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EVALUATING THE PEACEMAKING EFFECTIVENESS OF SADC

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0419713X

A Thesis submitted to the Faculty of Commerce, Law and Management of the University of the Witwatersrand, Johannesburg, in fulfilment of the requirements for the degree of Doctor of Philosophy

Supervisor: Professor Anthoni Van Nieuwkerk

Submitted for re-examination: March 16 2018

DECLARATION

I declare that the thesis titled, Evaluating the peacemaking effectiveness of SADC' is my own unaided work, and that all the sources used have been acknowledged by means of complete references. It is being submitted for the Degree of Doctor of Philosophy at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other university.

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ABSTRACT

The purpose of this thesis is to contribute to research on how peacemaking interventions by the Southern African Development Community (SADC) in member states experiencing recurrent political conflicts should be evaluated, and how their effectiveness can be measured.

Peacemaking is understood as a varied approach to resolving conflicts, encompassing negotiation, diplomatic engagement, and mediation. Mediation refers to third party facilitation aimed at resolving conflicts. The main argument is that SADC mediation– which forms the core of its approach to peacemaking – is not oriented towards transforming conflicts. Most, if not all, of the political conflicts SADC has mediated have recurred in one form or another. These include conflicts in Lesotho, the recipient of the most SADC interventions to date in any member state since SADC's formation, as well as Zimbabwe, whose political situation remained precarious five years after SADC mediation. Moreover, SADC lacks formal criteria for evaluating the efficacy of its mediation efforts. This has also been limited by the way in which it problematises conflicts, and conceptualises their resolution.

This study applies the concept of systemic conflict transformation (SCT) as a conceptual framework for evaluating SADC's mediation efforts in Lesotho and Zimbabwe. It finds that SADC was effective in managing those crises in the short term, but that the link between short-term progress and the longer-term transformation of conflicts was underemphasised in its mediation mandates. This is attributed to the absence of a comprehensive peacebuilding framework; an inadequate institutional interface between SADC and the countries in which it mediates; and an over-reliance on 'track one' diplomacy that excludes non-state and developmental partners from its peacemaking processes.

The study concludes that the main condition driving SADC's effectiveness in achieving conflict transformation is the degree to which it draws a distinction between achieving the objectives of its broader peacemaking mandate, and those outlined in the specific mediation mandate. It further concludes that the efficacy of SADC's mediation efforts should therefore be evaluated against its broader regional mandate to promote democracy, stability, and development in its member states, regardless of the specificities of the given mediation.

ACRONYMS

ABC	All Basotho Congress
AD	Alliance of Democrats
AfDB	African Development Bank
APRM	African Peer Review Mechanism
AGA	Africa Governance Architecture
APSA	African Peace and Security Architecture
AU	African Union
AUC	African Union Commission
BCP	Basutoland Congress Party
BNP	Basotho National Party
CCL	Christian Council of Lesotho
CEWS	Continental Early Warning System
CNGO	Council of Non Governmental Organisations
COM	Council of Ministers
CONSAS	Constellation of Southern African States
CSOs	Civil Society Organisations
DAC	Development Assistance Committee
DC	Democratic Congress
DISC	Defence Intelligence Standard Committee
DPA	Department of Political Affairs
DRC	Democratic Republic of Congo
DDR	Disarmament, demobilisation and reintegration
ECF	Elections Commissions Forum
EU	European Union
FIB	Force Intervention Brigade
FLS	Frontline States
FPTP	First Past The Post
GDP	Gross domestic product
GPA	Global Political Agreement
GNU	Government of National Unity
ICPs	International Cooperating Partners
ISDSC	Inter-State Defence and Security Committee

ISPDC	Inter-State Politics and Diplomacy Committee
JOMIC	Joint Monitoring and Implementation Committee
LMPS	Lesotho Mounted Police Service
LDF	Lesotho Defence Force
LCD	Lesotho Congress for Democracy
MCO	Ministerial Committee of the Organ
MDC	Movement for Democratic Change
MDC-T	Movement for Democratic Change- Tsvangirai
M&E	Monitoring and Evaluation
MMP	Mixed Member Proportional
MRG	Mediation Reference Group
MSU	Mediation Support Unit
MOU	Memorandum of Understanding
MRG	Mediation Reference Group
NCP	National Contact Point
NEWC	National Early Warning Centre
NIP	National Independent Party
NSA	Non state actor
OECD	Organisation for Economic Cooperation and Development
OPDSC	Organ on Politics Defence and Security Co-operation
POE	Panel of Elders
PR	Proportional Representation
PSC	Peace and Security Council
REC	Regional Economic Community
REWC	Regional Early Warning Centre
RISDP	Regional Indicative Strategic Development Plan
SACU	Southern African Customs Union
SADC	Southern African Development Community
SADCC	Southern African Development Coordination Conference
SADC SF	SADC Standby Force
SAPMIL	SADC Preventive Mission in Lesotho
SANDF	South African National Defence Force
SARPPCO	Southern African Regional Police Chiefs Co-operation Organisation
SCU	Sector Coordinating Unit

SCT	Systemic conflict transformation
SNC	SADC National Committee
SEAC	SADC Electoral Advisory Council
SEOM	SADC Observer Mission in Lesotho
SNC	SADC National Committee
SOMILES	SADC Observer Mission in Lesotho
SSR	Security Sector Reform
SIPO	Strategic Indicative Plan for the Organ
TRC	Transformation Resource Centre
UNDP	United Nations Development Programme
UN	United Nations
UNDAF	United Nations Development Assistance Framework
US	United States
ZANU PF	Zimbabwe African National Union –Patriotic Front
ZANLA	Zimbabwe African National Liberation Army
ZNA	Zimbabwe National Army
ZAPU- PF	Zimbabwe African People's Union- Patriotic Front
ZCTU	Zimbabwe Congress of Trade Unions
ZIPRA	Zimbabwe People's Revolutionary Army
ZEC	Zimbabwe Electoral Commission
ZI	Zimbabwe Institute

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1 Introduction and background

1.1 Introduction

The Southern African Development Community (SADC) is a regional organisation comprising 16 countries, namely Angola, Botswana, Comoros, the Democratic Republic of Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, Swaziland, South Africa, Tanzania, Zambia and Zimbabwe. It is one of five Regional Economic Communities (RECs) of the African Union (AU), and forms part of its African Peace and Security Architecture (APSA), a continental framework for conflict prevention, conflict management and peace-building (AU, 2010). Technically, SADC is a subsidiary of the AU. It brands itself as primarily committed to the promotion of peace and security through 'economic development, political cooperation, and the evolution of common political values and institutions' (SADC, 2015a). When conflicts arise, it prefers to resolve them peacefully via diplomatic engagement and mediation. These are SADC's most commonly employed peacemaking tools – but its approach has drawbacks that affect their efficacy.

Studies show that SADC's past mediation efforts have been compromised by an undue regard for state sovereignty, quarrels about jurisdiction, and insufficient platforms for implementing common policies. The organisation seems to walk a fine line between stabilising countries and getting involved in their internal affairs. Yet, for the most part, it regards its various mediation efforts as successful (SADC, 2015d). The research counters this assertion, indicating that any criteria of success would have to factor in the extent to which interventions have transformed conflict situations, given the recurrence of conflicts in countries that SADC has attempted to mediate. It also indicates that 'success' is a limited approach to gauging mediation, and should be complemented by a framework that looks at the efficacy of the organisation's peacemaking efforts on a broader level.

This chapter provides the rationale for the study, and outlines its analytical framework. It discusses the concept of peacemaking and the related terminology used in current research, together with varying understandings and definitions. For the purposes of this study, mediation is understood as a subset of peacemaking. This is followed by an ex-

position of the study's main questions, its limitations, and the research contribution it aims to make. A brief historical review of security cooperation in SADC is provided, along with an overview of political and security trends in the region. A review of literature on mediation follows, covering the debates about the various definitions and dimensions of mediation, as well as factors affecting the outcomes of mediated settlements. The chapter also discusses some scholarly insights into the effectiveness of SADC in peacemaking and mediation. Lastly, it outlines the structure of the thesis.

1.2 Background and orientation

This study concerns itself with how SADC's involvement in regional conflicts can or should be evaluated, and how its effectiveness can be measured. Conflict is understood as a social phenomenon involving a clash of interests and goals among people, groups, or countries. It can manifest itself in violent or non-violent ways. In line with this, a political conflict is understood as a clash of political subjects, who struggle to enforce their interests and goals which are usually aimed at gaining, controlling and distributing power, and changing their political status within society (Kazanský, 2008, p. 20). In this study, assessing the efficacy of peacemaking involves gauging the output, outcome, and impact of interventions aimed at positively transforming conflict situations (OECD, 2007, p. 79). It is understood to be shaped by an organisation's approach to peacemaking, its institutional context, resources and leverage.

Effectiveness is also shaped by the extent to which an organisation's members want to cooperate and share common objectives, and whether they have the political trust and cohesion needed to make this effective in the realm of peace and security (Nathan, 2010, p. 2). 'Evaluation', in this study, refers to the 'systematic assessment of an ongoing or completed project, programme or policy, its design, implementation and defined results' (OECD, 2002). The central argument is that SADC lacks clear criteria for evaluating the efficacy of its mediation efforts. This is not unique to SADC; it extends to the African Union (AU) and other regional economic communities as well (AU, 2009, p. 15.) Indeed, an AU discussion document on improving the impact of its mediation efforts has noted a lack of 'systematic efforts to evaluate AU mediation endeavours, and to improve performance in mediation over time' (AU, 2009). Therefore, the evaluation

of mediation interventions and their effectiveness is one of the key debates in the field of conflict resolution in Africa.

SADC was founded in 1992 by southern African countries, and has historically been involved in interventions aimed at resolving conflicts in various member countries, including the Democratic Republic of Congo (DRC), Madagascar, Zimbabwe and Lesotho. Previously, the principles of sovereignty and non-intervention prevented the involvement of African actors in the internal affairs of states, but the onset of civil wars created an opportunity for new actors to intervene in intra-state conflicts (Williams, 2007; Mwanasali, 2008). The study refers to this involvement as part of the promotion of peacemaking, and argues that it is fundamental to SADC's mandate. Peacemaking is essentially about the process of achieving peace. But, as explained by Thania Paffenholz (2009, p. 3), a prominent researcher of conflict transformation, peacemaking differs considerably in terms of approaches, scope of activities, and time frames, depending on one's understanding of peace. Nowadays, both researchers and practitioners understand and define peacemaking in widely different ways.

The definition of peacemaking used throughout this thesis is drawn from the United Nations (UN), an intergovernmental organisation with a long history of engagement with conflict management and resolution. It defines peacemaking as 'actions that bring hostile parties to agreement, essentially through such peaceful means as those in Chapter VI of the Charter of the United Nations; Pacific Settlement of Disputes' (United Nations Peacebuilding Support Office, 2010, p.27). The definition states that peacemaking is the diplomatic effort intended to move a violent conflict into nonviolent dialogue in which differences are settled through representative political institutions. The objective, according to the definition, is to end violence between contending parties through negotiation, mediation, conciliation, and arbitration. This approach is complemented by peacemaking activities, which SADC has yet to conceptualise. In this sense, peacemaking involves the intervention of a third party in resolving conflicts. Mediation can be understood as a subset of peacemaking. This is reflected in the UN's definition of mediation as a process in which a third party assists two or more parties, with their consent, to prevent, manage, or resolve a conflict by helping them to develop mutually acceptable agreements (UN, 2012, p. 4).

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SADC does not have as precise a definition of peacemaking, but it was established as a regional organisation with a peacemaking mandate. This is reflected in its political and security cooperation protocol that establishes an Organ on Politics, Defence and Security Cooperation (OPDSC), a body similar to a peace and security council, with a range of objectives in relation to peacemaking. It states that the Organ should "manage and seek to resolve inter and intra state conflict by peaceful means" and that the methods employed "to prevent, manage and resolve conflict by peaceful means shall include preventive diplomacy, negotiations, conciliation, mediation, good offices, arbitration and adjudication by an international tribunal" (SADC Organ Protocol, 1996, pp11-12). This Protocol was developed to help SADC implement its objectives outlined in its founding Treaty. It lists them to include: the defence and maintenance of democracy, peace, security and stability; and that SADC exists to also promote common political values and systems in its member states that are transmitted through democratic, legitimate and effective institutions (SADC, 2015a, pp.5-6)

The definition of peacemaking reflected in policy and academic research is not incontestable, and its application to political processes can be complicated. First, peace can be defined in different ways. More instructive definitions can be drawn from peace research and peace theories that draw a distinction between positive and negative peace. Johan Galtung (1964, p. 2), one of the pioneers of peace research, defines negative peace as 'the absence of violence, absence of war', and 'peace not always by peaceful means'. In other words, negative peace means the absence of violence, typically through coercion rather than cooperation. Galtung initially defined positive peace as 'the integration of human society' (1964, p. 2). He expanded the definition in 1969 to include structural violence and structural integration (1969, pp. 187-191). So he now defines positive peace as 'peace by peaceful means', emphasising conflict transformation, reconciliation and restoration as the resultant structural integration (Galtung, 1969, pp. 188-189). The two types of peace, which are conceived as two separate dimensions, are useful in the study's analysis of the outcomes of SADC mediation on the ground.

Second is the question whether peacemaking can be equated with mediation, and whether both concepts can be used interchangeably. As discussed previously, and reflected in the UN definition of peacemaking, mediation is widely seen as a subset of

peacemaking. Nathan agrees (2009, p. 11), and explains that mediation is not synonymous with peacemaking, and should be seen as part of a broader conceptual framework of peacemaking. Other peacemaking strategies include arbitration and adjudication, the application of pressure on one or more of the parties by international organisations and foreign powers, and confidence and security-building measures (Nathan 2009, p. 11).

For Mosten (2013, p. 30), the difference between the two is about value. He argues that peacemaking is not a process but a set of values, personal attributes, goals and behaviours that guide an intervention. To him, peacemaking seeks the restoration of positive peace, while mediation is more value-neutral, and may be satisfied with negative peace. He holds the view that mediation concentrates on the cessation of conflict and the resolution of disputes without necessarily taking account of the relationships involved (Mosten, 2013, p. 32).

A similar issue is whether the terms 'effectiveness' and 'success' (in mediation) can be used in the same sense. For instance, Blair Sheppard (1984, cited in Bercovitch, 2005, p. 291) talks about mediation success, and defines this in terms of both the process and its outcome. He defines four criteria of success to include effectiveness along with fairness, efficiency and satisfaction (Sheppard 1984, cited in Bercovitch, 2005, p. 292.) In this sense, effectiveness is conceptualised as an indication of success. Building on Sheppard, Jacob Bercovitch (2005) argues that focusing strictly on effectiveness allows an observation about what has changed after a mediator has entered a conflict. He views it as less subject to perceptual disagreements, and more easily observable and measurable (Bercovitch, 2005, p. 294). He defines effectiveness as a measure of results achieved, change brought about, or behavioural transformation. His logic is that mediation should be understood as a process of change, and so studying effectiveness measures the achieved results, change, or behavioural transformation (Bercovitch, p. 293). This issue is revisited in this study, as SADC tends to use 'success' and not 'effectiveness' with reference to its performance in mediation (SADC, 2015d).

Both peacemaking and mediation fall under what is referred to in conflict studies as 'track one diplomacy', which is the intervention of decision-makers like states and other official actors in a conflict, working on behalf of an authoritative and official entity (Diamond & McDonald, 1996, p. 28). 'Track one' activities encompass official and non-

coercive measures, such as good offices, fact-finding missions, facilitation, negotiation/mediation, and peacekeeping (Reimann, 2004, p. 4). But the skills, resources and interests from official actors under 'track one diplomacy' directly influence the performance of the intervention (Diamond & McDonald 1996, p. 30; Mapendere, 2000, p. 45). There are debates about unofficial tracks of diplomacy and whether they can complement official interventions (Diamond & McDonald, 1996; Chigas, 2003; Nan, 2002). They also refer to 'track two' and 'track one and a half'. The former describes an unofficial, informal interaction between members of adversarial groups or nations with the aim of developing conflict resolution strategies (Diamond & McDonald, 1996, p. 37). Mapendere (2000, 2005) and Nan (2002) describe the latter as a public or private interaction between official representatives of disputants that is mediated by a third party not representing a political institution.

For the most part, third party interventions are lauded for helping to impose order. In the SADC context, various scholars argue that SADC has achieved a degree of success in this respect, albeit in the short term (Weisfelder, 2015; Mhandara & Pooe, 2013; Chitiyo, Vines &Vandome, 2016). But others, including Cawthra (2010), Matlosa (2015), Pigou (2016), Saunders, Dzinesa and Nagar (2013) are more critical. The questions that follow are what the organisation did effectively, what it failed to do, and why. The criteria for measuring this is not always reflected in studies. It is also not reflected from SADC's side. A factor that may explain this lies in its approach to mediation, and the extent of rigour within the institution to measure it. Until 2010, SADC mediation consisted of a series of ad hoc diplomatic engagements that were not embedded in its institutional architecture for conflict prevention and resolution. It was led by member states that were given a mandate to mediate, without the direct and structured involvement of the SADC Secretariat (T. Mothae, interview, July 17, 2016).

Nonetheless, SADC has pronounced on the organisation's performance in mediation. It uses the concept of 'success' and not effectiveness to refer to its mediation performance. For the most part, it has declared most if not all of its mediation interventions as 'successes' (SADC, 2015d, p.12), emphasising how the organisation resolved instances of political impasse in Madagascar and Zimbabwe, and 'prevented those situations from escalating into conflict'. SADC profiles these experiences as success stories without

spelling out the criteria in terms of which it arrived at those conclusions. Arguably, the success it refers to relates to peace settlements or peace agreements, which the research argues constitutes crisis management instead. It seemingly focuses on responding to the immediate crisis, which is needed in conflict situations. Laurie Nathan, who has written extensively on SADC mediation, and has worked directly with SADC's mediation structures, emphasises the need to present explicit criteria for assessing mediation effectiveness, to concentrate on the actual performance of the organisation rather than on its declarations and structures, and to make assessments on the basis of historical trends and sound analysis (Nathan, 2013, p.1)

1.3 Rationale of the research

One of the central issues in the field of conflict mediation in southern Africa concerns the degree to which a mediated outcome can be deemed effective in transforming conflict landscapes. This study posits that SADC's approach to mediating conflicts in the region suffers from an insufficient understanding of the complex political dynamics of conflict, ad hoc responses, and the lack of an institutionalised framework for member states to improve their governance and democracy processes thereafter. SADC's reference to peace settlements as 'successful' is restrictive in measuring the real impact of its interventions on the ground. In many conflict situations where SADC has intervened, including Zimbabwe from 2007 and Lesotho in 2014, conflict transformation has proven difficult to the extent that countries relapse into conflicts with the same if not increased vigour than before. The criterion of success SADC uses is unclear.

Based on two country cases where SADC mediation produced political settlements considered as a basis for deeming its mediation successful, the study argues that the settlements failed to deal with the root causes of the conflict, and therefore undermined the organisation's effectiveness. It unpacks the notion of effective peacemaking, focusing on mediation and the development of evaluation criteria for mediation based on the concept of systemic conflict transformation (SCT) drawn from Lederach's work on conflict transformation.

Lederach (2003) defines conflict transformation as the process of changing relationships between the parties as well as in wider society, addressing the structural causes that led

to the conflict in the first place. He argues that this goes beyond conflict management, as it is not only solely about addressing surface issues but also the underlying social structures and relationship patterns in a conflict context (Lederach, 2003). Conflict transformation offers an approach to peacemaking that identifies the potential for constructive change in contexts where there are repeated and deep-rooted cycles of conflict episodes. In such cases, avenues to promote transformational change are pursued through the relational and structural patterns of a conflict (Lederach, 1997, quoted in Paffenholz, 2009, p. 4). Systemic conflict transformation draws from Lederach. It can be defined as a methodical approach to conflict transformation that integrates systemic thinking into conflict transformation strategies in order to address complex conflict situations and peace processes (Berghof Research Center for Constructive Conflict Management, 2008). The unique contribution of this approach to mediation is that it: focuses on change processes and resources within a country's system of political conflict and facilitates the identification and contribution of relevant internal actors and external institutions; generates hypotheses about the most effective interventions by focusing on change processes and resource within the conflict system; and helps operationalise guiding principles like inclusivity in a mediation, by initiating and institutionalising resource networks of key stakeholder groups, and other peace support structures (Berghof Foundation for Peace Support, 2006, p. 3)

The SCT approach also emphasises that identifying key causes of a conflict can be fraught with controversy. For this reason, there is acknowledgement that analyses from third parties should strongly be informed by local perceptions and knowledge of the conflict beyond those from political elites (Berghof Foundation for Peace Support, 2006, pp6-9. A comprehensive definition of a conflict that reflects local perceptions of it is understood to help identify the resources for changing it. It can foster local ownership of peace settlements that generate its own resources, momentum, and legitimacy for political and social change (Berghof Foundation for Peace Support, 2006pp6-9). An SCT approach is compatible with mediation, but depends on how mediation is designed, and the end goal envisioned (Mediation Support Network, 2014, p. 12).

1.3.1 Assumption

The study makes the assumption that SADC's past mediation efforts in Lesotho and Zimbabwe were largely aimed at securing short-term political settlements and that its mediation approach is not suited to addressing the root causes of conflicts. This is hypothesized to limit its effectiveness as a peacemaking organisation. In terms of causality, the independent and dependent variables are identified. The independent variable depends on other measurable factors. It is expected to change as a result of an experimental manipulation of the independent variable or variables. This is the presumed effect. The study investigates the relationship between SADC mediation efforts (the independent variable) and dependent variables associated with the factors that contribute to conflict transformation. The dependent variables are drawn from the systemic conflict transformation model, and are based on its five dimensions. They consider the extent to which interventions were: inclusive and built on internal resources for transforming conflict landscapes; supported processes of comprehensive social change in the long term; adopted a multi multi-track approach, which is best suited for the SCT model; flexible in incorporating elements initially omitted in the initial stages of negotiations and; monitored in a systemic way.

1.3.2 Aims and objectives

This research therefore aims to develop a framework for evaluating the effectiveness of SADC's peacemaking interventions generally, on the basis of those in Lesotho between 2014 and 2016, and in Zimbabwe from 2007 to 2013. This framework factors in SADC's own evaluation criteria (where they exist) as well as those deduced from the concept of systemic conflict transformation, which is designed to reframe the way in which peacemaking initiatives are conceptualised and pursued to transform conflict contexts. The study acknowledges that an organisation's contributions to peace are multifaceted, and therefore does not claim to capture all the nuances of the process. It simply attempts to provide an instrument for a nuanced assessment of SADC's efficacy as a peacemaking organisation.

1.4 Research questions

This study revolves around one main question: how effective is SADC mediation, and

what are the conditions that drive its effectiveness in achieving conflict transformation? In answering this, the study is guided by the following additional questions:

- Factors that shape SADC's effectiveness in peacemaking;
- How SADC mediation is structured and measured; and
- The extent to which SADC mediation can contribute to conflict transformation.

1.4.1 Case study selection

The approach to selecting the case studies is drawn from literature on research methodology that focuses on case study selections and comparative research. The research adopts a case study approach because of its usefulness in establishing research findings. This is explained by Klotz (2008, p. 49) who finds case studies useful for tracing a causal process that links a proposed independent variable to a dependent one, in order to offer an explanation for why a certain pattern emerges. She notes that this approach should be guided by the study's core questions, assumptions, and theoretical framework, in order to lead to reasonable conclusions. Klotz (2008) suggests consideration of the following questions in choosing a case study. The first is about the appropriate unit of analysis: in other words, are countries the appropriate level at which the study must be pursued? The study's logic is that mediation is a process, which finds expression in countries. As such, an investigation of aspects of mediation has to locate the physical expression of that process in a particular country.

The second consideration Klotz provides is the need to take into account 'the universe of possible cases' and the logic of comparison implied by the research question (2008, p. 43). The approach used here is deductive. The research examines the numbers and frequencies of mandated SADC interventions in the region. So far, it has sought to resolve conflicts in four member countries, namely the DRC, Madagascar, Zimbabwe and Lesotho. Strictly speaking, it has only mandated mediation, or some form of it, in three countries: Madagascar, Zimbabwe and Lesotho. The study identifies the frequency of interventions or diplomatic engagements in these three countries, and concludes that Lesotho and Zimbabwe have received more instances of mediated diplomatic engagement than Madagascar. This is important going back to the study's identified problem statement or rationale to look at cases where conflicts recurred after mediation.

The third consideration Klotz gives is to identify the logic of comparison (Klotz, 2008, p. 47). For this, the study relies on the literature review of SADC mediation generally and how it has unfolded in Lesotho and Zimbabwe. It finds that one of the dominant critiques of SADC's engagements with those two countries is that it lacked an institutionalised mechanism for mediation, which was only conceptualised in 2010 and later created in 2014. In lieu of an institutional mechanism, SADC's intervention in the Zimbabwean crisis from 2007 to 2013 was undertaken by South Africa, upon appointment by the SADC Summit. South Africa as the mediator would facilitate negotiation among the principals, and report to both the Organ and the SADC Summit.

Conversely, SADC's involvement in Lesotho from 2014 onwards took place in the context of the establishment of its mediation structure. It also had more processes on the ground compared to Zimbabwe. This includes, for instance, the SADC Observer Mission in Lesotho (SOMILES) that established an office in Lesotho's capital of Maseru; the 10-member Commission of inquiry led by the Botswana High Court judge Mpaphi Phumaphi; and an Oversight Committee in Lesotho (SADC, 2015b), deployed to the capital to serve an early warning function for SADC. The logic of comparison also applies to why Madagascar and DRC were not chosen as case studies.

This study strictly focuses on cases of political conflicts where SADC was the sole mediator. In the case of Madagascar, international actors become involved in the crisis at an early stage (Cawthra, 2010, p.14). The International Organisation of la Francophonie, the Indian Ocean Commission, the European Union (EU), the UN, SADC, and the AU, combined into the International Contact Group (ICG), which undertook mediation in Madagascar. Similarly, in the DRC, SADC is complementing ongoing multilateral efforts. The AU is the official mediator in the DRC. SADC provides peacekeeping support to the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) and its Force Intervention Brigade (FIB), consisting of troops from Malawi, South Africa, and Tanzania. The AU mediates aspects of the political dialogue with support from the International Conference on the Great Lakes Region (ICGLR) (Africa Centre for Strategic Studies, 2017).

1.4.2 Periods of analysis

Haydu's work on the validity of periodisation (1998) lends insight into how the study is organised. He finds that when dealing with time periods, two cases can be related not only through comparisons and contrasts, but also through sequences of events (Haydu, 1998, pp. 338-339). However, he suggests a self-conscious use of narrative, including the variety of narrative known as path dependency, to organise events into causal sequences (Haydu, 1998, p. 339). This study deals with SADC's mediation of the conflicts in Lesotho and Zimbabwe throughout their respective durations, from 2007 to 2013 in the case of Zimbabwe, and from 2014 to 2016 for Lesotho. Both conflicts are analysed in their historical contexts, applying a narrative, path dependency, and reiterated problem-solving approach in order to compare and connect events in different time periods. To do this, the case studies are structured to guide and standardise data collection as well as the systematic comparison and analysis of the accumulated findings. In both cases, the five dimensions of conflict transformation approach – personal, relational, structural and cultural – are elaborated and analysed.

1.5 Political and security cooperation in SADC

SADC mediation takes place in the context of a broader institutional peace and security architecture. Whether it works or not is influenced by the assumptions upon which SADC's security cooperation project is based, and how it conceptualises conflict resolution. These factors are historical, as the organisation has gone through different phases of political security cooperation that have informed its responses to conflict. It has essentially evolved through four phases. The first relates to the initial years of its genesis in which a loosely structured security coordination forum for post-colonial states called the Front Line States (FLS) was operational from the early 1970s until 1992. This is the oldest form of security cooperation in the region. It was a political grouping set up in 1975, spearheaded by Tanzania and Zambia, to combat white minority rule in southern Africa and to crisis-manage the Rhodesia/Zimbabwean war. It originated from the Liberation Committee of the Organisation for African Unity (OAU), and comprised five countries – Zimbabwe, Angola, Mozambique, Tanzania and Zambia – some of which later became influential in SADC (Francisco, 2004).

The FLS became an important instrument for harmonising the policies of African countries in support of the southern African liberation struggle. Following the liberation of Angola and Mozambique in 1975, it functioned as an informally constituted political grouping, operating primarily at the level of heads of state. It was primarily responsible for blunting attempts by South Africa from 1979 to 1980 to extend its influence over some countries in the region, including Botswana, Lesotho, Malawi and Zimbabwe, by including them in a proposed 'Constellation of Southern African States' (CONSAS) (Evans, 1984, pp. 1-2). When, in 1980, Zimbabwe gained its independence, it became the sixth member of the FLS.

Its membership coincides with the second phase of cooperation from 1980 to 1990, in which focus of the FLS expanded from political to economic liberation. In April 1980, the five Frontline States joined by Malawi, Lesotho, and Swaziland signed an agreement called the Lusaka Declaration on Economic Liberation (SADCC, 1987), which laid the basis for the launch of an organisation named the Southern African Development Coordination Conference (SADCC). It was established through the Lusaka Declaration, a legal text that outlined its objectives, mainly resource mobilisation for development projects within southern Africa as well as foreign policy coordination. The focus around this time was to develop a strong sense of solidarity within the region, and for the region to develop itself. SADCC provided post-independence southern African governments with their first platform for regional economic co-operation (Isaksen & Tjønneland, 2001). The FLS remained active after SADCC's creation; it was more of an alliance than an institutionalised mechanism for political and security cooperation.

The third phase involves the transformation of SADCC into SADC, and the pursuit of a regional integration instrument. It started in the late 1980s when the presidents of SADCC countries decided to shift its focus from loose cooperation and develop a more robust institution that could facilitate development in the region, and help countries emerging from protracted conflicts. SADC was established in January 1992, and later welcomed South Africa as a member. Its founding treaty, the Windhoek Treaty, reflected its expanded regional integration orientation. Its objectives, as listed in Article 5, include the development of common political values, systems and other shared values, transmitted through institutions that are democratic, legitimate, and effective; the con-

solidation of democracy, peace, security and stability; complementarity between national and regional strategies and programmes; and the coordination and harmonisation of the international relations of member states (SADC, 2015a).

The Windhoek Treaty also established SADC's main institutions. In hierarchical order, those were a Summit of Heads of State and Government as its highest decision-making body; the OPDSC; a Council of Ministers (COM), tasked with overseeing the functioning of the organisation; an Integrated Committee of Ministers (ICM); a Standing Committee of Officials; a Secretariat, based in Gaborone, and headed by an Executive Secretary appointed by Summit; a Tribunal – SADC's supreme judicial body**;** and SADC National Committees (SADC, 2015a).

There still was no formalised policy on security cooperation. Between 1992 and 1996, attempts were made to formulate one that would no longer be squarely connected to the destabilisation of apartheid and the effects of the Cold War in countries like Angola and Mozambique (T. Salomão, interview, April 29, 2015). This led to a 1993 draft Framework and Strategy prepared by the SADC Secretariat to formalise security cooperation among SADC countries. But its recommendations were rejected by the FLS coalition, which remained very influential. Led by Zimbabwe, this group advocated an entirely separate security entity to be called the Association of Southern African States (ASAS), which would be independent of the SADC Secretariat. Other member states wanted to transmute the functions of the FLS within a more democratic framework for cooperation (Nathan, 2006). A compromise was reached in 1996, and SADC countries agreed to establish the Organ for Politics, Defence and Security. Its protocol emphasised that it should operate at the Summit level, independent of other structures (SADC, 1996). Zimbabwe chaired it from the beginning, but there were disagreements among SADC countries over its autonomy. This led to a stalemate in its institutionalisation.

From its launch in 1996 until 2001, Zimbabwean had a five-year monopoly over the Organ, and exercised discretion over which conflicts it should address (Nathan, 2012, p. 39). Ongoing conflicts during this time included intrastate conflicts in the DRC and Angola, and a coup attempt in Lesotho. South Africa, which joined SADC in 1994 after its transition to inclusive democracy, was one of the more vocal critics of Zimbabwe's monopoly over the Organ. During this period, SADC did not have an institutionalised me-

diation mechanism, but interventions had to be authorised by all SADC countries. SADC interventions in conflicts were subsequently shrouded in controversy, with some countries appearing to do it unilaterally under the guise of SADC. The interventions in the DRC and Lesotho reflect both the controversies of this period and the degree of rivalry between South Africa, Botswana on one side and Zimbabwe, Angola and Namibia on the other.

The DRC was admitted to SADC in 1998 after Laurent Kabila's forces had defeated Mobutu Sese Seko. Its membership was initially not supported by South Africa, because SADC had placed a moratorium on new members in 1995. Moreover, the DRC also belonged to other regional groupings in central Africa, and some member states believed extending its membership to SADC would serve to export its conflicts to the southern region (Q. Masire, interview, July 15, 2015). In August 1998, Zimbabwe unilaterally authorised and led a SADC military incursion in the DRC, along with troops from neighbouring Angola and Namibia. They were deployed on the side of Kabila's forces to defend the capital, Kinshasa, against a rebel attack (Mutisi, 2016). De Coning (1998, p. 21) notes that Zimbabwe saw the intervention as necessary in order to prevent what Kabila referred to as a foreign invasion by its neighbours, Rwanda and Uganda, in the guise of a rebellion. The Kabila government argued that the rebel uprising was an attempt to violently overthrow a legitimate government (De Coning, 1998, p21-22). South Africa, which chaired the SADC Summit at that time, was also opposed to the intervention, and declined to send its troops in support. Barely a month later, however, South Africa and Botswana carried out a military intervention in Lesotho following a military mutiny in that country (Likoti, 2007, p. 254). Questions were raised about whether the intervention was authorised by SADC or was purely unilateral (Matlosa, 1998; Molomo, 1999; Neethling, 1999; Muntschick, 2011). South African officials claimed the intervention to be SADC, as South Africa chaired SADC at that time, and Lesotho's prime minister had directly requested assistance (Likoti, 2007, p. 256). But it turned out that the intervention had not been approved by a SADC Summit, but only by the defence and security ministers of SADC member states. At the time of the intervention, SADC had no official document regulating interventions, apart from a Communiqué in respect of the Protocol establishing the OPDS, which would be tasked with dealing with

these issues (Likoti, 2007, p.255). Some analysts like Likoti (2007) argued that South Africa had intervened in the conflict in order to protect its water supply from Lesotho.

The two interventions reinforced the need for SADC to develop a framework for conflict resolution, and another guiding aspects of military intervention (Macaringue, 2006, p. 117). In 2001, SADC leaders signed a protocol that described and established the Organ's powers and functions, namely a Summit of Heads of State and Governments; two ministerial committees (on defence and security, and politics and diplomacy); and a Directorate, its executing agency, located in the SADC Secretariat. All decisions to intervene in conflicts were meant to be taken by consensus, and would be binding. In 2004, SADC council of ministers developed the Strategic Indicative Plan for the Organ (SIPO) as the OPDSC's implementation plan, to be re-evaluated every five years. The plan was originally divided into four sectors (political, defence, state security and public security), and objectives, activities and implementation strategies were identified for each (Oosthuizen, 2006, p. 127). But the SIPO itself had no strict implementation framework, and no institutionalised mechanism for evaluating it. Conflict mediation was still evolving, and was initially ad hoc and uninstitutionalised. Malan (1999) confirmed that there was a lack of institutionalised structures at the sub regional level to deal with conflict management and resolution activities, especially non-military activities.

The traditional practice was to deploy presidents, former presidents, or elder statesmen to engage with parties involved in conflicts. This included Presidents Thabo Mbeki (South Africa), Quett Masire (Botswana), and Joaquim Chissano (Mozambique). Khadiagala (2016, p5) argues that those processes mostly lacked institutional bases for leverage because regional institutions themselves were struggling to define their mandates and authority. Thus, one of the problems facing those mediators was how to navigate their roles against the backdrop of weakly institutionalised structures for conflict resolution. In 2007, SADC sent Masire to Lesotho to mediate an election-related dispute, and also selected Mbeki to intervene in Zimbabwe after President Robert Mugabe had effectively lost an election.

These interventions were affected by the prevailing makeup of SADC, largely of governments whose ruling parties were former liberation movements that had fought in the

liberation struggle during the FLS days (Southall, 2013). They had held onto power since their countries' independence, and generally did not – and still do not – accommodate new post-liberation political parties (Ndlovu-Gatsheni, 2011, p. 16). Liberation movements in power in SADC include the African National Congress (ANC) in South Africa; the MPLA (Movimento Popular de Libertação de Angola) in Angola; FRELIMO (Frente de Libertação de Moçambique) in Mozambique; SWAPO (the South West Africa People's Organisation) in Namibia; and the Zimbabwe African National Union-Patriotic Front (ZANU-PF) in Zimbabwe.

1.6 Security and conflict trends in SADC

Two themes in the peacemaking and mediation field warrant a brief mention. The first is the question of conflict trends in the region, and the factors that account for them. The second is around governance and vulnerability to conflicts. One point of departure is to acknowledge that, unlike other regions in Africa, SADC countries are threatened largely by factors other than widespread civil conflict. Except for the protracted conflict in the DRC, low-intensity conflict in Mozambique, and political conflicts in Lesotho and Zimbabwe, the SADC region has generally been stable, but along the lines of Galtung's concept of negative peace (Galtung, 1969). This study argues that most SADC countries appear to be stable, but are vulnerable to political conflicts related to contestation over political or state power. Here, we need to recall that a political conflict is characterised by the clash of political subjects, who struggle to enforce their interests and goals usually aimed at gaining, controlling and distributing power, and changing their political status within the society.

Four categories of countries in SADC can be discerned. The first is made up of countries in prolonged and violent political crisis. The DRC best illustrates this as a country caught in vicious cycles of violence and insecurity. Studies of the DRC (Huma, 2015; The Enough Project, 2012) conclude that the DRC government has simply lacked the political will to address the root causes of instability, in its eastern territories in particular, and that any external effort to assist the DRC government in its current makeup would falter. A second category comprises countries in post-conflict or political transitions. This includes Madagascar, whose democratic transition in 2013 was meant to sta-

bilise it. But because of a history of military coups, bad governance and maladministration, a new political crisis emerged (Cook and Ploch, 2012).

Mozambique, where a long-term, stagnant post -conflict context prevails, falls into this category as well. It is a country unable to fully exit from the post-conflict circumstances that have prevailed since the end of its civil war in 1992. Angola also experienced a civil war from 1975, continuing, with some interludes, until 2002. It stabilised after nearly four decades of civil war. But in reality, it secured a military peace, and still faces huge challenges in rebuilding its infrastructure, developing strong effective governance institutions, and opening up democratic space (Sogge, 2009, p. 22). This is also despite its natural resource wealth as Africa's second-largest oil producer, which, if well managed, could assist its development. The third group of countries are those that are stable but susceptible to periodic political upheavals. Zimbabwe, Lesotho, Zambia and Swaziland fall in this category. Zimbabwe could also be characterised as a post-conflict country, although it has not been subjected to the requisite international interventions and regional efforts (Centre for Conflict Resolution, 2011, p. 15). The fourth category comprises countries that are stable, and exhibit high levels of regime legitimacy, but experience sporadic social unrest. Their democratic institutions are quite robust, but their governments' inability to provide basic services could contribute to an outburst of internal grievances. They are Botswana, Namibia, South Africa and the Seychelles.

These categories are not mutually exclusive, and various factors, depending on a given country's historical, security and developmental context can trigger conflicts. As stated previously, SADC countries are largely threatened by factors other than widespread civil conflict. Those factors are typically internal, and are typically shaped by post-colonial experiences. Southern African states are structurally and organisationally built around their colonial origins. The post-independence period saw what has been referred as the appropriation of the African state by the immediate post-independence African elite, on account of their claim to have liberated their countries from the colonisers. They blurred the lines between the public and the private realms, and between state and private interests. In the 1990s there was a wave of democratisation and a regeneration of popular legitimacy against authoritarian governments that had been inaugurated in the 1990s.

But the consolidation of this progress has been difficult. In the second decade after democratisation, those countries struggled with the teething problems that are typical of transitional democracies: weak political parties and parliaments, strong executives, and apathetic mass engagement in politics (Kadima & Booysen, 2009). There exists a dual conundrum of consolidating democratic practices while also creating governance structures that meet the mounting demands of equity, prosperity, and stability. Both processes of democratic consolidation and effective governance have proceeded against the backdrop of widespread societal expectations around democratic dividends.

The overall picture is of a region in which most countries have established political systems based on electoral accountability and alternation in leadership, but patterns of authoritarian governments, socioeconomic inequalities, and inadequate attention to the delivery of services continue to impede the consolidation of democratic governance. These trends persist despite the growing confidence in democratic procedures in the region as well as macro political patters that reveal a decades-long dynamic towards the expansion of pluralism and the rotation of leaders. But the ascendance of new parties to power is fraught with challenges, and the systems within which participation occurs fundamentally define political inclusiveness or exclusiveness in SADC member states

Furthermore, democracy has rejuvenated an interest in the functional institutions of probity and accountability, but southern Africa has struggled to develop effective states that reconcile economic growth with equitable objectives. Government effectiveness and the capacity to formulate and implement sound policies relate to the ability of bureaucratic institutions to implement policies crafted by legislative and executive branches. This depends on how elected governments have negotiated vital public policy questions with stakeholders, including civil society and the wider public. In these intricate negotiations, representative institutions grapple with the tensions between effectiveness on the one hand and accountability, transparency, and responsiveness on the other.

The institutional landscape for policy effectiveness throughout the region therefore ranges from states recovering from civil wars, such as Angola and the DRC, to better performers such as Botswana, Mauritius, and South Africa, with steady legacies of bureaucratic competence. The latter states have variously laid claims to the status of democratic developmental states because of strong bureaucratic systems and robust repre-

sentative institutions. The majority of southern African states have made progress in resuscitating public service institutions for policy implementation, but still lack capacity. Bureaucratic constraints are further magnified where legislative institutions cannot perform their oversight roles, and where political leaders still command significant policy discretion. This is the case in the DRC, Angola, Madagascar, Mozambique, Lesotho, Swaziland, Zimbabwe, and Zambia. Most of these states and their governance structures have been objects of political contestation since independence.

Contemporary peace process in southern Africa that help countries to transit from conflict to stability have almost inevitability included requirements for elections. Blanc, Hylland and Vollan (2006, p. 5) argue that if well designed and managed, elections can create legitimate political structures that promote conciliation, and lead to controversial issues being resolved. The design of electoral systems themselves can determine their role in the peace-making process, based on whether they create representative assemblies, support accountability for elected members, and promote equality in voting and civic rights (Blanc, Hylland & Vollan, 2006, p. 11). Southern Africa has two dominant electoral systems: first past the post (FPTP), and proportional representation (PR). Nine of the 16 SADC countries have opted for FPTP systems, which have been widely criticised for excluding losers and entrenching ruling parties (Kadima, 2009, pp. 1-22). There have been repeated calls by opposition parties in Botswana and Zambia, for instance, to reform their FPTP systems (into mixed member PR systems) so that losing parties could find room for representation on the basis of the votes garnered during elections. Angola, South Africa, Madagascar, Namibia and Mozambique have PR systems in which political parties or party coalitions present candidates for elections.

Under the PR system, candidates contest elections on behalf of their parties, while voters elect political parties only; the number of seats a party wins is proportional to its electoral strength. Although the PR system has been lauded for fostering minority representation, some critics have charged that it encourages the proliferation of minority parties, which prevents the evolution of a strong and coherent opposition. Unlike the constituency-based system, the PR system also lacks accountability, alienates voters from their elected representatives, and makes parliamentarians vulnerable to the whims of party leaders. But the same could be said for Lesotho's mixed member proportional

(MMP) system initially adopted in 2002 from FPTP. It combines elements of FPTP and PR. Its use in the 2007 elections provoked fierce contestation among parties that resulted in post-election violence, and triggered SADC mediation. Matlosa (2008, p. 20) argues that the MMP system was meant to facilitate the transformation of Lesotho's political culture away from adversarial and towards consensual politics, but has had the opposite effect, and has been open to manipulation.

There is contestation around the management of natural resources as well, where their abundance has fostered enormous governance problems such as corruption and criminality. Numerous southern African states are dogged by the resource curse. The DRC and Angola are long-standing examples, because of the insularity of their ruling elites from the populace, opaque decision-making processes, and widespread corruption. Countries with newly discovered resources, like Mozambique, Tanzania, and potentially Malawi, face the daunting task of expeditiously building transparent institutions that will better manage those resources, and better meet the demands of local populations. The management of Lesotho's abundant water resource has been riven with corruption and political scandals, which have contributed to its political conflicts (Transparency International, 2014). Khadiagala, (2012, p. 25) argues that because these governments are undemocratic and are not subjected to transparency and accountability in their own countries, they cannot be restrained or constrained by regional governance mechanisms, which are essentially presided over by themselves. SADC manages all internal challenges in the same way. It expects its member states to abide by their general responsibilities outlined in the SADC Treaty, the OPDS protocol and the SIPO. Member states themselves are responsible for implementing the organisations' objectives and policies with respect to internal development and the strengthening of their democracies (Oosthuizen, 2006, p. 130).

1.7 Literature review

This section draws attention to scholarly debates on mediation approaches and mediation effectiveness. The literature on conflict mediation in international relations and in African conflicts in particular is robust. Similarly, the definition of mediation is broad and may also include other operational concepts, depending on their usefulness to the conflict under investigation. A useful approach for this study is to restrict itself to litera-

ture closely associated with its research questions, which interrogate the nature and context within which mediation takes place, the factors that inform mediation approaches, sustaining mediated outcomes and debates on measuring an organisation's effectiveness in mediation. A loose definition of mediation is provided by LeBaron Duryea (2001, p.121), who sees it as a process in which a third party helps disputants to resolve a dispute or plan a transaction, but does not have the power to impose a binding solution.

A similar definition is provided by Nathan (2010), who sees it as a process of dialogue and negotiation in which a third party assists two or more disputant parties, with their consent, to prevent, manage or resolve a conflict without resort to force. The general goal is to enable the parties to reach agreements they find satisfactory (Nathan, 2010, p1). Moore (2003) provides a comparable definition, seeing mediation as an extension of a negotiation process that involves the intervention of an acceptable, impartial, and neutral third party, which has no authoritative decision-making power, to assist contending parties in voluntarily reaching their own mutually acceptable and implementable settlements. In this definition, mediation is described as involving other processes like negotiation.

This is the trend followed by some scholars including Bercovitch and Jackson (2001). They view mediation as an extension of negotiation, and both as the main non-coercive methods of managing disputes in a conflict. They define mediation as 'an extension of negotiations' where parties to a dispute seek the assistance of, or accept an offer of help, from a party not directly involved in the conflict, to resolve their differences without invoking the authority of the law (Bercovitch and Jackson, 2001, p. 59). They define negotiation as a process where states and other actors communicate and exchange proposals in an attempt to agree about the dimensions of conflict termination, and their future relationship (Bercovitch and Jackson 1997, p.25 -26). They attribute the difference between the two to the resources and expanded relationships that mediation brings to the conflict management effort. Hopmann (1996) and Bercovitch and Houston (1996) refer to 'facilitative' mediation, and define it as a set of techniques that help the actors to identify mutually acceptable alternatives to violent conflict.

The variations in definitions are relevant to this study because of debates that have been raised about the exact role of SADC in mediation processes. For instance, in the case of

Zimbabwe, SADC referred to then president Thabo Mbeki as a 'facilitator' instead of 'mediator'. There were wide debates on the exact mandate and role of a facilitator, and whether a facilitator could also mediate (Mhandara & Pooe, 2013; Dzinesa & Zambara 2011). The same goes for Lesotho as Cyril Ramaphosa was chosen at the Lesotho facilitator. But his mandate arguably went beyond a simplified definition of facilitation as he mediated tensions between different conflicting groups in Lesotho. The Berghof Foundation (2012, p. 50) states that facilitation shares with mediation the presence of the 'third party' in a conflict. But it agues that facilitators, 'like mediators, help the group to communicate effectively and improve their mutual understanding' (The Berghof Foundation (2012, p. 50). Furthermore it emphasises that their responsibilities relate to the process rather than the content, but argue that, unlike negotiation and mediation, a facilitation process does not necessarily strive to reach an agreement.

At the same time, achieving an agreement or settlement is not excluded. Consequently, facilitators do not have to be mandated to enter into a binding agreement; hence a distinction is made between settlement-oriented and relationship-oriented facilitation (The Berghof Foundation, 2012, pp. 50-51). For Bercovitch (1992), facilitation is low-level mediation. But some scholars, including Dixon (1996), argue that facilitation is distinct from mediation, labelling it as 'solely a conflict resolution–promoting endeavour' similar to third-party consultation. The difference, it seems, boils down to two variables: the goals and processes of each. In mediation, the goal is to get an agreement, whereas in facilitation, as the term implies, the goal is to help accomplish certain objectives within an ongoing process.

Scholars also differentiate between the different types or tracks of diplomacy in mediation or third-party interventions, and their strengths and weaknesses. Diplomacy tracks are common in today's conflict resolution vocabulary. They have evolved from the 1980s with the works of Ziegler (1984), De Magalhaes (1988), Montville, (1991) and Diamond and McDonald (1996), Nan (2003) and Mapendere (2005). They include 'track one', 'track one and a half', 'track two', and 'multi-track' diplomacy. Track one diplomacy refers to the intervention of decision-makers, and involves states and other official actors (Diamond and McDonald, 1996, p. 28). It works on behalf of the authority and power of an official entity. The skills, resources and interests of those actors di-

rectly influence the intervention (Diamond and McDonald, 1996, p. 30). But the weakness of this approach is that peace processes are corrupted by power, and can suppress the issues riling weaker parties. State power then becomes a liability to durable peace, rather than a facilitative tool (Mapendere, 2005, p. 67).

Nan (2005) describes 'track one and a half' as a type of hybrid diplomacy comprising interaction between official representatives of conflicting actors mediated by a third party not representing a political institution. Mapendere (2005, p. 72) finds that it helps address some deficiencies of 'track one' diplomacy, and directly influences power structures without being driven by governmental political agendas.

Diamond and McDonald (1996, p.37) describe 'track two' as an unofficial, informal interaction between members of adversarial groups with the goals of developing strategies, influencing public opinion, and organising resources in ways that might help resolve a given conflict. The main difference in this case is that the actors are recruited from unofficial representatives, non-governmental organisations (NGOs), regional and local leaders or grass roots groups. Mapendere (2005, p. 69) explains that this approach can empower disenfranchised groups, giving them a platform to contribute to the peace process, and that these actors are not affected by electoral cycles. This approach has been suggested as most effective when dealing with protracted social conflicts. But these groups have no political power, and their influence is limited. For instance, any agreement reached would lack an enforcement mechanism except for the participants' commitment to follow through on the agreements.

Multi-track diplomacy is described by Mcdonald (2003) as an expansion of the distinction between track one (official, governmental action) and track two (unofficial, non-governmental action) approaches to conflict resolution. He describes it to embrace a systems approach to peacemaking and peace building, and that it encompasses three main categories of activities during and after mediation. The first is political peace building, which is accomplished through track-one diplomacy and may consist of political rebuilding. The second is economic and institutional peace building, which is also a function of track-one diplomacy. It involves the rebuilding of infrastructure and international institutions. The last is social peace building, a component diamond argues to often be unacknowledged by traditional peace building actors (Mcdonald, 2003). He de-

scribes social peace building as approaching peace through the human element. He adds, "this framework is established by supporting community leaders with skills and tools by which prevention of violence and prevention of escalation are possible" (Mcdonald, 2003)

1.7.1 The efficacy of mediation

National conflicts have common features and exhibit common challenges, and their resolution, among other factors, mainly depend on the mandate given to the mediator from the mandating organisation. Nathan (2017, pp. 155-175) has discussed the effects of different types of mandates on the mediation process. For the most part, he considers them to set the parameters of the process and the outcome of peacemaking, to possibly constrain the mediator and the parties to the conflict as well (Nathan, 2017, pp. 174-175). Aeby (2017) illustrates the importance of the mandate and its development process in the outcomes of a mediation process by referring to Zimbabwe. He observes that the SADC mandate went through several stages of development from the initial talks in 2007, through the post-election crisis in 2008 to the mandate later conferred onto President Jacob Zuma as the guarantor of the Global Political Agreement (GPA), responsible for facilitating its implementation as well as the SADC Roadmap to Elections until they were held in July 2013. Mandates can therefore influence the orientation, trajectory, and results of a mediation (Aeby, 2017, p. 273).

Generally, studies gauge mediation in two ways: through the lens of failure or success; and through a measurement of effectiveness. Some scholars, including Blair Sheppard (1984), refer to mediation success by looking at what transpires at the mediation table, as well as its outcomes (what has been achieved or not achieved). He measures success in terms of four criteria: fairness, efficiency, satisfaction, and effectiveness (Sheppard, 1984, quoted in Bercovitch, 2006, p. 292). Kriesberg (1991, p. 20) sums up the common ways to measure success in terms of the mediation's contribution to the de-escalation of conflict, and a movement towards an acceptable agreement or reconciliation, under the prevailing conditions.

But Bercovitch (2006) argues that success can also be subjective, and none of the criteria can be used by itself as a total indication. He explains that 'there may be no success-

ful outcome in any sense of the word, but the parties still feel they have achieved success in the process … there may be a process of mediation marred by many procedural disagreements and dissatisfactions, but it may lead to a cessation of violence and even a formal agreement' (2006, p. 291).

