Understanding and analyzing the mediation efforts of SADC during regional crises: The case of Madagascar

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LIST OF ACRONYMS

AFRICAN NATIONAL CONGRESS	ANC
AFRICAN PEACE AND SECURITY ARCHITECTURE	APSA
AFRICAN UNION	AU
ALL BASOTHO CONVENTION	ABC
ARAB MAGHREB UNION	UMA
BASOTHO NATIONAL PARTY	BNP
BUREAU INDÉPENDANT ANTI-CORRUPTION	BIANCO
COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA	COMESA
COMMUNITY OF SAHEL-SAHARAN STATES	CEN-SAD
COMPREHENSIVE AFRICAN AGRICULTURAL DEVELOPMENT PLAN	CAADP
COMPREHENSIVE PEACE AGREEMENT	CPA
CONTINENTAL EARLY WARNING SYSTEM	CEWS
CONTINENTAL FREE TRADE AREA	CFTA
CORPS D'ARMÉE DU PERSONNEL ET DES SERVICES ADMINISTRATIVE ET TECHNIQUE	CAPSAT
DECLARATION OF PRINCIPLES	DoP
DEMOCRATIC CONGRESS	DC
DEMOCRATIC REPUBLIC OF CONGO	DRC
EAST AFRICAN COMMUNITY	EAC
ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES	ECCAS
ECONOMIC COMMUNITY OF WEST AFRICAN STATES	ECOWAS
ECONOMIC FREEDOM FIGHTERS	EFF
EUROPEAN UNION	EU
FORCES DÉMOCRATIQUES POUR LA LIBÉRATION DU RWANDA	FDLR
FRONT LINE STATES	FLS
GLOBAL POLITICAL AGREEMENT	GPA
GOVERNMENT OF NATIONAL UNITY	GNU
GOVERNMENT OF SOUTHERN SUDAN	GoSS
HAUT AUTORITÉ DE LA TRANSITION (HIGH AUTHORITY OF THE TRANSITION)	HAT
INDIAN OCEAN COMMISSION	IOC
INTER-CONGOLESE DIALOGUE	ICD
INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT	IGAD
INTERGOVERNMENTAL ORGANIZATIONS (IGOS)	IGOs
INTERNATIONAL CONTACT GROUP ON MADAGASCAR	ICG-M
INTERNATIONAL MONETARY FUND	IMF
INTERNATIONAL ORGANISATION OF THE FRANCOPHONIE	IOF

INTER-STATE DEFENCE AND SECURITY COMMUNITY	ISDSC
LESOTHO CONGRESS FOR DEMOCRACY	LCD
LESOTHO DEFENCE FORCE	LDF
MEMORANDUM OF UNDERSTANDING	MoU
MINISTERIAL COMMITTEE OF THE ORGAN	MCO
MOVEMENT FOR DEMOCRATIC CHANGE	MDC
NAMIBIA DEFENCE FORCES	NDF
NATIONAL ELECTORAL COMMISSION	CENI
NOTICE TO AIRMEN	NOTAM
OPERATION SOVEREIGN LEGITIMACY	OSLEG
PEACE AND SECURITY COUNCIL	PSC
PROGRAMME FOR INFRASTRUCTURE DEVELOPMENT IN AFRICA	PIDA
REGIONAL EARLY WARNING CENTRE	REWC
REGIONAL ECONOMIC COMMUNITIES	RECs
REGIONAL INDICATIVE STRATEGIC DEVELOPMENT PLAN	RISDP
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY	SADC
SOUTHERN AFRICAN DEVELOPMENT CO-ORDINATION CONFERENCE	SADCC
SPECIAL ELECTORAL COURT	CES
STRATEGIC INDICATIVE PLAN FOR THE ORGAN	SIPO
SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY	SPLM/A
THE INTER-STATE POLITICS AND DIPLOMACY COMMITTEE	ISPDC
THE SOUTH AFRICAN NATIONAL DEFENCE FORCE	SANDF
TRANSITIONAL INDEPENDENT NATIONAL ELECTORAL COMMISSION	CENI-T
UNITED NATIONS	UN
UNITED STATES	US
VERIFICATION AND MONITORING TEAM	VMT
ZIMBABWE AFRICAN NATIONAL UNION – PATRIOTIC FRONT	ZANU-PF
ZIMBABWE DEFENCE FORCES	ZDF

CONTENTS

DEDICATION

This thesis is dedicated to Novia and Prega (my parents) and to my sister Natacha. No words can express how much I love you all. Thank you for your unwavering support, encouragement, and love, not only during this journey, but since I was born.

"Success is in my stride, because I have family like you by my side!"

I would also like to dedicate this thesis to Grandfather (grand-père), George Mounsmie, and to my late uncle, Alwyn Mounsmie.

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DECLARATION

University of the Witwatersrand, Johannesburg

School of Social Sciences

SENATE PLAGIARISM POLICY

Declaration by Students

I, **KATIANA SANDRA RAMSAMY** (Student number: **1375211),** am a student registered for the degree of PhD in International Relations in the academic year 2021.

I hereby declare the following:

- I am aware that plagiarism (the use of someone else's work without their permission and/or without acknowledging the original source) is wrong.
- I confirm that ALL the work submitted for assessment for the above course is my own unaided work except where I have explicitly indicated otherwise.
- I have followed the required conventions in referencing the thoughts and ideas of others.
- I understand that the University of the Witwatersrand may take disciplinary action against me if there is a belief that this is not my own unaided work or that I have failed to acknowledge the source of the ideas or words in my writing.

Signature:

Date: 18th May 2021

ABSTRACT

In March 2009, President Marc Ravalomanana of the Island of Madagascar was ousted during a *coup d'état* led by the Mayor of Antananarivo, Andry Rajoelina, and his supporters. After the *coup*, Ravalomanana and his family fled to South Africa where they remained in exile from 2009 to 2014. To restore constitutional order in Madagascar, the Southern African Development Community (SADC), in July 2009, took the lead in a mediation process involving all Malagasy and other key stakeholders. SADC's mediation efforts, led by former President Chissano, formally ended in 2013 with the holding of democratic elections. The mediation effort, which lasted five years, was conducted in a competitive and "crowded" field. The "crowded" field was characterised by in-fighting amongst the various international bodies for power and influence including "spoiler" tactics used by vested interests to hinder the mediation process and prevent the return of Ravalomanana to Madagascar.

This thesis critically examined SADC's mediation efforts in the aftermath of the 2009 *coup d'état* and determined whether SADC was effective in achieving its main mandate – that of restoring constitutional order in Madagascar through democratic elections. Mediation, as defined in this thesis, is the process whereby a third party assists warring and conflicting parties, with their consent, to prevent, manage or resolve a conflict by developing mutually acceptable agreements.

To set the scene, the various theoretical concepts and studies on mediation and conflict resolution were analyzed to improve the general understanding on how these can contribute to effective policy actions geared towards the mediation-based resolution in southern Africa and beyond. This analysis was key in understanding the mediation process undertaken by SADC in Madagascar. The various theoretical concepts and studies on mediation were also applied to the case of SADC's mediation in Madagascar.

The comprehensive analysis of the outcomes of various conflict resolution agreements reached between 2009 and 2013 to resolve the crisis and the attitudes of the conflicting parties also provided useful knowledge and clear insights on mediation. It revealed the unwavering commitment of SADC to bring constitutional order to Madagascar and the resilience of the SADC mediators under the leadership and expertise of former President Chissano. Chissano used different mediation techniques, such as adaptive mediation and proximity talks, to engage the conflicting parties, including those who had vested interests in Madagascar.

The thesis provides (i) additional insight on the existing body of knowledge on international mediation that will be useful for regional mediators, for policymakers (especially in Africa)

and for future mediation processes, and (ii) additional and intellectual insight on the existing, but limited, body of knowledge about SADC mediation's efforts in Madagascar. Currently, the available research on SADC's mediation in Madagascar predominantly focuses on SADC's challenges and flaws, as opposed to its accomplishments.

The research concluded that mediation remains the most effective tool for conflict resolution. After five years of mediation efforts, with all the challenges and setbacks, SADC managed to fulfil its mandate of returning Madagascar to constitutional order. The SADC amended Roadmap, which was accepted by all the conflicting, paved the way for democratic elections to be held on 25 October 2013.

CHAPTER 1

Introduction and Background

During the five decades between the 1960s and the 2000s, there have been numerous violent and unconstitutional changes of governments in sub-Saharan Africa. Unconstitutional change of government is usually referred to as a *coup d'état*. Like other forms of conflict, violent *coup d'états* have devastating effects, such as human rights violations, population displacements, deaths and the destruction of socio-economic activity. While some of the causes of *coup d'états* have been externally motivated, in many cases, unconstitutional changes of governments in Africa have occurred because of governance issues, including electoral stalemates, authoritarian rule, government unaccountability and the abuse of state resources in a bid to hold onto power (Aeby, 2018, p. 4).

The African Union (AU)[1], the United Nations (UN) and the International Community have taken several measures for conflict prevention, resolution, and peacebuilding in Africa. More recently, African Regional Economic Communities (RECs) have been playing a more prominent role in conflict prevention, resolution, and peacebuilding in Africa. Africa's RECs do not only constitute key building blocks for economic integration in Africa, but are also key actors, working in collaboration with the AU, in ensuring peace and stability in their respective regions. For instance, during the 1990s, West Africa was ravaged by conflicts that required the Economic Community of West African States (ECOWAS) to intervene. In Southern Africa, the Southern African Development Community (SADC) is the REC that primarily deals with the region's cooperation, peace, and security issues.

The most notable conflicts in which SADC has intervened in order to promote peace and stability in the region were in the Democratic Republic of Congo (DRC), Lesotho, Zimbabwe and Madagascar. This thesis critically examined the mediation process undertaken by SADC to return Madagascar to constitutional order following the country's 2009 *coup d'état.*

Problem Statement and Rationale

In March 2009, President Marc Ravalomanana of the island of Madagascar was ousted during a *coup d'état* led by Andry Rajoelina, the then-mayor of Antananarivo, with the support of the army and the French. The AU, SADC, the European Union (EU) and other international actors condemned the *coup* (Nathan, 2013, p. 4; Witt, 2017, p. 207). The AU Peace and

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[1] In 2002 the African Union (AU) was established as the successor to the Organization of African Unity (OAU). The AU's main mission is to promote unity and solidarity of African states, to spur economic development, and to promote international co-operation.

Security Council (PSC)[2] defined the situation as an unconstitutional change of government and suspended Madagascar's participation in the organization (Nathan, 2013, p. 4). The SADC Extraordinary Summit of heads of state, held on the 30th March 2009, condemned the unconstitutional actions that led to the illegal ousting of the democratically elected Government of Madagascar. The Summit also called for an immediate restoration of constitutional order in the country. The *coup* leader, Andry Rajoelina, was not recognized as the President of Madagascar as his appointment violated the constitution of Madagascar and democratic principles, as well as the core principles and values of the SADC Treaty, the AU Constitutive Act and the UN Charter. Accordingly, SADC called for the immediate reinstatement of Ravalomanana and for Rajoelina to vacate the office of the President as a matter of urgency. In the event of non-compliance with these decisions, SADC indicated that it would consider other options to restore constitutional normalcy in collaboration with the AU and the UN. Meanwhile, Madagascar was suspended with immediate effect from SADC and other organizations until the country returned to constitutional normalcy. In addition, the international community was urged not to recognize Rajoelina's illegal appointment as president and encouraged to put pressure on the *de facto* authorities in Madagascar in order to restore constitutional normalcy in the shortest time possible. The reinstatement of President Ravalomanana did not happen. Over the next five years, several international and domestic mediation initiatives were launched to restore constitutional order in Madagascar.

SADC is bound by its own legal framework and principles to take a firm stance against any unconstitutional change of government in the region. Thus, it was compelled to intervene in Madagascar (Cawthra, 2010, p. 21). Several options were considered to break the impasse and restore constitutional order, including military intervention. Eventually, mediation was chosen as the preferred option. Mediation, though usually undervalued, is a powerful, non-violent, inclusive tool in terms of conflict resolution. If executed effectively and efficiently, it has the power to contribute to long-lasting peace and stability, prevent bloodshed and nurture reconciliation. In this thesis, mediation is defined as the process whereby a third party assists warring and conflicting parties, with their consent, to prevent, manage or resolve a conflict by developing mutually acceptable agreements.

Former President, Joaquim Chissano, was mandated to lead the SADC mediation in Madagascar. On the 9th July 2009, Chissano began the mediation process relating to the political crisis in the country in a very "crowded" mediation space.

The mandate of the SADC mediation team in Madagascar was:

i.   to create a conducive environment for a productive and successful dialogue;

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[2] Composed of 15 member states, the PSC is the standing organ of the AU for the prevention, management, and resolution of conflicts. It is a key element of the African Peace and Security Architecture (APSA), which is the umbrella term for the main AU mechanisms for promoting peace, security, and stability in Africa.

ii.   to identify a venue for the dialogue which is acceptable to all parties within the SADC region;

iii.   to consult with the key stakeholders in Madagascar;

iv.   to collaborate with other international organisations, namely, African Union, United Nations, the International Organisations of the Francophone, and other international organisations and institutions;

v.   To hold the first consultative meeting within 30 days after the Summit and map the way forward;

vi.   The work of the SADC mediator should be finalised upon completion of the inclusive dialogue and holding of the general elections in Madagascar;

vii.   To report to the Organ Troika on a regular basis

viii.   Encourage the Malagasy stakeholders to take the lead in the inclusive dialogue and work to ensure that the Malagasy people take full ownership of the process.

The purpose and rationale of this thesis is to detail and examine SADC's mediation efforts in the aftermath of the 2009 *coup d'état* and to determine whether SADC was effective in restoring constitutional order in Madagascar through democratic elections.

This is achieved by chronologically and factually outlining the mediation experiences of SADC in Madagascar starting from SADC's entry into the crisis in 2009 and ending when the democratic elections were held in 2013, which officially marked the end of SADC's mediation in Madagascar.

The main reason for conducting this research is primarily to:

- Provide additional insights in the existing body of knowledge about international mediation that will be useful for regional mediators, for policymakers (especially in Africa) and for future mediation processes. This thesis will provide deep insights into the strategy of mediation as a conflict resolution tool and the challenges faced by mediators.
- Provide additional and intellectual insight in the existing, but limited, body of knowledge about SADC mediation's efforts in Madagascar.

While the existing research available about SADC's mediation efforts in Madagascar is outlined and analysed in the Literature Review chapter, it is important to note that current research and literature available on SADC's mediation efforts in Madagascar tends to focus on SADC's challenges and flaws as opposed to its accomplishments. Moreover, the current literature also tends to focus only on certain aspects of the mediation efforts (for example, mandates of the mediator) and the failure of SADC's mediation efforts, as opposed to critically examining and detailing the mediation efforts in its entirety, especially in the context of a challenging environment. Thus, available information and conclusion regarding SADC's intervention in Madagascar lacks an even-handed assessment about the mediation process.

The current literature does not give a detailed account of what happened from the time SADC entered the mediation process to the holding of democratic elections in 2013. This thesis addresses this gap by providing an empirical account of SADC's mediation efforts that is not currently available.

Aims of the Thesis

The objective of the thesis is to provide a comprehensive examination of the mediation process in Madagascar. Unlike other authors who have documented SADC's mediation efforts in Madagascar (and elsewhere, such as Zimbabwe, the DRC and Lesotho), the aim of this thesis is not about concluding whether SADC's mediation in Madagascar was successful or not, but to critically examine the reasons for the lengthy mediation process that eventually led to the return of constitutional order through the holding of democratic elections in 2013.

To determine whether SADC's mediation efforts were successful or not would require an evaluative framework. However, a universal framework to measure success in mediation does not exist to date. Moreover, there has been limited work done in developing a clear understanding of what constitutes success in mediation. For the most part, success or failure in mediation is generally defined on a case-by-case basis and it involves the consideration of too many factors and variables. Rather, as indicated above, this thesis evaluates the effectiveness of SADC in achieving its own mandate of returning constitutional order to Madagascar through democratic elections.

To provide a comprehensive insight into SADC's mediation process in Madagascar, this thesis focuses on the following four issues:

- The outlining and examination of the key SADC mediation and conflict resolution agreements and their outcomes to resolve the Malagasy crisis from 2009 to 2013. Agreements are key outcomes of mediated efforts and, in the case of African mediation efforts, the formulation of roadmaps have become popular in efforts to mediate and resolve conflicts (Khadiagala, 2014, p. 163). These agreements are the Maputo Agreements (specifically I and II), the Addis Ababa Additional Act, the 2011 Roadmap Out of the Crisis (referred to as "Chissano's Roadmap" in this thesis) and the Amended SADC Roadmap that ultimately paved the way for elections to take place in 2013.

- The detailing and outlining of the roles and interests of the various actors present during SADC's mediation efforts and pre-SADC's mediation. These actors include the SADC mediation team, the French, the Malagasy Military, the AU, the United Nations (UN) and others.

- The examination of the various theoretical and conceptual studies in the field of mediation and conflict resolution to ascertain how we can improve our understanding of the way in which they can contribute to effective policy actions geared towards the mediation-based resolution in southern Africa and beyond.

- The detailing of the causal factors and complexities, such as the history of the country and the perceived mismanagement by the Ravalomanana administration leading up to the 2009 *coup d'état* in Madagascar. As any study on mediation needs to be informed by the causes of the conflict and the history of the country, tracing and outlining the root causes of Madagascar's 2009 *coup d'état* is important.

- The provision of a coherent and chronologically consistent thesis on SADC's mediation efforts in Madagascar in a manner that contributes to holistic knowledge that can be used to improve future mediation practices and build on existing mediation theory.

Why Madagascar?

Apart from the limited research on SADC's mediation efforts in Madagascar, Madagascar is an interesting case study in the sense that it is a relatively new member of SADC with no history of strong economic, political and cultural linkages with Southern Africa.

In 2005, Madagascar was granted full membership into SADC after satisfying the requirements for admission. One of these requirements include "commonality of political, economic, social and cultural systems with the systems of the SADC region, as well as the observance of the principles of democracy, human rights, good governance and the rule of law in accordance with the African Charter of Human and People's Rights" (Banzi, 2017).

Madagascar is predominantly aligned with France and, to a certain extent, with the Indian Ocean Commission countries.[3] It has been reported that many Malagasy citizens feel more connected with their former colonial ruler rather than with their SADC counter-parts such as Mozambique, South Africa, or Tanzania (Filou, 2014). During the time of the *coup*, Madagascar had limited knowledge of SADC and the African continent in general (Filou, 2014). This situation may or may not have had an impact on the mediation efforts employed by SADC, but it would be an interesting component to explore.

Madagascar is also an interesting case study as it has a history of internal recurrent conflicts that have affected the economic and political development of the country. Since gaining independence from France in 1960, the country has witnessed two armed conflicts (1971 and 2002) and several periods of instabilities and crises (1972, 1975, 1991– 1992, 2001–2002, and

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[3] Mauritius, Seychelles, Reunion, and Comoros

2009) (Ratsimbaharison, 2017, p. 15).   In 1975, Didier Ratsiraka took power through a *coup d'état* and established a quasi-Marxist state by nationalising institutions and launching social and economic reforms (Wild Madagascar, 2018).   These reforms eventually led to an economic collapse and, in 1991, the people of Madagascar took to the streets and demanded a new government that would reverse the negative economic impact of Ratsiraka's policies.

In 1993, Albert Zafy defeated Ratsiraka in the elections.   Zafy was then impeached in 1996 for continually breaching the constitution. In 1997, Ratsiraka was voted back into power as President and refused to concede defeat in 2001 when the opposition leader, Marc Ravalomanana, claimed victory. This resulted in a political stalemate and civil unrest until July 2002 when Ravalomanana was internationally recognised as the legitimate president of the country.   Ravalomanana governed Madagascar until March 2009 when he was ousted out of power through a *coup* led by Rajoelina.

Madagascar is a unique study also in the sense that, as a French speaking country with a predominantly French influence, it is assumed that the French language itself as well as the culture could be barriers to mediation efforts as SADC is mainly Anglophone.

Madagascar is also rich in mineral resources, which implies that there are stakes at play to protect their acquired gains that could influence mediation efforts and even promote conflict. There may be other fundamental issues like ethnicity and balance of power that need to be examined and factored in the mediation process.

The Significance of the Study

The research is timely, necessary, and relevant, as it provides key insights into a lengthy and complex mediation process led by a regional organisation. Such insights may enhance the quality of mediation efforts and contribute to avoiding the pitfalls of a mediation process. They also provide evidence to support or challenge the body of research that maintains mediation as the preferred method for conflict resolution and prevention and is key to peace-making and sustainable development.

In addition, in a world where the economic and political ecosystem is continuously evolving, there is a need for new, evidenced-based research on conflict prevention and resolution. Such information can also be useful to policy-makers whose mandate is to drive sustainable development, which, in the absence of peace and stability, can be quite difficult and challenging. Thus, contributing to this constantly evolving ecosystem in terms of adding to the existing body of literature and to generate additional knowledge and data that is extremely useful to policy makers, regional bodies, researchers, mediators, research institutions and civil society.

In southern Africa, the crisis in Madagascar has already had a serious backlash on the regional integration efforts of SADC as the attention and the resources of the organisation were diverted from the development agenda to the conflict resolution agenda. Hence, a cost effective and efficient mediation process is required to reduce the time taken by mediators to complete their assignments successfully. In this regard, it is important to examine SADC's mediation efforts in their entirety to better understand their complexities and challenges to help improve future mediation efforts in the region or the continent.

Research Questions

The questions listed below are critical for the research to be carried out and assist in producing relevant and coherent findings that contribute to the existing body of knowledge relating to SADC's mediation efforts in Madagascar. The findings also complement the existing body of knowledge on international mediation that will be useful for regional mediators, for policymakers (especially in Africa) and for future mediation processes. The research is anchored on existing literature and data, as well as interviews with key individuals who have been directly involved with the crisis in Madagascar and the mediation efforts that were undertaken by SADC.

Given the history of Madagascar and the decisions of the SADC Summit between 2009 and 2013, this thesis sought to address the following main research question:

What were the guiding factors leading to the SADC mediation process in the aftermath of the 2009 *coup* and the outcomes of the mediation efforts?

This research question goes beyond describing what SADC did in terms of mediation in the sense that it delves deeper into the background of the conflict. It also provides a thorough analysis of a number of issues that is lacking in the existing literature. These include the pre-SADC mediation attempts at resolving the conflict, the SADC mediation process, and the strategy behind it, as well as the environmental and behavioural factors contributing to the actions, outcomes and impacts of the mediation process. The sub-questions below assist in doing this.

1) What are the underlying causes of the coup d'état in Madagascar?

In this section, all the factors that led to the *coup d'état* in Madagascar are analysed. This also takes into consideration the culmination of historical "triggers" as well as the following political, economic, and social conditions:

- A semi-democratic regime, which was the result of the failure of the Malagasy leaders to consolidate democracy,
- The extent of external influence over the political and economic development of Madagascar
- An improvement of the economic and social conditions from 2002 to 2009, and
- A general disappointment of the Malagasy people with the regime by 2007–2008,
- The role of the military during the crisis.

The findings in answering this sub-question provides key information on how the conflict built up over the years and eventually culminated in a *coup*. The findings also provide some key elements in determining whether the approach used to resolve the crisis in the mediation was appropriate and whether those leading the mediation process had a clear understanding of the root causes of the *coup*.

2) *On what basis and criteria were the SADC mediators deployed to Madagascar and what determined their mediation approaches?*

This provides insights on the entry of SADC as the mediator into the conflict. In addition, the findings under this sub-question contribute to the literature on mediator entry in African conflicts in general, as well as the legal framework for conflict resolution by mediators. Accordingly, the responsibilities of the Organ on Politics Defence and Security, its mandate, as well as the mediation processes used by SADC are examined. This sub-question also reveals how inclusive the process was, as well as the capabilities and skills of the mediators.

3) *What are the various conflicting agendas, factors, influences, and complexities that SADC faced during mediation? Did SADC manage to mitigate these factors, influences and complexities successfully? How did these competing interests, goals, and mediation efforts by third parties affect SADC's mediation efforts?*

The research findings add to the body of knowledge on conflict mediation and resolution, especially on resource-rich fragile countries. In addition, they add to the body of knowledge about the impact of multiple actors, "spoilers" and "meddlers" on mediation efforts. In the case of Madagascar, the findings determine who emerged as "spoilers" during the mediation process and with what various complexities the mediators were faced. The research also reveals the type of strategies the mediators used to mitigate the problem of "spoilers" and complexities.

A key feature of the mediation efforts in Madagascar was that competitive mediation was prevalent. Various actors had vested interests and thus played a central role in the course of the mediated peace negotiations. These actors had the potential to successfully drive the mediation process and equally undermine or confuse the process (Whitfield, 2010, p. 5).

4) What kind of negotiated agreements emerged from mediation and what were their outcomes?

By answering this question, the methods, instruments, tactics, and other pressures undertaken by the mediators to achieve the desired outcomes are examined. In addition, it sheds light on reasons why earlier agreements by the conflicting parties were not implemented.

5) Based on the above, what conclusion can be drawn from the SADC mediation mechanism and what recommendations can be made to improve the body of existing knowledge on conflict mediation and how SADC and other organizations can benefit from such body of knowledge?

Consequently, all these questions address the fundamental and central question underpinning the thesis, which is related to the capacity, credibility and effectiveness of SADC, through mediation efforts, to return Madagascar to constitutional order through elections.

Organisation and Structure of the Thesis

The organisation and structure of this thesis is as follows:

Chapter 1: Introduction and Background

This chapter has looked at the problem statement, the rationale, the aims, and the main research questions to be explored in this thesis. This thesis sought to address the following main research question:

"What were the guiding factors leading to the SADC mediation process in the aftermath of the 2009 coup and the outcomes of the mediation efforts?"

Accordingly, the main objective of the thesis is to provide comprehensive insight into the mediation process in Madagascar. This thesis is not about concluding whether SADC's mediation in Madagascar was successful or not. Rather, this thesis examines the effectiveness of SADC in achieving its own mandate of returning constitutional order to Madagascar through democratic elections.

Chapter 2: Theoretical Framework and Literature Review

This chapter provides theoretical, conceptual and empirical context regarding conflict resolution, characteristics of mediators and on mediation in general, drawing extensively on the work of Zartman, Bercovitch, and other eminent scholars. It also provides an overview of literature and research from authors such as Cawthra, Witt, Ratsimbaharison, Nathan, Lanz

and Gasser and Kotzé regarding SADC's mediation efforts in Madagascar. In doing so, this chapter reveals the current theories regarding mediation in international conflict as well as the gaps in the existing literature in mediation. Moreover, an examination is made as to how some of these theories could have been applied to the experience of mediation during the crisis in Madagascar.

This chapter also looks at the gaps in the literature regarding mediation and the specific studies on Madagascar.

Chapter 3: Methodology

In this section, the research methodology and research methods that were used to gather data for this thesis, the sources of data (primary and secondary), the research process, the ethical considerations and the research limitations is outlined.

Chapter 4: Madagascar- A Contested History

This chapter traces and analyses the various contributory factors that led to the 2009 *coup d'état* in Madagascar. These contributory factors to the conflicts include greed, elite divisions, and the continuing influence of the French.

Chapter 5: Mediation by SADC and other African RECs prior to the Madagascar crisis

In order to show that mediation by African RECs on the continent is not a new or unique occurrence, this chapter briefly examines SADC's interventions in Zimbabwe, Lesotho, and the DRC. It also looks at mediation efforts by ECOWAS in West Africa and the Intergovernmental Authority on Development (IGAD) in the Horn of Africa.

The chapter also provides a concise and brief history of SADC and its institutional set-up, with particular emphasis on the SADC Organ on Politics, Defence, and Security (also referred to the Organ) and its limitations.

Chapter 6: The Road to the Roadmap - SADC enters the Malagasy Conflict (2009-2010)

This chapter analyses the various actors who attempted to end the conflict in Madagascar and details SADC's entry into the conflict in Madagascar and its motivations for intervention that led to the Maputo Agreements of 8th and 9th August 2009 and Addis Ababa Additional Act of 6 November 2009. It also examines how the various competitors and players affected SADC's mediation efforts during this time-frame.

Chapter 7: "Chissano's Roadmap" and the Aftermath - 2011

This chapter looks at how the SADC mediators arrived at the Roadmap for Ending the Crisis in Madagascar (referred to as "Chissano's Roadmap" in this thesis) and its outcomes. The role of the various competitors and players that affected SADC's mediation efforts during this time is also outlined and analysed.

Chapter 8: Negotiating the Amended Roadmap - Towards the 2013 Elections

In this chapter, the role of the key actors involved in advancing the amended roadmap is discussed as well as events leading up to the 2013 elections in Madagascar.

Chapter 9: Conclusion

This concluding chapter provides an overview of SADC's mediation efforts in Madagascar and how it's various phases and key events can be understood in the context of the existing theoretical and conceptual analyses.

This chapter also reflects on the experiences and knowledge attained, thus revealing where future conflict resolution scholars and specialists as well as SADC and other RECs can improve in terms of future mediation efforts. It also captures the main elements that eventually led to the restoration of constitutional order in Madagascar, thus concluding that SADC was effective in its mediation.

References for Chapter 1

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CHAPTER 2

Theoretical Framework and Literature Review

Introduction

Conflicts between individuals, groups, and nations are inherent in the human condition (Bercovitch, 1985, p. 736). Whenever social actors are joined together in a relationship of interdependence and resource scarcity, the sources of conflict are present (Bercovitch, 1985, p. 736). Some of these conflicts may have a positive effect while others may have negative consequences. In order to approach conflict management and resolution, conflicts may be avoided, talked out, negotiated, arbitrated, adjudicated, resolved by legislation, by political action, or by violent force (Moore, 1996, pp. 14-16). Conflict may also be avoided through the mediation approach.

During the last two decades of the twentieth century, the world has witnessed an increasing number of mediation efforts undertaken by regional intergovernmental organisations (IGOs) to resolve inter- and intra-state conflicts[4] (Elgström, Bercovitch, and Skau, 2003, p. 11). Moreover, there has been substantial work done and published on international mediation, processes, and tactics as well as the critical role mediation plays in modern-day conflict management and resolution. Indeed, since the early 1960s, the number of studies on mediation has increased progressively and exponentially, thus revealing that, firstly, there is a need and secondly, a desire to understand and advance the recent trends and debates within the field of international mediation (Duursma, 2019, pp. 81-82).

In this chapter, various literature sources are examined with a view to get a better understanding of the most significant aspects and debates on international mediation, with an emphasis on internal conflicts. Thus, works by Zartman, Bercovitch, Breytenbach, Waal, Stefaan and Wamu and others are alluded to as they are considered as being important in providing detailed analyses of general trends, debates and common threads regarding international mediation.

In addition, this chapter also looks at the various trends and themes that characterise mediation in African conflict and it analyses research done by authors such as Cawthra, Witt, Ratsimbaharison, Nathan, Lanz and Gasser and Kotzé. These authors have contributed to

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[4] Inter-state conflict commonly occurs between state governments. Intra-state conflict is between a state government and an armed group or groups originating from the same state. Intra-state conflicts can be referred to as internal conflict or civil war.

the body of knowledge on the progression and implementation of various mediation efforts and tactics that SADC used in Madagascar after the 2009 *coup*.

This chapter is divided into the following sections:

- Theories of Mediation

In this section, the various definitions and characteristics of mediation are provided as well as the existing concepts and theories as to why and when mediation takes place, the various complexities that mediators are faced with (such as "spoilers") and how to manage them.

This section also discusses the types of prominent mediation styles that exist, the variables and factors that can be used to measure the effectiveness of mediation efforts as well as the various characteristics that define the effective mediator. It also discusses the various themes and challenges that characterise African mediation.

This section also points out that despite the fact that there are numerous variables and factors that can be used to measure mediation effectiveness, a universal framework to measure success in mediation does not yet exist.   Moreover, there has been limited work done in developing a clear understanding of what constitutes success in mediation.

- Literature Review on mediating in Madagascar Crisis

In this section, the contributions of the scholars and researchers regarding the mediation efforts in Madagascar are outlined and discussed at length, revealing the gaps and themes.

- My contribution to the existing literature

In this section, the gaps and themes in the literature discussed are revealed. Moreover, this section highlights the contributions that this thesis makes to the existing literature on mediation in Africa in general, and in the case of Madagascar.

- Measuring SADC's effectiveness in mediating in Madagascar

This section highlights the factors and variables, as discussed in the preceding sections, that can be used to determine whether SADC's mediation was successful or not. However, the aim of the thesis is not to evaluate whether SADC's mediation in Madagascar was successful or not. An evaluative framework that includes myriad factors and variables to determine success or failure of the mediation only leads to generalisations and contradictions. Accordingly, this section reveals that the main aim of the thesis is to determine whether SADC achieved its own mandate of returning constitutional order to Madagascar through democratic elections.

Theories of Mediation

Defining Mediation

Mediation is a vital method in the peaceful settlement of disputes, including intra-state and inter-state conflicts (Hove and Ndawana, 2016, p. 64). Mediation is also used as a tool in dispute resolution between individuals, companies, and workers. As such, mediation research is a cross-disciplinary endeavour, attracting work in psychology, labour and industrial relations, sociology, and political science (Greig, 2005, p. 250). Not surprisingly, this diversity of approaches has led to a variety of definitions of mediation for policy communities and academics.

According to Agbu (2006, p. 32), mediation is an informal, voluntary, and confidential process in which a trained professional dispute resolver (the mediator) facilitates understanding, communication and negotiation between disputing parties and assists those parties in reaching their own mutually acceptable resolution to their dispute. Due to polarity occasioned by issues in the conflict, conflict parties often find it difficult to negotiate hence, the coming in of a third person to facilitate negotiation disputants. Wall, Stark and Standifer (2001, p. 370) define mediation as assistance or some form of interaction by a third party in a negotiation context. This is similar to Pruitt and Kressel's (1989, pp. 1-3) definition of mediation as the assistance of a third party to multiple interacting parties.

Mediation, according to Moore (1996, p. 1), "is the intervention in a negotiation or conflict of an acceptable third party who has limited or no authoritative decision-making power but who assists the involved parties in voluntarily reaching a mutually acceptable settlement of issues in dispute." Within this definition, mediators may play a number of different roles, and may enter conflicts at a variety of different levels of development or intensity. Goodpaster (1997, p. 203) points out that mediators are unlike judges or arbitrators as "mediators have no authority to decide the dispute between the parties; instead, the parties empower the mediator to help them resolve the issue between them".

Skjelsbæk (1991, p. 100) describes mediation as "efforts by third parties to prevent the eruption or escalation of destructive conflict behaviour and to facilitate a settlement which makes renewed destructive behaviour unlikely". Young (1967) describes it as an action aimed at reducing the problems of bargaining and facilitating the termination of a crisis through the action of an actor not a direct party to the crisis.

Bercovitch (1997, p. 130) defines mediation as "a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behavior, and do so without resorting to physical force or invoking the authority of law." Within this broad definition, mediators may adopt a variety of roles and approaches.

For Firmeza (2011, p. 8), mediation is a process that facilitates dialogue because it is co-ordinated by an impartial third party who helps identifying common interests in order to reach some kind of agreement. It is a development of negotiation strategies that focus on communication processes (please also refer to Moore, 2003; Fiorelli, Fiorelli, and Malhadas, 2008).

There are various definitions of mediation. However, what is key across these definitions is that mediation is part of an on-going broad voluntary process of conflict and conflict management involving a third party. It forces us to recognise that any mediation situation is comprised of parties in conflict, a mediator, the process of mediation and the context of mediation (Sandu, 2013, p. 13). All these elements are important in understanding mediation and its outcomes. It is a complex process, taking into account the mediator's role and challenges, the disposition of the parties, the multiplicity of actors, and systems and structures that are involved in the process (Nathan, 2014, p. 5).

In this thesis, mediation is defined as the process whereby a third party assists warring and conflicting parties, with their consent, to prevent, manage or resolve a conflict by developing mutually acceptable agreements. This definition demonstrates that mediation entails a voluntary process through the guidance of a third party that is outcome-oriented, with solutions coming from the disputants and not imposed by the mediator.

Characteristics of Mediation

One of the characteristics of mediation is its voluntary process as it takes place when conflicting parties seek assistance from third parties (Bercovitch and Houston, 1993, p. 297; Moore, 1996, pp. 14-16). Hence, mediation involves the intervention of an outsider, be it an individual, an institution, or even a group. The meditator, when involved in internal or international conflict, has the mandate to change, resolve, modify or influence the conflict through mediation. The overall goal is to reduce and prevent violence and achieve a peaceful outcome (Bercovitch, 2004).

Additionally, the acceptance or rejection of the mediation outcomes rests with the conflicting parties – which has implications for the success or the failure of the mediation process. In other words, without a high level of disputants' willingness to concede, and motivation to engage in conflict management, a successful mediation outcome is unlikely to occur (Bercovitch and Lee, 2003, p. 15).

Another characteristic of mediation includes the fact that the outcome of mediation is non-binding (Bercovitch and Houston,1993, p. 299). It is also meant to be non-coercive and non-violent. This characteristic is the distinguishing factor between mediation and other forms of external intervention such as arbitration and adjudication. The non-binding nature of international mediation implies that the mediator is not the decision maker and that a decision cannot be imposed on the parties. In order for any settlement to be concluded, the parties must voluntarily agree to accept it (Bercovitch, 2004). In other words, in mediation,

third parties have no authority over disputants' compliance with a mediated outcome (Groom, 1986; Bercovitch and Houston, 1993, p. 299).

Additionally, according to Bercovitch (2004), mediation operates on an *ad hoc* basis only. Once the mediation process is completed, a mediator departs the arena of the conflict. Mediation does not have any direct legal basis or institutionalised authority. It relies on the personal features and resources that mediators have (Bercovitch, 2011, pp. 299-300).

Another key characteristic of mediation is that it includes the elements of consent and co-operation. A productive mediation process and positive outcome depend on the consent of the conflicting parties, on co-operation between them and on their co-operation with the mediator. Even the most skilful mediator has little chance of being effective without this consent and co-operation (Nathan, 2014, p. 5).

Who Mediates?

As mediation involves a range of various role-player, International mediators may be individuals, states, or organisations (regional and international) (Bercovitch, 2007, pp. 130).

Institutions and Organisations

During the last two decades of the twentieth century, the world witnessed an increasing number of regional conflict management efforts undertaken by international organisations and regional organisations, especially when conflicting states have failed to keep the peace (Elgström, Bercovitch and Skau, 2003, p. 11). Such international organisations include the European Union (EU), which has been involved in numerous intervention activities, ranging from good offices to peace-keeping since its inception, the United Nations (UN), which is currently involved in at least 14 peace-keeping operations led by the Department of Peace Operations and the AU, which is involved in various peace-keeping missions within the African continent.

With regards to examples of mediation and peace-making missions by RECs and regional organisations, the Economic Community of West African States (ECOWAS) intervened in the civil wars in Liberia and Sierra Leone by sending a regional force, the ECOWAS Cease-Fire Monitoring Group (ECOMOG) (Elgström, Bercovitch and Skau, 2003, p. 20). The Intergovernmental Authority on Development (IGAD) intervened during the interstate conflict between Sudan and South Sudan and was instrumental in ensuring that the Sudan peace agreement of 2005 paved the way for declaring South Sudan a new state (Back, 2016, p. 144). SADC, in line with its mission of upholding the peace and security of southern Africa, has intervened and mediated in the crises in the DRC, Zimbabwe, Lesotho and Madagascar.

International organisations frequently work together to bring peace, stability and regional and continental co-operation. For instance, the UN and the AU have worked closely since the

AU's establishment in 2002. During this time, their partnership has evolved to focus increasingly on conflict prevention and crisis management, culminating in the 2017 Joint UN-AU Framework for Enhanced Partnership in Peace and Security (Forti and Singh, 2019, p. 1). Concerning regional organisations, they too, work together with international organisations to bring peace and stability. For mediation and conflict resolution in Africa, Africa's RECs work in collaboration with the AU in ensuring peace and stability in their regions.   However, that said, research reveals that regional organisations have a higher rate of keeping the peace in their regions than international organisations. This is because regional organisations have superior knowledge of local conflicts, and strong incentives to resolve them, they are geographically close to the conflict and can react faster and they have the ability to provide fora for formal discussions and informal dialogues to improve peace keeping in their respective regions (Elgström, Bercovitch and Skau, 2003, p. 18).

The main reason why regional and international institutions and organisations undertake mediation is to stop violence and hostility, reduce fatalities, and achieve a political settlement in their region (Elgström, Bercovitch and Skau, 2003, p. 17). Whether it is an interstate conflict or intrastate conflict, by committing to resolve crises through various means such as mediation, regional and international organisations and institutions reinforce their commitment to regional security.

States

Through their representatives, mainly top-decision makers or leaders, states constitute the most common and prevalent category of mediators (Pitswane, 2014, p. 24). For states, mediation is used to defend the state's geopolitical and national interests and improve its ability to expand its power and project its influence (Touval, 1999, pp. 15-19). The state also mediates in order to assert a diplomatic presence, promote the intervener's status, or to cultivate relations with one or both disputants (Touval, 1999, pp. 15-19).
States that mediate may be large, medium, or small states. Bercovitch (2007) maintains that small states may seem non-threatening but this characteristic makes them ideally placed to mediate. Large states mediate to protect their global interests. As they have access to greater resources, a range of available strategies and the ability to wield "carrots" or "sticks" to coerce the conflicting parties to come to an agreement, they tend to be effective mediators (Bercovitch, 2007, p. 145). Medium states have few foreign policy alternatives at their disposal, but to enhance their influence and prestige, they engage in mediation efforts (Bercovitch, 2007, p. 145).

Individuals

Different types of individuals have played and continue to play a key mediating role in conflict situations. Usually deployed at the request of the state or regional and international organisations, these individuals can be prominent scholars or practitioners, former presidents and leaders (Pitswane, 2014, p. 20; Bercovitch, 2007, pp. 178-179). They can also be

individuals from academia, think tanks, and interest groups, such as faith-based organisations who support the mediation efforts led by prominent individuals, such as former Presidents (Pitswane, 2014, p. 20). In the case of Madagascar, former president Chissano led the mediation efforts on behalf of SADC and had the support of various key individuals and organisations.

The Types of Mediation Styles

All mediators have the universal objective of modifying, settling, or resolving conflict among the parties (Pitswane, 2014, p. 25). Hence, they engage in mediation because they have particular interests to promote and protect which can be both selfish and altruistic (Pitswane, 2014, p. 25).

In order to modify, settle or resolve conflict among the parties, there are several types of mediation styles that mediators employ in order to nudge the conflicting parties towards a settlement. The main types of mediation styles that are discussed are facilitation, formulation, manipulation and adaptive. Each style has its own strength and weakness. In addition, it is important to note that these styles are more a continuum than distinct differences.

Facilitation Mediation (or communication mediation)

Communication or Facilitation was initiated in the 1960s and is the most widely used and taught mediation style. Facilitative mediation is based on two guiding principles: firstly, that of self-determination of the parties with respect to resolution of their disputes and, secondly, that of the neutral third party facilitator who facilitates communication among the parties, promotes understanding of the issues, focuses the parties on their interests and seeks creative problem-solving (including creative solutions outside the legal normative box) in order to enable the parties to reach their own agreements and resolutions to their problems (Brown, 2000). In essence, the facilitative mediator serves primarily as a channel or conduit of communication between adversaries who will not even talk with each other (Spector and Korula, 1992, p. 4).

According to Riskin (1996, pp. 33-35), the primary mission of the facilitative mediator is to clarify and to enhance communication between the parties in order to help them decide what to do. Thus, the mediator makes contacts with the disputants, encourages communication between them, delivers their proposals, collects information about the conflict, and provides dispute counselling. Rubin (1983) maintains that facilitative mediators primarily provide minimal advice and are essentially non-directive in their counselling. In other words, the mediator avoids making recommendations or giving his or her advice, believing that the role of the mediator is simply to facilitate a resolution. Hence, the parties are in control of the outcome.

The main issue with this type of mediation is the fact that facilitative mediation takes too long and too often ends without agreement (Irvine, 2007, p. 10). This is not good for prolonged conflicts.

Formulation Mediation (commonly referred to as evaluative mediation)

Formulative mediators are forthcoming in making proposals, reframing the problem and issues at stake, and identifying new formulas for solution (Zumeta, 2000). The mediators are active in the mediation process.

Formulative mediators work towards making recommendations and attempting to guide the disputants toward making concessions. At this point in the range of mediational strategies, the mediator's job is to achieve position movement and convergence; it goes beyond just bringing the parties to the table and supports a true negotiation environment. Their chief fundamental aim is to reach a settlement (Zumeta, 2000). This type of mediation falls under problem solving mediation because it aims at settling a conflict and conflict is nothing but a problem, which needs to be solved (Zumeta 2000).

The main weakness of this type of mediation is this type of mediation defeats the legitimate and desirable expectation of the parties about the process on which they are embarking (Rick, 2009, p. 4). In additional, formulative mediators put too much pressure on the parties to reach a resolution. This should be up to the parties and not the mediator. The other weakness of evaluative mediation is that it aims to settle a conflict quickly in a short period of time (Rick, 2009, p. 4). This type of mediation will not work well for an ongoing crisis, which needs a better approach, which aims to lead to lasting peace, not a quick solution.

Manipulative Mediation

During this type of mediation, the mediator attempts not only to suggest and recommend ways of achieving agreements, but actively seeks to ensure movement of the disputing parties by introducing the element of power (Zumeta, 2000). Manipulative mediators try to effectively manage and control the resolution of the conflict through persuasive methods such as the use of their own resources and factors in the situation (Zumeta, 2000). In other words, the mediator directly influences the negotiation process, content and even the outcome. This is problematic. Ideally, the mediation process should respect ground rules such as inclusivity, co-ordination, impartiality, consent, preparedness, and national ownership. Manipulative mediation suggests that this is not the case.

There is much debate on which style of mediation brings the most successful outcomes. Beardsley et al. (2006, p. 81) maintain that a combination of formulation, facilitation and manipulation brings most success in mediation. Gurr (2000) also echoes this statement as he points out that, since strategies to prevent and resolve conflict are not uniformly effective, a

variety of approaches are necessary to gain a favourable outcome. These styles are more a continuum than distinct differences.

Adaptive Mediation

Adaptive mediation is considered an "emerging" mediation style. As one will see in the following chapters, adaptive mediation was a mediation style used by Chissano.

There is a serious gap in the literature about this particular mediation style but its basis comes from the fact that, as there is increasing complexity for peacemakers and mediators, there are more variables that can affect peace processes, less stability in the behaviour of these variables, and less predictability when it comes to how peace and conflict processes are likely to unfold (De Coning and Gray, 2018).

Through the literature review, the assumption has been made that if certain factors are present, if certain characteristics are present and if a certain method is employed, conflict analysis will enable the mediation team to identify the contextual components necessary to formulate an effective peace-making strategy.

Adaptive mediation, on the other hand, recognises that both the causes and consequences of conflict are continuously evolving and involve complex dynamics. Additionally, so is the mediation process and actors and the like. Adaptive mediation is a style that can deal with this complexity.

Coleman and colleagues define adaptive mediation as "the capacity to read important changes in the fundamental dimensions of mediation situations and to respond to them with strategies and tactics that are more 'fitting' and thus more effective in those situations" (Coleman, Kugler and Chatman, 2017, p. 383). Hence, adaptive mediation is a set of principles and practices that are more suited to the challenges of mediation processes in complex environments (De Coning and Gray, 2018). Through empirical-based evidence, this mediation strategy is said to use tools that anticipate complexity and help mediators of peace processes cope with uncertainty, setbacks, and shocks (De Coning and Gray, 2018). Hence, an adaptive approach to mediation recognises that conflict resolution is complex and is an ever-evolving process. It responds with a process that is adaptive, which regularly generates new analyses and that involves regular reflection points, where teams or organisations reflect and make judgements regarding the changes they have identified and their implications. In other words, adaptive mediation allows the mediation team and the actors involved to adapt their strategies and approaches continuously.

The main characteristic of adaptive mediation is that it challenges mediators to stress the agency and interdependence of the parties. It encourages the maximum possible participation of the parties. The understanding is that the more the parties (or their proxies or constituencies) participate in mediation, the more likely the process is to reflect narratives

and perspectives relevant to the context, rather than the assumptions, interests and biases of external experts (De Coning and Gray, 2018). In addition, it places more focus on process and means rather than the outcomes. Adaptive mediation encourages a process whereby the content of agreements emerges from interaction among the participants, and where the developing dynamics of the mediation process create the foundation for sustainable agreements that are locally and contextually relevant and that can be implemented (De Coning and Gray, 2018).

Main Components of Adaptive Mediation

Resilience and self-organisation are the components said to be important for adaptive mediation. While resilience refers to the capacity of social institutions to be flexiable and to adapt in order to sustain an acceptable level of function, structure and identity under duress, self-organisation refers to the ability of a complex system to organise, regulate and maintain itself without a controlling agent (De Coning and Gray, 2018). In the mediation context, resilience is needed to endure the complexity, shocks, and challenges that come with this terrain. Self-organisation, in the mediation context, refers to when the parties recognise their interdependence, and when they start to work collaboratively towards mutually acceptable agreements. It has been argued that agreements reached through self-organised mediation are more resilient because the ownership is distributed among all the participants who co-created it (De Coning and Gray, 2018).

Self-organisation and resilience can be encouraged in mediation processes by the mediator and should not be undermined (De Coning and Gray, 2018). Mediators should protect the conflicting parties from external interests and agendas (including the mediator's interests and agenda), promote processes that maximise the capability of parties to self-organise, and generate agreements that are sustainable, owned by all the parties and beneficial to all and are rooted in the local context and narrative (De Coning and Gray, 2018). Additionally, facilitation by the mediator should be balanced. Too much intervention by the mediation undermines self-organisation and resilience and too little facilitation may result in a lack of purpose, deadlocks or breakdown (De Coning and Gray, 2018).

The alternative approach of adaptive mediation to already existing mediation strategies is interesting. Backed up by empirical evidence conducted by Coleman et al. (2017), it seemingly presents mediators and peacemakers with the "it" strategy. Overall, by applying this form of mediation, the ability of mediation processes to navigate uncertainty and adapt to changing dynamics is enhanced. Additionally, the mediation strategy is said to result in generating peace agreements that are more locally grounded, more self-sustainable and better able to withstand setbacks and challenges. However, with that said, the question to ask is whether this strategy is different from those presented above.

First, adaptive mediation is not too different from formulative mediation. To reiterate, formulative mediators are forthcoming in making proposals, reframing the problem and

issues at stake, and identifying new formulae for solution (Zumeta, 2000). The mediators are active in the mediation process. This is what adaptive mediation involves - the regular conflict analysis, planning and the assessment of results by the mediator during the mediation process.

Second, adaptive mediation is similar to facilitative mediation in the sense that facilitative mediation also looks at facilitating communication among the parties, promoting understanding of the issues, focusing on the parties' interests and enabling the parties to reach their own agreements and resolutions to their problems. The facilitative mediator, like the adaptive mediator, avoids making recommendations or giving his or her advice, believing that the role of the mediator is simply to facilitate a resolution. Hence, the parties are in control of the outcome.

Third, adaptive mediation is encouraged as a strategy because conflict resolution is a complex process with many interlinking variables and factors. While adaptive mediation suggests that we depart from linear and causal log-frame-type planning approaches, it is important to note that, in general, all mediation approaches and theories depart from linear and causal log-frame-type planning approaches. There is no mediation approach that has given a linear strategy where all the outcomes can be precisely and definitely predicted.

Fourth, in terms of adaptive mediation, the argument presented by De Coning and Gray (2018) is that this mediation is unique due to its main components of resilience and self-organisation. All mediation approaches and strategies have these two components in some form or another.

Lastly, while adaptive mediation seems to interesting, it still needs further development and significant proof that it can serve as the alternative to other strategies and approaches that are presented in literature about international mediation. Adaptive mediation states the obvious - that mediators should protect the interests of the conflicting parties, that mediators should have good communication skills and balance their intervention, that the mediators should understand that they are dealing with a complex situation where a "one-fits-all" approach does not apply, that ownership is important and so on. While adaptive mediation presents itself as an "emerging" style, in reality it seems as though it has taken the best components of other mediation approaches and styles and has merged it into one approach.

Characteristic of the Effective Mediator

From the theories and concepts presented above, the role of the mediator, his or her skills, strategies, attitude, and behaviour have been mentioned several times and have been used to predict the dynamics of mediation. Lázaro (2003, p. 331) argues that, in order to outline and evaluate mediator's influence on the mediation process and outcomes, it is worth distinguishing two scopes. Firstly, the mediator's experience, skills, behaviour, and attitudes directly related to his or her role in the process of mediation need to be discussed. Secondly,

the mediator's cultural background is important and can affect the success and failure of the mediation process.

Sandu (2013, p. 32-33) argues that the successful mediator is the one who is well prepared for the task with excellent listening skills. In addition, the mediator should be realistic, trustworthy, inclusive, impartial, and able to keep information confidential. Rubin emphasises the combination of process skills (e.g. ability to listen, to reframe issues, to intervene at the right and ripe moment, etc.), and content skills (in the form of understanding of particular issues in conflict, as well as their legal, political, or economic ramification and consequences) is critical for a successful negotiation.

Kleiboer (1996, p. 369) also maintains that impartiality is an important characteristic for a mediator to have but also emphasises advantage and status.

Concerning advantage, Kleiboer is not explicit with her definition of the term and what it entails. However, the assumption is that it refers to the mediator's ability to put pressure on one or both of the conflicting parties to accept a proposed settlement. Hence, the mediator has power and influence resources that can be brought to bear on the parties and can lead to a positive outcome (Kleiboer, 1996, pp. 369-371). Rothschild identifies the following means of advantage: rewards, insurance, legitimacy (Sargsyan, 2003, p. 7). Raven emphasises resources such as reward, coercion, legitimacy, expertise, and information (Sargsyan, 2003, p. 7).

Concerning status, this refers to the mediator's personal, organisational and positional status. The mediator should have a formidable reputation, record of accomplishment and expertise in the area of mediation. Regarding the institutional status of a mediator, this stems from the identity of a mediator's constituency. Since mediators rarely represent themselves, they usually represent their "mediating bodies" which could be an organisation or a state (Kleiboer, 1996, p. 372). In the case of Madagascar, SADC provided the institutional status to the mediator.

The positional status of the mediator depends on his or her standing within his or her own country or organisation. He or she must have such a strong internal position that he or she has the full backing of his or her government and can commit to the cause and outcomes (Kleiboer, 1996, 371).

Frei, as well as other authors such as Brookmire and Sistrunk maintain that the mediator's access to resources and his or her advantage are important and have the potential of resulting in a successful mediation. This notion is based on empirical evidence which revealed that mediation efforts by superpowers are more likely to be successful than mediation efforts by medium or small powers. Hence, it is logical to assume that better and extensive resources and advantage can lead to a successful outcome (Kleiboer, 1996).

Concerning the mediator's cultural background, it has been argued that cultural ties may be a positive factor in international mediation, as long as they can provide the qualifications for a third party to enter the conflict and influence the process. The mediator's cultural background can facilitate successful mediation outcomes by bridging the intercultural communication gaps between the disputants. Additionally, mediators who shared religious, ideological, or economic values have a higher chance of a successful mediation process.

Not unrelated to the concept of culture is the concept of the "Insider-Partial mediator" developed by Wehr and Lederach (1991) in their analysis of mediation in Central America (Carnevale and Choi, 2009, p. 108). This differs from the impartial mediator that has been argued as being a key mediator characteristic. Impartiality, it has been argued, places the mediator in a better position to lead to successful mediation than biased ones (Hopmann, 1996). He or she is an external actor that comes from a context outside of the conflict. Defined as the absence of bias or preference in favour of one or more negotiators, their interests, or the specific solutions that they are advocating, it is different from neutrality that refers to the relationship or behaviour between the mediator and the conflicting parties (Moore, 1996, p. 14). Impartiality is more concerned with the absence of bias in a mediator's behaviour; neutrality focuses on previous or current relationships between a mediator and each of the two disputants (Moore, 1996, p. 14).

On the other hand, insider-partials are mediators from the conflict who benefit from a certain connectedness to, and a high degree of trust from, the conflict parties (Carnevale and Choi, 2000, pp. 108-109; please also see Wehr and Lederach, 1991). Such mediators are generally politicians, leaders of government and religious groups, as well as other civic-minded individuals who have gained the trust and respect of the community. They are locally trained and the longstanding relationships with the individuals, communities or groups involved means that they have a stake in the outcome of the conflict as members of the society or community affected by the situation. This increases the perception of their legitimacy (Carnevale and Choi, 2000, pp. 108-109). The interpersonal face-to-face relationships that insider-partials have is an important factor in ensuring that the parties to the conflict accept the mediator. In addition, it is argued that such mediators often have intimate knowledge of the conflict, the culture, the interests and needs and the actors. Thus, they have unique entry points for mediation through accumulated trust of not one, but all sides. They will also work for a just and durable settlement (Elgström, Bercovitch and Skau, 2003, p. 24).

According to the revised edition of AU Mediation Support Handbook (2014, p. 139), insider-partials carry out their duties similarly to the way other mediators do. They incorporate trust, sensitivity, transparency, confidentiality, respect, integrity. and honesty. As well as playing a large role in identifying entry points to the conflict, insider-partials work with the parties through dialogue. identifying each party's position and needs. Attempts are made to find commonalities amongst the parties and build consensus (AU Mediation Support Handbook, 2014, p. 139). They also work with the entire community by advocating the benefits of the

peace process and the solutions reached and their position affords them the opportunity to detect potential conflict escalation and initiate peace building before the situation further deteriorates (AU Mediation Support Handbook, 2014, p. 139).

When and why do Mediators Mediate?

Mediators will mediate when the conflicting parties agree to mediation, relying on the fact that it will work in favour of their interests (Vuković, 2015). As Zartman and Touval (1996, p. 446) maintain, as mediators are sometimes faced with initial rejections from the disputing parties, they "must be able to convince the parties of the value of their services before mediation can get started". Similarly, mediators will not mediate if they are not directly interested and dedicated. The interest of the mediator directly affects the mediation process and the outcome. Hence, for mediation to occur, the conflicting parties must want to mediate and the mediators must agree to mediate.

Mediators will mediate not only because of humanitarian concerns but also because of self-interests and gains (Touval and Zartman, 1985). When mediators see that the benefits outweigh the costs, mediation is used as a tool for mediators to advance and pursue some of their interests without creating too much opposition (Vuković, 2015).

Advantage is also a factor that motivates mediators to mediate. Advantage is needed for the conflicting parties to obey the rules and uphold the agreement (Kleiboer, 1996, p. 371). Advantage is also attached to power. Mediators mediate when there is power involved. Power, in this instance, refers to strategic and tactical strength (Carnevale, 2002). "Strategic strength" involves resource-based types of social power that mediators might possess whereas "tactical strength" refers to the mediator's skills and techniques. These techniques include communication tactics, image tactics (mediator manages to alter the negative image disputants have of one another), momentum tactics (mediators set in motion a framework of trust which paves the road for further co-operation between the parties), and relational tactics (Carnevale, 2002).

The social powers included in strategic strength refer to legitimate power (mediator's ability and right to prescribe behaviour, accepted by disputants), informational power (mediator offers information that makes compliance with the mediator's request seem rational), expert power (mediator's experience and knowledge of the mediation process recommend him or her for the job), referent power (the mediator's charisma, prestige, status, etc.) coercive power, and reward power (a form of manipulation strategy) (Carnevale, 2002).

When do parties accept the mediator?

Mitchell (2011) points out that there are specific circumstances that determine the willingness of conflicting parties to accept a mediator. This occurs when (i) conflicting parties decide that they wish to arrange for a compromise solution, (ii) adversaries are uncertain

about the likely future course of events, (iii) drawn-out conflict has led to mutually recognised exhaustion of resources and options, (iv) the conflicting parties can recognise a stalemate, (v) parties perceive that conditions exist that offer both some advantages (even if they fail to achieve all desired goals) and, (vi) the parties are aware of realistic bargaining ranges that an intermediary can assist in exploring dimensions of these ranges.

