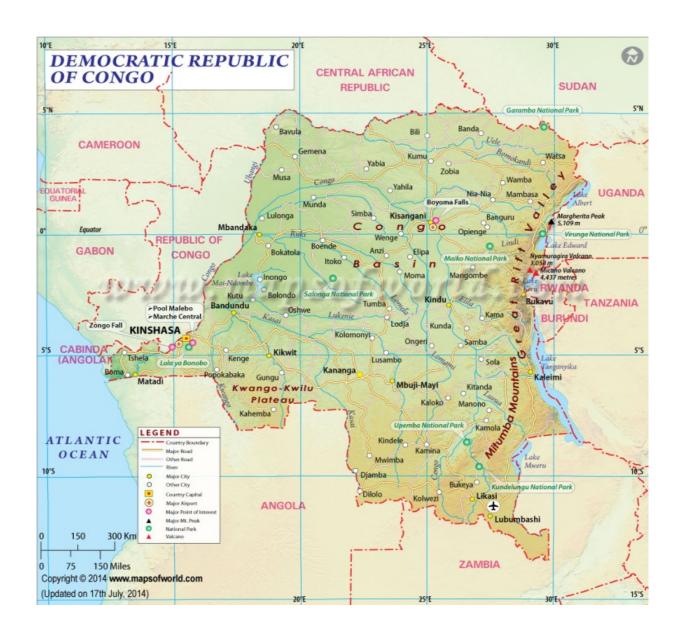
Mr Mokolo, General Procurer and lawyer, DRC, 3 December 2014, Pretoria, SA.

Mr Philippe Tunamsifu Shirambere, Lecture of law at ULPGL, DRC, Pretoria, 24 September 2014, Pretoria, SA.

Ms Janice Strachan, assistant: Africa Multilateral, SADC desk Department of Foreign Affairs, 4 November 2013, Pretoria, SA.

APPENDICES

APPENDIX 1: MAP OF THE DEMOCRATIC REPUBLIC OF CONGO

APPENDIX 2: LETTER TO CONDUCT RESEARCH

UNISA | university of south africa

DEPARTMENT OF POLITICAL SCIENCES

Tel: (012) 429 6626
Fax: (012) 4296085

Date: **30 September 2013**

TO WHOM IT MAY CONCERN

The following student is a registered Master's student in the Department of Political Sciences at the University of South Africa:

Name	:	**Kapinga Ntumba**
Passport	:	**OB0114978**
Date of Birth	:	**09 August 1974**
Country of Origin	:	**DR Congo**
Qualification	:	**Masters Degree**
Student number	:	**48734756**
Research Topic	:	**The Role of SADC in conflict resolution in the DRC 1998-2003: An appraisal**

In addition to consulting relevant sources for her Masters research, she is also required to conduct interviews and have access to information that may be relevant in completing her research.

Your assistance in this regard will be highly appreciated.

Yours sincerely

P. Labuschagne

Prof PAH Labuschagne
COD: Department of Political Sciences
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Open Rubric

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APPENDIX 3: INFORMED CONSENT FORM IN ENGLISH/ FRENCH

1. **Informed Consent Form in English**

Research Project Title: "The Role of SADC in conflict resolution in the Democratic Republic of Congo (DRC) 1998-2003: An Appraisal"

I agree to participate in an academic research study being conducted by Kapinga Ntumba the Department of Political Sciences, University of South Africa (UNISA), Pretoria. The objectives of this research are to investigate the role that SADC played in the conflict resolution process in the DRC, the mechanism and methods SADC made use of in order to resolve the DRC conflict and examine the level of ownership of the peace process by various Congolese political parties or groups.

I am participating in this study voluntarily and I have the right to withdraw at any stage of the research without giving any reason and without any penalty. I may be able to contact the researcher directly on +27738058868or on email: dagokapinga@gmail.com and 48734756@mylife.unisa.ac.za if I have any questions or concerns before, during or after the interview.

As a participant in this study, I will be granting an interview to the researcher that will take no more than one hour. I understand that all the audio tapes and electronic data will be kept in secure manner by the researcher, who, together with his supervisor and the Ethics Review Committee, has sole access to the data.

I acknowledge that I am informed of the objectives of this study, I have read and understood my role and rights as an interviewee, and I freely consent to participate in it.

Names: ....

Signature: ....

Date: ....

2.   **Lettre de consentement (Informed Consent Form in French)**

Titre du projet de la recherche: «The Role of SADC in conflict resolution in the Democratic Republic of Congo (DRC) 1998-2003: An Appraisal. L'évaluation du rôle de la SADC dans la résolution des conflits en République Démocratique du Congo 1998-2003»

Je suis d'accord pour participer à cette étude universitaire menée par Kapinga Ntumba du Département des Sciences Politiques à l'Université d'Afrique du Sud (UNISA) à Pretoria. Les objectives de cette recherche sont d'investiguer le rôle que la SADC a joué dans la résolution du conflit congolais, les mécanismes qu'il a utilisé et si les congolais se sont approprié du processus de paix.

Je participe à cette étude volontairement et j'ai le droit de me retirer à tout stade de la recherche, sans donner de raison et sans aucune pénalité. En tant que participant à cette étude, je vais accorder une interview au chercheur qui ne prendra pas plus d'une heure. Je comprends que toutes les cassettes audio et des données électroniques seront conservées et bien sécurisée par le chercheur, que seuls son superviseur et le comité d'éthique auront accès aux données.

Je reconnais que je suis informé des objectives de cette étude, j'ai lu et compris mon rôle et mes droits en tant que personne interviewée, et j'ai consens librement à participer.

Noms: …………………………………………………………………………………………

Signature: ....

Date: …………………………………………………..

APPENDIX 4: INTERVIEW SCHEDULE

Topic: The Role of SADC in conflict resolution in the Democratic Republic of Congo (DRC) 1998-2003: An Appraisal.

Aim: To investigate the role of SADC in conflict resolution in the DRC 1998-2003.

Please kindly spare a few minutes of your time to assist me by answering the questionnaire.

Questionnaire

SADC OFFICIALS / FACILITATOR

PARTICIPANT Number: (……)

The aim of theses interviews was to understand SADC as institution and actor in conflict resolution, particularly the functions of SADC as peacekeeper (military intervention) and peacemaker (mediation) in conflict resolution in the DRC 1998-2003.

1)   Can you tell me about SADC as institution?

2)   What was the objective of SADC in the resolution of conflict in the DRC?

3)   What was your role in the resolution of conflict in the DRC?

4)   Which method (process) did you use to solve the conflict?

5)   What challenges have you encountered related to find a peace in the DRC?

6)   Did you think to reach the objective?

7)   What lessons did you learn during the resolution of conflict?

PARTICIPANTS (English version)

PARTICIPANT Number: (……)

1) Can you understand the reason for external intervention? What is the perception of SADC by the different parties in a conflict?

2) What role did SADC play in conflict resolution processes in the DRC?

3) How was the peace process? With regards to ownership of the process, the researcher will examine the level of ownership of the peace process by various Congolese political parties or groups? Can you talk on Power sharing is an agreement or imposition?

4) What lessons did you learn during the peace negotiation?

5) What to expect from SADC as institution?