Burton's work on conflict and human needs is also instructive (1988). He argues that conflict resolution or the extent of solving a conflict is defined by 'what is believed to be its nature, one's theory of conflict, and the very definition of resolution as opposed to management or settlement' (Burton, 1988, pp. 10-11.) He defines resolution as an outcome that, in the view of the parties involved, is a permanent solution to the problem (Burton, 1988, p. 2). In his view, conflict resolution is an analytical and problem-solving process, and in the long term, a process of change in political, social and economic systems. Conflict resolution is thus presented as being more useful than its settlement. Bercovitch (2006, p. 295) agrees with this dichotomy, but argues that resolution alone cannot imply success, because of the complexity of conflicts and the time it takes to resolve them. In many conflict situations, a resolution may prove impossible, as the parties may have experienced years of violence and destruction. A transformation in attitudes and behaviour will not occur overnight, or even in the course of a few years.

The discussion of settlement versus resolution raises questions about the feasibility of peace agreements, and their viability. Most peace agreements generally aspire to be precise and comprehensive blueprints that contain all steps to be taken by warring parties over a specific period of time in order to end conflicts, embark on the reform of state institutions, move towards national reconciliation, and consolidate democracy. But the implementation of peace agreements is contingent on many factors outside the actual mediation process itself. The challenges of the post-agreement phase of peace processes are captured by a number of scholars and practitioners looking at how peace agreements are implemented. According to Hartzell, Hoddie and Rothchild (2001, p. 199) peace agreements, last for less than five years on average. The reasons include a lack of follow-up, lack of a supportive environment, and a failure to address the root causes of conflict (Hartzell, Hoddie & Rothchild, 2001).

They argue that the period immediately after the signing of a peace agreement is the most uncertain and risky in the entire process, and can signal its failure. But these are

contingent on the potential effects of the environment in which settlements are negotiated, and focus on the impact of settlement arrangements themselves. For Jean Arnault, who served as a UN mediator between April 1992 and December 1996 and as the Special Representative of the Secretary General for Colombia, the durability and implementation of peace agreements boil down to two approaches to reaching negotiated settlements (Arnault, 2015, p.2). He describes the first as a 'constitutive' approach that views the substance of the peace agreement as key to the overall peace process, and conforming to stringent requirements which an agreement should meet: precision of wording, technical feasibility, international legitimacy, and a detailed implementation timetable, among others. This, to him, may make the difference between a 'good' agreement that can contribute to durable peace, and a 'bad' agreement that results in delays, setbacks, or even the collapse of the peace process.

The second is the instrumental approach, which sees the agreement as one of many stages in a complex transition. There is no strict emphasis on its implementation, and the agreement itself is conceived as part of the successful outcome of a peace process, with the implementation details to be thrashed out at a later time. Arnault (2015, p. 2) argues that, in this case, concern over the agreement's imperfections, feasibility or legitimacy should be weighed against the paramount need to maintain the momentum of the overall transition. He goes on to describe ambiguities, lacunae, and even stark impossibilities in the agreement as 'acceptable costs', arguing that, over time, ambiguities will be lifted, lacunae will be filled, amendments will be made to take account of impossibilities – and, most importantly, the relevance of seemingly intractable issues will erode as the parties gradually learn to value accommodation over confrontation.

Implementation in that sense should not be expected to be a mirror image of the original agreement, and the peace settlement will be given final shape as and when it is implemented. Arnault referred to this as a process of 'gradual accommodation' between the peace agreement and the realities on the ground (Arnault, 2015, p1). Indeed, there are examples of the latter approach working in Africa, although the risk of regression is quite high. The 2002 Burundi Peace Agreement, for instance, was signed with deep lacunae (in the absence of some of the belligerents at the negotiating table), the peace agreement lacked agreed provisions on the cessation of hostilities, and there were exten-

sive ambiguities, as the signatories had reservations about and diverging interpretations of a large number of provisions (Arnault, 2015, pp. 2-4). These 'imperfections' were considered acceptable and constructive by the mediators and many among the signatory parties, in order to move the process forward. In many respects, the lack of emphasis on implementation was a bargaining tool in the mediation, and signing the agreement became much more symbolic to the bargaining process and to incentivising armed groups and exiled opposition leaders to join the peace talks more formally. As Arnault aptly points out:

> The expectation was that (a) the signing of the agreement would deprive the armed groups who remained outside the peace process of their political agenda and would pressure on them to cease the fighting; (b) the repatriation of opposition leaders in exile would lead the latter to become more realistic in their expectations and more accommodating in their demands; (c) the beginning of the implementation process, and particularly the formation of a broad-based coalition government including most opposition leaders, would give the latter the strongest incentive to make the process work, even at the expense of their initial political objectives. The major shortcoming of that plan, namely the refusal of the opposition to return because of a lingering fear of army repression, would be remedied through the provision of personal security for returning opposition leaders by international contingents (Arnault, 2015,p2**).**

There is a clear caveat in this approach in that it risks omitting key issues necessary for the process of transformation to take root. For instance, if issues of impunity and accountability – which play vital roles in most conflicts – are not dealt with as extensively as they could be during mediation, it becomes more difficult to incorporate them as part of an agreement's implementation. In Côte d'Ivoire's 2007 Ouagadougou Agreement, for example, the parties agreed to establish a permanent consultation mechanism to strengthen national unity, and an evaluation and monitoring committee responsible for periodic evaluation of the implementation of the agreement. Not all institutions were established, and some of the built-in dialogue mechanisms slowed the implementation process (Centre for Humanitarian Dialogue, 2009, p. 20). Whether implementation mechanisms need to be part of agreements, and whether such deliberate integration

could make implementation easier, is a recurring subject in SADC mediation discourse. But Arnault's proposed utility of holding off implementation can work up to a point. In Burundi, Hatungimana et al (2007, p. 20) contend that the Arusha Agreement was partially implemented after five years, and all peace agreements signed since then have attempted to address the root causes of the Burundi conflict by focusing on issues related to democracy (power-sharing), governance, security (reform and integration), and the development of implementation structures.

Scholars and policy-makers alike have paid increasing attention to the implementation of peace agreements, to the extent that there is increased emphasis in African mediation on buttressing peace agreements with implementation frameworks and instruments (Centre for Humanitarian Dialogue, 2009). Recent experiences have demonstrated that African countries emerging from conflicts need stronger frameworks for implementing peace agreements. Some of the better documented challenges of implementing peace agreements include the Comprehensive Peace Agreement (CPA) in Sudan, Kenya's 2008 Peace Accord, the DRC's 2009 Peace Agreement with the Congrès National pour la Défense du Peuple (CNDP), Zimbabwe's implementation of the 2008 GPA, Madagascar's SADC Roadmap signed in 2013, the recommendations of SADC's Phumaphi Commission of Inquiry in respect of Lesotho in 2015.

Analysts agree that most of these peace agreements have ended serious violence, and ushered in conditions that could facilitate peace and democracy. But levels of success have varied; depending on the degree to which these agreements have been implemented. Political will is one of the prerequisites for implementation, along with a sense of incentives or punishment in case signatories fail to comply with the terms of the agreements. This is why Mutisi (2011) recommended that organisations like SADC should, as part of their mediation, support peace agreements institutionally and systematically through well-coordinated follow-up system that oversee gaps in implementation as well as resolve anticipated and unanticipated challenges. He added that in crafting and facilitating peace agreements, mediators should include clauses that highlight actions for implementation as well as specific measures that can be taken when parties do not observe certain aspects of the peace agreements (Mutisi, 2011). But compliance enforcement is not easy, as the next section illustrates.

1.7.2 SADC mediation in Lesotho and Zimbabwe

Malan (1999) argues that responses to conflict by sub regional organisations in Africa have usually been ad hoc, because of a lack of institutionalised structures at the sub regional level to deal with conflict management and resolution activities, especially non-military activities. Indeed, in its early efforts, SADC took a case-by-case approach, relying on political leaders and individual countries to make security decisions instead of them having them derive from a collective supranational entity. SADC mediation interventions can be grouped into three main categories. The first concerns interventions in election-related disputes, as was the case in Zimbabwe and Lesotho in 2007. The second concerns interventions aimed at assisting a country or conflicting parties to overcome a political impasse. The third, which is often related to the first or the second, relates to interventions when a military has sought to usurp power. Madagascar's 2009 coup and, to a lesser extent, events in Lesotho in 2014 are illustrative. In all three categories, the legitimacy and legality of political power is an important conflict-causing factor. The question of power and how it is exercised is thus most relevant in the conflicts SADC mediates. SADC applied relatively different approaches and resources to those conflicts, depending on the mediation actors, the country's geostrategic features, and its capacities.

SADC has been active in mediation mainly through the appointment of mediators – typically a serving or retired president (Cawthra 2010, p. 11). A review of various studies of its performance in Zimbabwe and Lesotho is useful to this research, as it makes the case for a conflict transformation approach to the analysis. SADC's intervention in Zimbabwe from 2007 onwards was initially best known for the so-called 'quiet diplomacy' approach understood to be followed by the appointed mediator, the South African president Thabo Mbeki, and the intransigence of Zimbabwe's long-serving president, Robert Mugabe.

The intervention was compelled by violence during and contestation of the 2008 presidential elections. The opposition Movement for Democratic Change (MDC) comprised two factions, the MDC-T, led by then Prime Minister Morgan Tsvangirai, and the MDC-M, led by then deputy Prime Minister Professor Arthur Mutambara. It had won the first round but without the 51% majority needed for an outright victory. This led to a

controversial presidential runoff, marred by violence, which was won by Mugabe but condemned by his opponents; some neighbouring states, notably Botswana, which refused to recognise Mugabe's legitimacy; and the West (F. Mogae, interview, July 16, 2015). The military had overtly taken over, and had become the arbiter of Zimbabwe's fate during this period. In early June 2008, Tsvangirai stated that the country had undergone a de facto coup d'état, and was now effectively run by a military junta (Crisis in Zimbabwe Coalition, 2011, p. 14).

SADC officially mandated Mbeki to facilitate peace negotiations between the ruling ZANU-PF and the MDC. Cawthra (2010, p. 7) notes that SADC was reluctant to intervene, having agreed publicly that the election crisis was essentially a result of the need for land redistribution, and therefore caused by Western sanctions. Mbeki's facilitation eventually ensued, and the outcome was the signing of a peace settlement, the Global Political Agreement (GPA), that provided for the formation of a government of national. The GPA prioritised the restoration of the economy and the rule of law, the removal of sanctions, the land question, media reform, the crafting of a new constitution, and the promotion of national healing. The overarching agenda was to promote stability, and create conditions for free and fair elections. But the political landscape and internal dynamics were not conducive to its implementation. The MDC referred to the inclusive government and its GPA as a 'marriage of inconveniences' (Mzumara, 2012). The GPA and its facilitator were heavily criticised, both within and outside Zimbabwe. Zimbabwean scholars Dziva, Dube and Manatsa (2013, p. 91) argued that 'the whole arrangement was entered into by parties with absolutely nothing in common in terms of political ideologies and motivations'. They stated that 'the MDCs were concerned about entrenching democratic conditions, while ZANU-PF was primarily fixated on power retention and legitimising President Mugabe', who had essentially been appointed after he had lost the election. They also tied this to the failure to reform the security sector, utilised by Mugabe and Zanu PF to retain power. The Crisis in Zimbabwe Coalition (2011, p. 6) saw changes brought in by the inclusive government as cosmetic, and critiqued its inability to deal with 'the military's toxic role'. It concluded that the Zimbabwean military would stall any democratic process because of its de facto veto power over Zimbabwe's civilian affairs.

There are extensive debates about how the Mbeki process could have helped galvanise moves towards a structural transformation of Zimbabwe. But these issues are not easy. For instance, Zondi (2011, p. 13) argues that the country had essentially descended into a profound political-cum-economic crisis some nine years prior to Mbeki's official appointment as a facilitator to the peace process. This abyss, he argues, had led to a gradual decline of the economy, political polarisation, and the disintegration of the state, which were impossible to fix at the time (Zondi, 2011, pp. 13-14). Mlambo and Raftopoulos (2010, pp. 1-2) noted that SADC would eventually need to mediate a series of 'Zimbabwean crises' occurring in the country since the turn of the new millennium.

They also believed the decline had been long in the making, originating from inequalities that had developed during 90 years of colonial rule, especially pertaining to the land question. In a similar vein, Moore and Raftopoulos (2012, p. 245) wrote that the roots of Zimbabwe's conflict lay in the long-term structural political–economic legacies of colonial rule, combined with the legacies of African nationalist politics. But the explosive nature of the crisis in 2008 should be understood in the context of a 'major threat to the political future of the ruling party ZANU-PF' (Moore & Raftolopous, 2012, p. 245).

Indeed, Zimbabwe's political situation deteriorated steadily with each election from 2000, when the ruling ZANU-PF was defeated in a constitutional reform referendum they themselves had sponsored. Previous attempts by SADC to help it resolve internal tensions like those precipitated by its violent land reform process in 2000 and post election violence in 2002 were ad hoc and took the form of soft engagement (F Mogae, interview, July 16, 2016. In early 2000, SADC formed part of the AU's approach to engage Mugabe on Zimbabwe's violent land reform, following the occupation of white-owned farms by war veterans. This comprised behind-the-scenes efforts by former presidents Joaquim Chissano of Mozambique, Olusegun Obasanjo of Nigeria, as well as Thabo Mbeki. Whether these initiatives were useful is up for debate.

The SADC mediation of Lesotho's political crisis from 2014 onwards displayed similar dynamics in terms of the internal context, albeit in different forms. In this case, SADC was invited to intervene in Lesotho by the country's prime minister, Thomas Thabane, following a military coup attempt. The SADC intervention would be the organisation's fifth in the country's history, all of them led by South Africa. The backdrop to the coup

attempt was the collapse of the country's first coalition government, elected in 2012, which culminated in its parliament being suspended for several months. The coalition was formed after the 2012 poll had produced a 'hung parliament,' with no single party having a decisive majority to constitute government. This was due to Lesotho's electoral system of mixed-member proportional representation (MMP). Lesotho's government is formed on a constitutional requirement of 50% + 1 of the parliamentary seats (M. Kapa, interview, September 3, 2014). The coalition government effectively crumbled in acrimony in June 2014 when one of its major partners signed a new alliance with the opposition.

In the same month, Thabane reported to SADC that an attempted coup had taken place, and fingered the chief of the Lesotho Defence Force (LDF), Lieutenant-General Tlali Kamoli, whom he had just removed from his position, for orchestrating it. Kamoli was replaced with Brigadier Maaparankoe Mahao. What essentially transpired was that an army general had defied orders to leave office, and was later believed to have orchestrated plots to assassinate the prime minister, some high-ranking military officials and politicians not aligned to him (S. Jele, interview, September 15, 2014) This compelled Thabane's exile to South Africa, along with other opposition and security officials. At the time, the prime minister had asked SADC for military intervention, a request that was not granted. At the same time, it was apparent that the conflict had brought to the surface some underlying tensions surrounding a politicised and partisan security apparatus (B. Ntaote, interview, September 6, 2014). Within the region, South Africa was the first to flag the gravity of the security concerns about Lesotho. Although it did not fully engage the issue of the attempted coup, it warned publicly of the threat of a military coup in the country, and cautioned against 'any unconstitutional change of government' (C. Monyela, interview, September 1, 2016). This was followed by a number of working visits to Lesotho by South African president Jacob Zuma to encourage the coalition's adherence to inter-party talks, initially facilitated by Namibia's president. In September 2014, the SADC Troika convened an emergency meeting in Pretoria, South Africa, with party leaders of the coalition, and Lesotho was officially placed on the SADC Organ's agenda. It is at this meeting that Thabane requested a SADC military intervention to restore order. This was rejected.

Instead, SADC opted for political dialogue and bilateral measures by South Africa to support public security in the form of deploying a contingent of the South African Police Services (SAPS) to Maseru. There was a notable lack of consensus among the coalition leaders on the prime minister's report on the attempted coup, and the opposition downplayed the role of the military in the prevailing conflict (M. Mahao, interview, September 3, 2014). SADC mostly deferred the resolution of these matters. It neither fully enquired about these allegations, nor about the real drivers of confrontations among the country's security structures. Instead, it appeared to eclipse the insecurity crisis and the coup attempt.

SADC then convened a double Troika Summit on September 15, 2014, which mandated the South African deputy president, Cyril Ramaphosa, to act as a SADC facilitator. His specific mandate was to 'facilitate the restoration of political and security stability in the short and long terms' (SADC, 2014b). SADC deployed an observer team to Maseru, known as the SADC Observer Mission in Lesotho (SOMILES), made up of police officers and military personnel from various regional states. In November, South Africa sent an additional 140 police officers to Lesotho as part of SOMILES. The peace process facilitated by Ramaphosa resulted in an agreement in October to schedule snap elections in 2015. Six months after a reported attempted coup, Lesotho held its snap elections, which the SADC facilitator promoted as a solution to the political crisis triggered in 2014. While indeed there were legitimacy issues to do with the collapse of the governing coalition, there was nothing that suggested that Ramaphosa treated the attempted coup as an unconstitutional change of government.

The elections in February 2015 produced another hung parliament and, just as in 2012, the various parties negotiated coalition alliances. The result was a new government headed by Pakalitha Mosisili, the country's long-serving prime minister until 2012, and leader of the opposition in the 2014 parliament. SADC officially closed the SOMILES mission in Lesotho in April 2015 after what it referred as 'successful elections' (SADC 2015c).

Ramaphosa submitted a report to the new government, outlining a number of observations, and recommendations for the way forward. The recommendations were contained in the 'Proposal on Constitutional and Institutional Review for the Kingdom of Lesotho'

prepared by the SADC facilitating team. But, in months to come, the new government backtracked on all the SADC decisions agreed to prior to the elections, including electoral reforms.

According to Sejanamane (2016a), the reforms were not a result of domestic consensus, and were therefore perceived to be foreign-driven. He adds that with a newly installed government after months of political upheaval, 'there was a need to address the question of a divided country with a patchwork government and a razor-thin parliamentary majority'. As soon as it got into power, the Mosisili government reinstated Kamoli, and staged a witch-hunt of opponents and dissidents. This included arresting some military officials for an alleged mutiny whose time coincided with Thabane's prior allegation of a coup attempt in 2014. As part of these arrests, the country's former military chief appointed by Thabane in 2014, Lieutenant-General Maaparankoe Mahao, was killed by his peers in an alleged attempt to arrest him for mutiny. Fifty other soldiers were incarcerated while awaiting trial. Mosisili asked SADC to help establish the circumstances surrounding Mahao's death (SADC, 2015c, p6). This request followed outraged responses from the AU (AU, 2015a) press release and its international partners, the EU and UN in particular (EU, 2015 & UN, 2015).

Following the killing of the former army chief Maaparankoe Mahao in June 25 2015, SADC appointed a 10-member commission, led by the Botswana High Court judge Mpaphi Phumaphi, to investigate the full scope of Lesotho's instability.

The Mosisili government vehemently rejected the report, and it became a source of diplomatic tension between the government and SADC (Motsamai, 2015). It was even challenged in Lesotho's high Court by one of the military top brass allegedly involved in Mahao's killing. In addition, senior government officials bluntly stated that the commission's findings would not be binding, and that the whole endeavour was an exercise in futility (B. Ntaote, interview, October, 20 2016). Led by Botswana as chair, SADC later threatened Lesotho with suspension if it were to refuse to abide by the Commission's recommendations. The recommendations under security reforms were controversial, as they challenged the narrative of both the 2014 coup and the 2015 charges of mutiny under Mosisili, and his reinstatement of Kamoli. The SADC Commission of Inquiry particularly described t he latter as a 'polarising character within the Lesotho De-

fence Force', and recommended his removal as army chief. The Commission also found no basis for the alleged mutiny, and recommended the immediate release of the incarcerated soldiers (SADC, 2015c).

Following months of impasse and standoff between the Lesotho government and SADC, the Lesotho government accepted the Phumaphi recommendations on condition that it would develop its own reforms that would be compatible with Lesotho's laws. Part of those it accepted were reforms to its electoral system, the constitution, security structures and public service, aimed at depoliticising government administration. On the security front, the government announced Kamoli's retirement and that the Lesotho Defence Force would be led by his deputy, Major-General Khoantle Motšomotšo.

In March 2017, Mosisili lost a no confidence vote in parliament. Instead of handing over power to the opposition, he responded by dissolving parliament and calling fresh elections. So, essentially, between receiving the SADC Phumaphi report in 2015 until March 2017, no real reforms took place (M Lehohla, interview, April 4, 2017).

Thabane, who subsequently presided over another governing coalition, won the 2017 elections. Petlane (2014), Motsamai (2015) and Sejanamane (2016b) argue that the Ramaphosa facilitation erred in many respects, including impartiality, inclusivity, and its ability to address a host of proximate and underlying causes of Lesotho's recurrent conflict. For Matlosa, the error each time is to fail to consider aspects of Lesotho's political economy as drivers of the struggles for power and resources at the heart of Lesotho's conflicts. This raises the issue of why these factors have not been considered, and what the implications are for SADC and the efficacy of its peacemaking efforts.

As the above discussion show, the scholarly literature on SADC mediation in Zimbabwe and Lesotho is rich and expansive. While the study does not cover all the literature on the subject, it draws on studies that have conceptualised the success and efficacy of mediation efforts, and the indicators they used. The literature does not always reflect a clear definition of successful and effective mediation, the basis for selecting the criteria in question, and identifying various causal chains. Nathan (2013) observes that more analysis is required in order to explicitly identify sound criteria for assessing the efficacy of a given mediation effort. But this will not be easy.

This section draws some excellent insights from his work on how the peace and security performance of SADC should be evaluated, and the methodological problems that come with it (2013). According to Nathan (2013, p. 3), the latter include the problem of the counterfactual; the problem of mixed results; and the problem of causality. On the challenge of proving the counterfactual he makes the point that '… a specific regional peace initiative might fail to attain adequate stability, but it is conceivable that there would have been greater instability without that initiative' (2013, p. 3).

Referring to Mbeki's mediation in Zimbabwe that led to the GPA, he argues that the four years subsequent to the GPA were characterised by political violence and harassment, with the ruling party refusing to implement all aspects of the agreement. It could be argued that Zimbabwe would be worse off without the GPA (Nathan, 2013, p. 3). However, he maintains that neither this nor the opposite could be proven conclusively.

The second challenge he identifies is where mediation produced mixed results. Again using Zimbabwe as an example, he argues that 'a regional peace effort might have mixed results that cannot be reduced to a simple "success or failure" binary outcome'. Reflecting on studies that look at the GPA as a positive outcome of the Mbeki-led mediation, he observes that some reforms were indeed positive, like the drafting of a new constitution. But the political environment was wracked by intimidation, the security services were not transformed, and the opposition later challenged the credibility of the 2013 elections staged in that environment.

The last challenge he identifies is that of proving causality. He observes that it is often difficult to determine 'the relative weight of the factors that shape the peacemaking effectiveness of a regional organisation'. He attributes this difficulty to the complicated nature of peace process and the fluidity of peace and conflict in that there is a continuum of processes from one extreme (conflict) to the other (peace).

1.8 Research limitations

The study adds to the above discussion of some of the limitations in evaluating an organisation's effectiveness in peacemaking through mediation. Its research objective is indeed ambitious. But its aim is not to solve all methodological problems associated

with this task. Rather, its purpose is to contribute towards scholarship that attempts to build and apply frameworks for evaluating the efficacy of SADC's mediation efforts in terms of clear criteria. Having said that, there are at least five constraints that influence the study's research methodology, design and approach. Measures have been adopted to mitigate them, so as not to undermine the validity of the research.

The first constraint concerns the terminology and the concepts used by SADC to describe its own processes. Consistency is highly recommended in academic research. However, there are challenges over the use of certain terms within the context of SADC policy where terms canvassed extensively in conflict resolution literature may not reflect how SADC processes unfold in practice. For instance, SADC does not use the term 'peacemaking', and consistently refers to such activities as mediation. It also does not have working definitions of concepts like peacemaking effectiveness, conflict management, conflict resolution, and conflict transformation. Similarly, it does not present explicit criteria for assessing its performance in mediation. This performance is assessed during five-year assessments of the SIPO, SADC's politics and security cooperation framework. These are the constraints of terminology and generalisability.

The second limitation concerns the actual research objective of exploring how SADC evaluates itself. SADC does not place its peace and security-related evaluations – at least the methods and criteria used – in the public domain. Access to this kind of information is very limited, resulting in a lack of reliable data on past evaluations of its mediations in Lesotho and Zimbabwe. Moreover, there is very little prior research on this topic, as discussed in the literature review. For the most part, the study relies on primary interviews and self-reported data, which could be affected by bias. Self-reported data is limited by the fact that it can rarely be independently verified.

The approach to solving this problem was to validate data with other existing sources, and to establish the internal and external validity of information from respondents across SADC structures as well as others who have worked closely with SADC in the countries in question. Because of the political sensitivities around accessing information that had not always been made public, ethical considerations were important for this research in terms of requesting permission to draw on reports that are not in the public

domain, as well as interviews with respondents who wished to remain anonymous. Confidentially was respected where requested.

The third limitation relates to the design of the case studies. While an effort has been made to structure and standardise them, the mediation processes in both countries under review follow different time periods, which do not correspond. Both mediation processes took place in completely different institutional contexts within SADC; hence the focus of the research is more deductive than comparative.

The fourth limitation, namely the issue of causality and attribution, is common to most evaluations of peace processes. Mediation takes place in extremely complex contexts, and its contributions are often multifaceted and difficult to grasp. For instance, it is often impossible to correlate the quantifiable results of mediation activities with longer-term processes, which may not be so explicit, as mediation interventions have different mandates, objectives and scopes. What the study aims to suggest is that more flexible criteria should be adopted that allow systematic but flexible assessments of the main aspects of mediation.

A last limitation in evaluating the performance of a regional organisation in mediating conflicts and gauging its effectiveness is the problem of demonstrating the counterfactual. It is always difficult to demonstrate an organisation's full impact on a given conflict situation because of the difficulty in demonstrating what the security situation would have been had the organisation pursued a completely different approach. It is therefore important to emphasise that this study acknowledges the complexity of conflict dynamics and peace processes, and that it does not aim to make absolute judgments about whether particular mediation efforts succeeded or failed. Rather, it aims to provide a framework for a more nuanced evaluation of mediation processes that can be strongly correlated with the potential for conflicts to be transformed. Overall, the study is a modest attempt to develop a SADC framework for evaluating mediation. As such, it hopes to serve as the basis for continued research of and debate about SADC's evaluation of its mediation structures and processes, and the role that evaluation can play in conflict transformation.

1.9 Research contribution

This research aims to contribute to scholarship on how the efficacy of SADC's mediation efforts can be evaluated. As highlighted in the previous section, the lack of prior studies on how SADC evaluates its mediation, and a lack of clarity about the criteria used to gauge its effectiveness as a peacemaking organisation, serves as an opportunity to identify and close gaps in the literature, and describe the need for further research. The theoretical contribution the study aims to make is through the application of Conflict Transformation Theory to SADC mediation processes and their evaluation.

1.10 Research outline

This thesis is organised into six chapters. The first outlines the rationale for the study, and provides its analytical framework. It clarifies the terminology and concepts used, and outlines the case study methodology of the research. A brief historical overview of security cooperation in SADC is provided, along with an overview of political and security trends within the region. The chapter also provides a literature review of debates about the different approaches to mediation, and the challenges affecting the sustainability of mediated outcomes. It also discusses SADC's mediation efforts in Lesotho and Zimbabwe. The second chapter provides a conceptual framework for the study, sets out how it will be applied to the research, and elaborates on the research methodology. It specifically explains the systemic conflict transformation approach and its five dimension, and shows how this is applied to the case studies. Similarly, the indicators for measuring the efficacy of SADC's peace-making efforts are outlined.

The third chapter discusses SADC's institutional structure for peacemaking and mediation. It covers the organisation's legal, policy, and other instruments as well as internal arrangements for SADC countries to implement and coordinate SADC policies. Discussions follow on how mediation is structured in SADC, how it is resourced, and how it is evaluated. The third and fourth chapters contain the case studies of Lesotho and Zimbabwe respectively. Both are structured to cover their political and socio-economic profiles in historical perspective; their degree of militarisation; the nature of their political conflicts; and the context of SADC mediation. The case studies are then analysed by applying the four dimensions of the conflict transformation conceptual framework. The

effectiveness of SADC mediation is further evaluated using indicators developed in chapter 2. The final chapter synthesises the findings, and provides a conclusion.

1.11 Conclusion

This chapter has provided the rationale for and methodological and analytical framework of the research. It started with a definition of terms, particularly peacemaking, which in the SADC context is mostly expressed through mediation and diplomatic efforts to address political conflicts. It has explored the evolution of SADC's political and security cooperation, illustrating how the legacies of the region's liberation struggles have shaped both the conceptualisation of security and intervention in conflicts. In this respect, SADC has attempted to move from the tradition of military alliance through the FLS to a consensus-based security and political cooperation approach that ought to apply uniformly in member states. The challenges of implementing this approach, including the lack of heterogeneity among SADC countries when it comes to issues of democracy and governance, have been highlighted.

The chapter has also provided a trend analysis of the regional political and security environment. It has included categories of conflict situations within SADC, the different governance models of its member states, and their vulnerability to conflicts. It has shown that where the power of the state has been monopolised to serve the interests of a ruling elite, democratic processes have stalled, increasing the likelihood of some form of conflict. The literature review had drawn attention to scholarly debates about mediation approaches and past studies of SADC mediation in Zimbabwe and Lesotho. The study understands SADC's mediation efforts as third-party facilitation to addressing conflicts, forming part of its peacemaking menu. It demonstrates that SADC mediation has paid greater attention to defusing crises than to transforming the contexts that have given rise to those conflicts. But exactly what needs to be transformed needs to be identified. The next chapter addresses this question, and provides the study's conceptual framework – the conflict transformation model – and discusses how this is applied to the research.

2 Conceptual framework and research methodology

2.1 Introduction

This chapter sets out the study's conceptual framework, outlines how it is applied to the research, and details the research methodology. The conceptual approach is rooted in peace and conflict studies, and proceeds with a review of literature on the traditional approaches to internal conflicts to locate the study's systemic conflict transformation model in the discourse around those explanations. This is followed by a discussion of the concept of positive and negative peace in order to contextualise the concepts used in the management and analysis of conflicts. Next, it discusses the terms 'transformation' and 'transformative conflict resolution', which are used in many different ways in conflict studies. It then discusses the concept of conflict transformation and the specific dimensions of the systemic conflict transformation approach, which the study applies to the case studies. The second section unpacks the term 'effectiveness', and provides the indicators to be used to measure the efficacy of SADC's mediation efforts. The final section discusses the study's methodological approach.

2.2 Traditional approaches to conflicts

Two central questions drive this study: how SADC conceptualises and approaches conflicts in the course of its interventions, and what the factors are that account for their effectiveness, or lack thereof. In building the conceptual model required to answer these questions, it is important first to refer to the literature on the traditional approaches to internal conflicts, and relate some of these considerations to conflict transformation. Most of the traditional literature on civil conflict has attempted explanations that revolve around resource allocation and scarcities, power imbalances, and state and nation formation processes. Cramer (1999, p. 2) traces the initial interest in this subject to the dynamics of war and insecurity, and notes that this can be traced to the late 1980s and early 1990s. The initial debates include discussions of the costs of war (UNICEF, 1989; Green, 1991; Stewart, 1993; Azam et al, 1994; Chingono, 1995) and the economic or political-economic origins of conflict (Nafziger et al, 1999; Collier and Hoeffler, 1996; UNRISD, 1999).

Methodologies for costing conflicts were also developed by Stewart et al (1997) and Luckham et al (1999), among others, who offered matrices for comparing social and economic performance indicators in countries in conflict in order to provide assessments of how groups are affected in different ways by the effects of those conflicts. The 1990s literature also reflects widespread observations that the nature of typical armed conflicts had changed (De Waal, 1997). It highlights two shifts in focus, the first from the consequences of conflicts towards their root causes; and the second from conflicts as exogenous events towards regarding them as processes of interaction among different groups and other role players in a conflict setting.

The dominant strain of this scholarship was captured in the resources-as-causes-of-civil-strife thesis, popularised by Paul Collier and others. This remains a powerful explanation of internal conflicts, although it has lost some of its analytical lustre and rigour due to the decline in civil conflicts in Africa. Its use in analysing political conflicts in SADC has been limited to countries whose conflicts are spurred by natural resources and display a degree of interaction between 'greed and grievance', as noted by the study of Vaux et al on Mozambique (2006, p. 24); Moyroud and Katunga's study on the eastern DRC (2002, pp. 151-191) and Swatuk's study of water conflict and cooperation in southern Africa (Swatuk, 2015, pp. 215-230). These studies mainly point to strife centred on resource inequities, social exclusion and alienation and power asymmetries, and the failure of weak states to manage those factors.

This general focus on the political economy of conflicts is relevant for this study, and has been emphasized by scholars like Matlosa (1999, pp. 163-196), who finds that SADC mediation often fails to consider the fundamental economic and political fault-lines in a given society which continue to reproduce those conflicts. In the political economy literature, conflicts are theorised as structured and understandable products of the history of human political and economic interaction. Such studies have attempted to move past notions of ethnic, economic, and ecological determinism which arguably do not characterise most political conflicts in southern Africa, towards more textured descriptions of how the social relations of production, distribution, and consumption may result in conflicts.

The political economy approach to conflict analysis generally sees conflict as a combined product of the rational pursuit of self-interest by particular groups that produces social marginalisation, and the equally rational response of other groups to the conditions of seemingly unnecessary destitution. It then goes on to identify actions and social structures specifically implicated in this process. Acemoglu and Robinson (2001, p. 940) argue, however, that this approach is overly deterministic. They claim that it emphasises the contingent and mutually constitutive dynamic between agency and structure in establishing a stable pattern of violent social interaction that constitutes historically specific 'conflict equilibriums' (Acemoglu & Robinson, 2001, p. 940). For Le Sage, (1988, p. 22), this approach 'overly implies order rather than anarchy in conflict, while agency and structure are viewed as having formed an equilibrium that cannot be shaken'. The unifying argument between proponents and critiques of the political economy approach is that domestic conflicts are products of social formation, rather than cultural, economic or historical inevitabilities. The centrality of power, its exercise by certain groups and individuals over others, and the equilibrium of social forces at the local, national, regional and international levels remain central to explanations of contemporary conflict.

Most recent work on the political economy of conflict is structuralist in nature, or premised on the 'rational choice' presumptions of neo-classical economics. Some of the major contributions to this school are categorised, highlighted, and discussed in detail below. The first is the rationality thesis, which focuses on 'intentional human agency' as well as local identities and interests to explain local actions. Rationality arguments reinforce theories of insecurity and grievance in analysing conflict. They are based on assumptions that conflicts are driven by the egoistic motivations of different parties, and particularly the political and economic advantages available to them. In this sense, violence becomes a means of resource acquisition, mobilising alliances to shore up local power structures, and justifying internal repression and undemocratic leadership during self-imposed 'states of emergency'. David Keen's analysis of the Sudanese civil war (1994) explained the rationalities thesis in conflict interventions. He argued that communities saw the continued human suffering and economic devastation wrought by conflict, as 'irrational'. Thus, by understanding the interests or goals of the 'winners' in the conflict dynamic, the logic behind destructive violence can be made apparent. What

Keen describes has also been termed 'self-interested rational agency', as rationality can also be about self -preservation. It can equally produce predatory political and economic institutions that can drive the structural marginalisation of social groups and individuals (Keen, cited in Le Sage, 2007, p. 9). Following this logic, group identity becomes hardened, and can be exploited by rational elites for their own gain. Keen's analysis of rational agency further offers a cost-and-benefit approach to conflict interventions as a means of fully understanding the actor-specific agenda of those orchestrating, implementing and funding insecurity (Keen, cited in Le Sage, 2007, p. 10).

The second perspective, as offered by Richard (1996), uses culture theory in that rationality is defined as a form of performance in which 'violence and terror' are strategically employed as expressive resources to acquire psychological power as a complement to (and at times substitute for) material capabilities. Other aspects of rationality in conflict are explained in cognitive and psychological terms. King (1997, p. 68) lists numerous factors that influence or limit combatants' formal 'assessment of their own rational self-interest', including considerations of personal prestige, personal commitment to a given struggle, the social dynamics of intra- and interactional relations and disputes, and perceptions of conflict as a zero-sum, win-lose struggle, as opposed to perceptions of common interest (King, 1997: p. 68).

Richard (1996), however, highlights the inherent limitations and ambiguities of rationality in conflict analysis, in view of the interests and actions of groups rather than of individuals. He contents that rationality can be 'kinetic' if the focus is on the ideational aspects of conflict behaviour in terms of practice, performance, discourse and culture.

The second batch of explanations concerns the link between patrimonialism and insecurity. It denotes the concentration of political power and elements of systemic clientelism, patronage, and corruption as modalities for regime survival. Many African states are believed to exhibit strong elements of patrimonialism. The orthodoxy as advanced by Max Weber (quoted in Erdmann & Engel, 2006, p. 7) refers to a system where there is no clear separation between private and public interests, and where public resources are used for private purposes. Erdmann and Engel (2006) understand patrimonialism as a form of traditional domination, marked by feudalism and patriarchy. Ballentine and Nitzschke (2003, p. 8) describe patrimonialism as the absence of domestic political

forces for building strong state institutions, with regimes most likely to reproduce their power through patronage. Additional literature on this is vast, and notably includes the work of Mamdani (1996), Mbembe (2002), Berman (1998), Beissinger and Young (2002), Bratton and Van de Walle (1996), and Chabal and Daloz (1999).

Patronage is linked to the withering of state institutions, which renders societies vulnerable to structural conflicts. The argument is that weak post-colonial states have sought to maintain control through patronage, although the forms in and degrees to which different states have been able to achieve a monopoly of violence and control over territory and the provision of services has varied (Erikson, 2010, p. 11). Bratton and Van de Walle (1997: p. 66) describe patrimonialism as characterised by a lack of distinction between the public and private domains, allowing the deliberate misappropriation of state resources to maintain individuals and regimes in power. The forms of patrimonialism discussed most often in the course of analysing African governance shortcomings are the 'concentration of political power', and the phenomenon of 'big man politics', as in Kenya and Zimbabwe, where presidents have routinely maintained their political bases by servicing patronage structures (Meredith, 2005; Hyden, 2006). The second component of patrimonialism is 'systematic clientelism through the particularistic use of state resources', which has adverse effects on public administration, and inhibits attempts to address structural inequalities. But the wholesale application of the concept of patronage to SADC countries could be limited, as countries can have varied expressions of neopatrimonialism (Van Soet, 2010).

Then there is the greed/grievance literature, which focuses on group grievances and economic agendas as causes of conflicts. It strongly emphasises the roles of economic agendas and economic factors – including poverty and inequality – over social and political ones as the prime causes of conflicts. This theory borrows from past arguments about scarcity and abundance. Approaches to the theme have differed; for example, Wolf (1969) and Homer-Dixon (1991, 1995) portray grievance as arising from a mix of resource scarcity, social inequality and human rights abuses. But they argue that conflict arises from perceptions of unfairness as much as from absolute shortage. Collier (1999) interprets the extremes of greed and grievance in a slightly different way; while, he notes, group grievances can be traced back through history, they are not a good predic-

tor of conflicts. According to Collier (1999, p. 8-11), wars in developing countries have become less ideological, and are principally fuelled not by grievance but by greed, or what he terms 'the root individualist assumption of all orthodox economics'. If grievance is the main driver of conflict, it will be fed by previous conflict. Conversely, the greed-based approach to conflict would argue that it is the underlying economic conditions that create the risk of conflict. Thus, the cyclical nature of conflict is not attributed to the cumulative legacy of the desire for vengeance, but to the perceived profits from a given conflict (Collier, 1999, p. 11). To Collier, rebel narratives of grievance in civil wars centers on one or more of four factors, namely the expression of ethnic or religious hatred – sometimes with a subtext of specific economic or social grievances; economic inequality, including unequal incomes or ownership of assets; a lack of political rights as well as repression; and government economic incompetence (Collier, 1999, p. 4-5). He also discusses the relative power of economic interest groups, concluding that small, cohesive groups are often disproportionately influential. For Keen (1998), however, economic motivations for participating in conflict and its perpetuation mostly become significant once a conflict has already begun, rather than being a deciding factor in starting a rebellion.

State formation and the 'failed states' theory also play important roles in explanations of the sources of conflict. These ideas attempt to explain the historical, political and economic context in which weak states exist. In fact, the quintessential formulation of post-colonial state-society interaction appeared in Huntington's *Political Order and Changing Societies* (1968), described as 'a text that appears to have had an enduring impact upon the way in which post-colonial states have been conceptualised' (Bilgin & Morton, 2002, p. 64).

Many studies of African security subsequently adopted categories of 'strong' and 'weak' states. Collapsed states were described in terms of Weberian criteria as situations in which structure, authority (legitimate power), law, and political order had disintegrated. State failure and state collapse have been reflected in Herbst (1996), Zartman (1950), Beissinger and Young (2002), Rotberg (2003, 2004) and Fukuyama (2004). Pointing to cases such as Somalia, Liberia and Sierra Leone, those authors have argued that there is a widespread trend towards the disintegration of state institutions as a basis

for triggering conflicts. But this lens is controversial, and has been critiqued for, among others, assisting in calibrating the conditions for successful foreign intervention. Centeno and Lopez-Alvez (2001, pp10-11) seek to trace the kinds of conditions that produce particular types of states, including post-colonial states, by reflecting on post-colonial international relations, and tracing post-independence state construction. The question is how typical post-colonial institutional apparatuses of governance have affected the political and economic futures of relevant countries.

Other analysts interrogate the relationship between states and regimes, while also focusing on the social foundations of state power. In discussing the political economy of state formation, Donor, Richie and Slater (2005, p.13) focus on the relationship between states and regimes. In this view, states are understood as institutions with a government claiming authority over a given territory, and a monopoly of violence over its population, which claims responsibility for society as a whole, and is recognised by other states. Regimes are thus defined as the government that rules a particular state, and thus a 'managing state'. As such, analysis of the relationship between the regime and the state focuses on the interplay between regime survival and the state, which is viewed as depending on the compatibility of regime interests and power on the one hand, and state formation on the other (Donor, Richie & Slater, (2005, p. 13).

It is in this light that the literature attempts to draw a distinction between the political and economic interests of a given regime. In terms of insecurity, the post-colonial legacy of weak mechanisms of governance in national governments is assumed to lead to increased vulnerabilities to divisive rule, popular dissatisfaction, and political opposition. This theme was briefly covered in Chapter 1 in respect of the governance trends in SADC member states. Clapham (1985, quoted in Bratton & Van de Walle, 1994, p. 458) describes an ostensible 'zero-sum quest for political power' by new political elites post independence as leading to the establishment of 'monopoly regimes'. In similar vein, Jackson argues that weak states acquired 'negative sovereignty', defined as 'freedom from outside intervention: a formal-legal condition' (Jackson, 1991, p. 135). He agues that contrasting negative with 'positive' or 'substantive' sovereignty demonstrates that these states maintain their identity by means of external recognition, rather than internal coherence. To differentiate them from fully 'developed' states, he refers to them

as 'quasi-states' (1991, p. 164). Lesotho's conflicts have been analysed in a similar vein because of its spatial condition.

Last is the new war thesis that provides contrast models to differentiate between historically different manifestations of agency and structure in producing conflict formations. The genealogies of conflict are assumed to inform their resolution. This thesis, provided by De Waal and others, attempts to redefine the traditional understanding of war by offering contrast models or analytical alternatives (De Waal, 2007, quoted in Malantowicz, 2010, p. 162). It was given impetus by social scientists critical of perceived generality in explanations of how, why and by whom contemporary wars are being waged. Demonstrating how conflicts are socially constructed, case-specific genealogies of conflict are used to highlight how conflicts can be ended: which aspects of social organisation must change, how they are likely to change, and which actors are in a position to trigger those changes. Methodologically, the approach is seen to propose a counterhegemonic social agenda marked by new structures of non-exploitative economic relations, participatory political institutions, and non-competitive social identities.

The above theoretical frameworks for analysing conflicts are contested. For instance, Von Soest (2010, pp. 11-13) argues that patronage-based arguments are no longer adequate for providing comprehensive conflict analysis, since group interests and how they become counterpoised against one another do not always lead to outbreaks of conflict. He posits that the systematic analysis of the nature of neopatrimonial relations and establishing typologies of domination that lead to conflict in a given context can be arduous. Girard (1996) has also challenged the conventional assumptions of violence rooted in deprivation and difference, arguing that conflict arises from social relationships or interaction, and that scarcity itself a product of the way in which relationships are framed. The role of social institutions in this regard is to contain the scope for violent conflict. However, some elements of the political economy framework – particularly those concerning the dualities of poverty and underdevelopment as causative conflict factors, are useful for this study.

2.3 Systems theory

The systems paradigm is one of five major paradigms currently employed in framing research and practice in conflict and peace studies, in addition to realism, human relations, pathology, and post-modernism. Vallacher et al (2013, p. 30) outlines three of its basic assumptions. They are the non-linear nature of the relations between elements in a system; systemic openness, and the importance of the internal and external environment; and the structure of nested systems within systems. He explains that power and influence in these systems are determined in multiple ways, and that substantial change is thought to occur only through transformative shifts in the deep structure or pattern of organisation of the system (Vallacher et al, 2013, p. 30).

Hocker and Wilmot (1985, p. 129), use systems theory to analyse conflicts in terms of the different roles, processes, and patterns within them. In this view, efforts to mediate conflicts that focus exclusively on securing short-term peace fail to appreciate the features of the system housing the conflict, or the factors that drive it. They observe that, 'systems develop rules for conflict that, no matter how dysfunctional, are followed as long as the basic structure of the system does not change' (Hocker &Wilmot, 1985, p. 32). To them, conflict serves some function within the larger system; resolving an apparent conflict may create a vacuum when members of that system can no longer address the function performed by the conflict in question (Hocker &Wilmot, 1985, p. 32). Therefore, this approach attempts to discover the rules that govern the system's behaviour, and the function the conflict performs within that system. Hocker and Wilmot (1985, p. 131) outline some principles of this approach, the first being that 'systems operate as an interdependent unit with no villains, heroes, good and bad people, healthy or unhealthy members'.

Systems analysis focuses on the patterns of interaction among people. It explains that such patterns of interaction show circular causality in hat each element of the system is affected by all the others, and affects all the others in turn (Hocker &Wilmot, 1985, p. 132). A second principle is that people in a system are assigned specific roles, and the system works to keep them in their assigned roles. Systems, including conflicts, are sustained by the cooperation of their members (Hocker &Wilmot, 1985, p. 132). In the 1960s, within the realm of conflict resolution studies by John Burton (cited in Ramsbo-

tham et al., 2005, pp. 43-47), used systems theory to emphasise that, in order to protracted conflicts, attention must be paid not only to 'first-order learning' within a given order, but also to 'second-order learning' which questions the values, principles, and structures of this order.

Diamond and McDonald (1996) also use systems theory to analyse the various diplomatic tracks in conflict resolution, arguing that to transform protracted conflicts, they need to be addressed on several 'tracks' of engagement at the same time. This must be done to either ensure their complementarity, or to strategise about how difficulties on one track could be balanced out by activities on other tracks. Vallacher et al (2006) and Coleman et al (2006) add that systems theory provides a dynamic approach to addressing protracted conflicts in a comprehensive way. For instance, Coleman argues that the key goal of conflict intervention should not be to foster a particular outcome, such as a peace agreement, but to alter the overall patterns of interaction among the parties. Only such changes in interactive patterns could ensure that social change becomes sustainable (Coleman, 2006)

2.4 The concept of conflict transformation

The concept of conflict transformation takes its cue from systems theory. Miall (2001, p. 2) argues that there is no single, distinctive, theory of conflict transformation. Most of the conflict transformation models draw on each other, and on other related concepts of conflict management and resolution. The terms 'transformation' and 'transformative conflict resolution' are used in many different ways in conflict studies (Diamond, 1994; Menkel-Meadow, 1995; Vayrynen, 1991; Bloomfield, Fischer & Schmelzle 2006; Lederah, 1991,1994, 2003). For the most part, these terms ascribe transformation to a fundamental change in the attitudes and/or behaviour of individuals, and/or the relationship between two or more disputing parties. This approach contrasts with the problem-solving conflict resolution approach used to resolve a specific short-term problem, while usually ignoring or avoiding long-term relationship issues.

Proponents of this approach such as Burton, Kelman and Rothman (as discussed in Jones, 1999, p. 34), stress the importance of fundamental human needs to the development and maintenance of protracted or deep-rooted conflict. They see contemporary

conflicts as requiring more than the reframing of positions and the identification of win–win outcomes. The very structure of parties and relationships may be embedded in a pattern of conflictual relationships that extend beyond the particular site of conflict. Conflict transformation is therefore a process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of the society that supports the continuation of violent conflict. Constructive conflict is seen as a vital agent or catalyst of change. People within the conflict parties or the affected society or region, as well as outsiders with relevant human and material resources, all have complementary roles to play in the long-term process of peacebuilding (Austin, Fischer & Ropers, 2004, p. 70). This suggests a comprehensive and wide-ranging approach, emphasising support for groups within the society in conflict rather than for the mediation of outsiders only.

They argue that when an individual or group is denied its fundamental need for identity, security, recognition, or equal participation in a given society, protracted conflict is inevitable. The only way to resolve such conflict is to identify the needs that are threatened or denied, and restructure relationships and/or the social system in a way that protects those needs for all individuals and groups. It also recognises that conflicts are transformed gradually, through a series of smaller or larger changes as well as specific steps in which a variety of actors may play important roles.

John Lederach, who is strongly identified with the conflict transformation framework, emphasises that conflict management or conflict resolution is not sufficient for addressing the underlying causes of conflicts (Lederach & Maiese, 2009, pp. 7-10). Conflict transformation differs from the other two, Lederach asserts, because it reflects a better understanding of the nature of conflict itself. ‘Conflict resolution’ implies that conflict is bad – and hence something that should be ended (Lederach, quoted in Conflict Research Consortium, 2005). It also assumes that conflict is a short-term phenomenon that can be permanently ‘resolved’ through mediation or other intervention processes (Lederach, quoted in Conflict Research Consortium, 2005). ‘Conflict management’ correctly assumes that conflicts are long-term processes that often cannot be quickly resolved, but the notion of ‘management’ suggests that people can be directed or controlled as though they were physical objects. In addition, the notion of management

suggests that the goal is the reduction or control of volatility rather than dealing with the real source of the problem (Lederach, quoted in Conflict Research Consortium, 2005).

Conflict transformation, as described by Lederach (2009), does not suggest that conflict should simply be eliminated or controlled, but rather that it should be recognised and addressed by its 'dialectic nature' (Lederach & Maiese, 2009, p. 10). By this, he means that social conflict is naturally created by humans who are involved in relationships, yet once it occurs, it changes (i.e., transforms) the events, people, and relationships that created the initial conflict. Thus, the cause-and-effect relationship goes both ways – from the people and the relationships to the conflict, and back to the people and relationships. In this sense, 'conflict transformation' describes a natural occurrence. Conflicts change relationships in predictable ways, altering communication patters and patterns of social organisation, as well as images of the self and of the other.

2.5 Systemic conflict transformation

The systemic conflict transformation (SCT) framework utilised in this study is drawn from the work of the Berghof Foundation (Berghof Foundation for Peace Support 2006). It is influenced by Lederach, and also combines scholarship from systems theory and conflict resolution, particularly the concept of multi-track diplomacy developed by John McDonald and Louise Diamond (1996). The work also emphasises that in order to transform protracted conflicts, it is crucial to address them on several 'tracks' of engagement at the same time, to ensure either their complementarity, or to strategise how difficulties on one track can be balanced by activities on others. Peter Coleman was one of the first authors to introduce what he calls a 'dynamical systems' approach to address protracted conflicts in a comprehensive way (Vallacher et al., 2006; Coleman et al., 2006). He argues that the key goal of conflict intervention should not be to foster one particular outcome (e.g. a peace agreement or a strong peace constituency), but to alter the overall patterns of interaction of the parties. Only such changes in interactive patterns could ensure that social change becomes sustainable (Coleman 2006).

The systemic approach to conflict transformation is based on the idea that intervention in conflict situations and their resolution need to reflect the complexity of conflict systems, and should seek to reduce this complexity as part of the outcomes of any interven-

tion. The literature on systemic conflict transformation therefore mostly draws on both systems theories and complexity theory. SCT approaches take account of the high level of complexity and the multidimensionality of 'conflict systems', both in conflict analysis and in planning interventions. The starting point is reflected in Wils et al. (2006) for the Berghof Foundation who recognise, for instance, the complex and systemic nature within which highly escalated intergroup conflicts occur. They argue that this identification can inform a mediation approach that treats conflicts as the reduction of complexity, and organises complexity into a coherent story that illuminates the causes of problems and how they can be remedied (Wils, 2006.p. 13). They emphasise that for peacemaking to contribute to positive change, third party interventions must seek to: constructively transform conflict systems; support processes of comprehensive social change; allow local actors to drive social change through an inclusive approach and; deal with the power asymmetries that hamper a transformation in relationships between actors in the political system.

There are five main elements of systemic conflict transformation (Wils, 2006, p.13-14). They consider the extent to which interventions were: inclusive and built on internal resources for transforming conflict landscapes; supported processes of comprehensive social change in the long term; adopted a multi multi-track approach, which is best suited for the SCT model; flexible in incorporating elements initially omitted in the initial stages of negotiations and; monitored in a systemic way. These are applied in the selected case studies to test the efficacy of SADC mediation in addressing conflicts. The aim is to understand the potential for constructing change though its engagements.