Zartman maintains that mediators are called to intervene when the conflict is "ripe for resolution" and has reached the level of "hurting stalemate"—at which point neither party can win the conflict unilaterally, yet each side maintains the ability to hurt the other (Zartman, 2000, p. 228).

According to the "Ripeness Theory" of Zartman (2000, pp. 228-230), four conditions indicate "ripeness" of the conflict. These are not necessarily concurrent and refer to the presence of a hurting stalemate to the conflict, impending catastrophe, valid representatives, and a clear way out of the conflict. A mutually hurting stalemate is grounded in a cost-benefit analysis that is defined not only by economic cost but also by the loss of human lives (Greig, 2001, p. 694). The parties will accept mediation and the mediator when they feel that the costs of continuing the conflict are intolerable and no other alternative has prevailed. The parties will accept mediation when they believe that negotiations are a viable option for solving the conflict to their satisfaction.

For Stein (1996), mediators are allowed to mediate when the conflict is "ripe" and the following conditions are present: when the parties have redefined their interests and are no longer content with the status quo, when old norms and patterns of behaviour have been replaced with new norms facilitating possibilities for compromise and achievement of a durable settlement, when parties share perceptions about desirability of an accord, when parties have agreed on a common bridging process to settle differences and when a formula allowing for compromise and a negotiated end to hostilities is viable.

Other experts on mediation maintain that mediators are invited to mediate when military solutions and alternatives to peace have been exhausted and when the fear of continuing the war is high and the fear of settlement is low (Stedman, 1997). Rubin, Pruitt, and Kim (1994) argue that, for a mediator to be able to mediate, there simply must be an opportunity. An opportunity presents itself when there is a motivation to settle or resolve the conflict and when the mediator is able and ready to get involved.

Measuring the effectiveness of Mediation

One of the central issues in the field of conflict resolution concerns the degree to which one can define a mediated or negotiated outcome as successful. There has been a considerable body of work on the causes of conflict, its evolution, and how best to manage it. However, there has been limited work done on developing a clear understanding of what constitutes success. For the most part, it seems success or failure is assumed or defined on a case-by-

case basis. Moreover, there are too many factors and variables that can influence and determine the success of mediation efforts, thus making it difficult to pinpoint exactly which factors and variables contribute to successful mediations. Some have used the acceptability of the mediators by the warring parties, the neutrality of the mediators in the process, the funding given to the process by the lead actors and the skill and knowledge of mediators on the causes of conflict, the parties, process, and viability of the product of mediation as an evaluative framework. Simkin related mediation success to the mediator's ability to empathise with the surroundings (Munévar, 2005, p. 71). Zartman maintained that the possibility of success in mediation is directly dependent on whether, or not, actors perceive themselves to be in a "mutually hurting stalemate" (Munévar, 2005, p. 72). On the other hand, the "Contingency Model", put forth by Bercovtich, Anagnoson and Wille, examines the relation between variables pertaining to the nature of the dispute, the nature of the parties and the nature of the mediator, and a successful outcome (Munévar, 2005, p. 72). While the contingency model offers an inclusive description of the different factors that determine the nature of the mediation context, the model essentially fails to explain the relation between contextual dynamics and the mediation outcome (Munévar, 2005, p. 72).

Nevertheless, Sheppard was one of the first theoreticians to offer a systematic discussion on the notion of what constitutes mediation success.

Sheppard (1984, p. 142-145) maintains that, in order to discuss the notion of mediation success, one must look at the process and the outcome. The process refers to what transpires at the mediation table whereas the outcome refers to what has been achieved (or not achieved) because of mediation (Sheppard, 1984, p. 142-185). Hence, success in mediation is thus a quality that may be applicable to the process or the outcome of mediation. In other words, success may be achieved if the parties in conflict feel empowered or feel that their concerns were addressed respectfully (Sheppard, 1984, p. 142-185). There may be no successful outcome; however, the parties may feel they have achieved success in the process (Sheppard, 1984, pp. 142-185).

Similarly, there may be a process of mediation whereby there are many procedural disagreements and dissatisfactions, but it may lead to a cessation of violence and even a formal agreement (Bercovitch, 1997). Both the process and the outcome can have at least four indices of success - fairness, efficiency, satisfaction, and effectiveness.

Measuring the Success of Mediation efforts: Fairness

Fairness is considered a fundamental principle of mediation. In its most generic form, fairness refers to an even-handed procedure and equitable outcome that is indicative of some conception of success (Bercovitch, 2011, p. 292). Fairness should be exercised and perceived during the process and the outcome and even in the manner in which the mediator conducts him or herself. Hence, fairness is connected to the mediator's competence to conduct the

mediation in a manner that is impartial (not manipulative, coercive, or intimidating) and neutral (Shapira, 2012, p. 284-286; Bercovitch, 2011, p. 292). Additionally, he or she has the duty to "exercise diligence in scheduling the mediation" and treat the parties with respect (Shapira, 2012, p. 284). The quality of the mediation process and its integrity should be performed in a manner that avoids the parties settling or forced into an unfair agreement. Reached agreements and settlements should lead to long-term stability and satisfaction. All parties' interests and concerns should be taken into account and the outcome should be based on informed decisions and be clearly understood by all and accepted by all (Shapira, 2012, p. 285). If a mediated outcome, its process, and the conduct of the mediator is fair, this, in turn, will also lead to party satisfaction (another indicator of success). Fairness and party satisfaction determines if the mediation effort can be seen to be successful.

Susskind and Cruikshank (1987), similarly to Blair, also use the terms fairness and efficiency when discussing how best to evaluate mediation. However, in addition to those two criteria, they also add wisdom and stability. Fairness, for Susskind and Cruikshank, means that the agreement achieved is perceived as being fair by the parties. If the parties think that the process has been fair, they will mostly likely accept the outcomes of the mediation (Susskind and Cruikshank, 1987).

Measuring the Success of Mediation efforts: Efficiency

Efficiency is the second criteria of success and is primarily focused on the procedural and temporal dimension of the mediation process (Sandu, 2013, p. 31). Efficiency addresses issues such as competency, the cost of mediation, resources devoted to it and duration of the process. For Susskind and Cruikshank (1987), efficiency carries more weight than fairness in the sense that if reaching a settlement or agreement takes an inordinately long time to achieve and is costly, it is not fair and leads to dissatisfaction. If this occurs, the mediation effort can be deemed unsuccessful. There is a need for mediators and mediation efforts and processes to be efficient and competent.

For Susskind and Cruikshank (1987), an efficient mediation means that an outcome has been reached for all the involved parties in the most reasonable amount of time. In order for mediation to be seen as efficient, it means that the interests and needs of all involved in the mediation have been taken into consideration (Susskind and Cruikshank, 1987). In addition, Susskind and Cruikshank (1987) maintain that fairness should not be undermined in the pursuit of efficiency.

Measuring the Success of Mediation efforts: Effectiveness

Effectiveness is a measure of the achieved results, change or behavioural transformation. Mediation is a process of change (Bercovitch, 2011, p. 293). Hence, for mediation to be considered successful, it must have some effects on the conflict. In the case of armed conflict,

as an example, the effects on the conflict would include moving from violent to non-violent behaviour, signing an agreement or accepting a ceasefire or settlement (Sandu, 2013, p. 35). Effectiveness allows us to observe what has changed after a mediator has entered a conflict. If there are no changes, then the overall mediation effort has failed.

Concerning signed agreements, Fagen maintains that this is an indicator of an effective mediation effort (Susskind and Cruikshank, 1987). She further maintains that one can evaluate whether the mediation process has been successful or not by looking at the post–conflict/post–settlement peace-keeping and peace–building, as well as society's ability to make transition from war to peace, and restoration of civil order. Hence, the key indicator is looking at the stability, the durability and the quality of the peace agreements that dissipates the crisis and transforms the future in a sustainable manner (Susskind and Cruikshank, 1987).

Greig and Diehl (2012) point out that while they agree that a signed agreement can be a factor to measure success of mediation, it is not the only factor and using such analytical over-simplifications is problematic. Instead, they argue that the evaluation of mediation as being successful or not should look at the agreement as well as the various stages of the mediation process.

The first stage focuses on getting the disputing parties to accept mediation. Greig and Diehl highlight three general reasons why third parties are willing to be engaged in managing an international dispute. These are humanitarian concerns, national interests and third party's organisational predisposition. The authors also highlight that bringing the conflict parties to the table and keeping them there is an achievement in itself.

The second stage of mediation is related to the achievement of a formal agreement, regardless of its scope: whether it is a simple cease-fire or a comprehensive agreement, it needs to be a product of a mediation process (Greig and Diehl, 2012). Reaching an agreement is a true accomplishment for any mediator.   He or she, through open dialogue with the conflicting parties, must have the wisdom to be able to achieve best outcome and agreement that is optimal for all (Susskind and Cruikshank, 1987).

The final stage of mediation is the implementation phase. In this phase, mediation success is directly linked to the durability of mediated settlements (Greig and Diehl, 2012).

Other factors that help to measure successful mediation efforts includes the examination of a simple analysis of agreement and outcome types and their impact on the conflict in question (Sandu, 2013, p. 35).   These usually refer to either a settlement or a resolution. A resolution is perceived to be superior to settlement, especially as it is seen as dealing with the root causes of the conflict and negating the need for future conflict or conflict management (Sandu, 2013, p. 33; please refer to Burton, 1987).   A settlement often involves a simple cessation of conflict behaviour (such as a ceasefire) and this is perceived as a damaging half-measure effort that has the potential of allowing conflict to erupt again (Sandu, 2013, pp. 13-

14; please refer to Burton, 1987). However, the notion that resolution alone implies a successful mediation outcome is restrictive and incorrect. Firstly, arriving at a mutually acceptable resolution is rare and difficult - especially if the parties have experienced years of violence and destruction (Sandu, 2013, p. 35). Secondly, it is impossible for attitudes and behaviour to change overnight or in the course of a few years (Sandu, 2013, p. 32). Additionally, settlements do lead to satisfaction if one were to take the example of settlements that occurred for the Sudanese war. The settlements (Addis Ababa, in 1972 and the Comprehensive Peace Agreement, in 2005) did not deal with the root causes of the war but they did lead to an 11-year cease-fire which allowed people to return to their lives without the fear of being killed (Sandu, 2013, p. 33). In addition, settlements ensure the life and safety of individuals before everything else (Bercovitch, 2011, p. 295). Hence, both resolutions and settlements are measures of success depending on the area of concern. If it is to immediately save lives, settlements are the best. If it is to investigate and address the root causes of war, resolutions are preferred.

Sandu's Contribution- Evaluating and measuring the effectiveness of mediation

Similar to Blair, Sandu has presented main arguments on the evaluation and measurement of the success of mediation. Sandu (2013, p. 34) maintains that factors that help measure the success of mediation efforts include personal, situational, interactional, and motivational factors. Personal factors, which refer to their identity of parties, can help measure if the mediation effort was successful or not. The mediator and the parties have their own interests, perceptions, and resources, which influence their behaviour. The more active those key players are, the higher the chance for a more successful mediation process and outcome (Sandu, 2013, p. 34). Passiveness hampers the mediation effort.

Situational factors encompass factors such as the physical, social, reputational and power relations between the parties (Sandu, 2013, p. 34). Each of these may affect the achievement of success. For example, a neutral environment is far more conducive to success than mediation in one's own territory. A neutral environment allows for parity between parties in conflict to occur. This creates more chances for a more effective mediation as an imbalance of power (which can potentially occur when mediation occurs in a partisan territory) reduces motivation and constructive engagement and negotiations (Sandu, 2013, p. 34).

Interactional factors refer to the overall nature of the relationship and the extent to which it is competitive and based on either a zero-sum understanding of the conflict or a co-operative understanding where each party recognises that gains may be made by all (Sandu, 2013, p. 34). Many other aspects come into force here; however, it is important to note that, if the warring parties had a good relationship in the past, they are more likely to try to conclude a successful agreement (Sandu, 2013, p. 34).

Motivational factors affecting success or failure in mediation include the parties' genuine desire to submit, and commit, to mediation (Sandu, 2013, p. 34-35). When only one party requests mediation, the chances of success are slim. However, when adversaries both share

the same set of motivations and request mediation, a successful outcome is more likely to result (Sandu, 2013, p. 35).

Sandu further maintains that, in addition to personal, situational, interactional, and motivational factors, the type of conflict, selecting an appropriate mediator for the type of dispute and appropriately preparing for the mediation are all factors that can help to measure mediation efforts (Sandu, 2013, p. 35). As mediation success can be attributed to the mediator's knowledge, experience and skill, the mediator should be well prepared for the task and should have excellent listening skills. He or she should be trustworthy and able to keep information confidential (Sandu, 2013, p. 35). Sandu also maintained that the mediator should be inclusive and impartial.

Marcil and Thornton (2008, p. 5) agree with Sandu's main arguments. Marcil and Thornton maintain that, despite the fact that mediation may be a parties-driven process, the mediator's knowledge, experience and skill has a significant impact on the outcome of the mediation. About listening skills, the mediator should have excellent listening skills, he or she should be able to keep information confidential, he or she should be trustworthy and a realist (Sandu, 2013, p. 35). In addition, the mediator should be neutral and he or she should never give the impression that he or is leaning in favour of any of the conflicting parties. The mediator should pay equal respect and attention to the parties involved in the mediation. In other words, he or she should be impartial. Impartiality is a foundation of mediation and so, if a mediation process is perceived to be biased, this can undermine meaningful progress to resolve the conflict (United Nations, 2012, p. 24-25).

For Marcil and Thornton (2008, p. 4), failure to properly prepare for mediation will be time-consuming and will slow the mediation process down. Responsible and credible mediation efforts require good preparation (United Nations, 2012, p. 22). Preparedness involves and combines the individual knowledge and skills of a mediator with a cohesive team of specialists as well as the necessary political, financial, and administrative support from the mediating entity (United Nations, 2012, p. 22).

Preparedness further entails the development of key strategies for different phases (such as pre-negotiations, negotiations, and implementation), based on comprehensive conflict analysis and stakeholder mapping, including examination of previous mediation initiatives (United Nations, 2012, p. 22). As the mediation process is not linear, not all elements can be fully controlled. As a result, strategies need to be flexible to respond to the changing context (United Nations, 2012, p. 22). Preparedness allows the mediator to guide and monitor the mediation process, help strengthen the negotiating capacity of the conflict parties and other stakeholders, assist them in reaching agreements, and garner support (including among international actors) for implementation (United Nations, 2012, p. 23). A well-prepared and supported mediator is able to manage expectations, maintain a sense of urgency while avoiding quick-fix solutions, and effectively respond to opportunities and challenges in the overall process (United Nations, 2012, p. 23).

With regard to inclusivity, this refers to the extent and manner in which the views and needs of conflicting parties and other stakeholders are represented and integrated into the process and outcome of a mediation effort (United Nations, 2012, p. 25). Of course, an inclusive process does not imply that all the stakeholders will be able to participate directly in the formal negotiations but facilitates interaction between the conflicting parties and other stakeholders and creates mechanisms to include all perspectives in the process. Without an inclusive process, it will be more difficult to identify and address the root causes of conflict and ensure that the needs of the affected sectors of the population are addressed (United Nations, 2012, p. 25). Inclusivity also increases the legitimacy and national ownership of the peace agreement and its implementation.

Other measurements of successful and effective mediation

According to Susskind and Cruikshank (1987, p. 276), there are criteria to assess whether mediation is successful or not. First, there should be absence of violence; second, the agreements should be approved internationally and domestically; third, the mediation process has set good precedents in the eyes of the world community; fourth, measures have been applied to ensure the implementation of agreements; and finally, better relationships among the disputing parties.

Waehlisch and co-authors (2009, p. 13-19) maintain that the following indices should be used to evaluate the success of international mediation: relevance, effectiveness, impact, sustainability, efficiency, coherence, linkages, coverage, and consistency. Relevance looks at how the intervention responds to the needs of the broader conflict context. Effectiveness looks at whether the intervention reached its objectives and impact at the long and short-term effect of the intervention. With regard to sustainability, this looks at the benefits of the intervention after mediation has ended. Efficiency looks at the costs of mediation in relation to its benefits and coherence (and co-ordination) at whether the mediation and intervention is consistent with the larger policy context in which it takes place. With regard to linkages, Waehlisch and co-authors (2009, p. 16) maintain that this looks at whether the mediation links with activities and policies in other peacebuilding sectors.

For Waehlisch and co-authors (2009, p. 17), coverage looks at whether the mediation covers a broad range of stakeholders, issues, and regions. Consistency looks at whether the mediation is consistent with the norms and values of donors or implementing agencies.

Haass (1988, p. 232) maintains that, in order to deem whether mediation has been successful or not, the following prerequisites should be present: mutual desire for accord, benefits for all conflicting parties, a negotiating process that is acceptable to all and leadership that is strong enough to maintain compromise.

Bercovitch, in his article on *"Mediation Success or Failure: A Search for The Elusive Criteria"* considers methods and standards for evaluating international mediation efforts. He asserts

that, since mediation may pursue many different goals, different sets of criteria will be needed (Bercovitch, 2011, p. 302). Both subjective and objective criteria should be used. By using subjective criteria and evaluative framework, Bercovitch (2011, p. 302) maintains that mediation can be evaluated as being successful if 1) the parties express satisfaction with the process or outcome of mediation, or when either or both of these are perceived as fair, efficient, or effective; 2) the mediated outcome is seen as fair when the parties' expectations are met, or when allocation of scarce resources is consistent with the principles of equality, equity or need (fairness); 3) international mediation emphasises timeliness, minimises costs and produces outcomes that maximise the benefits each party experiences—(efficiency); 4) the mediated outcome is effective, that is stable and realistic and offers opportunities to avoid similar disputes in the future (effectiveness).

In terms of an objective evaluative framework, Bercovitch (2011, p. 291) argues that successful mediation would have the following elements: 1) the cessation of violent behaviour and opening of a dialogue between parties due to mediation; 2) parties embrace a formal outcome that settles many of the issues in dispute and produces new and more productive interaction.

Bercovitch also looked at other factors that can help assess whether the mediation process is successful or not. Similar to Sandu, these factors are categorised as personal/role factors, situational factors, interactional factors, and motivational factors. Personal factors refer to the identity of a mediator. Whether the mediation is carried out by private individuals, government officials, religious figures, regional, non-governmental and international organisations, *ad hoc* groupings, or heads of states, each brings to the mediation situation its own interests, perceptions, and resources (Bercovitch, 2011, p. 299). Hence, each will adopt varying behaviour that ranges from the very passive, through the facilitative, to the highly active. For instance, individuals possess great flexibility and can work in conditions of secrecy to assure the parties of confidentiality. NGOs have their advantages but they are limited in terms of resources and can easily be manipulated. Heads of states, on the other hand, can bring to bear an array of resources and advantage to change parties' behaviour. For Bercovitch (2011, p. 299), heads of states are more likely to have a successful mediation and outcome.

Situational factors include aspects such as the physical, social, reputational, and power relations between the parties. Each of these may affect the achievement of success. Obviously, when one party has more power than the other does, it reduces the motivation to engage in mediation or accept any outcome (Bercovitch, 2011, p. 299). Hence, power parity is key.

Additionally, a neutral environment is far more conducive to success than mediation in one's own territory (Bercovitch, 2011, p. 299). This option is not always available. In the case of Madagascar, the mediation took place in different locations and the Roadmap for Ending the Crisis was signed in Maputo.

Interactional factors refer to the overall nature of the relationship and the extent to which it is competitive and based on either a zero-sum understanding of the conflict or a co-operative understanding where each party recognizes that gains may be made by all (Bercovitch, 2011, p. 300).

Motivational factors affecting success or failure include the parties' genuine desire to submit, and commit, to mediation (Bercovitch, 2011, p. 300). A joint request for mediation is indicative of a high motivation and desire to settle a conflict. When only one party requests mediation, the chances of success are low (Bercovitch, 2011, p. 300).

In another of his works, Bercovitch also mentions that the relationship between the mediator and conflicting parties can be used to evaluate whether mediation will be successful or not (Bercovitch and Gartner, 2006, p. 333). Bercovitch and Gartner (2006, p. 350) maintain that mediation is more likely to be successful when the parties had previously friendly relationships, the balance of power between them at the time of the mediation is equal, and the conflict is of low intensity, the mediation was initiated early, directive mediation strategies are utilised, and highly experienced mediators are leading the process. In addition, Bercovitch and Gartner (2006, p. 350) maintain that multiple mediation attempts by the same mediator had the potential to decrease the likelihood of successful outcomes.

For Nathan, mediation will have a higher probability of success if (i) the parties own the agreement (ii) when the mediation process and negotiations are inclusive (and including civil society) (iii) when there is a relation of trust and co-operation between the mediator and the conflicting parties (iv) when the mediator is impartial, adaptive, creative and assists the parties to address the root causes of the conflict and when (v) the drafting and implementation of peace agreements are linked (Govender and Ngandu, 2009).

Another framework presented in order to assist in evaluating mediation parties' objectives and goals has to do with the fact that, if the parties' objectives and goals have been considered and achieved during the mediation process, the assumption is that the mediation process has been successful.

The Management of Complexities as a factor of effective mediation

To reiterate, mediation is a complex process involving the disposition of the parties, multiple actors, and systems and structures. In terms of the disposition of parties, mediators in civil wars are confronted by parties, leaders, and other individuals at their very most unco-operative and who are determined to defeat their opponent (Nathan, 2014, p. 5). The parties do not want to reach an agreement or negotiated settlement (Nathan, 2014, p. 5). They may even prefer violence. Hence, at this point, the mediator will find it difficult to make progress despite backing from states and international organisations. Without consent and co-operation from the conflicting parties, a favourable outcome by the mediator will be impossible to achieve.

Regarding multiple actors, mediators are also challenged by the fact that, during the mediation process, they need to bear in mind the array of domestic, regional, and international actors, each with its own goals, motives, priorities, and interests (Nathan, 2014, p. 5). All civil wars have regional and international dimensions, with an array of supporters and opponents in neighbouring states and beyond (Nathan, 2014, p. 6). In order for a successful mediation process and outcome, the situation at hand must somehow be managed by the mediator without losing sight of those in conflict and the primary goal at hand (Nathan, 2014, p. 6). It needs to be an inclusive process.

When looking at systems and structures, the challenge for mediators is the environment in which they operate. In democratic countries, mediators are contained and restrained because of the rules, norms, and structures. There is consensus that the methods for addressing domestic conflicts should be non-violent (Nathan, 2014, p. 8). In addition, there is consensus that the competent authorities for managing and overcoming disputes encompass parliament, the executive, local municipalities, the police, and the courts (Nathan, 2014, p. 8).

In an archaic environment, mediators find themselves in the tricky situation due to the fact that the system of politics and governance is not viable or legitimate (Nathan, 2014, p. 8). As a result, and authorities in that environment cannot assist the mediator and mediation process, the mediator is operating in an unsupportive environment.

Managing the Complexities of Mediation

In order to address the complexities of mediation to prevent, manage and resolve conflict, Menkhaus (1996) maintains that research is important. There is a need for research that is specific to the country in which the mediator is working, conveying insights into historical and contemporary conflicts, peace-making, and culture. There is also a need for generalised theory that is spread across various cases, regardless of their specificities.

In terms of theory, the mediator will need to have an understanding of Zartman's (2000) ripeness theory, which has been previously explained.

Another conceptual tool that could be helpful to mediators includes understanding the distinction between a party's positions (i.e. its stated demands), its interests (i.e. the perceived benefits, costs and threats that inform the positions) and its needs (i.e. the elemental aspirations and fears that underlie the positions and interests) (Nathan, 2014, p. 11). This distinction is enlightening due to that fact that, while it would seem that the warring parties may well have common interests and they are likely to have similar needs, such as, for respect, dignity and security (Nathan, 2014, p. 11). During negotiations, the mediator can focus on the potentially compatible interests and needs, thus shifting the debate away from the parties' competing positions.

With regards to addressing the complexities of mediation, specific structures and methods are needed to monitor and analyse a conflict at the requisite level (Nathan, 2014, p. 12). Mediators need to work closely with intelligence agencies in other countries to garner relevant information that can assist the mediation process - that of the parties' objectives, expectations, internal debates, external alliances and military movements and capabilities (Nathan, 2014, p. 12). At present, "ignorance-based decision-making" is the norm rather than the exception in international mediation, especially in the early phase of peace-making when mediators are least familiar with the conflict (Brahimi and Ahmed, 2008, p. 6). This leads to poor judgements and decisions with long-lasting consequences (Brahimi and Ahmed, 2008, p. 6).

Mediators will also greatly benefit from strategic planning, skills, and expertise in order to address the complexities of the mediation process. A lack of a strategic plan leads to a lack of direction, assertiveness, and consistency, as well as reducing the mediator's credibility in the eyes of the parties and partners (Nathan, 2014, p. 12). In terms of expertise, there is a need for mediators who are competent and skilled with the relevant mediation techniques (Nathan, 2010, p. 2).

Managing "Spoilers" as part of effective Mediation

As outlined above, many factors influence the effectiveness of mediation and one of them is the issue of spoilers. In order to have an effective mediation process, the mediator or mediators need to effectively manage the problem of spoilers.

The concept of spoilers was first introduced by Stedman who emphasised its connection to mediators and their effectiveness. In his article "*Spoiler Problems in Peace Processes*", Stedman (1997, p. 5), defined "spoilers" as leaders and parties who believe that the peace emerging from negotiations threatens their power, worldview, and interests. Hence, the "spoilers" ensure that they hinder the mediation process by any means. Other definitions of "spoilers" come from Aggestam (2006, p. 23) who maintains that "spoilers" are "leaders and factions who view a particular peace as opposed to their interests and who are willing to use violence to undermine it." Newman and Richmond (2006, p. 1) define "spoilers" and spoiling as tactics and groups that seek to hinder, delay and unmine peace processes by various means and for different reasons. Wanis-St. John's (2008, p. 3) definition maintains that "spoilers" are civil society groups that have a significant role in undermining an agreement or encouraging instability in the peace-building phase. Wanis-St. John's definition of "spoilers" is very specific and narrow as it only focusses on civil society. Newman and Richmond's definition is very broad and Stedman only looks at leaders and parties and no other stakeholders such as countries, institutions and the likes. Nevertheless, I argue that "spoilers" refers to any actor, in or outside the conflict, who wishes to hamper and impede the mediation process in order to protect their own needs and interests. "spoilers" will use various method to achieve this, ranging from covert to open methods, from violent to non-violent. Moreover, I argue that, for a "spoiler" or "spoilers" to exist, a form of mediation or

peace negotiation should be taking place since, without a possible peace to spoil, "spoilers" cannot exist.

Potential effects of "spoiler" tactics

Literature reveals that 'spoiling' can have two effects, if successful. The first is the complete derailment of the mediation and peace process. When this occurs, the repercussions are catastrophic. Angola (1992) and Rwanda (1994) are both cases of 'successful "spoiling"' (Stedman, 1997, pp. 8-7). In both cases the casualties of failed peace were higher than the casualties of war (Stedman, 1997, pp. 8-7). When Savimbi acted as the "spoiler" and refused to accept the outcome of UN-monitored elections in 1992, Angola was plunged back into civil war and approximately 300,000 people died (Stedman, 1997, pp. 8-7). When Hutu extremists in Rwanda rejected the Arusha Peace Accords in 1994, the genocide that ensued resulted in the deaths of over 800,000 Rwandans in less than three months (Stedman, 1997, pp. 8-7).

The second effect of "spoiling" is the revision and changing of the current peace process and the peace agreement (Newman and Richmond, 2006, pp. 2-8). Thus, in this instance, "spoiling" does not signify the end of a peace process, but the inclusion of new ideas and the eventual development of a new peace agreement. That being said, "spoiling" is very risky, no matter what the reasons for "spoiling" are. Newman and Richmond (2006, pp. 2-8) point out that peace, in general, cannot sustain high levels of "spoiling", whether or not it is to derail the mediation completely or to introduce new ideas into the peace process. The mediation will eventually collapse and conflict will continue or even escalate. It is therefore important to deal effectively and decisively with any form of "spoilers" that emerge during peace processes.

Dealing with a "spoiler"

In order to tackle and effectively mitigate the problem of "spoilers", a comprehensive analysis of each potential "spoiler" must be done thus showing the spoilers' interests, leadership, composition, motives, available resources, positions in conflict, strategies and perception of the conflict (Kastrati, 2014, p. 319). This exercise will assist in identifying the spoiler's allies and adversaries (Kastrati, 2014, p. 319). By doing a comprehensive analysis of emerging "spoilers" in a mediation process, seasoned and skilful mediators will be able to determine what kind of methods and strategies should be applied to deal with each "spoiler" (Kastrati, 2014, p. 319). This notion is in line with Stedman's central argument on dealing with "spoiler" problems. According to Stedman, one first needs to identify the category of "spoiler" problems. Then, depending on the category, the three strategies of coercion (hardest) socialisation and inducement (softest) should be used (Stedman, 1997, pp. 10-15). Inducement is a method which aims to persuade "spoilers" to join the peace process. This method involves taking positive measures to address the concerns of the "spoilers" and engaging them in the negotiation process (Kastrati, 2014, p. 319).

The method of socialisation refers to the method whereby "spoilers" are "socialised" to accept the new norms suggested by the mediator. One way to do this is to "name and shame" the "spoilers" so that their legitimacy and support is undermined. In this way, "spoiler" groups are forced to accept certain norms, because the alternative could mean their position is significantly weakened (Hofmann and Schneckener, 2011, p. 10).

The coercion method threatens to punish "spoilers" who do not comply with the normative behaviour and aims to reduce their capabilities to undermine the peace process (Stedman, 1997, p. 12). Use of the coercion method makes use of different strategies such as coercive diplomacy, applying force to defeat the "spoiler" and withdrawal strategies (Stedman, 1997, p. 12). Overall, the three methods are used to convince the "spoilers" to negotiate, accept and implement peace agreements.

Stedman maintains that mediators are usually confronted with several different "spoiler" problems depending on (i) the position of the "spoiler", (ii) the number of "spoilers", (iii) the type of "spoiler", and (iv) the locus of the "spoiler" problem (Stedman, 1997, p. 25). A peace process may be threatened from three types of "spoilers": limited, greedy, and total "spoilers" and, in terms of position, the "spoilers" can be located either inside or outside the peace processes. Insider "spoilers" are involved in the peace process and tend to be secretive while outsider "spoilers" are not parties to the peace and often use strategies of violence (Stedman, 1997, p. 8). "Spoilers" can be one or many and, for Stedman, their behaviour can be influenced by the leader or the followers (Stedman, 1997, pp. 8-12).

Limited "spoilers" have limited goals and usually their demands can be met by adjusting the peace process so that it better reflects their interests and preferences (Stedman, 1997, p. 14-15). Hence, inducement is the best method to deal with limited "spoilers". However, if limited "spoilers" cannot be accommodated with inducement then measures of socialisation or coercion may be applied (Kastrati, 2014, p. 325).

Greedy "spoilers" are more opportunistic and their demands depend on the conditions on the ground and the calculation of risks and costs (Stedman, 1997, p. 14). Thus, the socialisation method is the best approach to use in order to deal with greedy "spoilers" (Kastrati, 2014, p. 325). On the other hand, total "spoilers" can only be mollified by achieving total power and recognition of authority. Hence, their demands are non-negotiable and they oppose any compromise (Stedman, 1997, pp. 14-15). Since total "spoilers" cannot be induced or socialised, in order for mediation to progress, total "spoilers" must be either defeated or marginalised so that they can do little to damage the process (Stedman, 1997, pp. 14-15). Hence, the use of force, coercive diplomacy and the departing train methods have proved to be appropriate in dealing with total "spoilers".

Overall, "spoilers" pose a real threat to peace processes and agreements. Thus, before any strategy is devised to deal with the "spoiler" effectivity, it is important to know the nature, the motives, and the potentials of "spoilers". Moreover, for any mediation effort to be

effective and for the peace process to progress, "spoilers" need to be dealt with efficiently and decisively.

Concluding Remarks

In this section, the various definitions and characteristics of mediation were provided. In this thesis, the definition of mediation that is used is that mediation is the process whereby a third party assists warring and conflicting parties, with their consent, to prevent, manage or resolve a conflict by developing mutually acceptable agreements.

This section also looked at the existing theories as to why and when mediation takes place, they types of prominent mediation styles that exist, the factors used to measure the effectiveness of mediation efforts, including the management of various complexities with which mediators are faced, the management of "spoilers" in the mediation process and the characteristics of the effective mediator. Overall, there have been some ideas put forth to determine what constitutes an effective mediation process. While some have looked at concepts such as fairness and efficiency, others have looked at consistency, the presence of a signed agreement, sustainability, benefits, and leadership. Whatever the case, it is clear that the arguments and theories that have been proposed and discussed so far differ from each other and, like all existing theories and concepts; they have some shortcomings and cannot be exhaustive in accurately estimating what constitutes an effective mediation process. For instance, referring to the agreement criterion for measuring success and competency by having a durable signed agreement, this criterion has been faced with criticism primarily because a signed agreement is not necessarily the ultimate goal of mediation. In addition, the durability of settlements should not only be naively associated with a mediator's will and skill. In addition, there are cases where a signed agreement was negotiated and peace did not occur nor did the parties stop fighting. According to the United Nations (UN), African conflicts have resulted in the most peace agreements and several of these have failed to lay the foundations for sustainable peace. The non-compliance and non-adherence of the peace agreement does not mean that the mediation process failed because peace agreements were not held. The two events are distinct.

With regard to shortcomings, one must point out that indices such as fairness, efficiency and the like, are key in assessing and evaluating mediation processes. However, they are abstract and relative concepts. Hence, using them as indices means that one cannot expect a precise, certain, and a definite assessment of the mediation cannot take place.

With regards to achieving the parties' objectives and goals, these change throughout the process. Hence, measuring mediation success in terms of parties' goals make it impossible to formulate a consistent conceptualisation of mediation success (Vuković, 2014).

Additionally, it important to point out that since mediation occurs in a context of complex political, economic, social, and cultural processes, it is difficult to devise a general framework

for evaluating mediation. International mediation processes are not uniform and, as such, it is quite difficult to establish a one-size-fits-all set of criteria with which to assess achievement of the various objectives of mediation (Vuković, 2014). Simkin, one of the first practitioners to reflect on the mediation process, characterised any attempt to define mediation behaviour and outcomes as being a futile exercise. Success or failure of mediation is firstly relative and linked to too many intangible factors, variables, situations, and contexts that range from interests, needs, justice, fairness, and sustainability to benefits, objectives, scope, time, and actors. Hence, Simkin simply related mediation success to the mediator's ability to empathise with the surroundings (Munévar, 2005, p. 71). That too is problematic.

Concerning Sandu's and Blair's indicators, it is important to note that none of them can be used alone as a total indication of success. They are interdependent and a truly successful outcome is one that meets more than one or two criteria (Bercovitch, 2011, p. 294). Satisfaction and fairness mean little if mediation has proven to be ineffective in a practical sense, likewise efficiency and effectiveness mean little if parties are not satisfied (Sandu, 2013, p. 35).

However, that is not to say that the theories and approaches discussed in the sections do not have their own merits. They are still valuable as they permit systematic analysis in the absence of an existing general evaluative framework.

General Mediation Themes and Challenges in Africa

Literature reveals that the main strategies that have been used during African conflict resolution are the traditional mechanisms of coercive or semi-coercive strategies (peace-making, peace enforcement, armed intervention, and sanctions); and political strategies (mediation, negotiation, facilitation, high-level groups, summits, commissions, and other political instruments) (Aall, 2015, p. 5). Literature also reveals that the fact that Africa's regional institutions have made appreciable progress in promoting peace, the results of the African conflict resolution strategies and tactics have had mixed results due to recurring themes and challenges that need to be resolved and strengthened in order to carry out further effective conflict resolutions in Africa.

Some of these themes and challenges are outlined below.

Intervention by individual external powers

The first theme shows that the main actors intervening in African conflicts tend to come from outside of the African continent (Aall, 2015, p. 1). These come in the form of International organisations such as the UN or European Union (EU), or former colonial powers. For instance, the Portuguese co-ordinated the negotiations between Angola's factions in the 1990-1992 crisis and France has intervened militarily in some of her former colonies such as Côte d'Ivoire (2003 and 2010) and Chad in order to resolve conflict (Achankeng, 2013, p. 30).

It is agreed that collaborations between African and international actors is vital to conflict prevention and mediation in Africa (AU Commission Report, 2009, p. 4). Hence, partnerships and collaborations between African states, the AU and African RECs such as SADC, the Economic Community of Central African States (ECCAS), the East African Community (EAC), the Arab Magreb Union (AMU), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Common Market for Eastern and Southern Africa (COMESA) is welcome and recommended in order to keep peace and stability on the African continent and in order to resolve conflict (Nathan, 2009, p. 10). Similarly, partnerships between the AU, UN and EU and partnerships between the AU and civil society organisations (CSO's) are important in order to ensure that there is co-operation, co-ordination, joint solutions and support between and within the actors in the field of conflict prevention and mediation (AU Commission Report, 2009, p. 7). However, having too many actors trying to mediate and resolve conflict has the potential to bring a host to challenges such as who takes the lead of the mediation process, which mandate is being adhered to, and others. Without better co-ordination and clear boundaries about roles and responsibilities, tensions and competition will arise that will hinder the mediation process (Nathan, 2009, p. 22).

There is a need to strengthen the peace and security architectures of the existing RECs legal and the institutional frameworks in order to support regional collective security, clarify roles, and guide the harmonisation of the existing peacebuilding strategies and programmes (Adetula, Bereketeab, and Jaiyebo, 2016, p. 40-41). There is also a need to improve and implement the organisational and decision-making capabilities necessary for effective management of peace support processes and operations within the AU and the African RECs (Adetula, Bereketeab, and Jaiyebo, 2016, p. 40-42).

Competition by various actors, such as France and the UN, have affected the SADC mediation process as they had their own interests and agendas that, at times, conflicted with those of SADC.

Lack of Resources, Support and Capabilities

The second theme and challenge that defines conflict resolution in Africa is that, during crises in Africa, the RECs and the AU have repeatedly deployed mediators in complex and protracted conflicts without adequate political, technical, administrative, and financial support (Nathan, 2009, p. 15). This shortage of support, capacity and resources has meant that conflict prevention and mediation efforts in Africa have taken an improvised or reactive approach, rather than an institutionalised approach (Mottiar and Van Jaarsveld, 2009, p. 18). One of the key impacts of this has been mediation in Africa, which requires long-stay, has not been possible and has made the process vulnerable to biased interference from external actors who wished to impose their own agenda (Nathan, 2009, p. 22). This was a key feature in the case of SADC's mediation in Madagascar and it hampered the mediation process. Hence, a

strong resource base is a necessity for successful and sustainable peacebuilding initiatives in the region (Adetula, Bereketeab, and Jaiyebo, 2016). As Adetula, Bereketeab, and Jaiyebo (2016) assert, African RECs and the AU are intergovernmental organisations and African leaders should mobilise the needed resources, capabilities and support to carry out the expectations of the charters and mandates of the respective organisations during conflict resolution (Adetula, Bereketeab, and Jaiyebo, 2016).

The Exclusion of main actors such as Civil Society Organisations and Women

Another theme and challenge to mediation in Africa includes the fact that, in most cases, civil society and women have generally been excluded during conflict resolution in Africa. Civil society has a key role to play in terms of conflict resolution and helps to bring a broad range of social and political interests to the negotiating table, making the peace-making process more inclusive and participatory (Adetula, Bereketeab, and Jaiyebo, 2016). Moreover, CSOs also contribute to post-conflict restructuring processes and reconciliation through grassroots engagement in communities (Venturi, 2011, p. 7). CSOs also play a critical role in ensuring the meaningful inclusion of women in preventing and resolving conflicts as well as in longer-term peacebuilding efforts. Research reveals that the participation of women in mediation generally increases the quality of peace agreements; hence, there is need for a concerted effort on behalf of the mediating bodies in Africa to collaborate and include women and CSOs in the mediation process.

In addition to the exclusion of CSOs and women, the fact that local populations are ignored in the planning and implementation of post-conflict intervention programmes and activities is another challenge hindering successful African conflict resolution. This challenge needs to be reversed so that the imperialism of international NGOs or the tyranny of local NGOs can be avoided (Adetula, Bereketeab, and Jaiyebo, 2016).

The use of prominent individuals as mediators

Another challenge and trend across mediation efforts in African conflicts is that, to meet the regional dimensions of the conflicts, diverse African mediators, such as presidents, diplomats, foreign ministers, elder statesmen, and special envoys have intervened to help combatants rebuild the institutions of political order, social cohesion, and economic stability (Khadiagala, 2007, p. 47).

African RECs choose such prominent figures to lead mediation processes because these individuals are highly respected and they have various levels of expertise in mediation, which they use to foster peace. However, Nathan (2009) maintains that African RECs should consider moving away from the appointment of such high-level mediators due to that fact that this has its limitations and is costly. Firstly, it is difficult for former Heads of States to remain in the conflicting country for long periods as most have demanding work that need their attention in their home countries. Mediation is generally an *ad hoc* task undertaken by

such individuals and, since gaining momentum, trust from the conflicting parties and long-stay are key elements for effective international mediation efforts, regardless of a lack of resources, long-stay is difficult to achieve when a former Head of State is the lead mediator.

Secondly, not all former heads of states or diplomats are seasoned mediators or have the appropriate mediation skills or authority that will result in sustainable and effective mediation. In the case of Zimbabwe, SADC's mediator, former President Mbeki, was criticised for his "quiet diplomacy" approach towards Mugabe. Mbeki did not have the skills or the authority to give directives to Mugabe. Instead, his "quiet diplomacy" approach provided cover to Mugabe and his allies as they systematically turned Zimbabwe into a failed state (Adelmann, 2004, p. 252).

Similarly, former president Masire's mediation efforts in the DRC collapsed in 2009 because he was unsuccessful in getting the conflicting parties to co-operate. Parallel to Mbeki and Chissano, Masire did not have the required skills or authority needed to garner compliance of the conflicting parties.

Third, former heads of states and the diplomats that the AU, SADC, and other RECs rely on may be experienced mediators but the mediation team that is meant to give them guidance and analytical and technical skills may not possess those same skills. Hence, there is a need to grow the pool of proficient professional mediators through capacity-building and training workshops, supported by the former heads of states and diplomats that have been involved in mediation in African conflicts.

A lack of an evaluative framework to measure effective mediation

Another theme and challenge related to conflict resolution in Africa has to do with the fact that there has been no systematic effort to evaluate mediation endeavours, identify positive and negative lessons, adapt methods and systems accordingly and establish a central repository of knowledge (Nathan, 2009, p. 15). In the case of SADC specifically, Nathan (2016) maintains that the lack of an institutionalised and formalized peace-making and peacebuilding recordkeeping mechanism in SADC is due to (i) an absence of common values among member states as well as a lack of mutual trust and common policies; (ii) the reluctance of these member states to surrender a degree of sovereignty to SADC, which is a *sine qua non* of regional integration; and (iii) the economic and administrative weakness of the member states, which affects all SADC's forums and programmes. However, in order for SADC and other RECs in Africa to conduct effective peace-making and mediation efforts on the continent, there is a need for these RECs to review ongoing mediation; assess the evolving dynamics of the conflict; evaluate the strengths, weaknesses and efficacy of the mediation strategies and tactics; decide whether adjustments should be made; and consider means of overcoming obstacles to progress (SADC, 2010). The relevant RECs should liaise with key and relevant actors in order to devise relevant evaluative criteria and frameworks to assess mediation efforts. These actors include international mediators, mediation theorists and

experts, academics, think tanks, institutions (within the region and internationally such as IGAD, the UN and the EU). RECs should also consult key documents (such as the OECD-DAC report and the Swiss report on "*Evaluating Peace Mediation*"). The main aim is, by consulting and partnering with experts in the field of assessing mediation, peer-to-peer learning occurs as well as general criteria and frameworks will be devised which gives flexibility for evaluators to revise the framework in accordance with the specificity of each mediation case.

Vague and Contradictory Mandates

Vague and contradictory mediation mandates are another theme and challenge regarding conflict resolution in Africa.   Mandates are key in conflict resolution as they project the position of the mediating organisation's member states, set the parameters of the conflict resolution process and outcome, appoint the mediator as an agent of the organisation, confer authority and legitimacy on the mediator, provide instructions to the mediator, and send messages to the conflict parties and other actors (Nathan, 2017, p. 161). Mediation mandates also generate incompatibilities and tensions between international organisations, between member states, between the mediating body and the mediator, between the mandate issued by the mediating organisation and the mandates emanating from the conflict parties, and between the various norms covered in normative mandates (Nathan, 2017, p. 165). Hence, it's drafting and execution is important.

According to Nathan (2017), there are several types of mandates. These are (i) The constitutional mandate - this is enshrined in the charter or high-level policies of a multilateral organisation and entails a general authorisation for that organisation to engage in mediation, (ii) the political mandate which is authorised by a multilateral organisation and provides guidance and instructions to the mediator, thus setting the parameters of the mediation process and outcome (iii) a donor's mandate whereby the donors who fund a mediation give instructions to the mediator or mediating body and (iv) the parties' mandate which entails the conflict parties' acceptance of mediation and the mediator (Nathan, 2017, p. 157).

In the case of African mediation processes, research reveals that the mandates that have been produced have been flawed, contradictory and, thus, have set up the mediation process to fail.   In the case of Zimbabwe, for instance, research reveals that the SADC mandate issued to the mediator included the promotion of peace, stability, sovereignty, and democracy in the country. However, these aims were hard to reconcile in the Zimbabwean case (Aeby, 2017, p. 272). Several mediation efforts had been undertaken previously since the beginning of the Zimbabwean crisis, however, the new mandate ultimately led to tensions and locked SADC and the Zimbabwean conflict parties into a gruelling negotiation and transitional governance process for over six years (2007-2013) (Aeby, 2017, p. 272). The mandate was also constantly revised and evolved from brokering elections that met democratic standards to facilitating a power-sharing arrangement, the implementation of the transition plan, and agreement on a roadmap to credible elections (Aeby, 2017, p. 274). This reveals that, in the drafting of the

mandate, key intelligence and information was not provided to the Secretariat in order to inform the peace-making mandate appropriate to the Zimbabwean conflict and situation.

In the case of Madagascar, Witt (2017) maintains that Chissano's mandate, which expressed the ideals of mediation as a voluntary, consensual, and inclusive process owned by the parties themselves, which the impartial mediator assists, contradicted the realities on the ground and was impossible to realise. I do not agree with Witt. SADC had its challenges to carry out its mandate but the mediation process was as inclusive as it could be and general elections in Madagascar were held in 2013. Hence, it was not an impossible mandate to realise. That said however, there is a need for the RECs to strengthen their mediation mandates by consulting and collaborating with each other and with centres of excellence in the field of mediation, the chosen mediators, and relevant actors. Moreover, before mediation mandates are issued, there is a need for RECs to conduct thorough fact-finding missions in the conflicting country and to work with the local institutions and CSOs in order to make the mandate more appropriate to the conflict and in order for the mediation efforts to be more concise and strategic.

Overlapping Mandates

Related to the issue of vague and contradictory mandates is the challenge and theme of overlapping mandates that defines African mediation. When there is overlapping hierarchies and competition amongst mediating bodies and institutions and there is an absence of a common strategy and division of labour, the various agendas and mandates to mediate will overlap, hinder, and lengthen the mediation process (Lanz and Gasser, 2013, p. 2). Lanz and Gasser (2013, p. 13) maintain that clashing interests in international bodies is one of the reasons that drive competition between mediation bodies and states in international mediation.

This was true of the mediation process in Madagascar. Research reveals that, in the case of Madagascar, the collapse of the previous agreements of Maputo I and II and the Addis Ababa Additional Act was because the conflicting parties had been receiving mixed messages from the mediators. Moreover, the conflicting parties capitalised on the internal competition between the UN, the AU and SADC. All three institutions had mandates to mediate: the UN as the guardian of the global system of collective security, the AU as the foundation of the African security architecture, and SADC by virtue of the principle of subsidiarity (Lanz and Gasser, 2013, p. 15). Hence, all three organisations had a legitimate claim to lead the Madagascar peace process; however, there was no mechanism to clarify the hierarchy and division of labour between them. This resulted in extensive negotiations that delayed the process (Lanz and Gasser, 2013, p. 15).

The formation and implementation of Roadmaps to end Crises

The formation and implementation of road maps to mediate and resolve African conflicts is another theme and trend (Khadiagala, 2014, p. 163). The AU, by itself or in tandem with the

RECs and international actors, has invoked road maps as mediation and conflict resolution templates in Darfur, Libya, Côte d'Ivoire, Madagascar, and North-South Sudan (Khadiagala, 2014,p. 163). Moreover, it is prominent high-level mediators such as Julius Nyerere, Thabo Mbeki, and Joaquim Chissano who play critical roles in the delivery of road maps (Khadiagala, 2014, p. 163).

Roadmaps to resolve conflict in Africa are essentially guides, plans and formulae presented to end conflict. In the case of African conflicts, the roadmaps that were most effective contained both process and content components (Khadiagala, 2014, pp. 176-177). These allowed both disputants and mediators to search for solutions as they presented various formulae that were flexible enough to break stalemates and jump-start negotiations (Khadiagala, 2014, pp. 176-177).

Concluding Remarks

Overall, these are some of the challenges and trends specific to African conflict resolution undertaken by African RECs in general. African mediation is characterised by roadmaps to end crises, interventions by external international actors during conflict, the lack of resources and capacity, by reliance on former heads of states and other prominent figures to lead the mediation process, by flawed mandates and by a lack of an evaluative framework to strengthen future mediation processes. The challenges should be addressed in order for conflict resolution in Africa to be more effective and strengthened.

Literature Review on mediating in Madagascar- the *coup* of 2009

Authors such as Cawthra, Witt, Ratsimbaharison, Nathan, Lanz and Gasser, Kotzé have written about the crisis in Madagascar and SADC's interventions. Each author, in an attempt to assess SADC's mediation efforts in Madagascar, has presented various theories and arguments that have fallen into the dichotomy of either being "successful or failed". Others, such as Witt (2017), looked at just one aspect such as Mandates. She concluded that SADC's mediation was unsuccessful and based her conclusion on former President Chissano's mandate. This line of reasoning is similar to that of Nathan's who maintains that SADC's mandate was flawed and inconsistent, hence rendering SADC's mediation efforts in Madagascar ineffective.

Mandates in peace-making efforts are key in professionalising mediation. A mandate clearly states the mission's aims and goals, thus also making it a transparent process (Witt, 2017, p. 218). Through mandates, the mediator has authority and legitimacy and thus increases the chances of success. A clear mandate also makes it easier to assess whether a mediation has succeeded in realising what it was set up to achieve (Witt, 2017, p. 218). In summary, Witt maintains that Chissano's mandate was the main hindrance to a successful mediation in Madagascar. His mandate expressed the ideals of mediation - that the process be impartial, voluntary, consensual, and inclusive, owned by the parties (Witt, 2017, p. 206). However, Witt

maintains that the mandate was unattainable as it contradicted both the realities on the ground and the AU's anti-*coup* policy (Witt, 2017, p. 218).

Witt (2017, p. 217) also advanced that the mediation process was not locally owned and that the Malagasy parties did not call for mediation. This is not correct because the parties agreed to meet in order to resolve the conflict, but on their own terms. Moreover, the parties essentially accepted SADC's mediators and mediation since SADC remained as the lead mediator until the 2013 elections were held. This reveals that the parties were not able to resolve their own conflict.

Witt also fails to recognise that SADC has, through the Organ, a mandate to intervene in internal conflicts as they affect human rights and the regional integration agenda. Moreover, whether or not the parties invited SADC to mediate, SADC had an obligation to mediate based not only on its legal framework but also as a subsidiary body of the AU.

Witt (2017) also maintains that the ultimate aim of the process (elections), the path (negotiations), and the period (as short as possible) were predetermined before the mediation started. Thus, the mediation process was not seen as open nor owned by the parties themselves. Overall, the mediators acted as negotiators rather than mediators and even resorted to coercive measures in order for constitutional order to be restored. In this regard, Witt fails to understand the pragmatic approach of SADC in terms of the inclusivity of the mediation process.

Witt's research is informative. However, using only one aspect (that of a failed mandate), to assess the mediation process that SADC undertook in Madagascar is problematic and flawed as reliance on a single variable fails to give a clear picture of how different contextual variables relate to the outcome and to each other. Conflict resolution and management is a complex process and its effectiveness is the product of many variables, as indicated in the previous section, as well as mediator identity and attributes, mediation performance and behaviour, and the nature of the dispute.

Cawthra's (2010) article on SADC's mediation in Madagascar looks at the potential causes of the *coup* and gives a clear outline of the mediation efforts of SADC until 2010. Hence, it is as recent as other works on SADC's mediation in Madagascar. In his piece, Cawthra emphasised the fact that Madagascar's crises may be traced to the difficult history of democratic transition in the country, and the failure to consolidate democratic processes and structures (Cawthra, 2010, p. 7). This is important, as this point is usually overlooked or missing in other literature regarding SADC's mediation in Madagascar. Cawthra further points out that, in Madagascar, mediation had initially been carried out by the Madagascar Council of Churches, but this soon passed to the international community in the form of the AU and the UN. The pre-SADC mediation attempts were also discussed in Ratsimbaharison (2017) book, "*The*

Political Crisis of March 2009 in Madagascar"**.** The relative lack of coherent political parties, the fact that the mediators invited the participation of the Ravalomanana and Rajoelina camps as well as the former presidents, Ratsiraka and Zafy (known as *les quatre mouvances)* and the fact that the involvement of the former presidents represented an acknowledgement by the international community that the current crisis had its origins in previous cyclical conflicts and constitutional breaches was also covered in Cawthra's research (Cawthra, 2010, p. 14). By inviting all the former presidents to the mediating table, a degree of inclusivity was present. Cawthra (2010, p. 21) further assesses correctly that the international community sanctions had a key role to play in getting the Roadmap signed in September 2011. The dependency of Madagascar on foreign aid and support made way for the international community and SADC to constrain Andry Rajoelina and his supporters to negotiate and make meaningful compromises (Cawthra, 2010, p. 17). This aspect is also important and has implications for the mediation process and indicated a "win" for SADC in terms of mediation.

During his assessment of SADC's mediation, however, Cawthra categorically arrives at the conclusion that SADC had a palpable lack of capacity to support the mediation process and, as such, it is implied that the mediation efforts, as a whole, were not successful. Moreover, SADC's rather *ad hoc* approach to mediation in Madagascar should have been replaced by a more institutionalised approach (Cawthra, 2010, p. 22). Unlike Motsamai (2018), Cawthra does not present an evaluative or conceptual framework, which reveals how he came to his conclusion. Instead, he picks at various events and occurrences, which were not successful, and makes an overall assessment about the mediation process and outcome. Moreover, the lack of capacity to support the mediation process and the fact that mediation tends to be performed as an *ad hoc* process are i) a recurring theme across African conflict resolutions and ii) interdependent in the sense that it is the lack of resources and capacity that make the process performed in an *ad hoc* manner rather than in an institutionalised and formalised manner. While this does not mean that we should accept the status quo, Cawthra's argument as to why SADC mediation efforts in Madagascar failed should not be based on factors that all African RECs are challenged with when undertaking mediation.

Nathan's (2013) *"A Clash of Norms and Strategies in Madagascar"* gives a detailed account of the mediation efforts of SADC in Madagascar and also maintains that SADC's overall mediation efforts in Madagascar were unsuccessful due to several reasons. This is similar to Cawthra and Witt's overall assessment of SADC's mediation. Firstly, it is important to note that, while Nathan's (2013) work is insightful and informative, his main sources of data comes from the SADC Secretariat, a UN official, a southern African diplomat and an AU official. The SADC mediators were not consulted hence this leaves out crucial comprehensions and information in analysing the mediation efforts of SADC. Thus, the richness and accurateness of the information presented in his article can be debated. As we have seen in the above sections, the mediator plays an important role in the success or failure of the mediation process.

Nathan's overall assessment of SADC's mediation in Madagascar as being unsuccessful is attributed to the fact that mediation was undermined by competition among the UN, the AU, and SADC over the leadership of the mediation and by their normative and strategic disagreements. According to Nathan (2013), both impaired the quality, coherence, and credibility of external peace-making in Madagascar. Hence, it was a failure. Once again, this assessment, similar to Cawthra's, falls into the dichotomy of "successful or failure". Additionally, Nathan pays too much attention to the actions of the mediating organisations and not enough attention to other factors such as successes that SADC had in the mediation process, the influence of "spoilers" on the mediation process and how SADC mitigated this, the influence of the international players and SADC's attempt at managing the competing interests and complexities. For instance, the impact that the sanctions had on the mediation process is not considered at all nor the role of the French. This gap in existing literature on "spoilers" is unfortunate as the case of Madagascar presents a unique opportunity to expand and enrich the literature on the role and impact of "spoilers" in international conflict resolution and in mediation in the African context. Similarly, the gap in the literature about the use and effects of sanctions during international mediation is a missed opportunity to expand the literature on the impact of sanctions during mediation. Currently, relatively little is known about when and whether sanctions during mediation work well together or not (Biersteker, Brubaker and Lanz, 2009, p. 1). Preliminary empirical research suggests that, during international mediation, sanctions can strengthen the process in some cases while hindering it in others (Biersteker, Brubaker and Lanz, 2009, p. 1). Thus, more research is needed in this area.

In other works, Nathan maintains that SADC's mediation efforts were also unsuccessful due to the fact that SADC had initially threatened military intervention in early 2009 and called for Ravalomanana's immediate reinstatement. Hence, SADC undermined its own mediation efforts and it damaged the UN and AU mediation efforts that were already in progress. SADC's threat also gave Ravalomanana false assurance and so Ravalomanana did not feel the need to mediate or negotiate with Rajoelina as SADC would ensure that he was reinstated. Secondly, by the time Chissano arrived on the scene to mediate, Rajoelina already felt that Chissano and SADC was biased against him and so he made it a point to hinder the mediation process when he could. This really challenged the mediator and the process and he had to deal with other factors, such as France and the AU, and even, South Africa's intervention. Thirdly, SADC's lack of coherence and a unified vision and stance on Madagascar made the mediation process, at times, contradictory and inconsistent. Thus SADC, to progress, had to make many concessions and compromises (Nathan, 2013, p. 16).

Overall, like Cawthra, Nathan has no evaluative criteria or framework for making such an assessment. He maintains that, in many studies on SADC and other international bodies with a peace-making mandate, the authors make categorical judgements about the effectiveness

of these bodies without discussing the criteria for appraisal and the analytical and methodological complications in making such judgements.

Ratsimbaharison' book (2017) provides an in-depth, multifaceted examination of the 2009 political crisis in Madagascar by exploring the crisis from several perspectives, including its political system, its lack of a successful liberal democracy, the actors themselves and how each side sought to exploit the situation to its own advantage. He also recounts various roles and the difficulties that the local and international mediators such as SADC had in an attempt to resolve the conflict. To date, it is the only book solely dedicated to the 2009 crises in Madagascar. Concerning SADC's mediation, Ratsimbaharison (2017, p. 15) maintains that SADC's success in getting the Amended Roadmap signed was relative and based on the fact that the international community and their sanctions assisted in SADC constraining and compelling Andry Rajoelina and his supporters to negotiate and make meaningful compromises. Hence, he implies that if the sanctions were not present, there is a possibility that the Amended Roadmap would not have been signed. Moreover, he maintains that Madagascar's return to constitutional order through elections and the establishment of a consensual transition is unimportant since the conflicts in Madagascar and their underlying causes remain untouched. For Ratsimbaharison (2017, pp. 133-136), the conflicts between the major political actors were deliberately swept under the rug through the Amended Roadmap hence, SADC's mediation was unsuccessful in this regard.