2.6 Positive and negative peace

An important consideration in the application of conflict intervention theories, including SCT, is the kind of peace envisaged. This distinction, which is important, was initially developed by Johan Galtung (1967, 1969) who is widely acknowledged as the founder of peace studies and peace research. He challenged what he saw as the simplistic use of the concept of peace in international relations and conflict. Webel (2007, p.7) adds that he 'not only interrogated the meaning(s) of peace, but its essence, its ontology'.

Galtung (1967, p.14) questioned whether a peace concept that does not exclude at least severe forms of inequality, subservience and exploitation was really fruitful. His argument was that peace was often negatively defined or determine – in other words, by its absence. He expanded this point in the following explanation. First he considered that the idea of peace as a synonym for stability or equilibrium was incorrect. The idea, he argued, covers 'the idea of a predictable social order, even if this order is brought about by means of force' or the threat of it (Galtung, 1967, p. 12). The second idea he challenged was the absence of war logic maintaining that 'the absence of organised collective violence, did not mean that prevailing situations were peaceful because class, ethnicity, other divisive factors existed' (Galtung, 1967, p. 12). He referred to this type of peace as negative peace because of the tendency to generalise that if violence is not collective, then it does not exist. The description of the situation as peaceful, he argued, does not take into consideration unpatterned individual violence, let alone occasional outbursts and sporadic demonstrations.

The third concept he defined was one where peace was a synonym 'for all other good things in the world community, particularly cooperation and integration between human groups, with less emphasis on the absence of violence' (Galtung, 1967, p.12). He referred to the latter as positive peace, but noted that it was problematic to conceptualise as well. To do this, he developed the logic that the search for peace was concerned with relations between groups. So it had to be divided into a negative and a positive component: the search for the conditions for the absence of negative relations, and the search for conditions that facilitated the presence of positive relations. These conditions included freedom from fear; freedom from want; economic growth and development; the absence of exploitation; equality; justice; freedom of action; pluralism; and dynamism (Galtung, 1967, p. 14). Galtung then defined positive peace as the sum total of other relatively consensual values in the world community of nations - exemplified by the peace conditions he had outlined.

Adding to Galtung's description of the two concepts of peace, Webel (2007, p.8) similarly conceives that conflict is not the antithesis of peace, and that conflicts may, perhaps paradoxically, promote and increase peace and diminish violence if the conflicting parties negotiate in good faith to reach solutions to problems that are achievable and

tolerable, if not ideal. And sometimes, the antithesis of peace is not violence, even political violence. He also develop an external peace index where he categorises countries' peace profiles as ranging from 'strong or durable' (roughly equivalent to Galtung's description of positive peace – a condition in which there is relatively robust justice, equity, and liberty, and relatively little violence and misery at the social level) to 'weak or fragile' peace (Webel, 2007, p.11).

Strong and peaceful cultures and societies reflexively promote personal harmony and satisfaction. At the other end of the spectrum is 'weak or fragile peace' ('negative peace' in Galtung's formulation). There may be an overt absence of war and other widespread violence in a particular culture, society or nation-state, but pervasive injustice, inequity and personal discord and dissatisfaction as well (Webel, 2007. P.11). Very few SADC member states qualify for the designation of 'strong peace'. Zimbabwe and Lesotho lean toward 'weak peace'. As Webel notes, it is possible to develop a peace culture in such countries, and conflict-prone nations can become peace-prone – but only if 'if their real and perceived security and resource needs are met, and their standing armies are dramatically reduced or are retired' (Webel, 2007, p. 9).

Galtung also talks about achieving peace via peaceful conflict transformation, and refers to this as the 'Transcend' approach. He argues that the focus of most intergovernmental organisations intervening in conflicts is not on peace as a relation between parties, but on security. The security approach, he argues, is still dominant, among others in the UN system (Galtung 2007, p. 14). Conflicts, he suggests, create contradictions in the structure of society, and then become manifest in attitudes and behaviour. Once formed, conflicts undergo a variety of transformational processes: articulation or dis- articulation, conscientisation or de-conscientisation, complexification or simplification, polarisation or depolarisation, escalation or de-escalation (Galtung (1996, p. 90). The incompatibility that arises between parties may be eliminated by transcending the contradiction, by compromise, by deepening or widening the conflict structure, and by associating or dissociating the actors (1996, p. 116). Galtung places emphasis on improving relationships within societies, and the structures that regulate these relationships. He proposes a model called 'the Transcend Method' based on the logic that 'to prevent violence and devel-

op the creative potential of a conflict, there has to be transformation' (Galtung, 2010, p. 1-3).

2.7 The efficacy of peacemaking

This section discusses the indicators the study uses to measure the efficacy of SADC's peacemaking efforts. Measuring the effectiveness of a peacemaking organisation is notoriously difficult because of a lack of consensus about the indicators (whether measuring success or effectiveness), and about the baseline for the assessment. It is also difficult because of differences in approaches between academic research and policy practitioners. These differences are well captured by Diehl (1993), who identifies two differences in the way that scholars and practitioners view success. The first is that academic research tends to focus on generalisable criteria, whereas practitioners favour criteria unique to specific missions, since they take their starting points from practice (Diehl, 1993, quoted in Druckman & Stern, 1997, pp. 151-165). Peter Mateja's study of the measurement of success in peace operations (2016) observes a shift in this from the practitioner side because of what he calls 'the proliferation of evaluation departments in many international organisations', where practitioners are starting to embrace comparative analyses and generalisable aspects. 'Here, they have focused particularly on factors/sources of success, examining success along one chosen dimension, for example, how successful missions are in promoting security sector reform' (Mateja, 2016, p. 4). In this sense, he believes practitioners are also attempting to avoid some of the methodological issues around generalisation that have dominated much of the scholarly debate. The second distinction between scholarly analyses and those of practitioners that Diehl (1993) identifies is a difference in focus. Diehl argues that scholars usually favour a macro approach to studying success, focusing on the broader political goals and longer-term consequences (Diehl, quoted in Druckman & Stern, 1999). Practitioners, by contrast, tend to focus on mandate implementation, whether in whole or in part (Diehl, quoted in Mateja, 2016, p. 5). He notes that such assessments are used as lessons learnt or fine-tuning and adjusting the operation – usually with a fairly short-term focus. Mateja adds that 'policy-makers rarely question the overall idea of peace operations, or the theory of change entailed. It is assumed that achieving short-term goals is a precondition for longer-term success' (Mateja, 2016, p. 4). He further observes that practition-

ers concentrate on factors under their control, subsuming these under operational goals. Scholars, however, focus primarily on broader benchmarks of success, such as the resolution of a conflict, or reduction of human suffering (Mateja, 2006,p.4). For that reason, he observes that they are more inclined to include in their analyses factors beyond the control of the peace operation in question.

The third distinction is in the time frame for such evaluations. Mateja (2016, p.4) finds that practitioners tend to focus on short-term perspectives, such as the achievement of objectives during the course of the operation, or immediately after mission withdrawal. But he cautions that short-term assessments can quickly become out-dated, or misleading in terms of analysing trends, and that it then becomes difficult to assess whether its interventions are self-sustainable (Mateja, 2016, p. 10). He argues that while short-term and long-term success may be connected, meeting short-term goals do not necessarily lead to a positive impact over a longer period (Mateja, 2016, p. 10). Conversely, scholarly analyses tend to focus on the longer-term consequences of an intervention.

An issue common within the three approaches is the need to provide a baseline for the assessment. In other words, against what should the success of an operation success be judged? Daniel Druckman and Paul Stern (1999) observe three approaches: judging peace operation success against some kind of ideal state of peace; conducting counterfactual analyses; and comparing the 'before' and 'after' state of affairs (Druckman & Stern, 1997, discussed in Mateja, 2016, p. 11). Each has its sets of advantages and difficulties. To demonstrate the shortfalls of the first, they refer to Robert C Johansen's review of a seminal 2015 work by Paul F Diehl and Daniel Druckman about evaluating peace operations. In it, Johansen argues that success should not be measured against 'an ideal state of or against an ideal form of conflict resolution (for example, the settlement of long-standing animosities) because it can be 'normatively unfair and scientifically unproductive'. Instead, he suggests that scholars should 'assess the effect of peacekeeping forces on local people affected by their work, and compare the degree of misunderstanding, tension, or violence in the presence of peacekeepers to the estimated results of balance-of-power activity without peacekeeping' (Johansen, quoted in Mateja, 2016, p.7). Mateja argues, however, that such counterfactual analyses are difficult to conduct, and also give rise to a new set of methodological issues (Mateja, 2006, p. 7).

Paul Diehl (1994) initially provided two measures of success of a peace operation: the limitation of armed conflict, and the resolution of an underlying conflict. However, in their 2015 work, he and Druckman have made a substantive contribution to the debate on evaluating peacekeeping missions – about criteria for defining success, indicators, time frames for evaluating impacts, and the way in which academic work can be used in policy processes. Their detailed criteria and methodological considerations include the distinction between performance or process and outcomes; reconciling multiple goals of a peace process; developing effectiveness metrics; and making a distinction between short and long- term evaluations of effectiveness (Diehl & Druckman 2015, summarised in Mateja 2016, p. 6). Marjorie Ann Brown (1993, quoted in Mateja, 2016, p. 7) also provides general criteria of measuring the success of peacemaking missions. She describes three categories concerning the extent to which the mandate was fulfilled as outlined by the appropriate Security Council resolution; whether the operation has led to a resolution of the disputes underlying the conflict; and whether the operation has contributed to the maintenance of international peace and security by reducing or eliminating conflict in the area of operation (Mateja, 2016, p. 7). The usefulness of Brown's approach to the research lies in placing an emphasis on the importance of different peacekeeping mandates in a conflict situation.

Another possible baseline is to compare the 'before' and 'after' state of affairs. Mateja cautions that this approach should consider that the outcome of such an analysis depends greatly on whether an operation is deployed during a conflict, or after a ceasefire. What the operation is compared to becomes crucial. Finally, studies should be clear with regard to the stakeholders the definition of success relates to – in other words, 'success for whom?' (Mateja, 2006, p. 9). What matters in the operationalisation of success will depend on the addressees, and on the purpose of the analysis. But Mateja concludes that while different actors have different goals, or assign different priorities to shared goals, these goals can determine the choice of indicators of success.

The foregoing discussion provides insights into how effectiveness is measured in both academic literature and by international organisations. The study shows that literature on 'measuring effectiveness' mostly originates from the development cooperation field. Thus this literature shows a variation between organisations in their measurement of

effectiveness, and the purpose for which the evaluations are intended. Some organisations look at the role played by an institution within the purview of global governance. The United Nations Development Assistance Framework (UNDAF) provides a good example of this. Its indicators of effectiveness looks at five categories: national ownership; relevance; contribution to strategic positioning and coherence; efficiency of the process; and whether the UNDAF enhances a results focus (Balogun, 2012). Other development organisations focus on the organisation's internal effectiveness and relevance to national goals. One example is the work conducted by the OECD's Development Assistance Committee or DAC (2006, 2006, 2012) that mostly looks at the effectiveness of an intervention. It describes effectiveness as looking at' whether an intervention has reached its intended objectives in a timely fashion; makes linkages between outputs, outcomes and impacts; the degree [to which] the envisaged objectives have been fulfilled' (OECD/DAC, 2012); and unintended positive and negative changes.

There is distinct scholarly literature that offers some indicators for evaluating the effectiveness of peacemaking organisations. For instance, Crocker (2007) views the effectiveness of regional institutions in peacemaking and mediation hinging on the size, quality of governance, power balances, and political cultures of their membership. Niemann & Bretherthon (2013, pp. 4-5) ink effectiveness to the concept of actorness, or actor ability. According to this concept, the structural prerequisites for defining the actorness of an organisation include elementary qualities such as the ability to set goals and achieve them; decision-making and monitoring facilities; and the means of performing actions (Sjöstedt, 1977, p. 16). Peters (2015, p.8), on the other hand, uses four criteria: a shared commitment to a set of overarching values; the domestic legitimisation of decision-making processes and priorities relating to external policy; the ability to identify priorities, and formulate consistent and coherent policies; and the availability of and capacity to utilise policy instruments, including diplomacy, sanctions, and military force. This is consistent with Nathan's delineation of institutional logics (2006, p. 3). The concept of institutional logic emerged as part of the development of institutional theory from the 1970s onwards, aimed at studying institutions, and providing a link between institutions and action (Thornton, 2012, p. 100). Thornton and Ocasio (1999, p. 804) define institutional logics as 'the socially constructed, historical patterns of material practices, assumptions, values, beliefs, and rules by which individuals produce and re-

produce their material subsistence, organize time and space, and provide meaning to their social reality'. Decisions and outcomes are a result of the interplay between individual agency and institutional structure (Thornton, 2012, p. 103).

Nathan, (2006) delineates logics into two components as separate requirements for sustained effectiveness: internal logic and external logic. He explains the internal logic as 'the normative congruence among states that enables them to engage in close political co-operation in order to prevent and end conflict' (Nathan, 2006, p. 3). In other words, he looks at the extent to which countries share common values, are able to resolve or transcend major disputes, and build trust and cohesion towards a common purpose in crisis situations. He explains the external logic to mean 'the interests and objective conditions that make communal peacemaking a beneficial venture in the assessment of member states' (Nathan, 2006, p. 3).

To build this study's effectiveness evaluation, it invokes Druckman and Stern's proposed approach to firstly consider the study's baseline (1997). It adopts an approach that compares the 'before' and 'after' state of affairs. What exactly is being compared is the conflict status quo before the intervention and the period shortly thereafter. In the case of Zimbabwe, this means a comparison of the 2007 period, the 2013 period when the mediation was concluded, and the status quo five years later. For Lesotho, the reference point is that it held three elections in five years, all partly attributed to the shortcomings in SADC mediation efforts. The study looks at the 2014 SADC intervention in retrospect, and compares the security context before and after the mediation was concluded in 2015 and reinvigorated in parts the following year. The second is the time frame; the study applies a five-year time frame to measure the durability of results. So, for Zimbabwe, the analysis spreads from 2013 from the conclusion of the SADC mission to 2018. The five-year time frame is a little complicated for the Lesotho process because of the number of SADC mediations in the country within a shorter time frame. For instance, Lesotho had three elections in five years, all of which were proposed outcomes of the SADC mediation. Therefore the study will be retrospective, and focus on the five-year period before SADC's intervention in 2014 – in other words, Lesotho's political and security context from 2009 until 2014, and the immediate aftermath until 2017.

Diehl and Druckman (1997) also point out the need to be clear about the stakeholders to which the study is oriented. The study has a dual orientation. The SCT assessment is more interested about the impact SADC interventions have on local peace and security conditions. The peacemaking effectiveness evaluation is geared to substantiate the former analysis. The study therefore proposes an effectiveness evaluation models that borrows from the SCT lens and benchmarks used from scholarly analyses of the differences the intervention made on subsequent democratic processes on the group after it was conclude. For methodological simplicity, the study focuses on the extent to which the mandate given was achieved and secondly whether the mediation intervention was monitored in a systemic way. This is discussed in the context of the five considerations of the SCT model.

2.8 Research methodology

In essence, this study is an instance of retrospective qualitative research. Ruspini (1999, p. 224) explains retrospective studies as event-oriented observation studies. In retrospective research, data is gathered continuously to analyse processes, and how they interrelate. This study seeks to analyse past events in the form of mediation processes in Lesotho and Zimbabwe and their outcomes, notably their contribution to transforming conflict environments. Retrospective studies benefit from using longitudinal research methods, which concerns the collection and analysis of data over time. According to Menard (1991, p. 4), the longitudinal approach concerns research in which data is collected for each item or variable for two or more distinct periods; the subjects or cases analysed are the same, or at least comparable, from one period to the next; and the analysis involves some comparison of data between or among periods. Longitudinal data are essential if the research purpose is to measure social change; they allow a diacronic analysis of the incidence of conditions and events (Menard, 1991, p.4).

The study complements the longitudinal research approach with a Historical Comparative (H-C) methodology as defined by Mahoney (2004.) He describes this as ‘a field of research characterised by the use of systematic comparison and the analysis of processes over time to explain large-scale outcomes such as revolutions, political regimes and welfare states’ (Mahoney, 2004, p81). A distinct H-C approach reconstructs from fragments and incomplete evidence; guards against using own awareness of factors outside

the social or historical context; includes the consciousness of people in a context, and uses their motives as causal factors; sees cause as contingent on conditions, beneath the surface, and due to a combination of elements; compares whole cases, and links the micro to macro levels or layers of social reality; and moves between concrete specifics in a context and across contexts for more abstract comparisons (Kreuger & Newman, 2011, pp. 464-465). Kreuger and Neuman (2011, p. 465) state that H-C research methodology is applied to trace the development of social, organisational and institutional forms and processes, comparing them across periods and country cases.

The first step taken by this study in utilising the H-C method is to conceptualise the object of enquiry. This is reflected in the problem statement. The second step is to evaluate the quality of evidence from the above approaches in relation to the research questions. This considers the possibility that the focus of the research could shift, and evidence that was not relevant could become relevant. Similarly, new avenues of inquiry could emerge, necessitating additional and confirming research. The third step required the organisation of evidence that would be guided by a process of thematic categorisation, and noting generalisations and theoretical insights from the evidence (Newman, 2011, p. 430). The last phase of the process entailed synthesising the research, and analysing the key findings. This was based on a careful, sequential and coherent format that assembled the evidence, arguments, and conclusions into the research report.

Primary and secondary data was collected. The former was collected through field research in Lesotho and Botswana, where the SADC secretariat is located. Interviewees included state actors who were involved in the respective mediations, NGOs in both countries (involved and not involved in the mediations), representatives of development partners in the countries under review, and expert research and academic organisations that have provided analysis and studies on SADC mediation in both. Primary sources included official SADC documents on both processes; various SADC communiqués on the mandate of the mediation, and various decisions made about its development; and official government records on various aspects of the mediation. Secondary data took the form of past studies and scholarly work on SADC mediation in both countries. To validate information across sources, the study used a method of triangulation or cross-examination, which seeks to arrive at consistency across data sources or approaches.

Denzin (1978, pp. 294-307) defines triangulation as a process that validates data and information across sources and time periods, but explains that inconsistencies in data should not be seen as weakening evidence, but as an opportunity to uncover deeper meaning in the data. Practically, analysing the research question from different perspectives carries out triangulation. This was mostly done during the primary research phase, when the research question was both rephrased and reformulated to see if respondents arrived at different or consistent answers. Data triangulation was mainly used in this research. It refers to using more than one method to collect data about the same topic; having different sources, so to speak.

2.9 Limitations of the conceptual model

Certain framework conditions have to be in place for an SCT approach to be considered in an intervention. An assessment of whether an SCT approach is possible in a mediation process rests on a number of internal and external factors (Berghof Foundation for Peace Support, 2006, pp. 67-69). The external factors have to do with the scope of the mandate, and whether 'track one' negotiations can make room for a systemic intervention (Berghof Foundation for Peace Support, 2006, p. 69). As proven by experiences from Zimbabwe and Lesotho discussed in chapter one, there was a pushback from parties in these countries on the exact mandate and responsibilities of the SADC mediator. This can limit mediation's room for manoeuvre in developing initiatives seen to be outside the scope of the given mandate.

Beyond restrictions on the mandate, the systemic approach to conflict interventions presents practical institutional challenges to the mediating organisation. If it is to be used as a basis for a coordinated process involving various actors, it is necessary to ensure that the required capacities are in place. This includes the mediating organisation's human resources and implementation structures to support and monitor the domestic transformation process.

The internal factors that affect the incorporation of SCT have to do with the prevailing security context in a country, the mediator's access to the conflict parties, and their acceptance and support of the measures. In contexts of political conflict where a security vacuum exists, for instance, an intervention has to primarily meet minimum criteria for

establishing a conducive security environment in which negotiations can take place. Certain minimum security standards should be in place for the mediator and the staff. Depending on how long and complicated the process for establishing security may be, it can affect the consideration of and even the prioritisation of SCT in the mediation. Where the security comes from also matters, as it can lead to a perceived bias of the mediation to particular groups involved in the conflict. The security situation also affects a mediator's legitimate access to the conflict parties. It is even more pronounced in environments where relations among parties have broken down, or where they have fundamentally conflicting perspectives on its causes and the credibility of the mediation.

The mediator's access to the conflict parties relates to the physical reach of parties, and depends on the specific situation within which the mediation plays out. In the Lesotho mediation, for example, the country's main opposition were self-exiled in South Africa, and emphasised that they did not interact with the SADC facilitator for at least six months of the mediation, and that requests to meet with him were not honoured by SADC (T. Maseribane, interview, July 20, 2016). Besides coordinating with the key conflict parties, it is key that the country affected by the conflict accepts intervention, and the means of creating a transformative synergy between actors are equally accepted. These means have to do with internal capacity, and the relationship between state and non-state groups. In Zimbabwe for instance, the relationship between government and civil society organisations was deeply fragmented.

Besides the framework conditions that must be in place for an SCT approach to be pursued, the application of the SCT model to this research could be limited by what the study observes as SADC's preferred approach to mediation, that is, the traditional 'track one' approach. This draws a clear distinction between managing a conflict and the requirements for countries to rebuild themselves thereafter. While mediation and conflict transformation share the overall goal of building lasting peace, they can differ when it comes to the means employed, the time frame, and the parties and third parties involved. A conference report by the Mediation Support Network (2014, pp. 7-8) reduces these to the following five issues:

1. **The strategies employed**: mediation uses assisted negotiations as a way of helping parties to come to an agreement. This might lead to a transformation of relationships and structures in the long term, but agreements may also come about without a fundamental transformation of relationships, for purely pragmatic reasons. Conflict transformation sees the transforming of relationships between the conflict parties, but also relationships and structures of society at large, as the most effective means of bringing about peace. This may come about through different mechanisms that go beyond the mediation process (such as confidence-building measures).
2. **Time frames may differ**: This is often the case, as the duration of mediations cannot always be predicted. Peace negotiations may last for several months or years until an agreement is signed. But the transformation of relationships and structures goes beyond the signing of agreements. It is more long term, as it may involve transformation on many different levels (actor, issue, structural transformation).
3. **The inclusivity factor**: Traditional mediation requires, at least during the first stage, political and military actors who have the power to decide the end of violence. This does not mean that a mediation process cannot include other actors at various stages, but initially it leans towards the decision-makers. Conflict transformation requires the need to build a 'peace constituency' that includes not only the top leadership, but also national leaders (professionals and intellectuals), and local leaders of grass roots organisations and local peace commissions.
4. With regard to the third parties involved, a mediation process involves the **mediator, mediation team and mediation support actors**. Conflict transformation requires a wider range of different actors, since it 'cannot be planned and implemented by one actor alone – it takes many different contributions'.
5. **Partnerships**: Transforming relationships and structures also requires a broader spectrum of development and peacebuilding actors who remain in place after the peace negotiations have ended, and a peace agreement has been signed.

However, the above limitations or differences are illustrative of traditional and often dominant mediation approaches, and should not be read to imply a separation between

mediation and conflict transformation (Mediation Support Network, 2014, pp. 8-12). Rather, that mediation processes along the lines of traditional 'track one' diplomacy can feed into conflict transformation, which is a broader process. This means that mediation processes could be designed to create fertile ground for conflict transformation.

The study's proposed approach to evaluating the efficacy of SADC's peacemaking efforts has its fair share of challenges. The first, as explained in chapter one, is that it focuses on mediation as a subset of peacemaking activities in SADC. This is mainly because mediation constitutes SADC's main peacemaking activity. Other aspects - legal settlement in particular, do not feature prominently in SADC's approach. This, of course, differs from case to case. In the case of Lesotho, for instance, it is debatable whether the SADC Commission of Inquiry mandated by SADC in 2015 as part of its mediation constituted an attempt at a judicial settlement. Strictly speaking, the Commission was not a legal arbitration entity, and it lacked jurisdiction. So the question that remains is whether a focus on mediation is adequate to make overall judgments about peacemaking. The study's conviction is that it can suffice as long as the analysis reflects the existence and application of the majority of peacemaking instruments, where applicable.

Secondly, the language used by the study for measuring the success of SADC's mediations differs from that used by SADC itself. SADC uses the concept of 'success', but without clear criteria, although seemingly drawn from the execution of its mandate. The issue here is not about semantics, but about focus. It would be important to establish the sources of this success, and conduct more research on how SADC evaluates mediation – including how short-term successes are sustained.

The third limitation is that the study's effectiveness evaluation framework is mostly drawn from scholarly analyses and not from SADC practitioners, meaning that there could be a difference in how the mediation was originally conceptualised and the way that the study understands it to be conceptualised. As Mateja (2016, p. 4) explains, practitioners concentrate on factors under their control, subsuming these under operational goals. Scholars, on the other hand, focus on broader benchmarks. Therefore, there may be possible areas of dissonance between the study's findings and what is practical in a mediation process. To address this, the study would need to draw links between short-

term successes and their potential to be sustained and to contribute to long-term conflict transformation.

2.10 Conclusion

This chapter has discussed the conceptual framework for the study, how this has been applied to the research, and elaborates on the research methodology. It has reviewed the traditional literature on the causes of conflicts, which is consistent with the study's analytical view of how post-colonial states were crafted, and the resultant competition for resources and power. The study summed up, political economy approaches as converging on the tripartite grievances of creed, greed, and need – grievances that have propelled the spate of political conflicts at play in the SADC region. The chapter has also outlined the SCT model used in the research. It proceeded from debates form the conflict transformation school that the potential of third party interventions to transforming conflict landscapes can be limited by diplomatic approaches that focus squarely on conflict management and conflict settlement. The notion has developed that conflicts not only need to be resolved, but also transformed, both in terms of changing the relationship between the parties and more broadly in society. This includes addressing the structural causes that originally led to the conflict. The role that mediation can play in such transformation processes is discussed in chapters four and five. This chapter has also referred to the distinction between 'negative peace' and 'positive peace, using Galtung's argument that defining the status quo of countries emerging from conflicts as peaceful is limited. He argues that interventions should go beyond 'the absence of war' thesis to focusing on positive peace, characterised by the restoration of relationships, the creation of social systems that serve the needs of the whole population, and the constructive resolution and transformation of conflicts. Lastly, the chapter has outlined the indicators developed and utilised in the course of this study for gauging the efficacy of SADC's peacemaking initiatives. The study focuses on the extent to which the mandate given was achieved and whether the mediation intervention was monitored in a systemic way. This discussed is in the context of the five considerations of the SCT model.

3 SADC's peacemaking architecture

3.1 Introduction

Modern-day SADC is a culmination of attempts to compel member states to observe its values, objectives and goals in general, and maintain peace and security as well. However, aside from its formal mandate, SADC has adopted a distinctive approach to peacemaking that favours 'soft power approaches' such as mediation and arbitration over other punitive instruments, which are pursued as a measure of last resort. The question of SADC's institutional effectiveness in peacemaking further requires reflection on the policy and organisational contexts within which mediation missions are conducted.

This chapter discusses SADC's policy framework and institutional structure for peacemaking generally and mediation in particular. It starts with a discussion of the precepts of regional cooperation in SADC, and how this has informed its approach to political and security cooperation. This is followed by a discussion of SADC's powers, its decision-making processes, and the cession of sovereignty to it by member states. Consideration is given to sub-state arrangements for SADC countries to implement and coordinate SADC policies, and the degree to which non-state actors play a role in its peace and security programmes. Discussions follow on how mediation is structured in SADC, how this is resourced, and how it is evaluated.

3.2 Regional cooperation with a development bias

The regional cooperation process in southern Africa began as a response to the presence of a strong but hostile apartheid South Africa. With time, however, it drew its inspiration from the evolving continental integration agenda. This is the agenda that followed the formation of the OAU in 1963 and was consolidated through a number of regional initiatives that promoted collective self-reliance, including the Lagos Plan of Action (1980) and the Abuja Treaty establishing the African Economic Community (1991). The idea of extricating Africa from perpetual marginalisation in the world economy and its damaging economic dependence on former colonial powers was part of the logic of what has been termed 'old regionalism'. This was to be achieved through strong politi-

cal solidarity and improved economic cooperation among countries in geographical regions of Africa (Akokpari, 2008, pp. 85-110).

For this purpose, a number of (RECs were established, and in the process, the FLS initiative was transformed into the Southern African Cooperation Conference (SADCC) through the Lusaka Declaration of April 1980. SADCC's aim was to transform southern Africa into a prosperous region. SADCC leaders signed a memorandum of agreement (SADCC MOU) to establish its institutions. These were a Summit of Heads of State and Government, as SADCC's supreme-making policy institution which met annually; a Council of Ministers (COM), comprising ministers mainly responsible for economic affairs; sectoral commissions; a Standing Committee of Officials; and a Secretariat, initially small, providing a liaison function between SADCC and national structures. The MOU also stated that disputes related to the application and interpretation of the SADCC MOU that could not be settled by negotiation or by other means could be refereed by any party to the Summit for a final and binding decision (Oosthuizen, 2006, p. 62).

A SADCC 'programme of action' was outlined, detailing the functional cooperation activities to be undertaken by various sectors in SADCC countries. Consequently, SADCC adopted a decentralised approach to regional cooperation, based on the thinking that this would obviate the need for a large bureaucracy at the regional level. It was based on a division of labour among member states through Sector Coordinating Units (SCUs), which were the main units of regional cooperation. Under this system, each member state was made responsible for a specific sector or subsector, and was expected to lead the implementation of sector policies and strategies, while also mobilising funding for assigned projects (Tjønneland, Isaksen & Le Pere, 2015). While the Summit served as the supreme policy-making body, it did not oversee the performance of the different sectors. This was done by Ministerial Sector Commissions to which the SCUs reported (Oosthuizen, 2006, p. 63). Structures called National Contact Points (NCPs) were also created in each SADC member state. These were units in national ministries of countries (often finance and development ministries), staffed by local officials and responsible for linking state authorities to SADCC, and coordinating SADCC projects assigned to them (Oosthuizen, 2006, p.63). Through this approach, SADCC embodied a

state-led model of regional cooperation that worked 'very well in comparison to the current model in place' (F. Mogae, interview, July 16, 2015). To him, it encouraged a greater sense of ownership and commitment from member states because they themselves drove the implementation of SADCC policies. Oosthuizen (2006, p. 69) adds that 'by recognising the contribution of all states, both big and small, the horizontal, sectoral approach encouraged a sense of equality and collective self-reliance in the region, helping to forge a regional identity and a sense of common destiny among member states'.

But there were many problems with the decentralised approach, as it created a national interest-focused mode of regional cooperation at the expense of regional concerns. Schoeman (2001, p. 3) notes that it cultivated the need to preserve and strengthen countries' individual statehood and safeguard their sovereignty, hence the reluctance to create and cede authority to the regional secretariat. The decentralised approach was indeed aligned to the way in which FLS had functioned, with member states safeguarding their sovereignty and distrusting any external mechanism that sought to dictate how they should conduct their internal affairs.

Some practical problems were also apparent with regard to uneven human and financial resource capacity among member states in implementing these activities. They had to finance them, and the Secretariat did not have a regional budget. The thinking at the time was that funds would be sourced from donors, and this was specified in the Lusaka Declaration's vision of working with International Cooperation Partnerships, or ICPs (Oosthuizen, p. 64). But there were politics around mobilising funding for SADCC as a collective project due to ideological divisions emanating from the Cold War, and the fact that donors provided funding to SADCC member states directly. Despite these challenges, some donors were able to financially support SADCC to the extent that in the 1980s, more than 90 per cent of its funding came from Western countries and their institutions (Oosthuizen, 2006, p. 65).

In the second half of the 1980s, SADCC countries focused more on foreign investment, the promotion of the private sector, trade, and the production of goods and services in mining and industrial sectors. This was in keeping with the liberal economic spirit of the time. Western countries, to which some SADCC members were heavily indebted, en-

couraged and enforced liberal economic reform agendas like trade liberalisation and structural adjustment programmes.

In 1992, when SADCC was transformed into SADC, the economic and developmental imperative were strongly retained, mainly because of the difficulties experienced by SADCC in mobilising resources for regional development. SADC thus became a basis for continuing political solidarity and regional cooperation, premised on economic development. SADS's founding treaty expanded most of SADCC's policy substance, emphasising the need to create stronger regional integration capacities. According to the Treaty, SADC's main objective is to 'promote sustainable equitable economic growth and socio-economic development through efficient productive systems, deeper cooperation and integration, good governance and durable peace and security, so that the region emerges as a competitive and effective player in international relations' (SADC, 1992).

The Treaty maintained the decision-making institutions and arrangements in the SADCC MOU, and expanded the powers of the Secretariat to cover planning, strategic management, coordination, and the harmonisation of the policies of SADC member states with regional strategies. But throughout the 1990s, as Oosthuizen (2006, p. 82) observes, member states failed to resource the Secretariat to carry out these functions, and had a general disdain for its staff and the policy documents that came from it. The 1992 Treaty also created the SADC Tribunal, to assist with the interpretation of the Treaty and to adjudicate disputes over its application where political solutions might fail.

In terms of security and political cooperation, the 1992 Treaty added politics, diplomacy, international relations, and peace and security as areas of cooperation. But there was little emphasis on internal political issues like democracy and governance. Under political and security goals, the Treaty simply stated that SADC would 'evolve common political values, systems and institutions, and promote and defend peace and security' (SADC Treaty, 1992). Cawthra (2006, p. 93) argues that during this period, SADC was a regional economic organisation rather than a security-focused organisation.

In 1996, SADC galvanised efforts to place political and security cooperation on a new footing, on the back of Angola's civil war, a constitutional coup in Lesotho and a generally deteriorating human rights and governance situation in the region (T. Salomão, interview, April 29, 2015). The OPDSC, SADC's security Organ, was launched with Mugabe elected as its first chairperson (Van Nieuwkerk, 2006, p. 105). No treaty was drafted to establish it, just a communiqué from the SADC Summit outlining that it should operate at the summit, ministerial and technical levels; function independently of other structures; its chairmanship would rotate annually; and that it would work on a troika basis (SADC, 1996 Summit communiqué, discussed in Oosthuizen, 2006, pp. 92-94). The objectives listed in the communiqué were extensive, but also broad in how they could be interpreted and applied to member states.

The security organ became operational in 2001 with the signing of the Protocol on Politics, Defence and Security Cooperation (SADC 2001). SADC also amended its Treaty in 2001 and restructured its operations, shifting from the original decentralised system to a centralised one (Kaunda, 2007, p. 72). The SCUs and the sectoral commissions were phased out, and their functions consolidated around four directorates within the Secretariat (Kaunda, 2007, p. 72). The Secretariat was given a monitoring and evaluation role (Kaunda, 2007, p. 73). SADC National Committees (SNCs) were also established in each member state to fill the vacuum left by the phasing out of the SCUs, and to maintain national ownership of SADC projects. The SNCs were also meant to create space for non-state actors in the organisation's activities. These changes have been difficult to implement, in part because of the inherited mandate of the FLS that favours selective cooperation, and a tendency among member states to sideline the secretariat (Tjønneland, Isaksen & Le Pere, 2005, pp. 4-8). The 2001 amendments also led to the formulation and adoption of the Strategic Indicative Plan for the Organ (SIPO), which provides a road map for deepening regional political and security co-operation It was adopted in 2003 to give effect to the mandate of the OPDSC, and to measure the Organ's impact in political and security cooperation (Van Nieuwkerk, 2006, p. 105).

3.3 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 or-

ganisation; the OPDSC (with its own troika for decision-making, as well as a Directorate); the Secretariat; the SADC Tribunal; and the SNCs. As regards SADC's peacemaking function, the organisation has a conflict prevention, management and resolution framework encapsulated in the SIPO. It comprises an early warning and mediation structure, which are discussed in detail below.

3.3.1 The Summit

SADC has typical political organs to provide direction to its work. The highest decision-making body remains the Summit. The Council of Ministers (COM) advises the Summit on policy matters and the development of SADC as an institution. These, as highlighted in the previous section, include its highest decision-making body: the SADC Summit of Heads of State and Government. The Summit remains SADC's ultimate policy-making institution. It is responsible for the overall policy direction of the organisation, and controls how it functions. The powers given essentially to the heads of SADC member states are extensive. For instance, the Summit presides over the running of the SADC Secretariat, and the Secretariat is accountable to the Summit. Furthermore, the Summit is the only institution that can appoint SADC's Executive Secretary and his or her deputy.

The Summit meets at least once a year, and may hold extraordinary meetings or special summit meetings at the request of any member to discuss emergency security and political issues. Summit decisions are reached by consensus, and are meant to be binding on member states. The COM, a pivotal institution, meets at least four times a year, and reports to the Summit. It advises the Summit on policy issues and the efficient functioning of the SADC Secretariat. COM also develops the SADC 'common agenda', outlines annual strategic priorities, and approves and oversees the implementation of SADC policies, strategies and programmes.

The Summit is also a legislative organ. It has to approve policies before they are considered for passage into law, for instance in the form of a protocol. A protocol is a legal instrument that commits member states to co-operate, co-ordinate, harmonise and integrate policies and strategies in one or more sectors. Sectoral actors in collaboration with SADC agencies develop protocols. Protocols need to be signed by the SADC Summit,

and ratified by two thirds of its member states before coming into force. The Summit's powers are significant for all SADC legal processes. For instance, it makes the final determination on the judgments of its regional court, the SADC Tribunal. The Tribunal is an organ or regional court established under the Treaty to help interpret it, and adjudicate disputes over its application and the functioning of the organisation (Oosthuizen, 2006, p. 71). All Tribunal rulings have to be referred to the Summit. Under the Treaty, it is the only body that can sanction the Tribunal findings, so the Tribunal is subject to political oversight. The Summit also has the power to revise legislation, and even to dissolve the organisation.

3.3.2 The SADC Organ

The Organ operates at the level of the Heads of State, through a Troika, which reports to the SADC Summit. There is a parallel Troika of Heads of State that looks after SADC affairs. A Ministerial Committee, consisting of ministers responsible for defence, policing and intelligence from all SADC states, reports to the Troika, and makes key decisions in practice. Operationally, work is carried out through two committees of senior officials, the Interstate Politics and Diplomacy Committee (ISPDC) and the Interstate Defence and Security Committee (ISDSC). The Protocol, and hence the Organ, deals with a comprehensive range of security cooperation based on principles of common and collective security as well as mutual defence. The specific objectives of the Organ are numerous. According to the protocol establishing it, the Organ is meant to:

a) protect the people and safeguard the development of the region against instability arising from the breakdown of law and order, intrastate conflict, inter-state conflict and aggression;

b) promote political co-operation among state parties and the evolution of common political values and institutions;

c) develop common foreign policy approaches on issues of mutual concern and advance such policy is collectively in international fora;

d) promote regional co-ordination and co-operation on matters related to security and defence and establish appropriate mechanisms to this end;

e) prevent, contain and resolve inter-and intra-state conflict by peaceful means;

f) consider enforcement action in accordance with international law and as a matter of last resort where peaceful means have failed;

g) promote the development of democratic institutions and practices within the territories of state parties and encourage the observance of universal human rights as provided for in the Charters and Conventions of the Organisation of African Unity and United Nations respectively;

h) consider the development of a collective security capacity and conclude a Mutual Defence Pact to respond to external military threats;

i) develop close co-operation between the police and state security services of state parties in order to address: (i) cross border crime; and (ii) Promote a community-based approach to domestic security;

j) observe, and encourage state parties to implement, UN, AU and other international conventions and treaties on arms control, disarmament and peaceful relations between states;

k) develop peacekeeping capacity of national defence forces and coordinate the participation of state parties in international and regional peacekeeping operations; and

l) enhance regional capacity in respect of disaster management and coordination of international humanitarian assistance.

The Organ has its own Directorate, which is located in the SADC Secretariat in Gaborone, the capital of Botswana. It functions under the overall supervision of the SADC Executive Secretary, and is headed by a director. The Directorate is divided into six units, namely defence affairs and planning; politics and diplomacy; public security; state security; a regional Peacekeeping Training Centre; and the SADC Police. Mediation and all peacemaking activities fall under the Organ's mandate. The Organ Directorate coordinates all related activities. While the Directorate is physically located at the Secretariat, it has operated in a silo, and there is limited or no co-operation between its activities and those of other SADC directorates dealing with governance and monitoring

and evaluation, for instance (M. Mahao, interview, January 13, 2015). From its inception, the Organ has also been poorly staffed. This affected mediation missions, for instance, before the mediation structure was created. Personnel at the Organs Directorate are mostly secondments from the military (M. Lembede, interview, July 18, 2015). They substantially lack policy analysis, implementation and monitoring skills. The Organ is primarily guided by and acts on behalf of the interests of SADC member states, rather than acting autonomously.

The SADC Brigade, now known as the SADC Standby Force (SSF), is another SADC structure that can be used to support peacemaking. It is supposed to operate in harmony with the AU's African Peace and Security Architecture (APSA). Its functions, as outlined in Article 13 of the PSC Protocol of the AU, include observations and monitoring missions; other types of Peace Support Missions; and intervention in a State Party in respect of grave circumstances or at the request of that State Party, or to restore peace and security in accordance with Art 4(h) and (j) of the Constitutive Act. It can be deployed to prevent: a dispute or conflict from escalating; an ongoing violent conflict from spreading to neighbouring areas or states and; the resurgence of violence after parties to a conflict have reached an agreement. It can also be deployed to support peacebuilding, including post-conflict disarmament and demobilisation; as well as humanitarian assistance to alleviate the suffering of civilian populations in conflict areas and support (Macaringue, 2006, p. 120).

The mandate of the SADC Organ is operationalised through the SIPO, which provides guidelines for the implementation of the OPDSC Protocol on a five-year basis. The framework is meant to guide member states on improving their governance and democracy processes. The goal, according to the initial document in 2004, is to 'promote the development of democratic institutions and practices by state parties, and encourage the observance of universal human rights' (SADC, 2004, p. 20). But, as history has shown, SADC countries do not have common standards and principles of democracy and good governance. From its inception to date, numerous member states, including Zimbabwe, Lesotho, Madagascar and Swaziland, have failed to maintain stability, and promote the ideals of good governance and democracy as envisaged. The current version of SIPO is a revised one. It is structured into five sectors in alignment with how the Organ Direc-

torate is structured. These are identified by the Organ Directorate as its key results areas in terms of evaluating its performance. They are:

The Political Sector, involving democracy, elections, the rule of law, human rights promotion, mediation, and conflict prevention, management and resolution.

The Defence Sector, involving military matters and regional security cooperation.

The State Security Sector, involving measures for cooperation on matters related to early warning and the capacities of member states to manage internal threats.

The Public Security Sector, involving the protection of civil society, emergency management, justice, immigration, and organised crime.

The Police Sector, involving law enforcement and transnational crime.

The SADC Secretariat coordinates and facilitates the implementation of the SIPO, while SADC member states are responsible for its direct implementation. But this is left to the discretion of member states. Van Nieuwkerk (2013), one of few academics in the region who conducts research on its implementation, stresses that SIPO is not meant to be a binding policy document or a legal framework, but should be understood as a tool to guide collective behaviour (2013, p, 64). This is a problematic situation. SADC has no specific guidelines for SIPO's domestication, and little is known about the rate at which SIPO provisions are implemented at national levels. Moreover, SIPO evaluations lack technical rigour.

3.3.3 The Troika system and the role of Troika chairs

The Troika system is an association of three countries (comprising a rotational grouping of outgoing, incumbent and succeeding 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. They mostly entail providing financial and other support to the Organ with regard to peacekeeping, conflict resolution and mediation processes in particular; coordinating key meetings of the ISPDC and the MCO; and providing policy leadership

and direction to the OPDSC by coordinating the work of SADC member states in politics and security. Vitally, the role of chairs and their effectiveness is tied to the running of SADC, the Organ and its directorate.

But the criteria used to elect countries to become SADC chairs are not specified. In fact, SADC Heads of State and Government have some latitude in the selection of the political leader of the organisation at any particular time. It can thus be argued that countries best qualified to guide the SADC agenda do not necessarily assume leadership roles in SADC. Swaziland, which is an absolute monarchy, and known to flout regional democracy standards, has assumed this role a number of times. Therefore, the extent to which SADC security cooperation efforts are weak or robust depend on the country heading SADC and the calibre of its leadership. This is not to say that chairs can impose themselves on the group, and take decisions unilaterally. Countries chairing the Summit have to get consensus from the members about SADC activities and any other decisions. The only time a chair can act without the requisite consensus is simply to influence decisions that may be taken without the requisite consensus. The exceptions include the amendment of SADC treaties and the dissolution of SADC or any of its institutions requiring a decision by three quarters of all Summit members, the imposition of sanctions in certain instances, and a decision on whether to take enforcement action failing peaceful efforts to resolve a conflict (T Mothae, interview, July 17, 2016)

Decision-making in SADC is hierarchical and mostly consensual in nature, rather than being monopolised by the country chairing the Summit or the OPDSC (Motsamai, 2014, p3). But this study argues that chairmanship in SADC provides a unique power platform for steering policies in a particular direction. Actors in control of this office enjoy unique opportunities to shape the outcomes of a range of negotiations within the organisation and for the organisation. Chairs fulfil three basic but important functions. According to Tallberg (2010), these are functions of agenda setting, brokerage, and representation. He further states that chairs possess privileged resources that enable them to steer negotiations toward the agreements they most prefer.

3.3.4 The SADC Secretariat

The Secretariat and the Executive Secretary (ES) are the principal administrative and executive institutions of SADC. The Secretariat is responsible, among others things, for implementing the decisions of the Summit, the OPDSC and the COM. It is tasked with providing strategic planning and management for the organisation, implementing its decisions, and co-ordinating the policies and strategies of member states to ensure synergy with regional policy positions. A new ES from Tanzania, Dr Stergomena Tax, was appointed in 2014. The ES is the head of the Secretariat, and manages consultations between governments and SADC and SADC engagements with other RECs, organises the meetings of the Summit and Council, and oversees the public administration machinery at SADC. The SADC Secretariat is not a political decision-maker. As argued by Van Nieuwkerk (2014), the Secretariat exists by design of the member states in order to carry out political instructions. Indeed, the Secretariat has limited operational autonomy, as it mainly reports to the COM. These functions are outlined in the SADC Treaty. By implication, the Secretariat is restricted by the Treaty to being an administrative (or implementation, monitoring and evaluation) unit with little or no political decision-making powers.

Some background is important to the way the Secretariat works. From 1993 onwards, a select team drawn from member states produced three reports on improving the Secretariat, following agreement within SADC that the structure was not efficient. Those reports were: A Framework and Strategy for Building the Community of 1993; the Management of Regional Co-operation Report of 1994; and the Review and Rationalisation of the SADC's Programme of Action of 1997. The reports found the Secretariat to be institutionally weak and ineffective in carrying out SADC's mandate (Tjønneland, Isaksen & Le Pere, 2005). It was found to be inadequately and inappropriately staffed as well as underfunded. Staff morale was found to be very low, and staff turnover high.

The internal assessments also discovered that there were many problems pertaining to the role of national governments as key implementers of the SADC agenda. The original idea was that SADC, as a supranational authority would provide policy guidance and direction in pursuit of regional integration and development by developing regional policies, adopting regional agreements, and designing regional programmes of action.

These goals were meant to be implemented at the national level, and the governments of member states were expected to put measures in place and drive the implementation of regional policies through a kind of national service delivery machinery (Tjønneland, Isaksen & Le Pere, 2005). They also needed to mainstream the regional agenda through a deliberate process of ensuring that national and regional policies were aligned. Besides this, national governments were expected to allow SADC space to influence their national agendas.

The Secretariat was meant to be responsible for coordinating concerted national efforts to implement SADC programmes. But many of the units dealing with SADC affairs in member states were either non-functional or weak. Where they existed, they consisted of small desks in departments of foreign affairs and/or regional co-operation. They did not include civil society and business, as required. Member states had neglected a major element of realising the common goals they adopted at SADC Summits. They allowed the process to be state-led, even when SADC had opened space for the participation of non-state actors and citizens. On the basis of these reviews, SADC decided to overhaul the institutions that had been found wanting – the Secretariat, SCUs, and National Contact Points.

The Secretariat is not only expected to coordinate policy implementation among countries, but also to monitor and evaluate their policies. The latter has been difficult, especially in respect of political and security issues, because a clear framework for doing so has been lacking. In 2012, SADC developed an elaborate framework for monitoring and evaluating its processes related to the SIPO in a document called 'the SADC Policy for Strategy Development, Planning, Monitoring and Evaluation', referred to as SADC Policy for Strategy Development (SADC, 2012, p. 1). This is the organisation's first consolidated institutional framework for monitoring and evaluation produced in recent years. Its overall purpose is to strengthen SADC's decision-making process by helping with priority setting, resource allocation and programme management (SADC, 2012, p. 6). As its name suggests, the framework follows a four-tier integrated approach that links strategy development to planning, monitoring and evaluation. The document guides SADC officials on how to interpret the opportunities and threats presented by changing circumstances in programmes in order to set priorities (strategy development);

determine the best way to achieve realistic targets within a specific time frame and available resources (planning); establish the necessary control mechanisms to provide evidence-based feedback on the implementation of policies (monitoring); conduct investigations on whether activities effectively contribute to identified goals (evaluation); and identify key success factors that can inform adjustments to priorities set (strategy review).

The document discusses key concepts, and provides an overview of the principles and preconditions for evaluation. Firstly, monitoring is defined as a continuous management process involving research on specified indicators of regional integration 'to provide SADC governance structures and other main stakeholders with indications of the extent of progress and achievement of the integration agenda' (SADC, 2012, p. 30). Monitoring is expected to provide an early warning function to policy implementation by indicating the likelihood that expected results are attained and, creating an opportunity to change programme activities and approaches. Evaluation is defined as 'the systematic and objective assessment of ongoing or completed SADC projects, programmes or policies, their design, implementation and results (SADC, 2012, p. 29). It refers to the process of determining the worth or significance of an activity, policy or programme as this relates to the core regional integration agenda.

According to the document, evaluators examine four criteria, namely relevance, effectiveness, impact, and the sustainability of activities in relation to the specific contexts in which they are implemented. Not all criteria are defined in the document. It only defines impact to include positive and negative, primary and secondary long-term effects produced by an intervention, whether directly or indirectly, or intended or unintended. Impact also refers to changes in the economic, social and/or environmental condition as pursued by the strategic intent of the organisation (SADC, 2012, p. 29). The document emphasises that evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision–making process of both SADC and its development partners.

3.4 The SADC Tribunal

The SADC Tribunal was created in 1992 to serve as an integral part of SADC's arbitration and conflict resolution mechanisms. But its jurisdiction was circumscribed in 2014 as a result of a political fallout with the Zimbabwe government over its ruling about Zimbabwe's controversial land reform process from 2000 onwards, brought before it by a non-state party (Alter, Gathii & Helfer, 2016 pp. 307-310; Erasmus, 2015). The Zimbabwean government orchestrated a diplomatic offensive against the Tribunal's powers and jurisdiction, aimed at convincing SADC member states to strip down its powers to the point where it could only adjudicate disputes between states (Erasmus, 2014). The backdrop to these developments is important for this study, because they explain why SADC favours mediation over legal instruments in its approach to peacemaking.

The Tribunal's establishment was provided for, and its jurisdiction outlined, in Article 16 of the SADC Treaty of 1992. It states that the Tribunal is to 'ensure adherence to and the proper interpretation of the provisions of this Treaty and subsidiary instruments, and to adjudicate upon such disputes as may be referred to it'. A separate protocol for its establishment developed in 2000 is more specific about the Tribunal's powers. It states that it has the power to deal with three kinds of disputes: the interpretation and application of the SADC Treaty; the interpretation, application and validity of all protocols and subsidiary instruments adopted within SADC; and any matter that could not be settled between member states. But, according to Kaire Mbuende, a former SADC executive secretary, 'nowhere in both treaties does it specify that ordinary individuals can bring cases against member states to it'. He added that when the Tribunal was created in the 1990s, there were differences among member states about its powers, and whether non-state parties could bring matters before it (K. Mbuende, interview, October 14, 2016). Alter, Gathii and Helfer (2016) add that, during discussions about developing a separate protocol for the Tribunal, several governments did not support it, and voiced a preference for arbitration and mediation. According to them, 'European donors expressed doubt that the SADC could advance subregional integration without a more effective and credible dispute settlement mechanism (Alter, Gathii &Helfer, 2016, p. 307). Partly in response to this external pressure, the SADC Protocol's drafters, who included a British judge funded by the European Community, created a tribunal modelled on the Euro-

pean Court of Justice, with direct access for private litigants – after exhausting domestic remedies – and a preliminary ruling mechanism' (Alter, Gathii & Helfer, p. 307).

The Protocol on the Tribunal was signed in 2000, and its establishment ratified. But it was only formally inaugurated in November 2005. It heard its first major case in 2008, when a white Zimbabwean farmer lodged a complaint against the Mugabe government for land dispossession. The Tribunal ruled that the Zimbabwe government had violated the human rights provisions of the SADC Treaty in using race as the basis of land dispossession (Alter, Gathii & Helfer, 2016, p. 308). When the Zimbabwe government refused to adhere to the ruling, the Tribunal referred the matter to the SADC Summit for 'appropriate action', With Zimbabwe steadfast on rejecting the ruling, SADC appointed an independent expert to review the role, responsibilities, and terms of reference of the Tribunal (Erasmus, 2016).

In May 2011, SADC ignored the recommendations of the expert, who reiterated that the Tribunal was lawfully constituted, and its decisions were binding on signatories (Alter, Gathii & Helfer, p. 312). But instead of sanctioning Zimbabwe, SADC suspended the Tribunal, in order to review its mandate. The Summit report and decision read as follows:

> Summit recalled that at its meeting held in August 2012 in Maputo, Mozambique, it approved the extension of the mandate of Ministers of Justice/Attorneys-General to enable them to revise the Protocol on the Tribunal in order to address the concerns raised by the Council of Ministers. Summit noted that Council at its meeting held in August 2013 in Lilongwe, Malawi, approved the Terms of Reference for the Committee's extended mandate on the Legal Framework of the SADC Tribunal, listed below: (a) negotiate a new Protocol on the Tribunal, the mandate of which should be confined to the interpretation of the SADC Treaty and Protocols relating to disputes between Member States; (b) the Protocol should enter into force once ratified by two thirds of the Member States; (c) while preparing the new Protocol on the Tribunal, the Committee of Ministers of Justice/Attorneys-General will review existing instruments and also identify the provisions of the Treaty, Protocols and other legal instruments that will require consequential amendments; (d) in discharging its mandate, the Committee of Ministers of Justice/Attorneys-General should benchmark with other regional tribunals/courts, such as the East African Court of Justice, provided such benchmarking does not lead to deviation

> from the mandate given by the Summit, as highlighted in (a) above; and (e) requested the Ministers of Justice/Attorneys General to fast-track the negotiation of a new Protocol as mandated by Summit.

Following this process, the SADC Summit adopted a new Protocol on the Tribunal in 2014 (SADC, 2014), in terms of which the Tribunal will no longer deal with cases brought by individuals against member states, but only with disputes between states.

3.5 SADC's powers, and the cession of sovereignty to it by member states

As the above case illustrates, the extent to which SADC may involve itself in the internal affairs of sovereign states is an unresolved issue. Importantly, this also holds for its peacemaking activities, and enforcing compliance with its decisions. While this is a vital (even foundational) matter, the SADC Treaty deals with it in ambiguous and even contradictory terms. This can be argued presenting the following logic. First, the Summit is SADC's supreme policy-making institution, and all its decisions are binding on SADC member states. Secondly, the responsibilities of member states in achieving SADC's objectives are clearly stipulated in the Treaty, meaning that their responsibilities are also legally binding. According to the Treaty, SADC members must adopt adequate measures to promote its objectives; refrain from taking any measure likely to jeopardise the Treaty's principles and objectives; ensure the uniform application of the Treaty; and do everything necessary to give the Treaty the force of national law. Thirdly, and probably pointing to the ambiguity, its members are expected to adhere to sovereign equality; solidarity, peace, and security; human rights, democracy, and the rule of law; equity, balance, and mutual benefit; and the peaceful settlement of disputes.

The notion of the 'sovereign equality' of states as well as 'non-interference in internal affairs' has a claw-back effect on decisions made. Moreover the SADC Treaty is silent about whether binding decisions of the Summit have a direct effect in the territory of member states. Afadameh-Adeyeni and Kalula (2010) argue that this silence creates ambiguity about SADC's overall jurisdiction, because the implementation of Summit decisions is left to the discretion of member states. It can be argued that even the Summit appears to have no effective powers to ensure greater policy alignment of individual member states in terms of implementation or compliance. Sanctions against non-

compliance can only be imposed by Summit through consensus. This provision has weakened the ability of SADC to act against non-compliance by member states, since the defaulting member would have to support the sanction resolutions. The SADC Treaty also prescribes when what kinds of sanctions the organisation can impose on a member state, and when this can be done. According to Article 33 of the Treaty, sanctions can be imposed on member states in three instances. The first is when a member state 'persistently fails without good reason' to fulfil obligations under the SADC Treaty and other treaties. The second is when a member state 'implements policies undermining SADC principles and objectives'. Thirdly, member states can be sanctioned if they are in arrears with their financial contributions (SADC Treaty, 1992, Article 33). This group of sanctions can be applied by the Secretariat without reference to the Summit or the COM. But, in practice, the Secretariat coordinates such application with the COM and Summit.

The last-named issue concerns the five principles of implementing the SADC agenda. Oosthuizen (2006, p. 124) summarises them as follows:

1. Subsidiarity, which means that SADC work should be undertaken at levels where they can best be handled.
2. Additionality, which means that programmes should be undertaken and prioritised only if they add value to regional integration as opposed to national objectives.
3. Variable geometry, which means that member states have varying levels of development and should be given flexibility in the implementation of SADC policies.
4. Development orientation, which means that all projects should contribute to SADC's common agenda.
5. The common agenda should be based on broad participation and consultation.

This stokes questions of SADC powers in relation to the sovereignty of its member states. For instance, its 'principles of implementation' can be interpreted as giving member states option and discretion in adopting its policies. In law and policy, the SADC Treaty and decisions of its Summit bind member states. Therefore, in formal

terms, members cede important decision-making powers to SADC (Oosthuizen, 2006: p. 162) by virtue of the fact that the Treaty gives SADC jurisdiction over the affairs of its members. But this jurisdiction is both contested and limited because of contradictions in the Treaty itself. Also important are the institutional limitations of exercising this sovereignty. In practice, the Secretariat cannot act independently, and is subject to control by and oversight of member states, through the Summit.

3.6 The Regional Early Warning System (REWS)

The notion of early warning in SADC has its roots in more technical fields like natural disasters forecasting and humanitarian response. It was provided for under Article 11 of the SADC OPDSC Protocol. It has also been guided by the Continental Early Warning System (CEWS) as envisaged in the AU PSC Protocol. The CEWS is meant to receive open-source information from RECs under the AU (including SADC) to inform decision-making by its Peace and Security Council (AU, 2008). It is based on principles of collaboration, which extend to the collection of information from all open sources, including the utilisation of networks of non-state actors. The AU Commission leads the operationalisation of the CEWS by linking it to RECs. Experts, academics, and civil society organisations (CSOs) are involved to varying degrees, assisting with the provision of timely information, among others. SADC's Regional Early Warning Centre (REWC) works in a different way; its operations are regarded as politically sensitive, and closed to CSOs. Its conceptualisation may partly explain this, as it was developed by the ISDSC, involving officials drawn from the SADC and Organ Troikas, with no input by non-state actors. Its current functions are to:

- Implement an early warning mechanism that promotes peace, security and stability in the region;
- Articulate a holistic approach in anticipating potential conflicts in the region;
- Support regional mechanisms for conflict prevention;
- Strengthen existing national mechanisms to feed into SADC mechanism;
- Establish a data base system for early warning in the SADC;
- Compile strategic assessment and analyses of data collected at regional level;

- Conduct research on conflict issues;
- Share information among Member States on major issues that threaten the SADC security and stability; and
- Arrange technical review meetings among relevant institutions to review methodologies and operational issues with the view to making the REWC more effective.

SIPO also provides for the establishment of early warning units within each member state as part of the implementing objectives under the state security sector. The extent to which all member states have national early warning units that are linked to the REWS is doubtful. Certainly, Lesotho does not have one, hence the need for SADC to send an early warning oversight committee to Maseru in 2015.

3.7 SADC mediation structures

SADC derives its mandate to mediate in conflicts among member states from the 2001 Protocol on Politics, Defence and Security Cooperation. It instructs SADC to 'seek to manage and resolve intra- and interstate conflicts by peaceful means' (Article 11). In 2004, the SADC Summit decided to strengthen its mediation capacity, thus enhancing its ability to prevent, manage and resolve conflicts (SADC, 2010a, p. 1). The idea was that mediation should be institutionalised, as SADC did not yet have an institutional framework for its mediation missions. Mediation missions were ad hoc and led by member states, without clear procedures for their conduct and how they should interact with the SADC Secretariat. There were also no clear procedures for involving non-state actors in SADC mediation processes, which was also done on an ad hoc and discretionary basis.

It was only in 2008 that concerted efforts were made to conceptualise this framework, and develop standard operating procedures for regulating SADC mediation missions. The process involved input from the SADC Secretariat, member states, regional mediation experts, and support from the UN Mediation Standing Unit and UN Department of Political Affairs in Africa. The result was a concept paper for establishing a Mediation, Conflict Prevention and Preventative Diplomacy structure.

The SADC Ministerial Committee approved the paper in August 2010. According to this document, the goals of SADC mediation are to prevent an escalation of the conflict; help parties to reach agreement on the termination of hostilities, and the 'establishment of sustainable peace'; and help parties and other actors address the root causes of the conflict (SADC 2010a, p. 3). Its principles include that mediators should address the regional dimensions of national conflict; win the trust of the parties, and build their confidence in the process of negotiations; and 'find ways to involve civil society in the process' (SADC 2010a, p.4).

But Hartmann (2013, p. 6) notes that the creation of the mediation structure was deferred from 2004 until 2010 because of insufficient funding. The mediation structure was to be funded through member state contributions. The structure began to take institutional shape from 2011. It is made up of a Panel of Elders (PoE), a Mediation Reference Group (MRG), and a Mediation Support Unit (MSU). The MRG was first appointed during the SADC Summit in Zimbabwe in August 2014. Its members are drawn from Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa and Zimbabwe. It is meant to enhance the capacity of SADC for conflict prevention, management and resolution. It became operational in March 2015. Its 2015-2017 Strategic Plan identifies three focal areas of work and key outcomes, namely: increased understanding of the root causes and potential causes of conflict in SADC member states; increased utilisation of mediation by SADC member states as a tool for the prevention, containment and resolution of conflict by peaceful means; and strengthened capacity for peace, security, stability and sustainable development in the SADC region.

Members of the PoE were also appointed in 2014. They are former regional leaders who are no longer active in politics, who support and/or undertake preventive diplomacy and mediation activities as mandated by the SADC Summit. Members may themselves be deployed as envoys or mediators. The structure has five members, who are highly regarded political, civic or religious leaders. Half are drawn from governmental sectors, while the remainder comes from non-governmental sectors. There have been delays in the nomination process. However, by end 2017 the nomination process had been completed.

The MSU also began to operate in 2014. It mainly functions as a technical adviser and Secretariat to the MRG and PoE. Its other role is to respond to early warning alerts in collaboration with SADC's Early Warning Unit, and other Sectors within the Organ Directorate. The MSU is also expected to monitor and evaluate SADC's mediation efforts, and provide technical training and capacity to mediation teams (SADC, 2010a, p. 14). According to the inception document, SADC should approach mediation in three phases, namely:

The pre-mediation appointment of a SADC envoy: The initial step is not mediation per se, but a fact-finding mission to advise the Organ and/or the Summit on the nature and dynamics of the conflict; the potential for escalation; the identities and perspectives of the disputant parties; any prior attempts at mediation; and the options for and obstacles to peacemaking. The envoy is expected to make recommendations on the most appropriate member state to be appointed as the mediator, or the most suitable individual. The envoy has the discretion to recommend that the conflict is not ripe for mediation, and suggest alternative strategies to resolve it. It is suggested that the envoy have the profile of a minister, a retired minister or ambassador, and should not be high profile in a way that gives rise to concerns about interference in domestic affairs.

The appointment of a mediator: On the advice of the envoy, the SADC Organ or Summit is to appoint the mediator, and determine their mandate, terms of reference, and line of reporting. The Summit must authorise a mediation team to support the mediator, and provide funding for the mission.

The mediation strategy: The document emphasises that the mediator may only undertake mediation activities consistent with their mandate and 'appropriate to the dynamics of the conflict and the disposition of the parties'. These activities will differ from one case to another, and will change in the course of a peacemaking initiative. The mediator should report regularly to the Organ Troika and the Summit, and should liaise closely with relevant external actors.

Transition from mediation to post-conflict processes: The document states that peace agreements are not self-implementing, and emphasise the need for a mediator to develop proper a transition from negotiations to the implementation of the peace agreement.

The agreement must assign responsibility for monitoring, adjudication and dispute resolution functions during the implementation process. Suggestions to ensure an effective transition are outlined to include consultations with key officials responsible for implementing the various aspects of a peace agreement; engagement of the SADC team with those actors; and realistic time frames and responsibilities for implementation, including responsibilities for monitoring the parties' adherence to the agreement, and measures for adjudicating disputes that may arise. The suggestions further elaborate that an implementation plan should cover state-building (including judicial reform, security sector reform, constitutional reform and financial reform); reconstruction and rehabilitation (including demining and the demobilisation and reintegration of former combatants); and short- and long-term development.

3.8 Evaluating mediation

According to SADC's mediation unit concept paper, SADC should 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, 2010a, p. 6). The document does not provide a time frame for the evaluations, and simply states that they should be done periodically. It further recommends that SADC should conduct evaluations of completed missions to establish 'whether they were successful or not, [and] to identify positive and negative lessons that ought to be taken into account in the future' (SADC, 2010a, p. 6). However, it does not outline the evaluation criteria to be used (C. Chikwanda, interview, December 4, 2017).

The evaluations are supposed to be designed and facilitated by the MRG, and the MSU is expected to convene evaluation workshops, and disseminate final mediation evaluation reports. There is no indication whether stakeholders other than SADC can be roped into evaluation processes. It is apparent that the framework for evaluating SADC's mediation missions is fairly new, and a culture of evaluating mediations systematically and technically has yet to be established. There are some challenges that could come with conducting evaluations of SADC mediation interventions. The AU's experience in evaluating its mediations is instructive. Like SADC, its mediation structure is fairly new. It was established in 2016, to support the work of AU mediators, and improve the

AU's ability to respond to the changing demands of conflict mediation (Motsamai, 2016, p. 2).

The AU structure, called the Mediation Support Unit (MSU), is located in the AU's Peace and Security Division, which is in charge of crisis management and post-conflict reconstruction and development (AU, 2016, pp. 1-2). It is located at the AU Commission, a structure similar to the SADC Secretariat. The unit provides technical, logistical, and organisational support to the work of AU-designated mediators. It also supports the development of mediation plans, and is meant to evaluate mediation missions. Prior to the MSU's establishment, the AU's experience of evaluating mediations was fraught with challenges. Attempts to evaluate these missions were shrouded in serious politics, mainly because of the high-profile nature of mediators, and the fact that evaluating them was perceived as more of an indictment on their performance than an institutional assessment of the AU's performance in conflict management and peacemaking (A. Kambuzi, interview, April 15, 2016). Moreover, the AU's high-profile mediators often bypassed its institutional structures for reporting and evaluation, and became their own bureaucracies. Assessment whether they were good mediators became difficult, because of their political clout and a lack of separation between personalities and the organisation. These politics could similarly characterise SADC evaluation missions. As it stands, SADC mediations are still conducted the old way: dominated by countries leading the mediation with their own country teams, and with minimal interaction with the MSU and MRG. In this sense, countries that lead SADC mediation have created their own bureaucracies, separate from the SADC Secretariat.

3.9 Funding mediation

Nathan (2010, quoted in SADC, 2010a, p. 7) argues that mediation is not nearly as costly as peace operations, but does require financial resources for coordinating mediation logistics and its actual administration in the country. Funds also have to be made available to help countries implement post-mediation agreements, where required. If funds are not available, the impact of mediation missions could be limited. But SADC's resourcing of mediation has to be understood in the broader framework of how the institution is funded.

SADC funding of its operations and programmes comes from two sources: member states and donors. Donor funding accounts for 79 per cent of the SADC budget, with only one fifth contributed by member states (ISS, 2014; SADC, 2013). Donors supporting SADC include the EU, which is the region's biggest development partner and SADC's largest donor. The African Development Bank, the World Bank, the United States, Canada, Japan, the Netherlands, Germany, France, Spain, Sweden and Denmark also provide funding to SADC, but not directly to peace and security projects. Prior to SADC's restructuring in 2001, and the formal establishment of the SADC Organ, donor agencies used to fund national governments directly to carry out political projects and to improve their political governance.

The SADC Secretariat used to implement what was known as special political projects, funded by the European Commission in particular. Since 2001, however, direct donor support to SADC has been limited (Tjønneland, 2006, p, 14). SADC considers mediation to be a strategic diplomatic tool, and therefore sensitive. There is no regional funding mechanism for mediation activities (C. Chikwanda, interview, December 4, 2017).

Most of SADC funding for regional conflict resolution, such as the Lesotho mediation from 2014 onwards, comes from contributions by member states, as outlined in Table 1. The contributions are made in terms of a contribution formula applied since 2003, based on each member state's contribution to regional GDP, all calculated in US dollars**.** The contributions range from a maximum of 20 per cent of GDP down to 5 per cent, for countries of populations fewer than 500 000. To put the GDP calculations into context, five SADC member states are classified as highly indebted countries, while most member states are poor. Because South Africa's GDP dwarfs that of others in the region, it caps its contribution at 20 per cent (M. Lembede, interview, July 18, 2015). Essentially, the GDP-based formula means that the contributions of member states will always vary depending on their annual economic performance. Smaller economies like Lesotho and those in dire economic circumstances like Zimbabwe are by implication responsible for shouldering part of the regional mediation financial burden, which is often not possible (M. Lembede, interview, July 18, 2015).

Table 3.1: Member state contributions to SADC, 2015—2016 (US$)

Member State	Prior years		Current year (2015/16)			Total: Outstanding
	Annual MS contribution (In million)	Years	Approved annual MS contribution	Remitted	Subtotal: current year Outstanding	
Col. 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col. 7
Angola			4,045,000	(4,045,000)	-	-
Botswana			2,165,000	(2,165,000)	-	-
DRC			2,370,000	(2,370,000)	-	-
Lesotho			1,909,000	(1,909,000)	-	-
Madagascar	8,342,116	2009/10 to 2013/14	2,076,000	(2,074,003)	1,997	8,344,113
Malawi			1,997,000	(1,997,000)	-	-
Mauritius			2,097,000	(2,097,000)	-	-
Mozambique			2,135,000	(2,581,410)	(446,410)	(446,410)
Namibia			2,118,000	(2,118,000)	-	-
Seychelles			123,000	(123,000)	-	-
South Africa			7,443,000	(7,443,000)	-	-
Swaziland			1,945,000	(1,945,000)	-	-
Tanzania			2,433,000	(1,423,953)	1,009,047	1,009,047
Zambia			2,266,000	(2,266,000)	-	-
Zimbabwe			2,092,000	-	2,092,000	s
Total	8,342,116		37,214,000	-34,557,366	2,656,634	10,998,750
%				93%		

Source: SADC Secretariat, 2016

Donor support was also important to the establishment of the RPTC in Harare, Zimbabwe. The centre delivers a comprehensive range of training courses for peace support missions, including building capacity for conflict prevention, resolution and mediation; assisting in SADC peacekeeping exercises; and building capacity for the Standby Force. It was established by the Danish government with British support, as an institution initially attached to a Zimbabwe Defence Force facility and essentially under Zimbabwean authority. Cawthra (2013, p. 33) argues that its location made it difficult to maintain donor support when EU sanctions were imposed on Zimbabwe, and funding only began to be restored after the RPTC was moved to neutral premises, and placed under the direct authority of the SADC Secretariat. Funds for the RPTC are now channelled through the SADC Secretariat.

SADC has also now established what it calls International Cooperation Partners (ICPs). These are mainly international donors, like the EU. In 2005, SADC agreed with its donors to align the partnership with the principles of the Paris Declaration on Aid Effectiveness. This resulted in the Windhoek Declaration on a New Partnership between the SADC and Donors or ICPs, signed in 2006. The Windhoek Declaration was meant to become a common aid effectiveness framework to facilitate the delivery of ICP support to the SADC region (T. Mothae, interview, July 17, 2016)**.** It was meant to prepare the ground for increased information sharing and policy dialogue, and lead to improved coordination and more effective cooperation between SADC and its partners. It was also meant to strengthen the SADC regional integration agenda through appropriate technical and financial support (SADC, 2006). The objectives of the Partnership are as follows:

- Ensure regular, institutionalised dialogue at the political, policy and technical levels for constructive engagement, information and experience exchange, and the promotion of best practices on development cooperation;
- Improve coordination between ICPs and SADC in order to ensure more effective development cooperation mechanisms, with a view to achieving maximum impact;
- Ensure alignment, harmonisation and streamlining of operational procedures, rules and other practices in the delivery of development assistance to SADC, taking into account local conditions; and
- Ensure synergy and complementarity of assistance provided at the national and regional levels, taking into account developments at the continental level.

There are two structures under the partnership. The first is the Joint SADC-ICP Task Force. It serves as a link between top-level political decision makers and the groups, which work on the ground in key thematic areas. It helps to ensure the effective utilisation of resources, and address implementation bottlenecks. Coordination takes place at two levels; namely:

The Core Group: The SADC Secretariat meets with donor representatives (ambassadors) four times a year to plan and review SADC's needs in terms of resources. This core group is made up of the SADC Secretariat and donor representatives based in Bot-

swana. The responsibility of the Core Group of the Joint SADC-ICP Task Force is to manage and coordinate the day-to-day operations of the JTF. The other, larger group, which meets once a year, involves donor representatives based throughout the region.

Ministerial level interaction: This group, involving SADC ministers and donor representatives in the region, meets at least once every two years to review plans, review progress made in project implementation, and assess the resources needed to realise the SADC's agenda.

But SADC resists direct ICP support to the Organ, restricts security funding to 'non-strategic' issues, and has shown disinterest in accessing donor funding earmarked for security and political issues (T. Mothae, interview, August 12, 2015). Much of this kind of funding has subsequently been lost, as donors have reallocated funding to other areas. Cawthra (2013, p. 34) believes this reluctance has contributed to SADC's loss of credibility in conducting policy research, as some donors fund NGOs or universities in the region rather than the regional organisation itself, because of its secrecy and resistance. In an interview conducted for this study, the previous Organ Director, Tanki Mothae, stated that ICP support to political and security activities were 'complicated' because of perceptions of political conditionality and interference (T. Mothae, interview, August 12, 2015). However, ICP support has been provided for various SIPO-related activities, such as training, conferences and policy reviews. But this was not channelled through the Organ. Mothae added that this posed a problem for the Organ's capacity. 'Currently, ICPs fund civil society to implement peace and security-related projects rather than interfacing directly with relevant SADC authorities – the Organ Directorate of Politics, Defence and Security Cooperation. This approach is not necessarily the most productive in terms of promoting peace and security in the SADC region'. Instead, Mothae has proposed two models:

Pooled contributions: ICPs transfer financial contributions to a common or funding pool, which is held by SADC and accessed by the Organ. Funding transfers and its spending take place according to the Directorate's annual work plan, as agreed to by the MCO and the Organ. SADC provides an annual narrative and audited financial report about the common pool.

A joint steering committee: This model is based on trilateral cooperation. The SADC Organ Directorate and the ICP Peace and Security Thematic Group create a joint steering committee to manage the delivery, by implementation agencies, of non-strategic items on the SADC peace and security agenda. This requires agreement on a set-up phase, terms of reference, an allocation process and selection criteria, monitoring mechanisms, and administrative support.

But mechanisms for ICP support to the Organ remain contentious. In 2011, SADC and the EU, as the lead ICP at the time, started to lay the groundwork for a review of the Windhoek Declaration in the second half of 2011, aimed at assessing the level of implementation and the effectiveness of the Windhoek Declaration dialogue structure. In January 2012, a proposal was made to the SADC/ICP Core Group meeting, which took the decision to carry out the review. That was the first time since its adoption that a review of Windhoek Declaration had been initiated.

The objective of the review was 'to improve the effectiveness of the SADC-ICP partnership, with a view to facilitating an enhanced and more strategic dialogue' It also made relevant recommendations to be considered by the parties on measures to facilitate the regular monitoring and evaluation of the Windhoek Declaration. This approach assesses the partnership in terms of four criteria: ownership, alignment, harmonisation, managing for results, and mutual accountability. The findings were generally that the Secretariat could significantly improve in terms of all these criteria.

Donor dependency remains a contentious issue, with donors asking for greater transparency and accountability, and SADC for greater autonomy. In July 2014, SADC's Executive Secretary, Dr Stergomena Lawrence Tax, stated that 'as long as donor contributions are the major source of our funding, it will be hard for us to independently realise our objectives – without pandering to the whims of others. This disturbing situation requires immediate attention' (SADC 2014).

Yet no tangible proposals have been developed by the Secretariat and the member states on bridging the financial gap between them and donors.

Academics have debated different approaches. For instance, Cawthra (2013) and Zondi (2014) have proposed the idea of 'trilateralism', or a form of trilateral cooperation whereby donors fund a recipient country through an intermediary that is an African country. The main challenge with this approach is that in the SADC region, only South Africa has a development assistance facility for peacebuilding and post conflict and reconstruction activities. If the trilateral option is pursued through South Africa, it would mean that the country has to be involved in also most every peacebuilding process in the region, which is not viable.

Another proposal has been that donors work bilaterally through SADC member states (Tjønneland, 2004). Individual donors could channel their funding bilaterally through government-to-government cooperation, with a portion of the funding directed at supporting SADC activities. But the levels of involvement of individual countries and the broader buy-in from member states into this model of funding would also condition this.

There is a more recent initiative to develop autonomous funding for mediation, based on four proposals (SADC, 2010a, p. 7). The first is that SADC raise funds from member states, which could be difficult, given their limited contributions to SADC's overall budget. The second is for SADC to raise funds from ICPs, which would again be difficult because of the prevailing impasse over the contribution of ICPs to political activities and mediation in particular. The third is that SADC raise funds from the corporate sectors in member states. The fourth is that SADC appoint a mediator from a member state with sufficient resources to cover the cost of the mediation. This could limit the appointment of the mediator to only one or two member states like South Africa and Angola, and create a perception of the hegemonic dominance of regional processes by these two countries. The funds would need to be raised well before the start of mediation. It is untenable for a mediator to be idle after he/she has been appointed because funds are still being sought. It is also politically unwise to make a mediation process dependent on ongoing fundraising from member states and/or ICPs, since this gives them too much leverage, and undermines the independence of the mediator. SADC should therefore follow the example of the AU, and set up a Peace Fund that has sufficient money to cover at least 12 months of mediation. Besides the need for funds, mem-

ber states must be willing to make their diplomatic, military, intelligence, and other resources available to the mediator.

3.10 Civil society involvement in peacemaking

The SADC Treaty refers to CSOs as non-state actors (NSA). The original 1992 SADC Treaty refers to the need to involve the region's people centrally in the process of development and integration, particularly through the guarantee of democratic rights, observance of human rights, and the rule of law. It also envisaged them participating 'fully' in project implementation. The 2001 Amendment to the Treaty repeats these provisions, and lists the non-state actors SADC should include in its processes as the private sector, civil society, NGOs, and worker and employer organisations. The amendment adds that non-state actors can provide inputs into SADC policy development and assist with project implementation, monitoring and evaluation, according to their areas of competence.

The OPDSC does not explicitly define what constitutes a non-state actor. But the SIPO does, and refers to the private sector, civil society, NGOS, and employer organisations. This implies that CSOs may be involved in early warning, election, and related governance processes, as well as mediation. SADC also has clear provisions for NSA engagement in its revised election observation framework (Chirambo & Motsamai, 2015). But there are no institutionalised structures for implementing this provision aside from the MOUs that SADC signs with NGOs for engagement with specific issues. For instance, the SADC Secretariat has an MOU with the SADC Council of Non governmental Organisations (CNGO) that defines the scope of its work and engagement with the organisation. The CNGO has observer status on the Integrated Committee of Ministers, and attends other meetings of senior SADC officials. But relations between SADC and the CNGO are described as 'very difficult', and NGOs are unable to formally support SADC's mediation and other governance-related processes (B. Ditlhake, October 25, 2017). At the time of writing, a new approach to developing the concept of peace infrastructures was under consideration (G. Malebang, October 31, 2017). It is modelled on the UNDP's infrastructures for peace framework, which utilises local capacity to strengthen national capacities for UN peacebuilding processes. (UNDP, 2016. p. 6)

3.11 SADC National Committees (SNCs)

SNCs are conceptualised as vehicles for bottom-up policy-making within SADC, linking the national to the regional and vice versa, and providing CSOs with access to SADC policy-making**.** As a statutory implementation organ of SADC, they provide an opportunity for national input into the formulation of regional policies, and the co-ordination and implementation of these programmes at the national level. So, while the restructuring empowered the Secretariat to drive SADC processes, the agency of national actors remained pivotal in the realisation of regional objectives.

According to the agreement amending the SADC Treaty, each member state was required to establish an SNC, whose responsibilities would be to provide input at the national level in the formulation of SADC policies, strategies and programmes of action; coordinate and oversee, at the national level, the implementation of SADC programmes of action; initiate projects and issue papers as an input into the preparation of the Regional Indicative Strategic Development Plan (RISDP), in accordance with the priority areas set out in the SADC Common Agenda; and create a national steering committee, subcommittees and technical committees (SADC, 2001, Article 19).

Guidelines issued by the SADC Secretariat in 2004 elaborated on the functions of SNCs, indicating that they are to: facilitate information flows and communication between the member states and the SADC Secretariat; promote and broaden stakeholder participation in SADC affairs in member states; and serve as a forum for consultations amongst key stakeholders in member states on SADC matters (Oosthuizen, 2006, p.206) A distinctive characteristic of SNCs is their position as participatory multi-stakeholder policy-making and implementation platforms. National committees consist of key stakeholders, namely: government, the private sector, civil society, non-governmental organizations, and workers' and employers' organizations. Each SADC national committee is supposed to reflect the core areas of integration and co-ordination in their composition.

In terms of structure, composition and operations, the amended treaty provides for SNCs to operate at different levels. A reading of the ambiguous stipulations of the treaty with regards to SNCs suggests that subcommittees and technical committees, which are

to be structured to reflect the core areas of SADC's regional integration, are expected to meet at the ministerial or official levels and should be the principal avenues for involving different national stakeholders in SADC activities. The treaty identifies government officials, the private sector, civil society, non-governmental organisations, as well as workers and employer organisations as the key stakeholders that need to be included in the operations of SNCs.

A national steering committee, consisting of the chairperson of the SNC and the chairpersons of subcommittees, shall provide guidance for the rapid implementation of SADC programmes that would otherwise wait for a formal meeting of the SNC. Each member state is also expected to establish and finance a national secretariat to facilitate the work of the SNC. Contemplated to function as a miniature of and the link between SNCs and the SADC headquarters, SNC secretariats must also be structured along the lines of the core areas of regional integration and are expected to provide periodic reports to regional secretariat in Gaborone. In principle, SNCs should meet at least four times in a year (SADC, 2015a).

It is also important to highlight that although the SADC treaty and the subsequent guidelines of the Secretariat provide a particular framework for SNCs, in reality, these are indicative guidelines rather than as a compulsory requirement (S. Zondi, interview, January 15 2016). SADC had set a target date of November 2001 for member states to establish SNCs in accordance with the provisions of the amended treaty and guidelines issued by the Secretariat. By April 2003, almost all 14-member states of SADC reported that they had established or were in an advanced stage of establishing an SNC, indicating an early enthusiasm in complying with the provisions of the treaty in this regard. The notable exception was the DRC, which was undergoing conflict and political instability.

In 2008, the SADC Secretariat conducted an institutional audit of itself called the Secretariat Capacity Development Framework. It highlighted the defunct nature of SNC's underlining that they were 'prerequisite steps for successfully driving SADC national policy co-ordination and implementation'. According to this report, there was need for the Secretariat to engage member states on the allocation of co-ordination and implementation responsibilities with regard to RISDP/SIPO implementation. The report pro-

posed that there be agreement on the way in which co-ordination is to work between the SADC secretariat and SNCs, especially in relation to information flows and progress reporting. Thirdly, it stated that there was a need to reaffirm the role of SNCS, although there was no elaboration on how this reaffirmation would institutionally be expressed.

Ten years on, the functionality of SNCs remains a challenge. In a recent study conducted by the Institute for Global Dialogue in 2014 on the state of SNCs in SADC, it highlighted that their functionality and coordination structures varied across SADC member states. The report defined the existence and functionality of SNCs, in terms of an established secretariat and other relevant structures, availability of resources, regular meetings and stakeholder participation. They can be categorised in the following three but overlapping categories:

1. Relatively functional SNCs, but highly state centric: Mozambique, Angola, DRC;
2. Relatively functional sectoral committees, but largely intra-governmental: South Africa, Tanzania Mauritius, Tanzania, Namibia; and
3. Defunct SNCs: Lesotho, Zimbabwe, Botswana and Swaziland.

The first category as represented by countries such as Angola and Mozambique, are considered to be the best cases of relatively functional SNCs. The countries in this category have established national and, in the case of Mozambique, sub-national structures that approximate SNC structures as stipulated in the amended SADC treaty, and attempt to fulfil the responsibilities assigned to SNCs in the treaty.

Although the DRC is not known to have formally launched an SNC, the country can also be placed in this category, having established an inter-ministerial committee, which meets on a weekly basis and is charged with coordinating matters of regional integration including SADC. Without a formal institutional base, the inter-ministerial structure that serves as the SNC in the DRC functions without any budgetary allocations and has no secretariat dedicated to this purpose (Zondi, 2014). Notwithstanding the existence of formal or informal structures to coordinate SADC matters, including the regularity of holding meetings, SADC processes in these countries remain highly state-centric, with very limited participation of non-state actors.

The second category is made up of member states with no overarching national committee structure but which nonetheless possess relatively functional sectoral (technical) committees and or dynamic NCPs, which have assumed primary responsibly for coordinating SADC processes at the national level. South Africa, Mauritius and to some extent, Tanzania and Namibia fall in this category. In the absence of formal national committees, there is little or no oversight over the activities of technical committees, which also tend to meet largely on an ad hoc basis. More importantly, given the interdepartmental nature of these committees, non-state actors in these countries are virtually shut out of SADC processes.

The major defining characteristic of states belonging to the third category is that while they had at some point established SNCs, these have since either fallen into disuse, as is the case in Lesotho and Swaziland or their functionality today leaves much to be desired, as is the case in Zimbabwe. In Lesotho, for example, the SNC that was formally established in 2006 only started operating in 2008. Even then, both the national committee, which was convened at the level of permanent secretaries and later at the level of directors, and the cluster or sub-committees were never able to function optimally. By 2011, a combination of poor attendance on the part stakeholders, which were mostly from the public sector, and weak leadership from the NCP, had rendered the SNC dysfunctional. The state of SADC structures and processes in Swaziland mirrors the experience in Lesotho, safe for the fact that here some of the sectoral committees seem to be functioning relatively well, albeit without any national framework to guide their activities or input from non-state actors.

It can thus be concluded that most of SADC's sub- state structures barely function at the moment. Few countries, if any, have properly constituted the SNCs. In most cases, their responsibility is still done by the old Contact Points or SADC desks that should have been done away with by now. In a few cases where NCs exist, they are government dominated instead of being multi-stakeholder forums as expected. Very few even have different government departments, many being dominated by departments of foreign affairs and/ or regional co-operation. The co-ordination between the new Secretariat and the NCs remains weak, partly because NCs are yet to be fully constituted and the Secretariat is weakened by poor capacity. The co-ordination of national role players is also

poor because of weaknesses in the National Committees. The interface between the Secretariat and other stakeholders including development partners and civil society remains inadequate.

The most fundamental problem, which cuts across all of the above-mentioned problems, is the inability of member states to capacitate institutions of SADC to implement their mandates. Member states are unwilling to strengthen national contact points or NCs partly because they preferred to co-ordinate elements of the SADC business themselves in the first place. Many states resisted the review reports of the late 1990s, fearing that if implemented they would lose power over various elements of the SADC agenda. No valid reasons have been offered for the failure of member states to establish NCs, for instance. They have refused to cede any element of their sovereignty to the SADC to empower it to act on its mandate and accelerate the integration of regional economies. There is a reluctance even to share this sovereignty with fellow member states (P. Goldberg, interview, February 9 2015). The politicians have actually usurped some more powers to themselves using their control over the budget, staff appointments, and selection of priorities. This suggests that while SADC envisages becoming a supranational authority it is will remain a highly centralised intergovernmental institution.

Zondi (2014) further states that a clear example of seeing the weaknesses of SNCs is tin their lack of involvement or even constant interaction with the Secretariat. He argues that one of their functions is to serve as a feedback loop between the SADC Secretariat and a broad range of national stakeholders, yet there is no report of such interaction. Ideally, there should be regular reports of SNC activities to the Secretariat, including feedback on the implementation of the RISDP and the SIPO. SNCs are also expected to facilitate communication from the SADC Secretariat with different national stakeholders. This has not been the case.

As highlighted, Lesotho and Zimbabwe have defunct SNCs. In the case of the DRC, its embassy in Pretoria, South Africa, serves as the country's NCP. The decision to locate it in in Pretoria was taken the country's former president Laurent Kabila in the context of the political instability and insecurity that characterised the country. It has been maintained in Pretoria since then because of continued instability. But the three-way coordination among Pretoria, Kinshasa and Gaborone can be cumbersome.

In the absence of functional SNCs, both the SADC Secretariat and national stakeholders appear to be ignorant of their mutual expectations, to the effect that some national stakeholders feel left out of SADC processes. A major trend that has emerged from the dysfunctional state of SNCs and which is common to most member states is that organised groups like labour unions, business associations, and NGOs are increasingly bypassing national structures to directly represent their interests to the Secretariat, often through their regional umbrella organisations. This not only further undermines the proper functioning of SNCs, but also raises questions about the quality of state–society relations in the region, and what this means for forging the common vision necessary to drive SADC's regional integration and development.

On the other hand, capacity constraints at the Secretariat, coupled with ambiguities around the reporting relationship between SNCs and NCPs, have also been blamed for the poor interface between SNCs and the Secretariat. For example, the inability of the Secretariat to provide regular translation services to officials in French and Portuguese-speaking member states has tended to interfere with its interaction with SNCs in those countries. The unique example of the DRC also highlights the challenge of communication between the Secretariat and SNCs occasioned by the poorly defined relationship between the latter and NCPs. Although SNCs are expected to serve as the link between the Secretariat and national stakeholders, the current SADC structure still recognises NCPs, which have traditionally served as the interface between the Secretariat and SADC member states. It is therefore not clear whether SNCs should communicate directly with the Secretariat, or only do so via the NCP. Given that in the SNCs in most member states have been conflated with NCPs, this ambiguity has hardly raised any communication problems.

The implications of dysfunctional SNCs to SADC peacemaking processes is that it completely closes up identifiable official avenues for the involvement of civil society. If there were an existing mechanism for interacting with CSOs in respect of mediation, they could perhaps be roped in from the early stages of a mediation process. Plus, by virtue of its existence, SADC mediators would not need to get buy-in from conflicting parties in situations where relations with civil society actors are polarised.

3.12 Liaison with the AU

Whilst addressing conflict matters at the regional level, SADC contributes to the continental peace and security agenda envisaged in the APSA, and subsequently to the UN's peacemaking and conflict resolution efforts. The overall goal of the APSA programme is to strengthen the capacity and efficiency of the AU and its RECs to prevent and/or respond to crises/conflicts in Africa (AU Commission, 2013, p1). An operationalised APSA means, among other things, that RECs like SADC are to give the AU the necessary support to an effectively functioning PSC, enabling the Panel of the Wise and mediation support structures to effectively carry out their mandate; as well as the initial operational capability of the African Standby Force. The mechanism is also meant to ensure effective coordination of and support to the CEWS (AU Commission, 2013, p3). The AU has two distinct institutional provisions for its relationship with RECs: a political and diplomatic one focusing on member states; and a political and economic one oriented towards RECs as per the 1991 Abuja treaty.

João Ndlovu (2013) who is the former head of the SADC Liaison Office at the AU argues that the interaction between SADC and the AU lacks institutional coherence (Ndlovu, 2013, p94). He observes that while the PSC Protocol spells out how RECs are to interact with the AU, there is no reciprocity in SADC's peace and security protocols. These are only outlined in MOUs, which by their very nature are not legally binding instruments.

SADC has three MoUs with the AU that outline areas for capacity building and cooperation in peacemaking and conflict resolution. Of the three MOUs, two outline the need to provide financial resources for regional efforts in conflicts prevention, resolution and management. All the three MoUs provide for the creation of Liaison Offices of RECs at the AU. In 2008, the AUC Chairperson held a meeting with the Chief Executive Officers of the RECs to evaluate the status of coordination and collaboration between the AUC and RECs. The meeting resolved that the scope of work of the Head of RECs Liaison Offices be expanded to include the facilitation of dialogue, collaboration and coordination in the areas related to AU/RECs regional integration agendas. The liaison programmes' expected outcome is 'enhanced continental capacity to deal with Peace and Security issues.' It ahs three principal expected results, namely:

- 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 minimize 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 harmonization of individual donor procedures.

The liaison office work is under the direct supervision of the Organ Directorate. But, as highlighted by Ndlovu (2013, p87) relations with the AU are complex and there are some institutional dissonances affecting the interface. He lists some important paradoxes. The first is that ultimately, SADC members are also members of the AU. Regardless of the AU/REC MOU, the consensus is that the areas of cooperation are somewhat natural. Secondly, the understanding with the MOU is that they are not necessarily binding on RECs. The roles of RECs and the regional mechanisms used to operationalise APSA are not explicitly outlined in REC-AU MOUs. Thirdly, SADC has its own decision-making and reporting structures. The SADC Secretariat reports to the SADC Summit and not to the AU Summit or even the AU Commission. So, in crises, SADC exercises the subsidiarity rule to the fullest extent. It takes the lead in regional crises and only defer to the AU if it is has reached the limit of subsidiarity.

Ndlovu, (2013,p94) explains that SADC clashed with the AU when it came to resolving the Zimbabwe crisis 2008. The AU's PSC went on record to classify the Zimbabwe's political crisis as category four, among the states that have failed to make any steps towards peace. Similar to Madagascar, the AU coordinated with the UN and UN attempted to intervene in Zimbabwe when it sent Ambassador Haile Menkerios of Eritrea as well as a UN under-secretary-general to try to mediate the crisis (Ndlovu, 2013 p94). The unilateral move led to a backlash from SADC, which advised the AU to stay out of the situation. Another test in the relationship was over the DRC. SADC considered deploying a standby force in the DRC in 2009, as per the mutual defence pact. It followed the resurgence of conflict in the eastern Congo persisted; the breakdown of the March

2009 peace agreement between the DRC government and the rebel movement – the M23. But, there were other multilateral players in the DRC, including MONUSCO; and the ICGLR. The ICGLR had called for the deployment of an International Neutral Force (INF) and was already hosting negotiations between the DRC government and the M23 rebels. Both SADC and the ICGLR agreed that a SADC force should be deployed. The AU got involved again and its discussions at the PSC on DRC were done with little input from SADC, beyond formal briefings given to SADC. Plus, in reality the AU's PSC is not operationally linked to the SADC Organ or the MCO. However, the Lesotho case was different in that SADC, through South Africa managed it alone from the onset.

But, as it stands, there is no clarity on the relationships between the AU and RECs in mediation in as far as who the lead mediator should be in a conflict situation. Discussions at the AU are that this decision should not be proscribed, but rather guided by the principle that whenever a REC acts, it is acting on behalf of the AU Commission 2009, p22-23). A key consideration outlined is and that the organisation best suited to undertake the responsibility of the lead mediator be determined by regional circumstances, the resources available to the organisation, the views of their member states and, in some instances, the parties' preference for a mediator (AUC, 2009, p23).

3.13 Conclusion

This chapter has illustrated that aside from its formal mandate to embrace mediation as part of peacemaking, SADC's institutional architecture for mediation is underdeveloped. Its policy framework, however, favours 'soft power' approaches such as mediation over punitive instruments, which are pursued as a measure of last resort. This is due to the region's history, and the importance countries place on national sovereignty and non-interference. However, this posture leads SADC to oversell mediation as a conflict resolution mechanism while it simply is about crisis management. As far as early warning is concerned, the system is either dysfunctional, or meant to serve the interests of ruling regimes. This view is due to a lack of clarity and secrecy about how it is conceptualised, and how it operates.

The chapter has also discussed that the SIPO has the potential to serve as a tool to strengthen countries' governance systems with respect to democracy, human rights and

internal security. But, its implementation is uneven across member states. SIPO evaluations are also shrouded in secrecy. The extent to which they provide a sufficient basis for evaluating SADC's performance as a peacemaking and democracy promotion organisation remains to be established. While civil society is given a role in the SIPO's implementation, domestic civil society partnerships are not institutionally structured at the SADC level.

The discussion on how SADC funding is structured also demonstrates major challenges around funding mediation initiatives. While SADC relies heavily on donors for its operational budget, there are sensitivities over the latter funding mediation. Most of SADC funding for regional conflict resolution comes from country contributions. This is partly because of resistance in SADC to exposing security issues to donor scrutiny. South Africa and Angola, as the dominant regional powers, play a vital role in helping to finance those activities. But the reliance on a small number of bigger economies to shoulder funding responsibilities for regional peacemaking projects is risky, unpredictable, and unsustainable.

The other paradox with SADC's mediation structure is SADC Secretariat's lack of authority in enforcing peace agreements or decisions emanating from peace processes, or encouraging member states to implement them. SADC does not have a strong judgement enforcement mechanism. This speaks to the issue of supranationalism, which represents the thinking behind a lot of criticism of SADC. It relates to the idea that having created central institutions, SADC member states have failed to demonstrate the political will to empower them to work for a common good. Member states constrain the SADC Secretariat, and there are constant efforts to usurp its powers, as the following chapters will illustrate.

4 The SADC mediation in Zimbabwe

4.1 Introduction

In December 2017, four years after the end of SADC's mediation in Zimbabwe, Robert Mugabe, Zimbabwe's leader for nearly four decades, was forced to resign by the military, and cast out by his own political party, ZANU-PF. These developments were tied to the outcome of SADC's mediated interventions in Zimbabwe from 2007 onwards; in as far as they dealt with the underlying power and military dynamics in Zimbabwe that compromised its prospects of democracy and political stability. SADC's intervention mandate in Zimbabwe from 2007 onwards was to facilitate a dialogue aimed at promoting peace, stability and democracy. These aims were hard to reconcile, as this chapter will illustrate. The extent to which the intervention could incorporate elements of the SCT model, hinged on its mandate, the substance of the negotiations, and the internal and regional context within which they transpired.

This chapter gives an overview of SADC's mediation in Zimbabwe from 2007 to 2013. It roots the discussion in Zimbabwe's political and socio-economic trajectories that provided the backdrop to the mediation, the degree of militarisation in the country, and SADC's intervention mandate in Zimbabwe. It then analyses the extent to which the intervention incorporated the five main elements of the systemic conflict transformation model that puts emphasis on the need for a peaceful and constructive transformation of conflict systems, the inclusivity of peacemaking approaches, and that local actors must be in the driving seat of social and political change.

Five dimensions of the systemic conflict transformation model are analysed. The first is the extent to which the intervention was inclusive, and built on internal resources for transformation. The second is the degree to which it supported longer-term processes of comprehensive social change. The third is whether the approach adopted was multi-track, which is best suited to the SCT model. The fourth relates to the flexibility of the mediated intervention to incorporate elements initially omitted in the initial stages of negotiations. The fifth and last is whether the intervention was monitored in a systemic way. The chapter also discusses the extent to which the objectives of SADC's intervention mandate were met, and how it evaluated them.

4.2 Recent political developments

Zimbabwe has not been on SADC's crisis agenda or a focus of attention from South Africa since its mediation ended with the 2013 elections. As noted previously, in December 2017, four years after the end of SADC's mediation in Zimbabwe, Robert Mugabe, Zimbabwe's president for nearly four decades, was forced to resign. The military seized all the national key points, including the airport and national broadcaster, cordoned off Parliament and Mugabe's house, and announced that it was in power (Ndlovu & Thompson, 2017). The person believed to be behind the military takeover was Emmerson Mnangagwa, Mugabe's close ally whom he had fired in the same month as his vice-president, and who has since become Zimbabwe's president (Blomfield & Thornycroft, 2017; Fabricius, 2017; *The Guardian*, 2017).

The intense power struggles within ZANU-PF after the country's last election in 2013 and a looming election in 2018 provide a backdrop to these developments. Pigou (2016, p. 1) observes that the succession debate within the ruling ZANU-PF party were dormant in the immediate aftermath of the 2013 elections, but reached a climax in December 2015 when the ZANU-PF national conference endorsed him to represent the party in the 2018 elections. Because of Mugabe's age – 92 – and failing health, the issue became divisive due to a lack of a visible succession plan in the event of his incapacitation (Pigou, 2016, p. 1-2). ZANU-PF had been riven by divisions since 2013, with at least five factions: around Mugabe himself; around Mnangagwa; a Group of 40 (G40), linked to First Lady Grace Mugabe who had been vying for power within the party; a 'Young Turks' Group of 35 (G35); as well as supporters of Joyce Mujuru, who was fired as vice-president and later formed the Zimbabwe People First Party (Africa Independent, 2016).

The Movement for Democratic Change (MDC remained as the main opposition, but had splintered into several warring factions (Thornycroft, 2018). The opposition feverishly attempted to coalesce into a coalition to win the 2018 polls (Dendere, 2017). Public disillusionment with the country's leadership had been growing from 2013, and expressions of popular discontent had increased, especially in urban centres. Most had been brutally repressed by the police and security forces (Aucoin, 2016). There were reports that supported claims of a democratic reversal in Zimbabwe between 2013 and 2017.

They included cases of abduction, torture, and the arbitrary arrest of civil society and opposition activists (*The Zimbabwean*, 2017). On the one hand, there was growing popular opposition against ZANU-PF, marked by growing calls for Mugabe's resignation, and serious acrimony within the party and the military that had provided the backbone to its coercive hegemony on the other.

Similar to other moments in Zimbabwe's history where its dominance was threatened, ZANU-PF reorganised itself to wrest back political power and legitimacy (Rupiya, 2013; Mlambo & Raftopoulos, 2010; Zondi, 2013; Aeby, 2017). Imbued with aggression and a history of seeking to destroy political opponents, even within ZANU-PF, the army then unambiguously stepped in, calling for 'an end to the unfolding purge of party elements that took part in Zimbabwe's fifteen-year war of liberation from white rule'; a clear reference to the firing of Mnangagwa (Chiwenga, 2017). It also warned that the army would intervene against any threat to the integrity of the revolution that had led to Zimbabwe's independence in 1980, and that its involvement was to protect Zimbabwe's territorial integrity and national security as per its constitutional mandate (Chiwenga, 2017).

The negotiations for Mugabe's exit between him and senior military officials were mediated by the Catholic priest Fidelis Mukonori, and the army made it clear that an intervention from SADC was neither wanted nor warranted (*Bulawayo News*, 2017). SADC, led by South African President Zuma, who had mediated in Zimbabwe since succeeding Thabo Mbeki in 2009, met and released a statement noting that SADC 'reaffirmed its commitment to AU Constitutive Act and SADC's Democratic Principles, as they relate to the unconstitutional removal of democratically elected Governments', and stating in convoluted terms that 'it was committed to remain seized with the situation in the Republic of Zimbabwe' (SADC, 2017b). The statement referred to the AU because SADC does not have a clear policy on unconstitutional changes of government besides mediating it (SADC, 1996, p12). SADC was either unclear or cautious on how to read the latest developments in Zimbabwe.

While SADC had policy instruments at its disposal, as outlined in the previous chapter, to intervene in Zimbabwe in a situation when a constitution was seemingly undermined, and security was at stake, a number of factors limited its peacemaking role. First, as per

its mediation guidelines, it could deploy an envoy to Zimbabwe to assess the political situation, and make suggestions to the Organ Troika on the best course of action (SADC, 2010a) Zuma eventually followed this route He deployed South Africa's defence minister, Nosiviwe Mapisa Nqakula, and its state security minister, Bongani Bongo, to meet with Angola, the SADC Organ chair, to discuss the situation. They were also meant to meet with Mugabe and the army generals, and brief Zuma on developments as they evolved (Ndlovu &Thompson, 2017). But the army had unequivocally stated its disdain for any engagement with SADC.

Moreover, Mugabe, as Zimbabwe's head of state, had not asked for direct SADC intervention, maintaining that he was still in charge even as the military takeover unfolded (Moyo, 2017). This excluded the basis for SADC intervention, as the protocol states that this needs to be requested by a member state. Second and related to the foregoing, SADC could not determine the basis for another mediation in Zimbabwe. Lastly, SADC was simply bypassed by events. By the time the SADC Organ met, and released its statement, Zimbabwe's military had already seized control of the country. Mugabe was eventually forced to resign, prior to facing an impeachment motion in parliament (*Daily Nation*, 2017). While historic in terms of Mugabe's resignation, these events mark a sense of continuity in Zimbabwe's recurrent political tensions and conflicts. The country has been trapped in cycles of political and economic crises of varying degrees since 2000 (Mlambo & Raftopoulos, 2010; Besada & Moyo, 2008; Pigou, 2016).

4.3 Zimbabwe's political and economic trajectories

Zimbabwe attained independence in 1980 after a protracted struggle against British settler rule. The 'war of liberation' was fought over a range of issues, including race, ethnicity, class and gender (Muzondidya, 2009, p. 167). Zimbabwe, like its southern African neighbours South Africa, Namibia, Angola and Mozambique, therefore traces its independence to the armed struggles of the 1960s and 1970s, which liberated most southern African countries under colonial or other forms of white minority rule (Myakuza, 2013; Manungo 2007; Melber; 2003). Zimbabwe's liberation war ended with the Lancaster House negotiations in London, which produced the Lancaster House Agreement (LHA) in November 1979 (Lancaster House Agreement, 1979, discussed in Sibanda, 1991, p. 10). The agreement called for a general election based on adult suf-

frage. Nine parties contested the 1980 parliamentary elections, aimed at electing a House of Assembly comprising 100 members, of whom 80 were elected by newly enfranchised adult citizens. The remaining 20 members were elected by people (mostly whites) who had previously qualified to vote. Voters on the 'white roll' were ineligible to participate in the common roll election. In turn, the House of Assembly elected the majority of members of a 40-member Senate, with the remainder being chosen by the Council of Chiefs, or appointed by the Prime Minister. Like the House of Assembly, 20 per cent of those seats were reserved for whites.