While Ratsimbaharison's book is an asset to the existing but limited body of knowledge of SADC's mediation in Madagascar and an interesting read for those interested in the field of conflict resolution and international mediation, Ratsimbaharison is incorrect to assume that SADC mediation efforts were meant to deal with all of Madagascar's root causes of recurring conflicts. Dealing and resolving Madagascar's root causes of conflicts was not SADC's mandate in Madagascar during mediation. Dealing with the root causes of conflict and resolving them is not for the mediator to do but rather the conflicting parties and the people of the country in conflict. Hence, SADC cannot be judged or held accountable for what SADC did not intend to do nor have the resources or competence to do. Instead, SADC's mediation in Madagascar was to restore constitutional order in the country through elections. This is what exactly what SADC did, despite challenges and setbacks. In addition, like Nathan, Witt, Lanz and Gasser and Cawthra, the book does not explore the role that "spoilers," such as France, played in hindering the mediation.

Lanz and Gasser's (2013, p. 15) article, *"A crowded field: competition and coordination in international peace mediation"* maintains that SADC's mediation process primarily failed due to the fact that competition and disputes amongst the mediators delayed the process, sent mixed signals to the parties to the conflict and delayed resolution of the crisis. SADC, the AU and the UN all felt they were the appropriate mediator and wanted to implement their different approaches to mediation. Moreover, similar to Kotzé, they maintained that SADC's

lack of power meant that the mediators were unable to provide guarantees that may have led to a more lasting peace (Lanz and Gasser, 2013, pp. 18-19).

Kotzé's (2019) research on Madagascar and SADC's mediation efforts looks at the current understanding of mediation and whether it should be broadened to include the responsibility to oversee the implementation (or enforcement) of the mediated agreement. He used Madagascar's 2009 crisis as a case study and maintains that SADC should have overlooked and enforced the implementation of the Amended Roadmap and that, while SADC had the authority to mediate in Madagascar, it lacked the power to handle the crisis and change the parties' behaviour.

Kotzé does not make an assessment on SADC's mediation efforts in Madagascar *per se* but rather maintains that implementation and enforcement of mediated agreements should still rest with the mediators. He outlines that implementation enforcement is more an interest-based consideration than a normative value and that, while enforcement is already embraced in rhetorical or formal-diplomatic terms, it is not yet a universal principle that has binding practical effects (Kotzé, 2019, p. 19).

My Contribution to the existing literature

In this section, the various theories and concepts of international mediation in general were outlined as well as the literature on SADC's mediation efforts in Madagascar. From the literature on SADC and Madagascar, is clear to see that the authors used one or two variables of the entire mediation process and determined that either SADC failed in the mediation process or that they should have done more to ensure lasting peace in the country. To reiterate, using one or two variables to measure mediation efforts that spanned five years is not comprehensive enough and does not necessarily give a completely accurate assessment of the mediation. Moreover, the variables that were used and factors that these authors presented to assert that SADC failed are factors that affect all RECs involved in African conflict resolution. In all mediation efforts on behalf of, not only SADC, but other institutions, overlapping mandates are a challenge, the lack of resources and capacity is a challenge, the competition amongst international mediating bodies is a challenge, disunity amongst members states is a challenge, and much more. Hence, the challenges that SADC experienced operationally, internally and during mediation is not unique. Thus, there is nothing unique that these authors have presented in the sense that, in light of these problems, of course the mediation process will be challenging and have setbacks. Of course, their attempts at highlighting a fairly recent mediation case study on behalf of SADC in a country where information has been limited is welcome and informative. However, the literature available on this matter is thin, overly negative and leaves out key factors that can assist SADC and other African RECs to enhance their mediation tactics. For instance, the role of "spoilers" (such as France and South Africa) has not been mentioned. This is unfortunate as "spoilers"

have one common goal – to derail or sabotage the mediation process and to prevent a peace agreement from being reached and implemented. Thus, how "spoilers" affected the mediation process in Madagascar and how the mediation team mitigated "spoiler" tactics are key elements that have not been considered in the literature cited above.

In addition to omitting the role of "spoilers" in the case of Madagascar's mediation by SADC, the powerful role that sanctions played and how it affected the mediation process is glanced over in most of the research cited above. Moreover, the role that conflict fatigue played is absent in their assessments and the expertise and experience of the mediator is overlooked and undervalued. Additionally, as there is a lack of primary data to inform the conclusions made in the literature available and due to the fact that not one of the authors was able to present an up-to-date and factual chronological mediation experience of SADC in Madagascar, it is difficult to see how their works will help strengthen mediation efforts in Africa and beyond.

My thesis, by drawing from the literature of international mediation in general, and data collected through primary and other secondary sources, points out how the mediation process of SADC in Madagascar substantiated the theories on international mediation. Thus, it highlights important facts about mediation entry, consent, impartiality, the nature of peace agreements, the resources and abilities of mediators and other factors that enhanced mediation and even hindered the mediation process. It also examines the "spoiler" role that France and South Africa played to undermine the mediation and the strategies at the mediation team employed to mitigate these "spoiler" tactics.

The important role that sanctions played in the mediation is also emphasised in my thesis, thus contributing to the limited empirical research available on the effects of sanctions during international mediation.

In the case of the literature available about SADC's mediation efforts in Madagascar, my thesis critically examines them to improve the current narratives. It also challenges the findings of some of these authors through the primary and secondary data that I collected. One of these recurrent findings and theme on SADC's mediation in Madagascar is that ''SADC failed as the lead mediator in Madagascar''. By presenting a factual based chronology that starts from SADC's intervention in Madagascar in 2009 to the 2013 democratic elections, my thesis looks at the mediation process and outcome in its entirety and show that, despite various challenges and setbacks, SADC returned Madagascar "to constitutional order" through the 2013 elections. By doing this, SADC's mediation process and the various phases and outcome are understood in reference to the existing theoretical and conceptual analyses. Hence, my contribution to the literature is both conceptual and empirical.

Measuring SADC's effectiveness in mediating in Madagascar

To determine whether SADC's mediation efforts were successful or not would require an evaluative framework. However, as indicated in the introductory chapter, the objective of the thesis is to provide a comprehensive insight into the mediation process in Madagascar to determine its effectiveness. It is not about concluding whether SADC's mediation in Madagascar was successful or not.

As indicated in the sections above, there has been no systematic effort on behalf of African RECs to evaluate mediation endeavours, identify positive and negative lessons, adapt methods and systems accordingly and establish a central repository of knowledge (Nathan, 2009, p. 15). Thus, if one were to evaluate whether SADC was successful in mediating in Madagascar, the first question to ask is which factors and variables should be used to do such an evaluation. The next question would be to determine why those factors and variables were chosen in the first place.

In the case of SADC's mediation, all the factors and variables discussed above can be used to determine whether SADC's mediation was successful or not. For instance, I can look at whether Chissano was an effective mediator due to his skills, experience, attitude, and behaviour. Alternatively, I could look at whether he was a fair and inclusive mediator. Or, like Witt, I can take the issue of mandates to determine success or failure. Even the management of "spoilers" or complexities can be used as indicators of success. However, it is important to note that including a myriad factors and variables to determine success or failure of the mediation will only lead to generalisations and contradictions. For instance, a mediator can have excellent listening skills but not be trustworthy. Rather, this thesis evaluates the effectiveness of SADC in achieving its own mandate of returning constitutional order to Madagascar through democratic elections. To reiterate, effectiveness is a measure of the achieved results, change or behavioural transformation.

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CHAPTER 3

Methodology

In this section, the research methodology and research methods that were used to gather data for this thesis, the sources of data (primary and secondary), the research process, the ethical considerations and the research limitations are outlined.

According to Denzin and Lincoln (2005), a research methodology is determined by the nature of the research question and the subject being investigated.   For my thesis on *"What were the guiding factors leading to the SADC mediation process in the aftermath of the 2009 coup and the outcomes of the mediation efforts?"* the preferred research methodology that I used was the single case study methodology.

Case studies usually fall within the category of qualitative research. Qualitative research was used for the collection and analysis of data for this thesis.

Qualitative Research

Shank (2002, p. 5) defines qualitative research as "a form of systematic empirical inquiry into meaning".   Denzin and Lincoln (2000, p. 3) claim that qualitative research involves an interpretive and naturalistic approach as "qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them." Qualitative research involves the usage and collection of empirical materials, from case studies to personal experience and visual texts and the like, to describe routine and key moments and meanings in individual lives and phenomena (Denzin and Lincoln, 2005).

There are many advantages for doing qualitative research and these include:

- Flexibility for key ideals to be pursued and explored effectively;
- The in-depth exploration of contextual factors;
- The ability to study social and symbolic dimensions and meanings;
- The ability to mark trends and attitudes;
- The collection of key insights and content;
- The ability to develop empirically supported new ideas and theories;
- Generating information that is relevant and interesting for practitioners.

Case Study Methodology

Yin (1984, p. 23) defines the case study research methodology "as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used." In other words, case study methodologies enable researchers to closely examine the data within a specific context (Zainal, 2007, p. 3). It is a unique way of observing any natural phenomenon that exists in a set of data and only a small geographical area or number of subjects of interest are examined in detail (Zainal, 2007; Yin, 1984). Thus, it can be considered a robust research method, particularly when an holistic, in-depth investigation is required (Zainal, 2007, p. 4). In this thesis, I examined SADC's mediation efforts in Madagascar from 2009 to 2013, when the country held its first democratic elections since the 2009 *coup d'état*. Hence, this was a single case study.

I am aware that, by using a single case study approach, there are some disadvantages such as the difficulty of drawing a cause-and-effect conclusion and generalising. Moreover, data interpretation and analysis have the potential to be more difficult/complex due to the volume of the data obtained (Richards and Richards, 1994, p. 445-447). In addition, there was the possibility that rigour would be difficult to maintain, assess, and demonstrate with this type of research method and that the research quality was heavily dependent on the research skills and personal bias (Anderson, 2010, p. 2). Despite these disadvantages, I was aware that the benefits of the single case study approach outweighed the disadvantages. The advantages of using the single case study is that this type of research allows empirically rich and holistic information to be attained. Furthermore, it can contribute to the expansion of theories by combining the existing theoretical knowledge with new empirical insights (Yin, 1994). Hence, case studies play an important role in advancing a field's knowledge base and have proven particularly useful for studying educational innovations, evaluating programmes, and informing policy (Hamel, 1993). This was the best approach for this thesis.

Moreover, concerning generalisability, much can be learned from a one particular case. To reiterate, although there is research that is available regarding SADC's mediation efforts in Madagascar, these mainly focus on certain aspects of the mediation and not on the mediation efforts entirely. This thesis is the first research to capture and analyse, in detail and chronologically, SADC's mediation efforts in Madagascar from 2009 to 2013. Hence, it enriched and contributed to (i) existing theories about mediation in general (ii) mediation theories in the African context (iii) existing literature on SADC's mediation efforts in Madagascar and (iv) enriched the quality and effectiveness of mediation by organisations and in the sub-region in general.

In this thesis, I also made use of evaluation research, which according to Saldaña (2011, p. 17), systematically examines people, programmes, organisations, and/or policies to assess their quality, merit, and effectiveness.

According to Elena, et al. (2010), the historical research approach involves finding, using, and correlating information within primary and secondary sources, in order to communicate an understanding of past events. This research method thus allowed me to gain insight into phenomena through a careful assessment of narrative data collected on the nature and causes of the Madagascar crisis and the methods that SADC used in resolving it. Thus, the use of an historical research method was linked to the case study that helped in the design of the specific research questions and research objectives.

Collection Data Process

Primary sources of Data: Semi-structured interviews, Radio and television interviews and Reports

According to Clark and Creswell (2008), quality qualitative research has rigorous data collection methods. To collect primary data[5], documents produced by SADC (such as reports, minutes and communiqués) were used, as well as information gathered from radio and television interviews. Primary data was also collected through in-depth interviews (face-to-face and via telephone) that I conducted with relevant role-players and stakeholders involved in the Malagasy crisis, with particular emphasis on the role of SADC in the mediation process. Specifically, semi-structured interviews were conducted with six individuals, selected on the basis of their intimate knowledge of the mediation process in Madagascar.

To preserve the anonymity of the six individuals interviewed, I cannot disclose who they are. However, I can confirm that some of these individuals formed part of SADC's mediation team deployed to resolve the Malagasy crisis and they worked closely with the different stakeholders in Madagascar. The samples of individuals I interviewed also worked at SADC during the crisis and were directly involved in the mediation efforts. Others who were interviewed have written on SADC's mediation efforts in Madagascar and, thus, have additional insights on the issue. I must also add that, in order to conduct the interviews, I travelled to Mozambique and the Kingdom of Eswatini. Other interviews were conducted in Johannesburg, South Africa, due to the fact that the relevant individuals identified for the interviews were available to meet me when they were in Johannesburg. This includes relevant SADC officials.

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[5] Primary data is data that is collected by a researcher from first-hand sources, using methods like surveys, interviews, or experiments.

The reason for choosing semi-structured interviews was primarily based on the thesis' underpinnings and the fact that such types of interviews allow for rich data and information to be collected, including additional knowledge and learnings. Moreover, through this method and through the analyses of the responses of the interviewees, I was able to garner what participants experienced through broad and open-ended inquiry (Rudestam and Newton, 2015). I was also able to notice trends, themes, and patterns (Patton, 2002).

The type of semi-structured interview questions that I used with the six individuals are outlined in Annexure 1. The semi-structured interviews were conducted in a manner that allowed for focused but open two-way communication. Hence, with the objective of my thesis in mind, some of the questions were asked in their logical sequences and others were developed and asked as the interview evolved and progressed in order to attain more in-depth information. This allowed both the person being interviewed and myself (the interviewer) the flexibility to probe details and engage on issues of critical importance on the mediation process (Cohen and Crabtree, 2008).

The interviews were all conducted in English, a language that all the respondents were comfortable with and could express themselves fluently. Hence, I was able to transcribe the interviews as presented by the participants without translating the interviews, thus avoiding the distortion of information that can accompany translations.

However, I was aware that, while interviews yield detailed and rich information, there were problems that I could have expected. For instance, there were a few times that some participants made a commitment to meet with me but then did not follow through with the commitment despite several attempts to reschedule meetings. I was also aware that interviews were time-consuming, that they had the potential to yield inaccurate information and that the individual being interviewed may have distorted his or her information by misunderstanding the questions through recall error, selective perceptions or because he or she wished to please me. I was also aware that, in conducting the interview, there was a chance that I could find it difficult to remain objective and passive or administer the questions correctly. To mitigate this risk, I compared and checked the respondent's answers with other sources of information to avoid inconsistencies. In other words, I used triangulation[6] to manage the biases (Creswell, 2013). I also ensured that the respondent fully understood the context of the questions being asked and that the information they gave me would be treated with respect and, if they so wished, they would remain anonymous. All the individuals I interviewed wished to remain anonymous and, to put the individuals at ease, during the data collection phase, the participants were able to decide on the venue for their interviews. As a result, each participant was interviewed at a venue chosen by him or her and at the time that was convenient to him or her.

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[6] "Triangulation" refers to the practice of using multiple sources of data or multiple approaches to analysing data to enhance the credibility of the research.

With regard to secondary sources of data[7], literature reviews, journals (electronic and printed), case study notes, books and academic research papers were used. Secondary data was also gathered from radio and television interviews, SADC Summit Reports, the Maputo Roadmap, press clippings, photographs, images and minutes of the numerous post-conflict negotiations.

By using secondary sources of data, time was saved and expenses reduced. The information gathered from primary data was further reinforced and supported and I was able to identify the gaps and deficiencies in terms of the additional information that needed to be collected.

Method of Analysis

Qualitative data analysis involves the identification, examination, and interpretation of patterns and themes in textual data and determines how these patterns and themes help answer the research question at hand (Berkowitz, 1997).

In order to assess and analyse the data collected from both primary and secondary sources and to meet the objectives of the thesis, I used the following methods:

- Narrative and daily interpretive analysis of the transcribed and recorded semi-structured interviews. With regards to daily interpretive analysis, I reviewed the transcribed notes and summarised and interpreted the information obtained in order to retain fragile information and insights.
- Coding and thematic analysis. Common themes and issues that recurred across the collected data was identified and coded to assist in information analysis and to capture trends.
- Between-study literature analysis. This method of analysis involves comparing and contrasting information from two or more literature sources (Onwuegbuzie et al., 2012, p. 5). For this thesis, I conducted between-study literature reviews and analysis to compare and contrast relevant information.

Limitations

One should bear in mind that this thesis has two main limitations. These are as follows:

- Limited research available on the topic of SADC's mediation efforts in Madagascar.

As previously mentioned, research available about SADC's mediation efforts in Madagascar is rather limited. This is unlike the cases of Lesotho, Zimbabwe, and the DRC where there is a

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[7] Secondary data is data gathered from studies, surveys, or experiments that have been run by other people or for other research.

generous amount of information available. Nevertheless, this limitation substantiated the need for a thesis such as this. This thesis provided the opportunity to fill in the gaps in the available literature.

- Self-reported data

Collecting information through a self-report (such as interviews) has limitations. People may have problems accurately recalling an event and they are often biased when they report on their own experiences. In addition, the data obtained through self-reporting can rarely be independently verified. This is why "triangulation" is important. To validate the self-reported data obtained through television, face-to-face and telephonic interviews, other sources of data were used to verify and obtain credibility.

Confidentiality

I employed considerable effort and time to build relationships based on mutual trust and to preserve the safekeeping and integrity of the data collected. In addition, unless I obtained permission, I assured my interviewees that they would remain anonymous. The interviews were conducted in a manner that reflected confidentiality and allowed for the elaboration of feelings, thoughts, and experiences pertaining to the research questions.

Ethical Considerations

I am aware that there is a need to respect privacy in research and to protect and treat the interests and anonymity of the participants and information obtained with the highest form of integrity, ethical standards, and confidentiality. Hence, the participants signed confidentiality forms and fragile and sensitive information that I obtained during the interviews was protected against unauthorised dissemination and disclosure of information. The participants were assured of the confidentiality of the information that they gave. In any research, confidentiality is an obligation but also shows that high integrity of the researcher (Merriam, 2002).

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CHAPTER 4

Madagascar: A Contested History

Introduction

Since Madagascar gained independence from France in 1960, assassinations, military *coups* and disputed elections have featured prominently in the country. These have largely occurred and continue to occur due to sustained colonial repression and interference in political, economic, and social affairs by its former coloniser, France, institutional weakness, repressive administrations, population dissatisfaction and elite division. The 2009 *coup* and its aftermath is no exception.

In this section, the triggers and causes of the 2009 *coup* are discussed. as well as Madagascar's post-colonial history since this has a bearing on Madagascar's current status and the *coup* of 2009.

Madagascar since Independence

Tsiranana and the First Republic

Following independence from France in 1960, Madagascar was ruled by a succession of Soviet-leaning socialist regimes as well as political instability (Ploch and Cook, 2012, p. 7). Madagascar formally achieved its independence from France on June 26, 1960. Philibert Tsiranana became president and was re-elected to a second term without opposition on March 30, 1965 (UCA, 2019). Under Tsiranana's leadership, French influence remained ever-present. Tsiranana pursued a pro-western policy and leaned strongly on France for support (Saura, 2006, p. 34). Tsiranana, who was described as pro-French, went so far as to ensure that the French living in Madagascar formed Madagascar's 19th tribe and was even quoted as saying, "we Malagasy will never want to cut ourselves off from France. We are part of French culture and we want to remain French" (Saura, 2006, p. 34).

By the late 1960s, due to the ever-present influence of the former colonialist and Tsiranana's neo-liberalist administration, Madagascar underwent a recession and deterioration in the quality of life (UCA, 2019). Tsiranana eventually resigned in 1972 as a result of general population dissatisfaction, demonstrations, the loss of lives and due to the 1971-72 *rotaka* farmer and student protests organized by Tsiranana's biggest critic and opposition, Monja Jaona (Dresch, Southall et al., 2019). Tsiranana dissolved the government and handed power to army Chief General Gabriel Ramanantsoa as Head of a provisional government, officially

marking the end of the "First Republic" (Dresch, Southall et al, 2019). Ramanantsoa reduced Madagascar's ties with France in favour of links with the Soviet Union, China, and North Korea.

Ramanantsoa's presidency ended in 1975. He resigned due to ethnic and social class tensions. Several military figures headed the government in 1975 and eventually, Commander Didier Ratsiraka became Head of State until 1993 (Dresch, Southall et al., 2019).

Ratsiraka and the Second Republic

Ratsiraka was the President of Madagascar from 1975 to 1993 and again from 1997 to 2002. Described as a socialist, it is true that Ratsiraka adopted a hard line with regard to the Franco-Malagasy accords of 1960 early in his Presidency. During the 16 years of President Ratsiraka's rule, Madagascar's government was committed to revolutionary socialism and centralism. He declared Madagascar a Marxist republic and continued to cultivate closer ties with communist countries. As such, ties between France and Madagascar were almost non-existent until the late 1970s. Given its continued interest in re-establishing ties with Madagascar, France responded positively as demonstrated by the significant increase in foreign assistance from US$38.4 million in 1979 to US$96.4 million in 1982 (Gow, 1997, pp. 409–439). Although Ratsiraka's regime diversified its diplomatic and economic ties, France was the principal source of foreign assistance and the most valuable trading partner for Madagascar (Gow, 1997, pp. 409–439). During Ratsiraka's first term as President, France provided US$655.4 million of the total US$1,334.5 million multilateral aid that Madagascar received between 1985 and 1990 and cancelled US$715 million in debts that the Madagascar government owed France (Gow, 1997, pp. 409–439).

Similar to the Heads of State before him, Ratsiraka's rule was plagued by a deteriorating economy, mass demonstrations, general strikes and limited economic and political reforms (Dresch, Southall et al, 2019). It also did not help that the Ratsiraka regime limited and restrained political opposition, with no direct criticism of the president permitted in the press (Dresch, Southall et al., 2019). It was clear that Ratsiraka's flawed socialist policies and reforms had failed to promote economic development in Madagascar and had contributed to wide inequality. This led to general population dissatisfaction and a repressive regime; a growing opposition movement known as *Hery Velona* ("Active Forces") was formed led and by individuals such as Albert Zafy and Rakotoniaina Manandafy (Dresch, Southall et al., 2019).

In 1991, demonstrators marched towards the Presidential Palace and, at the orders of Ratsiraka, the Palace guards attacked the demonstrators with gunfire and grenades. Lives were lost, and others were injured (including Albert Zafy) further tarnishing and destroying Ratsiraka as a leader. Aid donors and the international community at large called for an end to the instability. Even France withdrew its support for Ratsiraka when the president's bodyguards opened fire (Gow, 1997, pp. 409–439).

Eventually, talks between the warring camps ensued and a power-sharing agreement between Ratsiraka and the opposition was agreed upon (Dresch, Southall et al., 2019). This agreement paved the way for negotiations on a new constitution. Under the terms of the power-sharing agreement, Ratsiraka continued as president and Zafy took office as head of a newly created High State Authority.

Zafy and the Third Republic

Albert Zafy was elected the first president of the Third Republic in 1993. Like his predecessors, Zafy's term of office was marked by economic difficulties and continual instability and opposition, especially from Ratsiraka supporters in the form of a demand for a federal state (Dresch, Southall et al., 2019). By 1996, the opposition to Zafy had reached the point of street demonstrations and demands that he cease playing an active role as president and strikes reminiscent of those that had brought down the Ratsiraka regime continued.

In July 1996, Zafy was impeached and removed from office. An interim president was charged with the task of organising a presidential election (Dresch, Southall et al., 2019).

The subsequent election in 1996 led to a runoff election between Zafy and former President Ratsiraka. Although Ratsiraka won the election, Zafy and his supporters contested the election results and proceeded to hold protests and demonstrations. Ratsiraka held on to power and, through his second political life, made signification changes such as the provision for Madagascar to become a federal state (Dresch, Southall et al., 2019). The constitutional revisions also strengthened the power of the president. In addition, both the country's economic prospects and Ratsiraka's political situation improved in mid-1999 with the signing of an agreement that guaranteed the release of further credits by the IMF. This event provided much-needed funds but also cleared the way for the release of other forms of aid and the reopening of foreign investments (Dresch, Southall et al., 2019). More importantly, Ratsiraka used power to entrench his neo-patrimonial network and hold on to the diverse instruments of power in the country through family and friends (Dresch, Southall et al., 2019). Ensuring that they held key positions within the main sectors and institutions of the country, Ratsiraka assumed that there would no one to take on his dominance and counter his leadership until Marc Ravalomanana came and challenged his leadership.

Marc Ravalomanana, a wealthy businessperson who had developed a power base as mayor of Antananarivo, used his own personal wealth and charisma to project a populist cause (Cawthra, 2010, p. 7). During the elections, Ravalomanana claimed victory with 52% of the votes and declared himself president even though the official results showed he had not reached the majority required to avoid a second round. This resulted in a standoff, with Ravalomanana gaining popular support in the capital, and Ratsiraka and his supporters establishing themselves in the coastal regions, especially in Taomasina. Ratsiraka attemped to seal off Antananarivo through an armed blockade, pushing the country dangerously close to a civil war (Cawthra, 2010, p. 13). This led to policies being implemented and international

interventions and assistance from organisations such as the AU. Negotiations occurred in Dakar, Senegal, where a framework for a "High Transitional Council" was established. Both camps disagreed over the interpretation of this (Cawthra, 2010, p. 13).

Eventually, Ravalomanana established his grip on power and the military and was sworn in as President on 6 May 2002. In 2005, Ravalomanana made the pioneering move of joining SADC, thus garnering additional international support (Cawthra, 2010, p. 13). Ratsiraka took refuge in France and Ravalomanana and his party, Tiako-I-Madagasikara (TIM), dominated the polity until the crisis of 2009 (Cawthra, 2010, p. 13).

The *coup d'état* and where we are now

In 2009, Madagascar was thrown into political crisis by an unconstitutional change in leadership which was labelled a *coup d'état* by the international community. This took many observers by surprise especially since the image of Madagascar after the post-electoral crisis in 2001–2002 was that it was a "stable democratic country" as well as a "development success in the making" (Ratsimbaharison, 2017, p. 13). In fact, the international community had observed that, under Ravalomanana's presidency from 2002 to 2009, Madagascar had made significant advances toward development targets and experienced an average of 7% growth per annum (Ratsimbaharison, 2017, p. 14). Moreover, the acreage of natural areas under protection increased under Ravalomanana's presidency as well as the construction of new schools, new roads, and new health clinics (Ratsimbaharison, 2017, p. 32). Amongst other progress and improvements made, Ravalomanana also established the independent anti-corruption agency *Bureau Indépendant Anti-Corruption* (BIANCO) and adopted diverse supporting anti-corruption policies that eventually resulted in a decline in government corruption (Ratsimbaharison, 2017, p. 32). Despite all progress made, Ratsimbaharison (2017, p. 13) reveals that this image was shattered with the protests, looting, the massacre of street protesters and the military mutiny that occurred. Many lost their lives and it was claimed that Ravalomanana's presidential guards killed 30 opposition protesters in February 2009. However, various sources have now confirmed that the bullets that were used were not the same as those used in the Presidential Guard weapons. Additionally, sources have confirmed that some individuals were shot in the back. Hence, a "third force" had escalated the protests and demonstrations. Lieutenant-Colonel Charles Andrianasoavina[8], through his confessions, confirmed the "third force theory" and revealed that the *coup* was instigated and funded by military leaders, the French, as well as foreigners.

On 17 March 2009, the military stormed the Presidential Palace and forced President Marc Ravalomanana to resign at gunpoint. Ravalomanana handed power to the highest-ranking officer in the armed forces and then requested that a military directorate be set up to rule

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[8] Lieutenant-Colonel Charles Andrianasoavina is one of the officers behind the *coup* that brought Rajoelina to power. He is currently under arrest, having changed sides, giving a full confession of the *coup* and trying to topple Rajoelina.

the country. However, the military handed over the office to Andry Rajoelina, the Mayor of Antananarivo at the time (Connelly, 2013). Rajoelina assumed the Presidency and became president of the "High Authority of the Transition" (HAT). Ravalomanana fled from Madagascar and was forced into exile where, in absentia, he was sentenced to four years imprisonment and a US$70 million fine for abusing office while president. This made his return to the country virtually impossible.

Apparently, when the *coup* occurred, the SADC Executive Secretary, Salomão, flew to Madagascar to retrieve Ravalomanana and his family and bring them to South Africa (Respondent from the SADC Secretariat, Johannesburg, 2019). During his exile in South Africa, Ravalomanana tried to gather international support for his reinstatement to the presidency. He appealed to organisations such as the AU, SADC and the UN for assistance (Dresch, Southall et al., 2019). By the time that SADC arrived in Madagascar to commence negotiations on the 9th July 2009, negotiations and mediation attempts by other actors such as Andriamparany Radavidson, the *Comité National d'Observation des Elections* (National Committee of Observation of the Elections) (CNOE), the *Fiombonan'ny Fiangonana Kristiana eto Madagasikara* (FFKM), the UN and the AU had commenced. These mediation attempts were largely unsuccessful (Ratsimbaharison, 2017, p. 105).

A breakthrough in negotiations between the two camps occurred in August 2009 when SADC, the AU, the UN, and the International Organisation of the Francophonie (IOF) (also known as the Joint Mediation Team - Madagascar (JMT-M)) sponsored mediation talks in Maputo, Mozambique. The talks, led by SADC's lead mediator Chissano, included Rajoelina and Ravalomanana as well as the country's former presidents, Zafy and Ratsiraka (Dresch, Southall et al., 2019). This grouping of former presidents and Rajoelina was called "*Les Quatre Mouvances*".

Literature reveals that *les quatre mouvances* agreed to the formation of a transitional unity government and to the scheduling of presidential and legislative elections within 15 months (Dresch, Southall et al., 2019). This Agreement is referred to as Maputo I.   In late August 2009, *les quatre mouvances* met again in Maputo in order to decide how to allocate the top three positions in the transitional unity government. However, no agreement was achieved amongst the parties and Rajoelina proceeded to unilaterally form his own transitional unity government, placing himself as President (Dresch, Southall et al., 2019). This led to international condemnation because his actions violated the power-sharing agreement initially agreed on by all parties. Additional talks proceeded and, in October 2009, *les quatre mouvances* announced that they had come to an agreement on the top three positions in the transitional unity government. Rajoelina was allowed to remain president on the condition that he would not be a candidate in the next presidential election.   This is known as the Maputo II agreement.

Further talks in Addis Ababa in November 2009 saw the signing of the Addis Ababa Additional Act that provided for a transitional unity government structure, with Rajoelina remaining as

president but ruling with two co-presidents. Rajoelina did not honour this agreement and did not participate in the next round of negotiations.   Hence, in December 2009, Ravalomanana, Zafy, Ratsiraka, and international mediators held talks without Rajoelina and reached an agreement that they intended to establish the transitional unity government. Rajoelina responded by dismissing the prime minister who had been appointed in October 2009 as a result of the previous power-sharing agreement talks, and by abandoning the power-sharing agreement entirely (Dresch, Southall et al., 2019).

The meetings held in 2009 in Maputo and Addis Ababa resulted in Maputo Agreements as well as the Addis Ababa Additional Act.

Due to international pressure and an ultimatum by the military to end the political crisis, Rajoelina eventually announced he was willing to form an interim government with the opposition under the terms of a new agreement proposed by France, South Africa, and SADC on April 14, 2010 (Dresch, Southall et al., 2019).   In May, he unilaterally formed what he deemed to be a "neutral" government and scheduled a constitutional referendum and presidential and parliamentary elections for later in the year. He however, postponed all the elections. The constitutional referendum was eventually held on November 17, 2010. It called for a lower age requirement for the presidency and did not set an end date for Rajoelina's transitional regime, both of which worked in Rajoelina's favour. While the new constitution was approved, the referendum was boycotted by the opposition groups and criticised by the international community.   Also on November 17, a small group of the army announced its intent to overthrow Rajoelina's government.   This attempt was unsuccessful. The new constitution was circulated in December 2010, and Rajoelina declared the start of the Fourth Republic (Dresch, Southall et al., 2019).

Rajoelina was president until the 2013 general elections. The 2013 elections, prompted by the Amended SADC Roadmap, marked a pivotal point for Madagascar.   It showed that there was a commitment to return the country to democracy as well as normalised relations with the international community (Klaas, 2013). The Amended SADC Roadmap was a revision of the 2011 Roadmap out of the Crisis ("Chissano's Roadmap") that SADC's lead mediator Chissano developed and presented to *les quatre mouvances*. The Amended Roadmap's key instruction was that it called for and implemented the "ni-ni" (neither-nor) solution for the 2013 elections.   This meant that neither Ravalomanana nor Rajoelina would enter the presidential race in the upcoming elections (Ploch and Cook, 2012, p. 2).

For the 2013 elections, Andry Rajoelina expressed his intention to run until a court ruled otherwise.   Former President Ravalomanana initially pledged not to run in a good faith agreement with Rajoelina however, when Rajoelina broke his pledge and attempted to run, Ravalomanana put his wife's name forward as a candidate (Klaas, 2013). Both men were denied their wishes and Mrs Ravalomanana was declared ineligible to run for president by a court because she had not lived in Madagascar for the requisite six-month period prior to

elections. Didier Ratsiraka was denied on similar grounds as he had been in exile in France (Klaas, 2013).

In the end, the two main rivals, Ravalomanana and Rajoelina, used a favoured "proxy" candidate. Supporters of each movement were told that a vote for these "proxies" would be a vote for the candidate they truly supported, Rajoelina or Ravalomanana (Klaas, 2013). Hery Rajaonarimampianina, the *coup* regime's Minister of Finance and Budget, replaced Rajoelina. Jean-Louis Robinson, a WHO official, replaced Ravalomanana.

Hery Martial Rajaonarimampianina Rakotoarimanana won the 2013 election and remained president until 2018. Hery Rajaonarimampianina's election as president in 2013 brought fresh hope following years of political instability in Madagascar. The economy slowly began to recover after the 2013 elections, but Rajaonarimampianina's term was characterised by widespread corruption and attempts to impeach him. During his presidency, Rajaonarimampianina lost control of Parliament and there were four Prime Ministers in the same number of years (Mann, 2018). He survived the bid but was unsuccessful in getting the country to improve in terms of development.

The 2018 presidential elections, which saw rivals Andry Rajoelina and Marc Ravalomanana compete against each other again, was tarnished by claims of fraud. Both Rajoelina and Ravalomanana declared themselves winners in the run-off. Despite this, in December 2018, Rajoelina was announced as the winner with 56% of the vote (Dresch, Southall et al., 2019). Rajoelina is the current President of Madagascar.

Recent Developments in Madagascar

To date, Madagascar is still suffering from the after-effects of the 2009 *coup* and is actually going backward on every developmental index in the world. Hence, democratic elections did not improve the economic and social conditions. Corruption remains rampant[9] and under both the Rajoelina and Rajaonarimampianina administrations, the plundering of Madagascar's natural resources has continued with both the participation of local and foreign owned companies. During Ravalomanana's presidency, the country had a 7% + growth rate. At present, the Malagasy people are poorer than ever despite two "democratic" elections, one held in 2013 and one in 2018. While SADC's mediation officially ended in 2013, it is evident that there is a need to ensure a post-election environment that would foster an *"entente"* between the rival political parties that would lead to economic and social development, the lack of which is very often the cause of civil strife.

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[9] Madagascar ranks 155 out of 175 countries as per Corruption Watch.

Triggers and Causes of the 2009 *coup d'état* in Madagascar

In the sections above, one can clearly note that the main actors of the conflict were Ravalomanana and his supporters, Rajoelina and his allies, and the military (Ratsimbaharison, 2017, p. 116). These actors, as well as colonial repression and interference in political, economic, and social affairs by France, institutional weakness, repressive administrations, population dissatisfaction and elite division were all behind the "triggers" and causes that led to the 2009 *coup d'état.*

The Closing down of Viva TV

Rajoelina was the key player and led a series of opposition protests in the capital that had culminated in Ravalomanana stepping down from office. One of these opposition protests is related to the fact that, towards the end of 2008, the Ravalomanana government closed Viva TV, a television station owned by Rajoelina (Ploch and Cook, 2012, p. 9). Most observers point to the shutting down of Viva TV as the single most important trigger which escalated the conflict to the stage of instability in early 2009 (Ratsimbaharison, 2017, p. 133). The Ravalomanana government maintained that it shut down Viva TV because "it aired an interview with former President Ratsiraka". The government further claimed that the interview threatened to "disturb public order and security," however, opposition to Ravalomanana and critics saw this action as a sign of increasing intolerance by the Ravalomanana government of opposition-friendly media and as an effort to curtail Rajoelina's influence (Ploch and Cook, 2012, p. 9).

After the closure of the TV station, Rajoelina issued an ultimatum to Ravalomanana and his government, demanding that the government allow the reopening of Viva TV and other stations by January 2009 (Ploch and Cook, 2012, p. 9). Rajoelina maintained that this was in the interest of press freedom and democracy - something that the Ravalomanana government seemed to want to stifle. In addition, from a personal point of view, Rajoelina, as a businessperson, perceived the closing down of his TV station as another one of Ravalomanana' s autocratic practices against him and other businesspeople who were not allied with this regime (Ratsimbaharison, 2017, p. 133). Hence, Rajoelina had to make a stand and react strongly to the closing down of his TV station. Not doing so would allow Ravalomanana's regime to continue its abuse of power, and he would lose everything in the long run, just like other businesspeople who had been the victims of the predatory practices of the regime since 2002 (Ratsimbaharison, 2017, p. 65).

A Scorned Suitor

The Malagasy crisis, while having taken a political dimension, also seemed to be a clash of personalities and not of political ideologies. However, the personalities and issues are so inextricably linked that they cannot be separated from each other.   As Mayor of

Antananarivo, Rajoelina's personal relationship with Ravalomanana was defined by tension. It is said that Ravalomanana's daughter met Rajoelina when he was a disc Jockey and fell in love with him. They embarked on a romantic relationship that Ravalomanana did not approve of (Smith, 2012). During his tenure at Mayor, Rajoelina had sought permission to marry Ravalomanana's daughter. Ravalomanana dismissed Rajoelina's entreaties, calling him "an ignorant nincompoop" (Smith, 2012). A snubbed Rajoelina became belligerent, using his mayoral position to launch attacks on what he called the "creeping corruption" of the Ravalomanana presidency.

Air Force One II

In 2008, Marc Ravalomanana purchased a presidential jet, Air Force One II, for $60 million. Unlike the purchase of Air Force One in 2002, this purchase provoked controversy amongst the people of Madagascar. "The acquisition of this plane was a national priority," the former president had argued (Ratsimbaharison, 2017, pp. 66-67). However, not only was the purchase done in secrecy, but the purchase details also revealed that half of the cost ($30 million) was taken from the national treasury and half from Ravalomanana's personal wealth and the plane was registered under Tiko's name (Marcus, 2004, p. 12). Tiko is Ravalomanana's company.

Most of the population felt that this was embezzlement on behalf of the president because they assumed that he took $30 million from the state to buy himself an airplane (Ratsimbaharison, 2017, pp. 66-68).

Not only was the population unhappy with the purchase of the plane, but the international community also rebuked Ravalomanana for doing this. Eventually, the IMF and the World Bank suspended the disbursement of financial aid to Madagascar in December 2008, due to the lack of transparency in this event (Ratsimbaharison, 2017, p. 66). This was problematic since the country was at a financial low and struggling economically. Financial aid was most welcome. Most of Ravalomanana's constituents lived (and still do) below the poverty line. Ravalomanana's opponents, especially Rajoelina, accused him of misusing state funds and using funds for his own benefits. They argued that the funds used to purchase the plane should have been used for the development of Madagascar.

Madagascar is one of the world's poorest countries (WildMadagascar, 2018). The country's economy is based largely on agriculture, mining, fishing, and clothes production. One of Madagascar's best-known products is vanilla, which comes from an orchid and is used for flavouring. Vanilla beans take a minimum of two years to grow so they are quite expensive (WildMadagascar, 2018).

Despite relatively high vanilla prices, the average Malagasy makes around $1 US per day, while 70% of the Malagasy live below the world poverty line (WildMadagascar, 2018). Nearly half of Madagascar's children under five years of age are malnourished.

Mixing Business with State Interests

In 2008, suspecting fiscal misconduct by the President, major international donors suspended programmes that provided budgetary support to Madagascar's government (Flintoff, 2009). The donors included the International Monetary Fund, the World Bank, the European Union, and the African Development Bank. Ravalomanana was accused of using his political power to advance his business interests and those of his family interests. The suspended programmes amounted to around $100 million, significant to Ravalomanana's government (Flintoff, 2009).

While the above may seem like it was merely speculation by the donors, a respondent maintains that Ravalomanana did indeed set out to advance his own business interests at the cost of other local businesses. The respondent maintains that Ravalomanana, using his company, Tiko, "took over the whole export and import business" (Respondent from the SADC Mediation Team, Maputo, 2019). He consolidated his grip on the economy by also taking over government's procurement in goods and services that had to go through Tiko, thus monopolising the entire procurement system and determining prices. According to the same respondent, Tiko took over the running of many former state-owned enterprises. For example, Asa Lalana Malagasy, a Tiko sub-corporation, became the primary road construction company (Marcus, 2004, p. 12). The respondent further explained that, during Ravalomanana's presidency, those that refused to go through Tiko would be prevented from "importing or exporting anything" (Respondent from the SADC Mediation Team, Maputo, 2019). One of the examples that the respondent gave was when Ravalomanana "stifled" the car business in Madagascar. After assessing that the roads in Madagascar are very narrow, Ravalomanana decided that the locals should use bicycles instead of cars. Ravalomanana then proceeded to import bicycles into the country and began the process of formalising the use of bicycles in Madagascar (Respondent from the SADC Mediation Team, Maputo, 2019). This apparently affected the car business negatively.

Other respondents maintained that several Tiko employees worked in public office, and through the removal of taxes, control of market prices and the likes, Tiko's profits had quadrupled since 2002 (Pellerin, 2009, p. 154).

Business Bankrolls the Protests

Another trigger of the *coup* has to do with the fact that, since Ravalomanana was advancing his own business interests and stifling other local business, the local business community turned against him and "bankrolled the demonstrations and the opposition" (Respondent from the SADC Mediation Team, Maputo, 2019). In other words, a "third force" in the form of business owners paid locals to demonstrate and protest. According to the respondent, it is common knowledge that, if there are to be protests and demonstrations in Madagascar,

one needs to pay for those protests. The respondent claims that, in Madagascar, "guys take to the street if you pay….So you have to go to place de Tsaramasay and pay…These are not normal militant and political groups. These are guys who are paid" (Respondent from the SADC Mediation Team, Maputo, 2019).

Additionally, to reinforce the notion of a "third force" involved in instigating the protests, sources confirmed that some individuals were shot in the back and that the bullets retrieved after the protests did not belong to the rifles of the Presidential Guards (Interview with Ravalomanana's former Advisor, Johannesburg, 2019). Colonel Charles Andrianasoavina, in his confession, admitted that he himself had received $10,000 for his part in the 2009 *coup* led by current President Andry Rajoelina, which toppled then-president Marc Ravalomanana from power (Agencies, 2011). He also confirmed that Indian and Pakistani businesspersons helped to finance the March 2009 *coup*. In parts of a letter published in the *Malaza* newspaper, the Colonel disclosed that the businessmen provided 1.2 billion Ariary ($6 million) to finance the unrest leading to the March 2009 *coup* (Agencies, 2011).

Broken Fences

It is important to know that Ravalomanana's tenure as president was in the atmosphere of tension and mistrust. One must recall that Ravalomanana took power in the context of a disputed election that led to a minor armed conflict (2001–2002). When Ravalomanana became president, he did not attempt to reconcile all parties at the end of this conflict (Ratsimbaharison, 2017, p. 64). In this sense, since 2002, Ravalomanana's government had maintained "a relationship of wary communication and limited cooperation" with the opposition (Ratsimbaharison, 2017, p. 64). By 2009, Ravalomanana was ruling in "a situation in which tension and suspicion among parties run high" (Ratsimbaharison, 2017, p. 64).

Give me the Land

In November 2008, the *Financial Times* revealed that the negotiation concerning the lease of 1.3 million hectares of Malagasy land to the South Korean company, Daewoo Logistics, started in May 2008 (Ratsimbaharison, 2017, p. 64). Daewoo Logistics approached the Malagasy government to talk about their project to produce corn and palm oil on the island. Not only were the negotiations done in secrecy but the *Financial Times* also revealed that the land was leased "for free" by the Malagasy government to Daewoo Logistics for ninety-nine years. In exchange for the land, the country would gain employment opportunities (Ratsimbaharison, 2017, p. 64). Rajoelina used this information to rally protesters, claiming that Ravalomanana's government had already sold most of the arable and already cultivated land (Ratsimbaharison, 2017, pp. 64-65). In his speeches, Rajoelina appealed to emotion and used the word *tanindrazana* ("land of the ancestors") to refer to the land in question (Vinciguerra, 2013, p. 227).

Rajoelina also used the term "selling" as opposed to leasing or rental (Vinciguerra, 2013, p. 227). Terms like neo- or new-colonialism were also largely used by Rajoelina and other exponents of his movement (Vinciguerra, 2013, pp. 227-228).

While the Minister of Territorial Management tried to expose Rajoelina's accusations as false by stating that there was no signed agreement and the land to be leased had not been identified, people in Antananarivo and the provinces were upset. Firstly, selling *tanindrazana* to foreigners was a violation of the Malagasy tradition (not law). Second, the negotiations, similar to that of the purchasing for Air Force One II, was secretly done and constituted one more sign of the power abuse by Ravalomanana and his regime (Ratsimbaharison, 2017, p. 66). This lack of transparency and secrecy-boosted sentiment of distrust and led to the conclusion that Ravalomanana managed the country like it was his own private property (Vinciguerra, 2013, p. 227).

Third, as the issue of land tenure is very sensitive in Madagascar and selling tanindrazana to foreigners is a serious violation of the Malagasy culture and tradition, some thought that leasing or selling land to non-Malagasy would be an act of neo-colonialism "made by Daewoo" (Vinciguerra, 2013, p. 229). Madagascar regained independence in 1960 and a revolt in 1947, which caused thousands of deaths, is still a powerful memory for many Malagasy (Vinciguerra, 2013, p. 229). Neo-colonialism was not an option.

The Boiling Point- You are fired!

On February 3rd, 2009, Ravalomanana removed Rajoelina from his mayoral office. Rajoelina had become very vocal, labelling Ravalomanana a dictator, calling for his resignation and calling for more anti-government protests and strikes. The country saw an increase in food prices and, that in turn, led to an increase in the anti-government protests, mainly supported by Rajoelina's supporters and opposition parties. This caused more tension between the two camps (Ploch and Cook, 2012, p. 15). In addition, on February 7th, 2009, the presidential guard fatally shot approximately 30 protesters who were marching on the presidential palace and wounded many more (Ploch and Cook, 2012, p. 10). This was similar to what happened under Ratsiraka's regime. From this incident, demonstrations and protests escalated. By mid-February 2009, to curb the protests, talks between the two sides were initiated. These talks were unsuccessful and did not result in a positive outcome. The failed talks were followed by further anti-government protests, some of which were suppressed by security forces, resulting in further fatalities. As a result of this, the military (who had pledged to keep the rule of law, remain neutral and protect civilians) maintained that they might take power if the two opposing sides did not resolve their differences (Ploch and Cook, 2012, p. 11). Subsequently, however, key military leaders appeared to support Rajoelina (Ploch and Cook, 2013, p. 11).

In early March, the government tried to arrest Rajoelina who had sought refuge at the French embassy. By March 15, Ravalomanana offered to hold a referendum to resolve the standoff

between his government and opposition protesters. This was unsuccessful. Instead, Rajoelina, who now had the backing of the military, ordered the arrest of Ravalomanana while the troops seized the presidential palace compound and the central bank in capital Antananarivo, and imposed a curfew (Al Jazeera, 2010).

By March 17th, after weeks of chaos and havoc, Ravalomanana was pressured to step down. He announced, through a presidential representative, that he had handed over control of the country to Admiral Hyppolite Ramaroson, the most senior military official. The army proceeded to hand over power to Rajoelina. Madagascar's constitutional court issued a statement endorsing the takeover as legitimate even though Rajoelina, in his mid-30s, did not even meet the age requirements for assuming the presidency. However, no recognition was forthcoming internationally, and Madagascar was suspended from both the AU and SADC (Cawthra, 2010, p. 14).

Poverty

While Ravalomanana's administration aimed to pursue an agenda that sought to reduce poverty and improve governance, respect for the rule of law, economic growth, and market liberalisation, Madagascar ranked among the world's poorest countries under his presidency. This has not changed since Rajoelina took office in 2018. As of 2018, Madagascar was ranked the fifth poorest country in the world.

Poverty is said to have been one of the triggers of the *coup* and a consequence. Locals expected Ravalomanana to keep his promises of reducing poverty in Madagascar. When that did not happen, coupled with the fact that Ravalomanana was perceived as putting his business interests and family first as well as "dipping into state coffers", the locals reacted and supported the *coup* (Interview with Ravalomanana's former Advisor, Johannesburg, 2019).

The Military Strikes again

The military in Madagascar has been a constant force in promoting *coups* in the country. Following Madagascar's independence in 1960, power was first handed to the military in 1972, in a context of widespread unrest (BBC, 2018). In 1975, a military *coup* brought Didier Ratsiraka to power, who ruled through authoritarian/military means until Albert Zafy was elected to the presidency (BBC, 2018). The mutiny of the *Corps d'administration des Personnels des Services Administratifs et Techniques* (CAPSAT) unit on the 8th March 2009 played a significant role in the escalation of the conflict. It was the military who helped Rajoelina overthrow Ravalomanana. On the 17th March, Ravalomanana handed over power to the highest ranking officer in the armed forces asking that a *military directoire* be set up to rule the country. Instead, the military promptly handed over the keys of office to Rajoelina.

The main question to ask is why the military intervened in the crisis of 2009.   One of the main reasons is that, during his presidency, Ravalomanana angered the military through key events and actions, thus alienating the military, and the security structures, as a whole. Firstly, the military had resentment towards Ravalomanana arising from the 2001-2002 crises. The crisis had resulted in the imprisonment of some military personnel from outside the capital (Cawthra, 2010, p. 16). Secondly, Ravalomanana alienated the military by promoting certain officials within the military and by treating others disdainfully, thus employing favouritism. In addition, the military was further alienated when Ravalomanana approved security reforms (through a German Advisor) at the expense of local sensitivities and by failing to address prolonged problems in the military, including a lack of facilities such as accommodation and the top-heavy structure of the armed forces (Cawthra, 2010, p. 16).   Ravalomanana further alienated and angered the military by making use of the security forces to physically protect his business interests instead of the country.

When the 2009 crises erupted, the military did not defend Ravalomanana nor offered to protect him.

The French Affair

While the influence of France in Madagascar is not necessarily a trigger or cause of the *coup*, it is important to note that, through information gathered through literature, diplomatic cables and interviews held for this thesis, France not only undermined SADC's mediation but also supported and promoted the *coup*. Thus, it acted as a "spoiler."

French Interests

France's presence in Madagascar can be traced as far back as the 1600s (Randrianja and Ellis, 2009). In 1642, the French established fortresses in Fort-Dauphin in the south-east of Madagascar as well as in Ile Sainte Marie. French influence did not extend far beyond these forts which were maintained until 1674 (Randrianja and Ellis, 2009). In 1885, Madagascar became a French protectorate and in 1895, it officially became a colony of France after the abolition of the monarchy (Britannica, 2019). Despite the considerable improvements and developments in Madagascar under French colonial rule and support, dissatisfaction with France's exploitative colonialism became apparent with the "Malagasy Uprising" from March 1947 to February 1949. This uprising and unrest were also fuelled by the refusal of France to grant Madagascar independence through legal means (Randrianja and Ellis, 2009). However, due to its military superiority, the French colonial administration managed to end the uprising by the end of 1948 (Randrianja and Ellis, 2009). Nevertheless, the discontentment continued which spurred Madagascar's long fight for independence that was eventually obtained on 26th June 1960 (Britannica, 2019).

Since then and to reiterate, assassinations, military *coups* and disputed elections have featured prominently in the country because of repressive administrations, institutional weaknesses, elitist tendencies, population dissatisfaction and, above all, the French influence on the economic and political architecture of Madagascar. As previously mentioned, the 2009 *coup* and its aftermath were no exception to the established trend.

France has continued to control and assert influence over its former colonies and has continuously intervened in African affairs through its post-World War II pact (Spagnol, 2019). This pact maintains that the French can control the economies of the African states (Spagnol, 2019). France can take possession the former colonies' foreign currency reserves; it can control the strategic raw materials of the country; it can station troops in the country with the right of free passage; it can demand that all military equipment be acquired from France; it can take over the training of the African police and army and it can insist that French businesses be allowed to maintain monopoly enterprises in key areas (water, electricity, ports, transport, energy, etc.) (Spagnol, 2019). The pact further allows France to set limits on the importation of a range of items from outside its currency zone and set minimum quantities of imports from France (Spagnol, 2019).

This intervention of France in all spheres of activity in its former colonies is known as *la Françafrique* (Rupiya, 2017, p. 111-112). Initially, *la Françafrique* (a term coined by former Ivorian President, Félix Houphouët-Boigny, in 1955) was meant to describe the mutually beneficial relationship between France and Africa (Li, 2016). Today, under the guise of establishing friendly relations and developing comprehensive ties with her former colonies, la Françafrique has come to symbolise the negative and dark side of France's neo-colonial relationship with its former African colonies and refers to the continued dominance of France in the economic and political relations of multiple former colonies across Africa (Li, 2016).

Essentially, *le village franco-africain* or *la Françafrique* is driven by the need to guarantee France's indefinite access to natural resources and markets in Africa including heavy-handedness in relation to the military as well as maintaining the French culture. To protect her interests, France will go to great lengths that may include covertly supporting and organising *coups* in former colonies to remove "anti-France" leaders; and executing covert and open military interventions (Li, 2016). For instance, France was accused of interference and of complicity in the mass killings in Rwanda in 1994 and the overthrowing of Francois Bozize of the Central African Republic in 2012 due to his refusal to allow the French company ARENA access to uranium deposits (Rupiya, 2018). However, in 2019, the French President, Emmanuel Macron, appointed a panel of experts to investigate France's role in Rwanda's genocide. The probe was abandoned in July 2020 due to a "lack of sufficient evidence" (Associated Press, 2020).

In Burkina Faso, there were suspicions that France was involved in the murder of President Thomas Sankara, also known as "Africa's Che Guevara", in 1987 (Rupiya, 2018).

For Madagascar, Françafrique has been no exception. As a former French colony, Madagascar is of strategic economic value because of its location, minerals, and other natural resources (Spagnol, 2019). The French influence in the country can be perceived in all sectors - politically, culturally, socially, militarily and others (Rupiya, 2018). *Françafrique* was clear during Tsiranana's presidency. To reiterate, Tsiranana went so far as to assure that the French people living in Madagascar formed Madagascar's 19th tribe. Also, his closest technical advisors ("*vazahas*") were from France and played key roles within the principal economic sectors (Vernochet, 1987, pp. 498–499). The most notable advisors were Paul Rouleau, who headed the cabinet and was involved in all economic affairs and General Bocchino, who performed the functions of Minister of Defence.

In terms of foreign policy, the Franco-Malagasy ties became formal with the signing of fourteen agreements and conventions with France during the Tsiranana years. Thus, the signing of the fourteen agreements and conventions with France formed the cornerstone of Madagascar's foreign policy and assured continued French assistance and support, especially in relation to finance. Similarly, the agreements largely favoured the French in the sense that they ensured that France's economic and military interests in Madagascar remained strong. An Economic and Financial Cooperation Agreement signed in June 1960 specified and regulated Madagascar's status as a member of the Franc Zone (Global Security, 2019). Membership to the Franc Zone has been highly controversial although it is often argued that, as with any monetary zone, it provides monetary stability, brings inflation under better control and provides greater financial visibility through mutual "surveillance" and peer reviews (Saura, 2006). Through its membership in the Franc Zone, Madagascar was able to attract private investment, including a guaranteed market for agricultural products, such as bananas, meat and sugar, as well as budgetary support for injection into the economy. Yet, despite all these "benefits" Madagascar left the Franc Zone in 1972 to establish its own independent currency. Leaving the Franc Zone can be attributed to two factors. The first was a radical change in domestic and foreign policies in 1972 under the leadership and presidency of Gabriel Ramanantsoa (1972–1975) (Saura, 2006). Ramanantsoa was determined to reduce France's strong grip on Madagascar's economy and military. Hence, in addition to withdrawing from the Franc Zone, Ramanantsoa also ensured that the previous agreements with France were renegotiated to reduce the ties between France and Madagascar (Saura, 2006).

The second factor motivating the withdrawal from the Franc Zone includes the fact that it is widely perceived that membership within the Franc Zone is a form of subtle neo-colonialism exerted by France over her former colonies as well as a critical political and economic device that promotes dependency in large parts of the continent (Taylor, 2019, pp. 1064-1088). Through the Franc Zone, it is argued that France is able to control the money supply, monetary and financial regulations, and economic policies of certain francophone African nations, thus preventing these countries from making economic and social progress (Taylor, 2019, pp.

1064-1088). Hence, it can be assumed that the Franc Zone is merely another instrument to promote *le village franco-africain* or *la Françafrique*.

Other economic agreements ensured the sanctity of existing French economic interests and, therefore, continued strong levels of French influence over Madagascar's economy. Hence, the Malagasy role was limited to the impact of decision makers in the upper tiers of government and input at the grass-roots level by small-scale farmers producing for subsistence or export. For the most part, other sectors also largely remained the domain of French trading conglomerates, large-scale agriculturalists, or Chinese and Indian intermediaries.

Concerning security, defence agreements between France and Madagascar reveal France's willingness to provide strategic protection for Madagascar. France provides military aid, technical assistance, and training for Malagasy security forces. In return, France is allowed to access military bases and installations in Madagascar such as the natural harbour of Antsiranana and the Ivato airfield near Antananarivo. France also enjoys complete freedom of movement in the island's airspaces and coastal waters (Global Security, 2019).

Culturally, the French influence in Madagascar is undeniable. The country's intellectual elite is French-speaking, and many prominent Malagasy citizens study in French lycées and acquire degrees from French universities. Secondary and tertiary education models the French system and teachers are mainly from France (Madagascar Country Study Guide, 2006). There are at least 29 *Alliance Françaises* present in the country. Meant to promote French culture, especially in Anglophone countries, the constellation of *Alliance Française* institutions in Madagascar is the largest in a single African country. While there are benefits to understanding and promoting French culture and language, according to Nanjala Nyabola (2020), this network of centres is currently seen by some Malagasy people as an extension of the cultural colonialism that made political colonisation by France possible. In addition, the newspapers and published works are written in French, as well as in Malagasy (Nyabola, 2020).

In terms of the economy and investments, France has made major investments in the airport and the only deep-sea harbour capable of taking in submarine vessels. In addition, for the French, Madagascar is an important satellite centre for Francophone policy and includes control of the neighbouring islands of Mayotte and Réunion. Hence, Antananarivo serves as one of eight key centres for investment for France (Madagascar Country Study Guide, 2006). In addition, French citizens have also been encouraged to invest in Madagascar thus leading to over 100 major monopoly cartels and more than 5,000 small- to medium-scale businesses (Rupiya, 2018). One of the interviewees in this study maintained that France's grip and monopoly on business in former colonies is deep-seated (Respondent from the SADC Mediation Team, Maputo, 2019). The respondent maintained, "I hear that there is an unwritten rule that, in any former French colony, when there is business, the French

companies have the first right of refusal. Which means, if you have like a mine or a gas block and you want to auction it or doing the bidding, you first need to ask the French if you want it or not." The respondent also maintained "the same way I hear that there are some countries, every year, they have to pay tax to France. African Francophone. I hear Presidents speaking about it. Presidents of Francophone countries speaking about it. Whether it is true or not, I have not given myself time to research it. These are the allegations out there" (Respondent from the SADC Mediation Team, Maputo, 2019).[10]

France has been and continues to be Madagascar's largest trading partner with trade worth more than €974 million (Mann, 2018). It is Madagascar's leading source of tourists and customer in terms of exports. France is Madagascar's fourth largest supplier. In addition, France is Madagascar's leading bilateral donor through the Agence Française de Développement, which allocated more than €47 million to Madagascar (Mann, 2018).