The Rhodesian Front (RF), led by former Prime Minister Ian Smith, won all 20 entrenched seats in the National Assembly. ZANU-PF, led by Mugabe, won 54 seats, and the Zimbabwe African People's Union (ZAPU-PF), led by Joshua Nkomo, won 20. Even though ZANU (PF) had a parliamentary majority, it invited ZAPU, its wartime partner, to take up some cabinet positions in the new government (Manungo, 2007, p. 237). But the alliance was short-lived, as it was rocked by the 1981–2 rift between the former Zimbabwe African Peoples' Revolutionary Army (ZIPRA), ZAPU's armed wing in the liberation war, and the Zimbabwe African National Liberation Army (ZANLA), its ZANU-PF counterpart (Manungo, 2007, p. 237).

The post-colonial period between 1980 and 1990 was characterised by contestations over the restructuring and reconfiguration of the state; processes of rule and state-making; questions of justice and equity with regard to land and resource ownership and redistribution; and issues of nationhood and citizenship in the post-colonial state. ZANU-PF fiercely contested aspects of the Lancaster House Constitution, particularly its compromises over minority rights, land ownership, and white representation in parliament (Muzondidya, 2009, p. 72). Its most heavily contested feature was that it limited the scope of land reform and redistribution the government could undertake. This is an important issue, because it became central to Mugabe's narrative to SADC about the 2008 political crisis. Besada and Moyo (2008, p. 3) explain that:

> With the Lancaster House Agreement in 1979, the then prime minister of Zimbabwe, Abel Muzorewa, and the Patriotic Front, led by Robert Mugabe, agreed to join in negotiations with the British to determine land distribution policies for independence. The agreement provided for all white farmers to retain their lands for at least ten years. The

> UK government declared that compensation would be paid to Mugabe's government when white owners were willing to sell their farms, and that it should be based on the 'willing-seller/willing-buyer' principle. In exchange, the United Kingdom would fund half the cost of a resettlement scheme for black farmers, and encourage other foreign donors to do the same. The UK government informally promised £75 million for land reform, while the United States would provide US$200 million. The United States actually never gave money for land purchase or distribution; rather, it provided funds for the purchase of agricultural inputs. During the 1980s, the UK government provided £44 million, although £3.5 million was suspended in 1989 due to accusations that Zimbabwean government officials had received sums of money to buy more than 15 percent of the land allocated for redistribution. In 1991, the Lancaster House Agreement expired, but the country remained tied to the 'willing-seller/willing-buyer' principle, and no drastic action was taken until 1997.

Raftopoulos (2004, p. 2) explains that there was 'a decade-long period of consolidation and radical protection guaranteed by the constitution' for white capital, preventing government from buying large commercial farm owned by whites to meet the needs of a growing population. But Muzondidya notes that despite these challenges, there was little popular pressure on the government, because the economy performed well in the first few years of independence (Muzondidya, 2009, p. 174). Bond and Manyanya (2002: 9) add that there were attempts at genuinely transforming colonial power relations, including a democratic land redistribution process and an economic development strategy based on the needs of the majority of the people, despite the inherited colonial development funded by foreign loans, and the capacity of the World Bank and IMF to set the agenda for post-colonial development. Porto emphasises that the instrumentalisation of the land issue would emerge as a crucial weapon for the survival of Mugabe and his regime (Porto, 2013, p. 115).

At the same time, there was continuity of authoritarian governance from the RF to ZANU-PF. Muzondidya (2009, p.174) observes that 'behind the façade of constitutional democracy lay an authoritarian system characterised by the proscription of democratic space, and serious violations of basic human rights and the rule of law'. Examples of this include the war in Matebeleland and the Midlands from 1982 to 1987 orchestrated by the Zimbabwe National Army (ZNA) Fifth Brigade and various arms of the govern-

ment security forces to suppress dissidence in that region by ZAPU supporters and Ndebele-speaking people. More than 20 000 civilians were killed, and many were tortured (Ndlovu-Gatsheni, 2013, pp. 24-25). Between 1982 and 1992, the ZNA also waged a war in Mozambique against RENAMO, a movement initially set up by the Smith regime to destabilise liberation forces in Mozambique, and later taken over by apartheid South Africa to destabilise the new governments of Mozambique and Zimbabwe (Manungo, 2007, p. 238). These wars strained the economic development programmes planned in this period, and saw many people displaced, with some going to neighbouring Botswana and South Africa as refugees. The war in Matebeleland cast a shadow over post-colonial Zimbabwe, and the government never owned up to the atrocities, despite setting up a commission to investigate it in the early 1990s (Manungo, 2007, pp., 238-239).

The war ended in 1987 with the signing of a Unity Accord between ZANU-PF and ZAPU, which also merged ZAPU into ZANU-PF. Muzondidya explains that the Matebele crisis presented the government with an opportunity to crush its only viable opponent, namely ZAPU (Muzondidya, 2009. p. 184-188). It also signalled strong ethnic and regional divisions within the state, particularly between the Shonas and Ndebeles (Muzondidya & Ndlovu-Gatsheni, 2007). Nkomo, an Ndebele, led ZAPU, and Mugabe, a Shona, led ZANU. But ethnic cleavages can be blurred when it comes to how political and electoral violence plays itself out, as will be discussed in subsequent sections. Muzondidya and Ndlovu-Gatsheni (2007, p. 4) argue that ethnicity became a divisive force in Zimbabwe nationalist politics mainly because of leadership positioning for the takeover of the state, and perceived inequalities in political participation by nationalist leaders and their supporters. Ndlovu-Gatsheni (2013, p. 44) further argues that Zimbabwe was an ‘ethnocracy’, with nationality defined in terms of the ethnicity of the majority. He observes that this was apparent in the criteria for deployment of the military’s top brass. This is also discussed in subsequent sections.

Some aspects of the Lancaster House Agreement were amended in 1987, by way of the Constitution of Zimbabwe Amendment Act No. 6198 of 1987 (discussed in Sibanda, 1991, p. 9). The two most significant changes were the abolition of the 20 parliamentary seats for whites, which were superseded by 80 additional seats to be filled via the nor-

mal electoral process, as well as 20 more senatorial seats. Another change involved the powers of the presidency. The LHA had provided for a purely ceremonial presidential post, and an executive prime ministership. This was now replaced with an executive presidency, with Mugabe duly becoming Head of State and Government, and Commander-in-Chief of the Defence Forces. All executive authority was now vested in Mugabe. Sibanda (1991) summed up the entrenched powers of the president as follows:

> He exercises this authority on advice of his Cabinet which he alone appoints or fires, acts on his own discretion in respect of the dissolution of Parliament and the appointment and removal of any minister… can declare war, make peace, and proclaim and terminate martial law without reference to Parliament, though he must do so on the advice of his Cabinet, which cannot provide real oversight (Sibanda, 1991, p.10).

What should be highlighted in this section is that ZANU-PF attempted to establish a violent political hegemony in the first decade of independence. Dissent was ruthlessly suppressed. For instance, in 1988, University of Zimbabwe students were arrested and charged with publishing subversive literature for staging an anti-corruption demonstration ((Sibanda, 2007, p. 12; Akyeampong & Gates, 2012, p. 69.) The government closed the university. Morgan Tsvangirai, then the Secretary General of the Zimbabwe Congress of Trade Unions (ZCTU), was arrested for issuing a statement in support of the students, and criticising the university's closure. He was charged with being a South African agent, but was later released, as the courts determined that the charge was invalid (Sibanda, 2007, p. 12; Akyeampong & Gates 2012, p. 69.)

4.3.1 Politics in the 1990s, and economic decline

ZANU-PF won the parliamentary elections in 1985, 1990 and 1995 by wide margins. According to Manungo (2007, p. 242). The period between 1993 and 1998 could best be described as one of quasi-democracy. Key government institutions, including the civil service, parastatals and security agencies, were initially run professionally with minimal political interference. But by the end of the 1990s, they had become heavily politicised in a seeming patronage model, presided over by former military personnel. Zimbabwe's economic problems also worsened during this period following the adoption of an IMF/World Bank Economic Structural Adjustment Programme (ESAP), which sought

to introduce economic liberalisation. There were massive retrenchments in key industries, and the deregulation of prices and the removal of subsidies on basic consumer goods caused severe hardships among workers, the unemployed and the poor (Muzondidya & Samasuwo, 2007). The agro-industrial sector was deindustrialised, and rural poverty intensified as a result of the ESAP's adverse impacts on agricultural output.

The ESAP also increased pressure on land and natural resources, and led to a flare-up of underlying social tensions that had not been resolved in the first decade of independence, particularly those concerning racial inequalities and land ownership (Muzondidya & Samasuwo, 2007). Dissatisfaction among the country's working population was also on the rise, and contributed to mounting worker unrest, of which the Public Service strike of 1996 is but one example. Government policies contradicted the status quo. For instance, in October 1997, Mugabe authorised unbudgeted pay-outs of gratuities of Z$50 000 and monthly pensions of Z$2000 to each war veteran in the face of mounting pressure from this group, which demanded belated recognition of their sacrifices during the liberation war.

The government also turned to war veterans to deal with growing opposition from inside and outside the party. ZANU-PF tried to appease its relationship with the war veterans who particularly sought a radical land redistribution programme, while ZANU initially sought to pursue it in line with the constitution (Muzondidya, 2009, p. 198). Land remained a core issue, especially around elections, but there were contradictions in the government's approach. For instance, the government was confronted with a series of corruption allegations when Zimbabwean media disclosed that senior ZANU-PF politicians, military officials and ministers had received farms at well below market value (Scoones et al, 2010). In 1997, the country witnessed violent land seizures that characterised the Fast Track Land Reform process (Scoones et al, 2010, Raftopoulos, 2009). The following year, Mugabe unilaterally decided to send Zimbabwean soldiers into the DRC – in the guise of a SADC intervention – in support of Laurent Kabila's government against an attack by local opposition forces. Both decisions resulted in large unbudgeted expenditures that had negative impacts on the country's fiscus and economy (Manungo, 2007; Muzondidya, 2009)

ZCTU also intensified its passive militancy against the government during this time, prompting the state to introduce the Presidential Powers Labour Regulations of 1998. They imposed heavy penalties on trade unions and employers that incited or facilitated strikes stay–aways, and other forms of collective action deemed unlawful under the regulations (Raftopoulos, 2009, p. 204). ZCTU instituted a National Constitutional Assembly (NCA), together with the Zimbabwean Council of Churches, media bodies, academic institutions, and human rights organisations, among others, with the aim of organising nationwide debates on a new constitution. Meanwhile, in 1999, the government organised its own Constitutional Commission in order to 'control the process and outcome of constitutional reforms' (Raftopoulos, 2009, p. 208).

Raftopoulos argues that the stakes around constitutional reform and the looming referendum were raised with the formation of the MDC in 1999. Mlambo and Raftopoulos (2010) observe that there had been no strong opposition party since 1980, and that most parties had not presented a serious challenge to the government. The government lost the referendum held in February 2000 on its proposed constitution (Slaughter & Nolan, 2000). As such, when the MDC began to prepare for the June 2000 parliamentary elections, the political arena changed on two fronts. First, the MDC had substantial support on the back of a declining economy, popular grievance against the ZANU-PF, and a popularly rejected constitution. Second, the government was not used to facing an opposition challenge that had substantive support, and resorted to violence during the campaign period leading up to the elections. Internal security was threatened, as both parties exchanged accusations as to who was initiating it (Manungo, 2007, p. 244). Howard-Hassmann (2010) observes that during the election campaigns the MDC and its supporters were subjected to widespread violence, murder, torture, rape, abductions, and death threats, much of it reportedly carried out by the ruling party's youth militia. In the 2000 election, the MDC received 47 percent of the vote, and ZANU-PF 49 per cent. In the presidential election, Mugabe received 56 per cent of the votes, to Tsvangirai 49 per cent. But the elections were marred by violence, and the results with serious discrepancies, which the government subsequently failed to address (Lodge, Kadima & Pottie, 2002)

4.3.2 Deepening economic decline and political impasse, 2000- 2008

This period marked the rapid decline of the Zimbabwean economy, on the back of a controversial and often-violent fast-track land reform exercise orchestrated by war veterans and ZANU's youth militia. Violent campaigns against perceived opponents of the ruling party intensified, as did human rights abuses. In 2001, responding to human rights abuses accompanying land occupations, the US government imposed a series of targeted sanctions against individual members of the Mugabe regime (US Congress, 2001), while, between 2002 and 2008, the EU and Australia imposed travel and asset sanctions on individuals either involved in the abuses, or profiting from Mugabe's regime. The US, EU and Canada further imposed arms embargos on the Zimbabwean government, and the Commonwealth suspended Zimbabwe (EU position on sanctions against Zimbabwe; Australian government, 2002; Government of Canada 2017; the Commonwealth 2002). Meanwhile, western governments and donor agencies provided growing financial support to the MDC and CSOs working on human rights and democracy issues.

ZANU-PF won the 2000 parliamentary and 2002 presidential elections, under conditions of repression and violence. The security establishment showed its apparent bias to Mugabe by publicly declaring its alliance to Mugabe. For instance, in January 2002, the chiefs of the armed forces issued a joint statement that they would not submit to a commander-in-chief that lacked liberation credentials (Rupiya, 2013; Werner & Chitiyo; Zondi, 2013). The 2002 electoral outcome was narrow and contested, with Mugabe receiving 56 per cent of the vote, and Tsvangirai 42 per cent.

The post-1980 Senate had been abolished in 1989, with many Senators being appointed to the House of Assembly. In the build-up to the 2005 elections, ZANU-PF amended the constitution and reintroduced a Senate with 93 seats, stuffed with chiefs and senators to be appointed by Mugabe, with powers to review, decline, or accept all legislation proposed by parliament. Zondi (2013, 57) views this as a means of extending control and preventing any new policy or law from being introduced without consulting ZANU's key constituencies. Before the elections, the MDC split into two formations: one led by Tsvangirai, and the other by the former student leader Arthur Mutambara.

ZANU-PF won 59.6 per cent of the vote, and the MDC 39.5 per cent. ZANU-PF won 73 seats in the reconstituted Senate, and the MDC 20.

This amounted to a drastic defeat for the MDC, which was observed to have lost ground and credibility following its split. Notwithstanding its victory, Mugabe strengthened his hold on state institutions by appointing local military leaders in strategic agencies. Arbitrary arrests continued, as did measures to deal with any indication of dissent. This included the widely critiqued Operation Murambatsvina which started in Harare and was then extended to the rest of the country, in which state security forces demolished informal settlements under the guise of 'cleaning up the cities' (UN, 2008). Some 700 000 people in cities across the country lost their homes, or their livelihoods (UN, 2008). The operation was widely seen as an attempt to punish the urban poor for voting for the opposition.

Meanwhile, the economy became more informalised, and labour unions lost their mobilisation impetus owing to state harassment, employment shrinkage, and declining membership. In late 2007, a growing humanitarian crisis developed, due to food shortages as well as a cholera epidemic. Human Rights Watch (2009a, pp. 1-2) attributed the crisis to the collapse of Zimbabwe's health care system and a 'calculated disregard for Zimbabweans', and characterised sustained political interference in the work of humanitarian agencies as an attempt to conceal the extent of the disaster during the 2008 electoral campaign. It declared that ZANU-PF's long-standing assault on political freedoms and civil rights lay at the heart of the humanitarian crisis (Human Rights Watch 2009a, 24-27).

By 2007, after an unprecedented socio-economic collapse that saw the deployment of the military in strategic areas of the economy, the opportunity for divesting politics away from militarisation appeared remote. Analysts spoke about a 'war economy', orchestrated by the military, and began to highlight looting by the military and other members of the ruling elite of Zimbabwe's state assets and natural resources. Maclean (2002, p. 514) argues that the looting started in the late 1990s following Zimbabwe's costly deployment of its military to the DRC. The main site of the looting was an area called Marange in rural south-eastern Zimbabwe, which has rich diamond deposits. Di-

amonds had emerged as a new and valuable source of accumulation, but not for economic recovery.

Mining in these fields had been widely condemned by the international community, and was scrutinised by the Kimberley Process Certification Scheme (KPCS), an international initiative designed to stem the flow of conflict diamonds, or 'blood diamonds' (Global Witness, 2010). The methods of extraction were brutal, and reports of human rights abuses and deteriorating production security led to these diamonds being categorised as 'conflict diamonds' (Global Witness, 2010). Among other things, evidence emerged that the military was using adults and children as forced labourers.

The securitisation of the Marange diamond fields intensified when, soon after the March 2008 elections, the Zimbabwe Republic Police launched 'Operation Restore Order' in Chiadzwa in the Marange District (Nyamunda & Mukwambo, 2012). This operation was allegedly targeted at illegal miners and traders, and aimed at 're-establishing government control' over diamond mining in Marange (Ntlhakana, 2014, p. 70). This was followed, in November 2008, by 'Operation Hakudzokwi' ('Area of No Return'), which opened a new chapter in brutal seizure of military control over the diamond fields (AIDC, 2016). The army initially denied involvement in both the brutalities and the illicit trade in diamonds. Studies later confirmed that security forces were effectively supervising illegal mining, managed through syndicates of miners that sometimes used contingents of forced labour (AIDC, 2016). Analysts concluded that the illicit diamond trade was not only illegally enriching security forces and ZANU-PF officials, but was also fuelling a violent culture of expropriation that had wide-ranging repercussions for local communities and the country's political economy and stability.

In this period, ZANU-appointed more retired military officers to key government positions. Among others, General Mike Nyambuya was appointed as Minister of Energy and Power Development, General Douglas Nyikayaramba as chair of the national Railways of Zimbabwe; General Engelbert Rugeje who was ZANU PF's Political Commissar as director of Zimbabwe Broadcasting and radio programmes; General David Chiwenza as a member of the Zimbabwe Electricity Supply Commission; Colonel Samuel Muvhuti as manager of the Grain Marketing Board, and Colonel Boniface Mutize as head of the military supervision of agriculture (Maromo & Chidembo, 2011, Zondi

2013, p58) Security personnel were also prominent within ZANU PF's internal structures as the party's politburo was stuffed with senior security officials. This included General Constantino Chiwenga (currently serving as Zimbabwe's Vice-President since December 2017.

ZANU-PF's growing culture of control and suppression manifested itself even more vividly in the run-up to the 2007 elections. This precipitated the SADC intervention. Then, the police staged violent attacks on Tsvangirai, other opposition leaders, and leading members of CSOs. Zondi (2013, p. 57) observes that ZANU-PF was mindful that it had failed to meet the popular aspirations held up by the liberation struggle, and sought to annihilate any political platform that presented an alternative to it. The violence made international headlines, and was swiftly criticised by the international community (Human Rights Watch, 2009).

4.4 The SADC mediation

The SADC mediation in Zimbabwe took place in two stages. The first intervention was in March 2007 when the SADC Summit mandated Mbeki to 'facilitate dialogue between the opposition and government' following an international outcry over a police crackdown on opposition activists in Zimbabwe (SADC, 2007). Kagwanja (2009, p. 28) explains that South Africa's involvement in Zimbabwe took place against the backdrop of tensions and rivalry between South Africa and Zimbabwe. These related to the initial confrontation between South Africa's first post-apartheid president, Nelson Mandela, over Zimbabwe's resistance to losing its monopoly over the SADC Organ, and to democratise it; Zimbabwe's intervention in the DRC in 1998; and Mbeki's earlier attempt in 2005 to intervene in Zimbabwe, when Mugabe had accused him of attempting to push a Western regime change agenda in his country (Kagwanja, 2009, 28pp. 28-29). The 2007 SADC mandate read as follows:

> The Extra-Ordinary Summit mandated His Excellency President Thabo Mbeki to continue to facilitate dialogue between the opposition and the government and report back to the troika on progress. The Extra ordinary summit also encouraged enhanced diplomatic contacts, which will assist with the resolution of the situation in Zimbabwe. The Extra Ordinary Summit mandated the SADC Executive Secretary to undertake a study on the

> economic situation in Zimbabwe and propose measures on how SADC can assist Zimbabwe recover economically. The Extra-Ordinary summit reiterated the appeal to Britain to honour its compensation obligations with regards to land reform made at the Lancaster House. The Extra Ordinary Summit appealed for the lifting of all forms of sanctions against Zimbabwe. (SADC, 2007)

In essence, SADC's official reading of the Zimbabwe issue was that it was about land, the effects of economic punishment by Britain (and, by implication, the West), and the country's economic decline. There was no mention of the political, governance and security issues that were apparent in the overt violence that characterised Zimbabwe's conflict. As a start to the process, Mbeki asked both sides to table their proposals for setting the agenda for the mediation, both in substance and process (Zondi, 2013; Aeby, 2017). Sydney Mufamadi, a former South African cabinet minister who was involved in the negotiations, aptly captured the dynamics in a brief article in which he compared South Africa's approaches to conflicts in the DRC, Sudan, and Zimbabwe (Mufamadi, 2010). In it, he states that Mbeki expected the parties to collectively frame the agenda of the talks, find ways to level the electoral playing field, and draw up a roadmap to credible elections (Mufumadi, 2010, p. 629).

The negotiations produced a consolidated agenda that Mbeki used to guide the negotiations. Zondi argues that the agenda was narrowly focused on institutional conditions for the next round of elections in 2008. As such, issues like the brutal violence orchestrated by ZANU forces nationwide to tip the election in its favour, and the evolving humanitarian crisis impacting on the electorate, were neglected. Simply put, the negotiations were about state power from both sides. Zondi further observes that the parties used the facilitations as end in itself rather than as a process that could culminate in a fully inclusive dialogue on the creation of a new Zimbabwe (Zondi, 2013, p. 61).

A first outcome of the Mbeki talks was registered five months into the negotiations. The talks agreed to a constitutional amendment – Constitutional Amendment No. 18, which was subsequently adopted by the Zimbabwean Parliament. But Aeby (2017) argues that ZANU-PF drafted the amendment unilaterally. The amendment altered the presidential term from six to five years, and reduced the parliamentary term by two years. The amendment also changed the method for electing the president in the event of death or

incapacitation, allowing a joint session of both houses of parliament to elect a new one (Constitution of Zimbabwe Amendment Act, Act No. 18 of 2007). Parliament was also given full powers to make laws and policies, although these still went to the Senate for scrutiny. The size of the Senate was expanded from 66 to 93 members. The Amendment empowered the Zimbabwe Electoral Commission (ZEC) to redefine constituency boundaries, but subject to parliamentary approval before elections could take place. It also established the Zimbabwe Human Rights Commission (ZHRC), to be staffed by eight commissioners appointed by the president in consultation with the judiciary. Among others, it was tasked with monitoring the observance of human rights, investigating breaches by any authority or persons, and advising the president on the promotion of human rights (Constitution of Zimbabwe Amendment Act, Act No. 18, 2007)

Aeby (2007) also observes that Mugabe deliberately set an early date for the election in 2008, and that Mbeki downplayed MDC concerns about both the unilateral constitutional amendment and the early election date. Mbeki also downplayed these concerns in his reports to the SADC Organ, which consequently emphasised procedural and not substantive issues. Aeby concludes that this was a major reason why SADC accepted that early elections could be held with only minimal reforms in place (Aeby, 2017).

The March 2008 elections took place in an environment of limited external scrutiny. Masunungure (2009b, p. 68) explains that the government had refused to accredit 'unfriendly' foreign observers. The list included the US, the EU, as well as regional organisations like the Electoral Institute of Southern Africa (EISA) and the SADC Parliamentary Forum. SADC and the AU were accredited to observe the elections (SADC, 2008; AU, 2008). A day before the elections, the security service chiefs held a joint media conference where they implicitly warned the opposition against any demonstrations about the electoral outcome (*The Herald*, 2008). A top defence force chief, Retired Major-General Paradzayi Zimondi, stated that he would not salute any other presidential candidates aside from Mugabe (*The Herald*, 2008).

The first election results that began to trickle in showed that ZANU-PF had lost to the MDC in its main constituencies – notably those of two senior ZANU ministers, Justice Minister Chinamasa and Public Affairs Minister Chimutengwende (Masunungure, 2009a, p. 80; Zondi, 2013, p. 63). Then, in a surprise move, the Zimbabwe Electoral

Commission (ZEC) stopped announcing results altogether, and frozen them for five weeks. SADC convened an emergency summit meeting on April 12, 2008 to consider its response to the looming tension over the ZEC's failure to release the results.

SADC member states adopted divergent positions in defining the causes of Zimbabwe's situation. Most noticeable was the rift between countries that had liberation movements and fought militarily in the liberation struggle like Angola, Mozambique, Namibia and South Africa that supported Zimbabwe's Western imperialism argument as sufficient basis for problematizing its conflict and resolving it during the 2007/2008 periods. Some AU member states also stood by Zimbabwe on the grounds that it was fighting an anti-imperialist war against the West.

SADC countries that held a different view included Zambia and Botswana. They were also viewed by the seemingly pro-Mugabe group as western puppets because their critique of Zimbabwe mirrored that of western countries like Britain, the US and their allies who castigated the ZANU-PF government for its authoritarian governance, human rights abuses and disregard for the rule of law, and went on to impose a raft of sanctions against it. (F. Mogae, interview, July 16, 2015). In essence, SADC's interpretation of the Zimbabwe conflict was complicated by international and African responses to it. When it came to the final decision, views similar to those held by Zambia and Botswana remained in the minority. Other SADC members were compelled to follow the direction of the bigger states like Angola and South Africa F. Mogae, interview, July 16, 2015). Since SADC decisions are made on the basis of consensus, its final decision would reflect the stance of the majority. In that respect, the SADC position remained non-intrusive, adopting a wait-and-see approach, and applying tacit diplomatic pressure for the impasse to be resolved. The Summit resolved that Mbeki should press the Zimbabwean authorities to release the results without further delay, and called on all the parties to accept them as the express will of the people (SADC, 2008, paras 12-16). Aeby (2017) provides a nuanced account of the Summit negotiations, observing that 'Mbeki attracted public criticism for declaring a run-off before the release of the final results; for publicly holding hands with Mugabe on his way to the Summit subsequently; and for declaring that there was no crisis in Zimbabwe'. The MDC-T asked SADC to replace Mbeki as facilitator, whom they considered biased.

ZEC released final election results, which showed that the MDC-T had won the election with 100 seats over ZANU-PF's 99 seats, with the MDC-M winning 10 seats. But Tsvangirai was short of the 50 per cent of votes needed to become the outright winner (EISA, 2009). In terms of the country's electoral laws, a run-off presidential election needed to be held within 21 days. The ZANU-PF government extended the period to 90 days, and announced that the runoff would be held on June 27, 2008 (*Special Government Gazette*, May 14 2008, quoted in Masunungure, 2009, p. 29).

The run- up to the presidential runoff election was characterised by violence unleashed mainly by ZANU-PF youth militia and the state security forces against opposition members and supporters. This was captured in the preliminary statement of SADC's observer mission (SADC Election Observer Mission, 2008). Tsvangirai withdrew from the race after the SADC Chair, President Levy Mwanawasa of Zambia, had reportedly urged him to pull out (*The Independent*, 2008). Mugabe won the elections with 85.5 per cent of the vote, which SADC and AU observers declared illegitimate. He was then sworn in again as the country's president. This gave rise to the AU's involvement in Zimbabwe. The AU had effectively refused to recognise the June election results (Zondi, 2013, Rupiya, 2012). The AU Summit met in Egypt from June 30 to July 2, and directed SADC to intervene to resolve the impasse ostensibly over the illegitimacy of Mugabe's presidency. It motivated for 'a negotiated solution', and expressed its support for a government of national unity (AU, 2008).

SADC called on Mbeki to lead negotiations over a government of national unity in Zimbabwe. The negotiations started on July 21, 2008, with the signing of an MOU by the MDCs and ZANU-PF in which they committed themselves to dialogue and to concluding a Global Political Agreement (GPA). In September 2008, Mbeki resigned as South African president after being recalled by his party, the African National Congress (ANC), and stepped down as SADC mediator. He was eventually replaced with Jacob Zuma, who assumed the South African presidency in 2009.

The GPA was produced in September 2008, and provided for a Transitional Government, mandated, among others, with preparing the country for free and fair elections by drafting a constitution; holding a referendum; promoting equality, national healing, cohesion and unity; recognising the importance of freedom of expression and communica-

tion; undertaking security sector reform: reconstituting the: ECZ; the Anti -Corruption Commission, Media Commission, and the Human Rights Commission (GPA, 2008).

The thrust of SADC's mediation mission under Zuma in 2009-2010 was to push for full implementation of the GPA. This is evidenced by three important SADC communiqués that consistently reinforced the need for the GPA to be fully implemented, as well as key provisions of the agreement to do with electoral reforms to be implemented before election could be held. The mediation approach detracted from Mbeki's facilitation in its emphasis of issues, and public mode of communication. The three communiqués illustrative of this approach are the SADC Communiqué of January 27, 2009; the Livingstone Communiqué of March 31, 2011; and the Sandton Communiqué of June 12, 2011. For instance, the November 2009 communiqué by the Organ Troika gave the Zimbabwean signatories until December 6 to fully implement the agreement, and in August 2010, the heads of state and government issued a 30-day ultimatum for the same purpose.

Meanwhile, in Zimbabwe, implementation of the GPA had run into serious difficulties, with the inclusive government seemingly backing away from meeting some of its provisions. Some of the contentious issues included:

Economic recovery: By 2009, Zimbabwe was heading towards a liquidity crisis. Monetary and fiscal policy became redundant as the Central Bank and Ministry of Finance lost control, or retained little or no room to influence the economy through interventionist measures. The GPA had mandated the inclusive government to prioritise the restoration of economic stability and growth in Zimbabwe. They were meant to develop and implement an economic recovery strategy and plan that would address issues of production, food security, poverty and unemployment and the challenges of high inflation, interest rates, and the exchange rate. A National Economic Council was meant to be formed. But there was bickering within the inclusive government on its composition and operationalisation, and it never functioned effectively.

National healing and reconciliation: The GPA provided for a mechanism to promote national healing and cohesion, given the background of state-sponsored political violence and legacies of political intolerance. The Organ for National Healing, Reconcilia-

tion and Integration (ONHRI) was formed, and consultations were held in 2009 and 2010. But the body suffered a legitimacy crisis because it was perceived to be headed by officials linked to ZANU-PFs, who consequently resisted calls from civil society to change it into a non-political party, dominated process. This led to a deadlock with civil society, and the ONHRI failed to fulfil its mandate.

Land reform: The GPA instructed the inclusive government to conduct a land audit, eliminate multiple farm ownership, and provide equal access to land for all Zimbabweans as a way to restore full agricultural productivity. It emerged that ZANU-PF was opposed to conducting a transparent and comprehensive land audit, and land grabs reportedly continued.

Media reform: The GPA provided for reforms to regulations controlling in the media sector, including the country's public broadcaster (Zimbabwe Broadcasting Holdings), its regulatory authority, the Broadcasting Authority of Zimbabwe (BAZ), and private media, in line with the principles of democratic expression. But the reforms were minimal. The information minister who was meant to preside over the reforms was Webster Shamu of ZANU-PF, who had frequently threatened to crack down on the independent media (Guma, 2012).

Monitoring of the GPA: Eventually, the mechanism proposed for monitoring the GPA and its institutions became self-regulatory. It only comprised representatives of signatories to the GPA. Moves to change this met with tacit resistance. SADC recommended that officials be seconded to JOMIC, its extraordinary meeting held in Sandton, Johannesburg in June 2011. Two officials were identified, but never assumed duty. According to the Crisis in Zimbabwe Coalition (2012), this was largely attributed to ZANU-PF's unwillingness to involve SADC in JOMIC, as the initial idea was not to have an oversight mechanism at all. It believed such a mechanism would constitute interference in Zimbabwe's internal affairs (I. Maposa, interview, March 15, 2017)

4.5 Progress on the implementation of the GPA

Prospects for a successful transition in Zimbabwe as facilitated by the GPA were positive in the beginning. Twelve months into the inclusive government, the country had

witnessed a lessening of political tensions and violence, a return of basic commodities in the shops, a lowering of inflation, a resumption of work by public sector employees, and a move toward re-engagement with the international community after years of isolation (Dzinesa, 2012; Kisiangani, 2009; Sibanda, 2014). But the reconstruction agenda remained in flux, threatened, among others, by the failure to resolve a series of contentious issues, and the unwillingness of major international donors to offer the government financial support on the basis that it would bolster Mugabe and ZANU-PF, whom they accused of years of misrule (African Development Bank, 2009).

The early years of implementing the GPA were confronted by legacies of state erosion under the Mugabe administration. For instance, the government had to deal with an unprecedented external debt of US$ 4,69 billion, a debilitated economy, and an international community reluctant to provide the urgently needed funds for reconstruction (IMF, 2016). Old patterns of abuse resurfaced, including reports of fresh farm invasions, allegations of continued human rights abuse, and disagreements over Mugabe's unilateral decisions in respect of government appointments (Kisangani, 2009, p. 2).

Zimbabwe started 2010 with a weak and divided administration. There were deep disagreements among the GPA parties about cabinet appointments and the distribution of political power, especially the positions of the Governor of the Reserve Bank of Zimbabwe, Gideon Gono and the Attorney-General, Johannes Tomana; the appointment of provincial governors; and the swearing-in of the MDC's treasurer-general, Roy Bennett, as deputy minister of agriculture (Dzinesa & Zambara, 2011, p. 64; Zondi, 2013, pp. 70-71). There were additional disputes over ministerial portfolios, compounded by overlaps between the duties of the president and those of the prime minister, to the extent that it was sometimes difficult to tell who had the final say on government policy. Instructively, too, the inclusive government was guided by an agreement that did not have a clear time frame.

The agreements between the various parties had less to do with consensus on substantive issues of governance and reform. They were mainly about political re-positioning, because in the same time period, pertinent governance issues, including economic redistribution, corruption, and the consequences of farm invasions remained unaddressed. The country's economy was still in flux, and aggressive policy interventions damaged

its prospects for foreign direct investment. For example, in December 2009, the Attorney General threatened to prosecute any foreign-owned company attempting to resist the Indigenisation Act, which required foreign firms to sell at least 51 per cent of their shares to Zimbabweans (*The Zimbabwe Situation*, 2009).

Those aggressive policy strategies were attempts to secure funding on the back of Zimbabwe's ailing economy. But the economic context was different from those in previous years, and the 2008 economic situation was less cataclysmic than those in the 1990s. The legacies of colonial resource inequalities, narrow forms of capital accumulation in the post-independence decades, and rampant corruption characterised the GPA period. In July 2011, the GPA parties signed a document indicating only partial areas of agreement, and tentative dates for the Road Map to free and fair elections. Missing from the partial agreement was addressing security sector reform, the composition of the ZEC, and provisions for electoral monitoring. The other outstanding issues were deferred.

4.5.1 The security sector reform (SSR) challenge

The GPA underlined some principles that should guide a security sector reform (SSR) process, did not provide a comprehensive SSR framework. Section 208 of the GPA discussed 'the conduct of members of security services', in that they must act in accordance with the Constitution and the law. The provision stipulated that neither the security services nor any of their members should, in the exercise of their functions, act in a partisan manner; further the interests of any political party or cause; prejudice the lawful interests of any political party or cause; or violate the fundamental rights or freedoms of any person. It further stated that members of the security services should not be active members or office-bearers of any political party or organisation; and that serving members of the security services should not be employed or engaged in civilian institutions except during periods of public emergency. These proscriptions did not chime with Zimbabwe's political and governance reality, where military personnel who were clearly ZANU-PF members occupied strategic positions in key government institutions.

What this provision was calling for was either a clean sweep in the state bureaucracy, which would render the majority of ZANU-PF politician and war veterans jobless, or a revocation of their ties to the political party, which would essentially discount their con-

tribution to the liberation struggle – which is central to their political identities. Ndlovu Gatsheni (2013, p. 46) points out that, in terms of the Zimbabwean Constitution and the Defence Force Act, its military has no veto power, and 'no basis to masquerade as kingmakers'. He adds that Mugabe failed over the years to respond to militant and partisan political statements made by the military, and their imminent threat to Zimbabwe's constitutional order (Ndlovu Gatsheni, 2013, pp. 46-47).

Since the inception of the inclusive government, command and control of the security sector was shielded from mechanisms established under the coalition arrangement, and remained in the hands of one coalition partner, namely ZANU-PF (I. Maposa, interview, March 14, 2017). Any opportunity to alter power relations and create a conducive civil-military relationship with MDC formations was lost. In a presentation to a seminar in 2012, Martin Rupiya, a former officer in the Zimbabwean defence force, and a leading expert on the role of the Zimbabwean military in the country's politics, said the main problem was a lack of definition by the government of what really constituted SSR (Rupiya, 2012). According to Rupiya, ZANU-PF hardliners regarded attempts at SSR as an attack on them as well as on government institutions, thereby clearly demonstrating a lack of separation between state and party. He added that the power-sharing government had failed dismally to depoliticise the military, and make it more accountable.

ZANU-PF fiercely resisted attempts to reform the military or the broader security sector, to the extent that it passed a resolution at its Congress in December 2009 that security sector reform would never be allowed in Zimbabwe (Rupiya, 2012). Rupiya has also explained that ZANU-PF has relied on the military for political survival due to a fear of domestic and even international retribution, including criminal trials, thus adding to the difficulty of separating military from civilian affairs (Rupiya, 2013, p. 12). SADC's involvement in this area was complicated by a lack of a regional framework for SSR. Due to the absence of a central policy framework, the rehabilitation and reintegration of combatants in SADC countries had been handled at member state level (ICG, 2012, p. 136).

4.5.2 The road towards the 2013 elections

From 2011 onwards, SADC placed less emphasis on the GPA's implementation and issues like the functionality of JOMIC, concentrating more on preparations for hold elections in 2013. This focus shifted again in 2012 to just one of the election road map issues, namely the development of a revised Constitution (Crisis in Zimbabwe Coalition, 2012, p. 1-2). Domestically, anxieties about the lack of consensus on these issues were reflected in the rush to go for elections. Elections were also seen as an exit point for ZANU-PF to govern independently. Publicly, it was believed that the unity government would last for two years, during which a new constitution would be drafted, and fresh elections held. Critics believed this would work in favour of ZANU politicians, who were locked into issues of self-preservation and political survival (S. Zondi, interview, March 16, 2016).

The advantage for ZANU-FP was that it enjoyed the power of incumbency, and depended on the role of the military in consolidating its power. Nothing had changed in the security landscape, and SSR had become a no–go area even for SADC. Zuma and his facilitation team had placed SSR on the agenda of negotiations that would inform the development of an election road map, and also as part of outstanding provisions within the GPA. Mugabe then proceeded to call for elections in April 2013, despite widely held views that the country was not ready for elections, and that he and his party had failed to comply with the GPA (Crisis in Zimbabwe Coalition, 2013).

While the unity government had promulgated a new constitution, it exercised discretion in implementing it. Moreover, many national laws were not aligned with it. This included the Electoral Act, as well as the Broadcasting Services Act (BSA), the Public Order and Security Act (POSA), and the Access to Information and Protection of Privacy Act (AIPPA).

Nonetheless, elections took place. At the time, observations were that their timing gave the MDC little more than a month to prepare. The election results, which the MDC deemed flawed, showed Mugabe winning 61 per cent of the vote, thus securing his continued tenure as president (EISA, 2013). The results were strongly contested, with the opposition arguing, among other things, that the voters' roll was not made available

when it should have been. Moreover, there were widespread reports of voter intimidation, disenfranchisement, and activities that compromised the secrecy of the ballot (Bertelsmann Stiftung, 2016). SADC terminated its mission in Zimbabwe as soon as it had endorsed the 2013 elections. Meanwhile, JOMIC as is discussed below, died a natural death.

4.6 Systematic evaluation of the GPA

The Joint Monitoring and Implementation Committee (JOMIC) was established through Article XXII of the GPA, which dealt with implementation mechanisms. It was meant to ensure the implementation of the GPA, in letter as well as spirit: assess the implementation of the GPA; consider steps which might need to be taken to ensure the speedy and full implementation of the Agreement in its entirety; receive reports and complaints in respect of any issue related to the implementation, enforcement and execution of the Agreement: serve as a catalyst in creating and promoting an atmosphere of mutual trust and understanding between the parties; and promote continuing dialogue between the parties (GPA, 2008). JOMIC consisted of four senior members of the three parties involved in the GPA, who took turns in chairing the committee. JOMIC was therefore an important oversight institution during Zimbabwe's transition, and had an important role to play in supporting support peacemaking efforts. It was expected to help build political tolerance, promote national dialogue and understanding among political parties and civil society, and support the reduction of violence and conflict before the elections in 2013.

In terms of any assessment, JOMIC was overstretched. It was effectively responsible for monitoring the implementation of a wide purview of issues under the GPA, including economic recovery, land issues, constitutional and security sector reform, sanctions, the prevention of violence, freedom of expression and association, and issues around media freedom. It was expected to help facilitate a road map to the next election as well. As such, the operationalisation of JOMIC in Zimbabwe depended on a number of factors, including its size, resources, political independence, structure and institutional linkages, and its relationship with SADC mediation.

With regards to its size, resources and political independence, its very structure and membership was problematic. JOMIC was led by a committee composed of 12 senior members, four each from the three signatory parties to the GPA. The committee was to be chaired on a monthly rotational basis by representatives from these parties (Tagarirofa & David, 2017, p8). The 12-member committee also had oversight over financial management and budgets. A Technical Project Management Committee was set up, drawn from an NGO called the Zimbabwe Institute to provide secretariat services and to receive project implementation updates. Subcommittees were later added to handle specific issues (Zimbabwe Institute, 2014, pp15-17). These varied in their effectiveness. The main ones were:

- The Land Sub-committee, which dealt with complaints related to land and farm invasions. It was mean to engage with the Ministry of Lands and Rural Resettlement.

- The Media Sub-committee, focusing on media regulation and expression, including the problem of hate speech and abusive language.

- The Sanctions Sub-committee, whose members were the same as the Cabinet Committee on re-engagement where the issue of sanctions was discussed. But the sub-committee never met under the ambit of JOMIC.

JOMIC attempted to have presence in all parts of the country and develop nationwide "peace-building infrastructures to facilitate dialogue, peace and political tolerance in Zimbabwe (Zimbabwe Institute, 2014, p6). From September 2011 to August 2013 it decentralised its structures and programmes, establishing Provincial Liaison Committees (PLCs) in all of Zimbabwe's ten provinces throughout that period (Zimbabwe Institute, 2014, p15). The function of the Provincial Liaison Committees was to encourage stakeholders in the communities to work together in areas of mutual interest and in resolving their differences. Among others, the PLCs comprised four senior representatives from each of the political parties signatory to the GPA; and two representatives from the Zimbabwe Police. But the PLCs did not function due to a host of factors, notably delays from the political parties to appoint provincial liaison officers in some provinces; tensions in PLCs due to differences in political affiliation and backgrounds; and insuffi-

cient material support from the Zimbabwean government (Zimbabwe Institute, 2014, pp14-15)

The first JOMIC national committee in 2013 was held on 20 March 2013. The meeting was attended by members of the SADC Facilitation team who introduced the representatives from the Troika countries that had been seconded by SADC to work with JOMIC at this meeting. It mainly focused discussing how the Facilitation team and Troika representatives would work with JOMIC (Zimbabwe Institute, 2014, p16). However, the political parties could not agree on the modalities of JOMIC interaction with the Troika representatives. The main bone of contention was whether the Troika representatives should sit in JOMIC meetings or confine themselves to receiving appraisal reports from JOMIC. With the JOMIC Committee members having failed to develop consensus, it was agreed that all the parties would consult the Principals of their respective parties (I. Maposa, interview, March 14, 2017). The matter was subsequently dealt with by the SADC Troika meeting of June 15 2013 in Maputo which endorsed the recommendations of the facilitation team that the Troika representatives and facilitation team should work with JOMIC and sit in all its activities but not make decisions. Decision-making would rest solely with Zimbabwean JOMIC members (Madava, 2012).

But this decision would further complicate its functionality. Tensions and power relations within the GPA affected JOMIC's work. It must be borne in mind that the GPA essentially produced an unequal distribution of state power between ZANU-PF, the MDC, and MDC-T. This had an impact on the pace of implementing GPA reforms. It also, at times, limited JOMIC's access to key institutions and ministries, because it could not get the requisite permission from government officials, who perceived it to be politically biased (I. Maposa, interview, March 14, 2017. The ideological outlook of the different parties were expressed in subsequent demands and nuanced differences over issues like sanctions, land audits, SSR, and the election road map. Unsurprisingly, there were defined 'no go areas' for JOMIC, including the media, SSR, and even the economy.

The inherent problem was that JOMIC had no legal identity or standing that would have legitimised its work. While its mandate was well elaborated in the GPA, it was not established in law. In other words, JOMIC was not given a legal identity that would

have buttressed its mandate and 'officialised' its work. In fact, it did not have the authority to enforce any aspect of the GPA. It mostly relied on moral authority, and the will of the parties to collaborate. The lack of a legal framework also had financial implications, because the government did not budget for its activities. It was entirely financed by donors.

JOMIC's institutional and procedural interface with the SADC Organ and the SADC Secretariat was also weak (I. Maposa, interview, March 14, 2017). The implementation of the GPA was meant to be monitored by the SADC facilitation team, essentially comprising representatives of then president Jacob Zuma, the SADC facilitator. Besides this, the facilitator reported to the SADC Troika. SADC has acknowledged that the Organ Troika had requested that it deploys three SADC officials to work with JOMIC, but has not indicated whether this was done. Yet SADC did not provide the JOMIC Secretariat with either human or financial resources (I. Maposa, interview, March 14, 2017). It only stepped up its engagement with JOMIC in the run-up to the 2013 elections.

SADC was also not involved in the evaluation of JOMIC. This was conducted by its Zimbabwe-based Secretariat, whose methodology included desktop research as well as field interviews with JOMIC co-chairs, sub-committee members, project staff, members of PLCs and DLCs, political parties, CSOs, donors, and the media.

In the beginning JOMIC appeared to be a useful initiative for strengthening national ownership of the GPA. It reached out to Zimbabwean CSOs including a coalition of civil society organisations called the Civil Society Monitoring Mechanism (CISSOM) that was monitoring some aspects of the GPA. The CISSOM made presentations to JOMIC occasionally, but these were not particularly formalised. SADC's hands-off approach to JOMIC, including its failure to provide it with a legal identity, limited its national reach and real impact.

In 2011, the SADC Troika agreed to boost the capacity of JOMIC by appointing a team of officials to join the facilitation team, and work with JOMIC to ensure the monitoring, evaluation and implementation of the GPA. This did not work out, as there was no agreement among the parties on the terms of reference of the team. The terms of reference were finally agreed in 2013 a month before the harmonised elections. Thus JOMIC

never had a formal reporting structure with SADC until the very end, when the terms of reference of the Troika representatives were approved.

In essence, SADC delegated the responsibility for evaluating the mediation to the country undergoing the crisis, which clearly constituted a conflict of interest. This refers to a situation in which a given party has a vested interest in the outcome of the process in question, or stands to benefit from a decision if it goes a particular way, but participates in the decision-making process in question as if it were neutral. Factors which led to this delegation of responsibility to Zimbabwe included conflicting conceptions of the crisis among members of JOMIC; the complexities of evaluating the normative aspects of the mediation mandate; and the lack of a strong sub-state mechanism in the form of a functional SNC for coordinating the mediation processes with SADC, which at that time did not have an institutionalised mediation mechanism.

4.7 Application of the SCT approach to the SADC mediation

This section assesses whether the SADC mediation met five core criteria for success formulated in terms of the SCT framework:

1. *The extent to which the mediation was inclusive, and built on internal resources for transformation.*

ZANU-PF strongly guarded and monopolised the mediation process, in order to protect and maintain its own version of the conflict. Adolfo (2009. P. 32) argues that this reflected ZANU-PF's failure to transform itself from a liberation movement into a political party, including a refusal to acknowledge the roles played by others, such as CSOs, students, churches, and other non-state actors, in the liberation struggle. Instead, ZANU continued to claim a monopoly over the liberation struggle, and ultimately over political power in the post-liberation state. In the process, it continued its efforts to subsume all sectoral interests under the umbrella of the liberation movement, now represented by a single political party (Adolfo, 2009, pp. 32-34). This meant that ZANU-PF continued to conceive itself as representing the nation as a whole, and continued to conflate government with the party. Given this, the mediation failed to identify alternative resources for transformation, besides the primary parties to the conflict.

SADC's inclusion of the MDC and MDC-T in the negotiations was unavoidable, because they were parties to the conflict, and could therefore not be excluded from attempts to resolve it. But ZANU-PF had branded the MDC as well as any CSOs that opposed Mugabe as neo-colonial puppets, which strongly resonated with the perceptions of the later SADC mediator in the form of Jacob Zuma (Raftopoulos & Mlambo, 2010). Mbeki's clashes with the MDC are also documented. He believed the MDC was abdicating its responsibilities and expected the ANC to fight its battles, and stated that the MDC had aggressively lobbied him and other leaders to play a proactive role towards the amendment of the constitution (Aeby, 2017). On his perceived soft stance on Mugabe, widely labelled as 'quiet diplomacy', he has been quoted as saying: 'Diplomacy is diplomacy; there is no such thing as quiet diplomacy. We said to them, we are not going to draft a resolution for you' (Mathope, 2017).

JOMIC was the only officially sanctioned initiative aimed at promoting a resolution of the conflict, and peaceful coexistence. The GPA (Article 8) provided for the Organ for National Healing, Reconciliation and Integration (ONHRI), and emphasised that various stakeholders should be consulted on the creation of a national infrastructure for enhancing the capacities of key actors in conflict prevention, management and transformation. This initiative never took root beyond initial meetings with political parties, traditional leaders, CSOs, and the police, aimed at clarifying this conceptual framework.

2. The degree to which the mediation supported longer-term processes of comprehensive social change.

The initial challenge facing the mediation effort included dealing with conflicting accounts of the conflict presented by the various parties. Nyakudya (2013, p, 90) notes that, as a result, interpreting the causes of the crisis became a major obstacle on the way to funding a solution. There was a sharp divide between two camps. Members of one camp believed the crisis had been caused by the West's regime change agenda; called the 'patriots', this group held liberation credentials in high regard. Members of the other group, including the opposition and representatives of CSOs, regarded the crisis as a product of ZANU-PF misrule, and a disregard for human rights and the rule of law. The political settlement facilitated by SADC initially leaned towards the narrative sustained by the patriots, and nothing else could be added outside this agenda.

However, this study suggests that both narratives had some merit, and ought to have been reflected in the SADC settlement if SCT were to have been achieved. Restrictions placed on land reform in the form of the LHA had numerous negative knock-on effects throughout the national economy. Agriculture was the traditional backbone of the country's economy, with most manufacturing industries depending on the agricultural sector for inputs and markets (Mlambo & Raftopoulos, 2010, p. 3). The inherited structural constraints on land reform, and the failure of donors to honour their pledges of financial and other forms of support for both land reform and economic recovery, had a negative social and economic impact (Zondi, 2013; Muzondidya, 2009). This resulted in severe economic damage in the form of factory closures, declining outputs and foreign currency earnings, and massive unemployment (Mlambo & Raftopoulos, 2010; Muzondidya, 2010, pp. 190-194).

At the same time, the government misused repressive instruments in dealing with dissent over its management of the country's social and economic problems, and the lack of radical post-independence reform. This included ZANU-PF's response to the MDC, its wave of terror against MDC supporters and white commercial farmers, whom it blamed for having sponsored the new opposition party in 2000; and continuous violence by government agents and supporters of the ruling party towards civilians supporting the opposition throughout the 2000 period (Zondi, 2013; Aeby, 2017, Mlambo & Raftopoulos, 2010). In this context, the chaotic fast-track agrarian reform exercise and the violent campaigns against perceived opponents of the ruling party that accompanied it resulted in widespread human rights abuses that had to be addressed in a systematic way in order to change confrontational relationships between the state, civil society, and indeed the citizenry. This approach was not adopted during the mediation, or even the later implementation of the GPA.

Comprehensive social change in Zimbabwe is also tied to the racial inequities of the post-colonial period, and the largely unacknowledged ethnic polarisation in the country under ZANU-PF. Addressing these issues are difficult, and would require institutionalised redress that could be introduced in the later stages of a mediation process. Once again, however, these issues – and ethnicity in particular – have remained hidden. Muzondidya and Ndlovu-Gatsheni (2009, 2013) view the conspicuous silence about persis-

tent ethnic tensions and divisions as particularly problematic. Among others, they argue that these issues play hidden but significant roles in the struggle for power and resources surrounding the Zimbabwean state.

This ethnic polarisation is to be explained mainly in terms of the broader failure by the ZANU-PF state to develop an effective response to the political economy of ethnicity inherited from the colonial past (Muzondidya, 2009). This failure included the unequal development of the provinces and the marginalisation of particular ethnic groups in politics, economy and society.

Thirdly, Zimbabwe's political conflicts, latent for the most part, are triggered by elections. How they are administered and governed affects society's interactions with power and democratic processes. The renewal of political mandates in Zimbabwe is highly contentious, and elections have been proven to present many challenges because of a lack of a proper framework for regulating the competitive nature of interest groups and political parties. Held against the background of post-conflict and transitional governments, the electoral process faces particular challenges of fairness with respect to levelling the playing field for all parties, transparency, and accountability as far as dispute resolution is concerned. As a result, monitoring elections requires systematic engagement, and the involvement of all actors within society. Two processes were thus required from SADC's side. The first was to provide capacity-building support to the reform of Zimbabwe's election management institutions. This could have done via regional mechanism, possibly involving the SADC Election Commissions Forums (ECF), essentially election management bodies from SADC countries. The second was to press government to develop healthier relations with CSOs, and solicit their support of various aspects of the electoral process. Instead, the ZEC had a monopoly over voter education and electoral processes, and the military directed how these should be managed.