Ravalomanana angers France

Ravalomanana had a turbulent relationship with France. When Ravalomanana was just starting his business, he was mocked by French diplomats and mishandled by the French consulate when asking for a visa to visit France (Andriamananjara, 2008). The French considered Ravalomanana as a "nobody" and this affected Ravalomanana's ego greatly (Andriamananjara, 2008). In addition, Ravalomanana resented the fact that when he came to power, the French still supported "pro-French" Ratsiraka. French authorities took months to recognise Ravalomanana as the winner of the 2001 Presidential elections, giving a clear signal to Ravalomanana of their uneasiness with him.

When Ravalomanana came to power as president in 2002, the relations between France and Madagascar deteriorated (Andriamananjara, 2008). These difficult relations between the two countries led many observers to suspect that France had a key role to play in the 2009 c*oup d'état*. In fact, Ravalomanana openly accused France of instigating the *coup* and of openly supporting Rajoelina when he was in exile in South Africa. Through a telephonic interview, Ravalomanana told his supporters that "France is now lobbying within the Francophone countries over the world to recognise the putschist regime of Andry Rajoelina…Frenchmen do not want the development of our country, they always want to colonise us, they want to

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[10] According to Anastacia Promskaya's article *"France still robbing its 'former' African colonies"* (Sep 25, 2015), French colonies have to pay a colonial "debt", France can automatically confiscate the African country's national reserves, France claims the right to exploit any natural resource discovered in the country, France forces African countries to give preference to French interests and companies in the field of public procurement and public biding, France claims an exclusive right to supply military equipment and training to African military officers, France claims a right to deploy troops and intervene in the African country to defend France's interests, African countries are obliged to make French the official language of the country and of education, African countries are forced to use the colonial currency FCFA (the CFA franc), African countries are obliged to send France an annual balance and reserve report, African countries are prohibited from entering into any military alliance and the African countries are obliged to ally only with France during a situation of war or global crisis.

monopolise our independence, our wealth, which is the reason why they helped these thugs and these putschists to take power" (Xinhua, 2009).

Ravalomanana was not the only one to accuse the French of meddling and promoting the *coup*. According to diplomatic cables now available to the public, many Malagasy people, diplomats and Norwegians who participated in the EU dialogue with the HAT shared Ravalomanana's sentiments. With regards to diplomats, the Mauritian High Commissioner, Georges Alain Laridon, confirmed that the French Ambassador in Maputo closely watched the meetings from the corridors in order to report to the Élysée Palace (WikiLeaks Cables, 2009). Discussing the French influence, Laridon said the French backed pro-Rajoelina factions and manipulated the military because Ravalomanana had led a "frontal attack" on French business interests, and alienated their government (WikiLeaks Cables, 2009). Laridon also said the French had a stake in keeping Ravalomanana out of Malagasy politics (WikiLeaks Cables, 2009).

However, before we can discuss the role of France during the *coup* and why it is plausible to assume that they had a key role in promoting and supporting the *coup*, it is important to outline the events and steps taken by Ravalomanana that highlighted his anti-French sentiments and resentment.

First, in an attempt to reduce dependency on France and France's grip economically on Madagascar, Ravalomanana joined SADC. By joining SADC, business, trade and diplomatic ties shifted towards other African countries, particularly Anglophone countries. Joining SADC meant building on the relations that existed with SADC, COMESA, the IOR-ARC and the IOC (Interview with Ravalomanana's former Advisor, Johannesburg, 2019). Additionally, it meant capitalising on the bilateral realm with Mozambique and South Africa. Membership within the SADC region also signified a better negotiating position on Lomé vis-a-vis the European Union (Interview with Ravalomanana's former Advisor, Johannesburg, 2019).

To further diversify the country's trade and diplomatic relationship and ties, Ravalomanana reached out to the United States (US), China, Indonesia, Japan, and South Korea (Interview with Ravalomanana's former Advisor, Johannesburg, 2019). This openness encouraged foreign assistance and consolidated bilateral ties with several countries. In April 2005, Madagascar obtained $110 million from the US under a contract signed with the Millennium Challenge Corporation (MCC) to promote economic growth and reduce extreme poverty (Interview with Ravalomanana's former Advisor, Johannesburg, 2019).

Second, Ravalomanana restructured the school system in Madagascar and introduced English in the school curriculum, thus downgrading the importance of the French language. This greatly displeased the French as it was perceived as a direct challenge to the expansion of the French language in Madagascar. This event also meant that teachers from France had a reduced role to play in the schools, as there was now a need for English teachers instead (Rupiya, 2017, p. 115).

Third, under his presidency, Ravalomanana also introduced new stringent requirements for the renewal of work visas and permits as it was widely perceived that many French businesses were not compliant with the existing regulations. Thus, the French business community in Madagascar encountered difficulties in renewing visas and work permits. Business-wise and investment-wise, this had the potential to reduce the French business monopoly in Madagascar. This also reduced the influx of French nationals to the country (Rupiya, 2017, p. 105).

Fourth, in 2008, Ravalomanana shut down the French embassy and expelled the ambassador, Gildas Le Lidec, six months after his arrival. (Rupiya, 2017, p. 109; Andriamananjara, 2008). The reasons why Ravalomanana expelled the French Ambassador are not known. However, many have speculated that it was because Ravalomanana was wary of the fact that Le Lidec had been present in other Francophone countries during crises, assassinations, and murders. He was present in Kinshasa when Laurent-Désiré Kabila was murdered in 2000 and was also in Cote d'Ivoire during the armed rebellion against Laurent Gbagbo (Andriamananjara, 2008). Nevertheless, whatever the reasons were for the Ambassador's explusion, the outcome was that this incident made Madagascar's diplomatic ties with France fragile.

Another incident that portrays Ravalomanana's anti-French sentiment is the fact that Ravalomanana fled to South Africa after the *coup* and not to France. This is unlike what his predecessors did. Even Rajoelina had sought refuge at the French Embassy in Madagascar and was welcomed - thus indicating France's preference. As one respondent says after extensive talks with locals in Madagascar, Ravalomanana did not follow the French rules and purposely opposed the French and the "cycle of *coups*" in Madagascar (Respondent from the SADC Mediation Team, Maputo, 2019). According to the respondent, the "cycle of *coups*" in Madagascar is "normal" and has several characteristics. This includes the fact that the French usually support the *coups*. In addition, the overthrown leader usually goes to France in exile while the new leader leads Madagascar. When the new leader arrives, he or she will also be overthrown through protests and demonstrations, again backed or supported by the French. He or she will also be exiled in France while the previous leader, having been properly brainwashed by the French during his or her exile, returns to Madagascar to rule and impose French rules and interests (Respondent from the SADC Mediation Team, Maputo, 2019). This statement might seem rather far-fetched, however this is exactly what happened with Didier Ratsiraka and Albert Zafy.

France reacts to the coup

It has never been a secret that France does not like the former President Ravalomanana. This was made clear when Ravalomanana defeated Ratsiraka for the presidency in 2001. Unlike other countries and as mentioned before, French authorities took months to recognise Ravalomanana as the winner. On the other hand, it did not take that long for Rajoelina to be recognised by France as the legitimate leader after the 2009 *coup*. France was the only

European country to recognise Rajoelina's government after the *coup* and to offer refuge to Rajoelina during the *coup* within the walls of the French Embassy.

France's dislike towards Ravalomanana was also made clear with the airing of Ratsiraka's interview on Rajoelina's TV station. The French allowed Ratsiraka to conduct that interview as he was exiled in France and it was the French who allowed Rajoelina to have access to it. The French knew that any form of message from Ratsiraka would anger Ravalomanana (Respondent from the SADC Mediation Team, Maputo, 2019).

Also, in terms of having a role to play in encouraging and supporting the *coup* that disposed of Ravalomanana, what were merely suspicions and assumptions before, diplomatic cables now available to the public as well as research have confirmed that France supported the *coup*, supported Andry Rajoelina and even went to great lengths to undermine SADC's mediation.

In these cables, it was clearly stated that France felt that the return of deposed President Ravalomanana was impossible. Rajoelina, on the other hand, was seen as someone who was not a threat to French interests as he had "nominal power" for the time being (WikiLeaks Cables, 2009). France had one goal after the *coup*. That goal was to ensure the continuation of France's Francophonie policy, which is essentially the protection of French interests and nationals in Madagascar.[11] The cables revealed that France would support anyone who would continue and promote the Francophonie policy in Madagascar. That person was Rajoelina. Hence, to sustain its "anyone but Ravalomanana" Campaign, France supported Rajoelina and the *coup* by offering him refuge during the *coup* at the French Embassy and recognizing him as President. They also indirectly showed support to Rajoelina and the *coup* by funding the HAT, by funding the internal mediation that was held at the Senegalese Embassy, by giving support to CAPSAT and by attempting to try to derail SADC's mediation efforts. In relation to the attempt of undermining SADC's mediation efforts, research, as well as the cables, reveals that during the mediation talks in Maputo, "France deliberately broadened the players by flying in former leaders, Albert Zafy and Didier Ratsiraka....France aimed to make reinstatement of Ravalomanana impossible and dissuade military intervention to restore constitutional order" (Rupiya, 2018). By allowing Zafy and Ratsiraka to join the mediation process, it made the reinstatement of Ravalomanana impossible and it dissuaded military intervention by SADC to restore constitutional order. Additionally, I argue that it made the mediation process more complex.

Moreover, the other way in which France meddled and attempted to hinder the mediation process was to try to conduct their own parallel mediation efforts. This failed.

With regards to funding CAPSAT and the HAT, WikiLeaks cables reveal that "France has footed the bill for CAPSAT 'extras'....there were multitudinous transfers from citizens in France to the HAT...Many transfers were done by Western Union, and many were made by exiled president

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[11] This policy, according to the French, was severely undermined under Ravalomanana's rule.

Ratsiraka's son-in-law, although other sources and means were used as well (WikiLeaks Cables, 2009).

The cables, analysts and research reveal that France supported the *coup* and backed Rajoelina due to various reasons. As has been discussed, Ravalomanana was a threat to French interests. If France were to remain a prime source of diplomatic, financial, and military support for Madagascar and benefit endlessly from the country's resources and riches, Ravalomanana could no longer remain in power or even return to Madagascar. Rajoelina, for his own reasons and maybe at the behest of the French, prevented Ravalomanana from returning to Madagascar for years. However, after the 2013 elections, it was the French Ambassador to Madagascar that declared Ravalomanana should stay longer in South Africa. This, of course, revealed France's intentions and also annoyed most diplomats, governments, including South Africa and other SADC governments. This statement countered SADC's position that Ravalomanana must be allowed to return "unconditionally" (WikiLeaks Cables, 2009).

Another reason why the French supported the *coup* and Rajoelina is that the threats issued by Pro-Ravalomanana protestors against France and French residents were taken very seriously and deepened the France-Ravalomanana divide. Madagascar is home to one of the largest French communities in Africa and thus any intimidation and threats against French nationals could not be taken lightly or without some form of repercussion.

The French-Rajoelina affair, of course, is not one-sided. As the current President of Madagascar, Rajoelina has allowed France to enjoy more access to the country than before. Furthermore, the French language has been reinstated as the primary language and Rajoelina's closest advisors in government are French. This can only mean that these advisors are pushing the interests of France and not of Madagascar. In addition, immediately after the *coup*, Rajoelina re-established diplomatic ties with Paris and threatened to leave SADC (Respondent from the SADC Mediation Team, Maputo, 2019). The departure from SADC is intended to benefit historical French economic interests. Research shows that France calls Rajoelina "notre chouchou" (our darling), a testament to how much the country appreciates him because that he has graciously allowed Madagascar to be pillaged by the French (WikiLeaks Cables, 2009).

The Role of French companies during the coup

In the previous sections, it has been outlined that there are various triggers and causes of the 2009 *coup*. However, a recent development has been that the real instigator of the *coup* were the French companies Total and Areva. How exactly Total and Areva were involved has not been disclosed however, true to "*Françafrique*", their involvement in the *coup* was talked about amongst the locals as if it were common knowledge (De Benito, 2010).

This is not the first time that French companies have been accused of meddling in the political affairs in the African countries where they are present in order to advance French interests. In 2016, the Areva group[12] was accused in meddling in the politics of Niger in order to secure a new uranium mine deposit located in the Imouraren region.

Conclusion

This section outlined Madagascar's post-colonial history as well as the triggers and causes of the *coup*. Since gaining independence, assassinations, military *coups,* and disputed elections have featured prominently in the country.

With regard to the 2009 *coup*, I argued that Ravalomanana's selfish actions and his repressive government, Rajoelina and his alliance to France, the grievances of the military, the intervention of France, institutional weakness, population dissatisfaction and elite division were all behind the "triggers" and causes that led to the 2009 *coup d'état*.

I also maintained that, while Madagascar has undergone two democratic elections to date, there is a need for a post-election environment that would foster an *entente* between the rival political parties and funding from the international community that would lead to economic and social upliftment of the population.   Unfortunately, to date, Madagascar is still suffering from the after-effects of the 2009 *coup* and is actually going backward on every developmental index in the world.

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[12] The AREVA Group is a French state-owned conglomerate and the world leader in terms of nuclear power and technology.

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CHAPTER 5

Mediation by SADC and other African RECs prior to the Madagascar crisis

Introduction

This chapter provides a concise and brief history of SADC and its institutional set-up, with particular emphasis on the SADC Organ on Politics, Defence and Security (also referred to the Organ) and the Organ's limitations.

In order to show that mediation by African RECs on the continent is not a new or unique occurrence, this chapter also briefly examines SADC's interventions in Zimbabwe, Lesotho, and the DRC. Mediation efforts by ECOWAS in The Gambia and the Intergovernmental Authority on Development (IGAD) in Sudan are also discussed.

Tracing the History of the Southern African Development Community (SADC)

The Southern African Development Community (SADC) has been in existence since 1980, when it was formed as a loose alliance of nine majority-ruled States in Southern Africa known as the Southern African Development Co-ordination Conference (SADCC), with the main aim of co-ordinating development projects in order to lessen economic dependence on the then apartheid South Africa. The founding Member States are: Angola, Botswana, Lesotho, Malawi, Mozambique, the Kingdom of Eswatini, United Republic of Tanzania, Zambia and Zimbabwe. Some of these countries were also known as the Frontline States (FLS).[13]

SADCC was formed in Lusaka, Zambia on April 1st, 1980, following the adoption of the Lusaka Declaration - Southern Africa: Towards Economic Liberation. The transformation of the organisation from a Co-ordinating Conference into a Development Community (SADC) took place on August 17th, 1992 in Windhoek, Namibia when the Declaration and Treaty was signed at the Summit of Heads of State and Government thereby giving the organisation a legal character.

SADC was established under Article 2 of the SADC Treaty. Like other regional organisations, SADC was born and graduated through the periods of the Old and New Regionalisms. Its founding members were later joined by Namibia (1989), South Africa (1994), Mauritius

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[13] The FLS was established in the late 1970s as a focus point for the anti-colonial struggle in southern Africa. The original members were Angola, Botswana, Mozambique, Tanzania and Zambia (and briefly Nigeria), and after it gained independence in 1980, Zimbabwe joined and acted as chair of the organisation for most of its existence. The FLS was a loose association of states that acted in an *ad hoc* fashion, responding to political needs and crises as these arose – it's main focus was the anti-apartheid struggle and pre-1980, the struggle against the Smith regime in (then) Rhodesia.

(1995), Seychelles, the Democratic Republic of Congo (1998), Madagascar (2005) and Comoros (2019).   Drawing on the experience of SADCC, the Treaty recognised the need for stronger Regional Integration throughout Southern Africa in order to further development of the region. Hence, SADC's aims were broadened and primarily focus on regional integration to spearhead economic development of Southern Africa.

Through regional integration, SADC's key aims are to achieve economic development, peace and security, and growth, alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa, and support the socially disadvantaged (SADC, 2016). This is to be achieved through the establishment of an open economy built on democratic principles and based on equality, mutual benefit, and balanced development (South African History Online, 2012).

The guiding strategic frameworks for SADC's regional integration and for long-term economic and social policies are the Regional Indicative Strategic Development Plan (RISDP) and the Strategic Indicative Plan for the Organ (SIPO). The ultimate aim of the RISDP is to deepen integration in the region with a view to accelerating poverty eradication and the attainment of other economic and non-economic development goals (SADC, 2017). SIPO's main objective is to create a peaceful and stable political and security environment through which the region will realise its objectives of socio-economic development, poverty eradication, and regional integration.

The Organ on Politics, Defence and Security

Peace and security have always been central to SADC. Moreover, SADC realises that, for economic integration to be successfully forged, it is vital and essential for a stable and secure political environment to be established. Hence, the SADC Organ on Politics, Defence and Security was established in 1996 (also referred to the Organ).

The objectives of the Organ are essentially to "promote peace and security across Southern Africa, protecting the region's people from instability due to the breakdown of law and order, developing a common foreign policy throughout the region, and cooperating on matters related to security and defence" (SADC, 2001). In other words, through the Organ, SADC established its mechanism for collective security in preventive diplomacy (conflict prevention, management and resolution).

The SADC Organ is co-ordinated at the level of Summit, consisting of a Chairperson, Incoming Chairperson and Outgoing Chairperson (Troika), and reports to the SADC Summit Chairperson. The Organ is a subsidiary part of SADC and, therefore, abides by the same principles as those of SADC, including the sovereign equality of all member states, the peaceful settlement of disputes, and the observance of human rights, democracy and the rule of law (Malan and Cilliers, 1997, p. 3). To prevent conflict of interest, the Chairperson of the

Organ cannot simultaneously hold the chair of the SADC Summit (SADC, 2019). It is these principles that provide content to the intention to move to a common system of political values, systems, and institutions (Malan and Cilliers, 1997, p. 7).

The SADC Treaty, the Protocol on Politics, Defence and Security Co-operation and the Strategic Indicative Plan for the Organ (SIPO) II are the key documents that guide the activities of the Organ.

Responsibilities of the Organ on Politics, Defence and Security

The Organ on Politics, Defence and Security is responsible for:

- **Politics and Diplomacy** which includes co-operation of governments and disaster management
- **Defence** which includes the Military
- **Police (Southern African Regional Police Chiefs Co-operation Organisation-SARPCCO)** which includes the security of civilians
- **State Security** which includes Regional Early Warning Centre (REWC)
- **Public Security** which includes immigration, refugees, correctional services and parks and wildlife.
- **Regional Peace-keeping** that includes a standby force and regional peace-keeping committee.

In terms of Article 10A of the SADC Treaty, the overall objectives of the Organ will be realised through the following specific objectives:

- **Military Defence** with a view to ensure protection against instability and intra and interstate conflict and aggression; develop a collective security capacity and the development of the Mutual Defence Pact.
- **Crime Prevention** to promote a community based approach to domestic security
- **Intelligence** to promote close co-operation and develop democratic institutions and practice
- **Peace-making and Peace-keeping enforcement** to prevent, contain and resolve inter-and intra-state conflict by peaceful means; to consider enforcement action in accordance with international law and as a matter of last resort where peaceful means have failed and to develop a regional peace-keeping capacity
- **Foreign Policy** to promote co-operation and common political value systems and institutions to deal with cross border crime; develop common foreign policy approaches on issues of mutual concern including an early warning system; encourage and monitor international arms control/disarmament conventions and treaties; co-ordinate participation in peace operations and address extra regional conflicts which impact on the region.

- **Conflict Management, Prevention and Resolution** to mediate in inter and intra-state disputes for conflict prevention, management and resolution
- **Human rights** to encourage observance of universal human rights; monitoring of human rights conventions and treaties; develop democratic institutions and practices including early warning

Advisory Committees of the Organ

There are three main Committees that advise on the work of the Organ. These are:

- Ministerial Committee of the Organ (MCO) – is made up of the Ministers of Defence, Foreign Affairs, Public and State Security. Its main function is to co-ordinate the work of the Organ and its structures and reports to the Chair of the Organ (Head of state and government chairing the Organ)
- Interstate Defence and Security Committee (ISDSC) – The ISDSC consists of those ministers from State Parties 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 (Solomon, 2004, p. 5). The ISDSC is chaired by a Minister from the same country as the Chairperson of the Organ and reports to the Ministerial Committee. It has three sub-committees, membership of which comprises Directors General or Permanent Secretaries, namely:

  - Defence Sub-Committee;
  - Public Security Committee; and
  - State Security Sub-Committee.

Inter-state, Politics and Diplomacy Committee – Comprising Ministers of Foreign Affairs. The ISPDC is chaired by a Minister from the same country as that of the Chairperson of the SADC Organ and reports to the Ministerial Committee (Solomon, 2004, p. 5). The ISPDC is also mandated to establish any substructures, as it deems necessary to perform its functions.

The Organ's approach to peace and security is informed by the UN Charter and the Constitutive Act of the AU, which both include the recognition of sovereignty and the non-intervention principle.

SADC's current Structure

SADC's current decision-making and institutional structure consists of the Summit, its supreme decision-making body; the Troika, which is the steering committee for the organisation; the OPDSC (with its own troika for decision-making, as well as a Directorate); the Secretariat; the SADC Tribunal; and the SADC National Committees (SNC) as well as the Council of Ministers.

The Summit of Heads of State or State Government and the Troika

The SADC Summit is responsible for the overall policy direction and control of functions of the community, ultimately making it the policy-making institution of SADC. It is made up of all SADC Heads of States or Government and is managed on a Troika system that comprises the current SADC Summit Chairperson, the incoming Chairperson (the Deputy Chairperson at the time), and the immediate previous Chairperson.

The Troika System vests authority in this group to take quick decisions on behalf of SADC that are ordinarily taken at policy meetings scheduled at regular intervals, as well as providing policy direction to SADC Institutions in between regular SADC Summits. The Troika system operates at the level of the Summit, the Organ on Politics, Defence and Security, the Council of Ministers, and the Standing Committee of Senior Officials. Application of two Troikas at the level of the Standing Committee of Senior Officials, which comprises Permanent, or Principal Secretaries or accounting for government offices, ministries, or departments and at the level of the Organ on Politics, Defence and Security Co-operation is referred to as the Double Troika.

The Summit usually meets once a year around August/September in a member state during which a new Chairperson and Deputy are elected.

Council of Ministers

The Council of Ministers oversees the functioning and development of SADC and ensures that policies are properly implemented. The Council consists of Ministers from each Member State, usually from the Ministries of Foreign Affairs, Economic Planning, or Finance. It meets twice a year in January or February and immediately prior to the Summit in August or September.

The Standing Committee of Senior Officials

The Standing Committee of Senior Officials, a technical advisory committee to the Council of Ministers, meets twice a year. It consists of one Permanent/Principal Secretary, or an official of equivalent rank from each Member State, preferably from a ministry responsible for economic planning or finance. The Chairperson and Vice-Chairperson of the Standing Committee are appointed from the Member States holding the Chairpersonship and Vice-Chairpersonship, of the Council.

The SADC Tribunal

The SADC Tribunal ensures adherence to, and proper interpretation of the provisions of, the SADC Treaty and subsidiary instruments, and adjudicates upon disputes referred to it. It was

established by the Protocol on the Tribunal, which was signed in Windhoek, Namibia, during the 2000 Ordinary Summit, and was officially established on 18th August 2005 in Gaborone, Botswana. The inauguration of the tribunal and the swearing in of members took place on 18 November 2005 in Windhoek, Namibia, where it is based. It consists of appointed judges from Member States.

After several judgements ruling against the Zimbabwean government, the Tribunal was *de facto* suspended at the 2010 SADC Summit. On 17th August 2012 in Maputo, Mozambique, the SADC Summit addressed the issue of the suspended SADC Tribunal. The SADC Summit resolved that a new Tribunal should be negotiated and that its mandate should be confined to interpretation of the SADC Treaty and Protocols relating to disputes between Member States.

The SADC National Committees

The SADC National Committees have been established to provide inputs at national level in the formulation of regional policies and strategies, as well as to co-ordinate and oversee the implementation of programmes at national level. The Committees are also responsible for the initiation of SADC projects and issuance of position papers as inputs into the preparation of the Regional Strategies. The Committees comprise key stakeholders from government, private sector and civil society in each Member State and a provision for their establishment is reflected in the SADC Treaty. The whole idea behind the establishment of the national committees was to have an inclusive approach to regionalism.

Taking a Closer look at the Organ- Its Limitations

Without a doubt, the creation of the Organ was a major milestone within the Southern African Development Community whose role is to mediate, through peaceful means, both intra-state and inter-states conflicts within the region. However, various authors and analysts have maintained that SADC's peace-making efforts to date have not been effective due to various factors. For Nathan (2013), SADC's peace-making ineffectiveness and failures stem from the incoherence and disunity that exists between SADC member states. This distrust amongst the members and the fact that some members prefer military intervention as opposed to mediation to resolve conflict in the region has made SADC's responses weak with regards to conflict resolution and plays a key role in delaying SADC's responses. In fact, this is what happened in the case of Madagascar. The member states were divided in how to address the conflict in Madagascar, thus causing a delay in SADC's response to the conflict. The main division had to do with the fact that the Kingdom of Eswatini was in favour of military intervention in Madagascar while other countries preferred mediation as an approach.

In addition to the disunity and incoherence amongst member states, Ancas (2011, p. 142) maintains that SADC's ineffective peace-making efforts also stems from the fact that certain

member states' interests and hegemonic powers interfere with SADC's peace-keeping efforts. Thus, during conflict resolution, SADC is used to further the national interests of certain member states rather than in the interest of the region. In this regard, the assumption is that SADC, during conflict resolution, does not operate or respond as an organisation endowed with independent political decision-making power and peace-making approaches but rather based on the interests of certain member states (Ancas, 2011, p. 142).

With regards to ineffective peace-making, SADC has also been criticised for its ineffective early warning system and slow implementation of peace-making approaches, reportedly based on the unwillingness amongst member states to share sensitive peace and security information and a divided and weak SADC Secretariat (Motsamai, 2018, p. 89). This is quite true in the case of Madagascar when Ravalomanana refused to alert SADC on the situation in the country in 2008. SADC has no mechanism in place to extract such sensitive information from member states due to the notion of sovereignty.

The issue of sovereignty, territorial integrity and non-interference amongst member states is also a serious limiting factor. This absolutist notion of sovereignty is extremely problematic if regional integration is to be successful in Southern Africa and if the Organ is to be able to operate fully without obstacles or hindrances. SADC is not a superstate, but an institution of sovereign states that meets to formulate regional policies, which serve their interests. In such a community of states, an institution like the OPDSC, as a policy implementing body of SADC, cannot be autonomous. It is accountable to the SADC Summit and very often has to navigate through the conflicting views of the members. According to Motsamai (2018, p. 87), it acts on behalf of the interests of SADC member states, rather than acting autonomously.

Other factors that have been put forth in an order to explain SADC's ineffective peace-making efforts include the fact that its wide membership and a limited scope in certain areas of the region (such as central Africa) poses a challenge for peace-making as well as the issue of overlapping membership (Ancas, 2011, p. 143).

Overall, from the above analysis, it would appear that indeed the SADC Organ has major challenges in dealing with conflict situations in the region. As the worldwide trend is to focus on peace and security through peace-making and conflict prevention management and resolution, it is imperative that the proper structures to deal with these be in place. Such structures need to be properly staffed by skilled personnel and adequately funded to be able to deliver on their mandate. In addition, given the dynamics of conflicts, capacity building on a continuous basis to ensure effectiveness and efficiency of conflict resolution is crucial. The Organ lacks these structures, resources, and capacity (Motsamai, 2018, p. 106).

In terms of resources, it is a known fact that the first issue confronting SADC, and consequently the SADC Organ, is a shortage of funds (Desmidt, 2017, p. 10). SADC, like other RECs and even the AU, is reliant on the international donor community for 80% of its operational costs and this dependence and lack of funds not only undermine the operations

of the organisation but also prevents the SADC Organ from attracting highly skilled professionals (Solomon, 2004, pp. 6-7).

Given the integrated nature of security and resource constraints, structures have to be lean and duplication of tasks should be avoided. Hence, there does not seem to be a need for both an ISDSC and an ISPDC when their mandates overlap and all these Ministers are already brought together in the Ministerial Committee (Solomon, 2004, p. 7). The costs of running the ISDSC and ISPDC can be used for other key aspects such as capacitating the Organ to achieve its goals more successfully.

Another weakness is that one Head of State would be in charge of SADC and another in charge of the Organ. While seen as a positive development and promotes common ownership of SADC, this is also a cause of friction. This was quite apparent during the Madagascar crisis when the Chair of the Organ had a different approach from the chair of SADC. In addition, the annual change of Chair for the Organ causes problems and limits or hinders continuity.

SADC and the AU

For both SADC and the AU, the maintenance of peace and security and the prevention, resolution and management of conflict are priorities (Ndlovu, 2013, p. 54). SADC constitutes an APSA building block and thus contributes to the continental peace and security agenda (Ndlovu, 2013, p. 54). The APSA programme has three principals. These are:

- To broaden ownership of the implementing partners with respect to policies, strategies and spending, and to increase the alignment of external interventions to aid-recipient policies and priorities;
- To increase coherence between policy, spending, and results (regardless of source of funding) through greater transparency, wider dialogue, and comprehensive view of the sector; and
- To minimise as far as possible the transaction costs associated with the provision of external financing, either by direct adoption of aid-recipient procedures or through progressive harmonisation of individual donor procedures.

Hence, in light of the shared priority of peace and security, SADC and the AU are meant to interact and even collaborate in these areas (Ndlovu, 2013, p. 54). While interaction between the region and the continent began when southern Africa was struggling for independence and freedom, more structured interaction started in 2005 with the establishment of the PSC (Ndlovu, 2013, p. 54). Despite this, there remains an unresolved complex issue between SADC and the AU that tends to cause competition, conflict and tensions during conflict situations. That complex issue is that that of subsidiarity. In fact, this issue is at the core of all AU-RECs relationships in the sense that, while African RECs such as SADC are encouraged to take responsibility for peace-making in their respective regions in line with the principles

of subsidiarity, in actuality, there is no consensus on how subsidiarity is to be applied during conflict (Ancas, 2011, p. 143). Hence, during peace-making initiatives, the relevant REC and the AU would both be involved, mostly working against each other because of the lack of clear roles and overlapping mandates. This was evident in the case of Madagascar and thus, the SADC mediators had to find a resolution to work around this challenge (Ndlovu, 2013, p. 67).

The fact that SADC (and ECOWAS) established its regional security mechanisms before the AU was formed in 2002 also contributes to competition and tensions during mediation as SADC feels that it has more experience and expertise in peace-making in the SADC region than the AU. For this reason, SADC will not always follow AU recommendations, despite the fact that the AU is supposed to be the co-ordinating organisation (Ancas, 2011, p. 145).

To address the issue mentioned above as well as others, a new draft protocol on AU–REC relations has been proposed to replace the 2008 protocol on AU–REC relations. However, it remains that, unless there is the implementation of a clear framework and strategy outlining the RECs and the AU's role and mandate during conflict, the AU and RECs such as SADC will continue to primarily work and compete against each during crises.

SADC Mediation Efforts prior to the case of Madagascar

Prior to its mediation in Madagascar, SADC has been involved in conflict resolution in Lesotho, DRC and Zimbabwe. It has used different approaches like military interventions, negotiation, mediation, and preventive diplomacy, depending on the character of the conflict. The success of SADC interventions in resolving conflicts has been varied, given the challenges presented by the conflicts, as they were different in terms of nature, causes, dynamics and level of complexity (Vhumbunu, 2015, p. 4). In all these cases, including the case in Madagascar, SADC has been active in mediation mainly through the appointment of mediators – typically a serving or retired president (Cawthra, 2010, p. 11). In this chapter, SADC's intervention in the DRC (1996-1999), in Zimbabwe (2008) and in Lesotho (2014) is briefly discussed. The interventions reveal that mediation is not new to SADC, that to keep the peace in the region, SADC employs various peace-making tactics that include mediation, the deployment of armed forces and "soft diplomacy". The interventions also reveal that high-level mediators and state leaders are deployed to lead mediation processes and that agreements in various forms are formulated and implemented in order to resolve conflict and post-conflict building. Moreover, the interventions reveal that SADC's mediation and peace-making efforts are hampered by various factors including spoilers, the general complexity of the conflict, and intimidation by conflicting parties, limited resources and different approaches on how to deal with the conflict at hand.

SADC's Mediation Efforts in the DRC

Since gaining independence in 1960, the DRC has not known peace. The conflict period from 1996–1997 was referred to as "Africa's first world war" – a phrase that highlighted the regional nature of this conflict. This period was followed by what is often referred to as the second Congo War (1998–1999), which involved more than nine countries including Rwanda, Uganda, Burundi, Angola, Namibia, South Africa, Tanzania, and Zimbabwe (Mutisi, 2016). The conflicts are characterised by communal violence, internal armed conflict, political power contestations and competition to access state resources (Mutisi, 2016). Moreover, several actors are involved in the conflicts, from multi-national corporations (MNCs) to neighbouring countries.

In an attempt to resolve the conflict in the DRC, a number of RECs and International bodies such as the AU, the UN and the International Conference on the Great Lakes Region (ICGLR) were involved. However, it is SADC that has been the prominent REC involved in conflict resolution in the DRC (Mutisi, 2016).

The SADC-led mediation processes in the DRC (1996–1997) promoted dialogue between Kabila and Mobutu. This was largely facilitated by the late former President Mandela. Then, as early as 1998, SADC intervened in the DRC through a combination of military intervention and mediation. In 1998, three SADC members (Angola, Namibia and Zimbabwe) intervened militarily under the auspices of the SADC Allied Forces (Mutisi, 2016). This intervention, requested by Kabila in response to the invasion of the DRC by Rwanda and Uganda, was authorised by the SADC Organ, which was then chaired by Zimbabwe.

The military intervention, also referred to "Operation Sovereign Legitimacy" (OSLEG) was conducted to fight off the rebels primarily sponsored by Rwanda and Uganda, to secure the DRC territory, and to protect civilians (Mutisi, 2016). Many have criticised the use of military forces to enforce peace, however, the main outcome of this intervention was that four years of military engagement and presence helped the DRC regain its authority and sovereignty (Mutisi, 2016).

The intervention by the SADC Allied Forces was concluded with the signing of the Lusaka Agreement in 1999 facilitated by SADC leaders and former presidents (Mutisi, 2016). This agreement provided for the cessation of hostilities; the withdrawal of foreign groups; disarming, demobilising, and reintegrating of combatants; and the re-establishment of government administration. The Agreement also paved the way for the establishment of Inter-Congolese Dialogue (ICD)[14] (Crisis Group Report, 2001). The IDC was led by SADC mediators, Masire and then Mbeki. The dialogues led to the formation and ratification of two peace agreements in July 2002. The agreements were signed between the DRC and the Rwandan and Ugandan governments, providing for the two countries to pull their troops out of the eastern DRC. These agreements paved the way for the adoption of political pluralism

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[14] The main aim of the dialogue is to prepare the DRC for a new political dispensation that liberates the Congolese from external occupation and interference

and the holding of democratic elections in 2006, which somewhat strengthened the legitimacy of state institutions and the central government.

Conflict in the DRC continued after the elections in 2006 and, once again, SADC intervened. In January 2008, another peace deal was signed between the DRC government and rebel groups, which paved the way for the elections in 2011 (Mutisi, 2016). Another pact, the Regional Pact on Peace and Security and the Peace, Security and Co-operation Framework for the DRC (the "Framework of Hope") was signed by 11 countries in 2013 (Mutisi, 2016). This pact, which aimed to address the root causes of the conflict and foster stability and co-operation between the neighbours led to the reduction of violence, though it did not completely eradicate it. Furthermore, SADC took the initiative to deploy the Force Interventions Brigade (FIB) in 2013 to secure the warring DRC territory. The intervention of the FIB resulted in the Kampala Dialogue and Declarations for Peace and the Nairobi Declaration for Peace in the Eastern DRC in December 2013 (Mutisi, 2016). The FIB's intervention has also resulted in a partial neutralisation of the *Forces démocratiques pour la libération du Rwanda* (FDLR) (Mutisi, 2016).

As of today, the DRC still experiences some form of conflict as some armed groups are still active. However, the overall perception of SADC's involvement in the DRC since the 1990s to resolve conflict reveals the institutions' commitment to keeping the peace and stability not only in the DRC but also in the region. SADC's mediation and peace-making initiatives in the DRC sought to secure the state and restore state authority, protect civilians and build long-term sustainable peace. However, SADC's intervention in DRC has not been without challenges that include a lack of capacity, "spoilers" and the complexity of the conflicts and the actors involved, differing approaches to conflict resolution and more.

SADC's Mediation Efforts in Lesotho (2014)

To date, the conflicts in Lesotho have been the recipient of the most SADC interventions since SADC's formation (Motsamai, 2018, p. 161). Lesotho is a country that has a long history of political instability and has experienced high levels of factionalism, political tension, and violent conflict since its independence in October 1966 (Vhumbunu, 2015, p. 4). In 2014, SADC intervened in Lesotho when the country's Prime Minister Thabane alleged that a *coup d'état* had been launched against him by his deputy, Mothetjoa Metsing, who had the support of the army. Thabane immediately called for the deployment of peacekeepers into Lesotho to restore order (Vhumbunu, 2015, p. 6).

The 2014 attempted *coup* can be traced to the 2012 National Assembly elections that resulted in a three-party coalition government (Vhumbunu, 2015, p. 6). The then Prime Minister Mosisili's Democratic Congress (DC) failed to attain the required outright majority. As a result, a three-party coalition government of Thomas Thabane's All Basotho Convention (ABC), Deputy Prime Minister Mothetjoa Metsing's Lesotho Congress for Democracy (LCD) and the Basotho National Party (BNP) was established.

Thabane was accused of making government decisions without consulting the other parties in the coalition, thus undermining the coalition government completely (Vhumbunu, 2015, p. 6). To resolve the issues, internal mediation by the Christian Council of Lesotho (CCL) was conducted but was not effective. Metsing then withdrew from the coalition and entered an alliance with Mosisili's DC. Thabane prorogued Parliament to avoid a vote of no confidence by the newly formed coalition and his decision, approved by King Letsie III, caused more tension and promoted more factionalism within Lesotho (Vhumbunu, 2015, p. 6). The conflict and tension further escalated when Thabane fired the Lesotho Defence Force (LDF) army commander, Lieutenant-General Kennedy Tlali Kamoli, and replaced him with Brigadier Maaparankoe Mahao. This decision was said to be politically motivated and unprocedural. Soon after, the army attacked the police headquarters, supposedly at Metsing's request. Thabane reported this as a *coup d'état* and fled to South Africa (Fabricius, 2015). Metsing became Interim Prime Minister.

In response to Thabane's claim that he was a victim of a *coup d'état*, the SADC Troika met early September 2014 to decide on a way forward regarding the crisis in Lesotho. Military intervention was a last resort and so mediation and diplomacy was used.

At the time of the attempted *coup*, South Africa was the Chair of the Organ hence, the then South Africa president, Jacob Zuma, led the talks between Thabane, Metsing, and the Lesotho Minister of Gender and Sports, Morena Maseribane. SADC also called for a meeting between LDF Commander, Tlali Kamoli, and regional military officers from the South African National Defence Force (SANDF), Zimbabwe Defence Forces (ZDF) and Namibia Defence Forces (NDF), to allow Thabane to return to Lesotho and to guarantee national security.

Following an assessment mission by South Africa to guarantee his safety, Thabane returned to Lesotho on the 3rd September 2014 under South African guard (Fabricius, 2015).

SADC appointed a mediator, South African Deputy President Cyril Ramaphosa, to facilitate dialogue between the disputing political parties and the protagonists at the centre of the power struggle and crisis. An accord was reached to dissolve Parliament and hold a snap National Assembly election on 28 February 2015, instead of 2017 (Fabricius, 2015). Through these elections, Mosisili, who had been prime minister from 1998 to 2012, once again became prime minister.

SADC further intervened and mediated in Lesotho when the former LDF army chief, Brigadier Mahao, was assassinated on the 25th June 2015. SADC proceeded to organise and host an Extraordinary Summit of the Double Troika on 3 July 2015 in Pretoria to (i) consider reports from the SADC facilitator and SADC's Fact Finding Mission in Lesotho; (ii) to approve the establishment of an oversight committee as an early warning mechanism in the event of signs of instability in Lesotho and to intervene as appropriate; (iii) to establish and deploy an independent commission of inquiry to investigate the circumstances surrounding Mahao's death and (iv) to urge the Government of Lesotho to create a conducive environment for the return of opposition leaders to the country (Vhumbunu, 2015, pp. 9-10).

In assessing the efficacy of SADC's intervention, it is important to note that the intervention did not address the structural causes of the Lesotho conflict hence, conflict will continue to be prevalent. In the 2014 case, SADC mitigated the conflict rather than resolving it. On the other hand, research reveals that SADC interventions in Lesotho were well co-ordinated, coherent and executively timeously. The Troika meeting appointed and deployed President Ramaphosa as SADC mediator who facilitated the safe return of Thabane to Lesotho. The Lesotho Parliament was re-opened and early elections took place.

SADC Mediation Efforts in Zimbabwe

Following Zimbabwe's deteriorating political situation in 2007, SADC intervened in Zimbabwe by assigning the then South African president, Thabo Mbeki, to mediate between the parties to the conflict, namely the ruling party the Zimbabwe African National Union – Patriotic Front (ZANU–PF led by Robert Mugabe) and its opposition. The opposition are the Movement for Democratic Change (MDC-T led by Morgan Tsvangirai) and the Movement for Democratic Change – Mutambara (MDC-M led by Arthur Mutambara) (Hove and Ndawana, 2016, p. 66).

Mbeki's approval by SADC bolstered his mediation efforts, legitimacy and international acknowledgment. The key goals of Mbeki's mediation were to (i) recommend the resolution to hold harmonised elections in 2008 (ii) to agree on steps to ensure that the elections would be free and fair, acceptable to all and representative of the will of Zimbabwean voters and (iii) to agree on the measures that needed to be implemented to create the climate that would facilitate such acceptance (Mutanda, 2013). In light of this, the SADC Principles and Guidelines Governing Democratic Elections in 2008 was adopted (Hove and Ndawana, 2016, p. 76). These guidelines aimed at establishing a standard electoral practice in southern Africa and, for Zimbabwe, it meant the reforms to the electoral system for it to be fair (Hove and Ndawana, 2016, p. 76).

In spite of some challenges, Mbeki registered notable achievements in reducing pre-election violence in the March 2008 elections (Mutanda, 2013). When ZANU-PF lost the elections, SADC resumed the mediation process in order to find again a way to end the political disturbances.

In September 2008, SADC brokered the 2008 Global Political Agreement (GPA) to end Zimbabwe's political and economic turmoil which had rocked the country since 2000 (Eppel and Raftopoulos, 2008, p. 1). It was signed by all the conflicting parties - Robert Mugabe, Morgan Tsvangirai and Arthur Mutambara (Eppel and Raftopoulos, 2008, p. 1). The GPA was a foundation for the Inclusive Government (the Government of National Unity (GNU)), which became functional on 11 February 2009 (Hove and Ndawana, 2016, p. 67). The GPA, meant to prepare the political process free and fair elections, led to the parties jointly drafting a new constitution and carrying out institutional reforms in the media, security sector and the Zimbabwe Electoral Commission in a drive to establish a conducive election environment (Hove and Ndawana, 2016, p. 67).

Research reveals that Mbeki's insider-partial mediation (quiet diplomacy) was much criticised and he was repeatedly accused of sidelining Tsvangirai during the mediation process. Thus, he was accused of not being a neutral mediator, of being "anti-MDC" and of being ineffective, especially when violence ensued after the 2008 elections. During the violence, Mbeki maintained to the international community that there was no crisis in Zimbabwe (Hove and Ndawana, 2016, p. 69).

Mbeki was also attacked by the MDC as "turning a blind eye" when it was apparent that a doctored GPA deal was presented for them to sign on 15th September 2008 and for endorsing Mugabe's allocation of ministries that left Mugabe's powers intact and Morgan Tsvangirai in a poorly defined and weaker prime ministerial post (Guzura, 2016, p. 10). Mbeki was also criticised and attacked for failing to act to stop the ZANU-PF from violating some GPA provisions, of being unable to rein in the ZANU-PF regarding hostile rhetoric against the MDC and Tsvangirai, and failing to stop the spread of negative and hate reporting by the state-controlled media, as agreed in the MoU signed by all parties to the GPA (Hove and Ndawana, 2016, p. 76).

There are more events and incidents that point to Mbeki's perceived pro-ZANU-PF and pro-Mugabe sentiments. However, it is important to note that SADC's mediation was instrumental in brokering a power-sharing agreement between ZANU-PF and the two MDC formations resulting in the GNU after the 2008 disputed elections failed to produce an absolute winner to end the conflict at a tactical level. This is commendable, considering the fact that earlier SADC interventions in Zimbabwe were met with little success.

When Jacob Zuma took over from Mbeki in 2009 as mediator, it is important to note that his role was "inherited" in the sense that South Africa was the Chair of the Organ at the time. Nevertheless, Zuma continued with the series of talks initiated by Mbeki, but also appointed a facilitation team comprised of African National Congress (ANC) members, Mac Maharaj and Lindiwe Zulu, to assist with the crisis in Zimbabwe. As mediator, Zuma's key task was that he had to ensure that pertinent issues in the GPA were implemented as a roadmap to free and fair elections (Hove and Ndawana, 2016, pp. 76-79). Zuma used assertive mediation in the case of Zimbabwe but, in overseeing the implementation of the GPA, he did not dictate to the parties but merely facilitated the parties to find their own solutions, thus revealing that mediators have no power to enforce agreements (Hove and Ndawana, 2016, p. 74). More, using a tougher stance than Mbeki, Zuma did not tolerate Mugabe's attempts to derail the implementation of the GPA issues on numerous occasions, as well as his rush to an election without reforms (Hove and Ndawana, 2016, p. 74). In retaliation, the ZANU PF used state media to vilify and patronise Zuma and his negotiation team regularly in order to undermine their efforts and to portray them in a negative light (Guzura, 2016, p. 14). When Zuma continued to press for electoral and political reforms, Mugabe threatened to leave SADC and revealed that it would jeopardise Zuma's re-election in South Africa by providing ideological and (allegedly) monetary support to Julius Malema's Economic Freedom Fighters (Guzura, 2016, p. 14). Hence, due to such threats and intimidation, Zuma withdrew from his tough

standpoint when dealing with Mugabe (Guzura, 2016, p. 14). When the 2013 elections occurred in Zimbabwe and Mugabe won, despite claims of irregularities and election rigging, it marked the end of Zuma's mediation.

From the brief summaries of SADC's intervention in the DRC (1996-1999), in Zimbabwe (2008) and in Lesotho (2014), it has been outlined that mediation is not new to SADC. In order to keep the peace in the region, SADC employs various peace-making tactics that include mediation, the deployment of armed forces and "soft diplomacy". SADC also prefers to use high-level mediators and state leaders are deployed to lead mediation processes and to formulate and implement agreements in various forms to resolve conflict and post-conflict building. While SADC's mediation efforts are hampered by various factors including "spoilers", intimidation by the conflicting parties, the general complexity of the conflict, limited resources and different approaches on how to deal with the conflict at hand, its commitment to keep the peace in the region cannot be denied.

Mediation by other RECs

As mentioned before, SADC is not the only REC involved in peace-making in Africa. Similar to SADC, case studies of mediation conducted by other existing RECs in Africa provide key facts and knowledge and important points to consider regarding mediation on behalf of a regional organisation. Such a case study is the 12-year invention by IGAD[15] during the interstate conflict between Sudan and South Sudan. IGAD was instrumental in ensuring that the Sudan peace agreement of 2005 paved the way for declaring South Sudan a new state. This intervention gives a good outline on how proactive intervention and mediation by a regional organisation can contribute to modest success in improving conflicts (Back, 2016, p. 148). IGAD's intervention also demonstrates how regional mediators managed to get the Sudan parties to negotiate, how IGAD collaborated with international actors to assist in the mediation to improve the negotiations and reach an outcome (Khadiagala, 2007, p. 188). Thus, in this section, I briefly summarise IGAD's 12-year intervention in Sudan.

This section also briefly outlines ECOWAS's intervention in The Gambia as it provides key facts and knowledge about how a strong and clear mandate as well as financial and military international support can lead to successful mediation efforts on behalf of the mediating body. The ECOWAS intervention in The Gambia also reveals how important it is for member states within the mediating organisation to be unified and to act in a timely and decisive manner to resolve conflict in the region.

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[15] Ever since its foundation in 1986 the Intergovernmental Authority on Drought and Desertification (IGADD), later renamed Intergovernmental Authority on Development (IGAD), has faced the enormous task of resolving conflicts in the Horn of Africa. IGAD's membership consists of Djibouti, Ethiopia, Eritrea, Kenya, Somalia, the Sudan, South Sudan, and Uganda.

The latest north-south civil war in Sudan began in 1983, following the breakdown of the 1972 Addis Ababa agreement[16] (Khadiagala, 2007, p. 243).   For more than two decades, the Government and the Sudan People's Liberation Movement/Army (SPLM/A) fought over resources, power, the role of religion in the state, and self-determination. Because of the civil war, over two million people died, four million were displaced and some 600,000 people fled the country as refugees (Zapata, 2011).

Over the years, there were many attempts by the parties themselves, states, donors, and international organisations to mediate and to bring peace (Khadiagala, 2007). However, these talks failed and, in light of the failed talks, a declining economy, human rights violations, violence, mounting international isolation and local and international pressure to resolve the conflict, IGAD was asked to intervene by Bashir during IGAD's 1993 summit (Zapata, 2011).

Bashir's reasons for asking for IGAD's invention was centred on the notion of "African solutions to African problems". IGAD's members were neighbours and the assumption was that they understood the conflict and its causes better than "outsiders" would. Hence, Bashir attempted to hinder foreign interventions (Khadiagala, 2007, p. 209). Bashir also assumed that, by approaching IGAD, his "friends" in the mediation committee would dominate the deliberations (Khadiagala, 2007, pp. 209-210). However, IGAD made the commitment to be neutral and even-handed in its actions concerning the crisis as its members wanted stability in the region (Khadiagala, 2007, p. 194).

IGAD's first phase of mediation

When IGAD accepted to mediate, a standing Committee on Peace in Sudan was formed and chaired by the then President Arap Moi of Kenya. It included President Zenawi of Ethiopia, President Afewerki of Eritrea, and President Museveni of Uganda (Murithi, 2009, p. 141).

The committee began with proximity talks in January 1994 to get the parties to agree on a common agenda. The SPLM/A sought a consensus to discuss a cease-fire to open access for humanitarian relief, the right to self-determination through a referendum for the south, and detailed interim arrangements for the transition period (Khadiagala, 2007, p. 191). The Sudanese government did not agree on the issue of self-determination and threated to boycott further mediation efforts unless the issue was removed from the agenda. The committee convened the first round of talks in March 1994.

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[16] The 1972 Addis Ababa Agreement granted significant regional autonomy to southern Sudan on internal issues, it promised the Abyei area and allowed a referendum to determine whether the Abyei area would remain a part of northern Sudan or join the newly formed Southern Region.

After another round of talks in July 1994, the mediators presented the conflicting parties with a Declaration of Principles (DoP). The DoP included a number of provisions relating to human rights and also held that the unity of Sudan be given priority, that the social and political system be secular and democratic, and resources be equitably shared (Murithi, 2009, p. 144). The DoP also suggested that the south would have the right to self-determination through a referendum (Murithi, 2009, p. 141). The SPLM/A endorsed the DoP while the Sudanese government rejected it, arguing that the issues of self-determination and the religious orientation of post-conflict Sudan toward sharia law were not negotiable (Murithi, 2009, p. 142). This halted and negatively affected further mediation efforts in that same year.

While IGAD's efforts were halted, a number of parallel mediation efforts were undertaken (Khadiagala, 2007, p. 191). For instance, there was the initiative undertaken by the Carter Centre, Iran, Libya, Malawi, and South Africa (Murithi, 2009, p. 142). There was also the Egypt-Libyan initiative undertaken to secure Egypt's interests in maintaining limited control and influence over Sudan to ensure the flow of water from the Nile (Murithi, 2009, p. 143). The Egypt-Libyan initiative was rejected by the SPLM/A as it was not reinforced by the DoP. The initiative also undermined and countered IGAD's mediation process, hence, IGAD responded by establishing the IGAD Partners Forum (IPF) to widen its sphere of responsibility (Murithi, 2009, p. 142). From May to July 1994, the IPF supported the IGAD's initiatives and sustained negotiations through international support (Murithi, 2009, p. 142). Despite this, the Egypt-Libyan initiative continued.

IGAD's second phase of mediation

With the mediation by IGAD halted, fighting continued. By the end of 1996, the SPLM/A was making significant progress into northern Sudan. This prompted Bashir to resume negotiations and to consider the DoP. Bashir was aware of the growing SPLM/A's military support from both Ethiopia and Uganda as well as the fact that his government was in a vulnerable position (Murithi, 2009, p. 143). He was left with no choice but to negotiate.

IGAD's mediation resumed in October 1997 but, once again, hindered on the issue of self-determination and the religious primacy of sharia. In May 1998, a new round of talks began involving other actors such as the IFP and the UN (Adar, 2000, p. 47). At this point, the parties were able to agree on the principle of self-determination through a referendum (Murithi, 2009, p. 141). By 1999, the Sudanese government was increasingly moving toward accepting the DoP, including the question of self-determination. Egypt, acting as a "spoiler", attempted to undermine the IGAD–led mediations and negotiations (Khadiagala, 2007, pp. 209-220). The Egypt-Libyan initiative proceeded to hold a series of talks in Cairo and Tripoli in mid-2001 but this was undercut by diplomatic efforts in Sudan led by the United States (US) after the 9/11 attacks. The US's diplomatic efforts boosted IGAD's mediation efforts and eventually

led to the signing of the Machakos Protocol by the Government of Sudan and the SPLM/A in 2002 (Adar, 2000).

Sanctioned and signed under the auspices of IGAD, the Machakos Protocol set in motion the political process that led to creation of the Republic of South Sudan 2011, it led to comprehensive reforms in the system of governance and it aimed to address the root causes of the civil war in the Sudan (Adar, 2000). However, in 2002, military operations overtook the brief respite offered by the Machakos Protocol and the Sudanese government responded by withdrawing from the IGAD negotiations (Murithi, 2009, p. 144).

The IGAD mediators continued to work, with external pressure coming from the U.S. Congress in the form of the Sudan Peace Act of October 2002, which threatened the Sudanese government with sanctions (Murithi, 2009, p. 145). A MoU on the Cessation of Hostilities in all areas of Sudan by all forces was also agreed on and upheld by a Verification and Monitoring Team (VMT).[17]

In September 2003, the IGAD mediators facilitated high-level talks between the First Vice President of Sudan and Garang in Naivasha. By September 2004, the parties finalised their negotiations on security arrangements with a reduced role for the IGAD mediators. However, because of the growing international concern about the crisis in Darfur and the issue of ethnic cleansing, the conflicting parties drafted and signed a Comprehensive Peace Agreement (CPA) in Nairobi on January 9th, 2005 (Khadiagala, 2007, p. 245). The signing of the CPA marked the end of IGAD's mediation efforts for this crisis. The CPA incorporated elements of the DOP, Machakos Protocol, and the Naivasha agreements, and established a Government of National Unity (GNU) as well as a Government of Southern Sudan (GoSS). The CPA created a framework for power sharing, it created a framework related to the equal distribution of resources, it called for the demarcation of the border between the north and the south and it stipulated that elections would be held across the whole of Sudan three years into the interim period of six years, which ran into 2011 (Adar, 2000).

Overall, the IGAD's intervention in Sudan, outlined here briefly, captures the conflict's complexity, the intricacy, and the challenges that regional mediators deal with in resolving conflict. Mediation efforts, such as revealed in the case of Sudan and Madagascar, are challenged by parties' misbehaviours and threats, "spoilers", internal weakness and shortcomings, renewed hostilities, and the likes. In fact, IGAD's intervention in Sudan outlines the key fact that the country's leaders bore the principal responsibility for the conflict, the troubled nature of peace negotiations, and the devastating suffering inflicted on millions of their fellow South Sudanese.

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[17] The VMT was composed of the Sudanese government and SPLM/A officials as well as personnel from the Civilian Protection Monitoring Team (CPMT), IGAD, the AU, and other observer nations.

Like SADC, ECOWAS[18] has been involved in mediation in its region, West Africa for over two decades (Atuobi, 2010, p. 39). Over the years, ECOWAS's mediation efforts have produced mixed results, successes, and failures alike (Atuobi, 2010, p. 29). Between the 1990s and early 2000s, ECOWAS intervened in Liberia, Sierra Leone, Guinea Bissau, and Côte d'Ivoire. More recently, ECOWAS has been involved in mediation in Guinea, Niger, and The Gambia.

In this section, ECOWAS's intervention in The Gambia is discussed as it provides key facts and knowledge about how a strong and clear mandate as well as financial and military international support can lead to successful mediation efforts. The ECOWAS intervention in The Gambia not only reveals that Africa can address its security challenges independently, it also reveals how important it is for member states to be unified and to act in a timely and decisive manner to resolve conflict in the region.

On the 1st of December 2016, Gambia went to the polls. The expected result was that President Yayha Jammeh[19] would, again, "win" the elections since he had won the elections in 2001, 2005 and 2011 (all these elections contradicted international standards of free and fair elections) (Atuobi, 2010, p. 32).

An authoritarian, oppressive and repressive leader, under Jammeh's rule, there was a high level of systematic human rights violations, torture, disappearance of journalists and activists, a general atmosphere of intimidation in the country, repression of independent political activity and the suppression of opposition. In fact, opposition leader, Ousainou Darboe, and 19 others politicians were imprisoned earlier in 2016 for having participated in a demonstration calling for political reforms in April 2016 (Hartmann, 2017, p. 86). Hence, in the run-up to the 2016 elections (as well as others), it come as no surprise that the regime refused to register international election observers (with the exception of a small African Union contingent), and it shut down the internet and text messaging services on election day (Hartmann, 2017, p. 86). With this electoral interference and manipulation by Jammeh's government, it was a shock when the Electoral Commission of the Gambia declared that Adama Barrow had won the elections on the 2nd of December 2016. Barrow had succeeded Darboe as leader of the opposition, and, under the plurality electoral system, Barrow won with 43.3 per cent of the votes, with Jammeh obtaining 39.6 per cent and a third candidate winning the remaining 17 per cent (Hartmann, 2017, p. 86).

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[18] ECOWAS) was formed in May 1975 to "promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability," as written in Article 1 of the 1993 ECOWAS Revised Treaty. Its membership consists of Benin, Burkina Faso, Cabo Verde, Cote d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

[19] Jammeh assumed the presidency of The Gambia in 1996 through a bloodless *coup* in 1994.

Jammeh conceded defeat but then changed his mind, claiming irregularities and declaring a national emergency in the country (Hartmann, 2017, p. 87). Jammeh subsequently annulled the election results and deployed troops to seize the headquarters of the electoral commission, thus revealing that he still had control of the security apparatus in the country. It was clear that Jammeh would not hand over power to the elected president by the 18th of January hence, fearing widespread violence, approximately 45,000 Gambians fled across the border to Senegal (Hartmann, 2017, p. 90). The president-elect Barrow also fled to Senegal in fear of his life and despite that fact that he was recognised by the international community as the legitimate president.

ECOWAS was quick to react when Jammeh refused to accept the election results. The organisation called for the Gambian government to "abide by its constitutional responsibilities and international obligations….that the verdict of the ballots should be respected, and that the security of the president-elect, Adama Barrow, and that of all Gambian citizens be fully ensured (ECOWAS, 2016). When Jammeh still refused to accept defeat and even sent the troops to the electoral commission, ECOWAS leaders decided to send a mediation commission to Banjul. Jammeh's actions was threatening the stability of the region.

As acting ECOWAS chairperson at the time, Liberian president Ellen Johnson-Sirleaf headed the mediation delegation that travelled to Banjul on 13 December 2016, together with the presidents of Nigeria, Ghana, and Sierra Leone, and the UN Special Representative for West Africa (also a former ECOWAS Commission president), Ghana's Mohammed Ibn Chambas. Despite the high-ranking composition or the mediation team, the mediation failed as Jammeh refused to modify his position. It was then that ECOWAS realised that they needed a more credible action and sanction (Nantulya, 2017). Hence, at a regular summit on 17th December 2016 in Abuja, the ECOWAS leaders decided that ECOWAS would continue mediation efforts in The Gambia through President Buhari and President Mahama, and that, since ECOWAS was obligated to enforce the results of the elections of The Gambia, it would request that the AU and UN endorse their decisions, even if it included military action (ECOWAS, 2016). To that end, ECOWAS placed standby forces on alert and formally authorised them to intervene militarily if Jammeh did not step down (Nantulya, 2017).

Mediation efforts by Buhari and Mahama also failed and, as the deadline of 18 January approached, the option of military intervention became more realistic (Hartmann, 2017, p. 89). On the 14th January, Barrow travelled together with the ECOWAS mediators to Bamako to meet other ECOWAS heads of states. In Abuja, ECOWAS chiefs of staff discussed the preparations for the establishment of the ECOWAS Military Intervention in The Gambia (ECOMIG). UN Special Representative Chambas declared that ECOWAS would ask the UN Security Council to approve the deployment of troops to The Gambia if Jammeh refused to give up power (Hartmann, 2017, p. 89). On the 18th of January, troops (most from Senegal, with contingents from Nigeria, Ghana, Mali, and Togo) started to move towards the border with The Gambia, and together with Nigerian forces implemented a naval blockade. ECOMIG

was mandated to "facilitate the exit of Yahya Jammeh, restore the popular will of the Gambian people as expressed in the December 9 elections and create conditions for normalizing the political and humanitarian situation in Gambia" (Nantulya, 2017).

In the afternoon of 19th January, under the sponsorship of ECOWAS and in the presence of many international diplomats, Adama Barrow was sworn in as president in the Gambian embassy in Dakar, Senegal (Hartmann, 2017, p. 89). The same day, the UN Security Council unanimously approved Resolution 2337, expressing its full support for ECOWAS's quest "to ensure, by political means first," that "the will of the people of The Gambia as expressed in the results of 1st December elections" be honoured (Hartmann, 2017, pp. 89-90). Even though the Security Council did not endorse military action, on the 19th January, some troops invaded Gambian territory, but the invasion was quickly halted by a last-minute negotiation by Mauritania's president Abdel Aziz, Guinea's Alpha Condé, and Ibn Chambas. Jammeh eventually agreed to step down and go into exile. This decision was not voluntary and was based on the fact that The Gambian military would not have been able to counter ECOMIG's force, that thousands of Gambians had fled the country, that Jammeh's own army chief had pledged his allegiance to President Barrow (thus revealing that Jammeh's had lost his grip on the security apparatus of the country) and that Barrow's government had plans to prosecute Jammeh's for his crimes within a year of handing over the reins of government (Nantulya, 2017).

Following Jammeh's decision to step down and accept defeat, it was decided that ECOMIG would stay for a further three months in The Gambia, as requested by President Barrow.

ECOWAS success in The Gambia was because firstly, it had a clear and legal mandate to deal with the domestic politics of member states. ECOWAS not only promotes democratic development in the region and in member states, but also requires member states to fulfil core principles of democratic governance as per its 2001 Protocol on Democracy and Good Governance. The protocol, which also binds its members (including The Gambia), also empowers ECOWAS to implement sanctions if democracy is undermined and bought to an end (Hartmann, 2017, p. 92). These sanctions range from suspension of decision-making rights within ECOWAS to any other intervention deemed appropriate by the Mediation and Security Council and the Authority of Heads of State and Government.

For ECOWAS, the restoration of Barrow as president did not necessarily mean that democracy was restored but rather that it created the preconditions for a restoration of democracy (Hartmann, 2017, p. 95).

Secondly, ECOWAS's decisions regarding Gambia, including the threat of military action was sanctioned by its members as well as international bodies such as the UN. This support and backing emboldened ECOWAS and gave the organisation legitimacy to carry out, if needed, military action. Besides, ECOWAS leaders would have never sanctioned such a threat if they had thought that military intervention would fail. ECOWAS leaders were aware that Gambia's

small standing army would not be a threat to ECOMIG, which included the Nigerian and Senegalese forces and their superior military equipment (Hartmann, 2017, p. 93).

Thirdly, ECOWAS's intervention was successful as a result of the unified approach and decision making on behalf of its members, especially Nigeria and Senegal, and its support by the AU and the UN (Hartmann, 2017, pp. 94-96).

Conclusion

The case of ECOWAS and IGAD's interventions in The Gambia and Sudan respectively, reveal the importance of how proactive intervention and mediation by a regional organisation can contribute to modest success in improving conflicts. Moreover, they reveal the importance of international mediation to resolve conflicts, the importance of concise and clear mandates and the fact that peace-making interventions, including mediation, are more effective and impactful when supported by international bodies and member states. The case of ECOWAS in The Gambia particularly reveals that Africa has the potential to address its security challenges independently.   With regard to IGAD, the case specifically revealed that the prolonging of the conflict, the troubled peace negotiations and the suffering of the South Sudanese was on the onus of the country's leaders. In addition, IGAD's intervention in Sudan reveals how "spoilers", parallel mediation efforts and the lack of consensus on how to resolve the conflict all undermine and complicate the mediation process. This was the same in Madagascar. From the Chapters that follow, one clearly sees that *les quatre mouvances* had a key role to play to prolonging the mediation and conflict in Madagascar as did the "spoilers".

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CHAPTER 6

The Road to the Roadmap- SADC Enters the Malagasy Conflict (2009-2010)

Before SADC began to mediate in Madagascar in July 2009, other institutions and organisations had attempted to resolve the conflict in Madagascar through mediation. This section briefly outlines the pre-SADC mediation attempts by:

- The *Fiombonan'ny Fiangonana Kristiana eto Madagasikara* (FFKM) (11 February to 25 February 2009)
- The UN representative at the Senegalese Embassy in Antananarivo (an informal mediation led from 9 April to 11 April 2009)
- The International Contact Group on Madagascar (ICG-M) led by the AU representative at the Carlton Hotel in Antananarivo (from 30 April to 16 June 2009)

Mediation by the Fiombonan'ny Fiangonana Kristiana eto Madagasikara (FFKM)

Before we can discuss SADC's mediation efforts in Madagascar, it is important to note that at the national level, *the Comité National d'Observation des Elections* (National Committee of Observation of the Elections) (CNOE) and a former member of Ravalomanana's government, Andriamparany Radavidson, were the first to come forward and offer to act as mediators. Others within Madagascar followed suit, however, none were accepted as mediators. The refusal to mediate changed as a result of international pressure and the violence and the loss of lives during the street protests on "Black Monday" (26th January 2009) and the massacre of street protesters on "Bloody Saturday" (7th February 2009). It was only then, that under the auspices of the *Fiombonan'ny Fiangonana Kristiana eto Madagasikara* (FFKM), the two main protagonists accepted to meet and negotiate (Ratsimbaharison, 2017, p. 99). The UN, focusing on mediation as a means to manage the crisis and adhering to the UN's position on peace-making, initially deployed Haile Menkerios to support the FFKM in its attempt to mediate between the Ravalomanana and Rajoelina camps (Ratsimbaharison, 2017, p. 99).

The FFKM (the Council of Christian Churches of Madagascar) was founded in 1980 to bring together the Catholic Church and the major Protestant churches of Madagascar (Ratsimbaharison, 2017, p. 102). Not new to mediation, the FFKM played a key role in the transition from the Democratic Republic of Madagascar to the Third Republic. For instance, in 1990, the FFKM convened assemblies of political groups to discuss the reform of the political system. When groups supporting the regime refused to attend, the assemblies turned into gatherings of opposition forces. In the political crisis of 1991, the FFKM at first

attempted to mediate between President Ratsiraka and the opposition *Comité des Forces Vives* (Ratsimbaharison, 2017, p. 102). However, the FFKM sided with the opposition after demonstrators were killed and participated in the negotiations that led to the power-sharing agreement of October 31st, 1991.

The first direct negotiation between Ravalomanana and Rajoelina under the FFKM mediation took place on 11th February 2009, at the Headquarters of the *Eglizy Katolika Apostolika Romana* (Catholic Apostolic Roman Church) (EKAR) in Antanimena (Ratsimbaharison, 2017, p. 85). Led by Mgr Odon Razanakolona, the first direct mediation and negotiations seemed promising as it led to an agreement concerning the code of conduct for future negotiations, including the ground rules that the parties should follow during the negotiation period (Ratsimbaharison, 2017, p. 100). The ground rules looked at aspects such as the interdictions of any act of provocation and denigration of each other, any act of terror, and any attack against any religion and church leader (Ratsimbaharison, 2017, p. 100).

The meeting on the 11th of February 2009 was followed by another meeting on the 23rd February, held at a *Le Hintsy*, a private Inn situated in Ambohimanambola. While this meeting did not result in any agreements, the parties agreed to further mediation. However, at the next meeting planned on the 25th of February, Ravalomanana did not attend the meeting and sent representatives of TIM to the mediation. This move provoked Rajoelina and his camp to pull back from the arrangement process, thus collapsing the meditation attempts by the FFKM (Ratsimbaharison, 2017, p. 100).

In the midst of all these events, Mgr Odon Razanakolona resigned from his role as the leader of the mediation team (Ratsimbaharison, 2017, p. 100). While he was convinced to resume his role as lead mediator by the representative of the UN secretary general, Haile Menkerios, it was evident that the FFKM mediation had failed (Ratsimbaharison, 2017, pp. 100-101). Under the FFKM, no more direct negotiations between Ravalomanana and Rajoelina were held until SADC took charge of the mediation in July 2009 (Ratsimbaharison, 2017, pp. 100-101).

The failure of the FFKM mediation is puzzling in the sense that, if one were to look at mediation theory, the mediators were from the conflict area, they had in-depth knowledge of the conflict and they had inter-personal relationship with the parties involved in the conflict (Ratsimbaharison, 2017, p. 100; Wehr and Lederach, 1991). Hence, the FFKM were "insider-partials" that were mediating during a time when the conflict was "ripe" for mediation and had reached a "mutually hurting stalemate". To reiterate, a "mutually hurting stalemate" is grounded in a cost-benefit analysis that is defined not only by economic cost but also by the loss of human lives. Thus, a "ripe" moment presented itself as it was time to stop the massacre of innocent people and the destruction of the national economy (Ratsimbaharison, 2017, pp. 100-101). Additionally, the FFKM seemed to have had experience in mediating in previous political conflicts in the country. Why, then, did the mediation fail? There are

several reasons for the failure. First, the conflicting parties did not yet have a genuine desire to resolve the conflict at that time. Both Ravalomanana and Rajoelina were more occupied in preparing new strategies to continue and decisively finish the fight on their own terms instead of fully participating in the mediation process (Ratsimbaharison, 2017, p. 101-105). They had different interests in the sense that Ravalomanana wanted to remain in power and wanted Rajoelina to stop the street protests. From Ravalomanana's perspective, he and his government had not made any mistakes and it was up to Rajoelina to accommodate to resolve the conflict (Ratsimbaharison, 2017, p. 101-105). Rajoelina, on the other hand, wanted to overthrow Ravalomanana's government and set up a transitional government that would be responsible for designing a new constitution and organising the election of a new president (Ratsimbaharison, 2017, p. 101-105).

Second, the parties did not give FFKM a mandate to act as mediator; rather, it was the injunction of the members of the international community, and especially that of the representative of the UN general secretary, Haile Menkerios, that led the parties to accept the FFKM to mediate their conflicts.

Third, while the FFKM managed to organise three meetings between the warring camps, by the third meeting, Ravalomanana did not bother to be present himself and rather sent representatives to attend the negotiations. This prompted Rajoelina to do the same. Thus, the negotiations were abandoned altogether (Ratsimbaharison, 2017, p. 101-105).

Fourth, the FFKM did not prove itself as a neutral mediator in the sense that the council, made up of both Catholics and Protestants, started taking sides and wanted their own interests to be met as opposed to the conflict resolved (Respondent from the SADC Mediation Team, Maputo, 2019). Remember, according to mediation theory, the neutrality of the mediator is linked to the effectiveness of the mediation. Neutrality is also linked to fairness and impartially, both which are components for an effective mediated effort according to mediation theory. Thus, when the Catholics distanced themselves from Ravalomanana while the Protestants supported him (Ravalomanana is a protestant himself), it made the mediation biased, unfair and partial. It also hindered the FFKM's capacity for action, as the council works by consensus.

Lastly, not only was the FFKM's neutrality questionable, but the organisation was also not prepared to carry out negotiations. It did not have the influence, the capacity nor the resources to carry out a "power-based, deal-brokering mediation". Additionally, while the FFKM wanted the main actors to talk, it is not clear what goals the negotiations were meant to achieve (Ratsimbaharison, 2017, p. 105). In fact, the only stated objective was "to get the parties to the conflict around the negotiation table" (Ratsimbaharison, 2017, p. 133).

With all these contributing factors and hindrances, the FFKM had to stop its mediation altogether and let the members of the international community, including SADC, take over the mediation until the signing of the September 2011 SADC Amended Roadmap. The UN became in charge of the mediation process with the failure of the FFKM. At the same time,

the AU and the Organisation Internationale de la Francophonie (OIF) appointed special envoys (Lanz and Gasser, 2013, p. 11).

The Mediation of the UN representative at the Senegalese Embassy in Antananarivo (9 April to 11 April 2009)

After the FFKM failed in its mediation attempts, the UN, with inputs from other special envoys, led another less formal mediation from 9th to 11th April 2009 in the Senegalese Embassy in Antananarivo.[20]   The crisis in Madagascar was not a priority for the UN but the UN attempted to mediate in order to resolve the crisis in Madagascar (Lanz and Gasser, 2013, pp. 10-11).   However, those involved in the informal UN-led mediation lacked expertise and sufficient knowledge of the conflict to resolve the crisis. In order for mediation to be effective, there is a need for the mediating state, individual or institution to have a clear understanding of the causes of the conflict and the conflict itself, in addition to mediation expertise.

The lack of expertise and sufficient knowledge of the conflict to resolve the crisis, coupled with a lack of political will from the primary disputants to negotiate, prompted the UN to approach Zafy and Ratsiraka to break the stalemate between Rajoelina and Ravalomanana and serve as facilitators between them (Respondent from the SADC Mediation Team, Maputo and the Kingdom of Eswatini, 2019; Witt, 2017, p. 207-209).

Historically, the lack of political will to resolve the crisis has perpetuated political crises in Madagascar (1972, 1991 and 2002) (Crisis Group, 2010).   Throughout history, the political elite and conflict parties preferred to hold onto power rather than to resolve crises. For Zafy and Ratsiraka, having the UN ask them to lead the mediation was not what they envisaged. Hence, in order to serve their own interests, Zafy and Ratsiraka turned down the mediation role and opted to be involved in the mediation in the same manner as Rajoelina and Ravalomanana would (Respondent from the SADC Mediation Team, Maputo, 2019). Moreover, as other political parties, groupings, individuals and more wanted to be part of the mediation and have their grievances heard and interests met, *les quatre mouvances* (the four movements) was formed around the camps of the two former presidents, Didier Ratsiraka and Albert Zafy, as well as Rajoelina and Ravalomanana. Literature often mistakenly assumes that SADC or the UN were involved in the formation of *les quatre mouvances.* Locals who wished to take part in the mediation process and have their interests considered formed *les quatre mouvances* (Respondent from the SADC Mediation Team, Maputo, 2019).[21]   This formation solved the problem of having more than 120 different *mouvances around* the mediating table since, in Madagascar; anyone can form a party and be involved in another

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[20] A respondent from the SADC mediation team maintains that this talk was funded by the French.
[21] As the Malagasy follow people and not ideals, values or principles, locals were allowed to "follow" anyone in *les quatre mouvances* and take part in the mediation talks.

party. Pierrot Rajaonarivelo is an example of this. During mediation, Pierrot was representing the interests of Ratsiraka's AREMA as well as his own political party, MDM (*Mientana ho an'ny demokrasia Madagasikara eto* or Together for democracy in Madagascar) (Respondent from the SADC Mediation Team, Maputo, 2019).

Similar to the FFKM, the UN-led mediation attempts from the 9th to 29th April failed for several reasons. Firstly, there was a lack of a unified approach on the part of the international community involved in the mediation process (Lanz and Gasser, 2013, p. 11). An environment with multiple mediators calls for careful communication, co-ordination, and co-operation to ensure a coherent and unified mediation effort (Smith and Smock, 2008, p. 29). During the UN-led mediation attempts from the 9th to 29th April, those who attempted to mediate did not have the expertise or adequate knowledge about the conflict and how to resolve it. Moreover, as indicated earlier, the conflicting parties themselves did not want to negotiate or resolve the conflict. Ravalomanana wanted to remain in power and Rajoelina wanted to take power.

Secondly, the mediation process was rendered ineffective because, at the same time of the mediation efforts, SADC threatened to use military intervention in Madagascar and was demanding that Ravalomanana return as President. Thus, Ravalomanana was not motivated to negotiate with the *coup* leader or to take part in this informal mediation process since he felt that SADC would assist in reinstating him (Lanz and Gasser, 2013, p. 16). In addition, SADC's calling for Ravalomanana's reinstatement prompted Rajoelina to mobilise local support against external interventions, such as those from the UN.

Another reason why the mediation failed was due to a lack of co-ordination among the international actors involved in the mediation process led by the UN (Lanz and Gasser, 2013, pp. 11-12). There was no clear mandate and roles delineating which organisation would do what, hence, this led to incoherent responses and competition. To reiterate, vague mandates pose a challenge to mediation.

To resolve the issue of a lack of co-ordination, the AU Peace and Security Council established an International Contact Group - Madagascar (ICG-M)[22]. The ICG-M had broad based membership that included the Indian Ocean Commission (IOC), the Common Market for Eastern and Southern Africa (COMESA), representatives of both the African UNSC non-permanent states of Uganda, Burkina Faso and Libya, and the UNSC P5, in addition to the Joint Mediation Team - Madagascar members (JMT-M)[23] (Lanz and Gasser, 2013, p. 11).

Soon after this mediation attempt, the UN withdrew from the forefront of the negotiations and retreated to a position of technical and consultative support (Masupha, 2019, p. 31).

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[22] The decision to establish the International Contact Group on Madagascar occurred during a meeting held in Addis Ababa on 30 April 2009.
[23] The JMT-M included His Excellency Mr. Ablassé Ouedraogo (AU Special Envoy), His Excellency Edem Kodjo (Special Envoy of the OIF) and His Excellency Tiebile Dramé (Special Envoy of the UN).

The Mediation of the ICG-M (30 April to 16 June 2009)

At the first meeting of the ICG-M on the 30th April 2009, despite the UN's misgivings, the AU took over the lead in the mediation process (Lanz and Gasser, 2013, p. 11-12). The AU's main goal in mediating in Madagascar was to consolidate its role in conflict management in Africa and to avoid a spill over of the events of Madagascar elsewhere in Africa (Lanz and Gasser, 2013, p. 12). During this first ICG-M meeting, the AU Special Envoy, Ablassé Ouedraogo, headed the mediations by the ICG-M. Additionally, SADC was present during the talks for the first time – which marked a change in its approach to the crisis from confrontation to mediation (Cawthra, 2010, pp. 20-21). According to Nathan (2005), the move from confrontation to mediation is probably due to that fact that the foreign policy of the incoming Chair of the Organ, South Africa, favoured negotiations over the threat and use of force in international conflict resolution.

At an operational level in the same month, the Joint Mediation Team (JMT-M), which included representatives of the UN, the AU, SADC and the OIF, was established with the objective to identify "points of agreement and disagreement and to explore ways to cope with the obstacles remaining to restore normalcy in Madagascar" (JMT-M, 2009, p. 1). The JTM-M also "served to provide a collaborative mediation effort by the main mediators of the organisations involved" under the leadership of a lead mediator (Girardeau, 2012, p. 74). The ICG-M served as a consultative support platform for the JMT-M in its negotiations.

Under the AU's leadership, the ICG-M held a second round of mediation talks at the Carlton Hotel in Antananarivo, Madagascar on the 22nd and 23rd May 2009. These talks resulted in the signing of a Transitional Charter and called for a Truth and Reconciliation Commission to be formed in order to attempt to heal some of the wounds caused by the political crises the country had suffered (BBC, 2009). At this round of mediation talks, it was also agreed that all former presidents would be allowed to stand in the presidential elections. However, this last point was criticised and condemned by the international community as it was seen as an event that could cause further instability in Madagascar (BBC, 2009). Moreover, negating the progress made by the ICM-M on the 22nd and 23rd May and causing a deadlock, on 25th May 2009 the party of Didier Ratsiraka withdrew from the talks. In a hand-written fax, Ratsiraka, who was forced into exile in France following the country's last political crisis in 2002, said his delegation was suspending its involvement until there was an amnesty for all his supporters who were found guilty of politically related crimes at that time (BBC, 2009). Ravalomanana, too, was asking for full amnesty for all his supposed crimes. Rajoelina refused to accede to both Ratsiraka and Ravalomanana's requests for full annulment and amnesty for crimes with which they were charged.

The talks on the 25th May also did not produce lasting results between the conflicting parties because members of the IGC-M were divided on the negotiations approach to resolving the crisis (Witt, 2017, p. 216). Thus, once again, a lack of a unified and coherent approach affected

the mediation negatively. On one hand, SADC, the US and the EU partners, except France, held a staunch regard of the HAT's illegality and the need for elections to reinstitute constitutional normalcy. On the other hand, the French delegation, representatives of the IOF, the IOC, and the AU Special envoy, Ouedraogo, had a more flexible approach to the illegality of the HAT and tried to put French interests first over resolving the conflict (Masupha, 2019, p. 33). In fact, the French were in favour of early elections instead of mediation. They used the AU, OIF, OIC and the UN Special Envoy to push their agenda for early elections and the abandonment of international mediation by publicly blaming the international mediators and maintaining that, all along, it was the wish of the conflicting parties to have immediate elections (WikiLeaks, 2009). This was not true and was a "spoiler" tactic by the French to avoid a peace agreement being reached. The French also used individuals, such as Dramé, to provide the Élysée with confidential information and resolutions passed during the mediation. Aside from early elections, Dramé even went further and attempted to convince those who were close to Ravalomanana "to ask him [Ravalomanana] to cede power to Rajoelina" (Interview with Ravalomanana's former Advisor, Johannesburg, 2019; Respondent from the SADC Mediation Team, Maputo, 2019).

The competition between at least four different mediators (Tiébilé Dramé (UN), Alassane Ouédraogo (AU), Themba Absalom Dlamini (SADC), and Edem Kodjo (OIF)) also contributed to the unsuccessful ICG-M-led mediations (Witt, 2017, p. 207). While the AU insisted that the talks would be carried out under its auspices, at a strategic level, the confusion about who should lead the mediation process caused further divisions, competition, and disagreements between SADC (the lead mediator), the convening authority (AU) and the substantive expertise (the UN) (Lanz and Gasser, 2013, pp. 14-16).

A new phase of the mediation by the JMT-M started after the appointment of former Mozambican president, Joaquim Chissano, as SADC mediator in July (Lanz and Gasser, 2013, p. 12). As a former president, he was the highest-ranking official among the envoys to Madagascar. Hence, to the reluctance of the AU, Chissano assumed the leadership of the mediation process through the JMT-M (Lanz and Gasser, 2013, pp. 12-13). Despite this fact, the AU insisted that the talks would be carried out under its auspices. Thus, at a strategic level, this confusion about who should lead the mediation process caused further divisions, competition and disagreements between SADC, the convening authority (AU) and the substantive expertise (primarily the UN) (Lanz and Gasser, 2013, p. 13). SADC led negotiations through the JMT-M while the AU contributed through the ICG-M with general oversight by the UN. Despite this challenge, SADC took the lead in mediating in Madagascar.

SADC takes the lead

This section outlines SADC's mediation efforts that led to the Maputo Accords (from the 4th to 9th August 2009) and Addis Ababa Additional Act of 6th November 2009. It also examines the various competitors and players that affected SADC's mediation efforts during this time

frame. However, before detailing SADC's mediation efforts from 2009 to 2010 and the results of the Maputo Accords and the Addis Ababa Additional Act, this section also outlines (i) SADC's initial reactions and actions to the *coup* and leading up to the deployment of Chissano as lead mediator and (ii) SADC's motives for mediating (iii) SADC's reason for choosing Chissano to lead the mediation.

By examining these events, it sheds light on what factors led SADC to enter the conflict as mediator, what determined SADC's choice of Chissano as lead mediator and SADC's reactions to the *coup* before it began mediating in Madagascar.

SADC Reacts to the 2009 *coup* in Madagascar

As the situation deteriorated in Madagascar prior to the *coup* of March 2009 and as part of SADC's "Early Warning Mechanism,"[24] SADC's first response was to send two assessment missions in February 2009, one led by the executive secretary (Dr Tomaz A. Salomão) and the other by the Kingdom of Eswatini's foreign minister (Lufto Dlamini), who chaired the Ministerial Committee of the Organ. The Secretariat did not engage in any follow-up preventive diplomacy nor did Minister Lufto Dlamini report anything substantial in the case of Madagascar after those missions (ICG, 2012). Hence, SADC's "Early Warning Mechanism" was not effective.

When the *coup* occurred on 17th March 2009, the second major response of SADC was that the SADC Executive Secretary, Salomão, flew to Madagascar to retrieve Ravalomanana and his family and bring them to South Africa (Respondent from the SADC Secretariat, 2019). This action is commendable as it was risky but showed that SADC was committed to Madagascar as a member. In addition, SADC held an Extraordinary Summit on the 19th March 2009 in the Kingdom of Eswatini to discuss the political and security situation in Madagascar. During this Summit, the Organ Troika called on the AU and the International Community not to recognise Rajoelina's appointment and to put pressure on the *de facto* authorities in Madagascar to return the country to democratic and constitutional rule in the shortest time possible (Report of the SADC Mediator on the crisis in Madagascar, 2009).

The third response that SADC took concerning the *coup* was to suspend Madagascar's membership from SADC on the 31st of March and to refuse to recognise Rajoelina as the Head of State. Accordingly, Rajoelina was asked by SADC "to vacate the office of the president as a matter of urgency, paving the way for unconditional reinstatement of President Ravalomanana" (Mail & Guardian, 2009). SADC also indicated that it would consider imposing sanctions if constitutional order were not restored. The AU Peace and Security Council had already suspended Madagascar's membership on the 20 March 2009. The US

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[24] The Regional Early Warning Centre was officially launched on 12 July 2010, by His Excellency Armando Emilio Guebuza, the President of the Republic of Mozambique and then Chairperson of the Organ on Politics, Defence and Security Co-operation.

and the EU had already condemned the *coup* and cancelled their aid programmes in Madagascar.

Taking a different approach, the UN called for negotiations to occur between the two rival camps. Hence, focusing on mediation as a means to manage the crisis and adhering to the UN's position on peace-making, the UN deployed Haile Menkerios. Menkerios was then replaced by Tiébilé Dramé as the UN's Senior Political Advisor for Madagascar (Lanz and Gasser, 2013, p. 11). At the same time, the AU and the Organisation Internationale de la Francophonie (OIF) also deployed special envoys in Madagascar (Lanz and Gasser, 2013, p. 11).

During the same time, the French did not condemn the *coup* or Rajoelina's actions like other international bodies and countries had. It was no secret that France had strained relations with Madagascar through Ravalomanana. Ravalomanana was said to be a "Francophobe" and had challenged some of France's economic interests in Madagascar during his presidency (Lanz and Gasser, 2013, p. 11).

The fourth major step that SADC took concerning the *coup* in Madagascar was to threatened military intervention by its standby brigade, the Southern African Development Community Brigade (SADCBRIG), to deal with the situation in Madagascar. However, military intervention was not a unanimous decision by SADC members and it was abandoned as an option because it was "not feasible". Military intervention in Madagascar would have been disastrous for SADC, prompting an economic and humanitarian crisis in the region.

SADC had proposed military intervention out of fear, regime solidarity and without unanimous agreement from the various relevant SADC structures (Cawthra, 2010, p. 22). As a respondent in the mediation team maintains, after Ravalomanana arrived in South Africa, he also spent time in the Kingdom of Eswatini, the Chair of the OPDSC at the time. In his conversations with King Mswati III, Ravalomanana explained to the King that he was ousted through "paid demonstrations" in Madagascar and that the demonstrations that Ravalomanana experienced in Madagascar was similar to those that were occurring in the Kingdom of Eswatini at the time (Respondent from the SADC Mediation Team, Maputo, 2019). Hence, if the King wanted to make an example and ensure that what happened in Madagascar did not happen in the Kingdom of Eswatini and other SADC countries, he would motivate, as the Chair of the Organ, for military intervention that would remove Rajoelina and reinstate Ravalomanana (Respondent from the SADC Mediation Team, Maputo and the Kingdom of Eswatini, 2019). Hence, the King issued an ultimatum to the Malagasy army, maintaining that they should allow Ravalomanana to return as president or else allow the SADC army to intervene. While this ultimatum was being issued, SADC had not sent any representative to observe and understand the situation in Madagascar. Instead, the OIF, the AU and the UN had already deployed their special envoys and internal mediation, with the exclusion of SADC, had commenced in Madagascar (Respondent from the SADC Mediation Team, Maputo, 2019).

The notion of military intervention was abandoned when the Right Honourable Absalom Themba Dlamini (upon the King's request) and Dr Leonardo Simão (upon SADC's request) went to Madagascar in March and April 2009 on a fact-finding mission. Initially, Simão's mission was to listen and understand the situation in Madagascar while Dlamini's, at the King's request, was to issue the threat of military intervention in Madagascar.

In the Interim Report that Dlamini submitted to SADC, he reported that the fact-finding mission established that the causes of the crisis in Madagascar were mainly due to (i) bad governance by the Ravalomana regime; (ii) disregard of the rule of law and the constitution; (iii) political, economic and social charges against the government and (iv) the abuse and personal use of state resources by Ravalomanana (Interim Report by Absolom Dlamini, 2009). Dlamini's interim report also highlighted that the situation in Madagascar during the fact-finding mission was characterised by (i) arbitrary arrests; (ii) human right abuses; (iii) house arrests and (iv) the intimidation of pro-Ravalomanana allies and supporters (Interim Report by Absolom Dlamini, 2009).

During the fact-finding mission and after assessing the situation in Madagascar through consultations, both Simão and Dlamini agreed that military intervention was not an option. They had seen that the people of Madagascar were angry at the threat of military intervention and that the armed forces in Madagascar were actively preparing to fight back against any SADCBRIG intervention (Respondent from the SADC Mediation Team, Maputo and the Kingdom of Eswatini, 2019). Rajoelina took the threat of military intervention seriously and threatened to leave SADC. This was not something that SADC wanted. Hence, Simão presented his report to SADC on the 20th June 2009, recommending a mediatory route. Conversely, the King, who was supposed to present that same report to the Organ, decided to present another report still advocating for military intervention. However, the Executive Secretary of SADC at the time had already received Simão's report and realised that "Ravalomanana had compromised the King" (Respondent from the SADC Mediation Team, Maputo, 2019). SADC then reconsidered the idea of a military intervention and opted for a "mediatory" route in order to resolve the conflict in Madagascar.

The fifth and most important decision regarding the *coup* in Madagascar was the appointment of Chissano as the lead mediator during the Extraordinary Summit of SADC held in June 2009. Chissano arrived in Madagascar on 9th July 2009 and began his mediation mission.

As one can see from above, SADC was rather "late" in mediating in Madagascar, only having deployed its lead mediator five months after the *coup*. There are several reasons why this was the case. The first is that SADC members were divided on what the response should be to resolve the crisis in Madagascar, thus revealing that SADC members are not united in the region and can be unwilling to have a unified approach in upholding peace and security in the region. Certain SADC member states did not want to interfere in Madagascar as they felt that this was purely a Malagasy issue that should be dealt with internally (Respondent from the SADC Mediation Team, Maputo, 2019). Other members opted for a SADC intervention either

through mediation or through military action or even both (Respondent from the SADC Mediation Team, Maputo, 2019). For instance, Zimbabwe and the Kingdom of Eswatini advocated for a militaristic stance, while Botswana preferred a pacific approach to addressing the crisis (Nathan, 2013, p. 12).

Additionally, while SADC was trying to find a solution to the crisis in Madagascar, SADC was also trying to resolve the political crisis in Zimbabwe and the conflict in the DRC. Overwhelmed by regional crises, as well as the day-to-day running of the Secretariat, "the use of the SADC Secretariat, particularly the SADC Executive Secretary, did not prove to be very effective. He still has to run SADC and deal with other issues" (Respondent from the SADC Mediation Team, Maputo, 2019).

The second reason explaining SADC's delay in responding to the crisis is that, before any significant issue is raised at the SADC level, there are a series of Summits and Troika meetings that need to take place. This takes time to arrange and can be a challenge, especially since Heads of States are involved (Respondent from the SADC Mediation Team, Maputo and the Kingdom of Eswatini, 2019). As one member of the mediation team outlined, "It is not very easy for one Head of State within SADC to contact the other despite all the available technical gadgets…I had an experience where I had to drive to South Africa, spend 3 days there to see the Head of State, to find out if we could have an emergency Troika meeting. Then I had to fly to Mozambique and spend another two days there and then fly back to the Kingdom of Eswatini to report to the King. Then vice versa. It can be very cumbersome…" (Respondent from the SADC Mediation Team, the Kingdom of Eswatini, 2019).

A third reason explaining SADC's delay in responding to the crisis in Madagascar has to do with the fact that, when the request for assistance from Ravalomanana eventually came, the Organ could not act swiftly or decisively because of the change of government in South Africa who was the Chair of SADC at the time. With the ousting of Mbeki as the President of the ANC, Kgalema Motlanthe became the country's interim president. Motlanthe was reluctant to get involved in Madagascar as the Chair of SADC (Interview with Ravalomanana's Former Advisor, Johannesburg, 2019). The *coup* occurred and Ravalomanana went into exile.

Another reason explaining SADC's delay has to do with the fact that SADC may not have been confident on how to handle the complex situation at hand and needed more time to prepare and secure an appropriate mediator to handle the crisis. "The SADC Troika was not very ready to handle such a situation…SADC denounced it but there was no action that could be taken…SADC condemned the *coup* and they had no ready mechanism to reinstate Ravalomanana or to remove Rajoelina" (Respondent from the SADC Mediation Team, the Kingdom of Eswatini, 2019).

Hence, due to the time lapsed and the lack of a decisive action by SADC, Rajoelina managed to entrench himself. Removing him from power proved to be difficult as he enjoyed the support of the Malagasy military and the tacit support of France. According to Kotzé (2019, p. 11), his support base was more powerful than SADC's threats.

Effects of SADC's threat of Military Intervention

SADC's threat of military intervention in Madagascar had negative consequences. First, it undermined other mediation efforts underway in Madagascar.   Most members of the international community had, in general, two main objectives after 17th March 2009. The first was the establishment of "a neutral, peaceful and consensual transition" and, second, the holding of "free, fair and transparent elections as soon as possible" (Ratsimbaharison, 2017, p. 125).   The UN and AU mediators were promoting an inclusive transition to elections while SADC, on the other hand, was calling for military intervention. It impeded the international community's efforts to tackle the crisis in a unified manner.

Second, once Rajoelina heard about a potential military intervention to reinstate Ravalomanana, he ensured that a hasty judicial process occurred that sentenced Ravalomanana in absentia to four years imprisonment and a US$70 million fine for abusing office. This made it difficult for Ravalomanana to return to Madagascar – one of the main goals for SADC.   Rajoelina also threatened to leave SADC and retaliate militarily if needed (Nathan, 2013, p. 9; Cawthra, 2010, p. 18.

Effects of SADC calling for the Reinstatement of Ravalomanana

Asking Rajoelina to step down and demanding for Ravalomanana's reinstatement were not conducive to early attempts of mediation. Firstly, it generated friction between the mediating bodies, aroused antagonism between the mediators and the Malagasy regime and intensified the regime's resistance to a negotiated resolution of the crisis (Nathan, 2013, p. 2).   By the time the SADC mediation team was deployed, Ravalomanana did not participate in the mediation efforts that were already underway by the UN and the AU because he firmly believed that he would be reinstated by SADC. Secondly, when SADC demanded that Rajoelina step down, this sent the wrong signal for the neutrality of the SADC mediation team and SADC, in general. They were proving to be Pro-Ravalomanana by their actions; hence, Rajoelina did not want to participate in a mediation process that would potentially be biased against him.

Why did SADC Mediate?

There are several reasons why SADC mediated in Madagascar. The first is that SADC is bound by its own legal framework and principles. The unconstitutional change of government in Madagascar went against SADC's principles and allowed the Organ to intervene as the "peace-maker" of the SADC region (Cawthra, 2010, p. 21).

SADC also mediated in Madagascar as a subsidiary body of the AU. The AU derives a security mandate from Chapter VIII of the UN Charter, which gives (unspecified) regional organisations

the right to carry out activities in terms of both Chapter VI and Chapter VII of the Charter (Cawthra, 2010, p. 11)

SADC concerns of a spill over of similar situations in the SADC region prompted the Organ to intervene. To reiterate, the Kingdom of Eswatini was facing some unrest at that time and, as the Organ was chaired by the King of Eswatini, intervention was necessary even if it was based on self-interest (Lanz and Gasser, 2013, pp. 10-11).

Concerning humanitarian concerns, the deaths and human right violations during the crisis caused concern for SADC. With the mandate to promote peace, human rights and democracy in member states, SADC had to intervene. This is in line with the theory that mediators will mediate not only because of humanitarian concerns but also because of self-interest and gains (Zartman and Touval, 1985).

SADC was also able to mediate because the situation in Madagascar had become "ripe" for mediation and a "mutually hurting stalemate" had presented itself with the loss of lives and the violence that was taking place.   Moreover, previous mediation attempts had failed and the situation in the country was worsening.   The international community was putting pressure on all relevant parties, especially on Rajoelina, to resolve the conflict in Madagascar. Secondly, the revoking of memberships and impositions of sanctions had such negative and costly impact on Madagascar that Rajoelina had to accept mediation to map the way forward to resolve the crisis.   Sanctions, in this case, complemented the mediation process (Biersteker, Brubaker and Lanz, 2009, p. 1). The sanctions had isolated the current Malagasy regime, it severed and hindered trade relations, international donors cut Madagascar's much-needed aid and the regime's assets abroad were frozen.

For Ravalomanana, he agreed to mediate when the option of a military intervention by SADC was withdrawn and because he wanted to return to Madagascar.

Why Chissano?

Reinforcing the themes and characteristics that define mediation efforts in Africa, SADC, similar to other African RECs, tends to approach presidents, diplomats, foreign ministers, elder statesmen, and special envoys as mediators in conflict situations.

In the case of Madagascar, former Mozambican President Chissano was not only chosen because of his high status or that he is well respected globally. He was chosen because SADC needed an individual who was impartial, who would not easily succumb to pressure from anyone and had extensive experience in mediation, diplomacy, peace-making and negotiations (Respondent from SADC Mediation Team, Maputo, 2019).   Since leaving office in 2005, the UN and SADC have, on numerous occasions, called on former President Joaquim Chissano to mediate in various conflicts in Africa[25]- a testament to his mediation skills. He

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[25] These conflicts include mediating in Guinea Bissau, Uganda, the DRC, Kenya, and Malawi.

played a fundamental role in the 1974 negotiations for Mozambican independence between FRELIMO and the Portuguese Government, taking office as prime minister of the transitional government. He also led negotiations with former rebels that ended 16 years of war in 1992. When he was appointed as SADC mediator in the Madagascar conflict, Chissano was serving as a senior advisor for the International Crisis Group, a renowned international think tank in the field of conflict management.

The choice of former President Chissano as mediator was based on his skills and experience as well as linguistic abilities, being able to speak English, French, and Portuguese fluently. His team, comprising Nuno Tomaz and Leonardo Simão, were also fluent in the three languages. In addition, Mozambique is a "neighbour" to Madagascar and could serve as a "neutral" ground for mediation talks to take place.

SADC had the opportunity to choose someone from the DRC, from Mauritius, from Seychelles and from Comoros. Comoros and Seychelles were excluded because they were small countries and would not be taken seriously by the conflicting parties in Madagascar (Respondent from the SADC Mediation Team, Maputo, 2019). A mediator from the DRC was excluded because the DRC was far from Madagascar and was trying to resolve its own conflict. Hence, time and resources from the DRC would not be used to address the problems of Madagascar as well. As for Mauritius, a mediator from Mauritius would have been ideal since the countries are close to each other and the language would have not been a barrier. However, respondents to the thesis maintain Madagascar would have not tolerated a mediator from "little brother Mauritius…the little brother that does better than Madagascar" (Respondent from the SADC Mediation Team, Maputo, 2019).

The Maputo Accords

According to mediation theory, the formulation and signing of multiple peace agreements during mediation is a feat, although not unique. Under Chissano's mediation, the key agreements that he and the rest of the mediation team managed to formulate and tried to implement are the Maputo Agreements (specifically I and II), the Addis Ababa Additional Act, the 2011 Roadmap Out of the Crisis ("Chissano's Roadmap").

Chissano meets the players- Before Maputo I

From the time Chissano was deployed as lead mediator and before Maputo I was convened (4-9 August 2009), Chissano and his team conducted at least fourteen consultations and briefings which included those with *les quatre mouvances*, the ICG-M, the Chairperson of the Commission of the AU, leaders of SADC, the SADC Secretariat, and its relevant structures. The SADC mediation team also consulted with religious organisations in Madagascar, the military, women and youth organisations in Madagascar, civil society, the UN, representatives from the French Presidency and the Secretary General of the OIF (Report of the SADC Mediator on the crisis in Madagascar, 2009).

The reasons for these consultations and briefings mainly had to do with Chissano's mandate as the SADC mediator as well as the fact that there was an overall need for an inclusive and consensual dialogue to promote peace and stability in the country (Report of the SADC Mediator on the crisis in Madagascar, 2009).

It will be recalled that according to the SADC Mandate, Chissano was expected to:

i.   to create a conducive environment for a productive and successful dialogue;
ii. to identify a venue for the dialogue which was acceptable to all parties within the SADC Region;
iii. to consult with the key stakeholders in Madagascar;
iv. to collaborate with other international organisations, namely, African Union, United Nations, the International Organisations of the Francophone, and other international organisations and institutions;
v.   To hold the first consultative meeting within 30 days after the Summit and map the way forward;
vi. The work of the SADC mediator should be finalised upon completion of the inclusion dialogue and holding of the general elections in Madagascar;
vii. To report to the Organ Troika on a regular basis and
viii. Encourage the Malagasy stakeholders to take the lead of the inclusive dialogue and work to ensure that the Malagasy people take full ownership of the process.

Hence, using proximity talks and by pursing an inclusive dialogue aimed at returning Madagascar to constitutional normalcy, Chissano engaged all the relevant stakeholders related to the crisis in Madagascar in order to (i) understand the root causes of the *coup*, its triggers and instigators, (ii) understand who were the different role players and actors involved in the conflict and engage them to determine what their interests were and (iii) include relevant stakeholders in the mediation process in order to resolve the conflict and in the spirit of inclusivity, collaboration reconciliation, convergence and transparency (Respondent from the SADC Mediation Team, Maputo, 2019).   Inclusivity is key for mediation to be effective.

In addition to inclusivity, a deep knowledge about the conflict, the various players in the conflict and their interests are also key components for a mediation effort to be effective. Thus, as one of Chissano's mediation strategies was grounded on conflict transformation rather than just reaching a compromise, it was important for him to understand the triggers and root causes of the conflict to understand the country's cultural, legal, and political processes and structures. After consultations with the locals, *les quatre mouvances* and others, the SADC mediation team determined that Madagascar has a history of *coups*, attempted *coups,* and assassinations. Moreover, the country was rather unstable and very much influenced and controlled by the French. The mediation team also discovered that the

systems and structures that should hold the government accountable were very weak or absent in Madagascar and that anyone could form a party in the country (Respondent from the SADC Mediation Team, Maputo, 2019). Moreover, as individuals in Madagascar did not follow values or ideals but rather influential people, when a crisis occurs, those involved in the crisis seek interests, not solutions (Respondent from the SADC Mediation Team, Maputo, 2019).

Concerning the actors involved and the importance of understanding their interests, literature on international mediation and conflict resolution reveals that actors in conflicts fall into at least four broad categories on a peacewar continuum (Baregu, 2011, p. 11). There are the peacemakers, those actors who are victims of the conflict and seek peace; the "entrepreneurs", those who fuel and instigate conflict because they benefit from it; the "peace opportunists", those who promote peace as easily as they may spoil it depending on which situation serves their interests; and finally, there are the "peace blockers" (or "spoilers"), those whose interests are promoted by the existence and prolonging of the conflict (Baregu, 2011, p. 39). According to the SADC Mediation Team, Chissano and his team engaged all these categories of actors that were involved in the conflict in some form or another and held discussion with them. The discussions with the locals and *les quatre mouvances* to those within the special envoys, the military and the French were important as it allowed the mediation team to understand these stakeholders' interests and to include them in the mediation process to minimise the "spoiler" elements (popularly known as negative forces or "meddlers").

Meetings with the Military

It is a known fact that the military had been instrumental in all the *coups* and attempted *coups* in Malagasy history. The army is an example of "peace opportunists" and, at times, "peace blockers" and even "spoilers". Hence, understanding that the military could escalate or de-escalate the crisis, the SADC mediation team consulted the military and asked them to be involved in the mediation process. The main manner in which the SADC mediation team did this was to explain to the military that their role in democratic societies is to remain united and defend the nation, not the President (Respondent from the SADC Mediation Team, Maputo, 2019). As an individual in the mediation team maintains, "when we entered the [mediation process] and we engaged the military, we explained to them that, you have been used, manipulated…all the time. In addition, you are the ones suffering after and before… you get involved with someone, you do the *coup d'état*, someone goes to power, you are seen as on the side of that leader. Next *coup d'état*, comes this [person], the other goes to France and you go to jail. This is what happens all the time. Because you [the army] misinterpret your role and position in society…you have to allow yourselves not to be divided and manipulated by the politicians" (Respondent from the SADC Mediation Team, Maputo, 2019). The result of involving the army in the mediation process and hearing their interests translated to the fact that, when Ravalomanana eventually returned to Madagascar and tried

to overthrow Rajoelina, the army refused to get involved (Respondent from the SADC Mediation Team, Maputo, 2019).

Meetings with Representative of France and the French Presidency

While in Paris on the 20th July 2009, Chissano met with Bruno Joubert in the French Presidency to understand the French interests, position and role in the crisis. Even though Joubert maintained that France was not supportive of any political movements in Madagascar and that France supported SADC's objective of restoring constitutional normalcy in Madagascar, the SADC mediation team confirmed that there were groups of people within the Presidency who plainly told him "TGV cannot be removed" (Respondent from the SADC mediation team, Maputo, 2019). Like the army, the French could escalate or de-escalate the crisis. They were acting as "peace blockers", "spoilers" and "entrepreneurs". It was clear that the French were intent on undermining the mediation process, as "the return of deposed President Ravalomanana to office is impossible, in the French view" (WikiLeaks Cables, 2009). Ravalomanana had undermined French interests and influence and he had hindered their imperialistic plans in the country. Hence, the French were committed to protecting those interests.

The mediation team were aware that influential French businesspeople in Madagascar were speaking directly to President Sarkozy on behalf of Rajoelina because they did not like Ravalomanana's approaches to the Anglophone world and Asia (WikiLeaks Cables, 2009). However, when the mediation team informed the French that SADC was not going to abandon the mediation process and that it was better for the French to comply and support the SADC mediation team and process, "they [the French] flew Ratsiraka from France…On their own planes. They said no, no we support you. They told us, if you need anything on the Rajoelina side; tell us, we will help. We worked with them" (Respondent from the SADC Mediation Team, Maputo, 2019). For the mediation team, this was a step in the right direction. For others, flying Ratsiraka to Madagascar was another form of destabilisation by the French.

Meetings with the representatives in the Special envoys of the AU, IOF and UN

By engaging with the special envoys, the mediation team was able to determine the strides and decisions that the special envoys undertook before SADC's mediation process took place and what the challenges and successes were.

Moreover, Chissano took the opportunity to clarify to the special envoys that he and his team were deployed as meditators and not special envoys and that his principal mandate was to create an environment conducive for a productive and successful dialogue and to identify a venue for the dialogue which was acceptable to all parties within the SADC Region (Report of the SADC Mediator on the crisis in Madagascar, 2009).

Chissano also informed the special envoys that his mandate required him to collaborate with other international organisations and RECs in order to resolve the crisis (Report of the SADC Mediator on the crisis in Madagascar, 2009). This was essential to ensuring progress on the peace, security, stability, and development agenda in the region. Through this collaboration, the International Contact Group for Madagascar (ICG-M) was formed on the 30th April 2009. The ICG-M was the main advocate for inclusive elections to be held as soon as possible.

Maputo I

After undertaking a broad consultative process and in line with his mandate, Chissano, assisted by the Special Envoys of the AU, OIF and UN, organised the first summit in Maputo from the 5-9 August 2009 (referred to as Maputo I).

The overall objective of the summit was to provide a platform discussion amongst the *les quatre mouvances* on areas of convergence and divergence and utilise key recommendations from the discussion to explore effective avenues and appropriate mechanisms aimed at restoring constitutional order in Madagascar and safeguarding peace and security (Report of the SADC Mediator on the crisis in Madagascar, 2009).

During this summit, *les quatre mouvances* decided to sign the following agreements (known as the "Maputo Accords") to express their determination and commitment to open a new chapter in Madagascar's political landscape:

- The Maputo Political Agreement
- The Charter of Transition
- The Charter of Values
- The Annulment of charter related to the events of 2002
- The agreement on the case of ousted President Marc Ravalomanana
- An agreement on the annulment of charges against political, civil, and military personalities under the Ravalomanana regime.

According to the SADC mediators, the signed Maputo Accords demonstrated the commitment of the *les quatre mouvances* to work collectively towards creating a conductive political environment for the establishment of a Transitional Authority based on the principle of equal distribution among political movements and the participation of other stakeholders (Report of the SADC Mediator on the crisis in Madagascar, 2009). This action would lead the country into free and credible elections within a period not exceeding 15 months from the signing of the Charter of Transition (Lanz and Gasser, 2013, pp. 12-13).

During Maputo I, the SADC mediators maintained that *les quatre mouvances* also agreed to set aside the annals of the history of the events of 2002 and to grant amnesty to all those who were involved in the 2002 political events. They also agreed on the annulment of the charge against Ravalomanana and personalities under his regime (Report of the SADC Mediator on

the crisis in Madagascar, 2009). In turn, Ravalomanana agreed not to return to Madagascar until the political climate and surety conditions were favourable.

Literature on mediation maintains that attempts at gaining conflict disputants' attention in the form of their consent to accept mediation in internal conflicts are not always guaranteed success (Maundi et al., 2006). Moreover, the accomplishment of a signed agreement is commendable for any mediator, even when it does not ensure the disputants' commitment to implementation (Maundi et al., 2006). Hence, the Maputo Accords were considered a major success by the UN, the AU and others from the international community. It was particularly considered a success by SADC and its mediation team, especially since the Transitional Charter would pave the way for the establishment of a Government of National Unity and that the SADC mediation team was able to get *les quatre mouvances* to negotiate, thus showing the willingness of *les quatre mouvances* to work together towards the resolution of the crisis in Madagascar (Report of the SADC Mediator on the crisis in Madagascar, 2009).   Moreover, it was deemed successful as, during Maputo I, *les quatre mouvances* committed themselves to fully implement and adhere to the Maputo Accords, to collaborate with the SADC mediators and the JMT-M and to refrain from any activity of unilateral action that might undermine the spirit of the summit. *Les quatre mouvances* also committed to resolve all the outstanding issues, within the frameworks of the Transitional Charter and the Maputo Political Agreement (Report of the SADC Mediator on the crisis in Madagascar, 2009).

Maputo I was also significant as it introduced a new transitional structure beyond the existing Constitution and it incorporated a high level of power sharing amongst the four *mouvances* of former and incumbent Presidents (Kotzé, 2013, p. 14).

Following Maputo I, the JMT-M was invited to Madagascar to witness the signing of the Accession to the Charter of Transition by senior military officials, trade unions, the women and youth organisations and other stakeholders within the Framework of Section X, Article 46 of the Charter of Transition (Report of the SADC Mediator on the crisis in Madagascar, 2009). The signing procession attested to and strengthened the concept of inclusiveness with the current mediation process. Yet, despite this and the successes mentioned above, there was a crucial setback that occurred during Maputo I in the sense that, even though the SADC summit saw the establishment of a transnational government through the Charter of the Transition that effectively nullified the authority of the HAT as a national governing body, without the implementation of the agreements and adherence to the charter, Madagascar was still vulnerable (Masupha, 2019, p. 32).

Moreover, even though Maputo I saw the formation of a transitional government that included members from all the *mouvances* at the negotiating table, the positions of president and prime minister of the transition remained key points of contestation. During Maputo I, Rajoelina unilaterally declared himself as president of the transitional government. This went against the Maputo Accords and neither the international community nor the other parties

at the negotiation table accepted his self-proclamation (Girardeau, 2012). To this end, according to the 2009 (p. 24) report submitted by the SADC mediator to the SADC Secretariat, the JMT-M decided that a Maputo II summit should be convened to consider the allocation of posts of the Transitional institutions as provided for in the Article 4 of the Maputo Political Agreement, which includes:

- President and Vice President of the Transition
- The National Union Government of Transition, comprising a consensual Prime Minister, three Vice Prime Ministers and 28 Ministers
- A Bi-cameral legislative body of the transition consisting of the Superior Council of the Transition and the Congress of the Transition
- The National Reconciliation Council
- The Council of Economic and Social Affairs
- The Committee of Reflection on National Defence and Security
- The High Court of the Transition
- The National Independent Electoral Commission

Maputo II

Maputo II occurred from 25-27 August 2009. These talks, similar to Maputo I, failed to bring consensus on who would occupy the positions of president, vice-president and prime minister of the transition (Masupha, 2019, p. 32). Rajoelina insisted on allocating 14 of the 28 cabinet posts to his *mouvances* while maintaining that the remaining six and eight would be allocated to the other *mouvances* and other stakeholders outside of *les quatre mouvances* respectively. After extensive consultations with the mediation team and the *mouvances*, the Ratsiraka, Zafy and Ravalomanana *mouvances* opposed Rajoelina's submission that his *mouvances* be allocated the majority of the available posts, especially the post of the President of the Transition. Their argument was that, by accepting Rajoelina as the President of Transition, it would mean legitimising an illegitimate regime that would perpetuate, rather than end, unconstitutional changes of governments in Africa.   They also argued that the spirit of Maputo I and the Transitional Charter was against the use of democratic institutions to legitimise undemocratic and unilateral political authorities.

Rajoelina refused to back down and concede to the principle of balanced and equitable allocation of posts within the institution of transition.   According to the SADC mediators, Rajoelina's intransigence blocked and hindered the mediation efforts. The JMT-M informed the Malagasy public and international community that "despite all efforts and all propositions made in the way of a compromise, the leaders of the *mouvances* have remained unable to arrive at a consensus on the key posts of the transition" (JMT-M, 2009).

The Addis Ababa Additional Act

Soon after the Maputo meetings, once again Rajoelina declared himself as president and the leader of the Transition. Rajoelina also single-handedly appointed a prime minister (Monja Roindefo) and, on the 8th September 2009, he proceeded to unilaterally form a Government "of National Unity" without the participation of the three other political camps that were signatories to the Maputo Accords (Girardeau, 2012). Again, this action was condemned for going against the "neutral, inclusive, pacific and consensual" of the Maputo Accords (Girardeau, 2012: 75). To make matters worse, with support of France, Rajoelina received an invitation to address the 64th session of the UN General Assembly. Not only did this present Rajoelina and the HAT with an opportunity to seal its legitimacy in the international community but it also undermined the mediation efforts undertaken by SADC (UN News, 2009). Hence, SADC and the AU appealed to the UN to recant their invitation and deny Rajoelina the permission to speak. A representative of the DRC, speaking on behalf of SADC, told the Assembly that many delegations would walk out if Mr Rajoelina were allowed to speak at the annual General Debate (UN News, 2009). Rajoelina was eventually barred from addressing the General Assembly (UN News, 2009). The issue here is why the UN decided to invite Rajoalina to address the UN when it was clear that he was the one responsible for derailing the Maputo Accords. Fortunately, SADC stood firm and managed to prevent Rajoelina from addressing the UN.

In order to dislodge the intransigence that followed Maputo II, the IGC-M invited representatives of *les quatre mouvances* for an interactive dialogue in Antananarivo on 6th October 2009. During this dialogue, the IGC-M did not recognise the representative of Rajoelina's *mouvance*, Roindefo. The IGC-M prevented him from speaking as allowing him to do so would represent an acceptance of Rajoelina's unilateral violations of the Maputo Accords and the mediation processes that had taken place. During the same dialogue, Ravalomanana's *mouvance* objected to Rajoelina's incumbency as president and would only accept Rajoelina's tenure if he refrained from running in the upcoming elections organised by the Transitional Government (Masupha, 2019, p. 33). This demand was in line with the 2007 AU African Charter on Democracy, Elections, and Governance that prohibits *coup* instigators from running in elections for restoring democracy. Moreover, it was in line with the Political Accord that disavowed members of the transition government from running in elections. However, as Madagascar follows the French governance system, the president is not part of the government. Hence, Rajoelina was qualified to run in the elections based on this technicality (Masupha, 2019, p. 34). This posed a serious challenge for the SADC mediators.

Nevertheless, the meeting made notable developments in the sense that the parties signed the Additional Act to the Malagasy Charter of the Transition that reaffirmed the parties' complete adherence to the Political Agreement, the Transitional Charter, and the subsequent agreements signed at Maputo in Mozambique on August 9th, 2009.

Despite the progress outlined above, the dialogue did not resolve all the outstanding issues, especially with regard to the allocation of key positions, Rajoelina's participation in the upcoming elections and his presidential powers (Nathan, 2013, p. 5). Hence, the IGC-M and the JMT-M convened *les quatre mouvances* together again from the 3-7 November in Addis Ababa to address the appointments of the key executive positions in the Addis Ababa Additional Act.

Deliberations with the *mouvances* ended with a consensus of the following positions (Nathan, 2013):

- President of the Transition – Andry Rajoelina
- Vice President of the Transition – Dr Emmanuel Rakotovahiny of the Zafy-led camp;
- Prime Minister, Head of the consensus Government – Eugène Mangalaza, proposed by the Ratsiraka camp;
- Congress of the Transition – Ravalomanana camp;
- High Council of the Transition (HCT) – Rajoelina camp;
- National Reconciliation Council – Prof. Albert Zafy;
- Economic and Social Council – Civil Society;
- Deputy Prime Minister – Ravalomanana camp;
- Deputy Prime Minister – Zafy camp; and
- Deputy Prime Minister – Rajoelina camp.

The Addis Ababa Additional Act was considered an extension of the Maputo Accords, especially the Charter of the Transition, which aimed to maintain continuity between all agreements of the peace process (Nathan, 2013, p. 13-17). It substantially reduced Rajoelina's presidential powers by installing two co-presidents and a prime minister from the rival *mouvances* (Masupha, 2019, p. 34). At this point, the AU considered that the mediation had ended and thus sent a letter to the UN informing the organisation that, since the process had moved into the implementation phase, there was no need for the UN to mediate (Lanz and Gasser, 2013, p. 13). This undermined Dramé's mediation efforts and he withdrew shortly afterwards.

Soon after Addis Ababa, Rajoelina began facing increased pressure from his supporters and was being accused of giving into his opponents' demands (Masupha, 2019, p. 34). Nullifying the Addis Ababa Additional Act as well as the Maputo Accords, Rajoelina opposed the presidential partnership positions and made the decision to call for legislative elections to take place on the 20 March 2010. Chissano, realising the volatility of the situation, called for Maputo III mediation talks to resolve the impending crisis.

On the 7-8 December, Maputo III occurred without the participation of Rajoelina. Rajoelina boycotted Maputo III as, firstly, he feared being outvoted and forced to make further concessions to the opposition (Fides, 2009). Secondly, Rajoelina took advantage of the conflicting and mixed messages as well as the internal competition between SADC and the other international bodies and refused to follow through on his commitments (Nathan, 2013, p. 13-17).