3. Whether the mediation adopted a multi multi-track approach, which is best suited to the SCT model.

SADC's mediation approach consists of 'track one' diplomacy; it is primarily about engaging with state parties to a conflict in order to persuade and assist them to manage the conflict in question. Second, ZANU-PF views itself as embodying the Zimbabwean

state, and representing the Zimbabwean nation. It became omnipresent in Zimbabwean affairs, featuring everywhere in the national polity, and conflating all aspects of state, government and society to party activity. It also meant that in the SADC negotiations, ZANU-PF was a gatekeeper in the mediation, and no group or sectoral interest was considered to have the potential to contribute to debates about the country's future leadership. Raftopoulos (2010) further argues that from the inception of the mediation, it was clear that civil society, as a whole would be excluded from the negotiations. He argues that,

> 'despite the fact that the civic groups presented their views to the SA facilitators, and the MDC- T had carried out some consultations on the mediation with the leadership of the civics, the latter increasingly felt isolated from the process, and protested that they were being used to popularise the process without being substantially involved' (Raftopoulos, in Mlambo & Raftopoulos, 2010, p. 8).

But he adds that there was a general agreement between both South African facilitators and the two MDCs that the involvement of civil society groups could be problematic and cause enormous delays in the negotiations, and none of the players in the negotiations wished to entertain such delays (Raftopoulos, in Mlambo & Raftopoulos, 2010, p. 8).

4. Whether the mediation was flexible enough to incorporate factors that were omitted from the initial stages of the negotiations.

The Zuma mediation was more forceful that Mbeki's, marking a shift in diplomacy, albeit publicly, in how SADC was dealing with Zimbabwe. The Livingstone Troika Summit projected some of the key challenges the Zimbabwean government needed to during preparations for the 2013 elections. Paragraph 22 of the communiqué underlined that all the parties to the mediation, including Mugabe, Tsvangirai, Mutambara and Welshman Ncube, were not being consulted informally, as they had been in 2008. Points 13-16 of the Communiqué 'appreciated the frankness with which the report on Zimbabwe was presented by the facilitator', and openly admitted that progress on GPA implementation was disappointing and insufficient. It expressed "grave concern about the polarisation of the political environment evidenced by, inter alia, the resurgence of

violence, arrests and intimidation". The communiqué clearly outlined areas of implementation that required attention, the related timelines, and a need for a reformed political environment, including a draft constitution before free and fair elections could be held.

5. Whether the mediation was monitored in a systematic way.

It is doubtful whether SADC monitored the domestic context within which the negotiations and mediation were unfolding. As the mediation continued, international and domestic NGOs like Human Rights Watch, the Zimbabwe Institute and the Zimbabwean Electoral Support Network reported that state-sponsored violence and intimidation was ongoing. They also implied that the nature of the violence had changed from more overt forms to psychological violence. Examples given include 'Operation Makavhotera-papi?' (Operation Where Did You Put Your Vote?), focusing on former rural ZANU-PF strongholds in which – to the party's shock – large numbers of people voted for the MDC in the parliamentary and first-round presidential elections in 2008. It was aimed at punishing sell-outs, and ensuring a win during the second round of the presidential vote. Human Rights Watch (2008) reported that ZANU-PF was cordoning off villages targeted by ZANU-PF violence, preventing people from fleeing, including those in need of medical treatment. Party allies warned hospitals not to treat victims of political violence, or face retaliation. There were additional reports that ZANU-PF officials and war veterans were torturing and mutilating suspected MDC activists and supporters in hundreds of base camps. Those events happened under the radar of the SADC mediation.

During the GPA phase, JOMIC was set up to evaluate its implementation. But many aspects were left out, including profiling the ongoing violence, and the fact that thousands of Zimbabweans were fleeing to neighbouring South Africa, Botswana, and Mozambique (Human Rights Watch, 2008b). The concluding analysis of the GPA was limited to the creation of institutions and policies, and not the environment in which those institutions were functioning and policy processes were taking place, which remained marred by violence and intimidation. In the broader SADC framework, there were no locally devised evaluation mechanisms that would have allowed the SADC mediation to critically appraise itself. The SADC Election Observer Missions could have done this, but these were short-term interventions, and only covered limited areas.

4.8 Assessing SADC's effectiveness in Zimbabwe

The study limits its approach to assessing the extent to which SADC achieved its intended outcomes, as outlined in the respective intervention mandates, and the extent to which SADC systematically evaluated the mediation. First, a distinction should be drawn between conflict management and conflict transformation in SADC's mediation approach. As discussed in previous chapters, conflict transformation reflects the notion that conflicts tend to continue for long periods of time, change the nature of relationships among the people and parties involved, and themselves change as their responses to the situation develop over time. Therefore, resolving those conflicts requires changing those relationships. Conflict management denies the long-term nature of conflict, and as the AU's mediation support handbook puts it, 'assumes that people and relationships can be managed as though they were physical objects' (AU, 2014, p. 176).

This study finds that SADC mediation in Zimbabwe from 2007 to 2013 was primarily employed as a tool of conflict management, and less as a tool to transform the relationships and structures that govern those relationships in the Zimbabwean context. Zimbabwe's election-induced political conflict in 2007 was a culmination of governance crises that had characterised the country since the 1990s. While appreciating that viewing the conflict in this way could complicate efforts to resolve it, SADC should at least have designed a post-mediation engagement plan for Zimbabwe.

But the thinking around these issues at SADC was limited by a lack of institutional framework for engaging an otherwise intransigent ZANU-PF government. The mediation unfolded before SADC had created a mediation structure, which came to include guidelines that incorporate some aspects of conflict transformation theory. They underline that civil society must be involved in mediation processes, and that mediation should be monitored in order to detect and interpret changing conditions on the ground, shifts in the parties' positions, and changes in the relationships between various actors, and devise appropriate remedial actions (SADC, 2010a, p13). Another potential institutional entry point was the SNCs. But Zimbabwe's SNC was not functional, and existed in name only. There was one contact person, but no structure coordinated by government involving non-state actors as per the requirements of the SADC Treaty (G. Dzinesa, interview, September 13, 2014).

Having said this, the mediation met SADC's objectives, but at a very procedural level. Some key issues need highlighting. First, Mbeki's 2007 mandate was 'to facilitate dialogue between the opposition and the government', and he was instructed to report to the SADC Troika. The communiqué did not give further instructions. The outcome of the Mbeki negotiations was the constitutional amendment that outlined important electoral reforms, established the ZHRC, and gave parliament more oversight and law-making powers. The outcome was thus consistent with SADC's mandate, however limited. The SADC mandate did not outline that the facilitator had to address ongoing violence. But Zondi (2013, p. 62) observes that political violence reduced temporarily during this period. 'Unruly youth and war veterans vacated the streets, and the opposition was able to hold massive campaign rallies without much incident under the watchful eye of the AU and SADC' (Zondi, 2013, p. 62).

Second, the extent to which Mbeki's mandate should be linked to the imperative for a free and fair democratic election is not clear. This was not explicitly outlined in the mandate. However, the study concludes that Constitutional Amendment 18 was supposed to facilitate credible elections in Zimbabwe. In that respect, the facilitator as a representative of SADC was operating under its normative prescripts for how democratic elections should be conducted. These are outlined in the 2004 SADC Election Principles and Guidelines Governing Democratic Elections. SADC EOMs concluded that the 2008 elections were held in a violent environment. Yet in SADC Summit communiqués of that time, violence was underemphasised. The issue of gross human rights violations under the ZANU-PF government was also not highlighted or addressed. The SADC Treaty is clear on the latter, and states that governance processes in member states must be underpinned by the observance of human rights, democracy, and the rule of law.

Thirdly, unresolved issues emanating from the GNU burdened Zuma's mediation. But Zuma's mandate was to discharge SADC's responsibilities as a guarantor of the GPA. This required a stronger focus on enforcing SADC decisions with respect to the implementation of the GPA, which became difficult because of ZANU-PF's recalcitrance in respect of the reforms. The GPA consequently required continuous mediation, and the guarantors' assistance. Yet, in the first eight months of the interregnum, SADC failed to respond to a mounting crisis over contentious issues among GPA parties. Indeed, Zuma

mediation was more forceful in its diplomacy in terms of insisting on the implementation of the GPA. Several Troika communiqués projected some of the key challenges the Zimbabwean government needed to address when in the course of constitution-making and preparations for the 2013 elections, and called for an end to violations of the provisions of the GPA (SADC Troika Summit Communiqué, 2011). While this was a welcome development, mechanisms to enforce compliance were not put in place.

Throughout the Zuma mediation, the MDC-T registered its frustrations with the SADC process that were not attended to beyond the emphasis in SADC communiqués. For instance, the MDC-T suspended its cooperation with the inclusive government in 2009. The SADC Organ Troika swiftly dealt with this matter, resolving that the parties should find a solution to all outstanding issues within 30 days (SADC Organ, 2009). MDC-T eventually re-joined the GNU, but mainly because SADC failed to offer any alternatives (Aeby, 2017).

Zuma was also supposed to provide support for the staging of credible elections in 2013, and ascertain that electoral reforms were enacted. As the record shows, the 2013 elections were tainted with illegality. Because they were held under a new constitution, extensive amendments to the Electoral Act were required. But those changes were not effected via Bill passed by parliament, as per democratic procedure. Instead, Mugabe issued the Presidential Powers (Temporary) Measures Act to amend the Electoral Act, which was arguably unconstitutional. Linington (2014,pp. 14-15) explains that under Section 134 (9) of Zimbabwe's new constitution, parliament is prohibited from delegating its primary law-making power. Furthermore, Section 157(1) provides that an Act of parliament must provide for the conduct of elections, and not the president. This shows that the SADC mediation focused on process rather than the substance of the reforms that Zimbabwe was required to undertake under the GPA. As this study has illustrated, the main election-related problem in the country was not the capacity of the opposition to compete and win elections; on the contrary, the MDC's performance in 2008 and in previous elections demonstrated its capacity to compete under very difficult conditions. The central problem is how ZANU-PF controls the administration of elections, and how this is translated into to state power. Therefore, it can be concluded that SADC's focus on elections, as a sufficient basis for Zimbabwe's transition was a narrow one, where

historically ZANU-PF has been unwilling to allow fully democratic elections to ensue. Notwithstanding these problems, the GPA did help to stabilise the economy, including deflating hyper-inflation; appoint the Electoral, Human Rights and Media Commissions; and introduce a Reserve Bank Reform Bill that effectively removed the capacity of the Reserve Bank Governor to help sustain ZANU-PF. Moreover, the Mugabe regime was forced to become more accountable in parliament and in cabinet decision-making, while JOMIC, set up to monitor the implementation of the GPA, at least provided an important forum for continued negotiations among the parties. All these efforts helped to reduce, but not eliminate, political violence.

4.9 Conclusion

This chapter concludes with a number of observations about the challenges facing the SADC mediation efforts, the applicability and suitability of the SCT model, and the degree to which SADC was effective in its peacemaking role. The first initial challenge that impacted on the potential for an SCT approach was the type of mediation. Any peace process aims to achieve more than a cessation of hostilities, and to bring about real transformation. It was clear from the onset of SADC's engagement that relations between the MDC and ZANU-PF were characterised by violent rivalry, and that power politics, governance, ideological differences, and issues of resource distribution were central to the Zimbabwe conflict. Yet SADC's approach, which was influenced by the then South African president Thabo Mbeki, emphasised conflict management rather than conflict transformation, expecting parties that had a history of rivalry to cooperate as if this history did not exist. Moreover, the mediator seemingly empathised with one party to the conflict, ruling out more balanced analysis of the situation that also encompassed immediate issues of human rights violations and abrogation of the rule of law.

An SCT approach hinges on the most suitable and comprehensive analysis and mapping of a conflict. SADC mediation missed the mark in two respects. First, the initial approach in 2008 failed to accurately identify the nature of the conflict. In other words, it failed to draw a clear distinction between mediating an election-related dispute and a political one. The AU and the international community had rejected the outcome of the 2008 elections in Zimbabwe. Moreover, Zimbabwe's electoral system was clearly riddled with loopholes for fraudulent practices and inequalities. ZANU-PF saw the interna-

tional community's position and that of the opposition as an attempt to remove it from power. If SADC had characterised the 2008 conflict as one of electoral fraud, the mediation would have had to be defined differently. Election-related disputes require different sets of mediation approaches, as they not only involve political elites but the electorate and society at large. They also demand specific solutions around issues like recreating neutral spaces for citizen participation; justice or recourse for victims of violence; and confidence in the governance and administration of the election process.

Thirdly, internal reforms hinged on the political will of the Zimbabwean government, and what introducing them would mean for its power base. In other words, to the extent that ZANU-PF was expected to depoliticise the state apparatus that had safeguarded its political hegemony for more than three decades, it was essentially expected to reform itself out of power. The argument here is that, given its fractured state, ZANU-PF would probably have lost the relevant elections in the absence of strong levers of power over state institutions. Internal reform left to the designs of the ZANU-PF government could only produce the same outcome: that of a government wholly uncommitted to the reform of state institutions. Thus, any election would be subject to the same uneven playing field, the interference of state agencies, and the same results as seen in 2000, 2005 and 2013.

Without wide-ranging reforms of state institutions and the electoral machinery, elections have shown that they fail to resolve Zimbabwe's conflicts, which are about political power and control. This raises peculiar challenges for SADC in terms of enforcing compliance with the implementation of mediated political settlements. Beyond forceful language in communiqués, like those during the Zuma mediation, complex challenges exist surrounding the revival of political will, the creation or recreation of neutral spaces for citizen participation, and confidence in various aspects of the country's governance process. This would require a fine balancing act between respecting a country's sovereignty, while placing a premium on the principles of security, stability, development, democratic governance, the rule of law, and respect for human rights enshrined in the SADC Treaty and the SADC OPDS protocol.

SADC mainly relied on diplomatic missions, to promote peace and security in Zimbabwe. This approach had its uses and its limitations. In terms of its utility, the SADC

mediation helped to restore political order following the contested and violent 2008 elections, and to reduce or end political violence. In this period, the GPA shifted its focus from violent political competition to a measure of calm and the cessation of hostilities. The mediation also fostered a degree of consensus about the country's transition via the establishment of the GPA and the inclusive government. However, the most important aspect of a peace process is what happens thereafter, when diplomatic missions cease, and countries are left to their own devices. This is where SADC is weakest in its peacemaking architecture. Beyond diplomatic missions, there are no institutionalised mechanisms and measures to support, sustain, and monitor the strengthening of democratic and governance processes in the countries it mediates. In this sense, SADC did not sustain its mission in Zimbabwe beyond the expiration of the GPA, despite an acknowledgement of outstanding issues in the GPA that would affect the country's future stability and development.

The study argues that these issues did not fall outside SADC's mediation mandate in Zimbabwe. The objective of this mandate, read cumulatively over the six-year mediation period, as to facilitate a power-sharing arrangement, the implementation of the transition plan, and agreement on a road map to credible elections that met democratic standards. These objectives suggest that the mandate's ultimately priority was that of democratisation. Consequently, SADC needed stronger instruments beyond diplomatic missions to effectively discharge this aspect of the mandate. Instead, what took precedence for SADC was the imperative to restore political stability without necessarily establishing the democratic foundations for sustaining it. As a result, the country experienced a partial if not pseudo-democratic transition in 2013, and the period thereafter could be characterised as conforming to Galtung's concept of negative peace.

In the face of international sanctions mounted against the ZANU-PF government, sanctioning Zimbabwe for non-compliance was out of the question. Moreover, the aim of the mediation was not punitive, but to help change the ZANU government's approach to democratic issues and institutions. The impact that compliance mechanisms could have had on the conflict, and its potential for transforming existing power relationships, have not yet been established.

5 The SADC mediation in Lesotho

5.1 Introduction

On December 2, 2017, SADC deployed the SADC Preventive Mission to Lesotho (SAPMIL) as part of its most recent efforts to create a conducive environment for the implementation of constitutional, security sector, public service, media and governance reforms in line with its previous recommendations (SADC, 2017a). Those recommendations emanated from a SADC Commission of Inquiry established in 2015 by the SADC Summit to investigate the deterioration of security in Lesotho, following the killing of Lieutenant-General Maaparankoe Mahao, newly appointed LDF Commander in June 2015 (SADC, 2015c).

The SADC Commission came on the heels of a SADC mediation mission to Lesotho facilitated by the then South African deputy president, Cyril Ramaphosa. His mandate was to 'facilitate the restoration of political and security stability in the short and long terms' (SADC, 2014b). The mediation was initiated in 2014, officially concluded in 2015, and re-started the following year after Lesotho had relapsed into another political conflict. The relapse was arguably unsurprising, as the conflict manifested similar characteristics to the previous one that had triggered SADC's intervention in 2014. It involved the military; an acrimonious collapse of its governing coalition; and political polarisation, among others due to conflicting discourses around the causes of the conflict and how to resolve them in a sustainable way.

Lesotho, a small, landlocked country surrounded by South Africa, has suffered endemic political instability and state dysfunctionality despite its small size. It has the highest number of government turnovers in the region, with the collapse of three governing coalitions between 2012 and 2017. The last coalition government collapsed in March 2017, and the country held elections three years ahead of schedule in June 2017, producing another fragile governing coalition (*Lesotho Times*, May 26, 2017). These developments have taken place in a highly polarised and militarised domestic environment, which appear intransigent to SADC mediated engagements. Yet SADC concluded in 2015 that its intervention in Lesotho had been successful in restoring political stability, following its snap elections the same year (SADC, 2015d).

Lesotho has also become one of the most frequent recipients of diplomatic interventions from SADC, in which the struggles between civilian authorities and the military have been prioritised. This chapter analyses SADC's mediation in Lesotho from 2014 to 2016. It roots the discussion in Lesotho's political and security trajectories and challenges of sustaining its governing coalitions. These provided the backdrop to SADC mediations and their evolution. The chapter then analyses the extent to which SADC interventions have addressed the cyclical nature of political instability and insecurity in Lesotho. The analysis utilises the systemic conflict transformation model to frame five issues. The first is the extent to which the intervention was inclusive, and built on internal resources for transformation. The second is the degree to which it supported processes of comprehensive social change in the long term. The third is whether the approach adopted was multi-track, which is best suited to the SCT model. The fourth consideration relates to the flexibility of the mediation to incorporate elements omitted in the initial stages of negotiations. The last factor is whether the intervention was monitored in a systematic way. The chapter also discusses SADC's effectiveness in meeting the objectives of its intervention mandate, and how this was evaluated.

5.2 Lesotho's country profile

Lesotho is one of the smallest countries in southern Africa, with a population of 2.2 million, and a total area of 30,355 square kilometres (UNDP, 2016). It is an enclave in that it is surrounded by South Africa, its one and only neighbour. The country was established by King Moshoeshoe I about 200 years ago, and remains one of few constitutional monarchies in the world, and the only one in southern Africa. The constitutional monarch was institutionalised in 1993 by the country's constitution, and embraces Lesotho's traditional system of governance along with the modern system of governance adopted after independence (APRM, 2010, p. 32).

Under this constitution, the king is the head of state, whereas the prime minister is the head of government. The king's position is hereditary, and accession to the throne is regulated by the Office of the King Order No. 14 of 1990 (Constitution of Lesotho, 1993, Sections 44-53). The monarch has been regarded as the unifier of the Basotho nation, but is a largely ceremonial figure, playing a minimal role in the day-to- day political and governance affairs of the country. The Lesotho legislature consists of two hous-

es, the National Assembly, with 80 elected members and 40 proportional representatives (making for a total of 120), and the Senate, with 33 members, 22 of whom are hereditary principal chiefs, with the other 11 appointed by the king on the advice of the Council of State (National Assembly of Lesotho, 2018). The Council of State comprises top officials from the executive, legislative and judicial branches, a principal chief, as well as four non-state stakeholders appointed by virtue of their skills and expertise. Its role is to advise and assist the king in the performance of his duties (National Assembly of Lesotho, 2018). The judiciary is headed by a Chief Justice, and consists of a Court of Appeal, a High Court, and magistrates' and local courts. There is a dual legal system in which the above-named courts use common law, whereas the traditional courts of the chiefs use customary law (Commonwealth governance, 2018). The inhabitants of the country – Basotho – are quite homogeneous in ethnic-linguistic terms, and the major religion is Christianity. Hence Lesotho's conflicts are not about identity or ethnicity, but revolve around political power.

The country's economy is predominantly rural, with 76 per cent of its people living outside the cities and towns; however, those areas only account for about 7 per cent of GDP, which partly explains the high-income inequality in the country (UNDP, 2015, 2016). Poverty is widespread, with more than 57 per cent of the population living below the poverty line (UNDP, 2017, p. 7). Lesotho has a poor human development ranking, and the United Nations Human Development Index, which provides an average measure of basic human development in a country, puts it at 160 out of 188 countries globally, sharing this category with Comoros (UNDP, 2016, p.5). The civil service is the biggest employer.

Economically, Lesotho is both dependent on and tied to South Africa. It has very limited natural resource endowments, including agricultural and grazing land, but is richly endowed with water and, to a lesser extent, diamonds and other minerals. Water is its most significant natural resource. South Africa exploits this through the multi-billion-dollar Lesotho Highlands Water Project (LHWP), which is crucial for South African industrial centres in Gauteng. Given its poor economic endowment, and spatial exclusion, Lesotho depends overwhelmingly on external factors for its own development, namely foreign aid from the US, EU and UN, and revenue from the Southern African

Customs Union (SACU) controlled by the South African Treasury. Besides economic ties, Lesotho and South Africa are also bound together by socio-cultural and political links. A large proportion of its population lives in South Africa (Cobbe, 2012). Politically, Lesotho – particularly its 'Congress' parties – played an important role in South Africa's liberation struggle. Those parties also shared an ideological affinity with the ANC. For instance, Lesotho's prime minister from 1993 to 1998, Ntsu Mokhehle, was a member of the ANC. He later modelled the Basutoland Congress Party (BCP) on the ANC when it was formed in 1952 (Khaketla, 1972). Pakalitha Mosisili replaced Mokhehle as prime minister in 1998. However, as this chapter will show, there has been a steady decline in popular support for the previously dominant Congress movement that won all parliamentary seats in Lesotho in 1993. Via splits and defections, Congress parties have steadily lost their previous political hegemony, and have been abandoned by voters such that by the 2012 they could not form a government on their own.

5.3 Recent developments

In February 2015, Lesotho held a snap election brokered by SADC in a bid to restore political order and stability, following a coup attempt on 30 August 2014 which, according to the then prime minister, Thomas Thabane, was orchestrated by General Tlali Kamoli, Chief of the LDF (SADC, 2015c, p. 18). In the same month, Thabane fired Kamoli and replaced him with Lieutenant-General Mahao. Kamoli refused to vacate his office, and continued to function as the de facto LDF commander (S. Jele, interview, September 28, 2014). The coup attempt forced Thabane to briefly seek refuge in South Africa (SADC, 2015c, p.18). Thabane, a former minister in the Lesotho Congress for Democracy (LCD) government, had been in and out Lesotho's government for nearly four decades. He served as advisor, civil servant and parliamentarian, and held several cabinet portfolios over the years. His first stint as prime minister was in 2012.

The 2014 coup attempt was staged against the backdrop of a deepening fallout between the coalition government leaders, namely Thabane of the All Basotho Convention (ABC), a splinter party from the LCD; his deputy, Mothetjoa Metsing, from the LCD; and sports minister Thesele Maseribane from the Basotho National Party (BNP). As part of the agreement brokered by SADC, the country's security chiefs, Police Commissioner Khothatso Tšooana, Lieutenant-General Mahao, and General Tlali Kamoli, were giv-

en leave of absence from Lesotho in November 2014 to ensure that the elections were held without threats of violence from the police and the army (Maseru Security Accord, discussed in SADC Commission of Inquiry, 2015, p. 19).

A new seven-party coalition government was formed after the February 28 polls had failed to produce a majority winner (Lesotho Coalition Agreement, 2015, p. 3). Thabane and his coalition relinquished power to Pakalitha Mosisili of the Democratic Congress (DC) – the country's previous prime minister from May 1998 to June 2012 (and again from March 2015 to June 2017). But Metsing stayed on after his party, the LCD, had joined the DC, the Popular Front for Democracy (PFD), the Basotho Congress Party (BCP), the Lesotho People's Congress (LPC), the Marematlou Freedom Party (MFP), and the National Independent Party (NIP) in the new government (Lesotho Coalition Agreement, 2015, p. 3). In March 2015, the SADC facilitator, Cyril Ramaphosa, closed down the SADC Facilitation Mission in Maseru, and the mediation was officially concluded (SADC, 2015e). The mission had been established to coordinate Lesotho's road to stability, culminating in the February 28 polls, and to establish stability in the long term. Two months later, Thabane, leader of the official Opposition fled the country for South Africa, alleging an attempt on his life. He was followed by Maseribane, the BNP leader, several military officers, and other opposition leaders (SADC, 2015c). In May 2015, Mosisili reappointed Kamoli (*Lesotho Government Gazette*, 2015) as the LDF commander, and backdated the appointment to August 29, 2014, when Thabane's reported coup attempt had taken place. Another gazette was issued on the same date terminating Mahao's appointment as army commander. In the same month, the new minister of defence and national security, Tšeliso Mokhosi, reported to parliament that the government had uncovered a mutiny plot in the LDF, whose date coincided with that of Thabane's reported coup (Ntaote, 2015).

The following month, Kamoli ordered the LDF to press charges of mutiny against roughly 50 LDF members, related to events at the time of the alleged coup (SADC, 2015c, p. 57). They were detained at Maseru Maximum Security Prison, and allegedly tortured (SADC, 2015c, p.57). Mahao was reported to be under investigation for the alleged mutiny, but was never charged or detained. Instead, he was killed by his LDF peers during an operation to arrest him (Vollgraaff & Ralengau, 2017). Meanwhile Mo-

sisili's government recalled a number of officials from the country's diplomatic missions appointed by Thabane, including Lesotho's High Commissioner to South Africa, Malejaka Letooane; the Johannesburg and Durban-based Consul-Generals, Mophethe Sekamane and Lerato Tšosane (Mohloboli, 2015). Mahao's killing sparked outrage inside and outside the country. In Lesotho, opposition parties embarked on an indefinite boycott of parliament, demanding Kamoli's removal – a significant move at the time, as they held a total number of 55 seats in the 120-member legislature, while the governing coalition held 65 (Motsamai & Petlane, 2015). A host of civil society organisations and donors, including the UN, EU and US, decried the developments as an outright subversion of democracy and the country's constitution, and called for a comprehensive international investigation into the security developments in Lesotho (UNSG, 2015; EU, 2015; US Department of State, 2015). The Mosisili government initially failed to condemn Mahao's murder and order the immediate arrest of the perpetrators, which was interpreted as a tacit endorsement of the killing (Ntsukunyane, 2015).

The AU issued a statement about Mahao's killing stating that it had threatened and undermined efforts towards the country's political transition following the recently concluded elections (AU, 2015). The statement quoted the AU Chairperson, Nkosazana Dlamini-Zuma, as calling on the various parties in Lesotho to resolve their political differences through peaceful means and within the framework of the country's constitution (AU, 2015). South Africa, the SADC Organ Chair at the time, also responded swiftly. It labelled Lesotho's security situation as 'explosive', and convened an extraordinary Double Troika Summit in Pretoria that decided, inter alia, to extend Ramaphosa's facilitation mandate in Lesotho and to deploy a 10-member Commission of Inquiry led by a Botswana High Court judge, Mpaphi Phumaphi, to investigate the developments and recommend how Lesotho's democracy and political stability should be restored (SADC, 2015b).

The commission's specific tasks were to investigate the fatal shooting of Mahao; review the investigation into the alleged mutiny plot in 2014; examine the alleged kidnappings of former LDF members and the killings of opposition members; scrutinise the allegations by the opposition and civil society that Kamoli's reappointment had led to political

and security instability; and inspect the legality of the removal/appointment process around the LDF's leadership (SADC, 2015b).

The commission and its report became a source of diplomatic tension between the DC-led Lesotho government and SADC (Motsamai & Petlane, 2015). The Lesotho government challenged the commission from the onset, questioning its mandate, terms of reference, and jurisdiction (SADC, 2015c, p.16). Later, it refused to accept the final commission report a court case lodged by one of the LDF commanders to nullify the commission's findings in Lesotho was still pending. Moreover, the government proceeded with the court martial of 23 LDF officers accused of mutiny, who remained incarcerated in the Maseru Maximum Security Prison (Amnesty International, 2017).

The commission began its work, and summoned military personnel and politicians to its hearings (SADC, 2015c, p.19). Opposition figures and some military officials remained in exile. While most could not participate in the commissions' hearings, arrangements were made for them, including Thabane, to testify in camera from South Africa (SADC, 2015c, p.19). While the commission hearings were ongoing, the Mosisili government gave the opposition an ultimatum to return to parliament, arguing that its continued boycott of parliament was illegal, and that it planned to hold by-elections in their constituencies (Kabi, 2016). A law restricts the period in which MPs can be absent from parliament without written permission from the Speaker to one third of the total number of parliamentary sessions. The opposition stood to lose 41 of their 55 seats, as those were directly elected parliamentary seats. The remaining 14 were awarded through a PR representation system under Lesotho's MMP electoral model.

The SADC Commission finalised its work by the end of the year, stating that the government and LDF had been uncooperative and had frustrated its attempts to establish the facts on the ground (*Lesotho Post*, 2015). The Lesotho government also clashed with SADC officials about the court martial, the commission's terms of reference, and its jurisdiction. It argued that the commission did not have the power to operate outside of Lesotho's borders by conducting hearings with exiles in South Africa. The government also disagreed about whom the commission was meant to report to, and to whom it should hand its final report, arguing that it had been established under a domestic law called the Public Inquiries Act. Under the Act, the commission would be obliged to

submit the report to Prime Minister Mosisili, who could then accept its recommendations at his discretion. It would then need to be tabled in Parliament and the Senate within 15 days of being received (SADC, 2015c, p.16).

As noted previously, the Mosisili government refused to accept the final report while legal action by one of the LDF commanders aimed at nullifying the commission's findings was still pending (SADC, 2015c, p.16). Moreover, the government had proceeded with the court martial of 23 LDF officers accused of mutiny, in parallel with the commission's investigations. Importantly, the commission concluded that the LDF's case against the alleged mutineers was 'highly suspect', and it recommended that the government should grant them amnesty. Following international pressure on the Mosisili government, the 23 accused were eventually released from prison, and placed under 'open arrest' (SADC Commission of Inquiry, pp. 5-10).

In Lesotho, critics accused Mosisili of manipulating the court case because implementing the commission's recommendations would have loosened his grip on power. Likewise, the prime minister had made it clear on several public occasions that the commission's recommendations would not be prosecutable in Lesotho, or legally bind the government (Ntsukunyane, 2016). In response, SADC warned against interfering with the commission's work, and reminded Lesotho of its obligations to abide by SADC decisions, particularly those involving the depoliticisation of military and state institutions (SADC, 2015c, p.6). The Phumaphi Commission concluded its work in October 2015. When Mosisili refused to accept the report, SADC convened another emergency meeting in Gaborone, Botswana, which threatened Lesotho with suspension (SADC, 2016).

The Lesotho government eventually accepted the report, but claimed that it had discretion over the reforms to be implemented (SADC, 2016a). The government was influenced by its standoff with SADC, which did not bode well for governance and donor perceptions of its commitment to accountability. The Lesotho government only submitted its road map for implementing the suggested reforms to SADC in December 2016, when its parliamentary majority was slipping as a result of a split within Mosisili's party. By the end of 2016, Lesotho's implementation of SADC's decisions about its political and security situation remained in flux. The progress noted in SADC Summit communiqués was more diplomatic than substantive. For instance, the Lesotho govern-

ment's update to SADC stated that progress had been made in convening a Security Sector Reform Workshop. Among other concessions, the government would establish a Lesotho Security Reform Committee to design, drive, and manage a road map for an inclusive process (SADC, 2016). This was not the case. While the last DC-led government established a Security Reform Committee by the end of 2016, it was neither inclusive nor transparent in its work (M. Lehohla, interview, December 8, 2016). SADC was meant to support this process in Lesotho by deploying an Oversight Committee to serve as an early warning mechanism, and to assist with the implementation of constitutional and security sector reforms. Due to logistical and financial considerations, SADC support for implementation was delayed for several months (SADC, 2016b).

Meanwhile, the DC-led coalition began to haemorrhage a few months before the end of 2016 (M. Lehohla, interview, December 8, 2016). In early 2017, the country was compelled to hold another snap election following a collapse of the DC-led coalition, brought about by a successful motion of no confidence in Mosisili's administration (*The Post*, 2017). Thabane returned to power after the June 2017 National Assembly elections. His party, the ABC, had won 48 seats, well short of the 61 needed to form a government on its own. As a result, the ABC formed a governing coalition with three other parties: its previous partner the BNP; the Reformed Congress of Lesotho (RCL) and the Alliance for Democrats –a splinter party from the DC that orchestrated Mosisili's no confidence vote in 2016. The new government's first move was to pronounce its support for implementing the Phumaphi Commission's recommendations. Thabane's government dismissed the court martial, and held meetings with the exiled officers to discuss the terms for their return. The soldiers remained on leave pending their reintegration, and some were due to retire. But there were no legal safeguards barring them from being prosecuted in the future (*Lesotho Times*, October 7, 2017).

5.4 Lesotho's post-independence trajectory

Lesotho's incessant political crises and extensive diplomatic engagements with SADC have to be understood in historical context, particularly how the political context became polarised. Lesotho attained its independence from Britain in October 1966. The country's post-independence history has generally revolved around the contestation for

power during and after elections, unresolved issues of political impunity, and periodic military intervention in the country's political processes.

Its political and electoral history can be divided into six distinct periods. The first is the post-independence period from 1966 to 1970. The BNP won the country's first elections in 1966. This period was fraught with tensions and violent confrontations between the BNP and its rival, the Basutoland Congress Party (BCP) (Matlosa, 2009; Kapa & Shale, 2014; Makoa, 2014). The country was ruled as an authoritarian, one-party state. When the opposition BCP won the 1970 elections, the BNP refused to give up power, declared a State of Emergency, and abolished the constitution. The BCP leadership went into exile; mass repression, political killings and imprisonment of its members followed. A military junta overthrew the BNP in 1986, and for the next seven years Lesotho was ruled by a military dictatorship.

The period from 1993 to 1998 could be considered a time of democratic consolidation, as in 1993 the country held the first democratic elections since 1970. These were won by the BCP. However, the party faced hostility from the army, as the BNP had stuffed the military with its supporters (Matlosa, 2009, p.171). The army, the BNP and another opposition party, the Marematlou Freedom Party, backed the dismissal of the BCP government by King Letsie in August 1994, in what was referred to as a palace coup. This ushered in SADC's first involvement in Lesotho with South Africa, Botswana and Zimbabwe facilitating the return of the BCP to office. BCP rule lasted until 1997 (South African Department of Foreign Affairs, 1998).

The period between 1998 – when the LCD won a sweeping victory – and 2007 was more stable. It was characterised by protracted post-election contestation, but there were efforts at electoral stability. Up until 1998, all of Lesotho's elections had been run using a first-past-the-post (FPTP) model. This 'winner takes all' system led to one-party dominance and severe under-representation of other contenders. The LCD's win of 79 out of 80 seats in the 1998 polls is a case in point. The opposition, particularly the BCP and the BNP, argued that the results were fraudulent. While these parties historically had antagonistic relations, they forged an alliance of convenience to contest the outcome of the 1998 election, mobilising their supporters to occupy Maseru, and inhibit the LCD from governing. They called for the LCD to stand down and allow a government of na-

tional unity (Southall & Fox, 1999, p.675). The LCD remained defiant, maintaining its right to rule. This triggered violent protests, clashes with the armed opposition, and weeks of political instability.

The 1998 crises initiated SADC mediation; a South African judge, Pius Langa, led investigations into the credibility of the results. His findings were controversial, as the opposition challenged their veracity (Selinyane, 2006, pp.69-90). Dissidents alleged that his report had been doctored, and that an interim report had claimed that the election was invalid. The final official version concluded that while there were some irregularities, there was no clear evidence of electoral malpractice and fraud (South African Department of Foreign Affairs, 1998). Reactions to the report and the King's refusal to dissolve parliament became volatile. Military mutineers seized arms and ammunition and expelled or imprisoned their commanding officers, while the Lesotho police lost control of public security. When the Langa report failed to break the impasse, SADC intervened militarily. The intervention eventually stabilised the security situation (Malan, 1998).

SADC brokered an agreement that restored the LCD to power, on condition that a new election was held within 18 months. Under SADC's supervision, a multiparty Interim Political Authority (IPA) was established to review the electoral process and organise the next elections. In 2001, the parties adopted a new electoral model, the Mixed Member Parallel (MMP) model – a composite of the FPTP and proportional representation (PR) electoral systems. In this model, 80 out of the 120 members of parliament are elected from single-member constituencies by simple majority vote, and 40 members are elected from nationwide party lists. In order to achieve overall proportional representation, party list seats are allocated in accordance with the number of constituency seats won by each party, and the total number of votes obtained by each party (Prasad, 2013, p.11).

It was envisaged that the MMP would prevent the development of a winner-takes-all electoral result, and promote 'consensual' politics. Indeed, since its introduction in 2002, the MMP has changed the status quo where one party would win virtually all National Assembly seats (Kapa &Shale, 2014, p.97). However, this did not change Lesotho's violent political culture, as demonstrated by the elections of 2007. That poll was

induced by the defections of legislators from the ruling LCD to form a new party, the ABC, which threatened the former's majority. Maundeni observes that the parties sought political stability through systematic violation rather than by adhering to the MMP portion of the electoral system that was meant to benefit the losing parties (Maundeni, 2010). He notes 'the primary characteristic of the build-up to the 2007 election was the building of four coalition alliances in order to defraud the electoral system. The whole idea of coalition politics in Lesotho in 2007 was to defraud rather than to comply with the MMP electoral system'. The ruling LCD forcefully entered into partnership with a reluctant NIP, which sowed the seeds of future instability, as it exposed the LCD government to further questions about its legitimacy (Maundeni, 2010, p.9).

In the 2007 elections, the ruling LCD won 61 of the 80 constituencies. The opposition parties cried foul, arguing that the LCD had manipulated the MMP system by creating alliances that distorted the MMP's compensatory mechanisms. The post-election environment was characterised by political instability, fuelled by assassinations and alleged attempts on the lives of several party and government officials (T. Sekhamane, interview, September 16, 2014).

SADC mediated the impasse from 2007 to 2009 on the basis of a request from Mosisili. It sent a fact-finding mission comprising ministers from the SADC Organ Troika to Lesotho to assess the situation (SADC, 2007, p.2). The mission identified seven factors that had triggered the post-election conflict, namely the manipulation of the MMP electoral system; the unfair allocation of parliamentary seats; the uncertain legality of party alliances; a lack of respect for the electoral code of conduct; a lack of communication among political leaders; the appointment of new ministers from the NIP party list; unruly behaviour of youth supporters of parties; and the appointment of new ministers from the NIP party list (SADC, 2007, p.2).

SADC recommended that the Lesotho government initiate a dialogue with opposition parties to resolve their political problems, and that SADC would facilitate it and appoint a former head of state to supervise the process. The former Botswana president Quett Masire was nominated to facilitate the dialogue. His role was to develop a structured plan for it, hold consultative meetings with all the relevant parties and stakeholders, and submit a report on the process and its outcome to the SADC Chair (SADC, 2007, p.2).

Masire undertook a total of seven missions to Lesotho as part of the post-crisis stakeholder dialogue (Matlosa, 2010, p206). Participants included the ruling party, opposition parties, and civil society organisations. Among others, the dialogue was meant to review and safeguard the MMP model, agree on the process, and institutionalise a culture of dialogue and political tolerance. A seminar of experts was to be convened to review the way in which the electoral model was used during elections, advise on the merits and demerits of the MMP model, and make recommendations on how legislation could be improved (Matlosa, 2010, p.209). But the Masire-led dialogue reached an impasse, because political parties involved in it were litigating over the election results and the allocation of parliamentary seats, and there was deep-seated polarisation between them. This, as Matlosa explains, drove them to zero-sum approaches to the conflict (Matlosa, 2010, p.208)

Masire faced a tough task during the mediation because of frequent attacks by Mosisili, who accused him of bias towards the opposition parties (Q. Masire, interview, July 15 2015). He aborted the mission in July 2009, and handed the task to SADC because of the unwillingness of the Lesotho government to resolve the dispute. Meanwhile, Mosisili had told Masire that the dialogue had run its course (*Lesotho Times*, July 16, 2009). In Masire's words**,** the government had 'kicked' him out of the process, and did not have the political will to resolve the issue amicably if it stood to lose from this process (Q. Masire, interview, July 15, 2015).

In September 2009, Masire handed his report on the dialogue to SADC, which concluded that the MMP electoral model had been improperly applied during the 2007 elections; that alliances between the LCD and the NIP and between the ABC and the Lesotho Workers Party undermined the spirit of the MMP's compensatory mechanism; there was distortion in the allocation of parliamentary seats; legal reform was required to ensure the expeditious of election petitions in court; and that the dispute over who should be the leader of the opposition in parliament should be resolved legally (SADC, 2009, p.2). SADC subsequently persuaded Masire to stay on as facilitator of the Lesotho mediation, and decided to dispatch another troika ministerial meeting to Lesotho to meet the government, the opposition parties, and other stakeholders, notably the Christian Council of Lesotho (CCL), to find a durable solution to the deadlock. It further resolved

to appoint, with immediate effect, a team of facilitators to assist the CCL; provide technical support to and facilitate communication with the relevant SADC structures; and assist in mobilising financial resources to support the mediation process (SADC, 2009, pp.2-3,).

The reference to the CCL in the communiqué was important because it had initiated a local mediation among between the government, Lesotho's electoral commission, and all registered parties in July 2009 (UNDP, 2013, p7). After Masire's departure, the chief convenor was Bishop Mokuku, assisted by the heads of other churches (Letsie, 2015, p80). Donors, namely the UNDP, Ireland Aid and Action Aid, supported the dialogue process (UNDP, 2013, p19).

After SADC's troika mission to Lesotho, SADC recommended that it partner with the CCL to finalise the dialogue and find a durable solution. The ruling party refused to reconsider its position on Masire (Matlosa, 2009, p.209). Masire was equally unwilling to continue with the mediation under the circumstances of rejection by Mosisili (Q. Masire, interview, July 15, 2015). Malebang, however, argues that SADC's role in resolving the 2007 post-election impasse was diminished because, in reality, the intervention was taken over by the UN resident team in Maseru. The UN provided substantive support to the CCL through the UN Interagency Framework Team, the UNDP Regional Service Center in Johannesburg, South Africa, the UN Bureau on Crisis Prevention and Recovery (BCPR), and the UN Department of Political Affairs. The UN appointed a Peace and Development Advisor especially assigned to expand the mediation capacity of the local CCL team (Malebang, 2014, pp.218-219). As such, SADC's efforts to partner with the CCL, while laudable, were eclipsed by the UN's role and support to the CCL, which became the 'real mediation', which the conflicting parties supported. Malebang further notes that the UN intervention deliberately opted for a discreet, behind-the-scenes role in the mediation, aimed at ensuring that all credit went to the local mediation team. SADC did not officially recognise the UN's role in this regard, and did not officially collaborate with the UN in the CCL-led mediation (Malebang, 2014, 219). As such, it distanced itself from the CCL mediation despite the recommendations of the Troika in September 2009 to collaborate with it. Whatever, the reasons, the move, as

Malebang surmises, created a perception of negligence from SADC's side in respect of the mediation (Malebang, 2014, p.223, UNDP, 2013, p35).

This experience may have created a perception at SADC that building on internal resources for transformation during its mediation missions in Lesotho was compromised by the role of external partners. This perception is derived from SADC's general unwillingness to partner with civil society organisations in mediation. The unwillingness is further demonstrated by the lack of an institutional mechanism to partner with them in its peace and security processes more broadly. Some SADC member states perceive CSOs as implementing donor agendas despite the fact that the organisation itself is donor- funded (Godsater, 2015,p 11). This posture might have influenced its lack of continued support for the CCL mediation process.

The CCL talks began in August 2009, at UN House in Maseru, chaired by four heads of churches and supported by a UN-funded technical team of local NGO leaders. They initially registered modest results due to the poor attendance of parties and the dwindling commitment of the facilitators (UNDP, 2013, p36). A key breakthrough was in March 2011 when the government and opposition parties finally reached an agreement on reinvigorating the MMP in March 2011, ahead of the country's general election in 2012 (Masire, interview, July 15, 2015)

SADC eventually recognised the CCL's mediation process as a success in a communiqué it issued before the elections in 2012. SADC and the UN hailed the May 2012 elections as free and fair (SADC, 2012 & UNDP, 2013). The experience of the 2007 post-election impasse and the CCL had partly helped to change the trend of post-election violence, and the historically contentious transfer of power. In the aftermath of the May 2012 general election, Lesotho had a peaceful change of leadership, with Pakalitha Mosisili stepping down as prime minister after 14 years in power (SADC, 2012 & UNDP, 2013). This was the first time since independence that Lesotho had managed to achieve a peaceful electoral transition (M. Kapa, interview, September 17, 2014).

The country's new government was led by the ABC, which formed a three-party coalition government – the first of its kind in the country's history – with the LCD and BNP. This three-way configuration ended the one-party dominance that had been a feature of

Lesotho's democracy for decades. But it did not end inter-party feuding (Kapa & Shale, 2014, pp. 93-96). The legacies of these developments are threefold. The first concerns the limitations of the electoral system in facilitating a stable government. While the MMP broadens party representation in government, this reform has not gone in tandem with changing the fractious and violent political culture of the country. Floor crossing has also persisted under the MMP system, leading to party breakaways and instability in parliament. This situation had recurrently generated a legitimacy crisis for the government, hence the need for snap elections. The second legacy, then, is the pervasiveness of party splits preceding elections, mostly spurred by internal power struggles within the parties. This was the case in 1997 when the BCP splinter, the LCD, was created.

Similarly, Thabane's ABC is a splinter from the then-Mosisili-led LCD. Thabane and other LCD MPs formed it in September 2006, barely four months before the 2007 general elections. Then Prime Minister Mosisili, ending a two-year-long factional battle, formed the DC, a splinter party of the former ruling LCD. Internal power struggles within parties led to those breakaways in 2006, and the same dynamics played themselves out in 2012. Prior to the 2012 elections, Mosisili resigned from the party, together with the majority of LCD MPs, to form the DC. The new party immediately took over the administration of the country until parliament was dissolved to pave the way for elections.

The third legacy is the persistence of an often-divisive ideological dichotomy among Lesotho political parties. In Lesotho, there have been two main political tribes: the 'Congress' parties, and the 'nationalists' (T. Petlane, interview, September 12, 2014). The 'Congress movement' is associated with the BCP from its establishment in 1952. The nationalists are members or sympathisers of the BNP, which was founded in 1959 as a BCP splinter. There have been deep-seated ideological differences between the two political strands, and political squabbles to do with how either government politicised state institutions during their terms to sustain themselves, and disputes over electoral outcomes.

There are also entrenched opinions about each party's alleged complicity in past election-related crimes, including actual and attempted political assassinations. The LCD feels victimised by the BNP because its leadership (then BCP) was incarcerated in the

1970s, and BCP members were persecuted (T. Sekhamane, interview, September 16, 2014). The LCD also believes that the BNP was complicit in actions that destabilised the BCP and LCD governments between 1993 and 1998, including the palace coup of August 1994.

When the ABC was formed in 2006, it named itself a Convention, to break its association with the nationalist–congress dichotomy by creating something entirely new, untainted by old rivalries. But in spite of its attempt to bridge the ideological divide, 'Congress' parties often brand the ABC as 'nationalist'. While it drew its membership from LCD defectors, more of its membership came from the BNP. The dichotomy is significant as far as party alliances are concerned. For instance, some analysts and role players explain the collapse of the 2012 coalition government in terms of the rivalry between Congress and nationalists, in that a congress-nationalist amalgamation (an LCD-ABC-BNP combination) is as implausible as mixing oil and water. Subsequent alliances and coalitions have continued to be tested by this. Maundeni (2010, pp.1-2) argues that rebellion and factionalism have become entrenched in Sotho political culture. He traces this to the 1970s when the BNP came to power through a coup, observing that this legitimised violence as an instrument of either sustaining the ownership of the state or of challenging it. Thus, the introduction of military coups promoted a culture of military activism and violent politics in Lesotho, placing traditionally oriented parties, traditionalists and modernisers into the camp of the opposition. Members of Lesotho's current political parties are from that generation. Maundeni adds that ruling parties in Lesotho engineered defections, and opposition parties suffered from them. Defectors, and victims of defections, have ruled Lesotho for most of its political history.

5.5 The 2012 governing coalition

Lesotho's first coalition government was formed after the 2012 poll had produced a 'hung parliament,' in which where no single party had a decisive majority. Lesotho's government is formed on a constitutional requirement of 50% + 1 of the parliamentary seats (Constitution of Lesotho, 1999, section 87 (2)). The coalition partners ABC, LCD and BNP held 30, 26 and five seats respectively, forming a simple majority of 61 seats of the 120 seats that constitute Lesotho's parliament. The coalition government effec-

tively crumbled in acrimony in June 2014 when one of its major partners, the LCD, signed a new alliance with the DC, which had won 48 seats in the 2012 polls.

Prior to the 2012 elections, the LCD had ruled out the possibility of a coalition with the DC in the event of a failure to amass the requisite parliamentary majority. At the time of coalition negotiations between the LCD and the ABC, a group referred to as 'the Bloc' proposed an alliance with the ABC, but this was rejected (M. Kapa, interview, September 17, 2016). The Bloc comprised neutral but government-inclined parties in the legislature, and had 10 seats. If negotiations had succeeded, the coalition could have had a strong majority of 71 seats.

The prime minister and his deputy came into an alliance based on an 'anti-Mosisili' sentiment (J. Molapo, interview, September 18, 2014). Therefore, in many respects, Lesotho's ABC-led coalition was a marriage of convenience, particularly between the LCD and the ABC, which were then hostile to working with the DC or expanding the coalition to anyone else. There were discernible policy differences between those parties, and they mainly converged as a coalition to maximise their individual chances of being in government.

The arrangement was inherently unstable. The coalition faced the challenge of governing with a one-seat majority. It was difficult to pass legislation requiring a two-thirds majority, as they would need to lobby the opposition for at least 19 votes. Factional politics subsequently characterised the coalition, driven by their historically antagonistic relationship. Between 2012 and 2014, the main issues of contention within the coalition included:

Appointments and dismissals in the civil service: Thabane changed appointments to key state institutions including the Independent Electoral Commission, the justice portfolios (Office of the Attorney General, Director of Public Prosecutions) and the public service, including government secretaries and permanent secretaries. The LCD was often aggrieved by the firing of officials in LCD ministries without consultation, and asserted that Thabane did not have the power to fire senior officials in ministries controlled by the LCD.

Security appointments and dismissals: In 2012, the prime minister reorganised the security portfolios. The police portfolio, previously under Home Affairs, was moved to Defence under the prime minister's command, and a new Commissioner of Police, Khothatso Tšooana, was appointed in 2013.

Kamoli's dismissal: The most controversial decision, however, was the dismissal of LDF Commander Tlali Kamoli on 29 August 2014, a move rejected by Kamoli with the tacit support of the LCD and DC, which had appointed him in 2012. Following his dismissal, Kamoli, backed by a military group, invaded police stations and police headquarters in the capital, and carried out invasion operations at the residences of the prime minister, the BNP leader, his replacement, Lieutenant-General Mahao, and many other senior government officials, including the Commissioner of Police. The ABC and BNP leadership fingered the LCD for compliance in the coup attempt. It was an accusation that the leadership of the LCD and many DC MPs tacitly encouraged when they did not publicly denounce the act.

Police-military relations: A police report in February 2014 concerned the bombing of residences of Police Commissioner Tšooana and two others, one of them belonging to the prime minister's partner. Eight members of the army were allegedly involved. But, despite a warrant of arrest for the soldiers from the director of public prosecutions, Kamoli refused to hand them over, arguing that they would be tortured (K Kapa, interview, September 17, 2014). It was also alleged that Deputy Prime Minister Metsing's ministry vehicles had been used in the bombing mission. During the coup attempt, a component of the army attacked Police Headquarters and police stations in Maseru, demanding dockets about crime investigations implicating high-ranking LDF soldiers and politicians, including Metsing (*Lesotho Times*, September 4, 2014).

Reorganising portfolios: In 2013, Thabane attempted to take control of the highly strategic LHWP, and transfer it to his office. LHWP was under the Energy, Meteorology and Water Affairs Ministry, under the LCD's portfolio. The move was thwarted due to protests from the LCD, and both parties eventually agreed to a joint ministerial monitoring committee. But this remained a bone of contention for both sides.

Prorogation of Parliament: While prorogation is the exclusive reserve of the prime minister, and was done many times under Mosisili, the LCD and the opposition challenged the June 2014 exercise of this authority by Thabane. This may partly be attributed to the fact that by March 2014, tension within the coalition had escalated. Opposition MPs, with tacit support from the LCD, proposed a motion of no confidence in Thabane's government, proposing the reinstatement of Mosisili. The LCD also argued against prorogation, claiming that Thabane would rule without parliament for months, and flout the constitution.

Corruption investigations: Thabane launched an anti-corruption campaign in 2012, partly in response to a spate of unprosecuted corruption scandals involving leading politicians. However, dissidents saw this as a persecution of his political rivals in the DC and LCD. Most significant were those cases involving his deputy, Metsing, implicated for financial impropriety and mismanagement of a R50-million construction tender; the former finance minister and LCD stalwart, Timothy Thahane, fired by Thabane in 2013; and the former natural resources minister and DC deputy leader Monyane Moleleki (B. Ntaote, interview, September 20, 2014).

Treason charges following the coup attempt: In September 2014, LMPS reported that it would investigate and charge the LDF commander, the deputy prime minister, and several other high-ranking LDF, LMPS and government officials with high treason and murder over the August coup attempt. Investigations were dropped by the subsequent regime.

5.6 The 2014 governing coalition

In 2014, the ABC lost the coalition leadership after two of its MPs had defected to the opposition. This not only reduced the parliamentary seat tally of the three parties in government, but also stood to complicate the interpretation of 'proportionality' in the allocation of key portfolios as reflected in Article V of their coalition agreement. The provision stipulated that the allocation of ministerial positions, deputy ministerial positions, heads of foreign missions, senators, and district administrators be made proportionally in line with the National Assembly seats held by each party, provided that proportionality does not deprive any of the parties of a share of such allocation across the

board (ABC, BNP, LCD, Coalition agreement 2014). The agreement also stipulated that the appointment of principal secretaries, in line with the principle of proportionality, be made on the recommendation of the minister concerned. That provision is also important because of Thabane's firing of several principal secretaries (government officials of high seniority), and appointing new ones at his discretion.

The view from the third coalition partner, BNP, was that the coalition relationship 'went wrong from day one' when the LCD came into the negotiations with a list of strategic ministries it wanted to preside over if it were to join government. It reportedly threatened to 'go back to the DC' if its demands were not honoured (J. Molapo, interview, September 18, 2014). The politics of ultimatum thus characterised coalition negotiations. The coalition became personality-driven, with a standoff between Thabane and Metsing over the division of spoils in the form of allocation of key ministerial and government portfolios. Figure 5.1 reflects the negotiated allocation.

Figure 5.1: Coalition government allocation of ministries

Ministry	Political Party
Defence and National Security	ABC
Police and Public Safety	ABC
Mining	ABC
Prime Minister's Office	ABC
Development Planning	ABC
Agriculture and Food Security	ABC
Justice, Human Rights, Correctional Services, Law and Constitutional Affairs	ABC
Health	ABC
Social Development and Cooperatives	ABC
Trade and Industry	ABC
Tourism, Environment and Culture	ABC
Home Affairs	BNP
Gender, Youth, Sports and Recreation	BNP
Foreign Affairs and International Relations	LCD
Local Government, Chieftainship and Parliamentary Affairs	LCD
Finance	LCD
Education and Training	LCD
Forestry and Land Reclamation	LCD
Communications, Science and Technology	LCD
Public Works and Transport	LCD
Public Service	LCD
Labour and Employment	LCD

Source: ABC, LCD, & BNP, 2012 Coalition Agreement.

For this reason, coalition fissures and modalities of engagement, which should have been the business of political parties, became issues of the state. The agreement was based on political party interests and positions of strength within the coalition. Therefore, it was more about power acquisition and less about governing the country more effectively. Political infighting within the coalition and feuds within government can be explained from an analysis of the country's power and decision-making structures. This also partly explains Thabane's firing of senior government officers in some strategic positions, including principal and government secretaries, the Attorney General, the Director of Public Prosecutions, and the Commissioner of Police, among others, particularly from 2014 onwards. Key in this regard is an institution called the Council of State – a highly significant and influential body that advises the King on the decisions of the prime minister and about other functions conferred on him by the constitution. Some of

its key powers include advising on the declaration of a State of Emergency; the dissolution of parliament; and procedures when the National Assembly passes a motion of no confidence in the leadership (Constitution of Lesotho, Section 83).

The Council of State consists of the prime minister; the Speaker of the National Assembly; two judges or former judges of the High Court; the Attorney General; the Commander of the LDF; the Commissioner of Police; and a principal chief nominated by the College of Chiefs (Constitution of Lesotho, Section 83). The firing of senior government officials was thus not only a serious threat to other partners in the coalition, but also could potentially increase Thabane's support in the Council of State (V. Malebo, interview, September 16, 2014).

Therefore, Thabane's replacement of Kamoli, the Chief Justice and the Attorney General, together with changes in key civil service appointments, cannot be separated from conclusions that the move was designed to reconfigure the composition of this body, making it more sympathetic to him (S. Lethoba, interview, September 17, 2014). Moreover, officials and politicians linked to those removed from the council faced several criminal charges. This included:

- Metsing: As noted, he was under investigation for corruption. The Directorate on Corruption and Economic Offences found that between R30 000 and R50 000 had been paid into his back account every other week between February 2013 and April 2014. When requested to reveal the sources of these funds, Metsing challenged the inquiry in the Constitutional Court, saying his privacy was being invaded. Metsing also faced a corruption case involving a R50-million construction tender (Ntaote, 2014).
- Kamoli: besides claims linking him to past violence, Kamoli was investigated for murder and treason over his role in the alleged August 2014 coup. Former LMPS Commissioner Tšooana also implicated Kamoli and LDF members in a plot to steal dockets relating to Metsing's corruption trial when they raided police stations during the attempted coup in August (*Lesotho Times,* September 4, 2014).
- Deputy police commissioner Keketso Monaheng: appointed in 2013, and tipped to be the next police commissioner, Monaheng was put on special leave in 2013 fol-

lowing bomb attacks at Police Commissioner Tšooana's home and that of Thabane's partner. Thabane fired him in January 2015 amid speculation that he was suspected of involvement in the attacks. He is linked to Metsing by marriage.

5.7 The 2014 SADC mediation

Several developments preceding the attempted coup in August provide a backdrop for SADC's intervention in Lesotho. The first is the consultations on Lesotho undertaken by the SADC MCO led by the Namibian minister of foreign affairs, Netumbo Nandi-Ndaitwah, on 22 and 23 May 2014. They were intended to provide input into the work of the then SADC Organ chair, the Namibian president Hifikepunye Pohamba, as to the MCO's role when tensions with Kamoli began to go public (Zihlangu & Molomo, 2014). In June 2014, SADC recommended that interparty peace talks be initiated to resolve coalition tensions. The Christian Council of Lesotho, with Pohamba presiding, initially mediated the talks. Notably, the leaders of some civic and church organisations made unsuccessful attempts to bring together the feuding sides as early as March 2014.

There were three SADC-led inter-party consultations in total, following opposition attempts at no confidence motions in Thabane, and the prorogation of parliament for nine months. The objective of the talks was therefore to review and amend the original June 2012 Coalition Agreement to the satisfaction of the parties, and for Thabane to rescind parliament's prorogation. The talks collapsed mainly because they were not being conducted in good faith. While the consultations were in progress, leaders of the DC and LCD signed a new alliance agreement. The agreement, signed on 11 June, a day after Thabane's decision to prorogue Parliament, established Mosisili as prime minister, and Metsing as his deputy. It also allocated ministerial posts to smaller parties in the opposition – the 'Congress' parties, namely, the Basotho Batho Democratic Congress, the Basotho Congress for Democracy, and the Lesotho People's Congress (Motsamai, 2014). Coalition parties also failed to meet their self-imposed deadlines, in particular that LCD terminate its June 2014 DC alliance, and that Thabane rescind the nine-month suspension of parliament.

Following the deadlock in negotiations, Pohamba invited a delegation of the coalition government to Windhoek, Namibia, in July 2014 as a follow-up to the SADC Maseru

interparty meetings. Like the Maseru talks, the visit produced an agreement (referred to as the Windhoek Declaration) that was not implemented. President Zuma convened a number of working visits to Lesotho during this time, to encourage the parties to maintain the coalition as per the recommendations in the Windhoek Declaration. But barely days later, Thabane fled to South Africa following the coup attempt.

The SADC Troika convened an emergency meeting in Pretoria on 1 September, attended by the coalition leaders to consider the situation in Lesotho. It was at this meeting that Thabane requested a SADC military intervention in order to restore order. This was rejected. Instead, SADC opted for political dialogue and bilateral measures (undertaken by South Africa) to support public security. There was also a lack of consensus among the coalition leaders on the causes of the political turmoil, and the LCD's underemphasis of coup claims (J. Molapo, interview, September 18, 2018).

SADC mostly avoided engaging the parties on these matters. The outcomes of the negotiations included:

- The Pretoria Declaration, a joint statement by the SADC Troika and leaders of the Lesotho coalition, acknowledging that the political and security situation had deteriorated and needed immediate intervention and support from SADC. A road map on the process of re-opening Parliament by 18 September was agreed, but not honoured (South African Presidency, 2014). At Thabane's request, South Africa deployed a South African Police Services (SAPS) contingent to Maseru in September to reinforce public security in the capital, working with the Lesotho police. The SAPS also provided Thabane and several other leaders with full-time security protection.
- Then South African deputy president Cyril Ramaphosa was mandated 'to assist the country to return to constitutional normalcy, political stability, and restoration of peace and security'. SADC deployed an observer team from the Organ to Maseru, comprising police officers and military personnel from various regional states. South Africa sent an additional 140 police officers to Lesotho in November as part of the SADC mission.
- The Maseru Facilitation Declaration was signed on October 2, 2014. The agreement committed all political parties to the reconvening of parliament on October 17, 2014; that the business of parliament would be limited to discussing the budget and

matters related to the holding of elections; and that elections would be held in February 2015.

- Kamoli, Mahao and Tšooana, who agreed to go on special leave and be temporarily seconded to security institutions in Africa, signed the Maseru Security Accord (MSA). This agreement also bound them to refrain from interfering or exercising their authority on the military or the police. The deputies at the LDF and LMPS, Kgoantle Motšomotšo and Masupha Masupha, were appointed to head the two institutions in the interim.
- An MOU on joint cooperation between the LDF and the LMPS was also signed by the new interim leadership of the LDF and the LMPS to support the MSA. The two were to cooperate and establish joint operation centres during the 2015 poll. After the 2015 elections, the country experienced another chaotic period after Mahao's death in June 2015.

5.8 The 2015 SADC intervention

Following the death of the LDF commander, the SADC Organ, chaired by South Africa, sent a Ministerial Fact-Finding Mission to Lesotho. On the basis of the mission's report, an Extraordinary Double Troika Summit was held in Pretoria on 3 July 2015. It adopted five key resolutions. The first was to establish an Oversight Committee in Lesotho that would act as an early warning mechanism in the event of signs of instability. The committee was to intervene as appropriate in consultation with the SADC facilitator. The second was to establish an independent Commission of Inquiry into the circumstances surrounding Mahao's death, the mutiny allegations, and broader politics in the country that were undermining its stability. Thirdly, the Summit decided that Lesotho should put the court martial of various military officers on hold, pending the findings of the Commission of Inquiry. The court martial had been instituted by the Lesotho government in July to prosecute LDF officers charged with mutiny. Lastly, the Lesotho government was urged to create a conducive environment for the return of the opposition leaders living in exile. The Lesotho government proceeded to domesticate the establishment of the SADC Commission of Inquiry as per Commission of Inquiry (Disturbances to National Peace and Security) Legal Notice No. 75 of 2015. The government then officially set up the commission under its law, the Public Inquiries Act of 1994.

A month later, the president of Botswana, Ian Khama, took over SADC's rotating chair from Zimbabwe, and Mozambique, the Organ's chair from South Africa. Within a few days of deployment, disagreements had emerged between the Lesotho government and SADC about the Commission's mandate and terms of reference. Some SADC officials believed the Lesotho government was abusing its authority in order to frustrate the workings of the Commission (SADC Commission, 2015, p.16). A Double Troika Summit held in Botswana in August expressed its concern that the terms of reference published in a government gazette by the Lesotho government on 28 August 2015 deviated fundamentally from those drafted by the Pretoria Summit (Zihlangu, 2015). It noted that, despite members of the commission being sworn in on 10 August 2015, it was yet to make headway. The Summit concluded that the pace of the commission 's work was being adversely affected by the lack of cooperation from the Lesotho government (SADC Commission, 2015, pp.16-18).

The convening of the court martial by the Lesotho government, which ran parallel to the Commission's proceeding, was another point of disagreement. SADC eventually told the Lesotho government to suspend it in order to allow the Commission's work to proceed. The Commission also differed with the LDF over the court martial. The LDF has asked the Commission not to inquire into the alleged mutiny in the LDF on the basis that it was dealing with the issue by way of the court martial. The Commission rejected this. Lastly, the most serious challenge undermining the Commission's work was a legal challenge to its jurisdiction. This followed the hearings it had conducted in South Africa with opposition leaders, and others in exile. The Lesotho government argued that the commission had not been appointed by SADC, but by itself, and that any activities outside Lesotho therefore fell outside its jurisdiction. In response, the lawyers argued that it was not a SADC commission but sponsored by SADC. The government has highlighted that the commission was set up under its law - the Public Inquiries Act of 1994. Therefore, domestic law and not SADC should govern its operations.

In October 2015, a Special Forces commander, Tefo Hashatsi, lodged an application in the Lesotho High Court to have the SADC Commission declared illegal. The court case became central to Lesotho's relations with SADC as well as being domestic political developments, since the government had maintained it would not receive the Commis-

sion's report until the application had been finalised. SADC opposed the application, noting, in a letter from its Secretariat, that it enjoyed immunity as per the SADC Treaty and SADC protocol on immunities and privileges. Any court decisions in Lesotho against the Commission of Inquiry would have no legal effect, and would not bind SADC to its institutions. Lesotho was urged to abide by the immunity provisions, yet the government's position was that it would only accept SADC's final report after the case had adjudicated.

Botswana convened a SADC Double Troika Summit in Gaborone on 18 January 2016, to consider the situation in Lesotho; receive the report of the Commission of Inquiry; and hand it to the Lesotho government. At this meeting, Mosisili was presented with an ultimatum either to accept the report, or face possible suspension. Lesotho was also asked to publish the report within 14 days of receipt; prepare a road map for the implementation of SOMILES recommendations; and submit a progress report to the Summit in August 2016. The report was later made public but not without politics entering the process, relating to whether it should first have been circulated to the public prior to being tabled in parliament. In terms of Basotho law, sending the report to a parliamentary portfolio committee could render its recommendations null and void. Questions of its originality were also raised, as Mosisili stated that he had invoked the Public Inquiries Act in considering its contents and removing portions that might endanger national security, individual rights to privacy, and fairness. The report contained the names of high-ranking LDF officers whose arrests on charges of high treason had been ordered from 1 April 2014 to 29 September 2014.

The report (SADC, 2015c) refuted the mutiny allegations. It noted that the army operation that resulted in the Mahao's death had been authorised by the Minister of Defence and National Security, Tšeliso Mokhosi. According to the report, the NDF lacked control and oversight mechanisms. On a balance of probabilities, evidence showed that Mahao had not resisted arrest. The report found deep-rooted politicisation of the security sector, the LMPS and the LDF in particular. It also found that Kamoli's reinstatement as Commander in Chief of the LDF had resulted in more divisions in the army, and instability in the country.

The report took note of the army chief's refusal to hand over LDF members accused of various crimes to the police. The disregard for the rule of law by the LDF was evidenced by outstanding warrants of arrests for some members of LDF, including Kamoli, on charges of high treason, arising from the August 30 unrest

The commission also observed that the LDF's mandate of dealing with internal disorder, the maintenance of law and order, and the prevention of crime overlapped with that of the police. This had resulted in the police investigation into Mahao's death being suspended. The report further noted that '… the fleeing of opposition party leaders after Lieutenant-General Kamoli's reappointment and parliamentary boycott by opposition amounts to political instability. These political challenges, if not arrested, might spiral out of control, with the consequence of failing the current government' (SADC, 2015c).

The report recommended that Kamoli be relieved of his duties 'in the interest of restoring trust and acceptance of the LDF to the Basotho nation' (SADC, 2015c, p.57). It further recommended that LFD members implicated in cases of murder, attempted murder and treason be suspended pending investigations, and that an amnesty be facilitated for mutiny suspects. Lastly, it called for the 'accelerated implementation' of reforms encapsulated in the SOMILES report, and that SADC should operationalise the Lesotho oversight committee meant to assist with the implementation of the reforms.

The Mosisili government implemented these reforms in a discretionary way. They focused mainly on aspects to do with soldiers implicated in the report, which was their version of implementing SSR, as well as on amending the Constitution. Fissures in Mosisili's governing coalition also complicated these processes. In October 2016, the government drafted an Amnesty Bill (2016), which sought to reverse the SADC recommendations on the criminal liability and amnesties. The bill would blanket amnesty to all members of the LDF, the LMPS, the National Security Service (NSS), the Lesotho Correctional Services, government officials, and 'any other person' for offences committed between January 2007 and December 2015. The amnesty would also extend to members of the LDF whom the SADC Commission had recommended should face prosecution. In its 'Statement of Objects and Reasons of the Amnesty Act, 2016', the Bill stated that it was intended to bring 'lasting peace and tranquillity' to the country, and to serve as a 'tool for reconciliation and reconstruction'.

5.9 The Security Sector Reform (SSR) challenge

Lesotho's security forces consist of the LDF, the Lesotho Mounted Police Service (LMPS), the National Security Service (NSS), and the Lesotho Correctional Service. The LMPS is responsible for internal security, while the LDF maintains external security, and is authorised to assist police upon requested by the LMPS commissioner (Matlosa, 2007, p.85). At the time of writing, the LDF comprised between 3 000 and 4 000 soldiers. The NSS is an intelligence service that provides information about possible threats to internal and external security. The LDF and NSS report to the minister of defence, who is also the prime minister; the LMPS to the minister of police; and the LCS to the minister of justice, human rights, and correctional services (Matlosa, 2007, pp. 85-86).

Given the focus in this study on the LDF's encroachment on Basotho politics, the laws that govern it need to be examined. The LDF derives its mandate from Section 146 of the Constitution, which constitutes it for Lesotho's defence and the maintenance of its internal security. This is supplemented by the Lesotho Defence Forces Act (No.4 of 1996), which, besides defence against external threats, tasks it with the prevention or suppression of terrorism and internal disorder; the maintenance of essential services, including the maintenance of law and order and the prevention of crime; and any other duties that may be assigned to it by the government.

These two instruments carve out a significant role for the LDF in maintaining internal stability, albeit under the supervision of the head of government. This is where smooth civil–military relations are required, as they hold the key to political stability in many democracies as well as the effective management of external and internal security. However, especially since the 2014 coup attempt, civilian control over Lesotho's military has been undermined by frequent government turnovers, to the extent that this has destabilised the functioning of government and its institutions.

The complexities within the LDF and challenges to restore civilian control over it date back to the 1960s. At that time, the LDF was created as a police mobile unit (PMU). Like other countries in the SADC region, such as Botswana, Lesotho did not have an army when it gained independence from Britain in 1966. Previously, all security in the

country was managed by a British-led force, the Lesotho Paramilitary Force (LPF). In 1978, this unit was transformed into a separate entity from the Lesotho Mounted Police. In August 1979, it was formally declared an army, and became the Lesotho Defence Force in the 1980s. Parallel to the LDF's evolution was an unstable political situation following liberation. There was a power struggle between the newly elected government and the king, who was supported by the opposition. The police served as the state's main security instrument, and increasingly became both militarised and politicised. For the same reason, when Lesotho held its first post-colonial election, a militarised unit within the police had already been established (Mothibe, 1999).

From its inception, the Unit's main task was to quell internal opposition to the regime rather than defend the country against external threats. However, from 1975 onwards, the PMU largely focused on fighting a low-intensity war against the South African-backed Lesotho Liberation Army (LLA), established by the exiled opposition leadership of the BCP. This probably shaped the perceived threat that led to the PMU being transformed into the Lesotho Paramilitary Unit (LPF) (Molise-Ramakoae, 2003). The LLA blew up electricity pylons and assassinated government leaders, along with supporters who no longer believed in the exiled leadership. Victims included a government minister, Matete Majara, and a dissident BCP Secretary General, Koenyama Chakela.

The unit's domestic role was reinforced in 1970 when the incumbent prime minister, Chief Leabua Jonathan, refused to accept electoral defeat. Jonathan suspended the constitution and ruled until 1986, when he was overthrown by the military with the tacit support of the South African apartheid regime. The unit was renamed the Lesotho Paramilitary Force in the 1970s. Later, it was renamed the Lesotho Defence Force, as it is currently known. The LSF's operational concept has remained constant since then, except that it has added defence to its functions. In some of its documents, the LDF describes its role as '... protecting the territorial integrity and sovereignty of Lesotho, and upholding the Constitution of Lesotho'. This marks its evolution from a force meant to maintain internal order and suppress political dissent as opposed to a one meant from the outset to protect the country's territorial integrity.

Moreover, in 1996, the National Defence Force Act tasked the NDF with safeguarding national security as well as defending the country's territorial integrity. Therefore mili-

tary and police duties overlap, which the 2015 SADC Commission of Inquiry pinpointed in its report Significantly, almost all those who have led the LDF, except Mahao, who was assassinated before he assumed control, emerged from the transformed police force. In a sense, they aspired to be an army, yet continued to be influenced by their origins as a repressive police unit (M. Sejanamane, interview, February 28, 2018). The evolution of the military from a police force tasked with maintaining internal security is evident in its founding legislation, which characterises it as part of the internal security structure.

Given these origins, the Lesotho military has been heavily involved in politics, as illustrated by its years of military rule from its coup in 1986 to 1993, when it handed power to a civilian government. Since then, it has intervened in politics on several occasions, provoking strong international reactions in the process. In 1994, it supported the 'Royal Coup', when the king overthrew his government and assumed control of the country for slightly longer than three weeks. The government was only restored after concerted efforts by SADC through the governments of Mozambique, South Africa and Zimbabwe (Sejanamane, 1996).

And in 1998, the LDF worked openly with the opposition to debilitate the government. SADC intervened, drawing on the Botswana Defence Force (BDF) and the SADF, and restored order in Lesotho. Nonetheless, much property in Maseru and several other towns were destroyed. The Unit intended to maintain internal security and combat instability had become its cause. Following the SADC intervention, efforts were made to reform and professionalise the LDF. However, as events during the past few years have demonstrated, this intervention did not bear fruit. Those in government in this period believed that as long as army officers who were politically aligned to them were appointed, the reform was complete.

The attempted coup in 2014 and the subsequent security environment illustrate this point. If the hallmark of an army is discipline, the argument stands that those who bear arms without discipline are either a reflection of the army command or are in rebellion along with the command On record, the 2014 coup attempt was fuelled by some politicians, and later supported by the government, which took control following the 2015 elections (Sejanamane, 2017).

During this period, there are three related incidents that indicate the existence of a military rebellion, and that the civilian government had lost control over the military. The first implicates LDF's Special Forces in the country's political battles. Captain Hashatsi of the Special Forces, who answered directly to the LDF Commander Kamoli, pronounced that the prime minister could not remove the latter from office 'as long as he was alive' (Zihlangu & Molomo, 2014). For reprimanding Hashatsi, a senior officer, then Brigadier Mahao, was court-marshalled. Later, Hashatsi reiterated his stance in public while giving evidence before the Phumaphi Commission, which had been established by SADC following the murder of Lieutenant-General Mahao, who had been appointed Commander of the LDF by the previous government.

The second were bombings orchestrated by some LDF members in January 2014 of the residences of both Prime Minister Thabane's partner and that of the Police Commissioner. This was probably was an assassination attempt, but also an ominous sign that there was a rebellion against a sitting Head of Government. In March 2014, at a press conference, Kamoli made it clear that neither Thabane nor anybody else could remove him as Commander. This was unprecedented, and showed that n army rebellion was now in full force. Finally, the rebellion showed itself directly when the prime minister attempted to remove Kamoli as commander of the army. He refused to accept his removal and staged an attempt to take over government, which consequently forced the prime minister to flee to South Africa. When he returned to the country, he was under the protection of a SADC security detail. The security vacuum that existed then was a result of a rebellion, which had now blossomed and was not suppressed.

Under these circumstances, Lesotho held elections in 2015. Those elections were held in a security vacuum in which prime minister had no control over the military (Sejanamane, 2016). In many respects, the period after the 2015 elections represented a triumph of the rebellion as the new government relented to the soldiers that had defied the previous prime minister. However, that government did not last and was replaced in 2017, when it lost the elections.

What these tussles further demonstrate is that both Mosisili and Thabane had a hand in politicising the military to shore up their power bases. Mosisili sought to shore up his increasingly fragile political position through the army's support, hence the re-

appointment of Kamoli, while Thabane sought to counter this by replacing Mosisili's appointment with his own. Therefore, there has been a constant replay of changing political coalitions and military involvement to undergird the government of the day. The 2014 coup attempts indicated that the army, or at least some elements within it, was hostile to Thabane and that it was divided, with a faction loyal to Kamoli. Invariably, any reform measures would be interpreted as political if the broader objectives of the reforms are not specified, or they lack broader support from the political parties.

5.9.1 SADC and SSR in Lesotho

As discussed in the preceding section, the urgency to address the military's involvement in Lesotho's conflict equation was paramount, given that the unrest had led to government overthrows, or attempts to do so. It had also led to killings within the military as well as among civilians (SADC, 2015). The regularity and extent of SADC's intervention in Lesotho had increased, pointing to the nature and extent of the crisis. More recently, on September 5, 2016, Lieutenant-General Khoantle Motšomotšo, Commander of the LDF, was shot dead in his office by three senior army officers who accused him of selling them out to the police and the government (Muzofa, 2017). The fact that other senior officers could assassinate an army commander was indicative of the crisis that the military had brought to the country. Once again, the incident jolted SADC into intervening.

SADC dispatched a fact-finding mission to Lesotho led by the Angolan foreign minister, Georges Chikoti, to assess the circumstances of the assassination (SADC Organ Troika Plus, 2017). Unsurprisingly, the fact-finding mission found the situation calm on the surface, but noted that it was volatile due to various factors, including divisions within the security establishment. Accordingly, it was deemed necessary to ensure that the Lesotho government was assisted to restore law and order. The SADC mission surmised that 'based on Lesotho's political instability, lack of security as demonstrated by, among others, the two assassination incidences of the Chiefs of Defence, and the tension and divisions within the LDF, the Lesotho Government required support if it is to restore law and order, and address impunity tendencies (within the army) …' (SADC, 2017b). The Ministerial Fact-Finding Mission produced the following conclusions and recommendations:

- Urgently deploy a technical military and security fact-finding team from the SADC Double Troika to assess the security environment, and ensure that peace and security is brought back to Lesotho. The Terms of Reference of the team should include an assessment of SADC interventions in Lesotho prior to 1998.
- Re-train and mentor the LDF while weeding out politicisation. Ensure that the law prohibits politicians from interfering in the LDF's work.
- Review the King's role in the overall control of the army.

This led to the deployment of SAPMIL, the latest regional effort to enforce SSR as well as constitutional and sector-wide reforms in Lesotho, in line with previous SADC recommendations. The mission consisted of 207 soldiers, 24 police officers, 15 intelligence personnel, and 12 civilian experts (SADC, 2017a).

Three observations can be made about SADC's response to the country's security situation. Firstly, SADC clearly acknowledged that Lesotho's security sector challenged require multilateral assistance. In the past, SADC had focused on diplomatic engagement and short-term political solutions by deferring military problems to the government. This was evident from the MSA facilitation, which avoided identifying the military defects in Lesotho's stability. Questions would always remain about SADC's 'softly-softly' approach and its preference for pacification rather than finding long-term solutions to the country's military-linked political instability. Indeed, the Phumaphi Commission, whose report was explicit on both the politicisation of the LDF and inherent impunity, abandoned this pacification. Still, there were no multilateral mechanisms to ensure implementation of the Commission's recommendations when the Lesotho government made concerted efforts to protect its military allies. The murder of Motšomotšo was a direct result of the earlier prevarication on eradicating criminal elements in the LDF, and charging officers who had committed serious crimes over the years.

Secondly, there was ample acknowledgment that Lesotho's core challenges lay in the unprofessional military and its political manipulation by politicians vying for power. With regard to the former, the SADC fact-finding report recommended specific amendments related to the operational competencies of the army and the police. In detail, the government was advised to revise specific sections of the constitution as well as

the LDF and LMPS Acts to ensure a separation of roles between the army and the police. Thirdly, SADC recognised that Lesotho's military issues were long-standing, and dated back to its previous interventions. By implication, it admitted to the failure of its post-1998 intervention in Lesotho to help professionalise the LDF. Crucially, it recognised that earlier interventions had not paid significant dividends. This implied an evolution in SADC's approach to Lesotho; a recognition that its mediation ought to be less ad hoc, and that each intervention fed upon the previous ones.

The main challenge, however, was that recommendations on SSR had been designed by an external organisation, and the government was expected to implement them as a process of country ownership. There were clear disagreements among Lesotho's political parties about the exact detail, design, process and end goals of the SSR exercise. The Thabane government merely followed the SADC recommendations. The sustainability of the reforms, should the ruling coalition collapse and be replaced by another administration, was not guaranteed.

The significance of detailing this approach is underscored by the literature on effective SSR processes, and what SSR should entail. For instance, a Geneva Centre for the Democratic Control of Armed Forces (DCAF) background paper on SSR argues that SSR is frequently misinterpreted to include any change that affects how security organisations function. However, SSR differs from other types of security reform because it focuses on improving both effectiveness and accountability (DCAF, 2015, p.2). Five key considerations set SSR apart from other kinds of security reform.

The first is to acknowledge that SSR is about good governance. This logic argues that reforms will not amount to SSR unless they also provide for accountability within a framework of democratic civilian control, observance of the rule of law, and respect for human rights (DCAF, 2015, p. 5). The second stresses that SSR is both about state and human security. As such, the process should not result in pitting state security against human security, or providing security for one part of the population at the expense of another. This seemed to be taking place in Lesotho.

Thirdly, the process should be rooted in national and local ownership. This means not only that it should be led by national and local actors, but also that it should be carried

out in a participatory, inclusive and respectful way, considering the distinct security and justice needs of individuals and communities. Furthermore, SSR is holistic, since security provision depends on how the security sector functions as a whole. This should also include the effectiveness of parliamentary oversight of the reform process, and how the security structures are governed. The last highlighted consideration is that SSR should be understood as a long-term process, not a linear one. As the DCAF guideline explains, it involves changing expectations, habits, and norms as well as institutional rules and professional practices. Some improvements in security sector governance can be made relatively quickly, but achieving good SSR takes decades or generations, not months or years (DCAF, 2015, p. 5). On this note, the study concluded that the SSR process supported by SADC in Lesotho had limited local ownership; lacked parliamentary oversight, with a lack of support from the opposition; and was yet to provide for accountability within a framework of democratic civilian control, the rule of law, and respect for human rights.

5.10 Application of the SCT approach to the SADC mediation

Systemic conflict transformation emphasises the need for the peaceful and constructive transformation of conflict systems, the inclusivity of peacemaking approaches, and the need to place local actors in the driving seat of social and political change. This section assesses the degree to which the SADC mediation conformed to the SCT approach by considering the following:

1. *The extent to which the mediation was inclusive, and built on internal resources for transformation.*

Since restoring political stability in the short and long term was the penultimate objective of the Ramaphosa mediation, its effectiveness was closely linked to the quality and credibility of prior peacemaking interventions in Lesotho, particularly the 2007 mediation. This mediation held particularly useful lessons for SADC in how it could harmonise its mediation with locally ongoing initiatives and organisations and institutions on the ground that had proven capacity for engaging with Lesotho's politically fragmented parties. As noted previously, SADC had, in 2009, recognised the instrumental role played by the CCL in mediating the 2007 post-electoral impasse, and had resolved to

partner with it to resuscitate the Masire process. It resolved that it would appoint a team of facilitators to assist the CCL; provide technical support to and facilitate communication with the relevant SADC structures; and mobilise financial resources to support the mediation process. While this initiative fell through partly because the CCL-led mediation was eclipsed by support from the UN, SADC's prior recognition of the churches' positive role in mediation could have been recognised and incorporated in Ramaphosa's mediation. Moreover, the UN Secretary-General, Ban Ki-moon, hailed this intervention as a model for other African countries in resolving conflicts (*Afrol News*, 2012).

A host of NGOs in Lesotho were already supporting various processes of resolving the post-August 20114 impasse. The include the Transformation Resource Centre, which eventually provided legal support to the detained soldiers; the Lesotho Council of NGOs, a nationwide network of organisations providing capacity to local communities in support of their human rights and economic empowerment; and the CCL. The College of Chiefs has also traditionally mediated local conflicts.

The initial negotiations facilitated by Ramaphosa mostly involved parties in the coalition and the opposition in parliament. The civil society organisations and churches that had played a significant role in resolving Lesotho's conflict in 2007 were not initially engaged as part of SADC efforts to localise its initiative. This started to change from 2015 onwards when the SADC Commission was on the ground, and also required the testimonies of different stakeholders to the prevailing security and political standoff. However, these were mere consultations, ad hoc, and not properly institutionalised. Moreover, when the Lesotho crisis was discussed at SADC Summits or ministerial briefings, there was no communication mechanism for briefing those organisations. In many respects, the consultations initially seemed like a formality or a tick-box exercise on the part of the mediator, to show that SADC was consulting all stakeholders. But the form of consultation was too limited to have a real impact on how local non-state actors could support Ramaphosa's negotiations.

If the hesitation on Ramaphosa's side had to do with SADC's reluctance to engage with local NGOs, or even reluctance by the Lesotho government to do so, existing SADC sub-state structures like the SNC could have resolved this problem. However, the Lesotho SNC had been dysfunctional for years. The SNC was formally established in 2006,

and only started operating in 2008. By 2011, a combination of poor attendance on the part of stakeholders, which were mostly from the public sector, and weak leadership, had rendered the SNC dysfunctional (Zondi, 2014).

Lesotho's civil society organisations had petitioned Ramaphosa to compel the government to convene a national dialogue about Lesotho's instability in order to help defuse the simmering acrimony among Basotho of different political persuasions. SADC only heeded this call in March 2017 where the SADC Summit resolved that Lesotho should hold a multi-stakeholder national dialogue before the June 2017 elections (*Lesotho Times*, March 25, 2017). The dialogue was eventually convened after the elections, and was organised by the Lesotho Council of Non-Governmental Organisations (LCS), with participation from the SADC Facilitator, the SADC Council of NGOs, and the UN. In reality, these took the form of two-day meetings or workshops, and the recommendations from these events were not formalised. It was therefore a cosmetic exercise, which was useful only in the short term to bring different voices and perspectives to the same table. Having said that, consultation and stakeholder engagement is part of the STC approach. It has to be formalised, institutionalised, and sustained as part of a mediated process. Therefore, a remaining challenge for SADC was to support the sustainability of such dialogue mechanisms, and leverage them as part of a new form of public participation in the implementation of its reforms.

2. *The degree to which the intervention supported longer-term processes of comprehensive social change.*

Fostering social change in mediation requires that an external peacemaking process be harmonised with a local one comprising more than just state actors. As noted earlier, the input of NGOs, churches, and traditional leaders into defining the change they wanted in the long term was hampered by a lack of systematised engagement. Beyond the structures of engagement, the environment within with negotiations about change happen is important. As such, this study concludes that defining change in this way largely depends on the state's provision of basic security for its citizens. The first imperative is to create a peaceful environment in which people enjoy basic freedoms of association and respect for their human rights without fearing a security apparatus that is a law unto itself. This is what the SAPS deployment initially attempted to do. But a lack of clarity

about its mandate added to fears that a military attack was looming. When the SAPS withdrew, the country experienced a security vacuum, and within that time, rumours of politicians and high-profile individuals on a so-called hit list were circulating. Even after the security situation had been stabilised, the insecurity persisted, as illustrated by the self-exile of the opposition to South Africa. When, in 2014, Ramaphosa was asked to comment on his mandate in relation to the deteriorating security situation in Lesotho, he stated that the security issue would be looked into in broad terms, and not only in relation to the security vacuum created by Kamoli's refusal to resign, and the subsequent fleeing of the opposition and LDF members from Lesotho (Ramaphosa, quoted in Ntaote, 2014)

Lesotho's deteriorating security had a negative impact on politicians and ordinary citizens alike, and security was no longer a value people felt they had. Social contract theories hold that the security of individuals is the main reason for the existence of the state. If the state cannot provide security, its existence becomes unjustifiable. The SADC intervention merely 'noted' the prevailing volatile environment in Lesotho, but did not seek to assess the extent of its impact on ordinary citizens, NGOs, and the media, which operated in constant fear of reprisal from state agents (Amnesty International, 2016). The Mosisili government initially denied the existence of a security crisis in Lesotho and the violations of human rights by soldiers, and failed to condemn the killings of high-profile individuals. In such a tense environment, the agency of ordinary people, and civic organisations is undermined.

Therefore, social change in Lesotho is also about rooting out its gun culture and its culture of political violence, and supporting recourse for victims. Lesotho has a serious problem pertaining to the proliferation of illegal small arms and light weapons within borders. This problem is unique, as it is attributed to Lesotho's long-term subdued conflict situation. The 1994 mutiny, the 1998 political unrest, and the 2014 coup attempt created an environment conducive to the illegal circulation of small arms and light weapons among the civilian population.

3. *Whether the SADC mediation adopted a multi-track approach, which is best suited to the SCT model.*

All SADC resolutions on Lesotho between September 2014 and August 2015 focused extensively on the three coalition partners and the country's security officials. Although most parliamentary parties signed the MSA, there was little to no engagement with smaller parties, and those not represented in the legislature. The degree to which public opinion and participation could influence the peace initiative was initially overlooked, despite expectations that the public would participate in the implementation of some of the resolutions – the elections, for example.

4. *Whether the mediation was flexible enough to enable it to incorporate elements that were omitted from the initial stages of the negotiations.*

The initial phase of the negotiations failed to prioritise Lesotho's security challenges, focusing instead on staging the election, as if this was a panacea for the deep-seated political crisis besetting the country. Most observers of the Lesotho political scene agreed that SADC and Ramaphosa had failed Lesotho by rushing the country to an election before addressing structural governance and security issues first and foremost (K. Matlosa, interview, March 3, 2016). After his leave of absence in April 2015, Mahao was asked in a newspaper interview what he regretted most concerning the SADC intervention. He stated: 'SADC failed to comprehensively deal with the fundamental problems in Lesotho. They failed to ensure that the government could never be undermined by security forces' (Mahao, Interview with *The Post*, 1(32), July 2-8, 2015). Security issues were only added to SADC's agenda via the Phumaphi Commission.

Also omitted from the initial negotiations was the context of historical impunity in respect of political violence. Lesotho suffers from an entrenched culture of violence and impunity in the conduct of politics. This culture is engrained in country's tradition of militarisation in which the military has become a political instrument, playing either a covert or overt role in competition over state power. Before, during and after the period under study, there was a general public perception that the LDF and LMPS were not being held accountable for alleged abuses, including killings, torture and corruption. LDF members called before the SADC Commission of Inquiry also exhibited this dis-

regard for the law, and refused to disclose the names of soldiers involved in these and other transgressions. The commission's report urged the government to expedite investigations into Mahao's death and other crimes allegedly perpetrated by the LDF. While SADC's later focus on internal security was laudable, what remained key was whether the government had the capacity to address impunity and political violence. For instance, the Police Complaints Authority (PCA) was responsible for investigating allegations of police misconduct and abuse, but was ineffective because it lacked the authority to exercise its mandate. It could only investigate cases referred to it by the Police Commissioner or Minister for Police, and could only act on public complaints with their approval.

5. *Whether the mediation was monitored in a systemic way.*

Monitoring and enforcing compliance with SADC resolutions had been a major challenge of SADC diplomatic interventions in Lesotho from the initial Windhoek Declaration onwards. The latter was breached because of a failure by SADC to manage the transition from negotiations to the implementation of the agreement. Parties to the coalition flouted many other SADC resolutions. This included Thabane's violation of the electoral pact mediated in terms of the Maseru Declaration. This agreement obliged political parties to defer senior appointments until after the poll. Before elections, Thabane appointed Kananelo Mosito as president of the Court of Appeal, and fired Lesotho's chief delegate to the Lesotho Highlands Water Commission, Charles Putsoane, for alleged incompetence and insubordination. The decision not only angered the LCD, which ran the Energy, Meteorology and Water Affairs Ministry under which the commission falls, but other opposition figures, who argued that this displayed a disregard for the settlements negotiated under the SADC mediation.

SADC established the SOMILES mission in Maseru in September 2014, in order to systematically monitor ongoing political developments. But its public outreach was very limited, and its staff were described as 'unreachable and aloof' to ongoing insecurity in the capital. (B Ntaote, interview, September 20, 2014). The office was closed down in March 2015 after the February elections, when SADC officially completed its Lesotho mission. South African police officers and SADC military advisors remained in place for a brief period after the vote.

5.11 The effectiveness of the SADC mediation

In order to assess the extent to which SADC achieved its objectives, it needs to be borne in mind that the initial mandate issued in September 2014 was amplified by subsequent SADC communiqués about the evolving crisis. The initial mandate given to Ramaphosa in September 2014 was to 'facilitate the restoration of political and security stability in the Kingdom of Lesotho in the short and long term,' with support from the Secretariat and a team of experts from Troika member states. As noted previously, this mandate was renewed in August 2016 with the establishment of the SADC Commission. At this point, the facilitator's responsibilities shifted from negotiating consensus among the parties to the conflict to enforcing the domestication of SADC's recommendations.

It is therefore important to analyse the mediation in three phases: the period after Ramaphosa's initial appointment in September 2014, following the coup attempt up to the closure of the SOMILES mission in March 2015; the period following the renewal of Ramaphosa's mandate in August 2015; and the period following the establishment of the SADC COI until December 2017. In the first phase of the intervention, the approach was strictly 'track one' diplomacy, and the mediator only engaged with parties to the conflict (M. Mahao, interview, September 30, 2014). However, in initial meetings in South Africa, Ramaphosa reportedly refused to give an audience to Mahao or to opposition party representatives other than Thabane. As a result, some members of opposition parties felt Ramaphosa had tried to paper over the coup attempt, and had tried to avoid viewing it as an attempt at an unconstitutional change of government (M. Mahao, interview, September 30, 2014). There were disagreements in the negotiations over Ramaphosa's mandate. While it was clear that could intervene in political matters, the mandate was ambiguous when it came to addressing insecurity, and defining SADC's position on the attempted coup.

As noted previously, there were two narratives about these events: the Thabane government regarded this as an attempted coup, while the opposition claimed it was an army mutiny. SADC took a neutral position. The fact of the matter was that Mahao never effectively assumed his position as Commander of the NDF, beyond his appointment being announced in a government gazette. By refusing to step down, Kamoli effectively defied a civil order, a cardinal principle of the civil-military relations enshrined in Leso-

tho's constitution. The South African High Commission in Maseru, where Thabane took refuge after the attempt on his life, was not sufficiently consulted to establish the facts of the matter (S. Jele, interview, September 28, 2014). Instead, Ramaphosa insisted on signing the Maseru Security Accord, which was aimed at calming tensions between the country's key security forces, the LDF and the LMPS.

Some signatories, including Mahao, later stated that they had felt coerced into signing the agreement because 'they were being painted with the same brush as the criminals, but had no other alternative than to cooperate' (M. Mahao, interview, November 10, 2014). The accord facilitated a leave of absence for the three security chiefs, Mahao, Kamoli and Tšooana, from Lesotho. Mahao was sent to South Sudan, and Tšooana to Algeria. Kamoli was supposed to have gone to Sudan, but ended up in South Africa for the entire duration of their leave of absence (six months from November 2014 to April 2015). The reasons for Kamoli's stay in South Africa have never been explained, and many observers have concluded that some bias was at play from Ramaphosa's side (K. Matlosa, interview, March 3, 2016).

Secondly, the BNP and the ABC also lodged formal complaints with Ramaphosa's office and the SADC Secretariat that they were being sidelined in the negotiations, but received no response (T. Maseribane, interview, September 10, 2015). The South African negotiation team which complemented Ramaphosa's included DIRCO official who were 'well known to Metsing and other LCD top politicians, so the opposition was prejudiced from the beginning' (T. Maseribane, interview, September 10, 2015). Additional reservations raised by the opposition concerned the partiality of South African police officers involved in the SADC mission. Among others, two senior South African officers forming part of the SADC police mission were accused of sabotaging Thabane's security and that of other top officials (AFP, 2014).

Thirdly, in the initial phase of the mediation, the SADC and South African efforts seemed conflated. For instance, there was a lack of clarity about the SAPS deployment in Maseru; specifically, there was little transparency about the agreement under which SAPS members were deployed to Lesotho (S. Jele, interview, September 28, 2014). There was a lack of information about their mandate, numbers, and the duration of their mission. Similar questions were raised about the deployment of South African Special

Forces in the capital. The official response from the South Africa government was that, due to the sensitivity of the operation, this information could not be divulged (C. Monyela, interview, September 11, 2014).

Lastly, the mediation at this time lacked a regional character in that it was dominated by South Africa. The numbers of South African security personnel deployed were disproportionate to those of other countries that contributed to the SADC observer team. This fed perceptions of a conflict of interests among SADC role players and between South Africa and Lesotho, among others that there was a preference for a quick-fix solution to protect South Africa's economic interests rather than Lesotho's future political stability (T. Petlane, interview, September 12 2014)

Beyond these challenges, SADC partially fulfilled its mandate, since the Maseru Security Accord and the LDF–Police MOU created a sense of calm in the capital, at least in the short term. The facilitator also recommended that the country hold snap elections as a means of restoring political normality. Elections were called, but they had a short-lived impact on the county's political stability owing to loopholes in Lesotho's MMP system and constitution, which contains no provisions aimed at preventing coalitions from collapsing (Constitution of Lesotho, Sections 83, 87 & 95), and Lesotho has no legislation preventing floor crossing.

The renewal of Ramaphosa's mandate in August 2015 clearly reinforced the notion that SADC's initial approach to the negotiations was insufficient in dealing with the immediate crisis as well as the underlying polarisation between the parties. This time, there was a clear effort from Ramaphosa to approach negotiations differently and broaden stakeholder engagement to include consultations with the opposition, churches and civic groups. But these engagements were difficult because opposition leaders were in exile, and had stated that they would return only if Kamoli were removed from the command of the LDF. They also insisted on security guarantees from SADC.

SADC only escalated this matter in June 2016. The Extraordinary Double Troika Summit held in Gaborone on June 28, 2016 tasked Ramaphosa with assisting the return of opposition leaders to Lesotho. In the same month, Ramaphosa met with opposition leaders and their teams in Pretoria, and with members of the family of the late Lieuten-

ant-General Mahao, members of opposition parties, the College of Chiefs, the Coalition of NGOs, and the Christian Council of Lesotho in Lesotho. He also pushed the Lesotho government to make proposals for the safe return of all exiles. Ramaphosa incorporated these consultations into his proposals to the SADC Summit in Swaziland on August 29, 2016 (SADC, 2016a). He submitted that the Summit should note the inputs provided by the leaders of the three main opposition parties as well as the Mahao family; take note of the government's position on the return of the leaders of the three main opposition parties; and press for the implementation of the recommendations of the Phumaphi Report, and that a road map on constitutional and security sector reforms should be prepared.

In his report, he noted that SADC should reiterate the need for any reform process to be comprehensively inclusive, 'lest it fail to garner legitimacy among the Basotho and defeat its very purpose'; urgently implement its decision to deploy the Oversight Committee to serve as an early warning mechanism, and lend assistance to the implementation of constitutional and security sector reforms; and consider the need for its tenure to be longer than the originally agreed 45 days (SADC, 2016a). SADC initially delayed establishing its oversight committee in Lesotho, and therefore had no visibility on the ground for many months. It was only in December 2017 that SADC deployed the SADC Preventative Mission to Lesotho to address this responsibility.

5.11.1 Systematic monitoring of the intervention

The SOMILES office in Maseru and the Lesotho oversight committee were the main instruments for monitoring political and security developments on the ground. Both structures were responsible for providing feedback to the SADC facilitator about the implementation of SADC decisions. The SOMILES office operated more like a secretariat than a technical monitoring and evaluation body (B. Ntaote, interview, October 6, 2016). As the 2015 elections approached, there were clear signs of increased political intolerance among political parties, and even misinformation about the SADC mission and its presence in the country in the state and private media. The SOMILES office played no role in calming the tense pre-election environment. Instead SADC deployed additional police, military and civilian personnel a week before the elections (Sejanamane, 2016, p.16). This force remained in Lesotho beyond election day, until the new

government was inaugurated. This was a sign that the SOMILES presence in Maseru was largely administrative, and had no diplomatic functions. The public had expected that SOMILES would interact with political parties and civil society organisations, in order to provide SADC with a more nuanced assessment of internal developments. On the other hand, the deployment of the personnel referred to above suggests that the SOMILES office might have played a role in communicating with SADC about these developments. Moreover, SADC delayed establishing its oversight committee in Lesotho, and as such had no visibility on the ground for more than a year. This limited its capacity to monitor, evaluate, and ensure the implementation of the agreements it had brokered in Lesotho. The fact that SADC established an oversight committee in Lesotho with early warning and monitoring functions also reflected deficiencies in its REWS. Had the latter mechanism been functional, there would have been no need to establish an additional early warning structure. A national early warning centre in the country would also have existed.

5.12 Conclusion

This chapter has illustrated that, in the period under review, Lesotho's political history and political culture encouraged factionalism and political intolerance as a way of acceding to and maintaining power. All of Lesotho's political parties had emerged from factionalism and party splits, and their leaders belonged to a generation that was closed to healthier forms of political competition and a reorientation away from violent competitive politics. Previous SADC mediation efforts had sought to address the issue of political polarisation by harmonising their processes with local ones, as was the case in 2007 with the partnership between the SADC Organ Troika and the CCL.

But the Ramaphosa process adopted an ad hoc approach to consulting critical voices in Lesotho's political scene with the potential to transform hardened political attitudes, although such a process would have taken time, and would probably have been difficult in the beginning. It seemed likely that the continued side-lining of local remedies for Lesotho's conflicts would continue to produce the same results with each crisis and crisis management initiative, namely unchanged relationships, and unchanged patterns of attempted conflict resolution.

This chapter also illustrates that, while Ramaphosa had a dual mandate to restore political stability in the short and long term, there was a focus on the short term, and SADC regarded the holding of elections as a yardstick of political stability and democratic progress. As a result, it took time before Ramaphosa's mediation began to address some of the tensions that underpinned Lesotho's instability following the coup attempt its prime minister had reported to SADC in August 2014. While the first phase of the facilitated negotiations seemed biased towards the Congress parties that had governed Lesotho for many years, the second phase sought to address those shortcomings, and broaden SADC's engagement with Lesotho's opposition and non-state actors. These positive developments were reflected in subsequent SADC decisions about the Lesotho conflict. They also created a stronger momentum within SADC and the Secretariat to diplomatically enforce Lesotho's compliance with SADC decisions and recommendations.

This momentum was harnessed by Botswana as a strong and pragmatic SADC chair. Among other things, Botswana helped to resolve the impasse between Lesotho and SADC over its acceptance of the SADC Commission of Inquiry and its recommendations (Mmeso, 2016). However, while this approach incorporated some elements of 'track two' diplomacy, they remained ad hoc and top-down. There was no constant feedback mechanism among the facilitator, the SOMILES team and non-state actors about developments on the ground. For the most part, non-state actors and the opposition were summoned to consultations whose outcomes – due to limited transparency – remained unknown. This meant that the consultations were just that, and not a mechanism for engaging with internal non-state actors.

The extent to which the facilitation helped to change relationships among the political parties in Lesotho is also unclear. Changing those relations arguably formed part of the facilitator's mandate, because the polarisation among Lesotho's political parties was long-standing, and resolving this would therefore have played an important part in stabilising the country politically. This polarisation had fostered political intolerance and partisan politics, contributing to a situation in which the army had been instrumentalised to serve partisan interests. The SADC Commission provided a significant breakthrough by identifying the structural factors that drove Lesotho's incessant conflicts. It also provided a breakthrough in dealing with the political polarisation that had given rise to

long-standing patterns of violence and victimisation. It linked those problems to deficiencies in Lesotho's criminal justice and accountability system, and noted that heinous crimes had gone unpunished in Lesotho for more than a decade. For instance, while the 2007 elections had triggered renewed political instability, the period 2012 to 2015 was characterised by military defiance of civilian control, reducing civilian administration to a cover for military rule. In those periods, criminal liability was subordinated to political competition.

The report identified senior officers the LDF had shielded against charges of high treason, murder, and other serious crimes. Indeed, one of the Commission's most significant findings was that the LDF had become a law unto itself. In formulating its recommendations, it sought to strike a balance between accountability and reconciliation, proposing a mixed approach of amnesty, punishment and reconciliation. At the time of writing, SADC had not yet addressed those imperatives as part of its efforts to stabilise Lesotho in the longer term.

Systemic conflict transformation in Lesotho also required that SADC should help to demilitarise Basotho politics, and bridge the divide between parties about the causes of political instability. This was insufficiently done in the initial phase of the intervention; hence, each incoming administration implemented SADC recommendations at their own discretion. The initial phase in particular adopted a limited crisis management approach, which avoided SADC's involvement in SSR, and deferred the wide purview of reforms for stabilising Lesotho in the long term to incoming administrations that were inherently unstable. The crisis management approach also had the effect of prioritising state security over human security, in that it emphasised the restoration of political order as opposed to focusing on a set of interrelated changes required for Lesotho to deepen its democracy, and enhance its longer-term developmental prospects. It seemed that the future effectiveness of SADC peacemaking in Lesotho would hinge on how SADC's analysis of Lesotho's conflicts would encompass the entire edifice of governance in the country, taking into account issues of security, human rights, the rule of law, and democracy.