In Rajoelina's absence, Chissano bent the rules and allowed the remaining three *mouvances* to proceed with the dialogue. The three *mouvances* could only reaffirm their willingness and readiness to continue with the Maputo and Addis Agreements without Rajoelina's participation (Masupha, 2019, p. 34). Hence, the Maputo III resolutions only reiterated the Additional Act, especially the co-presidency that Rajoelina rejected.

Fuelled by the fact that Maputo III had occurred without him, Rajoelina ironically described the resolutions and Maputo III as "a *coup d'état*" (Fides, 2009). Moreover, the fact that the three *mouvances* had the audacity to send a letter to the UN and Danish authorities informing them that Rajoelina could not represent Madagascar at the Climate Summit in Copenhagen as he was not the legitimate Head of State, prompted Rajoelina to retaliate by preventing the delegation present in Maputo IIII to return to Madagascar from Maputo (Fides, 2009).

December 2009- Disengaging with the Mediators

After the failure of Maputo III, Rajoelina completely withdrew his signature from the Maputo Accords and the Additional Act. On the 18 December 2009, Rajoelina dismissed Mangalaza from the Government of National Unity and went on to appoint Colonel Camille Vital as his prime minster (Nathan, 2013, p. 6-7, Mouvance Ravalomanana, p. 5). These actions indicated the end of the first initiative to establish a unity government. Moreover, it also introduced a unilateral style of government that characterised most of the transition, and it reintroduced the HAT (Kotzé, 2013, p. 22; Nathan, 2013, p. 6). Rajoelina also announced that legislative elections were planned for 20th March 2010 (Nathan, 2013, p. 6-7).

In light of Rajoelina's actions at the end of 2009 and early 2010, Jean Ping, the Chairperson of the AU Commission at the time, engaged Rajoelina in January 2010 in order to revive mediation efforts and to secure Rajoelina's adherence to the Maputo Accords and Additional Act. Ping also endorsed the reinstatement of Mangalaza as consensus prime minister, a constitutional referendum as stipulated by the Charter of the Transition and a simultaneous presidential and legislative election no later than October 2010 (Masupha, 2019, p. 35). Rajoelina said he was ready to discuss the situation with the opposition movements, but only

on his own terms (Crisis Group, 2010). He then refused to re-engage with the mediator and the multiparty talks of the Maputo and Addis Agreements, thus stalling the mediation process.

Rajoelina refusal to revive the mediation and to boldly dismiss the Maputo Accords and the Additional Act was supported by his allies and his supporters (Crisis Group, 2010). However, it is important to note this support was mainly because his allies and supporters wanted to serve their own interests and prevent Marc Ravalomanana's return to power. Many of them were certain the former president would throw them in jail (Crisis Group, 2010). Their support to Rajoelina was not out of blind admiration for Rajoelina.

Rajoelina's refusal to revive the mediation and dismiss the agreements also caused the AU's mediation to lose credibility in the face of the international community. As the AU could not "keep Rajoelina in check", the international community disengaged from the mediation early in 2010. By February 2010, the JMT-M was dissolved and the ICG-M met for the last time in that month. The UN also withdrew its special envoy in Madagascar (Lanz and Gasser, 2013, p. 13).

By the end of February 2010, the international community sought to increase the pressure on Rajoelina and his regime and to oppose his unilateralism. In March 2010, the AU imposed sanctions on 109 individuals linked to the regime, the EU prepared to suspend aid for another year and the US considered targeted sanctions (Crisis Group, 2010).

Soon after imposing sanctions, the AU stood back. SADC remained the only organisation involved in   the mediation process.   As Rajoelina felt that SADC was biased and supported Ravalomanana, Rajoelina completely sidelined Chissano and his team and excluded them from his efforts to find an internal solution through popular mediation, facilitated by Malagasy civil society groups (Masupha, 2019, p. 35). He asked the international community to "not get too involved in Madagascar's problems" (Nathan, 2013, p. 5).

On 4-5 March 2010, a *Teny ifampierana*[26] workshop was organised to try and reach an agreement on a new roadmap. The three *mouvances* and the international community boycotted the initiative. Despite this fact, Rajoelina proceeded to implement the workshop's resolutions (Crisis Group, 2010). On 11 March, the Council of Ministers adopted the electoral code and created the Independent National Electoral Commission (*Commission électorale nationale indépendante*, CENI). Rajoelina also announced that the HAT would govern Madagascar, that there would be a cabinet reshuffle and that elections would be held on 20th March (Nathan, 2013, p. 6-7).

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[26] "Find an agreement" (loose translation).

28-30 April 2010- France and South Africa step in to Mediate

Since the mediation process had been stalled since December 2009, South Africa and France engaged in simultaneous but separate mediatory interventions with the disputants from the 28-30 April 2010 at a summit referred to as the "Pretoria Summit" (Lanz and Gasser, 2013, p. 13). Hosted by President Zuma of South Africa, the Summit had attendance from France and the Rajoelina and Ravalomanana *mouvances*. The other *mouvances* were invited but did not attend.

Rajoelina agreed to participate in the "Pretoria Summit" after intense lobbying by France and because his regime and country had become internationally isolated, especially after his actions from the beginning of 2010. It was clear that the international community would not support a unilaterally arranged transition (Crisis Group, 2010).

Within his own country, Rajoelina was pressured to participate in the "Pretoria Summit" due to the constant criticism and dwindling support from those who helped him usurp power. The military also gave Rajoelina until the end of April to resolve the crisis. The military could not accept the lack of progress, the deterioration in the security and social situation in Madagascar and the lack of international recognition - all, according to the military, due to Rajoelina's actions (Crisis Group, 2010). Hence, under the aegis of the international community, Rajoelina attended the "Pretoria Summit" and even announced that he would not be a candidate in the forthcoming presidential election (Crisis Group, 2010). While many thought that this promise was made because Rajoelina tried to redeem himself, others believed that Rajoelina was attempting to appease the military as there had been many rumours of attempted *coups* in the first part of 2010 (Crisis Group, 2010).

During the Pretoria Summit, many challenges arose. The first was that the Summit was poorly prepared and unco-ordinated (Lanz and Gasser, 2013, pp. 13-15). France and South Africa had different expectations during the summit and no consensus had been agreed upon about the parameters of the talks. France, having prepared a crisis exit roadmap with the support of South Africa, expected the conflicting parties to sign the prepared document as it was. South Africa's expectation, on the other hand, was that the conflicting parties should not rush to sign the roadmap and should rather deliberate, using the drafted document as a starting point for further negotiations (ICG, 2010). The roadmap proposed a transition not exceeding twelve months, a consensus government with a caretaker role, the election of a constituent assembly, and the creation of a National Electoral Commission (Commission électorale nationale, CENA) (Crisis Group, 2010). The new roadmap also stipulated observance of the spirit of the Maputo and Addis-Ababa Agreements and provided for confidence-building measures between the conflicting parties (Crisis Group, 2010). After legislative elections, the party winning the most seats would nominate a prime minister, who would have the task of forming a government reflecting the political composition of the assembly (Crisis Group, 2010).

Another challenge has to do with the fact that, as Rajoelina had rejected SADC's mediation, France wanted Zuma to stand as the face of the Roadmap (Masupha, 2019, p. 36). President Zuma did not agree and maintained that SADC was the REC in charge of resolving the crisis and that Chissano would continue as the lead mediator (Girardeau, 2012).

A further challenge was that both France and South Africa had "underestimated the overwhelming desire of the protagonists to put their own personal interests first" rather than prioritise the task of finding an end to the crisis (Crisis Group, 2010). For instance, Ravalomanana wanted to discuss several contentious issues, such as the amnesty and the sequence of elections (Crisis Group, 2010). Rajoelina did not want to discuss those issues.

Eventually, the French roadmap was rejected by Ravalomanana's *mouvance* (especially on the power-sharing elements of the roadmap and due to the fact that there was restriction on Ravalomanana's return to Madagascar until the political and security situations would be conducive for it) and Rajoelina refused to re-engage with the international mediators any further beyond the Pretoria Summit talks (Nathan, 2013, p 6). Hence, the mediation based on the Maputo and Addis Agreements remained at a standstill until December 2010 (Nathan, 2013, p. 6). This shows how complex and difficult the mediation process was, especially when "spoilers" get involved.

Aftermath of the Pretoria Summit

The Pretoria Summit was severely criticised by the SADC mediators. Not only was it seen as creating a parallel track for mediation, undermining the official mediation but France's position, in particular, "was perceived as opposing the mediation effort conducted by Chissano" (Lanz and Gasser, 2013, p. 13). Thus, it was another "spoiler" tactic used by France with the assistance of South Africa. The Elysée, in light of Rajoelina's rejection of Chissano and to secure Rajoelina's participation, went so far as to put the meeting under the aegis of Jacob Zuma and presented it as such to Rajoelina. The Elysée knew that SADC was in charge of the mediation process.

The Pretoria Summit was also criticised as it confused the conflicting parties in the sense that they were being called to attend different mediation talks, all with different interests and outcomes to be achieved and on behalf of different countries, institutions and the likes.

In the case of South Africa, the mediators claimed that South Africa had interests in Madagascar, thus, this was why South Africa intervened and attempted to undermine the official mediation process (Respondent from the SADC Mediation Team, Maputo, 2019).

The Pretoria Summit was soon followed by several destructive actions and decisions on behalf of Rajoelina. In April 2010, Rajoelina announced that he would undertake a new attempt at mediation, this time national in scope (Crisis Group, 2010). He also announced that he was willing to form an interim government with the opposition under the terms of a new agreement proposed by France and South Africa during the Pretoria Summit (Dresch, Southall

et al., 2019).   Through the *Malgache-Malgacho*[27] dialogue that he formulated (and that had full endorsement of SADC at the summit level), "Rajoelina-aligned groups" drafted a new constitution and a referendum without the inputs of the other three *mouvances* (Masupha, 2019, p. 35).   It is interesting to note that this dialogue was supported by the SADC mediators and yet this phase was characterised by excluding the opposing *mouvances* from any negotiations or dialogue (Kotzé, 2013, p. 13).   Nevertheless, the new constitution and referendum that emerged from the dialogue would ultimately favour Rajoelina and thus reveal the parochialism within the *Malgache-Malgacho* dialogue.

In May 2010, Rajoelina unilaterally formed what he deemed to be a "neutral" government and scheduled a constitutional referendum and presidential and parliamentary elections for later in the year. He subsequently postponed all the elections.

In August 2010, the HAT government tried and convicted Ravalomanana in absentia for murder in relation to the deaths of unarmed demonstrators in the February 2009 protests (Masupha, 2019, p. 36).   Hence, going against previous mediation efforts and SADC's call for Ravalomanana's return to Madagascar, Ravalomanana was barred from entering the country.

In November 2010, the revised constitutional referendum called for a lower age requirement for the presidency and did not set an end date for Rajoelina's transitional regime, both of which worked in Rajoelina's favour.   While the new constitution was approved, the referendum was rejected and boycotted by the three *mouvances* and criticised by the international community.   The mediators and the international community maintained a position that "the Maputo Accords and the Additional Act of Addis Ababa, negotiated and signed by all the parties constitute, despite challenges faced in the implementation, a decisive gain in the process to end the crisis and an essential foundation for leading an inclusive, consensual transition, in the shortest time possible" (Republic of South Africa Communique, 2010).

Rajoelina's actions began to cause internal tensions and dissatisfaction. In November 2010, a small group of the army announced its intention to overthrow Rajoelina's government. They were unsuccessful in their attempt. However, it prompted Rajoelina to rethink some of his actions. By the time the new constitution was circulated in December 2010, Rajoelina had declared the start of the Fourth Republic (Dresch, Southall et al., 2019). The Fourth Republic created an Executive composed of the President while the Government consisted of a Prime Minister and Ministers. Within Rajoelina's Fourth Republic, the HAT would remain in power until a new President had been inaugurated and no reference was made about a transitional or unity government (Kotzé, 2013, p. 13).

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[27] This dialogue co-opted consultative input and participation from Malagasy civil society and political actors. However, their links to Rajoelina and their increasing number and financial demands raised questions about their motives for participating in the dialogue.

December 2010- Re-engaging with the Mediators

In December 2010, Rajoelina acknowledged that he needed to engage with the international community. Rajoelina's actions in the preceding months had resulted in growing discontent and pressure locally, and isolation and pressure internationally. Moreover, the local process he undertook to end Madagascar's international isolation lacked credibility and was not successful (Nathan, 2013, p. 13-14). By December 2010, Rajoelina re-engaged the SADC mediators and I argue that this was another "ripe" moment in the conflict.

As SADC was the only official mediating body in Madagascar, on 31st January 2011, after consulting all local actors, Chissano proposed a roadmap to end the crisis in Madagascar officially called the *Roadmap for Ending the Crisis in Madagascar*. In this thesis, I refer to this roadmap as "Chissano's Roadmap". Chissano's Roadmap is discussed at length in the next chapter.

Findings of the Mediation from 2009-2010

Factors that hindered SADC's mediation

Mediation is a complex process involving the disposition of the parties, multiple actors, and systems and structures. The mediator interacts and becomes part of the complex process and system and faces various challenges and complexities that they need to mitigate and overcome in order to proceed (Nathan, 2015, p. 10-12).

From 2009 to 2010, Chissano and his team managed to convene the conflicting parties together and negotiate the Maputo Accords and the Addis Ababa Additional Act. These are all commendable achievements for a mediator involved in a complex conflict. To reiterate, signed agreements are an indicator of an effective mediation effort. However, many factors and events either stalled or strengthened SADC's mediation attempts from July 2009 to December 2010. The factors and events that hindered SADC's mediation include France's "spoiler" tactics, the competition and disputes between the mediating bodies due to diverging interests and strategies in Madagascar, the different negotiation styles of the main conflicting parties, overlapping mandates, conflicting mandates and the SADC Secretariat itself (Handy and Louw-Vaudran, 2013).

La Françafrique policy

Concerning France and the *Françafrique* Policy, I previously discussed that France's "anyone but Ravalomanana" campaign and its pursuance of its *Françafrique* policy led to many under-handed tactics, such as funding the *coup* of 2009 and the HAT (WikiLeaks Cables, 2009-2010).

The advancement of the *Françafrique* policy through France's "spoiler" tactics was also used to undermine SADC's mediation process. One way in which this was done was by allowing

the exiled former leader, Didier Ratsiraka, to leave France and join the mediation and to include Albert Zafy, as well. Acting as a "spoiler", France knew that Zafy and Ratsiraka's presence during mediation would make the reinstatement of Ravalomanana impossible and the mediation process more complex. To counter France's underhanded move, Chissano and his team engaged Zafy and Ratsiraka in order to understand the root causes and triggers of the *coup* and to ensure that their interests would be considered during mediation (Respondent from the SADC Mediation Team, Maputo, 2019). Hence, what was meant to be a tactic employed by the French to derail the mediation efforts was used by the mediation team to strengthen the mediation process and to understand the cycle of *coups* in Madagascar and their causes and triggers. The mediation team actually felt that this was an unplanned support from the French (Respondent from the SADC Mediation Team, Maputo, 2019).

The other way in which France acted as a "spoiler" was to try to push for the abandonment of mediation in favour of early elections, to conduct their own parallel mediation efforts in April 2010 and to use individuals, such as Ping and Dramé, to advance France's interests.

France also undermined the mediation process by hosting Rajoelina in France (thus revealing their preference) during the mediation process and recognising him as a legitimate Head of State. In fact, France co-ordinated Rajoelina's visits with Wade of Senegal and Gaddafi of Libya in 2009. In that same year, France was also reported to have been actively making arrangements to introduce Rajoelina to other Heads of States during the Bongo funeral (WikiLeaks Cables, 2009). This introduction would legitimise Rajoelina as a Head of State.

Chissano, aware of France's "spoiler" tactics, travelled to France on numerous occasions to speak to high-ranking officials at the Élysée Palace. From that meeting, not only did Chissano fully understand France's interests in Madagascar and her strategies regarding the conflict and mediation, but he made it clear that it was in France's best interest to co-operate with SADC and support its mediation efforts (Respondent from the SADC Secretariat, Johannesburg, 2019; Respondent from the SADC Mediation Team, Maputo, 2019). Thus, in line with Stedman and Kastrati's theories on dealing with "spoilers", the SADC mediation team did a comprehensive analysis of France as "spoiler" by understanding her interests, leadership, composition, motives, available resources, positions in conflict, strategies, and perception of the conflict (Kastrati, 2014, p. 319).

Second, understanding the immense influence that France had on Rajoelina and that France had the means to escalate the crisis, Chissano asked SADC leaders to approach France and demand that France withdraw its support of Rajoelina and to stop undermining the SADC mediation process (WikiLeaks Cable, 2010). This was a form of coercive diplomacy referred to by Stedman (1997, p. 12) to deal with "spoilers". It was clear to the mediation team that Rajoelina would remain uncompromising as long as he had support from the French government. He needed to be vulnerable. Heeding Chissano's advice, in the early stages of the mediation process, the SADC Troika advised France and a few other countries with

interests in Madagascar to move away (DIRCO Briefing, 2013). The mediation in Madagascar had to be a SADC-led process and France should not interfere in the region (DIRCO Briefing, 2013).

Third, the mediation team used the method of socialisation by regularly "embarrassing" France by reporting on all France's "spoiler" tactics during mediation. The mediation team "named and shamed" the "spoiler," France, and her actions during the mediation. This tactic prompted other institutions, countries, and organisations to take a hard stance against Rajoelina and his unconstitutional regime in the form of bans and sanctions. These bans and sanctions caused further damage to the already fragile socio-economic situation of Madagascar and prompted France to reconsider its tactics during mediation. As France is known to plunder and exploit its former colonies through reserves and natural resources, France understood if such bans and sanctions continued, there would be nothing to "plunder" in Madagascar. As WikiLeaks cables reveal (2010), "the Government of France has direct equities, including the welfare of more than 20,000 French nationals in Madagascar, as well as the spillover for neighboring French island territories of Reunion and Mayotte, which depend directly on Madagascar for much of their food supply and other stock." Hence, as a result of embarrassment in the face of the international community and in order to protect the *Françafrique* policy and its citizens within Madagascar, France had no choice but to accept and co-operate with SADC in the handling of the Madagascar issue. In other words, through the method of socialisation employed by the mediation team, the "spoiler", France, was "socialised" to accept the norms suggested by the mediator.

France was also compelled to co-operate and support SADC due to the fact that (i) France was consistently disappointed with Rajoelina's broken promises and poor performance (ii) François Hollande, the Socialist president elected in 2012, supported African management of crises in Africa and (iii) the pressure from Germany and the EU which supported the return to constitutional order in Madagascar (Dewar, Massey and Baker, 2013).

A Crowded Field

The second major challenge and complexity that SADC's mediation team had to deal with was the fact that Madagascar was a "crowded field" in terms of mediation. Remember, SADC was represented and mandated to collaborate with members of the ICG-M and the JMT-M which collectively included the following institutions: the UN, the IOF, the IOC, COMESA, the EU, permanent members of the UN Security Council and the African countries with seats on the Council. During mediation, the UN and the OIF was said to have French interests at heart and the AU, through Ouedraogo, went contrary to the ban on *coup* legitimisation and produced a draft accord that envisaged elections in which the *coup* leader, Andry Rajoelina, could run. This, too, pointed to French influence. Hence, the "crowded field" caused competition over who would lead the mediation talks and whose interests to serve. This competition, coupled with the active dedication of the French to derail the mediation process, impaired the quality,

coherence, and credibility of the mediation process in Madagascar (Nathan, 2013, pp. 13-17). It also undermined Chissano's authority on several occasion.

There are two main ways to deal with competing mediating bodies in international conflict. There is the top-down approach where a lead agency, whose superior hierarchical position is recognised, co-ordinates other agencies by assigning specific tasks to them (Lanz and Gasser, 2013, p. 16). This approach is called the "hierarchical co-ordination" (Lanz and Gasser, 2013, p. 16). The other approach involves agencies operating on the same hierarchical level who form a network and, having a common objective, agree on a division of labour (Lanz and Gasser, 2013, p. 15). This approach is called the "network-based co-operation" method (Lanz and Gasser, 2013, p. 16). To mitigate the competition between SADC and the other mediating bodies, the SADC mediation team employed a mixture of both "hierarchical co-ordination" as well as elements of the "network-based co-operation". Chissano used his stature as a former president to take the lead in the mediation process and implement certain strategies and he and his team included and collaborated with the other special envoys and organisations through the ICG-M and the JMT-M (Lanz and Gasser, 2013, p. 12). Even though the formation of the ICG-M and the JMT-M could not completely mitigate the competition, their main purpose was so that third parties could work together in order to resolve the crisis (Respondent from the SADC Mediation Team, Maputo, 2019).

Les quatre Mouvances and the SADC Mediation Team

Table 1 gives a good outline of the main conflicting parties' interests and negotiating styles during the mediation process. As one can see, dealing with various different interests and needs associated with *les quatre mouvances* could not have been easy for the SADC mediation team. In fact, *les quatre mouvances* and their leaders played a big part in hindering and derailing the mediation process (Witt, 2017, pp. 212-214). They were "spoilers" too. Not only did the SADC mediation team have to deal with *les quatre mouvances,* they also consulted with other political parties, civil society, church leaders, business owners and others, all with their own interests and their own negotiating styles.

While *les quatre mouvances* were founded on the conflicting leaders' respective party structures, they also drew opportunists into their ranks (Witt, 2017, p. 212). As one source within Zafy's mouvance said, "*tout le monde veut être calife à la place du calife*" ("everyone wants to take the leader's place"), pointing to the fact that *mouvances* not only competed with each but that the members within a *mouvance* competed internally for power and prestige (Witt, 2017, p. 212). They were volatile and it is obvious that, with so many interests and needs, arriving at a resolution acceptable by all the conflicting parties would be difficult for the SADC mediation team. However, in order to come to any resolution at all, the SADC mediation team claimed that they understood that there was a need to understand all the key interests and needs of all conflicting stakeholders (Respondent from the SADC Mediation Team, Maputo, 2019). Hence, they consulted at length with *les quatre mouvances* and their

leaders (Respondent from the SADC Mediation Team, Maputo, and the Kingdom of Eswatini, 2019).

Secondly, as one can see from Table 1, the mediation team had to deal with the fact that the main interest and positions for the leaders of the conflicting parities was either to retain or resume power or to acquire amnesty for previous crimes.

Table 1. The Parties' Interests, Positions, and Negotiation Styles during the SADC Mediation

	Andry Rajoelina and his camp	Marc Ravalomanana and his Camp	Albert Zafy and his Camp	Didier Ratsiraka and his Camp
Main interests	Wanted to stay in power during the transition. Did not want Ravalomananana back in power. Secure International recognition as President	Wanted to return to the Presidency and remove Rajoelina from power, including the transitional government Allow Rajoelina to be President in exchange for his return to the country	Wanted a power-sharing deal during the transition, and recognition as the leader of the national reconciliation	Wanted a power-sharing deal during the transition. Amnesty for his alleged crimes during 2001-2002
Negotiating positions	Saw himself as the overthrower of an autocratic regime (and therefore a "lifesaver"), he should remain in power and restore democracy to Madagascar	Rajoelina is a "putschist" that should not be president of the transition. SADC and AU rules flouted. He should return to Madagascar	Did not want Andry Rajoelina to be appointed the president of the transition	In order to participate in the transitional government, he wanted amnesty for his alleged crimes during 2001-2002 to be granted.
Dominant negotiation style	Competing style with almost no compromise	Competing style with almost no compromise	Compromising style	Competing style without compromise

Zafy focused on promoting his ideas on national reconciliation, Ratsiraka focused on revising the constitution, decentralisation and amnesty, Ravalomanana's *mouvance* focused on his return to Madagascar, compensation for the destruction of his personal fortune during the protests in early 2009, the release of those imprisoned during the *coup* and amnesty, and Rajoelina focused mainly on being recognised as president of the transition and on preventing Ravalomanana's return (Witt, 2017, p. 213; Ratsimbaharison, 2017, p. 119). This aspect emphasises how limited the scope of the mediation actually was (Witt, 2017, p. 213). Of course, these interests and needs evolved slightly during the mediation process but they resulted in stalled agreements and abandoned negotiations such as the Maputo Accords and

Addis Ababa Additional Act. In fact, the conflicting parties adopted a "competing style" of negotiation where one would make a certain suggestion and another would try to out-manoeuvre the other (Ratsimbaharison, 2017, p. 120). Hence, it was clear that a resolution and an end to Madagascar's conflict and the return to constitutional order was not a priority for the conflicting parties. *Les quatre mouvances* were looking out for their own interests during mediation and how they reacted was not far removed from how other political parties in Madagascar have reacted historically.

Historically, major political parties in Madagascar were created largely by elites vying for power and, since independence, have been manipulated to act as a link for political patronage towards the maintenance of power (Marcus and Ratsimbaharison, 2005, p. 495). The enhancement of political parties as instruments of democratic development in Madagascar was and has never been a priority. *Les quatre mouvances* and the negotiations reflected the individual strategies and interests of their respective leaders rather than tangible socio-economic solutions and programmes that would benefit the country and the people of Madagascar in the future (Witt, 2017, p. 213). Hence, returning to constitutional order in Madagascar through mediation seemed almost impossible.

Additionally, not only did the conflicting parties have differing needs and interests, the SADC mediation team also had to deal with the fact that *les quatre mouvances* lacked the required resources and skills that could have assisted in resolving the crisis. Apart from the former presidents, few members of the *mouvances* had experience in diplomacy and international negotiation. This meant that agreements were reneged on, and a high degree of uncertainty prevailed during the mediation process (Witt, 2017, pp. 206-208).

The SADC mediation team also had to deal with the personalities and negotiating styles of those leading the *mouvances*. All four leaders of the *mouvances* have been said to be difficult and strong-willed. They all had a role to play in complicating the mediations, especially Rajoelina. During SADC's mediation from 2009-2010, Rajoelina sometimes agreed to follow the mediator's and international community's recommendations, but he was equally quick to reject them, especially when he felt he was not being "rewarded" for making concessions (Crisis Group, 2010). While this implies that Rajoelina was rather unpredictable in his actions and reactions, in fact, Rajoelina was very much controlled and under the influence of the members of his *mouvance* and his allies such as the French (Witt, 2017, p. 212). The internal pressure as well as incoherence and uncertainty forced Rajoelina on several occasions to make sudden reversals, thus complicating the negotiations (Witt, 2017, p. 212). Rajoelina's immature actions also hampered the mediation process.

During mediation, Ravalomanana was also known to make concessions when left with no choice but he also had the most to lose without an acceptable agreement. Unlike Rajoelina, however, his *mouvances* accepted his decisions and Ravalomanana was not under his *mouvance's* control. Nevertheless, it is a known fact that adversarial personalities and negotiating styles make the work of the mediator more difficult. In fact, Chissano himself

admits that, while Rajoelina was largely to blame for the stalemates in the mediation, the other three *mouvances* were also inflexible in their demands, particularly with regards to ministerial positions in the new transitional government. The three *mouvances* feared giving away too many powerful ministries to Rajoelina, but Chissano had reassured them that the ministerial assignments were for a short duration and should not be the cause for deterring a lasting political solution (WikiLeaks, 2010).

In order to deal with the different personalities of the conflicting parties and their interests and negotiating styles, Chissano employed proximity talks and adaptive mediation. To reiterate, adaptive mediation recognises that actors, the process and both the causes and consequences of conflict are continuously evolving and involve complex dynamics. Hence, it responds with a process that is adaptive, which regularly generates new analyses and that involves regular reflection points, where teams or organisations reflect and make judgements regarding the changes they have identified and their implications. In other words, adaptive mediation allows the mediation team and the actors involved to adapt their strategies and approaches continuously. This is what the mediation team did (Respondent from the SADC Mediation Team, Maputo, 2019).

The mediation team also avoided "ignorance-based decision-making" by working closely with relevant stakeholders to garner relevant information that could assist the mediation process and shed further light on the conflicting parties' objectives, expectations, internal debates, external alliances and military movements and capabilities (Nathan, 2014, p. 12). Thus, the SADC mediators constantly monitored the situation on the ground and ensured that the mediation process was on track by making appropriate adjustments to include new ideas and new negotiation points. Maputo II and III were examples of this as well as the meeting in Addis Ababa. When a certain round of talks seemed to lose momentum, the mediation team was persistent and organised another round of talks to keep the momentum going, to show their commitment to the cause and to finalise pending decisions.

As a result of adaptive mediation and proximity talks, the mediation team was successful in getting the Maputo Accords and the Additional Act signed by the conflicting parties. Adaptive mediation was also used during the Maputo talks to convince Ravalomanana to delay his return to Madagascar in order to allow for greater stability.

Secondly, I argue that Chissano's stature and his own personality and experience went a long way in dealing with the strong personalities of the leaders of the *mouvances*. To reiterate, as mediation is also an intellectual process, the mediators' competence, skills, expertise are critical to the success of conflict management and resolution. Chissano has a strong personality himself, thus he was not easily swayed or deterred by the *mouvances.* With a military background and decades of experience with negotiations and peace-making, he was well-respected amongst the *mouvances*. In fact, despite Rajoelina undermining Chissano on various occasions, Rajoelina was comfortable in negotiating with Chissano, given his international stature and ability to communicate in French. Chissano was also resilient and a

good listener during mediation. Resilience, an important concept of adaptive mediation, allowed Chissano and his mediation team "to absorb and adapt in order to sustain an acceptable level of function, structure and identity under stress" (Coning and Gray, 2018).

The use of proximity talks and adaptive mediation revealed the commitment and investment that the SADC mediation team had towards finding a solution to Madagascar's problem.

SADC vs the SADC Mediation Team

For the SADC mediation team, mediating in Madagascar was not an easy feat. A country accessible mostly by air, in order for effective mediation to have occurred, the SADC mediation required support from the SADC Secretariat in the form of resources and administrative support, technical and analytical support, venue management and so on. Chissano, in his Africa Forum Speech (2013), highlighted the fact that a key element of the mediation process is analytical and interpretation capacities of policies and legal instruments. Hence, mediators need to be provided with the necessary technical capacity to ensure efficacy and efficiency of the mediation process. Additionally, it is important to ensure that designated mediators have the necessary logistical and technical support to carry out their responsibilities. Without the necessary technical and logistical support, the mediation will fail. The data I collected revealed that the SADC Secretariat lacked the capacity to support its own mediation team adequately.

Firstly, a common criticism that has come up regarding the SADC mediation team was that Chissano and his team were not on the ground for long periods. As a respondent maintains, "when they [SADC officials] were on the ground in Madagascar, the mediation team was not present" (Respondent from the SADC Secretariat, Johannesburg, 2019, Respondent from the South Africa Government, Johannesburg, 2019.). The French *chargé d'affaires,* Gilles Petit de la Villeon, also pointed out that the ICG-M and Chissano should have spent more time in Antananarivo trying to build consensus amongst the conflicting parties (WikiLeaks Cable, 2009). Criticism such as this is problematic as this implies that the SADC mediation team was not dedicated to the cause and the process. However, a respondent from the mediation team maintains that the dedication on behalf of the mediation team was there. However, it was the SADC Secretariat that did not provide the required support, thus undermining its own process and impact (Respondent from the SADC Mediation Team, Maputo and the Kingdom of Eswatini, 2019).

The lack of understanding and required support from the Secretariat made the mediation process *ad hoc* rather than structured. Also, it forced the mediation team to attend to administrative and financial duties which ideally should have been done by the SADC Secretariat (Respondent from the SADC Mediation Team, Maputo, 2019). The SADC budgeting and administrative process was cumbersome and those who were supposed to provide the backstopping to the mediation team very often did not understand the urgency and complexity of the matter. They were concerned about the budget and would try to

reduce the length of stay of the mediators in Madagascar to reduce costs. Delays in travelling occurred due to the lack of agility on the part of the SADC Secretariat (Respondent from the SADC Mediation Team, Maputo, 2019). This, in turn, pressurised the mediation team to resolve issues within a constrained timeframe. The team member also alluded to the fact that when consensus building was underway and when they were making headway and gaining momentum with the mediation, the SADC Secretariat would ask them to return (Respondent from the SADC Mediation Team, Maputo, 2019). "And then after that two weeks, we are deep and busy with negotiations, we cannot leave otherwise we lose the momentum. We tell them we want to stay. They say no, you have to come back because we cannot raise another financial process" (Respondent from the SADC Mediation Team, Maputo, 2019).

It is evident that Chissano's mediation process was undermined by that fact that it was poorly resourced and supported by the SADC Secretariat (Respondent from the SADC Secretariat, 2019). Thus, similar to other African RECS who mediate in African conflicts, SADC's mediation in Madagascar does not deviate from one of the characteristics that define African mediation by African RECs – that African RECs often deploy mediators in complex and protracted conflicts without adequate political, technical, administrative and financial support (Nathan, 2009, p. 15). In addition, SADC's mediation, which required long-stay, was not possible and made the process vulnerable to biased interference from external actors (such as France and South Africa) who wished to impose their own agenda (Nathan, 2009, p. 22).

In order to carry out their tasks in Madagascar, the SADC mediation team was said to be reliant on support from the UN office in Gaborone (ICG, 2012). It was also reliant on support and resources from the South African Embassy in Madagascar (Respondent from the SADC Secretariat, 2019). This overreliance for support from parties other than the mediating body gave rise to other concerns. For instance, what would have prevented the SADC mediation team from following the orders of the UN since they were assisting and supporting the mediation team? Likewise, South Africa, despite being a SADC member, had the right to decide what process and route the SADC mediation team would take since they were giving the mediation team support. By SADC not giving its own mediation team the proper resources and support, they put the mediation team and the whole mediation process at risk of being undermined by external interests and agendas.

Another factor that posed a problem and undermined the mediation process is the fact that the team had to deal with different personalities within a rotating Troika system comprising of the current, outgoing, and incoming chairpersons that constitute a decision-making unit on behalf of the broader SADC structures. Both the Summit and the OPDSC are led by this system. Crises are dealt with by 'double troika' meetings between the members of the Summit and the OPDSC. The chairs are held for one year and rotated among member states. For the mediation team, the fact that the Chairmanship of the Troika is for only one year was challenging and problematic in the sense that, once they gained momentum and support from the current Chair, within a year, there was a new Chair who had new interests, new agendas

and new priorities. Hence, the role and the dynamic of the mediation changed. The SADC mediation team felt that they had to start anew every year with the new Chair of the Troika. As a team member of the mediation team explained, "one year you are working with a certain leader, you establish yourself, and you are working in a certain way, there is a momentum and then there is a new leader that changes the process completely…it deploys its own people, and then you have to take time to re-establish this trust and for things to move in the right direction. So, that was a formidable challenge" (Respondent from the SADC Mediation Team, Maputo, 2019).

For the SADC mediation team, one of the biggest challenges to their work, apart from the lack of support and resources, was lack of a common approach within SADC concerning the mediation process. This situation could have compromised the entire mediation process. For instance, in April 2010, South Africa, in co-ordination with France, took the initiative and organised a meeting between *les quatre mouvances* in Pretoria. Fortunately for Chissano and his team, this meeting drew criticism from several quarters and, above all, was unsuccessful. In so doing, South Africa allowed the "spoiler" France, to meddle in the mediation process when it was agreed that it was SADC which had the responsibility for the mediation process through Chissano.

Overlapping Mandates

Contradictory mandates and overlapping mandates are themes and challenges that define African mediation by African RECs. The case of Madagascar was no exception.

To reiterate, Lanz and Gasser (2013, p. 13) maintain that clashing interests amongst international bodies is one of the reasons that drive competition between mediating bodies and states in International conflicts. This was true of the mediation process in Madagascar. Individual ICG-M members undertook unilateral, often unco-ordinated attempts to influence the situation in Madagascar in their respectively favoured direction (Witt, 2013, p. 267).

Another reason that drives competition between mediation bodies and states in international conflict has to do with overlapping hierarchies and mandates (Lanz and Gasser, 2013, p. 14).

Mandates are vital for mediation processes and mediated negotiations (Nathan, 2017, p. 155). A mandate, in its generic term, refers to "an official order or commission to do something" (Nathan, 2017, p. 156). Issued by a multilateral organisation, mandates shape the aims, the dynamics and results of mediation, and have a crucial bearing on the success or failure of mediation (Nathan, 2017, p. 155). A mandate legitimises the mediation, gives the mediator authority, status, and advantage, it provides the mediator with instructions, and it sets the parameters of the conflict resolution process and outcome (Nathan, 2017, p. 157). It also performs a communication function, sending messages to the parties and other relevant actors (Nathan, 2017, p. 164).

According to Nathan (2017, p. 157), there are several types of mandates. These are (i) The constitutional mandate- this is enshrined in the charter or high-level policies of a multilateral organisation and entails a general authorisation for that organisation to engage in mediation, (ii) the political mandate which is authorised by a multilateral organisation and provides guidance and instructions to the mediator, thus setting the parameters of the mediation process and outcome (iii) a donor's mandate whereby the donors who fund a mediation give instructions to the mediator or mediating body and (iv) the parties' mandate which entails the conflict parties' acceptance of mediation and the mediator.

In the case of Madagascar, the UN, the AU and SADC all had mandates to mediate: the UN as the guardian of the global system of collective security, the AU as the foundation of the African security architecture, and SADC by virtue of the principle of subsidiarity (Lanz and Gasser, 2013, p. 15). Hence, all three organisations had a legitimate claim to lead the Madagascar peace process, however, there was no mechanism to clarify the hierarchy and division of labour between them. Thus, the overlapping mandates resulted in extensive negotiations that delayed the process and also resulted in mixed messages that Rajoelina took advantage of (Lanz and Gasser, 2013, p. 15).

SADC's "Impossible Mandate"

Witt (2017, pp. 217-219) argues that another reason that hindered SADC's mediation process from 2009-2010 has to do with the fact that the SADC mandate given to Chissano contradicted both the realities on the ground and the AU's anti-*coup* policy. Hence, SADC's mandate was impossible to achieve and it eventually turned the mediation process into consultations.

Contradictory and vague mandates are challenges and themes that, once again, characterise African mediation.

First, Witt (2017) maintains that, since the mandate to mediate came from SADC and the AU and not the Malagasy themselves or the conflicting parties, SADC went against the wishes of the sovereign member. This argument, however, is weak. SADC, guided by the Protocol on Politics, Defence and Security, can intervene in member states during crises, especially when it has severe ramifications for the rest of the region. Moreover, Witt fails to mention that Ravalomanana asked SADC, as well as other International bodies, to intervene prior to the *coup* and his exile. In fact, the Extraordinary Summit of SADC Heads of State and Government held on the 30th March 2009 was convened at the request of Ravalomanana. During that Summit, SADC Heads of State were made aware that Ravalomanana was forced to resign at gun point. Hence, the Summit concentrated on the political, economic and security situation in Madagascar and what measures SADC would undertake to resolve the crisis.

Witt (2017) also argues that in contradiction to a locally owned process, the "return to constitutional order" in Madagascar was already prescribed by SADC and not the conflicting parties. The ultimate aim of the process (elections), the path (negotiations), and the period

(as short as possible) were predetermined before the mediation started (Witt, 2017, p. 206). Hence, according to Witt (2017), the conflicting parties could not own this process. This is another weak argument. Chissano and his team claimed that they were as inclusive as possible and ensured that the mediation process and the agreements from 2009 to 2010 captured the interests and inputs of all relevant local stakeholders, as well as the conflicting parties (Respondent from the SADC Mediation Team, Maputo, 2019). If Witt wanted a locally owned process and erroneously believes that these kinds of processes are the only ones that can resolve crises, the mediation attempts of the FFKM and the *Malgache-Malgacho* dialogue prove otherwise. Both attempts were locally driven and locally owned and neither attempts resolved the crisis. This is why international mediation took place with SADC taking the lead.

Witt (2017, pp. 217-219) further argues that, by prescribing to the mediator what a successful mediation would look like (the return of constitutional order through elections), the mediator and his team were not mediating but rather enforcing or negotiating. Firstly, it is clear that Witt is not familiar with the fact that negotiation is used when conflicts are simple, of low intensity and when the parties are equal in power. The crisis in Madagascar was not simple, not of low intensity and the conflicting parties were unequal. Hence, mediation was the only option. Second, Chissano and his team did not and could not "enforce" anything during the mediation efforts. If he had been able to "enforce" anything, the parties would have adhered to and implemented the directives stipulated in the Maputo Accords. At that point, the subsequent agreements and meetings would have not been necessary and the mediation would have ended. Third, as there is no universal measurement to assess successful mediations, the return of constitutional order through elections cannot be dismissed as a factor to measure successful mediation. This is the measurement SADC uses as do other RECs.

Factors that strengthened SADC's mediation

The Mediator

While mediation continues to be one of the most useful tools for conflict prevention and resolution, given the changing nature of conflicts and their new complexities, mediation efforts need to adapt and adjust to shifting realities. Common wisdom holds that a mediation is only as good as the mediator. Therefore, choosing an experienced mediator with a thorough understanding of the complexities of mediation and with excellent communication skills are critical to the mediation process. At the end of the day, the mediator is expected to (i) facilitate communication between the parties (ii) assist parties in focusing on the real issues of the dispute and in designing a solution and (iii) generate options that meet the interests or needs of all relevant parties for settlement of the dispute. The mediator ensures that he or she is prepared to undertake the mediation process and undertakes numerous tasks and strategies that all ensure that (i) no conflicting party has an advantage during mediation (ii) and that the conflicting parties are aware of the mediator's role (Stulberg, 1997).

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From the time he was deployed as mediator to December 2010, Chissano used his skills, his status, and his expertise to bring the conflicting parties together to negotiate. This led to the difficult feat of the development and signing of the Maputo Accords and the Addis Ababa Additional Act by *les quatre mouvances.* Chissano particularly relied on proximity talks, adaptive mediation, and inclusivity to bring the parties together.

The Inclusive Mediator

Inclusivity is an important element in mediation. When exercised in a meaningful way (meaning the included actors have made quality contributions to peace agreements and relevant themes and issues have been taken into consideration), inclusivity may contribute to a successful mediation process and a comprehensive and sustainable peace agreement (Paffenholz, 2015, p. 2-4). The 2012 UN Secretary General Report on Peacebuilding highlights the advantages of inclusive processes, stating, "inclusive political settlements may take longer to negotiate…they are more sustainable. An inclusive process builds confidence among participating parties that their core objectives can be achieved through negotiation rather than violence, it is also more likely to address the root causes of conflict and increase the legitimacy and ownership of a political settlement" (Planta, 2015).

In mediation, inclusivity does not mean including every actor and every interest or theme into the mediation process. As mediators in conflict are confronted by a complex array of actors, issues, tasks, and problems, it is logical to assume that, if there are too many parties around the negotiating table, there will be more concerns and perspectives to consider. Hence, there will be greater divisions between the parties and it will harder for the mediator to address the concerns to the satisfaction of all the parties and to facilitate decision-making by consensus (Nathan, 2009, p. 22).

Inclusivity also does not mean involving only women and civil society actors in the mediation process as sometimes inclusivity is wrongly interpreted to have a gender perspective. While women and civil society are key stakeholders and their inclusion in the mediation process is important, an inclusive process encompasses all relevant actors *that matter* for reaching, and implementing, agreements in a sustainable manner, including potential "spoilers" (Paffenholz, 2015, p. 2). These actors can be civil society and women but also armed groups, political parties, business, minority groups, traditional and religious actors, eminent persons, communities or even the public at large (Paffenholz, 2015, p. 2). Inclusivity provides for a sense of ownership of the process, another important factor in making mediation more effective. Ownership promotes the commitment of all conflict parties and the broader society to the mediation efforts, but also facilitates acceptance and implementation of a peace agreement (Organisation for Security and Co-operation in Europe, 2014, p. 18).

Concerning issues and themes, an inclusive process includes issues and themes that will potentially lead to sustainable peace agreements (Paffenholz, 2015, p. 2-4).

An inclusive process also takes into consideration the political interest of regional actors as opposed to broader international actors as well as the preparedness of the included actors (Paffenholz, 2015, p. 2-4). Actors that are not prepared for inclusive mediation will jeopardise the process.

With regards to SADC's mediation process from 2009-2010, Chissano ensured that the mediation process was conducted with the promotion of inclusivity at its core.   As Rasolo Andre maintains, "when Chissano came here [Madagascar] he came with the mindset of not only working with civil society organisations, but also to listen to what has been done here on the ground, what is happening…It's important because when they allowed the Malagasy people to take part in the decision-making, they enhanced the sustainability of the outcome. Also, they came here to facilitate the process. They were involved as facilitators but leaving the Malagasy approach to take place at all times," (DIRCO Electronic Newsletter, 2017).   As WikiLeaks cables (2010) reveal, as soon as Chissano was appointed as the mediator for Madagascar, he immediately travelled to Antananarivo and met with Rajoelina. He then travelled to the UN and met with the diplomatic community and the UN Secretary General to discuss perspectives on Madagascar and the UN's role in the talks. Chissano then travelled to Paris to meet with exiled former Malagasy President, Didier Ratsiraka. Finally, Chissano met with Ravalomanana and convinced him that it was not realistic to expect to return to power through a military intervention.

Also in the spirit of inclusivity, Chissano ensured Ravalomanana's participation in all the mediation talks from 2009-2010. In line with the SADC mandate given to Chissano and due to the fact that Ravalomanana was barred from entering Madagascar, key meetings were held outside of Madagascar (SADC Communiqué, 2009).

To further reinforce an inclusive mediation process and in line with his mandate, Chissano collaborated with all the members of the JMT-M (SADC Communiqué, 2009).   Collaboration with members of the JMT-M did cause competition. However, Chissano understood that (i) the prior mediation attempts should not be discarded and key learnings and findings should be used and (ii) those involved in the earlier mediation attempts had much value and insight for the SADC mediation team. Hence, instead of competing against each other, Chissano advocated working together (Respondent from the SADC Mediation Team, Maputo, 2019).

Concerning the military and the French, the inclusion of these "reluctant" stakeholders during mediation allowed the SADC mediation team to convince the military and the French to take a position conducive to peace. This was a difficult accomplishment as both the French and the military openly revealed their support of Rajoelina. However, the military co-operated and, as the SADC mediation team maintains, one of the reasons behind the collaboration was because the mediation team had highlighted the fact that (i) the military has been

manipulated throughout Malagasy history to instigate and cause *coups* and; (ii) the military's primary role was to protect the states and its people, not the current leader (Respondent from the SADC Mediation Team, Maputo, 2019). The mediation team also engaged the various armies of the regions as well as the commanders and chiefs. By the time Ravalomanana returned to Madagascar and tried to use the army the same way that Rajoelina had done, they refused to get involved (Respondent from the SADC Mediation Team, Maputo, 2019). How long the co-operation of the military in Madagascar will last is yet to be determined as I have pointed out that Madagascar is such a poor country that, unfortunately, in order to instigate a protest and a *coup*, all one needs to do is pay for it.

Concerning the French, despite France's "spoiler" tactics, including the French in the mediation process was another inclusive and successful accomplishment for Chissano and his team. Here, Chissano employed the inducement method – taking positive measures to address the concerns of the "spoilers" and engaging them in the negotiation process.

The mediation team, itself, maintains that inclusivity was at the core of the mediation process. As a respondent from the SADC mediation team (2019, Maputo) maintains, "as the dynamic of the negotiations moved….the *mouvances* didn't collapse, ten or more movements were formed, and still we entertained all of them. We tried to be as inclusive as possible…There was a time when we stepped aside and put themselves first…the Malagasy. We tried to give them the ownership and that is where we made the difference. First, we allowed time for ourselves to listen to them to better understand their position and behaviour and to motivate them to participate effectively in the process. But not only to participate, but genuinely, to find a solution that they themselves see as a party to it." Here, I argue that Chissano employed what Friedman and Himmelstein (2006, p. 524) refer to as the "Understanding-Based Model of Mediation". Four interacting principles guide this model. These are (i) resolving conflict together through deeper understanding (ii) understanding the root causes of the problem and attempting to address those root causes (iii) ensuring and enabling conflict parties to undertake the primary responsibility for working things through together and (iv) working together to arrive at a resolution (Friedman and Himmelstein, 2006, pp. 524-525).

Main Criticisms of Chissano during this time

While Chissano made much progress as the mediator during this time and while he strove to be an inclusive mediator and adhere to his mediation mandate, he was also severely criticised as lead mediator during this time. As indicated, one of the main criticisms of Chissano and his team was that they were not in Madagascar for long periods of times in order to make a meaningful impact. As discussed above, this was related to the lack of technical and financial support that SADC should have provided consistently. However, related to this criticism, individuals such as French Élysée representative, Remi Marechaux, maintained that, as mediation was a full-time job, Chissano "was not displaying the requisite energy and did not

seem to have even the necessary interest" (WikiLeaks, 2010). In Marechaux's view, Chissano was putting other activities ahead of his mediation role and frequently postponing Madagascar-related meetings (WikiLeaks, 2010). Marechaux even recommended that Chissano should find a high-level deputy who could pursue the mediation on a full-time basis (WikiLeaks, 2010). For Marechaux, Chissano was the main reason that the mediation talks stalled at the end of 2010. However, as discussed, various factors contributed to the stalling of the mediation talks, including France's meddling.

Another main criticism of Chissano as mediator was that both the Ravalomanana and Rajoelina *mouvances* felt that he was a biased and unfair mediator. Rajoelina, for instance, could point out several instance where the mediation team was biased against him. One such instance is when the SADC mediation team had successfully lobbied to block Rajoelina from addressing the UN General Assembly in 2009. This action not only deteriorated the relationship between the SADC mediation team and Rajoelina, but it also made Rajoelina threaten to boycott the mediation and deny visas to officials from SADC states (Cawthra 2010, p. 20). For Rajoelina, Chissano was clearly biased against him but Chissano was upholding the AU ban on *coup* legitimisation. Another instance was that Chissano continued with the Maputo III talks without his participation. This is ironic as Rajoelina had boycotted the meeting and did not want to participate in the first place.

For Ravalomanana, Chissano and his team were seen to be unfair when they could not ensure his return to Madagascar. In fact, the mediation team even convinced Ravalomanana to delay his return. What seems as an unfair and biased action on behalf of the mediation team can also be simply explained by the fact that there was a possibility that the SADC mediation team feared for Ravalomanana's well-being and that, if he returned to Madagascar, violence was a possibility. The mediation team could not underestimate the military's reaction to Ravalomanana's return as the military had previously indicated that, due to the human rights violations undertaken by CAPSAT during the *coup*, they were afraid of recriminations following any return of Ravalomanana and any change of government (Wikileaks Cables, 2009).

Conclusion

This chapter discussed the various actors who intervened and tried to put an end to the constitutional crisis in Madagascar before Chissano's deployment as SADC mediator. This chapter also discussed SADC's reactions to the *coup*, its entry into the conflict and the motives of SADC to mediate, as well as the events leading to Maputo Accords and Addis Ababa Additional Act.

The key facts, knowledge and themes from this chapter are that, firstly, SADC made several mistakes during the period covered in this chapter. First, it hindered and stalled the mediation efforts of other institutions present in Madagascar by threatening military intervention when the crisis first occurred and when it demanded that Rajoelina relinquish

power completely. Second, SADC's early reactions to the crisis also generated friction between the mediating bodies, aroused antagonism between the mediators and the Malagasy regime and intensified the regime's resistance to a negotiated resolution of the crisis. Hence, competing mediation can negatively affect the mediation process.

Moreover, the fact that SADC members were divided on how to address the Malagasy crisis reveals that SADC was not ready to act as a collective. The chapter also reveals that, when a peace-making institution is divided, it delays the mediation intervention.

SADC was also accused of setting up the mediation to fail by issuing an impossible mediation mandate to Chissano. However, this chapter reveals that the mandate was not impossible to achieve and Chissano went about by implementing and carrying out the directives of his mandate. On the other hand, the overlapping mandates of SADC, the AU and the UN did affect the mediation in the sense that all three mandates allowed the respective organisations to mediate. This caused further friction and competition for leadership between the three organisations.

Second, this chapter also highlighted the conflict in Madagascar was rather complex and that mediation cannot progress when the parties are not willing to come together and resolve the conflict or when personal interests and gains are prioritised over peace. This chapter also revealed that, when the mediators are not neutral and want their own interests met, mediation will not succeed. This is why the FFKM's mediation efforts failed despite the fact that they were "insider-partials". This chapter also highlighted that the fact that a mediator's expertise and experience is a key factor in achieving a favourable mediation outcome and that a clear and in-depth understanding of the crisis, the role players and their interests assist in making the mediation more effective. However, it was also revealed that, despite the expertise, experience, and in-depth knowledge, if the mediator is not adequately supported (financially, administratively, technically, and analytically) by the relevant mediating bodies and international institutions, the mediation process is undermined and loses credibility.

With regards to a mediator's entry, the chapter reveals that Chissano's entry into the conflict was delayed for various reasons however, his entry did not affect the outcomes of the mediation so much as his actions and his behaviour during the mediation. Hence, the mediator's entry in Madagascar was not a strong factor. On the other hand, the use of "carrots and sticks" was revealed to be an important factor during mediation. In fact, the severe effects of the sanctions and international isolation was what prompted Rajoelina to re-engage Chissano at the end of 2010 after a long deadlock. December 2010's "ripe" moment also revealed that impasses and deadlocks during mediation can pave the way for "ripe" moments to occur.

It was also made clear in this chapter that the formulation and signing of the Maputo Accords and Addis Ababa Additional Act were achievements for the SADC mediation process. Agreements as an outcome of mediation are not easily achievable and, while the Maputo Accords and the Additional Act offered the conflicting parties opportunities to promote a

consensual transition by uniting *les quatre mouvances* in one government, it is unfortunate that, due to the uncompromising positions of *les quatre mouvances*, especially Rajoelina's unilateralism, the implementation of the Maputo Accords and the Additional Act were blocked. Rajoelina, influenced greatly by his supporters and France, also consistently refused to follow through on his commitments and withdrew from the mediation process, eventually stalling the mediation. Thus, this chapter reveals that the obstinate behaviours of the conflicting parties have the power to hinder and stall a mediation process.

This chapter also looked at the various actors and challenges that hindered or strengthened SADC's mediation process from 2009-2010. Chissano was an inclusive mediator who ensured that he had in-depth knowledge of the conflict and used his overall expertise and experience in international mediation to mitigate the various complexities and challenges that the mediation encountered. Moreover, Chissano and his team also ensured that the mediation was locally owned and locally driven, in order to reach the agreements and their implementation. Yet, the "spoiler" tactics of France, the parallel mediation efforts of France and South Africa, the lack of political will from *les quatre mouvances* to end the crisis, the actions of the AU and the UN, and the lack of technical and financial support from the SADC Secretariat had all contributed to the undermining of Chissano as a mediator and the stalling of SADC's mediation by the end of 2010.   Even though Chissano used various strategies and tactics to mitigate the complexities mentioned above, the conflicting parties still managed to capitalise on the mixed messaging from the mediators, their disunity, and the internal competition between them.

This chapter also revealed that Chissano was constantly undermined as a mediator and that the mediation team was also accused of undermining their own mediation process by not being dedicated enough and by being unfair and biased towards particular *mouvances.*

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CHAPTER 7

"Chissano's Roadmap" and the Aftermath - 2011

In this Chapter, "Chissano's Roadmap" is discussed at length, focusing particularly on:

- The background to the Roadmap
- The key components of the Roadmap
- The challenges and flaws associated with the Roadmap
- Chissano's attempts to deal and mitigate the challenges
- SADC's and *les quatre mouvances* reactions to the Roadmap

"Chissano's Roadmap"- February 2011- June 2011

Background to the Roadmap

The *Roadmap for Ending the Crisis in Madagascar* ("Chissano's Roadmap") was presented to the conflicting parties on the 31st January 2011 by Chissano's mediation assistant, Leonardo Simão. According to Khadiagala (2014), roadmaps have become popular in recent African efforts to mediate and resolve conflicts. For many, "Chissano's Roadmap" was seen as a step in the right direction for the country as it outlined the necessary steps to peace and seemingly provided a smooth phase out of the transitional government towards the elections.

According to Chissano (2011), the *Roadmap for Ending the Crisis in Madagascar* was formulated in response to the following changing dynamics and behaviours that occurred in Madagascar from late 2010, including the failure of the implementation of the Maputo Accords and the Additional Act.

The changing dynamics and behaviours outlined below called for a new solution to be devised in order to resolve the crisis in Madagascar (SADC Mediator's Report to the SADC Secretariat, 2011, p. 1):

- The impact of the *Malgacho-Malgache* dialogue
- Local pressure calling for change of the status quo in Madagascar
- International support and recommitment to support the SADC mediation team

Regarding the impact of the *Malgacho-Malgache* dialogue, by giving the ownership of the mediation process to the Malagasy, not only did the dialogue assist in pointing out the factors that prevented the implementation of the Maputo Accords and the Additional Act, the dialogue also prompted a "revived" need to find an alternative solution for the crisis in Madagascar (SADC Mediator's Report to the SADC Secretariat, 2011, p. 2). Moreover, this

dialogue witnessed the emergence of new political actors outside *les mouvances* which felt that they had key inputs to make to resolve the crisis and thus demanded their right to play a role in efforts to find a solution to the crisis (SADC Mediator's Report to the SADC Secretariat, 2011, p. 2). As Chissano and his mediation team has always defended the principle of inclusiveness, the team accepted these new political actors and accorded them the right to be included in the mediation process (SADC Mediator's Report to the SADC Secretariat, 2011, p. 2-4).

With regards to local pressure calling for change in Madagascar, after SADC's mediation attempts in 2010, the Crisis Group (2011) reported that the population became poorer, the rule of law was absent and state's structures continued to crumble under the HAT regime. Ironically, Rajoelina was accused of being corrupt and of mixing public and private interests. Hence, the majority of the Malagasy (especially the poor) began suffering which further increased as a result of the sanctions and aid suspensions that followed Rajoelina's unilateral actions. As pressure to resolve the crisis and to improve the economic and social situation in Madagascar was mounting on Rajoelina, he re-engaged the mediators to find a solution to the crisis. According to Chissano (2011), it was clear that his consultations with Rajoelina had "crystallised the commitment on the part of the HAT *de facto* regime to be more open to form inclusive and consensual institutions of transition and to work closely with the SADC mediation team to find a durable solution out of the crisis in Madagascar" (SADC Mediator's Report to the SADC Secretariat, 2011, p. 1). In fact, Rajoelina explicitly expressed his desire to have all political actors represented in all institutions of transition, including the Transitional Government of National Unity, the Parliament of Transition, and the National Independent Electoral Commission (CENI) (SADC Mediator's Report to the SADC Secretariat, 2011, pp. 1-2). Rajoelina also requested the SADC Mediation Team to help organise a consensual and inclusive transition framework as well as credible, free, fair and transparent elections (SADC Mediator's Report to the SADC Secretariat, 2011, pp. 1-2). Many doubted Rajoelina's new behaviour of co-operation, however the SADC mediation team felt that he genuinely sought to resolve the impasse.

In addition, while there was the positive change in the attitude of Rajoelina towards the mediation team, towards the end of 2010, the working relationship between the mediation team and the international community continued to improve. The international community reaffirmed their support of the SADC mediation and called for the team to find an all-inclusive and acceptable solution to the ongoing crisis in Madagascar.

Additionally, there was greater deposition among the different stakeholders that wanted to effectively participate in a roadmap that would return the country in constitutional normalcy through free, fair and credible elections in line with the SADC mediation Mandate (SADC Mediator's Report to the SADC Secretariat, 2011, pp. 2-4).

Hence, in light of these changing dynamics and behaviours, Chissano and his team "consulted widely with all the stakeholders" including the leaders of the *les quatre mouvances*, the Prime

Minister, the Minister of Foreign Affairs, the Military establishment, individual personalities associated with *les mouvances*, media senior officials, members of the *Espace de concertation des partis politiques (ESCOPOL)* and the local ICG (SADC Mediator's Report to the SADC Secretariat, 2011, pp. 3-7).

From these consultations, it was clear that there was a need for a roadmap that would lay out and ensure credible, consensual, inclusive, and transparent electoral processes. Hence, "Chissano's Roadmap" for *Ending the Crisis* in Madagascar stipulated several milestones and recommendations. These included:

- The continuation of the *Malgacho-Malgache* dialogue;
- The creation of the Transitional Independent National Electoral Commission (CENI-T) (which would establish a timeline for elections in the country and provide for the appointment of the prime minister of consensus);
- The creation of several transitional institutions in the government, including the Transitional Parliament, comprising the National Assembly and the Senate;
- That elections be held under UN supervision and the UN should advise on the electoral code, the drafting of a law on the political parties, the use of a single ballot system, review of electoral lists and the review of the electoral calendar;
- As transitional President, Rajoelina shall exercise the duties of a Head of State and appoint a consensual Prime Minister;
- That the consensual Prime Minister would assist in forming an inclusive government of national unity, and provide for other transitional structures;
- That members of the transitional structures can run in the legislative and presidential elections if they leave office 60 days before the vote;
- That Rajoelina can be a candidate for the upcoming election;
- That Ravalomanana should not be a candidate for the upcoming elections and be barred from returning to Madagascar until the post-election government determined that a favourable political and security climate existed (Nathan, 2013, p. 6).

The Roadmap essentially laid out provisions and processes for the transitional national unity government, an electoral framework leading to the establishment of a democratic government, confidence-building measures and national reconciliation efforts, and various international mechanisms to support the implementation of the agreement (Khadiagala, 2014, p. 174). Accordingly, the mediation team was confident the Roadmap would resolve the political crisis in Madagascar.

After being revised twice, the latest version of "Chissano's Roadmap" was initialled on the 9th March 2011 by eight parties, mainly Rajoelina's TGV and others that constituted the "Rajoelina Platform" (Kotzé, 2013, p. 13). The three opposing *mouvances* refused to sign the Roadmap.

Reactions to "Chissano's Roadmap"

Rajoelina accepts "Chissano's Roadmap"

The reactions of *les quatre mouvances,* the SADC Secretariat and the international community towards "Chissano's Roadmap" were mostly negative as many felt that the Roadmap was severely flawed and biased.

Regarding international reactions to "Chissano's Roadmap", the French community, unsurprisingly, supported Rajoelina and the Roadmap as it was presented while the US, Canada and China lobbied for an amended version (Mail & Guardian, 2011).   The EU had mixed views.

For Ratsimbaharison (2017, p. 114), instead of resolving the rivalries between the conflicting parties, "Chissano's Roadmap" complicated and caused a further political chasm, especially between Ravalomanana and Rajoelina and their respective *mouvances.*   The Roadmap essentially favoured Rajoelina, an observation shared by Kotzé.

According to Kotzé (2013), "Chissano's Roadmap" favoured Rajoelina and was not the product of negotiations or "mediation".   Rather, it was the product of consultations. Kotzé (2013) also maintains that it did not have the resolution of the conflict at its core. Moreover, the foundation of "Chissano's Roadmap" has never been clarified but it resembled a French roadmap proposed during the "Pretoria Summit" and included some aspects of the Maputo accords (Kotzé, 2019, pp. 13-14).   Hence, for Kotzé, the Roadmap implied French "meddling" in its drafting, thus calling the legitimacy and credibility of mediators and the contents of the Roadmap into question.

Rajoelina, on the other hand, accepted "Chissano's Roadmap" and even took it upon himself to implement some of its recommendations regardless of the fact that the other three *mouvances* had not signed the Roadmap.   He dissolved the government and reappointed Camille Vital as a consensual prime minister. This appointment respected one of the recommendations of the Roadmap because Vital was not within Rajoelina's *mouvance.* However, it went against the spirit of the Roadmap because Vital has always been a faithful supporter of the president, since his appointment in December 2009 (International Crisis Group, 2011). A new government of "national unity" was also formed and, although several important members of the opposition (Pierrot Rajaonarivelo and Yves Aimé Rakotoarison) joined the government, Rajoelina retained control of most of the key ministries, appointing his allies to the ministries of Justice, Finance, Decentralisation and Mines, for example (International Crisis Group, 2011).   Rajoelina also withdrew his earlier commitment of not contesting the elections (International Crisis Group, 2011).

Rajoelina's acceptance of this Roadmap is not surprising as this Roadmap awarded him a considerable amount of executive power during the transition.   Moreover, "Chissano's

Roadmap" essentially recognised Rajoelina as a "Head of State," something that SADC refused to do.

Additionally, while "Chissano's Roadmap" allowed Rajoelina to take part in the next elections, Ravalomanana was excluded from participating in the next elections and barred from returning to Madagascar until measures were in place to ensure his safety. For Rajoelina, this was a bonus as it gave him additional time to keep his nemesis out of Madagascar and it ensured that Ravalomanana's return to power through the ballot box was impossible.

The only provisions that inconvenienced Rajoelina and his supporters was that they were obligated to stop the persecution of the opposition and let all political actors still living in exile (including Ravalomanana) to return home unconditionally (Ratsimbaharison, 2017, p. 120). Rajoelina had no intention of adhering to these requirements and he took advantage of the blatant contradiction in the clauses regarding the return of Ravalomanana in the road map to prevent the latter from returning to Madagascar.

Ravalomanana rejects "Chissano's Roadmap"

Due to its unfairness and bias, "Chissano's Roadmap" was rejected by the opposing *mouvances* as well as by civil society and councils of religious and traditional leaders in Madagascar (Nathan, 2013, p. 11).   For the Zafy *mouvance*, the latest final version of "Chissano's Roadmap" did not include key recommendations and amendments from the opposing *mouvances*.   Despite the fact that Chissano maintains that he had "wide consultations" with key stakeholders, the Zafy *mouvance* maintains that "there were never direct dialogues between the parties. Never. But you enter…they collect your ideas. The 11 entities [the parties meant to sign the Roadmap] enter one after the other. He collects their ideas. After this: they formulate theirs and expected the conflicting parties and even SADC to accept the terms of the Roadmap….. All the consultations were just a façade. It [the Roadmap] had already been written" (Zafy Mouvance, 2014).   Hence, the Zafy *mouvance* rejected Chissano's Roadmap.

Likewise, Ravalomanana rejected "Chissano's Roadmap" for several reasons.   First, Ravalomanana felt that "Chissano's Roadmap" disfavoured him, especially as Rajoelina could remain as the only president of the transition and did not have to share power with a vice president or a co-president (as under the Maputo Agreements and the Additional Act of Addis Ababa) (Ratsimbaharison, 2017, pp. 133-138). Moreover, as Rajoelina was awarded all the rights and authority of a "Head of State", he could appoint ministers and make decisions - similar to a legally elected President (Ratsimbaharison, 2017, pp. 113-138).   For Ravalomanana and his *mouvance*, it seemed that this Roadmap was going against recommendations of the Maputo Accords and Additional Act as it allowed Rajoelina to unilaterally appoint ministers without consensus or input from the three opposing

mouvances. This was not fair, not inclusive, and not acceptable to Ravalomanana (Iloniaina, 2011).

On the point that the Roadmap conferred to Rajoelina the powers and authority of a "Head of State", Ravalomanana also had issues with this as he pointed out that, since Rajoelina had assumed power illegally, the SADC mediators were condoning his actions by giving Rajoelina, the *coup* leader, unmerited power, and advantage through this particular Roadmap (Mouvance Ravalomanana, 2011, p. 22). Ravalomanana also pointed out that this meant that SADC was undermining their own stance of condemning *coup* leaders. In fact, SADC, through Chissano, had just absolved Rajoelina from the charge that he led a *coup d'état* in March 2009 which overthrew a democratically elected president (Ratsimbaharison, 2017, p. 113). Nathan (2016) shares the same sentiments and observations as Ravalomanana. Nathan (2013) maintains that "Chissano's Roadmap" undermined democracy and deviated from SADC's mandate of the mediation, including the characteristics of inclusivity, consensus and compromise.

Ravalomanana also claimed that the Roadmap disfavoured him as the SADC mediators, once again, failed to broker a deal to allow him to return to Madagascar. That is, after all, the only position that SADC stood firm on for the longest time - that Ravalomanana return to Madagascar "unconditionally".   Hence, the roadmap became a serious cause of disagreement between SADC and Chissano as it stated: "Mr Marc Ravalomanana cannot return to Madagascar before a favourable political and security environment has been established" (Kotzé, 2013, p. 13). For Ravalomanana, this made his return to his home country virtually impossible. Moreover, it was contradictory in the sense that SADC asked for Ravalomanana to return to Madagascar "unconditionally" but the SADC mediators put conditions on his return – that a favourable political and security environment be established in Madagascar before his return.   In fact, Marc Ravalomanana only returned to Madagascar in 2014 without SADC's assistance.[28] He was immediately arrested as he was sentenced in absentia to lifelong hard labour for abuse of power by the Rajoelina administration. After his sentence was lifted and he was freed from house arrest in May 2015, Ravalomanana announced the re-opening of the Tiko business group and was re-elected the president of TIM.

Third, the Roadmap disfavoured Ravalomanana in the sense that it allowed Rajoelina to stand as a presidential candidate in the 2013 elections. Ravalomanana maintained that "I am being denied the right by the "Roadmap", as it is presently worded, from taking part directly in the Government of my country; although I am its democratically elected President. This is a massive breach of my fundamental human rights" (Mouvance Ravalomanana, 2011, p. 20).

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[28] Ravalomanana's first and second attempt to return to Madagascar was in 2011 and 2012. In 2011, he was refused authorisation to board the plane in Johannesburg for Madagascar. In 2012, the plane taking him to Madagascar returned to Johannesburg halfway through the journey.

For Ravalomanana, there would never be "political stability if the road map is not inclusive to the extent that it permits [me] to participate in elections" (Mail & Guardian, 2011).

Ravalomanana and his *mouvance* further rejected "Chissano's Roadmap" based on the following:

- That the major *mouvances* were excluded and, from the perspective of Ravalomanana's *mouvances*, it was not due to his lack of will to participate. He was only given 48 hours in which to respond to the Mediators' "final" draft and it was impossible for him to have appropriate consultation with the members of his mouvance within the time given to him;
- That it sought to promote and favour the leader of a *coup d'état* to become President while keeping the democratically elected President out of the country;
- That it was unconstitutional and a violation of the Lomé Declaration of July 2000, as well as other international law;
- That it deprived the Malagasy people of their fundamental human right to choose, democratically, who they want to represent them;
- That there was an illegal government in Madagascar; hence, the *mouvance* could not accept that a person who came to power violently can be installed as the head, even of a transitional regime;
- That the proposed Transitional Government in Madagascar was doomed to fail due to the fact that the roadmap was not inclusive and it lacked credibility and legitimacy;
- That the SADC mediator's roadmap was in conflict with all of SADC's stated positions that there should be consensual, inclusive and transparent mediation leading to free-and-fair, internationally supervised elections;
- That the Roadmap made no provision for dissolving the militia or for transforming the military from a force supporting the current regime to a force supporting democracy;
- That the lead mediator was not willing to accept recommendations from the Ravalomanana *mouvance* for the Roadmap and that if he did not initial the Roadmap that had been agreed to by other Malagasy Political Actors on 9 March 2011, *Mouvance Ravalomanana* would be excluded from the Transitional government (Mouvance Ravalomanana, 2011, p. 25).[29]

Ravalomanana also had an issue with Chissano's statement that, in drafting the Roadmap, Chissano maintained that he had sought "the agreement of the majority of the Malagasy political parties" and that the "consensus" among the Malagasy parties did not necessarily mean "unanimity" (Ratsimbaharison, 2017, p. 114). Ravalomanana maintained that the "majority" to which Chissano referred were the "HAT and its satellite parties – over 100 of

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[29] The SADC Summit was aware of Ravalomanana's (as well as Zafy and Ratsiraka's) grievances and concerns regarding "Chissano's Roadmap". Many of the parties felt pressured to sign the Roadmap if they did not want to be left out of the transition.

which have suddenly and suspiciously been registered in Madagascar…" (Mouvance Ravalomanana, 2011, pp. 3-11). Another source maintained that "four hundred and eleven political parties signed the road map, but the reality is that in Madagascar there were only 289 political parties officially registered as of March 2011 when the road map was signed and most were registered in the months before. Many of these 'mushroom' parties would not even win a majority in their own fokontany (the smallest administrative unit in Madagascar)" (Mail & Guardian, 2011). This meant that the "consensus" to which Chissano referred did not exist and the mediation team proceeded with an agreement without the approval of the three main *mouvances.* Hence, it was not inclusive nor fair.

Chissano's statement also implied that the SADC mediation team was not bothered if the main opposing *mouvances* were not endorsing "Chissano's Roadmap" as long as the "majority" agreed with it. According to Ratsimbaharison (2017, p. 114), this indicated that the mediation team's position apparently meant that it was no longer focused on the resolution of the conflict but rather on the management of the transition that would hopefully bring the country back to a constitutional order.

SADC's Reaction to the Roadmap

As endorsement of the Roadmap by the regional organ who took the lead in mediation was necessary for international recognition and support (especially for ending the crisis and finding support for the electoral process necessary for credible elections), during a Summit in Livingstone, Zambia on the 31st March 2011, the SADC Organ received a report from Chissano, recommending that the Troika summit endorse "Chissano's Roadmap" and that the UN, AU and wider international community should also endorse it (Kotzé, 2013, p. 14).

"Chissano's Roadmap" did not receive an endorsement as the SADC Heads of State were troubled by the Roadmap's call for Rajoelina to stand for elections while Ravalomanana could not.

In addition, SADC had always maintained that Ravalomanana should be able to return to Madagascar unconditionally but "Chissano's Roadmap" declared otherwise and actually stipulated conditions for his return. For SADC, this discrepancy between what SADC was communicating and what SADC mediators were communicating was seen as indirectly sending the message that the *coup* was legitimate. As a result, the SADC Summit "diplomatically rejected the road map of its own mediators at a meeting in March 2011 and remanded (sic) the issues raised to the extraordinary summit…" (Mail & Guardian, 2011). While the Summit "endorsed the report of the SADC Facilitation on Zimbabwe," it did not endorse the Chissano report and the Roadmap was merely "noted" and requested an Extraordinary Summit of Heads of State to discuss it (Kotzé, 2013, p. 14).

The Summit also issued this statement: "The Extraordinary Summit decided not to recognize Mr. Rajoelina as President of Madagascar as his appointment did not only violate the

Constitution of Madagascar and democratic principles, but also violated the core principles and values of the SADC Treaty, the African Union Constitutive Act and the United Nations Charter" (Kotzé, 2013, p. 14).

When SADC did not endorse "Chissano's Roadmap", the mediation and the transition stalled once again. The SADC Organ and its mediator maintained different sentiments about Rajoelina and his unilateral initiatives (Kotzé, 2019, p. 12).

Moreover, when SADC did not endorse the Roadmap, *les quatre mouvances* used the situation to their own advantage. While the three opposing *mouvances* took this decision to mean that the Roadmap could not be accepted in its present form, Rajoelina claimed that he had been given a go-ahead for implementing the provisions of the document and he had been "tricked" since he had included opposition members in their ranks but the Roadmap was still not approved by SADC (International Crisis Group, 2011). For Rajoelina, SADC's refusal to endorse the Roadmap was problematic as he had appointed ministers who were against him, he was still internationally isolated and his supporters that he had sidelined in the process were unhappy and criticised him for making concessions (International Crisis Group, 2011). He did not want another *coup* attempt directed at him.

The international community reacted in various ways to SADC's refusal to endorse "Chissano's Roadmap". While some waited for the next SADC Summit meeting before taking action, the OIF got to work on preparing the elections (International Crisis Group, 2011). The COI felt that the roadmap could not be ignored in the quest to end the crisis and asked the rest of the international community to get involved in supporting the electoral process. The ambassadors of India, France and Turkey all visited Rajoelina shortly after they took office in order to show their support for the upcoming elections (International Crisis Group, 2011).

When the Extraordinary Summit of SADC Heads of State was held on 20 May 2011, the Summit requested that the SADC mediator for Madagascar as well as other key stakeholders convene to discuss "Chissano's Roadmap" and the way forward. From the 6-7 June 2011 in Gaborone, SADC then convened the consultation[30] with Chissano and other relevant stakeholders related to the crisis in Madagascar, including *les quatre mouvances*, AREMA, ESCOPOL; *Les Autres Sensibilités* and others (SADC, 2011a). The decision that SADC took at that meeting amounted to a vote of no confidence in Chissano and he and his team were sidelined and set aside (SADC Official, 2012). The SADC Troika formally took over the mediation in Madagascar and proceeded to amend "Chissano's Roadmap". The amended Roadmap, is referred to as the *SADC's Roadmap to End the Crisis in Madagascar*, and is discussed at length in Chapter 8.

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[30] The consultation was convened by the SADC Chairperson, H.E Hifikepunye Pohamba, President of the Republic of Namibia and H.E. Rupiah Bwezani Banda, President of the Republic of Zambia and Chairperson of the Organ on Politics, Defence and Security Cooperation.

Why Did Chissano present this Roadmap?

There are various reasons that could possibly explain the reasons why Chissano presented a Roadmap that deviated from what the SADC Summit had envisaged, legitimised a *coup* leader and undermined democratic ideals. One reason has to do with conflict fatigue. Not many authors have explored this option, but there is a possibility that the mediation team was tired of the endless conflict and ready to move to hold elections as mandated by SADC. Ratsimbaharison (2017, p. 114) argues that by the end of 2010 and particularly at the beginning of 2011, everyone (especially the mediation team and the parties involved) was tired of the endless conflict and ready to move on without bringing it to a final resolution. Hence, Chissano hastily drafted a Roadmap that would lead to elections and thus end the mediation process.

Another reason has to do with the fact that some diplomats maintained that Chissano's team had been influenced by France and that, in order to obtain Rajoelina's co-operation, the AU policy as well as the SADC's ban on *coup* legitimisation should be undermined in the pursuit of elections - whether fair or not (Nathan, 2013, p. 13). Another source maintains that Chissano and his team had also been "compromised" by Rajoelina (Respondent from the SADC Secretariat, Johannesburg, 2019). Fabricius (2012), in his opinion piece, argued, "they [Chissano and Simão] seemed to be entirely beholden to Madagascar's self-appointed leader, Andry Rajoelina". Hence, this is a possible reason why the mediators presented a Roadmap that favoured Rajoelina to the extent that he had the powers of a Head of State and could contest the elections.

Another explanation of why the SADC mediation team felt it was appropriate to allow Rajoelina to stand for election and not Ravalomanana can simply be attributed to the fact that, after holding so many interviews and meetings with various Malagasy stakeholders, the SADC mediation team was made aware of Ravalomanana's actions and abuse of power when he was President. The fact that Ravalomanana pursued his own interests rather than the interests of the Malagasy people probably affected the SADC mediation team. Since Rajoelina's supposed interest was to "restore democracy in Madagascar", there is a possibility that Rajoelina could actually turn Madagascar's dire situation around.

Rajoelina's actions could have also been a factor as to why Chissano formulated such a Roadmap. Rajoelina was strong-willed and his behaviour unpredictable. He usually reneged on his own word, thus derailing, and stalling the mediation process several times. He was easily influenced by those around him and this made him undependable and complicated. Additionally, while Rajoelina was accessible to the SADC mediators, he did not think that SADC was a threat and publicly denounced the institution and the mediation team constantly (Ravalomanana Mouvance, 2011). Hence, to appease him, the mediation team may have decided that it was best that he be allowed to stand for elections. This would put a quick end

to the mediation efforts and would not necessarily violate the SADC mandate that Chissano was given as the mediator, that "the work of the SADC mediator should be finalised upon completion of the inclusion dialogue and holding of the general elections in Madagascar".

Overall, whatever reasoning was used to allow Rajoelina to contest the 2013 elections and not Ravalomanana, one point is clear – the SADC mediation team deviated from what the SADC Summit had envisaged. The Summit refused to ratify the Roadmap and convened a consultative meeting with the Malagasy parties at SADC's headquarters in Gaborone (SADC, 2011). As indicated earlier, this decision amounted to a vote of no confidence in Chissano. He was set aside as mediator by the SADC Secretariat and an amended Roadmap was presented to the conflicting parties.

Conclusion

This chapter examined "Chissano's Roadmap" at length, particularly looking at the factors that prompted the mediators to formulate the Roadmap, its key components, its main flaws and challenges and the reactions to the roadmap, especially by *les quatre mouvances* and SADC.

Not only did the chapter affirm that Roadmaps are popular to mediate and resolve conflicts in the African context, the chapter also revealed that, due to the "ripe" moment and the mutually hurting stalemate (MHS) that presented itself at the end of 2010, dynamics and behaviours had changed regarding mediation.

The chapter also revealed that locally-driven, locally-owned inclusive processes such as *Malgacho-Malgache* dialogue remain important during mediation. The *Malgacho-Malgache* dialogue was a key factor in reviving the mediation process and calling for an end to the constitutional crisis in Madagascar.

The issue of bias and the consequences of an unfair mediated outcome as well as the issue of conflict fatigue was also highlighted in the chapter. Conflict fatigue in international mediation is a concept that needs further exploration and unpacking as (i) there is scarce information about this concept and (ii) it can explain why mediators settle for hasty and contradictory agreements after protracted and prolonged mediation efforts. With regards to bias and unfairness, the chapter revealed that these two factors can lead to the mediator and the mediation outcome losing credibility.

Chapter 7 also revealed the complexity of the situation in Madagascar and the firmness of SADC to remain committed to an acceptable solution to the crisis. The fact that SADC did not accept "Chissano's Roadmap" indicates that, at the end of the day, it is the mediating institution/body that appoints the mediator and calls the shot. In addition, the chapter revealed that SADC could not do otherwise in light of the contradictions in the Roadmap

regarding the return of Ravalomanana and the views expressed by the three opposing *mouvances* on the way the consultations were done as well as the fundamental issues raised by Ravalomanana regarding the legitimising of *coup* leaders.

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CHAPTER 8

Negotiating the Amended Roadmap- towards the 2013 Elections

In order to restore constitutional normalcy in Madagascar through free and fair elections, the SADC Amended Roadmap was signed by 10 political parties – including the two protagonists Ravalomanana and Rajoelina – on 16th September 2011 (Ploch and Cook, 2012, p. 14). Ratsiraka was the only stakeholder who refused to sign it. His *mouvance* indicated that they could not sign it until Mr Ratsiraka himself returned to Madagascar from France.

The Roadmap was supplemented by the *"Framework for the Implementation of the Roadmap"* in October 2011, providing a timeline for implementing the roadmap.

The Main Amendments

The main Amendment that SADC made to "Chissano's Roadmap" during the SADC Summit in June is outlined in Table 2 below:

Table 2. The Main Amendment to Chissano's Roadmap

Chissano's Roadmap (January 2011)	Amended Roadmap (September 2011)
ARTICLE 14: Marc Ravalomanana should not return to Madagascar until the establishment of a favourable political and security climate which appreciation will assist the sovereign and exclusive competence of the future Government on the issue of the elections. The President, the Government and the transitional administration will take responsibility for the protection of the family and goods of Marc Ravalomanana. In exchange, he must abstain from any destabilising action during the transition.	ARTICLE 20: The High Transitional Authorities (HTA) shall allow all Malagasy citizens in exile for political reasons to return to the country unconditionally, including Mr Marc Ravalomanana. The HTA shall provide security and safety to all Malagasy returnees. The HTA shall urgently develop and enact the necessary legal instruments, including an amnesty law, to ensure the political freedom of all Malagasy citizens in the inclusive process of the transition, towards free, fair, and credible elections.

During a Summit held on 17-18 August 2011, the Troika offered the following interpretations in order to encapsulate the term "unconditionally" as stated in the decision of the SADC Summit:

1) The principles and values of SADC do not condone impunity. The term unconditionally applies to the notion of the freedom of return to Madagascar of all Malagasy citizens in exile for political reasons. It implies that no administrative and political measures should be applied to constrain or impede their freedom of return to the country.

2) Unconditionally therefore neither suggests nor implies exoneration for returning Malagasy citizen from judicial processes or alleged crimes committed.

3) The principles and values of SADC are underpinned by respect for territorial integrity and sovereignty of Member States. SADC recognises and respects the competence, legitimacy, and independence of the judicial systems of its member states. SADC does not have the power to interfere or annul any judicial condemnation by a national court of any Member State (SADC Amended Roadmap, 2011).

The Summit's definition of "unconditionally" was provided to remove the possibility of misinterpretation. However, this interpretation would allow Marc Ravalomanana to return to Madagascar, but he would have to face trials for his alleged crimes.

The main Actors - the Amended Roadmap

As noted in the previous Chapter, after the Extraordinary Summit of the Heads of State, held 11th and 12th June 2011, the Summit amended and endorsed the amended roadmap and then shifted the responsibility for the mediation from Chissano to the Troika of the SADC Organ on Politics, Defence and Security Co-operation (Nathan, 2013, p. 13). The main amendment to the Roadmap is outlined in Table 2.

The onus of the mediation was shifted from Chissano to the Chair of the Organ (South Africa) on the following main reasons: (i) Chissano had formulated an agreement that was perceived to be unequal and ultimately favouring Rajoelina, (ii) Chissano's Roadmap deviated from the Summit's positions and essentially legitimised the *coup* leader and (iii) Chissano also made a serious mistake in asking the parties to sign the Roadmap before he had solicited the Summit's approval for the deviations from its position (Nathan, 2013, pp. 7-8). In fact, if Chissano had solicited the Summit's approval before publicly announcing the Roadmap and asking the parties to sign, SADC would have been able to discreetly make the required amendments and he would not have been publicly set aside (Nathan, 2013, pp. 7-8). Unfortunately, due to Chissano's actions, the Summit was unable to revise the document discreetly and its rejection of Chissano became public knowledge, damaging his authority in the eyes of the parties (Nathan, 2013, pp. 7-8).

The Troika appointed Marius Fransman, the South African Deputy Minister of Foreign Affairs at the time, to act in Chissano's stead and was responsible to facilitate the implementation of the Amended Roadmap. The action of the Troika caused friction between Chissano's team and Fransman. Fransman was accused by Chissano and his team as undermining Chissano's efforts and credibility and even mediating when he did not have the experience, skills, historical information, and knowledge of the situation on the ground (Respondent from the SADC Mediation Team, Maputo, 2019). "Because, the South Africans held the Chair of the Organ, Fransman felt empowered and ignored the mediation team and acted as the mediator himself" (Respondent from the SADC Mediation Team, Maputo, 2019). "How can you, all of a sudden, become a mediator as Chair of the Organ. What credibility would you have?

Everybody would be suspicious…That means you have already told, given signal to the parties, that these guys [SADC] are useless" (Respondent from the SADC Mediation Team, Maputo, 2019). The SADC mediators further maintained that they "were not set aside" or "fired" as authors such as Nathan maintain, but rather they took the decision to distance themselves when Marius Fransman was nominated to lead the mediation (Respondent from the SADC Mediation Team, Maputo, 2019). However, a respondent within the South African government maintains that Fransman was not there as a "mediator" but rather as part of the Special Envoy of South Africa who was Chair of the SADC Troika on Politics, Defence and Security at the time (Respondent from the SADC Secretariat and South African Government, Johannesburg, 2019). "We never actually called him [Fransman] a mediator by virtue of us being the Chair of the Organ. So, if senior officials met, a DDG responsible would do that which would have been me. And if ministers were there, then it would have been the ministers. In the absence of a Minister, then the deputy minister would go. So that's how then, Marius Fransman became the person to go to Madagascar. Because the Minister had more or less assigned the issue of Madagascar to him…" (Respondent from the SADC Secretariat and South African Government, Johannesburg, 2019). Nevertheless, from the time that Chissano was set aside as mediator to 2012 when SADC reinstated Chissano as lead mediator to implement the "ni-ni" solution, Fransman was the lead facilitator on behalf of the Organ.

The Troika's efforts to get the Amended Roadmap signed in September 2011 should be applauded as it was a difficult feat. Several actors tried to interfere in the process and misconstrue the recommendations, including the Chissano's assistant Simão, SADC's own Executive Secretary, Salomão and Rajoelina.

As per the SADC Summit of 11th and 12th June 2011, the main conditions and recommendations were noted and needed to be implemented:

a) Summit endorsed the Roadmap to bring Madagascar into constitutional normalcy presented by the SADC Mediator on Madagascar after affecting necessary amendments.
b) Summit urged the leaders of the *Mouvances* Ratsiraka, Ravalomanana and Zafy, to initial the Roadmap expeditiously as soon as the necessary amendments were effected.
c) Summit also urged the High Transition Authority (HTA) to allow Malagasy people in exile for political reasons, to be allowed to return to the country unconditionally, including Mr Marc Ravalomanana (SADC Summit Communiqué, 2011).

In light of these recommendations and the contents of the amended Roadmap, it was clear that once the three opposing *mouvances* accepted the amendments and initialled the Roadmap, the government had to be reconstituted. Salomão sent a letter to the Ravalomanana *mouvance* to urge him, as well as the other mouvances, "to initial the roadmap as soon as possible in order to join the institutions of the transition, that must still be

restructured, and to participate in an inclusive transitional process" (Kotzé, 2013, p. 15). Simão, a friend of Salomão, disagreed with the Executive Secretary's position and maintained that the transitional government in existence at the time should become the new Government of National Unity – thus excluding the three opposing *mouvances* (Kotzé, 2013, p. 13). Simão also described the incumbent Prime Minister as already being the "Prime Minister of Consensus" when it was not so (Kotzé, 2013, p. 13). Hence, it was plain to see that, during this time, Salomão was openly being undermined by his Mozambican friends and that Simão was openly opposing the Summit's recommendations and supposedly defending the HAT regime, thus undermining the Troika's Roadmap and progress with regard to the crisis. This led to Ravalomanana formally lodging a complaint against Simão, stating: "The SADC mediation team, in particular Leonardo Simão, is biased towards the illegal regime. It is making public statements about the process and the decisions taken by SADC that are not in line with the communicated decisions of the SADC Heads of State" (Kotzé, 2013, p. 15).

With regards to Salomão's interference and attempt to undermine the Summit's recommendations, when the Summit Communiqué used the phrase "return to his country unconditionally" in reference to Ravalomanana's return to Madagascar, Salomão interpreted the statement to mean that "Mr. Marc Ravalomanana can return to Madagascar only after creation of favourable political and security conditions" (Kotzé, 2013, p. 15). Hence, Salomão attempted to reintroduce one of the conditions of "Chissano's Roadmap" (that had French interference). He also revealed his bias and support towards his former boss, Chissano.

Salomão's "interpretation" of the phrase "return to his country unconditionally" led Rajoelina to seize this opportunity and publicly accept this "interpretation" of Ravalomanana's return, thus undermining the Troika's progress and impeding Ravalomanana's return. Salomão was severely criticized for his actions and he was forced to withdraw his "interpretation" in a letter addressed to the leaders of the relevant stakeholders involved in the Malagasy crisis on 14th September 2011 (Kotzé, 2013, p. 16). "Unfortunately I regret to inform that my letter was not an accurate representation of the Summit Decision as quoted above. … With the above clarification, I hereby withdraw the amendment I prepared through the letter of 17 June, 2011" (Kotzé, 2013, p. 15). After this withdrawal, and after the formulations of the amendments were accepted by all the stakeholders, the amended Roadmap on was signed on 16th September 2011 by three out of the four *mouvances.*

With regard to Rajoelina, in June 2011, his *mouvance* maintained that "we will not sign an amended roadmap…We've already got our constitution. We agreed to take part in SADC talks in this spirit" (McNeish, 2011). The main reason why Rajoelina would not sign the amended roadmap was because "SADC unilaterally amended its own roadmap" and it called for the return of Ravalomanana (McNeish, 2011).

Nevertheless, under the Troika and Fransman's facilitation, the Roadmap was eventually signed. For Ravalomanana, his reasons for signing the Roadmap was clear. In a letter to Fransman, he stated "I ordered our delegation to sign the Roadmap after they explained to

me in some detail that our signature would be followed by a meeting at high level with the SADC Organ Troika to discuss the "modalities" for the implementation of the Roadmap. Amongst the issues are the balance of power between the parties, particularly the position of the Prime Minister, and the creation of a new transitional government in terms of the Roadmap. A critical issue will be my early return to Madagascar and my role in the country upon my return" (Kotzé, 2013, p. 16).

For Rajoelina, his signature was based on international pressure and even local pressure. This version of the roadmap was recognised by the broader international community and the impacts of the international sanctions from more than a year ago were being felt fully in Madagascar. The already under-resourced social sector services had collapsed and there had been a significant disinvestment in social capital (Annual Report Madagascar, 2011). The overall poverty rate had increased to 76.5% and the number of out-of-school children rose by 50% (Annual Report Madagascar, 2011). As the socio-economic problems increased in Madagascar, so did the dissatisfaction with the manner in which Rajoelina was conducting himself. In fact, since Ravalomanana's overthrow, the situation in Madagascar had worsened. Hence, Rajoelina could no longer risk further international isolation and sanctions nor could he risk a future *coup* attempt against him.

Implementation of the Amended Roadmap

The implementation of the conditions of the amended Roadmap was hampered by various factors. The first has to do with the fact that the amended Roadmap lacked a multi-stakeholder monitoring and evaluation mechanism or commission similar to the one provided by the Zimbabwean Global Political Agreement (2008) and by the Sudanese Comprehensive Peace Agreement (2005). For the amended Roadmap to be at least impactful, there needed to be a multi-stakeholder monitoring and evaluation mechanism or commission that would ensure that the conditions of the roadmap were being adhered to and that progress was being made towards free and fair elections.

The second factor was that the roadmap was vague in the sense that it was open to misinterpretations. For instance, regarding Article 20, which called for Ravalomanana's unconditional return, this was a direct order from the SADC Summit that one expected the HAT regime to comply with it. However, that same Article was undermined by Article 45 that claimed that Malagasy sovereignty cannot be challenged by the implementation process, especially regarding amnesty. It was clear that the conflicting clauses in Articles 20 and 45 of the amended Roadmap was a serious impasse in the implementation of the Roadmap.

Due to its vagueness, the amended Roadmap could also be interpreted as allowing Rajoelina and the Malagasy political stakeholders' sole responsibility for the implementation process. The Troika could not allow this as it was clear that Rajoelina would ensure that political power remained with him and his regime and that the distribution of power would not occur. If it did, it would be to legitimatise him as the leader and not necessarily to balance power.

The third factor has to do with the fact that the Roadmap lacked an implementation framework. Hence, to rectify the issue of vagueness and lack of an implementation framework, Fransman took the lead and hosted a Ministerial Committee in Madagascar to formalise the implementation process. During this meeting held in October 2011, the stakeholders agreed on the Implementation Framework of the Roadmap and three implementation dates: 1 November 2011 for appointment of the Prime Minister of Consensus, 17 November 2011 for appointment of the members of the transitional government and transitional parliament, and 30 November 2011 for the First Act of Parliament to ratify the Roadmap (Kotzé, 2013, p. 17).

The implementation of the conditions of the amended Roadmap was also hampered by a fourth factor which has to do with Ravalomanana and Rajoelina's inflexible behaviours with regards to implementing the conditions of the amended Roadmap and towards making concessions.

By December 2011, SADC noted the appointment of a consensual Prime Minister, in the person of Jean Omer Beriziky, and the formation of a Government of National Union,   the establishment of the Transition Congress and the High Council of the Transition (AU Communiqué, 2011). Whilst the Zafy *mouvance* was a signatory to the roadmap and the Ratsiraka *mouvance* was not, both chose not to join the Transition, thereby withdrawing from the implementation process of the Roadmap (AU Communiqué, 2011).

When these appointments were made, the Troika felt that progress on the implementation of the Roadmap was underway. However, in November 2011, Ravalomanana and Zafy had alerted the Troika to the fact that Rajoelina had violated the ideal of power-sharing in the following ways:

- That Beriziky was Rajoelina's choice as well as the decision to appoint two Vice Prime Ministers;
- That the opposition received only 12 of the 35 ministerial positions in relatively minor portfolios while several of the most controversial and repressive members of the former government were simply reappointed to their positions;
- That the final composition was determined by the President (Rajoelina) and not by the Prime Minister (Beriziky);
- That the French government was interfering with the implementation of the Roadmap and encouraging Rajoelina to make decisions that undermined the conditions and the spirit of the Roadmap.

And of course, the main complaint that Ravalomanana had was about his return. Ravalomanana was counting on SADC to ensure his return, an aspect that Rajoelina was not willing to allow. In fact, the same day that the amended Roadmap was signed, Rajoelina ordered the HAT's Minister of Justice to authorise a warrant for Ravalomanana's arrest as well as another Notice to Airmen (NOTAM) preventing the Ravalomanana family from boarding any aircraft bound for Madagascar (Kotzé, 2013, p. 16).

Implementation of the Roadmap- Towards the "ni-ni" solution

In January 2012, the implementation of the amended Roadmap was further hindered by the fact that Ravalomanana's *mouvance* declared their intention to withdraw their participation from the Council of Ministers and Parliament. This was based on the fact that Ravalomanana and his wife had made a third (unsuccessful) attempt on 21 January 2012 to return from South Africa to Madagascar. When his return was blocked by Rajoelina, thus undermining Article 20 of the amended Roadmap and the directives of the Troika, an official from Ravalomanana's *mouvance* stated "nothing but the return of president Ravalomanana will satisfy his supporters" and "starting from now, the ministers will no longer participate in the Council of Ministers, and the parliamentarians will not participate in the next session" (Berger, 2012). For Ravalomanana, this act showed that "Rajoelina doesn't have the political will to solve the crisis in Madagascar. This is proof to the world" (Berger, 2012).

To further ensure that Ravalomanana could not return, in April 2012, the Malagasy parliament passed an amnesty law to grant amnesty to those who committed crimes during the political unrest in the country over the last three years but excluded amnesty for those who had violated human rights through various means including murder (Pomy, 2012). As Ravalomanana was being held responsible for the deaths from the 2009 protests, he could not return to the country on that basis (Nathan, 2013, p. 6). Ravalomanana was also denied returning to Madagascar due to his unpaid taxes.   Madagascar's electoral code stipulates that all candidates must be resident in Madagascar for the six months leading up to an election and must have paid all taxes of any kind in the preceding three years (Connolly, 2013, p. 4). Although business operations were halted four years ago when Ravalomanana went into exile, it was said that Tiko owed approximately US$100 million in unpaid taxes. Ravalomanana maintained that he should not pay those taxes because his business was not operating as he was in exile (Connolly, 2013, p. 4).

In light of the events above, participation by Ravalomanana's *mouvance* was formally suspended three months later and on 2nd May 2012, Ravalomanana was notified that his *mouvance* had suspended its activities in the transitional institutions, specifically their ministers in the Councils of Government and the Councils of Ministers, in the plenaries and Commissions of Parliament and in the National Electoral Commission (CENI) (Kotzé, 2013, p. 18).   Once again, Ravalomanana's *mouvance* reiterated that their non-participation was due to the "lack of goodwill and the bad faith of M. Rajoelina by not implementing the arrangements of the Roadmap in relation to political and social improvements, and specifically articles 16, 17 and 20 of the Roadmap" (Kotzé, 2013, p. 18).

In order to reengage Ravalomanana and ensure the participation of his mouvance in the transitional government, Fransman reached out to Ravalomanana and claimed that the implementation of the Roadmap was progressing well, that his non-participation may lead to an uncontrollable situation in Madagascar and that he should suggest a way forward to

overcome the impasse between himself and Rajoelina. "In this regard we require you to carefully consider and provide us with your good counsel in seeking a solution to the current impasse between yourself and the interim President of the High Transition. We call upon you not to rehash past options but instead to be innovative and provide practical, realistic and implementable solutions based upon the principles of compromise and consensus. Moreover, we seek your guidance as to how we can create, implement and unpack what would constitute a conducive environment for free and fair elections" (Kotzé, 2013, p. 18).

Ravalomanana's non-participation, as well as Zafy's, concerned the international community greatly, thus putting pressure on the Troika to resolve this issue. By mid-2012, it was clear that the transitional government was in crisis and that the participation of Ravalomanana's *mouvance* was a key missing element in government. Moreover, it was noted that the relationship between the President and Prime Minister was dysfunctional as Jean Omer Beriziky was one of Rajoelina's supporters (Kotzé, 2013, p. 18). Even though Ravalomanana's *mouvance* eventually returned and participated within the transitional institutions, the *mouvance* was aware that it could not influence or change the current governmental relations (Kotzé, 2013, p. 18). Rajoelina had all the power and consistently acted unilaterally.

Time for a getaway - The Meetings in Seychelles

By July 2012, Fransman and the Troika were not making any headway with regards to Article 20 of the Amended Roadmap. Ravalomanana's return had implications for the upcoming elections, hence, it was an issue that needed to be resolved. If Ravalomanana could not return to Madagascar and take part in the elections, having Rajoelina participate would essentially legitimizing a *coup* leader - the very event that "Chissano's Roadmap" was criticised for and amended.

Hence, the Troika and Fransman organised a meeting between Rajoelina and Ravalomanana on the 24th July 2012 in Seychelles. For the Chair of the Troika at the time, Former President Jacob Zuma, Desroches Island of the Seychelles archipelago was the ideal choice for the meeting as it was peaceful and secluded enough to allow the two parties to debate and discuss without interruptions (RFI, 2012). Fransman and former president, Jacob Zuma, were also joined by representative of the other two Troika countries, Zambia and Tanzania, as well as the president of the host country, Seychelles (President James Michel of the Seychelles who was the sitting President of the IOC at the time, was committed to a peaceful solution for Madagascar). Salomão and Jean Claude De L'Estrac (the Secretary General of the IOC at the time) were also present at the mediation talks (Thande, 2012).

Led by Zuma, the mediation talks on the 24th July 2012 deadlocked over the possible return of Ravalomanana (RFI, 2012). Rajoelina agreed that Ravalomanana could return, but he also declared that Ravalomanana would face imprisonment. The main sticking point in the talks was that fact that the amended Roadmap was vague. While Article 20 of the Roadmap affirmed the unconditional return of Ravalomanana, Article 45 upheld the court's ruling,

sentence and warrant of arrest with which SADC could not interfere (Thande, 2012). "We (SADC) considered Madagascar's courts legitimate but Ravalomanana says that the courts that sentenced him had no authority," said Fransman (Thande, 2012). Either way, to resolve the deadlock, Zuma set up a follow-up meeting to take place on the 8th August 2012 (before the next SADC summit in Mozambique in mid-August 2012). He also gave Rajoelina and Ravalomanana a July 31st 2012 deadline to implement the amended Roadmap. This did not happen (Thande, 2012).

On the 8th August, Zuma led the mediation talks between Rajoelina and Ravalomanana in Mahe, Seychelles. The two rivals had met separately with the President of the Seychelles in his capacity as the IOC president and fellow SADC member on the 7 August. During that meeting, President James Michel told them that the return of stability to Madagascar was crucial for the wider region (Mail & Guardian, 2012). "It is my hope … we can together reach a consensus that will establish a lasting solution for peace," Michel said (Mail & Guardian, 2012). Unfortunately, like the previous meeting in the Seychelles, the sticking point that deadlocked the discussion was around Ravalomanana's return.

The "ni-ni" solution

Following the two inconclusive meetings in the Seychelles, it was clear to the Troika that, as per the conditions of the amended Roadmap of September 2011, elections in September 2012 were not possible. This notion was supported when the CENI-T announced on 1st August 2012 that the first round of general elections would be held in May 2013 due to its unpreparedness.

It was also clear to the Troika that Rajoelina had no intention of allowing Ravalomanana back into the country, especially if it meant that Ravalomanana would not be able to participate in the upcoming elections. As a source maintained, "Rajoelina is in no hurry to hold elections that he might lose. He has access to state resources and illegal sources of funding. Ravalomanana could beat him. Why would he be in a rush to risk losing everything?" (International Crisis Group, 2014). Hence, if Ravalomanana could not return to Madagascar and participate in the elections, the Troika, for the obvious reason of not legitimising the *coup* leader through elections, would not allow Rajoelina to stand for elections either. The Troika also explored the option that, if Rajoelina and Ravalomanana could not contest the elections, neither should Zafy and Ratsiraka as having these two participating in the elections would further increase the chances of an unaccepted outcome and a recurrence of unrest.

Another option that the Troika explored was to consider allowing all four to contest the elections, however, that was not feasible due to the amnesty laws that had just been passed. Two of the former presidents had been accused of human right violations. Hence, going back to their earlier option, the Troika proposed the "ni-ni" (neither-nor) solution to both Rajoelina and Ravalomanana. This meant that neither Ravalomanana nor Rajoelina would enter the presidential race in the upcoming elections, thus allowing for the restoring of constitutional

order to return to Madagascar through peaceful elections (Ploch and Cook, 2012, p. 6). It also implied that Zafy and Ratsiraka would not be allowed to run though it was not explicitly stated by the Troika.

The "ni-ni" solution was tabled and endorsed at the SADC Summit on 17 and 18 August in Maputo. It was noted that the "ni-ni" solution was supported by the roadmap signatories, and civil organisations in Madagascar and the international community (DIRCO Briefing, 2013). During this same Summit, Jakaya Mrisho Kikwete, President of the United Republic of Tanzania and President Hifikepunye Pohamba of the Republic of Namibia were elected as Chairperson and Deputy Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, respectively. As such, Kikwete took over the mediation role from Zuma and, with South Africa handing over the chairmanship to Tanzania, Fransman's role in Madagascar came to an end. However, it should be noted that under the South African Troika chairmanship, minimal progress had been made regarding the situation in Madagascar.

This Summit also endorsed the calendar proposed by the UN and CENI-T for holding a presidential election in May 2013; called for implementation of an amnesty for Ravalomanana; and, mindful of the potential for violence, asked the SADC Secretariat to send security experts to work out with Malagasy security chiefs the modalities for a secure environment for Ravalomanana's return (Dewar, Massey and Baker, 2013).

Though the "ni-ni" solution was presented by the Troika, this solution was initially first proposed by France in 2010. At the time in 2010, it was clear that France's intention was to meddle in the elections of Madagascar and to disadvantage Ravalomanana, ensuring that he did not return to Madagascar. Essentially, France maintained that, if Ravalomanana could not participate in the elections, there was no point of him returning to Madagascar. On the other hand, France felt that the "ni-ni" solution was favourable to Rajoelina at that time in the sense that, if his party won the elections, the sanctions and isolation against Madagascar would be lifted.

For SADC, the "ni-ni" solution was the best option available to ensure peaceful elections and avoid potential conflict and violence (Connolly, 2013, p. 4). For the AU, the "ni-ni" solution was in line with Article 25(4) of the Charter and promised to finally bring the long search for constitutional order in Madagascar to an end. Hence, unencumbered by having offered sanctuary to one of the protagonists (as Zuma had Ravalomanana), Kikwete formally announced and urged the "ni-ni" solution in early December 2012 whereby Ravalomanana and Rajoelina would both agree not to stand in elections scheduled for May 2013 (Connolly, 2013, p. 4).

Another key aspect that Kikwete undertook was to ask Chissano to return as the lead mediator and assist with ensuring that the elections do take place and the conflicting parties abided by the conditions of the "ni-ni" solution (Respondent from the SADC Mediation Team, Maputo and the Kingdom of Eswatini, 2019). Chissano began to work closely with the AU

and the ICG-M once again in 2013 to ensure the return of constitutional order in Madagascar through democratic elections.

The Elections 2013

Pressured by SADC, and especially South Africa, to accept the "ni-ni" solution, Ravalomanana pledged that he would not contest the elections on 10th December 2012. On the 15th January 2013, Rajoelina followed suit, saying "it is better that I sacrifice myself than our entire nation of more than 22 million" (International Crisis Group, 2014).

In Madagascar, the "ni-ni" solution heightened tensions, especially between those that had much to lose from surrendering power. Nevertheless, the decisions by both Ravalomanana and Rajoelina to withdraw their candidatures gave a new impetus to the electoral process and, more generally, to the implementation of the Roadmap (Report of the Chairperson of the Commission on the situation in Madagascar, 2013). Thus, under SADC's facilitation and Chissano's mediation, elections were scheduled for May 2013. By March 2013, the transitional government had adopted a number of decrees and laws relating to the presidential and legislative elections. Furthermore, a Special Electoral Court in charge of potential electoral disputes and the proclamation of the final results of the presidential and legislative elections had also been established (Report of the Chairperson of the Commission on the situation in Madagascar, 2013).

By 8th April 2013, candidatures for the forthcoming presidential and legislative elections were being submitted.[31] However, following a meeting held in Pretoria, on 13 and 14 April 2013, Ravalomanana's *mouvance* announced that, since Ravalomanana was unable to return to Madagascar before the elections, his wife, Lalao Ravalomanana, would participate in the upcoming elections. Rajoelina felt that this was a violation of the "ni-ni" arrangement, and subsequently announced his candidacy on the 4th May. Ratsiraka also announced his candidacy.

In July, the special Electoral Court (CES) accepted all three nominations despite all three candidates failing to comply with eligibility criteria. The international community severely criticised the CES and the approval of the three candidacies and even refused to finance the vote and threatened sanctions if the three did not withdraw; they refused (Pigou, 2013). Even France condemned these nominations but their reasons was not due to the violation of the "ni-ni" solution but rather because Ravalomanana's wife was nominated.[32]

To rectify the situation, Chissano, accompanied by an AU delegation, travelled to Antananarivo from 9 to 13 July 2013 and submitted to the Malagasy parties a Seven-Point Plan designed to implement the conclusions of the 7th meeting of the ICG-M, held in Addis

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[31] The deadline for the submission of presidential candidatures expired on 28th April while the candidatures for the legislative election were submitted between 6th and 26th May 2013.
[32] If she had won the elections, Marc Ravalomanana, through his wife, would be running Madagascar again. France could not let that happen, especially since he felt that France had instigated the *coup* against him.

Ababa, on 26th June 2013. During his time in Antananarivo, Chissano also expressed to the Malagasy parties that:

- The political decision of the CES of Madagascar violated the Malagasy national laws by validating the illegal candidatures of Lalao Ravalomanana, former President Didier Ratsiraka and Andry Rajoelina, President of the Transition, as well as those of other political actors whose candidatures for the forthcoming presidential elections were not in accordance with the law and the relevant provisions of the Roadmap;
- The decision of the CES compromised its credibility, thus it should be recomposed and restructured in order to restore the credibility of this institution and ensure its independence and integrity, in accordance with the letter and spirit of the Roadmap;
- The elections should be postponed due to the decision of the CES and the avowed refusal of the illegal candidates to withdraw their candidatures, as requested by the AU, SADC, the EU, the UN, the OIF and the IOC, as well as other international actors.
- With the participation of those candidates in the electoral process, the necessary conditions for the organisation of free, fair, credible and peaceful elections no longer existed;
- CENI-T, in close collaboration with the United Nations, should decide on new dates for the elections, bearing in mind the need to recompose and restructure the CES, approve the new list of candidates and comply with the relevant laws of Madagascar (ICG-M, 2013).

Following the nominations of Rajoelina, Lalao Ravalomanana and Ratsiraka, the international community withdrew their funding for the election, leading to further delays.[33] By now, the elections had been postponed to August 2013 and SADC and the AU had confirmed during their July visit that they would not support or recognise the elections, should the three controversial candidates remain in the race.   Moreover, SADC as well as the EU also threatened to impose sanctions and SADC called for the international community to freeze their support for the electoral process and to apply sanctions against all Malagasy stakeholders undermining the smooth running of the electoral process and the full implementation of the Roadmap (ICG-M, 2013).

In order to ensure that the CES was restructured and a new process for elections was underway, Chissano and the AU Commissioner for Peace and Security, Ramtane Lamamra, undertook a visit to Antananarivo from 1-2 August 2013 to meet with Rajoelina, the signatory parties of the Roadmap, CENI-T as well as the local chapter of the ICG-M (AU Press Release, 2013). The visit was aimed at discussing with the Malagasy parties the legal and practical arrangements to be taken for the effective conduct of the presidential and legislative elections in accordance with the Roadmap and the Malagasy electoral code (AU Press

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[33] The postponements of the elections were partly due to the lack of funding. By 9th April 2013, pledges of contributions for US$ 54,448,014 had been made, out of an indicative electoral budget of US$ 60,293,904. The funds actually disbursed by the different donors, including SADC, amounted to US$ 22,330,725.

Release, 2013). Chissano and Commissioner Lamamra also expressed that, provided that the conditions laid down by SADC, the AU and the ICG-M with respect to the holding of the presidential election were met, the international community would support Madagascar.

Pressurised by the SADC mediator, the AU, the ICG-M as well as the threat of further international isolation and sanctions, Rajoelina reorganised the CES and appointed a new one with the clear understanding that the *mouvance* presidential candidates had to be withdrawn (Razafison, 2013).

The restructured CES invalidated the candidacies of Rajoelina, Lalao Ravalomanana and former President Didier Ratsiraka on 18th August 2013, five days before polls were scheduled. While this event surprised domestic and international actors, the event was also a reminder of the overly flexible electoral calendar and a clear indication that the elections would be postponed again (International Crisis Group, 2014). Lalao Ravalomanana and Ratsiraka were disqualified based on the conditions of the Organic Law No. 2012-015 of 1st August 2012 which stipulates that "any candidate to the presidential elections should be residing on the territory of the Republic of Madagascar since at least six months before the deadline set for the submission of candidatures and reside on the territory of Madagascar on the day of the submission of his/her candidature" (Report of the Chairperson of the Commission on the situation in Madagascar, 2013). Hence, as both Lalao Ravalomanana and Ratsiraka had not fulfilled the requisite six-month residency period prior to the election, they were disqualified. Rajoelina was barred because he had registered after the deadline.

In September 2013, the CENI-T announced that the first round of presidential elections was scheduled for 25th October, with a presidential run-off, if necessary, and parliamentary elections to be held on 20th December 2013. SADC pledged US$10 million to the election process and encouraged other member states to provide financial and logistical assistance to ensure a peaceful vote (Connolly, 2013, p. 5).

Meanwhile, Ravalomanana and Rajoelina were encouraged to support a "proxy" candidate. Supporters of each movement were told that a vote for these "proxies" would be a vote for the candidate they truly supported, Rajoelina or Ravalomanana (Klaas, 2013). Hery Rajaonarimampianina, the *coup* regime's Minister of Finance and Budget, was supported by Rajoelina. Jean-Louis Robinson, a World Health Organization (WHO) official, was supported by Ravalomanana. There were 31 other candidates (Pigou, 2013).

Finally, on the 25th October 2013, Madagascar finally went to the polls- thus marking the end of SADC mediation in the country and the return to constitutional order and democracy in Madagascar through elections.

Results of the Elections

Despite none of the candidates wining more than fifty percent of the vote, thus requiring a runoff in December to elect a new president, the UN declared the first round as a "free, transparent, and credible," and SADC declared that it "reflects the will of the people" (Klaas, 2013).

Hery Martial Rajaonarimampianina Rakotoarimanana won the run-off in the December 2013 elections and remained president until the 2018 elections whereby Rajoelina was democratically elected.

Rajaonarimampianina's election as president in 2013 brought fresh hope following years of political instability in Madagascar. The economy slowly began to recover after the 2013 elections, but Rajaonarimampianina's term was characterised by widespread corruption and attempts to impeach him.   During his presidency, Rajaonarimampianina lost control of Parliament and there were four Prime Ministers in the same number of years (Mann, 2018). He survived the impeachment bid but was unsuccessful in getting the country to improve in terms of development.

The 2018 presidential elections, which saw rivals Rajoelina and Ravalomanana compete against each other again, was tarnished by claims of fraud. Both Rajoelina and Ravalomanana declared themselves winners in the run-off. Despite this, in December 2018, Rajoelina was announced as the winner with 56% of the vote (Dresch, Southall et al., 2019).

The Return of an Exiled President

Less than a year after the 2013 elections, Ravalomanana returned to Madagascar in October 2014 but was detained within hours of his arrival (Fabricius, 2014). How he returned was not clear as his passport was supposedly with South African authorities and he was under surveillance by South African intelligence (Fabricius, 2014).[34]   What is clear however, is that Ravalomanana, tired of being in exile and despairing of an effective intervention on his behalf by SADC or anyone else, took matters into his own hands (Fabricius, 2014). After his sentence was lifted and he was freed from house arrest in May 2015, Ravalomanana announced the re-opening of the Tiko business group and was re-elected the president of TIM.

Conclusion

This chapter reveals that, from 2012 to 2013, the democratic elections in Madagascar were postponed several times as a result of the impossible behaviours of Ravalomanana and Rajoelina and, subsequently, the withdrawal of international funding for the electoral

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[34] A private intelligence source claims that he travelled to Pietermaritzburg to visit his son at school there; drove to Durban's King Shaka airport; flew to Lanseria airport, and from there to Skukuza airport in Kruger National Park. After that, a private charter ferried him to a disused military airstrip south of Madagascar's capital Antananarivo.

process. Nevertheless, constitutional order was restored to Madagascar through the October 2013 elections.

This chapter also revealed that, in a complex society where *coup d'états* are easily instigated, where political leaders only serve their own self-interest, where poor governance and repressiveness characterises the political regimes or *Republiques*, where former colonial influence and imperialism is rife and where the country has had a poor track record in terms of democracy, the fact that peaceful and democratic elections in Madagascar did take place at all needs to be commended. In order for SADC to achieve this feat, difficult decisions had to be made in the form of the "ni-ni" solution. While this solution was not inclusive and undermined democratic principles, it was the best solution under the circumstances and the mediation team pursued peace as a necessary condition for the elections to occur and for the reinstallation of democracy and constitutional order. Without peace and stability, there could be no legitimate elections and hence no return to constitutional order.

SADC also understood that, to implement the "ni-ni" solution and to ensure that the elections occurred, an experienced mediator and negotiator was needed as well as international support and backing and endorsement of the Amended Roadmap. Hence, SADC recalled its original mediator, Chissano, to break the impasse that Fransman could not and to implement the "ni-ni" solution and ensure that the elections occurred. Chissano, after all, was the mediator who knew the conflict the best as well as the conflicting parties.

Not only did SADC recall its original mediator to ensure that the elections occurred, SADC also relied on the support of the international community in the sense that every time that the conflicting parties behaved in a manner that threatened the electoral process and the conditions of the "ni-ni" solution, SADC, through Chissano, ensured that there would be negative repercussions in the form of sanctions, international isolation and the withdrawal of much-needed funding. Thus, in 2013, international unity and solidary, the use of "carrots and sticks", hard-line stances and mediation expertise and experiences were key factors that assisted SADC in ensuring that the 2013 elections were held in Madagascar.

Another important lesson to be drawn from this chapter is the commitment of Chissano to the mediation process in Madagascar and to SADC. In spite of being pushed aside after the June 2011 Summit, he still came back when requested by President Kikwete of Tanzania and aggressively pursued his mediation role. He ultimately redeemed himself from earlier "mistakes" and got Madagascar to hold peaceful democratic elections in October 2013. He understood the uniqueness and specificities of the Malagasy society and worked within the confines of such uniqueness and specificities to get all the stakeholders to accept the "ni-ni" solution for restoring normalcy in Madagascar.

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CHAPTER 9

Conclusion

The purpose of this thesis was to detail and critically examine SADC's mediation efforts during the aftermath of the 2009 *coup d'état* in Madagascar and to determine whether SADC was effective in achieving its main mandate – that of restoring constitutional order in Madagascar through democratic elections. In this thesis, mediation was defined as the process whereby a third party assists warring and conflicting parties, with their consent, to prevent, manage or resolve a conflict by developing mutually acceptable agreements.

To provide a comprehensive insight into SADC's mediation process in Madagascar, this thesis chronologically and factually discussed the mediation experiences of SADC in Madagascar by starting from SADC's entry into the crisis in 2009 and ending with the holding of the democratic elections in 2013. It specifically focused on the following issues:

- The key agreements and their outcomes to resolve the Malagasy crisis from 2009 to 2013.

Agreements are key outcomes of mediated efforts and, in the case of African mediation efforts, the formulation of roadmaps have become popular in efforts to mediate and resolve conflicts (Khadiagala, 2014, p. 163). In the case of Madagascar, the Amended SADC Roadmap ultimately paved the way for elections to take place in 2013. The agreements that preceded the Amended Roadmap include the Maputo Agreements (specifically I and II), the Addis Ababa Additional Act and the 2011 Roadmap Out of the Crisis (referred to as "Chissano's Roadmap" in this thesis).

- The detailing and outlining of the roles and interests of the various actors present during SADC's mediation efforts and pre-SADC's mediation.

These actors included the SADC mediation team, the French, the Malagasy Military, the AU, the UN, as well as others. As these actors had the potential to successfully drive the mediation process and equally undermine or confuse the process, understanding their roles and interests was important.

- The examination of the various theoretical and conceptual studies in the field of international mediation and conflict resolution as well as the key themes and characteristics that define mediation in Africa.

- The detailing of the causal factors and complexities such as the history of the country and the perceived mismanagement by the Ravalomanana administration leading up to the 2009 *coup d'état* in Madagascar.

As any study on mediation needs to be informed by the causes of the conflict and the history of the country, tracing and outlining the root causes of Madagascar's 2009 *coup d'état* was important. After five years of mediation efforts, all with successes and setbacks, this thesis came to the conclusion that SADC was an effective mediator as it achieved its own mandate and concluded its mediation efforts when Madagascar eventually went to the polls on the 25th October 2013. The mediation was effective in the sense that the amended Roadmap, accepted by all the conflicting parties, paved the way for democratic elections to be held.

In 2009, Madagascar was plunged into a political crisis when, through a *coup d'état*, President Ravalomanana was overthrown by Rajoelina, the Mayor of Antananarivo at the time. I argued that Ravalomanana's actions and his repressive government, Rajoelina and his alliance to France, the grievances of the military, the intervention of France, institutional weakness, population dissatisfaction and elite division were all behind the "triggers" and causes that led to the 2009 *coup d'état*.

Key facts, themes and characteristics of SADC's mediation in Madagascar

The Case of Madagascar- Reinforcing the key trends and characteristics of African Mediation

In conducting this single case study research, significant knowledge was obtained and the key themes and characteristics that defined SADC's mediation in Madagascar was revealed. The knowledge and the key themes derived from SADC's mediation in Madagascar will be of assistance to international mediation practitioners, policymakers, and academics focusing on the field of international mediation. The knowledge obtained will also contribute to and expand on the limited knowledge and research regarding SADC's mediation in Madagascar.

The most obvious theme that characterised SADC's mediation in Madagascar is that the mediation did not deviate from the trends and characteristics that define African mediation in general For instance, SADC's mediation in Madagascar used a former of Head of State (Chissano) to lead the mediation process on behalf of the mediation body (SADC), the mediation was hindered by a lack of much-needed resources and technical support, the mediation was conducted within a "crowded field" that also involved overlapping and vague mandates, the mediation led to the formulation of multiple peace agreements and a Roadmap and, due to a lack of an evaluative framework, SADC measured its own effectiveness on whether it achieved its mandate or not.

Related to the use of a former Head of State to lead the mediation, the case of Madagascar also pointed out that the expertise and experience of the mediator are essential for mediation to be impactful and that, in the African context, using former Heads of States and governments is still a viable option though not the only one. Furthermore, the breaking down of barriers, such as language, is also a key factor for effective mediation. As a mediator, Chissano's command of the French language, his stature in society, his experience and his mediation skills were assets to the mediation process. Chissano, a tactical and strategic individual, set out to achieve his mandate and engaged in a number of procedural and technical activities to implement and co-ordinate the mediation process, thus showing that this was not his first international mediation engagement. However, using former Heads of States as mediators does have its limitations in the sense that it is difficult for former Heads of States to remain in the conflicting country for long periods as most have other demands that need their attention in their home countries or elsewhere. Not all former heads of states or diplomats are seasoned mediators or have the appropriate mediation skills or authority that will result in sustainable and effective mediation. Even in cases where Heads of State are highly respected internationally and are seasoned and skilled mediators, there are severe criticisms levelled against them. For instance, in the case of Zimbabwe, the SADC's mediator, former President Mbeki, was criticised for his "quiet diplomacy" approach towards Mugabe. Mbeki did not have the power or the authority to give directives to Mugabe. Instead, his "quiet diplomacy" approach provided cover to Mugabe and his allies as they systematically turned Zimbabwe into a failed state (Adelmann, 2004, p. 252). Similarly, former president Masire's mediation efforts in the DRC collapsed in 2009 because he was unsuccessful in getting the conflicting parties to co-operate. Masire was even accused of having colluded with the opposition parties, hence, jeopardising the mediation process.

At times, though the Heads of State as lead mediators can be excellent, the team supporting them may not necessarily have adequate analytical and technical skills which will allow them to navigate the complexity of mediation. It is for this reason that it is important for any REC to have a pool of proficient and professional officials in conflict mediation who can be deployed to assist the lead mediator. Hence, there is a need to grow the pool of proficient and professional mediators through capacity-building and training workshops, supported by those former Heads of states and diplomats who have been involved in mediation in African conflicts. Reputable organisations involved in conflict resolution and management can be called upon to provide such training. It was evident from the information provided by the mediation team that as the mediation process continued in Madagascar, SADC was unable to provide the required technical and analytical support, let alone the financial resources. Despite these limitations, Chissano himself strongly supports the use of Heads of States (former and current) to mediate in conflict situations. In his Forum Speech at Stellenbosch (2013), Chissano pointed out that Heads of States constitute a major moral force that is so important in mediation processes. He also recommended that African RECS and institutions involved in peace-making need to strengthen their mediation capacity by using Africa's pool of former Heads of State and Government in the mediation process.

With regards to the issue of overlapping and contradictory mandates, the case of Madagascar also provides useful knowledge in the sense that critics argued that Chissano's mandate was contradictory and unconcise and conflicted with those of the AU's and the UN. In fact, the issue of contradictory and unconcise mandates is not new, especially with regard to mediation by SADC and other African RECs. In the case of Zimbabwe for instance, the SADC mandate issued to the mediator included the promotion of peace, stability, sovereignty, and democracy in the country. However, these aims were hard to reconcile in the Zimbabwean case (Aeby, 2017, p. 272). Several mediation efforts had been undertaken since the beginning of the Zimbabwean crisis with limited success. The mandate given to Mbeki in 2007 ultimately led to tensions and locked SADC and the Zimbabwean conflict parties into a gruelling negotiation and transitional governance process for over six years (2007-2013) (Aeby, 2017, p. 272). The mandate was also constantly revised and evolved from brokering elections that met democratic standards to facilitating a power-sharing arrangement, the implementation of the transition plan, and agreement on a roadmap to credible elections (Aeby, 2017, p. 274). This reveals that the Secretariat did not have the appropriate information and intelligence to issue a mandate, appropriate to the Zimbabwean conflict and situation.

In the case of Madagascar, Witt (2017) maintained that SADC's entire mediation process was rendered ineffective due to Chissano's contradictory mandate. However, I argue that in any mediation, mandates are guideposts to reach a desired objective. In the case of Madagascar, the ultimate goal of mediation was to preserve peace in the country and bring the conflicting parties to agree on the return of constitutional order through democratic elections. This was achieved at the end of the day when the Amended Roadmap was accepted by the four *mouvances* with the "ni-ni" provision and democratic elections held in October 2013. I also argue that mandates alone cannot completely render mediation efforts ineffective or even successful. The implementation of the mandates needs to be supported, capacitated, monitored, and evaluated. In the case of Madagascar, the SADC Secretariat would have been the best institution to perform these tasks. However, I argue that SADC did not have either the financial resources or the technical capacity to support the mediation team. An aspect that characterises African mediation in general, these impeding factors should have been detected early enough at the time the mandate was issued to the mediator. It is, therefore recommended that, in drafting the mediation mandates, the relevant REC should consult and collaborate with centres of excellence in the field of mediation, the chosen mediators and other regional RECs to get a comprehensive idea of the resources required to provide backstopping services for the mediation team. In addition, before mediation mandates are issued, there is a need for fact-finding missions in the conflicting country to be conducted in order to make the mandate more appropriate to the conflict and in order for the mediation efforts to be more concise and strategic. In the case of Madagascar, the mandate given to Chissano revealed that there was a need for more fact-finding missions to be conducted on the ground in Madagascar. If this had occurred, it is guaranteed that the mandate given to Chissano would have been significantly different.

With regards to the issue of overlapping mandates, this can be resolved when organisations involved in the mediation process have clear roles and the lead mediating body is agreed upon from the outset. Such an approach will allow the division of labour based on comparative advantages, avoidance of conflicting interests and observance of reporting lines.

Concerning the lack of resources and technical support, to reiterate, these challenges are not specific to SADC and affects all the African RECs engaged in peace-making efforts. With regard to SADC, the organisation had to withdraw its military force from Lesotho due to a lack of resources and capacity (Louw-Vaudran, 2019). The lack of resources and capacity also contributed to SADC's ineffective and protracted mediation efforts in Zimbabwe, Angola, Mozambique and the DRC (Motsamai, 2018, p. 27; Chigudu, 2019). During the mediation process in Madagascar, Chissano and his team experienced negative impacts due to the lack of funding on behalf of SADC. He maintained that, when he and his team were gaining momentum and establishing trust with the conflicting parties, the lack of funding forced them to withdraw and even leave Madagascar. Chissano also maintained that, when the funds were sourced from outside Africa, the "who pays the piper calls the tune" undermined the ability to mediate and the objectiveness of the mediation process (African Forum Speech, 2013). In fact, the SADC mediators had to rely on other institutions like the EU and the UN and members of the ICG-M for financial resources and even technical capacity. Hence, it is important that funding from within the continent is available for the sustainability of the mediation process and that the REC involved in leading the mediation process adequately funds the process.

Related to the issue of technical capacity, the case of Madagascar reveals that the key elements of analytical and interpretation capacities of policies and legal instruments in the mediation process was lacking. It is imperative for mediators to be provided with the necessary technical capacity to ensure efficacy and efficiency of the mediation process. Additionally, it is important to ensure that designated mediators have the necessary logistical and technical support to carry out their responsibilities. Simply identifying a mediator without providing him or her with the necessary technical and logistical support is not appropriate (African Forum Speech, 2013). Hence, while funding is important, analytical, administrative, and interpretive capacity is just as important during mediation processes.

Another key trend from the Malagasy mediation process has to do with the fact that multiple agreements were formulated before the Amended Roadmap was drafted and signed. To reiterate, the formulation of Roadmaps is a key trend marking African mediation.

The formulation of the Amended Roadmaps and the other agreements was an incredible feat for the SADC mediators, though not unique as international mediation efforts tend to involve the formulation of several peace agreements. While the Maputo Accords and the Additional Act were not fully implemented, they served as the foundation documents and the basis that allowed the Troika to draft the Amended Roadmap that resulted in the 2013 elections. Moreover, the non-implementation of the agreements was not due to the mediator's efforts

but rather due to the behaviours of the conflicting parties. Hence, effective mediation involves the drafting of smaller agreements before parties reach a final agreement and the implementation of agreements is the onus of the conflicting parties, not the mediator.

Related to the issue of roadmaps, the Malagasy mediation revealed that the development and implementation of a roadmap acceptable to all is a challenging aspect. For mediators and mediating bodies to reach and implement an agreement that is unanimously acceptable to all the conflicting parties is impossible. There needs to be a spirit of give-and-take among the conflicting parties.

The case of Madagascar also reinforced the fact that there has been no systematic effort to evaluate mediation endeavours on behalf of African RECs. The fact that SADC achieved its own mandate of restoring constitutional order through elections in Madagascar means that, according to SADC and its members, the SADC-led mediation was successful, especially in preventing the possibility of violence in Madagascar during the election. Of course, it is up to the leaders of Madagascar and its people to ensure that the peace continues but for SADC and its mediators, the Amended Roadmap was agreed by all the conflicting parties, thus paving the way for democratic elections. Thus, SADC was effective in achieving its own mandate of restoring constitutional order in Madagascar through the holding of democratic elections.

General mediation themes, knowledge, and characteristics from the case of Madagascar

The most obvious fact and theme that the case Madagascar reinforced within international mediation theory and concepts is the notion that *coup d'états* are difficult to mediate and that the negotiations that take place are protracted and complex in nature. In addition, similar to all mediation cases in Africa and elsewhere, the Malagasy case reveals that occasional setbacks and numerous difficulties characterise mediation processes. The SADC-led mediation process was not perfectly executed. However, this is not surprising as it is impossible for any form of international mediation to be executed perfectly in any conflict situation. Conflict is not a linear process and therefore, one cannot expect the mediation or any other peace-making measures and processes to be linear. To reiterate, mediation is a complex process involving the disposition of the parties, multiple actors, and systems and structures (Nathan, 2014, p. 5). Thus, mistakes and errors form part of international mediation efforts and SADC's mediation efforts in Madagascar was no exception.

From 2009 to 2013, there were several setbacks and errors that occurred during the SADC-led mediation. Some setbacks were as a result of the actions of SADC and its mediators but most were as a result of external factors, such as the actions of the conflicting parties and other actors, such as France. Hence, I argue that, while SADC and its mediators made a series of mistakes that negatively impacted the mediation, it did not derail it to the point the mediation

had to be abandoned altogether. Rather, there was concerted effort by Chissano and even by SADC when Chissano was sidelined to resolve the deadlocks and impasses and to restore the credibility of the SADC-led mediation. Thus, SADC and its mediators were committed to resolving the crisis.

Another key trend and knowledge from the Malagasy conflict and mediation has to do with the fact that, as a prelude to mediation, fact-finding missions and analyses of the conflict, its role players, the interests at play and the history and culture of the country in conflict is essential. Fact-finding missions and conflict analyses establish the fact and reality of a conflict situation and allow the mediating institution to develop and implement a strategic and measured response to the conflict. This is in line with mediation theory that emphasises understanding the root causes of the conflict, the various role players in the conflict and their interests before mediation occurs. Of course, SADC made the error of issuing the threat of military intervention and asking Rajoelina to step down before substantial fact-finding missions were undertaken. The reasons why SADC called for a military intervention were discussed in chapter 6. Nevertheless, as a result of this, the mediation efforts that were already underway in Madagascar at the exclusion of SADC were hindered. SADC's actions also made Rajoelina feel that SADC was biased against him. This could have given him the excuse to reject SADC's mediation altogether. Fortunately, this did not happen. Nevertheless, by issuing threats and ultimatums before undergoing fact-finding missions, SADC revealed that they were not adequately prepared for the mediation and that SADC members were not united in their responses. While disunity amongst member states is not unique to SADC (as the IGAD case in Sudan revealed), it further delayed SADC's response to the crisis.

On the other hand, by deploying Chissano as the lead mediator, by suspending Madagascar's membership and benefits and by threatening sanctions until constitutional order was restored were positive courses of action on behalf of SADC. These actions revealed that SADC was committed to resolving the constitutional crisis in Madagascar. The sanctions, in particular, were an example of "carrots and sticks" in mediation theory. To reiterate, when the mediator has the ability to wield "carrots and sticks" to coerce the conflicting parties to come to an agreement, they tend to be effective mediators (Bercovitch, 2007, p. 145).

The sidelining and rejection of "Chissano's Roadmap" also revealed SADC's commitment to restoring constitutional order in Madagascar. When Chissano was sidelined by SADC, SADC regained control of the mediation process, as well as international support. These actions, supported by the sanctions and aid suspension of the US and other countries, positively impacted and strengthened the mediation efforts.

Another discovery from the case of Madagascar is that, as the Malagasy conflict was complex, it posed a peculiar set of challenges and obstacles to the mediator. In dealing with a constitutional crisis, Chissano and his team had to primarily deal with relations of power between *les quatre mouvances* and other key actors in the conflict. Power play was a constant feature of the Malagasy mediation. Within Madagascar, Chissano had to deal with Rajoelina's

unilateralism and inflexible behaviour that was reinforced and encouraged by his allies, the armed forces and France's support, while also dealing with the fact that an exiled Ravalomanana was powerless against the HAT regime and that Ravalomanana relied completely on SADC to assist in returning him to Madagascar.

At the international level, the mediating team had to deal with the fact that it was competing for leadership with the other international organisations such as the AU and the UN and that SADC was not unanimously supported by the international community. Hence, this study revealed that the balance of power is a factor that needs to be dealt with and managed in order for mediation to be effective.

Another trend and knowledge derived from the case of Madagascar was that regional mediation efforts, strengthened and supported by the international community, is effective and was an important factor in restoring constitutional order in Madagascar. When SADC and the international community were competing with each and were not united in their efforts or their actions and communication, the mediation faltered and the conflicting parties took advantage of the internal competition and miscommunication. However, when Chissano's mediation efforts were supported by the international community, the mediation process continued and Rajoelina capitulated and participated in the mediation talks. International unity and support was mostly perceived during the implementation of the "ni-ni" solution and the months leading up to the 2013 elections.

Related to the support of the international community during mediation, the case of Madagascar also highlighted the importance of using "carrots and sticks" throughout the mediation to order to get the conflicting parties to mediate and reach an agreement. In addition to the sanctions previously mentioned, as well as the suspension of membership applied to Madagascar by SADC and the AU soon after the *coup d'état*, SADC ensured that Rajoelina was internationally isolated and rejected as a democratically elected leader, SADC members lobbied and succeeded in preventing Rajoelina from speaking at the summit of the UN and SADC also encouraged members of the ICG-M and others to impose sanctions on Madagascar and to continue to isolate the country internationally until constitutional order was restored through the ballot box. I argue that all these forms of coercive diplomacy were used to specifically influence and change the reactions and behaviours of the conflicting parties, thus allowing the prospective for an agreement to be reached. I also argue that, while the impact of sanctions was reinforcing the mediation process in Madagascar, there is a need for more research in this particular area.

The case of Madagascar also revealed that "inside-partial" mediation was not the most effective form of mediation. As previously discussed, the mediation undertaken by the FFKM ("inside-partials") was not effective despite the fact that the FFKM were close to the conflict area and had intimate knowledge and personal relationships with the conflicting party. It should be noted that "inside-partial" mediation is probably better suited to a context whereby the extreme personalisation of political rule is absent, where strong democratic values and

institutions exist, where there is civilian supremacy rather than military supremacy and where the commitment to actually resolve conflict for the greater good of the population and not the elite are present. In fact, I maintain that, in conflicting countries that have similar historical backgrounds and cultural behaviours and characteristics like Madagascar, internal mediation may not be effective and may worsen the conflict.

In addition to the expertise and experience of the mediator, the case of Madagascar also highlighted that neutrality and impartiality was a key factor affecting the mediation process. When Chissano was perceived as being biased and not impartial, despite his stature and mediation expertise, he lost credibility in the face of SADC, the international community and especially, the conflicting parties. Thus, bias and unfairness hinder the mediation process. While many argue that a completely neutral and impartial mediator does not exist, I argue that the mediator does have the responsibility to put his or her personal preferences aside and ensure that they, themselves, do not compromise their own mediation efforts.

In an attempt to offer an explanation of Chissano's bias through "Chissano's Roadmap", I maintain that conflict fatigue was a possible reason. The case of Madagascar also points to the fact that conflict fatigue is a concept that has not been explored enough in the field of international mediation and should be as it could explain why, after complex and protracted conflicts, mediators are quick to present solutions and agreements that compromise certain values such as democracy. Thus, in the field of international mediation, the notion of conflict fatigue on behalf of mediators is an area that needs further exploration and research.

The case of Madagascar also placed emphasis on inclusivity during mediation as well as the formation of a transitional government and elections. Inclusivity, in particular, was emphasised by the mediators to ensure local ownership of the peace process. For the mediators, it was important to involve other stakeholders of the society who were not directly parts of the conflict, such as scholars, women, youth, media, unions, religious leaders, among other civil society organisations. In Madagascar, the armed forces were consulted as key stakeholders and encouraged to take a position conducive to peace. Chissano also engaged France in the same manner as the military. Hence, for effective mediation, the stakeholders consulted and integrated into the peace process need to be relevant and also key players in deescalating and resolving the conflict.

The case of Madagascar also revealed that factors such as inclusivity need to be set aside under certain circumstances, especially when inclusivity threatens peace and can cause conflict. In order to hold the elections in 2013, the mediation team set aside inclusivity in the sense that the leaders of *les quatre mouvances* could not participate in the elections. I argue that, while this action undermined the principles of democracy and a democratic election, the mediation team pursued peace as a necessary condition for the elections to take place and for the reinstallation of democracy and constitutional order. Without peace and stability, there could be no legitimate elections and hence, no return to constitutional order.

Another fundamental finding attained from the Malagasy case is related to the behaviour and activities of the mediator. Chissano's mediation approach and tactics varied in nature and were adaptive. Mediators follow either a communication, facilitative, manipulation approach, and Chissano and his team adopted one or more of these approaches including an adaptive mediation approach in order to keep up with the changing dynamics and complexities that characterised the mediation and all its components and role players.

The case of Madagascar also revealed the fact that "ripeness" can occur several times during a conflict. "Ripeness", for instance, presented itself before the FFKM's mediation efforts and once again at the end of 2010 when a mutually hurting stalemate (MHS) presented itself. This "ripe" moment and the MHS prompted Rajoelina to reach out to the mediators to revive the mediation talks. Hence, deadlocks or impasses can create MHSs and ripe moments that allow the opportunity for mediators and the parties to move towards a constructive peaceful solution.

Related to the concept of "ripeness", the case of Madagascar also revealed that intervention of mediating bodies should be forthcoming even when the conflicting parties do not ask for mediation. Bound by its own principles to keep peace in the region, SADC intervened in the crisis in Madagascar as it threatened the peace and stability of the SADC region and there were human rights violations occurring. Hence, not only does the Malagasy case reveal that SADC mediated in Madagascar in accordance with its own principles to preserve the region's stability, it also reveals that SADC's intervention prioritised the preservation of human rights over sovereignty. *Les quatre mouvance*s accepted SADC's intervention of mediation and what is surprising is that the actors involved in the crisis did not reject outside mediation with the excuse that such interventions undermined the country's sovereignty. Had SADC not intervened, I believe that other countries, especially France, would have supported Rajoelina as an illegitimate leader. This arrangement would have suited France's interests greatly, despite the fact that Madagascar's socio-economic situation would have deteriorated completely as a result of continued aid suspensions, sanctions and international isolation by those who do not recognize *coup* leaders.

In terms of a mediator's entry into a conflict situation, much emphasis is placed on this aspect and its importance within mediation theory and literature. Mediation entry is important as (i) it has profound effects on the eventual success or failure of the mediated effort and (ii) it can avoid humanitarian and social costs. If the entry of a mediator is delayed, the conflict will intensify and efforts at resolving the conflict through mediation will be more challenging. In the case of Madagascar, Chissano's entry into the Malagasy conflict was rather delayed as a result of various factors and his deployment occurred during the time that the AU was leading the mediation. Fortunately, for SADC, this meant that a conflict resistant to mediation was not anticipated as mediation was already underway. However, as soon as Chissano took his position as lead mediator, it was his actions, rather than his entry in the conflict, that set the tone for the mediation process that followed. Hence, while the mediator's entry is important,

especially since it can affect the outcomes of the mediation, in the case of Madagascar, it was not a factor that affected the mediation process.

The case of Madagascar also presents a clear illustration of how "spoilers" have the power to escalate and de-escalate conflict and undermine the mediation process. Hence, for mediation to be effective, mediators need to effectively manage the problems caused by "spoilers". This is what Chissano and his team did in the case of France, which attempted to derail the mediation process in their campaign to ensure that their interests in Madagascar were not weakened and that Rajoelina remained in power. The mediation team knew in advance the intention of France as they had done a comprehensive analysis of France's interests, motives, available resources, position in the conflict, strategies, and perception of the conflict. Hence, the mediation team, supported by SADC and other institutions, devised various methods and strategies to deal with France. These methods included the method of socialisation. In the end, though not completely eradicating France's influence in the mediation process and on Rajoelina, the mediators were able to mitigate this mediation complexity and even ensure France's involvement in the mediation process by using the method of inducement.

Related to the notion of mediation complexity, the case of Madagascar highlights the challenges that come with a "crowded field" in terms of mediation. As observed in Madagascar, the competition and the in-fighting for supremacy delayed the mediation process while the situation in Madagascar worsened. This made the mediation process ineffective. Moreover, the possibility of an early resolution was undermined.

Competitive mediation or a "crowded field" is not unique to the case of Madagascar and remains an unresolved challenge in African peace-making. In fact, SADC experienced competing mediation when dealing with crises in Zimbabwe and the DRC. In fact, Chissano maintained that, for mediation to be effective, it is not advisable to have a series of mediators in one conflict, representing different institutions and that, when there is effective co-ordination, the duplication of efforts and resources is avoided (African Forum Speech, 2013). That is not to say that inter-organisational collaboration and the creating of JMTs does not have its benefits. While JMTs in the African context have been put into practice with limited success, the JMT in the case of Madagascar had its advantages in terms of additional resources for mediation and that, together, they posed a real threat of consequences to the parties for non-compliance (Whitfield, 2010, p. 19). It also does not mean that multiple organisations cannot work together. However, if there is to be joint mediation efforts and inter-organisation collaboration during mediation, there is a need for clear roles and strategies during the process. This reduces the risk of potential mediators playing off against one another by the parties, delaying progress and creating new complications in the conflict (Whitfield, 2010, p. 11).

Related to the concept of a "crowded field", the case of Madagascar revealed that, while there was a lead mediator, other forms of mediation and mediators presented themselves, creating parallel mediation tracks and agreements. Parallel and competing mediation

interventions send different signals to the conflicting parties, thus giving them the perception that such mediation can provide alternative resolutions for the conflict. France and South Africa's mediation efforts in Pretoria is an example of this. When such parallel mediation efforts occurred, the official mediation process was challenged and lost its credibility. Also, the progress made by the lead mediators were undermined and even challenged. France went so far as to present their own Roadmap to end the crisis. Hence, there is a strong need to prevent parallel and unofficial mediation initiatives, especially when they are driven by self-interests. It is a fact that France's mediation in Pretoria was conducted to benefit Rajoelina and to ensure that Ravalomanana could not return to Madagascar. Fortunately, the French Roadmap was not signed and former President Zuma reaffirmed his support of Chissano's mediation efforts.

The case of Madagascar also offers important knowledge around the role of mediators in resolving conflicts. Chissano's role was to lead the parties to give concessions to one another, to build a consensual solution to their conflict, to change the conflicting parties' attitudes and behaviours and to encourage communication so that an environment for elections to occur was achieved. His role as mediator came to an end in October 2013 despite the fact that the on-going political conflict between Rajoelina and Ravalomanana continues today. Such political conflicts have had their roots and existence since Madagascar's independence in the 1960s, a fact that is corroborated with the recurrent political unrest and *coups* in the country since them. Similarly, the current situation in Lesotho is quite volatile and can explode at any moment. Mozambique is facing an insurgency and the infiltration of extremists in East Africa is a cause of concern for Southern Africa. Hence, in order to actually provide lasting peace within these conflicting countries and through the process of mediation, SADC should have a fully-fledged and operational conflict resolution unit that will collaborate with centres of excellence on conflict resolution and management to gather early warning signs of any type of impending situations that will threaten peace and stability in the SADC region. This will allow early and peaceful intervention. Of course, that is not to say that peace and stability is the sole responsibility of the mediator or mediating body. The individual countries need to make concerted efforts to have adequate instruments, infrastructure and mechanisms in place to do that as well. However, the sustainability of peace and the constant monitoring evolution of peace agreements to ensure that peace and stability are prioritised is a responsibility of the mediating body and mediator.

In relation to the behaviour of the conflicting parties, a lesson learned from the case of Madagascar is that when one or more of the conflicting parties is strong-willed, the mediation process is easily stalled. Rajoelina, through his strong-willed behaviour, stalled the mediation process several times. Ravalomanana, while he was known to make concessions, was rarely happy with the progress made and seemed to complain about most things. Hence, the effectiveness of a mediation process and the formulation and implementation of a peace agreement is strongly influenced by the behaviours of the conflicting parities and their determination to resolve the conflict.

Another key trend and knowledge from the Madagascar case study has to do with the fact that, even though a mediator may be successful in elaborating and eventually leading the parties to sign agreements, mediation in the African context usually ends with elections. As Butedi (2018, p. 104) maintains, elections should not be considered as an end in themselves but rather as a means to reinstate democratic processes and institutions.

Post-mediation monitoring and evaluation is required to ensure the sustainability and durability of the content of the agreement leading to elections (African Forum Speech, 2013). The role of liaison offices, in this regard, cannot be undermined. Being on the ground, they are able to monitor and assess political trends as well as raise awareness for post-conflict reconstruction needs, including capacity building (Butedi, 2018, p. 106). Butedi (2018, pp. 111-114) maintains that, since its establishment after the signing of the roadmap in September 2011, the AU Liaison Office in Madagascar has played a key political role despite its limited resources. It has monitored and assessed political trends, effectively contributed to efforts of building peace on the ground, raised awareness for post-conflict reconstruction needs and prevented, in the short-term and mid-term, the relapse into crisis of a country emerging from conflict (Butedi, 2018, pp. 111-114). However, that said, more should be done to strengthen the role and effectiveness of such liaison offices. Moreover, as it was SADC who was the lead mediating body in Madagascar, is it unfortunate that the SADC Liaison Office closed in 2014.

Overall, there are many trends and knowledge that was derived from the Malagasy case study. While there is substantial work that has been published on international mediation as well as on SADC's mediation tactics in various conflicts, in the case of Madagascar, there are only a handful of authors who have written about SADC's mediation efforts. Moreover, these authors, such as Witt and Nathan, have maintained that SADC's mediation efforts in Madagascar were unsuccessful. In this thesis, by giving an up-to-date in-depth account of SADC's mediation efforts, I conclude that SADC, through mediation, returned constitutional order in Madagascar through elections as it initially set out to do. Moreover, the relevant and coherent findings that my thesis has yielded will contribute to the existing body of knowledge relating to SADC's mediation efforts in Madagascar and will provide additional insights on the existing body of knowledge about international mediation that will be useful for regional mediators, for policymakers (especially in Africa) and for future mediation processes.

Recommendations for future research in the field of African mediation

In the case of Madagascar, both the role of sanctions and "spoilers" were explored and analysed. However, as research on the depth of the impacts of both these variables on African and international mediation are limited, this thesis has revealed that studies on African mediation (and international mediation in general) will benefit from more research on the

impacts of sanctions during mediation as well as the effects of "spoilers" during the mediation process.

Similarly, the notion of conflict fatigue on behalf of mediators needs to be further explored. In this thesis, this concept was used to explain the reason of the formulation of "Chissano's Roadmap" and its bias. However, there is a need for more empirical research.

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ANNEX 1- SEMI-STRUCTURED INTERVIEW QUESTIONS

Questions to Sample 1 (1 individual)

1. From your perspective, what triggered the *coup* in Madagascar in 2009?
2. In what ways was this *coup* different from other *coups*?
3. What could have been done to avert the *coup d'état* of 2009?
4. Do you feel the mediation undertaken by SADC was necessary and timely?
5. Do you believe that, without the intervention of SADC, the different political parties and stakeholders would have been able to resolve the conflict?
6. According to you, what were the challenges and successes of SADC during the mediation efforts?
7. What are the main lessons that can be drawn from the conflict resolution process in Madagascar?
8. Do you feel that SADC was the right institutions to take the lead in the mediation process?
9. Do you feel that your concerns were taken into consideration during the mediation process?
10. Do you feel that the mediators had the experience, knowledge and resources to undertake this task?

Questions to Sample 2 (3 individuals)

1. When you were asked to lead the mediation process in Madagascar, what were your initial reactions, concerns?
2. Why do you think you were chosen to deal with the Madagascar crisis by SADC?
3. Can you elaborate on the preparatory work undertaken prior to the mediation exercise in Madagascar?
4. From your perspective, what triggered the *coup* in Madagascar in 2009?
5. What were the challenges that you faced during the preparatory work?
6. During the initial stages of the mediation process, what were the main challenges that you encountered and how did you overcome those challenges?
7. How was the SADC mediation team received in Madagascar? Was there some resistance to SADC or not?
8. What were the major hindrances to the mediation process and how did you overcome these? Was culture one of them?
9. It is reported that there were several negotiating meetings between the mediation team and the Malagasy political parties.   What were the main stumbling blocks preventing an early resolution of the crisis?
10. According to you, which political party was the most difficult to deal with and why?

11. Did you feel that you had adequate resources and support to carry out the assignment of mediating in Madagascar?

12. What were the main stumbling blocks for the implementation of the Maputo/Addis Ababa Agreements?

13. How difficult was it to agree on the Maputo Roadmap?

14. SADC has been using independent mediators in countries such as Lesotho, DRC and Madagascar. Do you feel that SADC should have a dedicated mediation unit with adequate resources and expertise to deal with conflict resolution?

15. What approach did the mediation team use and, upon reflection, was this the best approach?

16. What do you feel were the successes during this mediation process? What were the failures?

Questions to Sample 3 (1 individual)

1. Can you please outline the peace and stability architecture of the SADC region as stipulated under SIPO? Do you feel that this architecture is robust enough to advert conflicts in the region?

2. Under which legal framework did SADC undertake mediation in Madagascar?

3. What were the guiding factors in choosing the mediation team?

4. What were the terms of reference for the mediation team?

5. In accepting Madagascar's membership into SADC, was there any due diligence conducted on the political situation in the country given its history of recurrent conflicts?

6. How were the resources mobilized to enable the mediation team to undertake its work?

7. Did, at any time, SADC feel it was not welcome in Madagascar?

8. What are the various conflicting agendas, factors, influences and complexities that SADC was faced with during mediation efforts? Did SADC manage to mitigate these factors, influences and complexities successfully?

9. SADC seems to be contended with elections as a means to end conflicts. Do you feel that this is enough to have elections without addressing the root causes of conflict in the region?

10. According to you, how was successful was the mediation process in Madagascar?

Questions to Sample 4 (1 individual)

1. As independent observers who have followed the conflict situations in Madagascar are you convinced that SADC's mediation process was effective and efficient?

2. Do you feel that the mediation team was fully prepared and equipped to take on the mediation process?

3. On the basis of the signed agreement among the political parties, including stakeholders, in the aftermath of the 2009 *coup*, do you feel that there will be lasting peace in Madagascar and why?
4. How different was the conflict in Madagascar from other conflicts in the SADC region?
5. What approach would you recommend to SADC in terms of mediation?
6. SADC has been using independent mediators in countries such as Lesotho, DRC and Madagascar. Do you feel that SADC should have a dedicated mediation unit with adequate resources and expertise to deal with conflict resolution?

ANNEX 2- "CHISSANO'S ROADMAP"

Office translation
Revised version of the road map for a way-out of the crisis in Madagascar
Dated 20 January

Roadmap for a way-out of the crisis in Madagascar

Commitment by the Malagasy political stakeholders

The Malagasy political actors have agreed to make the following commitments:

1. Continuation of the dialogue among the Malagasy political stakeholders with a view to the setting-up of a National Unity Government of Transition and the enlargement of the composition of the transitional parliamentary institutions and the *Commission Electorale Nationale Indépendante* – National Independent Electoral Commission (CENI) within the framework of a neutral, inclusive and consensual transitional process towards free, transparent and credible elections in Madagascar;

2. Confirmation of Andry Rajoelina as President of the Transition. In his capacity as such, he serves as Head of State;

3. Setting-up of a consensual and inclusive National Unity Government of Transition led by a Prime Minister of consensus. The Prime Minister will be appointed by the President of the Transition, on the basis of a list of persons proposed by the Malagasy political actors, who are stakeholders in this road map;

4. The Malagasy stakeholders in this roadmap are invited to submit a list of personalities, from which the President of the Transition, on the proposal of the Prime Minister of consensus, appoints the members of the Transitional Government. In appointing the Executive, the President of the Transition and the Prime Minister of consensus undertake to make a fair and equitable allocation of portfolios, while taking into account the political leanings and gender representation. In case of removal of a Cabinet member, the latter will be replaced by another member of his political group according to the same rules of procedure of appointment;

5. With a view to the enlargement of the composition of the other transitional institutions, such as the *Congrès de la Transition* - Congress of the Transition (CT), the *Conseil Supérieur de la Transition* - Superior Council of the Transition (CST) and the *Commission Electorale Nationale Indépendante* – National Independent Electoral Commission (CENI), Malagasy political stakeholders in this road map are invited to submit a list of personalities from which the President of the Transition appoint the members of the aforementioned institutions. In appointing the members of these institutions, the President of the Transition is committed to making a fair and equitable allocation of posts, while taking into account the political leanings and gender representation;

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6. The Transitional Government will be responsible for dispatching day-to-day matters of the country and establishing the necessary conditions for credible, fair and transparent elections, in cooperation with the international community. The Transitional Government will refrain from making long-term commitments; the latter falls within the competence of the future Government that will be formed after elections;

7. Development and implementation of a credible, neutral and transparent framework according to international standards, with the support of United Nations experts, notably through:

a. The expansion of membership of the CENI, which is responsible for organizing legislative and presidential elections. Having full power in managing the entire electoral process, the CENI has responsibility for making sure that elections are conducted freely, fairly and in a transparent manner;

b. The revision of the electoral code;

c. A new law on political parties;

d. The use of single ballots;

e. The revision of electoral rolls;

f. The revision of the electoral timetable. The electoral calendar will be determined, on the basis of the findings of an evaluation mission of the electoral needs dispatched by the United Nations. The Malagasy political actors, stakeholders in this road map agree on the principle of organizing all elections between the period of 1st May and 30 November 2011.

8. Malagasy Civil Society is encouraged to observe the legislative and presidential elections. The international community is called upon to support the capacity building of Civil Society;

9. The President of the Transition, the consensual Prime Minister, Cabinet Members, Members of the Congress of the Transition and the Superior Council of the Transition must resign from their positions 60 days before the polling dates, should they decide to run for the legislative and presidential elections;

10. The President, the Government and the entire administration of the Transition must remain neutral during the transitional period, particularly during the electoral process;

11. The President and the Transitional Government and the entire administration of the Transition must undertake to adopt trust-building measures in order to create an atmosphere of reconciliation, while putting an end to ongoing lawsuits against opposition members as these legal proceedings might be perceived as being based on political motives and while ensuring the respect for the rule of law and the principle of equal treatment. These trust-building measures cannot cover legal proceedings related to crimes against humanity, war crimes, genocide and serious violation of human rights and fundamental freedoms;

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12. The President and the Transitional Government and the entire administration of the Transition must undertake to protect and promote human rights in Madagascar and to respect fundamental freedoms, including freedom of expression, opinion and association and freedom of the press;

13. Granting broad amnesty to all persons involved in all political events between 2002 and 2009. What are excluded from the amnesty are crimes against humanity, war crimes, genocide and other serious violations of human rights and fundamental freedoms;

14. Marc Ravalomanana is not expected to return to Madagascar until the establishment of a conducive political and security climate – the assessment of which falls within the exclusive competence of the future sovereign Government that will be set up after elections. The President and the Transitional Government and the entire administration of the Transition are committed to ensuring the protection of the family and property of Marc Ravalomanana. In exchange, the latter must undertake to refrain from any destabilizing activity during the Transition;

15. The Malagasy political actors, who are stakeholders in this road map, undertake to adopt without delay a code of conduct and ethics policy in governing the political activities in Madagascar during the transitional period. All Malagasy political stakeholders also undertake to abide by the Code;

16. All Malagasy political actors, who are stakeholders in this road map, are encouraged to participate in good faith in the transitional process. They are also encouraged to avoid obstruction to the process and to maintain a constructive and patriotic position in order to advance the Transition. They undertake to establish a climate of peace and security for all Malagasy people;

17. No Malagasy political stakeholder can and should claim a right of veto on the roadmap during the transitional period;

18. All Malagasy political stakeholders should oppose any recourse to violence or threat to such an action during the transitional period. They must also refrain from incitement to hatred;

19. A national reconciliation process led by the *Comité du Fampihavanana Malagasy* – Malagasy Reconciliation Committee and facilitated by the international community should be launched in order to heal and start to heal individual and collective wounds of the past and establish sound foundations for the future of Madagascar;

20. Members of the Malagasy Civil Society, including the *Raiamandreny Mijoro* – group of elders, the FFKM – Confederation of Christian Churches, the CNOSC – National Coordination of Civil Society and FINONA, group of Wise are responsible for monitoring the implementation of this roadmap at national level until the end of the transitional period;

21. An Office of the Mediation will be set up in Madagascar to support the inter-Malagasy dialogue and the transitional process. The mission of the Mediation Office will end on the day of the inauguration of new President of the Republic, thus marking the end of the

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Transition;

22. These commitments supersede all commitments made and/or signed beforehand, with regard to the Transition in Madagascar.

23. Any conflict in interpretation of the provisions of this road map will be subject to the arbitration of the SADC mediation.

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Commitments by the International Community

After the effective setting-up of a National Unity Government of Transition, the Transitional Parliament and a neutral, inclusive and consensual National Independent Electoral Commission, as well as the conclusion of an agreement on a roadmap for the transitional period, the international community makes the following commitments:

24. The establishment of a Mediation Office in Madagascar to support the inter-Malagasy dialogue and the transitional process. In this regard, the UN is called upon to provide technical, administrative and financial support to the SADC mediation;

25. Recognition of the President and the Transitional Government of Madagascar, after the setting-up of inclusive and consensual transitional institutions;

26. The international community pledges to provide multiform support to the consensual and inclusive institutions of the Transition, including the Transitional Government, the Congress of the Transition, the Superior Council of the Transition and the National Independent Electoral Commission;

27. The SADC, the African Union, the United Nations, the IOF, the IOC and to a large extent, the international community undertake to provide political, technical, material, logistical and financial support to the dialogue and the transitional process, with a view to ensure the smooth running of the Transition towards credible, free, fair and transparent elections;

28. Providing financial, technical, material and logistical support to the electoral process;

29. Under the aegis of the SADC mediation team supported by the United Nations, the international community will be responsible for monitoring the implementation of the roadmap at international level, in collaboration with relevant national and international stakeholders;

30. The international community agrees to send international observers for the parliamentary and presidential elections;

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31. Suspension and progressive lifting of sanctions imposed on Madagascar, depending on the implementation of the steps set in the roadmap;

32. The partners will examine the possibility of resuming their assistance and cooperation in terms of humanitarian, financial and economic development;

33. The Mediator should continue to closely monitor the situation, provide his support and facilitation to the Malagasy parties if needs be, and regularly report to the SADC, AU and the international community on the development of the situation in Madagascar.

20 January 2011

ANNEX 3- AMENDED ROADMAP FOR ENDING THE CRISIS IN MADAGASCAR

ROADMAP FOR ENDING THE CRISIS IN MADAGASCAR

Commitment by Malagasy Political Stakeholders

Preamble

The Malagasy Political stakeholders to this Roadmap agree on making the commitments listed hereunder;

I.   Transition Institutions

1.   Continuation of the inter-Malagasy dialogue among Malagasy political stakeholders for the formation of a National Union Transitional Government and the enlargement of the composition of the Transitional Congress (CT), the High Transitional Council (CST) and the National Independent Electoral Commission (CENI);

2.   The neutral, inclusive and consensual transition process should lead to the holding of credible, free and transparent elections in Madagascar;

3.   Mr Andry Rajoelina shall be the President of the Transition. In this capacity, he shall exercise the functions of a Head of State;

4.   Appointment of a consensus Prime Minister, who shall lead a National Union Transitional Government;

5.   The Prime Minister shall be appointed by the President of the Transition from a list of persons nominated by the Malagasy political stakeholders who are signatory parties to the Road Map. It is understood that the consensus Prime Minister can originate neither from the same province as the President of the Transition, nor from the political platform supporting the President of the Transition;

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6.   The Malagasy Political Stakeholders shall be invited to submit a list of public figures, from which the President of the Transition, acting on the proposal of the consensus Prime Minister, shall appoint the members of the Transitional Government. In the formation of the Transitional Government, the President of the Transition and the consensus Prime Minister shall ensure a fair and equitable distribution of portfolios, whilst adhering to the criteria of political affiliation, gender representation and regional balance. In case any member of the Government is removed, he shall be replaced by another member of his political group in accordance with the same appointment procedure rules;

7.   For the enlargement of the composition of other transitional institutions, like the Transitional Congress (CT), the High Transitional Council (CST) and the National Independent Electoral Commission (CENI), Malagasy political stakeholders who are parties to this Roadmap shall be invited to submit a list of public figures, from which the President of the Transition shall appoint the members of these institutions. In appointing the members of these institutions, the President of the Transition undertakes to ensure a fair and equitable distribution of positions, whilst adhering to the criteria of political affiliation, gender representation, regional balance and balanced sharing among the Malagasy political stakeholders who are signatories to this Roadmap so as to ensure the smooth running of the Transition;
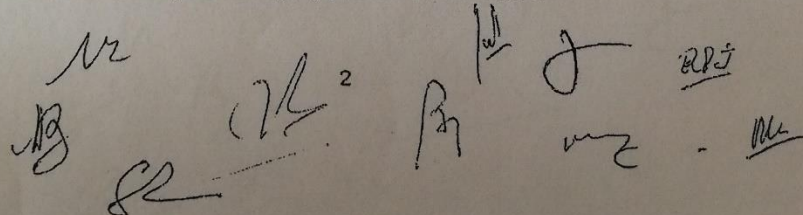
8.   The Transitional Government shall be responsible for administering the day-to-day affairs of the country and creating the necessary conditions for credible, fair and transparent elections in conjunction with the international community. It shall refrain from making new long-term commitments as such commitments fall within the competence of the future government which shall emerge from the elections;

9.   The Transitional Parliament shall oversee the work of the Transitional Government. It shall also ratify the orders passed during the Transition, especially those pertaining to the electoral process, and propose and adopt relevant legislation.

II.   **Electoral Framework**

10.   Development and implementation, with the support of United Nations experts, of a credible, neutral, transparent and independent electoral framework based on the respect of human rights and international standards, including:

(a)   The enlargement of CENI composition and the review of its core functions to ensure a balanced representation of all the Malagasy political stakeholders who are parties to this Roadmap. The CENI shall organize all elections, including presidential and municipal elections. Endowed with full powers to manage the entire electoral process, the CENI shall ensure that elections are conducted freely, fairly and transparently. The said full powers of the CENI shall come to an end upon the publication of provisional election results;

(b)   Review of the Electoral Code;

(c)   Promotion of the adoption of and adherence to, a Code of Ethics and Good Electoral Conduct by the Malagasy political stakeholders;

(d) Use of a single ballot system;

(e) Voter education;

(f) The systematic review of electoral registers;

(g) The electoral calendar shall be determined jointly by the CENI and the United Nations representatives on the basis of the electoral needs assessment report from the regional and international expert Mission so as to organise credible, fair and transparent elections as soon as possible in Madagascar.

(h) The dissemination of data and the distribution of data and equipment of regional computer centres at the level of the 119 districts as soon as possible.

11. A Special Electoral Court shall be exceptionally and provisionally established. This Court shall be responsible for electoral disputes and the proclamation of the final results of the presidential and legislative elections. Its operation, composition and jurisdiction shall be prescribed by a law to be adopted by the Transitional Parliament.

12. In order to moralise Malagasy politics, the Transitional Parliament should adopt new laws on political parties and the status of the Opposition.

13. The Malagasy Civil Society shall be invited to monitor the legislative and presidential elections and challenge the Malagasy political stakeholders who violate the Electoral Code of Ethics and Good Electoral Conduct. The international community shall be called upon to support civil society capacity building.

14. The President of the Transition, the consensus Prime Minister and Government Members shall resign from office sixty (60) days before the election date, should they decide to run for the legislative and presidential elections. However, to prevent any legislative possible gap, the Transitional Parliament shall adopt a law setting out the conditions of implementation thereof;

III. Confidence-Building Measures and National Reconciliation

15. The President, the Government, the Heads of institutions and the entire administrative machinery of the Transition shall remain neutral during the transition period, particularly in the electoral process;

16. The President, the Government, the entire administrative machinery of the Transition and all the transitional institutions shall commit themselves to adopting security and confidence-building measures in order to create a serene and peaceful environment by terminating the ongoing legal proceedings against members of the opposition that would appear to be politically motivated, and by adhering to the rule of law and the principle of equal treatment. These confidence-building measures should not cover judicial proceedings related to crimes against humanity, war crimes, genocide and gross violations of human rights and fundamental freedoms;

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17.   The President, the Transitional Government, the entire administrative machinery of the Transition and all the transitional institutions shall undertake to protect and promote human rights in Madagascar and to respect fundamental freedoms, namely freedom of expression, opinion, association and demonstration, as well as press freedom. These rights shall be exercised in accordance with the laws of the country;

18.   The granting of a blanket amnesty for all political events which happened between 2002 and 2009, except for crimes against humanity, war crimes, crimes of genocide and other serious violations of human rights and fundamental freedoms. The amnesty law shall be ratified by the Transitional Parliament, and no election shall take place prior to the ratification;

19.   The Transitional Parliament shall adopt a law on the status of former Heads of State as one of the key measures to ensure social peace and a peaceful climate in the country. The status of former Head of State shall be reserved to former Heads of State who have decided to end their involvement in partisan political action, taking into account the consideration due their past status and the need to preserve and guarantee their dignity and security.

20.   The High Transition Authorities (HTA) shall allow all Malagasy citizens in exile for political reasons to return to the country unconditionally, including Mr Marc Ravalomanana. The HTA shall provide security and safety to all Malagasy returnees. The HTA shall urgently develop and enact the necessary legal instruments, including an amnesty law, to ensure the political freedom of all Malagasy citizens in the inclusive process of the transition, towards free, fair and credible elections.

21.   The Malagasy Political Stakeholders who are parties to this Roadmap undertake to promptly adopt a Code of Ethics and Good Political Conduct to regulate political activities in Madagascar during the transitional period. They also undertake to abide by this Code;

22.   All the Malagasy political stakeholders who are parties to this Roadmap shall be invited to participate in the transition process in good faith. They also undertake to create an atmosphere of peace and security for all the Malagasy people, to avoid impeding the transition process and to maintain a constructive and patriotic attitude with a view to advancing the transition;

23.   No Malagasy political stakeholder, whether a party or not to this Roadmap, shall arrogate the right to veto the implementation of this Roadmap during the transitional period;

24.   All the Malagasy political stakeholders who are parties to this Roadmap shall refuse to use or threaten to use violence during the transitional period. They shall also refrain from stirring hatred and undertaking any destabilising action during the Transition;

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25. A national reconciliation process led by a national Institution called the Filankevitry ny Fampihavanana Malagasy (Malagasy Reconciliation Council) and facilitated by the International community shall be initiated in order to begin healing past individual and collective wounds and lay down a sound foundation for the future of Madagascar. The composition, operation, management and competence of the said Committee shall be prescribed by a law to be adopted by the Transitional Parliament;

26. Any person who was a victim of the political events that took place between 2002 and the signature date of this Roadmap and who suffered any kind of serious prejudice shall be entitled to redress and compensation by the State under terms and conditions that shall be determined by the Filankevitry ny Fampihavanana Malagasy (Malagasy Reconciliation Council).

27. A National Solidarity Fund (FNS) shall be established, that shall serve to compensate the assignees and the victims for the prejudice suffered during the political events that took place between 2002 and the signature date of this Roadmap. The international community shall be called upon to support this Fund.

28. The Members of the Malagasy civil society, including Ralamandreny Mijoro, FFKM, CNOSC and FINONA, shall monitor and oversee the implementation of this Roadmap across the country until the end of the transitional period. In exercising their functions, they shall be urged to maintain their political neutrality and unity. The international community shall be called upon to assist in building the capacity of this national monitoring and overseeing mechanism responsible for the implementation of this Roadmap;

29. An office of the SADC Mediation shall be established in Madagascar to support the inter-Malagasy dialogue and the transition process with technical support from the United Nations. The mission of the Mediation Office shall come to an end on the day of the inauguration of new President of the Republic, which will mark the end of the Transition;

30. These undertakings nullify and replace all prior undertakings previously made and signed on the Transition in Madagascar.

31. There shall be no impediment or removal procedure against the President of the Transition, no motion of no-confidence against the Transitional Government and no action to dissolve the Transitional Parliament during the Transition.

32. Any dispute arising from the interpretation and implementation of this Roadmap shall be referred to the attention of the SADC Mediation for resolution.

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IV.   Agreement Implementation and Monitoring Mechanisms

Following the effective establishment of a National Union Transitional Government, a Transitional Parliament and a neutral, inclusive and consensual National Independent Electoral Commission as well as the conclusion of an Agreement on the Roadmap for the Transition Period, SADC and the African Union (AU) urge the international community to undertake the following:

33.   The establishment of an office of the SADC Mediation in Madagascar to support the inter-Malagasy dialogue and the transition process. In this regard, the United Nations shall be called upon to provide technical, administrative and financial support to the SADC Mediation;

34.   International recognition of the President and the Transitional Government of Madagascar, following the establishment of inclusive and consensual transitional institutions;

35.   SADC and the AU call on Madagascar's bilateral and multilateral partners, in line with their respective procedures, to provide multifaceted support to the consensual and inclusive transitional institutions, including the Transitional Government, the Transitional Congress, the High Transitional Council, the National Independent Electoral Commission and the Filankevitry ny Fampihavanana (Malagasy Reconciliation Council);

36.   SADC, the AU, the United Nations, the International Organisation of la Francophonie (OIF), the Indian Ocean Commission (COI) and interested partners shall provide political, technical, material, logistical and financial support to the dialogue and transition process with a view to ensuring a smooth transition leading to credible, free, fair and transparent elections;

37.   To this end, the United Nations shall establish an office to support the SADC Mediation in its efforts for the continuation of the inter-Malagasy dialogue, the organisation of the elections, national reconciliation and peace consolidation.

38.   Granting of financial, technical, material and logistical assistance to the electoral process;

39.   Under the aegis of the SADC Mediation Team, supported by the United Nations, the international community shall be responsible for monitoring and overseeing the international implementation of this Roadmap in collaboration with relevant national and international stakeholders;

40.   SADC and the AU recommend that the international community undertake to send international observers to the parliamentary and presidential elections;

41.   Suspension and gradual and conditional lifting of the sanctions imposed on Madagascar based on the achievement of the milestones outlined in the Roadmap;

42.   The partners shall explore the possibility of resuming their assistance and development, humanitarian, financial and economic cooperation;

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43. In case of serious violations of this Roadmap, the partners shall explore the possibility of taking sanctions against those who commit such violations, whether or not they are signatories thereof;
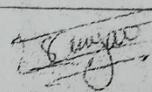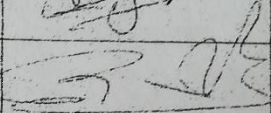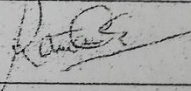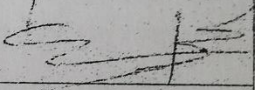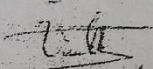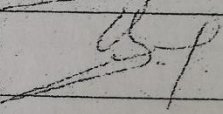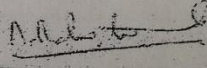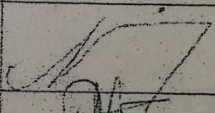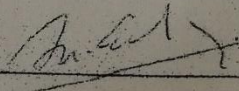
44. The Mediator shall continue to closely monitor the situation, provide his support and facilitation to the Parties in Madagascar as and whenever required, and regularly report to SADC, the AU and the international community on new developments in Madagascar.

45. Article 20 of this Roadmap shall be read in conjunction with the annexed Explanatory Note and shall constitute an integral part of this Roadmap.

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(16 September 2011)

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ROADMAP FOR ENDING THE CRISIS IN MADAGASCAR
16 SEPTEMBER, 2011

POLITICAL PARTIES/GROUPINGS	REPRESENTATIVE	SIGNATURE
AREMA	VAOVAO Benjamin	
AUTRES SENSIBILITES	VONY NAHITSY Jean Eugène	
ESCOPOL	LAHANANTSOA R Benjamina	
HPM	NDREMANJARY Jean Eudes	
MDM	RAJAONARIVELO PIERROT.	
MONIMA/UAMAD	MONJA ROINDEFO Zafitsimivalo	
MOUVANCE RATSIRAKA		
MOUVANCE RAVALOMANANA	RAKOTOARIVELO Mamy	
MOUVANCE ZAFY	RAKOTONARIVO Emmanuel	
TGV	RAKOTONARIVO Jato	
UDR-C	MARSON Evariste	

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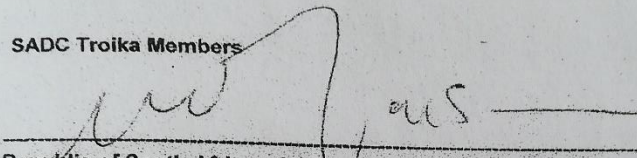
STAKEHOLDERS WHO AGREED TO SUPPORT THE ROADMAP
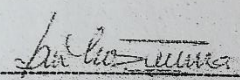
16 SEPTEMBER, 2011

POLITICAL PARTIES/GROUPINGS	REPRESENTATIVE	SIGNATURE
GMOIR	Yves Aimé RAKOTOARISOA	
TIM	RAZAFIMAHINO Andriasonimanantsoa	
Groupe Centriste	ESPERANA GEORGET RAHARIMBOLA	
Pacte Republicain	NOP MONDISON Alain	
P.DR – RASOCEO	PAUL RATSIRY	
GJ3M Groupement de Jeunes des trois Mouvances	MIADSON Dauphin Daniel	
EKO POLES	RADOISIARISOA Féracité	
ESD Madagascar	RADERALELO Tim Ribbonn	
Alibi Madagascar	RAMANDEHOTO Julian	D Timmy

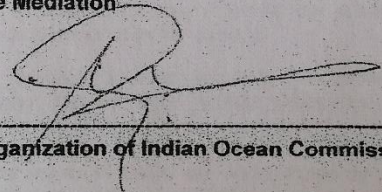Witnesses:
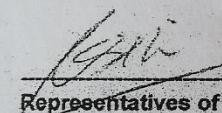
SADC Troika Members

_____
Republic of South Africa - Chairperson, SADC Organ Troika

_____
United Republic of Tanzania

_____
Republic of Zambia

In the Presence of:

_____
Representatives of the Mediation

_____
Representatives of Organization of Indian Ocean Commission

Antananarivo, 16 September 2011
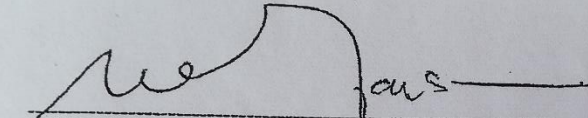
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EXPLANATORY NOTE ON PARAGRAPH 20 OF THE ROADMAP

Within the framework of the mandate given by the SADC Summit held in Sandton and reiterated in Luanda on 17 – 18 August 2011, the SADC Troika proposes the following text for paragraph 20 of the Roadmap:

"The High Transition Authorities (HTA) shall allow all Malagasy citizens in exile for political reasons to return to the country unconditionally, including Mr Marc Ravalomanana. The HTA shall provide security and safety to all Malagasy returnees. The HTA shall urgently develop and enact the necessary legal instruments, including an amnesty law, to ensure the political freedom of all Malagasy citizens in the inclusive process of the transition, towards free, fair and credible elections."
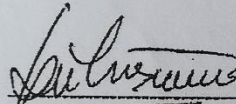
The Troika wishes to provide the following interpretation of the term *"unconditionally"* as stated in the decisions of the SADC Summit:

1. The principles and values of SADC do not condone impunity. The term "unconditionally" applies to the notion of the freedom of return to Madagascar of all Malagasy citizens in exile for political reasons. It implies that no administrative and political measures should be applied to constrain or impede their freedom of return to the country.

2. Unconditionally, therefore, neither suggests nor implies exoneration for returning Malagasy citizens from judicial processes or alleged crimes committed.

3. The principles and values of SADC are underpinned by respect for territorial integrity and sovereignty of Member States. SADC recognises and respects the competence, legitimacy and independence of the judicial systems of its member states. SADC does not have the power to interfere or annul any judicial condemnation by a national court of any Member State.
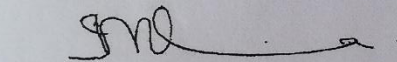
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4. SADC neither prescribes nor determines the scope and content of amnesty laws of member states. It is up to the competent authorities of its Member States to debate and agree on their amnesty laws taking into account the relevant international norms that exclude from amnesty the crimes against humanity, war crimes, crimes of genocide and other serious violations of human rights and fundamental freedoms.

Republic of South Africa – Chairperson, SADC Organ Troika

United Republic of Tanzania

Republic of Zambia

Antananarivo, 15 September 2011

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