6 Conclusion

This study seeks to contribute to research on how SADC peacemaking interventions in member states experiencing recurrent political conflicts can be evaluated, and their effectiveness measured. It has adopted a systemic conflict transformation model to analyse the extent to which interventions in two SADC member states – Zimbabwe and Lesotho – transformed those conflict environments. The main question the study has sought to answer is how effective SADC mediations are, and which conditions drive their effectiveness in achieving conflict transformation. It has found that SADC has been effective in managing crises in the short term, but that links between short-term progress and broader conflict resolution have been underemphasised in its mediation mandates. It concludes that the main condition driving SADC's effectiveness in achieving conflict transformation is the degree to which its mediators draw a distinction between SADC's normative mandate and the specific mandate given to them in designing and deciding on a mediation strategy.

This chapter summarises the research design and the methodological and analytical processes that inform the conclusions. The first chapter provides the basis of the study's argument. It takes its cue from SADC's own assessments of its mediations in Zimbabwe from 2007 to 2013 and in Lesotho from 2014 to 2016, which concluded that it had succeeded in resolving those conflicts and restoring political stability. But the research counters the assertion that those mediations were successful, on the basis of three observations: the need for clarity on the criteria used by SADC to measure success; the thesis that criteria for success need to factor in the extent to which mediation interventions transform conflict environments, given the recurrence of conflicts in countries subject to SADC mediation; and the fact that the concept of mediation success is limited in gauging the exact contribution of mediation to internal change processes.

The first chapter also provides clarity about the terminology used in the study. It notes that SADC does not have a precise definition of peacemaking, but was established as a regional organisation with a peacemaking mandate. This is reflected in its founding documents that contain both a legal mediation mandate as well as normative standards for guiding the organisation's peacemaking efforts. The SADC Treaty includes the

principle of the peaceful settlement of disputes, while the SADC *Protocol* on Politics, Defence and Security Cooperation (OPDSC) stipulates that the methods employed by the Organ on Defence, Politics and Security in a conflict situation should include 'preventive diplomacy, negotiations, conciliation, mediation, good offices, arbitration and adjudication by an international tribunal'. In cases of intrastate conflicts, the Organ is meant to respond to a request by a state party to mediate, and should seek to obtain such a request by diplomatic means where it is not forthcoming. The OPDSC further emphasises that SADC should promote the development of democratic institutions and practices in state parties as part of enforcing its peacemaking mandate, 'guarding against instability arising from the breakdown of law and order and intra and inter-state conflict and aggression'. Mediation in this study is understood as a subset of peacemaking, although SADC mediation generally comprises arbitration, negotiation, and the procedures and facilities for good offices.

Chapter one additionally provides a review of the literature on mediation. It covers debates about the different definitions and dimensions of mediation, as well as factors that affect the outcome of mediated settlements. It discusses the different tracks of diplomacy in mediation, and their advantages and disadvantages. It also discusses some scholarly insights into the efficacy of SADC's peacemaking and mediation efforts, and concludes that a focus on its mediation mandates and the extent to which SADC has met the objectives in those mandates provide a useful approach to the study's research aims.

The second chapter discusses the conceptual framework of the study, how this is applied to the research, and elaborates on the research methodology. It outlines the systemic conflict transformation (SCT) framework used for the study, which is drawn from the work of the Berghof Foundation. This framework comprises five elements that are tested in the Zimbabwe and Lesotho case studies. These consider the extent to which interventions build on internal resources for transformation; emphasise processes and long-term commitments; target different tracks (a multi-track approach); opt for strategic yet flexible processes; and monitor interventions in a systemic way. The last component provides the indicators the study goes on to use for gauging the efficacy of SADC's peacemaking interventions.

Evaluating the peacemaking effectiveness of SADC

The third chapter discusses SADC's policy framework and institutional structure for peacemaking in general and mediation in particular. It demonstrates that SADC, from its conception, had a development cooperation bias over one concerning issues of democracy, politics and security. This is attributed to the historical context in which it was created from its Frontline States origins. Its institutional architecture was also decentralised, and the chapter outlines the many problems surrounding the decentralised approach that persisted after its restructuring in 2001. The chapter also discusses SADC's institutional capacities for early warning, mediation, adjudication, and regulating policy implementation among member states, and its relations with CSOs in the course of mediation. In respect of the latter, it elaborates on how mediation is structured and resourced, and ought to be evaluated under the new structure. It demonstrates that SADC's new framework for mediation and its evaluation show some similarities with the SCT framework, notably the need to structure engagements with non-state actors on a more permanent basis, and the imperative to design post-mediation implementation strategies that are supported by the parties to the conflict, and are adequately resourced.

Chapter four provides an overview of SADC's mediation in Zimbabwe from 2007 to 2013. It roots the discussion in Zimbabwe's political and socio-economic trajectories since independence that provided the backdrop to the mediation; the degree of militarisation in the country; and SADC's intervention mandate. It notes that Zimbabwe has not been on SADC's crisis agenda or a focus of attention from South Africa since the mediation ended with the 2013 elections. It records that SADC's interest in Zimbabwe was triggered in November 2017 when its president since independence, Robert Mugabe, was forced to resign by the military. It relates those developments to issues that the SADC mediation avoided from 2007 onwards, particularly its reading of the Zimbabwe situation as purely that of land and Western punishment. There was no mention in the communiqué that informed the initial mediation mandate of the political, governance, and security issues that were apparent in the overt violence that characterised this conflict. The chapter analyses the extent to which the intervention incorporated the five main elements of the systemic conflict transformation model that emphasises the need for a peaceful and constructive transformation of conflict systems, the inclusivity of peacemaking approaches, and the need for local actors to be in the driving seat of social and political change. The chapter makes the following findings:

The extent to which the mediation was inclusive and built on internal resources for transformation was hampered by how strongly ZANU-PF guarded and monopolised the mediation process, in order to control the narrative that defined the conflict. This control reflected a lack of transformation of ZANU-PF from a liberation movement into a liberation party presiding over a country that initially brought it to power through a democratic process. This, in turn, was based on generated narratives and official histories of Zimbabwe's independence that did not acknowledge or give credit to the roles played by other sectoral groupings that had formed part of the liberation movement, such as Zimbabwean civil society, student movements, churches, and other non-state actors. The knock-on effect was that Thabo Mbeki, as the SADC facilitator, could not unilaterally impose those groups on Mugabe, unless the decision to involve non-state actors was arguably made at the SADC level. SADC's inclusion of the two MDC formations in the negotiations was unavoidable because they were parties to the conflict, and could therefore not be excluded from attempts to resolve it.

The Joint Monitoring and Implementation Committee was the only national initiative in place to promote peaceful coexistence. The GPA had provided for the Organ for National Healing, Reconciliation and Integration, which was meant to consult stakeholders on the creation of national infrastructure aimed at enhancing the capacities of key actors in conflict prevention, management and transformation. This initiative never took root beyond preliminary meetings with political parties, traditional leaders, CSOs, and the police, aimed at discussing the concept and a possible programme of action.

The narratives provided to the mediator by the parties to the conflict strictly conditioned the degree to which the mediation supported processes of comprehensive social change in the longer term, and the interpretation of the causes of the Zimbabwean crisis became part of the challenge to finding a solution. There was a divide between actors who simply saw the conflict as a consequence of a Western regime change agenda, a group that was referred to as the 'patriots', and whose members held liberation credentials in high regard. Others, like the opposition parties and many CSOs, regarded the crisis as a product of ZANU-PF misrule and a disregard for human rights and the rule of law. The political settlement facilitated by SADC initially leaned towards the narrative of the patriots, and nothing else could be added outside this agenda.

However, this study finds that that both narratives had merit, and ought to have been reflected in SADC settlements if SCT was to take effect. The land issue, and restrictions imposed on land transformation by the Lancaster House Agreement, had numerous negative ripple effects throughout the national economy. At the same time, the state used repressive instruments to deal with dissent over its management of the country's social and economic problems, and the lack of radical reform post independence.

ZANU-PF's track record in dealing with the MDC, for instance, the wave of terror against supporters of the MDC and white commercial farmers whom it blamed for having sponsored the new opposition party in 2000, and continuous violence by government agents and supporters of the ruling party towards civilians supporting the opposition party throughout the 2000 period, were omitted in the mediation.

Comprehensive social change in Zimbabwe was also tied to the racial inequities of the post-colonial period and the seemingly unspoken ethnic polarisation in the country under ZANU-PF. These were difficult matters to address, and required a sort of institutionalised mechanism of redress that could be suggested in the later stages of a mediation process.

Thirdly, Zimbabwe's political conflicts, latent for the most part, were triggered by elections. The renewal of political mandates in Zimbabwe had been highly contentious, and elections have been proven to present many challenges in Zimbabwe because of the lack of an effective framework for regulating the competitive nature of interest groups and political parties. Held against the background of post-conflict and transitional governments, the electoral process assumed particular challenges of fairness with respect to levelling the playing field for all parties, and transparency and accountability as far as dispute resolution is concerned. Monitoring elections then required systemic engagement with and the involvement of all actors within society. Two processes were thus required from SADC's side. The first was to provide capacity-building support to the reform of Zimbabwe's election management institutions. This could have been suggested as a regional mechanism involving organisations like the SADC Electoral Commissions Forum (ECF), consisting of election management bodies in SADC countries. The second was to press the government to develop healthier relationships with CSOs, thus enabling them to support various aspects of the electoral process. The Zimbabwe Elec-

toral Commission had a monopoly over voter education and electoral process issues in Zimbabwe, and the military directed how these should be managed.

Whether the mediation could adopt a multi-track approach was out of the question at the time. SADC's mediation approach is traditionally 'track one' diplomacy; it is primarily about engaging state parties to a conflict in order to manage the conflict. Second, ZANU-PF viewed itself as the government, state, and indeed as representing the Zimbabwean nation. It became omnipresent in Zimbabwean affairs, featuring everywhere in the national polity, and conflating all aspects of the government, state and society with party activity. It also meant that ZANU-PF was a gatekeeper in the SADC mediation, and no other group or sectoral interest was considered to have the potential to contribute to debates about the country's future leadership. Civil society was excluded from all the phases of the mediation, and if any, these inputs came from consultations facilitated by the MDC-T with different civic groups.

The flexibility of the mediation to incorporate elements initially omitted in the earlier stages of negotiations was more apparent during Zuma's mediation. These elements had to do with the governance and institutional aspects of stabilising Zimbabwe. They were projected in several SADC communiqués between 2010 and 2013. For instance, the Livingstone Troika Summit was emphatic about the key reforms the government needed to introduce in its preparations for the 2013 elections. Paragraph 22 of the communiqué underlined that in the mediation, all parties including Mugabe, Tsvangirai, Mutambara and Welshman Ncube, were not being consulted informally, as had been the case in 2008. Points 13-16 of the communiqué 'appreciated the frankness with which the report on Zimbabwe was presented by the facilitator', and openly admitted that progress made with GPA implementation was disappointing and insufficient. There was grave concern about the polarisation of the political environments characterised by, inter alia, a resurgence of violence, arrests and intimidation. In this communiqué, SADC clearly identified the areas of implementation that required attention, related time lines, and a need for a reformed political environment, including a draft constitution, before free and fair elections could be held.

Whether the mediation was monitored in a systematic way is doubtful, if this was meant to be done in the context of internal developments in Zimbabwe as the negotiations

were unfolding. As the mediation continued, there were reports from international and domestic NGOs like Human Tights Watch, the Zimbabwe Institute, and the Zimbabwean Electoral Support Network and others that state-sponsored violence and intimidation continued as well. Those reports also implied that the nature of the violence had changed from more overt forms to psychological violence. There were additional reports that ZANU-PF officials and war veterans were torturing and mutilating suspected MDC activists and supporters in hundreds of base camps. These events happened under the radar of the SADC mediation.

During the GPA phase, JOMIC was set up to evaluate its implementation, and to serve as a locally devised mechanism for evaluating the mediation in Zimbabwe. JOMIC's mandate was clearly spelt out in the GPA, and included the promotion of human rights, democracy, good governance, besides monitoring the full purview of institutional changes and processes required by the GPA. But the structure itself was problematic because it relied on Zimbabwe's polarised parties to run it. They could not agree on how they should govern within the GPA arrangement, let alone on what needed to be monitored and evaluated. Moreover, the expectation that JOMIC would have a national reach, and lead nation-wide programmes with civil society organisations as outlined in the GPA, was unrealistic, because ZANU-PF, which retained its grip on the instruments of power in Zimbabwe, had refused to recognise their contribution to SADC mediation processes. The full potential of cooperation between civil society and JOMIC could also not be achieved due to a lack of legal safeguards of JOMIC and its activities. This resulted in parties contesting its operational mandate and the scope of the issues it could cover, including those involving political violence, justice and reconciliation, and human rights.

The lack of consensus about JOMIC's mandate and the scope of its activities were reflected in the way in which SADC evaluated changes to Zimbabwe's political and security situation, following its intervention. SADC mainly based its evaluation on the extent to which the institutional and procedural aspects of the GPA were implemented, and not the environment in which those processes had evolved. SADC's evaluation of its mediation through JOMIC suffered because, in reality, the SADC Secretariat detached JOMIC's operations from the institutional evaluation of the mediation. While the

mediation structure did not exist at that time, no other structures were created to create linkages between its mediation and the processes it had devised locally.

Chapter 4 also provides an assessment of the effectiveness of SADC's intervention. It limits its approach to assessing the extent to which SADC achieved its intended outcomes as outlined in the respective intervention mandates, and the extent to which SADC evaluated the mediation in a systematic manner. Firstly, the analysis draws a distinction between conflict management and conflict transformation in SADC's mediation approach. As discussed in previous chapters, conflict transformation reflects the notion that conflicts go on for long periods of time, change the nature of relationships among the people involved, and change themselves, as their responses to the situation develop over time. Resolving them thus requires a change in those relationships.

It concludes that the objective of SADC's mandate in Zimbabwe, read cumulatively over the six-year mediation course, was to facilitate a power-sharing arrangement, the implementation of the transition plan, and agreement on a road map to credible elections that met democratic standards. These objectives suggest that the mandate's priority was democratisation. However, the study finds that SADC mediation in Zimbabwe from 2007 to 2013 was employed more as a tool of conflict management, and less as a tool for transforming relationships and the structures that govern those relationships in the Zimbabwean context. Zimbabwe's election-induced political conflict in 2007 was a culmination of governance crises that had characterised the country since the 1990s.

While appreciating that viewing the conflict in this way could complicate efforts to resolve it, SADC could have, in the least, designed a post-mediation engagement plan for Zimbabwe. But thinking around these issues at SADC was limited by the lack of an institutional framework for engaging an otherwise intransigent ZANU-PF government. The mediation evolved before SADC created its mediation structure and guidelines, which incorporates some aspects of conflict transformation theory. Zimbabwe's SNC, on the other hand, was not functional, and existed in name only.

The chapter also concludes that the Zimbabwean mediation met SADC's objectives, but at a procedural level only. First, Thabo Mbeki's 2007 mandate was 'to facilitate dialogue between the opposition and the government', and to report to the SADC Troika.

The communiqué did not give further instructions. The outcome of the Mbeki negotiations was the constitutional amendment that outlined important electoral reforms, established the Zimbabwe Human Rights Commission (ZHRC), and gave parliament more oversight and law-making powers. However limited, the outcome of the mediation was therefore consistent with SADC's mandate in Zimbabwe. The SADC mandate did not state that the facilitator had to address ongoing violence, although some scholars observed that political violence reduced temporarily during this period.

The chapter also finds that the extent to which Mbeki's mandate should be linked with the imperative for a free and fair democratic election was unclear from a purely simplistic reading of his mandate. This imperative was not specifically outlined in the mandate. However, the study is of the view that Constitutional Amendment 18 was supposed to facilitate credible elections in Zimbabwe. In that respect, the facilitator as a representative of SADC was operating under its normative prescripts for how democratic elections should be conducted.

Thirdly, the study finds that Jacob Zuma's mediation was burdened with unresolved issues from the GNU talks. But Zuma's mandate was to execute SADC responsibilities as a guarantor to the GPA. This meant a stronger focus on enforcing SADC decisions with respect to the implementation of the GPA, which became difficult because of ZANU-PF's recalcitrance in relation to the reforms. The GPA consequently required continuous mediation, and the guarantors' assistance. Yet, in the first eight months of the interregnum, SADC failed to respond to a mounting crisis over contentious issues between GPA parties.

Zuma was also supposed to provide support towards the holding of credible elections in 2013, and to ascertain that electoral reforms were enacted. However, the 2013 elections were tainted with illegality. Because they were held under a new constitution, extensive changes to the Electoral Act were required. But a Bill passed by parliament as per democratic procedure did not effect these changes. What this means in terms of the SADC mediation is that there was a focus on process rather than the substance of the electoral reforms that Zimbabwe was required to undertake under the GPA. As the study illustrates, the election-related problems in the country was not the capacity of the opposition to win elections. The central problem was how ZANU-PF controlled electoral ad-

ministration, and how it translated this into state power. Therefore, it can be concluded that SADC's focus on elections, as a sufficient basis for Zimbabwe's transition, was a narrow one, given that ZANU-PF had historically been unwilling to allow democratic elections.

The chapter observes that SADC mainly relied on diplomatic missions to promote peace and security in Zimbabwe. This approach had its utility and its limitations. In terms of utility, the SADC mediation helped to restore political order and contributed to the cessation of violence, albeit in the short term, following the contested and violent 2008 elections. The GPA shifted the focus from violent political competition to a measure of calm and the cessation of hostilities during this period. The mediation also fostered some consensus about the country's transition through the creation of the GPA and the inclusive government. But the most important aspect of a peace process is what happens thereafter, when diplomatic missions are wound up, and countries are left to their own devices. This is where SADC was weakest in its peacemaking activities in Zimbabwe.

Chapter 5 provides an analysis of SADC's latest mediation mission in Lesotho. It discusses the mission in the context of the collapse of three of Lesotho's governing coalitions between 2012 and 2017. It illustrates that the SADC mediation took place in a highly polarised and militarised domestic environment, in which the struggles between civilian authorities and the military should have been prioritised. It shows that in order to assess the extent to which SADC achieved its intended outcomes as outlined in the intervention mandate, it is important to recognise that the initial mediation mandate formulated in September 2014 was reinforced by subsequent SADC communiqués on the Lesotho crisis as it evolved. The initial mandate given to Cyril Ramaphosa, as the SADC facilitator to Lesotho, on September 15, 2014 was to 'facilitate the restoration of political and security stability in the Kingdom of Lesotho, in the short and long term,' supported by the Secretariat and a team of experts from Troika member states. As discussed, this mandate was renewed in August 2016, and with the establishment of the SADC Commission, the facilitator's responsibilities shifted from negotiating consensus among the parties to the conflict to enforcing the domestication of SADC's recommendations in Lesotho. This approach was similar to Jacob Zuma's mediation responsibilities under the GPA.

The chapter analyses SADC's mediation in three phases: Ramaphosa's initial appointment in September 2014, following an attempted coup that had forced Lesotho's prime minister to leave Lesotho, until the closure of the SOMILES mission in March 2015; the renewal of Ramaphosa's mandate in August 2015; and the period following the establishment of the SADC Commission of Inquiry until December 2017. The study funds that in the initial phase of the intervention, the approach was strictly that of 'track one' diplomacy, and the mediator only engaged with parties to the conflict. There were disagreements in the course of the negotiations over the mandate SADC had given the facilitator. While it was explicitly stated that Ramaphosa could intervene in political matters, the mandate was ambiguous when it came to addressing insecurity, and defining the SADC position on the coup attempt more clearly. Instead, Ramaphosa insisted on signing a security accord to reduce tensions between the country's key security structures, the LDF and LMPS, through the Maseru Security Accord and an MOU between the LDF and the Police. These instruments created a sense of calm in the capital in the short term. The facilitator also recommended that the country should snap elections as a measure to restore political normalcy. Elections were convened, but had a short-term impact on the county's political stability, owing to loopholes in Lesotho's MMP system and constitution, and unresolved challenges to do with the military's encroachment on politics. The chapter discusses the conditions that led to the renewal of Ramaphosa's mandate in August 2015, and illustrates how they reinforced the notion that SADC's initial approach to the negotiations was inadequate for dealing with the immediate crisis as well as the underlying polarisation among the parties.

This chapter also provides an analysis of the mediation in terms of the SCT framework. It concludes with five points. The first is that the extent to which the mediation was built on internal resources for transformation was linked to SADC's prior experiences in experimenting with multi-track diplomacy from Quett Masire's mediation of the post-election conflict in 2007. Then, SADC had resolved to harmonise its mediation with locally ongoing initiatives through the CCL initiative. But the UN supported the process when support from SADC to the CCL fell through. There appeared to be caution from 2014 in structuring SADC's mediation around local non-state actors, including the churches and the College of Chiefs that had traditionally mediated local conflicts. The chapter indicates that during Ramaphosa's initial mediation, various NGOs in Lesotho

were already supporting various processes aimed at resolving the post-August 2014 impasse. They included the Transformation Resource Centre, which eventually provided legal support to the detained soldiers; the Lesotho Council of NGOs, an umbrella body for a nationwide network of organisations providing capacity to local communities in support of their human rights and economic empowerment; the CCL; and the College of Chiefs. The initial negotiations facilitated by Ramaphosa mostly involved parties in the coalition, and those in parliament. Lesotho's civil society organisations and churches that had played a significant role in resolving the 2007 conflict were not initially engaged as part of SADC's efforts to localise its initiative. This started to change from 2015 onwards, when the SADC Commission was on the ground, and also required the testimonies of different stakeholders to the prevailing security and political standoff.

The chapter surmises that these consultations were ad hoc, and not institutionally linked to SADC mediation processes. Moreover, when the Lesotho crisis was discussed at SADC Summits or during ministerial briefings, there were no communication mechanisms to brief those local bodies, so these were inadequate as tools for leveraging or building onto local conflict resolution structures. The chapter observes that an attempt was made to involve non-state actors in mediation through two-day workshops and national forums, but those workshops and forums remained superficial, and were not strongly linked to the SADC mediation.

The chapter finds that the degree to which the intervention supported processes of comprehensive social change in the longer term required broadened and more strongly institutionalised stakeholder engagement, particularly the participation of NGOs, churches, and traditional leaders.

It also finds that the security imperative in the months following the coup prevented this particular dimension of SCT from being fulfilled. Linked to this, as the chapter shows, is the challenge of rooting out a culture of political violence in Lesotho, and supporting recourse for victims. The chapter argues that in insecure environments, the primary need is to make people feel secure, and that other processes should be secondary. It reflects that the issue of security and the lack of a peace culture are ingrained in Lesotho's political fabric. The 1994 mutiny, the 1998 political unrest, and the 2014 coup attempt created a conducive environment for the illegal circulation of small arms and light weapons

among the civilian population that have played a role in unresolved cases of politically motivated violence.

On the extent to which the mediation adopted a multi multi-track approach, the study shows that all SADC resolutions on Lesotho between September 2014 and August 2015 focused exclusively on the role of the three coalition partners and the country's security officials in resolving the country's political problems. Although most parliamentary parties signed the MSA, there was a limited engagement of smaller parliamentary parties, and others not represented in the legislature. The degree to which public opinion and participation could influence the peace initiative was initially overlooked, despite expectations that the public would participate in the implementation of some of the resolutions.

Chapter 5 further illustrates how the negotiations failed to prioritise Lesotho's security challenges, but rather focused on the holding of the election as if this were a panacea for the deep-seated political crisis besetting the country. Most observers of the Lesotho political scene agree that SADC and Ramaphosa failed Lesotho by rushing the country to an election before addressing structural governance and security issues first and foremost. Security issues were only added to SADC's agenda through the Phumaphi Commission.

Also omitted from the initial negotiations was the context of historical impunity in respect of political violence. The research shows that Lesotho suffers from an entrenched culture of violence and impunity in the conduct of politics. This culture is engrained in the age-old trend of militarisation, in which the military has developed into a political tool for politicians, playing either a covert or overt role in their competition over state power. In the period under study, there was a general public perception that the LDF and LMPS were not held accountable for alleged abuses, including killings, torture and corruption. LDF members called before the SADC commission of inquiry also exhibited a disregard for the law, among others by refusing to disclose the names of soldiers involved in these alleged transgressions. The commission's report urged the government to expedite investigations into the death of Lieutenant-General *Maaparankoe Mahao,* and other crimes allegedly perpetrated by the LDF. While SADC's focus on internal

security from 2015 onwards is laudable, what remains key is whether the government has the capacity to address impunity and political violence.

The chapter also observes that the mediation's ability to investigate complaints and monitor the implementation of SADC decisions was limited from the initial Windhoek Declaration onwards. The declaration was breached because of a failure by SADC to manage the transition from negotiations to the implementation of the agreement. Parties to the coalition flouted many other SADC resolutions. This included Thabane's violation of the electoral pact under the SADC Maseru Declaration, and Mosisili's later refusal to implement SSR as per the SADC Commission's recommendations.

The chapter additionally provides a contextual background to the SADC SOMILES mission in Maseru, and the extent to which it systematic monitored ongoing political developments. Its public outreach was very limited, and its staff were described as 'unreachable and aloof' to ongoing insecurity in the capital. The office was closed in March 2015 after the February elections, when SADC officially completed its Lesotho mission. South African police officers and SADC military advisors remained in Lesotho or a brief period until after the vote. The chapter shows that from 2015 onwards Ramaphosa made an effort to approach negotiations in a different way among others by broadening stakeholder engagement to include consultations with the opposition, the churches, and civic groups. But these engagements were difficult, because key opposition figures were in exile, and had stated that they would return only if Kamoli were removed from his post as commander of the LDF. They also insisted on security guarantees from SADC.

SADC only began to pay this matter greater attention in June 2016. The Extraordinary Double Troika Summit held in Gaborone on June 28, 2016 tasked Ramaphosa with assisting the return of the leaders of the main opposition to Lesotho. In the same month, Ramaphosa held a meeting with the opposition leaders and their teams in Pretoria, and with members of the family of the late Lieutenant-General Mahao, members of opposition parties, the College of Chiefs, the Coalition of NGOs, and the Christian Council of Lesotho in Lesotho. He also pushed the Lesotho government to make proposals regarding the safe return of all exiles. Ramaphosa incorporated those consultations in the proposals he made to the SADC Summit in Swaziland in August 2016. He submitted that

the Summit should note the inputs provided by the leaders of the three main opposition parties, as well as the Mahao family; note the government's positions on the return of the leaders of the three main opposition parties, and press for the implementation of recommendations of the Phumaphi Report; and that a road map be submitted to the Summit on constitutional and security sector reforms.

He argued that SADC should restate the need for any reform process to be comprehensive and inclusive, 'lest it fail to garner legitimacy among the Basotho and defeat its very purpose'; urgently implement its decision to deploy the Oversight Committee to serve as an early warning mechanism and to lend assistance to the implementation of the constitutional and security sector reforms; and consider the need for the mediation to be extended beyond the originally agreed 45 days. SADC initially delayed establishing its oversight committee in Lesotho, and therefore had no visibility on the ground for many months. It was only in December 2017 that SADC deployed the SADC Preventative Mission to Lesotho (SAPMIL) to discharge this responsibility.

The chapter discusses whether SADC monitored the mediation and developments in the country on an ongoing basis. The study finds that the SOMILES office in Maseru and the Lesotho oversight committee, which were the main instruments for the constant monitoring of political and security developments on the ground, were not adequately capacitated. Both structures were responsible for providing feedback to the SADC facilitator on the implementation of SADC decisions. The SOMILES office operated more like a secretariat than a technical monitoring and evaluation body. Moreover, SADC delayed establishing its oversight committee in Lesotho, and as such had no visibility on the ground for more than a year. This limited its capacity to monitor, evaluate, and ensure implementation of the agreements it had brokered in Lesotho. The fact that SADC established an oversight committee in Lesotho with early warning and monitoring functions, the chapter argues, also reflected deficiencies in its own institutional architecture. Had it been functional, there would have been no need to establish an additional early warning structure. A national early warning centre in the country would have existed.

Finally, the chapter concludes that Lesotho's political history and political culture encourages factionalism and political intolerance as a modus operandi for acceding to and maintaining power. As such, it suggests a need for creating new avenues for healthier

political competition and a reorientation from violent competitive politics, beyond the scope of the Ramaphosa mediation.

The chapter adds that, while Ramaphosa had a dual mandate to restore political stability in the short and long term, there was a focus on the short term, and SADC conceived the holding of elections to be a yardstick for political stability and democratic progress. As a result, Ramaphosa's mediation had a late start as far as addressing some of the underlying tensions that characterised its instability from the coup attempt reported by the prime minister to it in August 2014 was concerned. While the first phase of the facilitated negotiations were seemingly biased towards the Congress parties that had governed Lesotho for many years, the mediation responded to its previous shortcomings during the second phase of the intervention by attempting to broaden its engagement with Lesotho's opposition and non-state actors. Those positive developments were reflected in subsequent SADC decisions about the Lesotho conflict. They also created stronger momentum within SADC and the Secretariat to diplomatically enforce Lesotho's compliance with SADC's decisions and recommendations.

This momentum was harnessed by Botswana as a strong and pragmatic SADC chair. Botswana helped t resolve the impasse between Lesotho and SADC over its acceptance of the SADC Commission of Inquiry and its recommendations (Mmeso, 2016). The chapter finds that as much as the mediation approach incorporated elements of 'track two' diplomacy, those remained ad hoc and top-down. There was no constant feedback mechanism among the facilitator, the SOMILES team, and non-state actors about ongoing SADC initiatives on the ground. Non-state actors and the opposition were for the most part summoned to consultations, whose outcomes were unknown to them because of limited transparency surrounding the mediation. This meant that the consultations were just that, and not a mechanism for creating internal capacity for the engagement of non-state actors in resolving Lesotho's political problems in the longer term.

The extent to which the facilitation helped to change relationships among the political parties in Lesotho is also concluded to be unclear. This was arguably within the scope of the facilitator's mandate, because the polarisation between Lesotho's political parties is historic, and constitutes an important part of solutions to establish the country's political stability mechanisms. This polarisation has fostered political intolerance and parti-

san politics in terms of which the army has been instrumentalised to serve partisan political interests. The SADC Commission provided a significant breakthrough for the SADC mediation in terms of identifying the structural factors that drove Lesotho's incessant conflicts. It also provided a breakthrough in dealing with the political polarisation tied to long-standing violence and victimisation. It linked these problems to deficiencies in Lesotho's criminal justice and accountability system, and outlined that heinous crimes had gone unpunished in Lesotho for more than a decade. For instance, the 2007 re-launched a period of competitive politics in Lesotho, whereas the period 2012 to 2015 was characterised by the military defying civilian control. The period thereafter saw the military eclipse and subordinate the government and the civilian administration. Between those periods, criminal liability was also subordinated to political competition. The report further identified officers whom the LDF Command shielded from charges of high treason, murder, and other serious crimes. Significantly, the Phumaphi Commission stated that tit had received and accepted evidence that the LDF had become a law unto itself. I sought to strike a balance between accountability and reconciliation, proposing a mixed approach of amnesty, punishment and reconciliation. At the time of writing, those imperatives had not yet been reflected in SADC's efforts to support Lesotho's stability in the longer term.

Finally, the chapter finds that SCT in Lesotho also required that SADC assist Lesotho to demilitarise its politics, and bridge the divides among parties contributing to political instability. This was insufficiently done in the initial phase of the intervention; hence each incoming administration implemented SADC recommendations at their own discretion. The initial phase in particular adopted a limited crisis management approach that avoided SADC's involvement in SSR, and deferred the wide purview of reforms to stabilising Lesotho in the longer term to incoming administrations that were inherently unstable. The crisis management approach also had the effect of prioritising state security over human security, in that it emphasised the restoration of political order as opposed to focusing on a set of interrelated changes required for Lesotho to deepen its democracy and enhance its long-term developmental prospects. The chapter concludes that the future effectiveness of SADC peacemaking in Lesotho would hinge on how SADC's analysis of Lesotho's conflicts encompasses the entire edifice of political gov-

ernance in the country, taking into account issues of security, human rights, the rule of law, and democracy.

6.1 Findings on the efficacy of SADC's peacemaking efforts

On the question of the efficacy of SADC's peacemaking efforts, the study finds that geo-politics, including the traits of the chosen mediator; SADC's institutional capacity; and the viability of SADC policies domestically, affect it activities and their evaluation. These findings are elaborated below. The geo-political factors can be analysed from three points of view: SADC's emphasis on solidarity in responding to regional conflicts; the ties of the country in question to the liberation struggle in southern Africa; and its geographic position and well as its economic and political autonomy. SADC's history of cooperation with member states emphasises the need to maintain political solidarity among SADC members and within SADC as a regional bloc. This solidarity guards against the interference of external actors, especially from Western countries that continued to influence economic policies and democratic processes in SADC countries after independence.

This position found resonance in South Africa's foreign policy posture under Thabo Mbeki. Mbeki cast himself as a pan-Africanist, and his leadership of South Africa in continental and international affairs was based on a desire to reverse dominant views of African inferiority and Western dependence. This meant that South Africa, in all its external engagements, mediation included, focused on how to improve the economic and political reliance of African countries, denouncing any traits of imperialism or Western influence in how countries crafted their destinies. This also meant that he would support countries and presidents that seemed to share this vision, or claim to base their policies on the anti-imperialist and Pan0Africanist ethos, no matter how radical.

Most SADC countries supported Zimbabwe's Western imperialist argument as a sufficient basis for problematising its conflict and resolving it in the 2007/2008 period. Besides South Africa, this included countries like Namibia, Mozambique and Angola that had political clout in SADC owing to their support for the region's liberation struggles. Angola and South Africa are not only influential politically, but are the main financiers of SADC's political and security agenda. Countries that held a different view, like

Zambia and Botswana, were in the minority. They were also viewed by other SADC members as Western puppets because their critique of Zimbabwe mirrored that of Western countries like Britain, the United States, and their allies which castigated the ZANU-PF government for its authoritarian governance, human rights abuses, and disregard for the rule of law, and went on to impose a raft of sanctions against it. AU member states also stood by Mugabe, whom they adjudged to be fighting an anti-imperialist war against the West. Mugabe was a highly respected liberation leader with substantial support in the SADC region and on the continent. He was a hero of the liberation war that ended Zimbabwe's *independence* from Britain in 1980. From then on, Zimbabwe joined SADC, and supported the region's liberation struggle militarily. Despite his increasingly authoritarian rule, and disastrous economic policies, Mugabe's popularity among African leaders largely remained intact. The South African government, even if it were inclined to share Botswana and Zambia's view of the conflict, could not afford to become isolated in a political position that was seen to push the agenda of Western states.

Mbeki's position was also supported by SADC because he was a well-respected statesman in the region, and in Africa as well. What this meant was that the mediator had developed an African elite consensus about the Zimbabwean conflict that had to do with that country's external relations and not the relationships within Zimbabwe that regulated how it was governed, and the impact of this governance on Zimbabweans. This posture translated into the SADC position on Zimbabwe, which had honed in on the external dimension of Zimbabwe's conflict. As a consequence, SADC initially sacrificed its own ideals to promote democracy and human rights in Zimbabwe because of the geopolitics generated by the legacies of the liberation struggle, in terms of which solidarity against Western influence was promoted as a primary objective for its peacemaking in Zimbabwe.

Geographically, Zimbabwe shares borders with Mozambique, Botswana and South Africa. Although neighbours had to absorb the migration effects of Zimbabwe's crises, South Africa, which was mediating the crisis, absorbed the largest number of Zimbabwean migrants. By 2007, it was clear that the country was suffering economically from the effects of isolation from the international community and international financial in-

stitutions. Mbeki and later Zuma supported the view that Zimbabwe should be assisted and not punished in terms of economic recovery. Zuma did not detract from the SADC narrative of a Zimbabwe victimised by the West, but appeared to use SADC's political leverage in Zimbabwe more strongly, especially given that Zimbabwe's options for financial assistance were limited. South Africa and other SADC countries were well positioned to assist.

But if a country's conflict equation does not strongly feature an external power, as was the case in respect of Lesotho, SADC's default position appears to be to investigate the conflict itself – but with the disposition to control the management of that conflict. Geopolitics play themselves out differently in this scenario. They still have to do with the country's political standing within the region and within SADC, and the accepted narrative of that conflict by the chosen mediator. Lesotho is also a founding member of SADC. The difference is that it supported the regional liberation struggle materially and ideologically, rather than militarily. The same goes for Botswana. This history creates a sense of distance between these countries and the countries that were in the forefront of the liberation struggle.

Lesotho's geography matters in how SADC mediates its conflicts. It is an enclave, surrounded by South Africa. As such, it has a narrow economic base, and is economically dependent on South Africa in terms of investment and trade. At least 30 per cent of government revenue comes from the Southern African Customs Union (SACU), which, in reality, is administered by South Africa. Lesotho's ruling class uses its narrow economic base as an instrument of political power. This ties Lesotho's economy to its political struggles, and Lesotho's political economy, in turn, to its cooperation with South Africa. Consequently, South Africa has significant political and economic leverage over Lesotho's domestic affairs. It has used this leverage to influence Lesotho's political direction at the multilateral level. Except for the Masire-led mission in 2007, South Africa has led all SADC mediation missions in Lesotho. There is an implicit understanding within SADC that Lesotho takes South Africa more seriously than other countries that are not only far removed from it but do not have strong economic and political connections with it either. Therefore, South Africa is a tried and tested mediator in Lesotho, and despite the shortcomings of its mediation in Lesotho, SADC is unlikely to replace it

because of this history and geographic proximity. South Africa has also funded Lesotho mediations missions, and SADC countries are unwilling to take over this aspect of the burden from South Africa.

Lesotho's geographic position and dependence on South Africa have also given it a peculiar form of sovereignty. On the one hand, the Lesotho government has tried to invoke this sovereignty through, for example, the attempt by Thabane to have a regional force sent to the capital after he had reported the coup attempt to SADC. Instead, South Africa sent the SAPS to replace the LMPS, which was a bilateral arrangement. The specifics of this were only signed weeks after the deployment. Mosisili has also attempted to resist what he sees as a heavy SADC presence in Lesotho after his return to power in 2015. He has tried to invoke domestic jurisdiction over SADC processes, lamenting SADC's involvement in the country as intrusions on its sovereignty. But South Africa has continued to insist to SADC that such arguments are an attempt to violate regional instruments. In SADC, South Africa's voice on Lesotho's political crises carries a lot of weight.

Lastly, Lesotho could not divert attention from itself in the way that Zimbabwe did in creating a specific narrative about its conflict, and blaming it on external interference. When both Thabane and Mosisili requested SADC assistance in 2013 and 2015 respectively, both defined the conflict at that time as internally induced. The narrative that Lesotho's political conflicts are internally generated has not been contested within SADC. South Africa, through Ramaphosa – a former lawyer, trade unionist, businessperson, and now the South African president – has pursued the Lesotho mediation in a very pragmatic way. This pragmatism indeed runs the risk of being interpreted as domestic interference because of the constant pressure put by Ramaphosa on the government to implement reforms expeditiously, and the dominance of South Africa and SADC over many of its reform processes. It is feasible to suggest that the Lesotho mediation is more manageable for South Africa because Lesotho's concerns over encroachments on its sovereignty are not taken seriously (there is no Western actor involved). Because of its geographic location and economic dependence on South Africa, such concerns are left to South Africa to deal with. This, in turn, means that SADC's peacemaking ability is

shaped by the way in which its member states navigate these sorts of geopolitics, and by the political clout and financial capacity of bigger countries in SADC.

The study also offers observations about how SADC's institutional architecture affects its peacemaking effectiveness. It reflects on the functionality of structures under the Organ; the extent to which mediation is institutionalised and assessed; and the institutional links between countries it engages in, the SADC Secretariat, and SADC's financial capacity. An initial premise in the first chapter holds that the security threats in the region are internal. SADC's definition of these threats as an affront to sovereignty suggests a denial or unwillingness to adequately recognise the contextual vulnerabilities of its member states, also resulting from its own leadership. This unwillingness is viewed in Chapter 1 through the lens of regime solidarity that has its roots in the initial development of the organisation. It is also explained in Chapter 3, which reflects on SADC's consensus-based decision-making model. This model can detract from its peacemaking agenda because minority views are neglected in decision-making. There are no prospects for changing this model, although some analysts have suggested that it should move to a weighted decision-making model in order to benefit from the diversity of views among its members. For now, the power of the SADC Summit and the fact that it is essentially accountable to itself results in a monopoly over policy-making within the organisation. As for the Organ, aside from the Troika, it operates under otherwise tedious arrangements, reporting to the Summit and to the Secretariat in terms of its day-to-day operations.

SADC's definition of internal threats as an affront to state sovereignty is also ironic because most of its members, Zimbabwe and Lesotho included, are highly vulnerable to conflict as a result of deep-seated structural issues of governance and state-building. The failure to recognise and address these issues also suggests that enforcing compliance is weak and uneven within the organisation. While Lesotho was initially threatened with a suspension of its membership, this was not the case for Zimbabwe. SADC treated political backsliding in both countries differently. It is therefore important to interrogate the factors that influence SADC to suspend member states when political backsliding occurs.

Secondly, this study highlights that up until 2010, SADC did not have a formalised structure that provided an institutional framework for its mediation missions. SADC mediations, as was the case in Zimbabwe, were led by member states given the mandate to mediate, and these were ad hoc, with various units within SADC being instructed to lead and support mediation missions, depending on the nature of the conflict. In the case of Zimbabwe, this led to a fallacious process of self-monitoring. There was no independent mechanism for monitoring the GPA, and enforcing compliance with SADC recommendations. The JOMIC arrangement had the potential to serve as an institutional oversight mechanism over the country's transitional processes. But flaws in its composition – in that it was made up of the three political parties party to the GPA – meant that there was an inherent conflict of interest in exercising this function. These actors essentially had to monitor themselves. There was also little interaction between JOMIC and SADC, and no institutional liaison between the JOMIC Secretariat and the SADC Secretariat.

SADC mediation has yet to be fully institutionalised and strengthened, despite the creation of its mediation structure. In the absence of a permanent and functional mediation unit, the Secretariat has not played a distinct supportive role in preventive and effective diplomacy. In fact, there is no defined division of labour between the Secretariat and mediators. The operational guidelines and mechanisms for conducting mediation and evaluating it in SADC are still evolving. Chapter 3 further demonstrates that SADC mediation relies on heads of state and government and ministerial committees, whose role players invariably have heavy commitments elsewhere, including in their own countries. Despite SADC's own MSU to enable the Secretariat to provide professional assistance to mediators, practices are still centralised in lead mediators, which in respect of Lesotho and Zimbabwe were the presidents and vice-president of South Africa respectively. These mediators created their own bureaucracies, which often operated independently from the Secretariat. Even when it became apparent that mediation should be structured to address the root causes of conflict in Lesotho especially, South Africa as the lead mediator had the discretion to decide whether or not this fell under its purview, that of SADC, or that of the Lesotho government.

Moreover, the MSU has yet to find innovative approaches, which will ensure that civil society, voices are incorporated in mediation strategies and peace agreements. When mediators are heads of state or former heads of state, they form their teams from their own governments, which may or may not coordinate with SADC and MSU staff. Aside from the lack of coordination, this can negatively affect 'the face' or regional character of a mediation if it is seen to be dominated by a single country, for instance. The SADC Panel of Elders, from which mediators who are not sitting presidents could be drawn, has not begun to function.

The architecture for involving civil society in peacemaking and its evaluation in both Lesotho and Zimbabwe remained underdeveloped in the course of these missions. The effectiveness of SNCs depends on each member state creating and funding a national secretariat to facilitate its operation. The study also finds that most civil society organisations in those countries were not aware of the existence of SNCs, and there was additional confusion about SNCs and NCPs and how they were meant to interface with the SADC Secretariat. These uncertainties also raise questions about whether member states want these structures to be operational. The cost of mediation and peacemaking engagement are additional institutional issues that impact on both its approach to peacemaking and conducting more rigorous mediation evaluations. For instance, the proposed Oversight Committee in Lesotho meant to serve as an early warning mechanism, and lend assistance to the implementation of the Constitutional, Security and Public Sector Reforms, was approximated at USD211, 420.00 (SADC 2016, p. 11). The Committee is mean to be funded by member states, based on assessed contributions. However, the current ratio of SADC funding is 21 per cent from member states, and 79 per cent from donors. There is no specific mechanism for collecting funds for resourcing regional mediation activities from member states. This has implications for sustaining SADC peacemaking operations beyond a reliance on big economies like Angola and South Africa.

6.2 Limitations of the SCT model

This study finds that the application of the SCT model to mediation processes in Zimbabwe and Lesotho has been challenging in some respects. While it initially observed

that mediation and conflict transformation generally shared the overall goal of building (lasting) peace, it is clear from a reading of the mediation mandates in both countries studied that they differed from this logic when it came to the means employed, the time frame outlined, and the parties and the third parties involved. In the course of this research, it was often difficult to establish how short-term mediation outcomes, such as the Mbeki process and the first phase of the Ramaphosa mediation, could be linked to subsequent SADC initiatives that could transform those conflicts. More research is required to answer this question. For the purposes of this study, the following observations can be made about the extent to which the mediation processes in question were aligned to the SCT model:

First, the strategies employed differed. Mediation uses assisted negotiations as a way of helping parties to come to an agreement. This might lead to a transformation of relationships and structures in the long term, but agreements may also come about without a fundamental transformation of relationships, for purely pragmatic reasons. Conflict transformation sees the transforming of relationships between the conflict parties, but also relationships and structures in society at large, as the most effective means of bringing about peace. This may come about through different mechanisms that go beyond the mediation process.

Second, the duration of mediations fluctuated, more so in the case of Lesotho. The Lesotho mediation had a dual mandate to focus on short and long-term stability. Once the short-term component had been completed, the mediation was officially terminated. This made it difficult to gauge whether SADC deemed both the short and long-term objectives to have been achieved in terminating the mission.

Short-term mediation could also start the process of transforming relationships, and long-term mediation could go on for years, and see relations erode even further. The link between the duration of mediations and their transformative potential was difficult to establish conclusively.

But this study is of the view that transformation is a long-term process. The argument made is that transforming relationships should also be understood as part of the media-

tion from the beginning. It should be initiated at some point during a mediation process, else it would be perpetually postponed.

Thirdly, in using the SCT model for assessing the mediation processes in both countries, the study does not rule out the possibility of a grey area on the question of inclusivity. Inclusivity is a fluid term, and depends on how it is defined by the mediator, the organisation sponsoring the mediation, or even the parties to the conflict. It could refer to a wide range of non-state actors, including civic organisations and even development partners. How inclusivity is interpreted also matters, as it could be approached at minimal or maximal levels in terms of the period required to involve non-state actors in a mediation process.

A last observed limitation of the STC approach to analysing the mediation processes in the two cases in question relates to establishing an acceptable degree of inclusivity. Traditional 'track one' approaches do not include other actors than those with the power to make decisions in the initial phase of the mediations. This does not mean that a mediation processes cannot include other actors at various stage, but initially it leans towards the decision-makers. In both Zimbabwe and Lesotho, there was a lack of clarity about whether mediation was intended to include other actors beyond the initial phases of the mediation, as SADC did not have a distinct peacebuilding framework linked to the conclusion of 'track one' diplomacy. Conflict transformation is clear on the issue of inclusivity. It requires the building of peace constituencies in a conflict context that includes a broad spectrum on actors at the societal level. This is based on the logic that transforming relationships and structures requires a broader spectrum of development and peacebuilding actors who remain in place after the peace negotiations have ended, and a peace agreement has been signed. If regional organisations are averse to external partnerships with donors and civil society organisations, the applicability of the SCT model to the mediation can be very limited, as the studies illustrate.

6.3 The comparative value of the study in the application of the SCT model

Notwithstanding these limitations, the study has been able to apply the SCT model to the cases in order to respond to the study's main research question: how effective is SADC mediation, and what are the conditions that drive its effectiveness in achieving

conflict transformation? In answering this question, the comparative value of applying the SCT model to the cases has been established in five areas. First, it reveals that both countries had militarised domestic environments, and that their leadership appeared to be intransigent to SADC mediated engagements. This was despite their negative impact on local populations that undermined the basic principle of human rights and the rule of law underlined in the SADC Treaty and supplementary SADC protocols.

Second in both cases, SADC regional efforts were not harmonised with local mediation initiatives, although in Lesotho, civil society space was more accepted by its government. Thirdly, both had embedded cultures of political violence and polarised relationships between ruling and opposition parties, where basic tenets of democracy and healthy political competition were flouted. The fourth observation is that the issue of post-conflict justice was never addressed by the mediation beyond recommendations in communiqués calling for national healing and reconciliation. Lastly, elections were used as a yardstick to mark the official conclusion of the mediation. While Zimbabwe failed to meet the regional standards for free, fair and credible elections, Lesotho's pre and post-electoral environments were characterised by an uncertain environment of insecurity, although, unlike Zimbabwe, they met SADC's criteria for democratic elections.

The study concludes that the objective of SADC's mandate in Zimbabwe, read cumulatively over the six-year mediation course was to facilitate a power-sharing arrangement, the implementation of the transition plan, and agreement on a road map to credible elections that met democratic standards. These objectives suggest that the mandate's priority was democratisation. Ramaphosa's mandate in Lesotho was clear, and needs no interpretation, as he was meant to 'facilitate the restoration of political and security stability in the Kingdom of Lesotho, in the short and long term'. Only the short-term component of the mandate was achieved. The study therefore submits that:

1. The SADC Treaty clearly states that human rights, democracy, and the rule of law must be foundational in the governance processes of member states. The issues that the STC approach revealed to be deficient in SADC mediation processes fall under the parameters of the broader normative framework for SADC to promote peace and security in its member states.

2. To reinforce the above point, the specific objectives of the SADC Organ as outlined in the OPDSC protocol are to protect the region's people and safeguard its development against instability arising from the breakdown of law and order and inter-state conflict and aggression; develop democratic institutions and practices within the territories of state parties; and encourage the observance of universal human rights as provided for in the Charters and Conventions of the AU and the UN. This implies that mediation, which falls under the Organ's responsibilities, should be rooted in this framework.

3. Thirdly, the responsibilities of member states in achieving SADC's objectives are clearly stipulated in the SADC Treaty, meaning that these responsibilities are also legally binding. According to the Treaty, SADC members must adopt adequate measures to promote its objectives; refrain from adopting any measure likely to jeopardise the Treaty's principles and objectives; ensure the uniform application of the Treaty; and do everything necessary to give the Treaty the force of national law. Zimbabwe and Lesotho would thus need to make a case for the inherent inconsistencies between their internal governance processes and SADC policies in their failure to abide by SADC mediated settlements, if SADC is to be taken seriously as a peacemaking organisation.

4. SADC has progressive policy frameworks for the inclusion of non-state actors in its peace and security programmes and activities. The SADC Treaty, the OPDSC Protocol, and all the versions of the SIPO indicate that NSAs have a wide scope for participating in SADC's peace and security affairs. Their role is indicated in conflict prevention, early warning, mediation, democracy-building, and electoral processes. Yet SADC is struggling to concretise these provisions.

6.4 Research contribution

The study's unique contribution to studies of SADC's peacemaking approach to conflicts is that, beyond SADC's institutional deficiencies in mediation, the STC approach is consistent with SADC's broader peacemaking mandate, explicitly outlined in its main politics and security cooperation protocols. It concludes that the effectiveness of SADC in mediation should be evaluated against its broader regional mandate to promote de-

mocracy, stability and development in its member states, regardless of the specificities of the given mediation mandate.

6.5 Recommendations for improving the efficacy of SADC's peacemaking efforts

The study offers the following recommendations for improving the efficacy of SADC's mediation initiatives, and specifically to develop complementary approaches that could help to transform conflict landscapes in the longer term. The first is to clarify the role of non-state actors in its mediation processes and in its broader politics and security cooperation framework, as outlined in the SIPO. The SIPO outlines the imperative to encourage the contribution of civil society to conflict prevention, management and resolution, and in the evaluation of those activities. Yet the modalities for doing so are unclear, beyond MOUs with a small group of organisations within SADC. SADC processes for involving non-state actors in its mediations are less clear. While the MSU engages NSAs from time to time, these engagements are mostly ad hoc. What also needs to be clarified is whether SNCs are still relevant avenues for the contributions of non-state actors to SADC activities more broadly. The SADC Treaty identifies the private sector, civil society, non-governmental organisations, as well as workers and employers organisations as key stakeholders that need to be included in their operations. Whether SNCs have the mandate to work on peace and security issues is unclear. SADC should also establish a focal point for non-state actors in the SADC Organ, which could take the form of a peacebuilding liaison office to coordinate these activities. It should provide a direct institutional link between the Organ and various non-state actors involved in SADC mediation and peacebuilding more broadly.

Secondly, SADC should pursue how regional mediation could be linked to local peace processes and to local initiatives and organisations that play a role in peacebuilding. It should encourage SADC member states to conduct national conversations about establishing systematic infrastructures for peace and development when 'track one' diplomatic processes are initiated. Peace infrastructures can be initiated by governments or by SADC with the support of governments; be given a clear mandate; and steered to provide support to existing institutions and mechanisms that may be weak or dysfunctional

in a mediation and peacebuilding process. This could address the existing institutional lacunae in SADC concerning the lack of a post-conflict or peacebuilding framework.

Lastly, extended in-country presence is required for SADC to fully effect the peacemaking role envisaged by its Treaty and the Organ protocol. It is imperative for SADC to establish an appropriate presence in the countries it mediates, and that this continues after the mediations are concluded. These missions should be people-friendly, enable SADC to continuously monitor developments on the ground, and facilitate the most suitable partnerships with non-state actors and donors in mediation and post-mediation processes. These missions should also be well resourced. On the latter score, it may be useful to develop a regional funding mechanism for mediation and peacebuilding, and find ways to partner with organisations that have the resources to support the different components of a mediation process, donors included.

6.6 Suggested areas for further study

The study recommends further research on the following three themes that could further advance work on the use of the SCT for assessing the efficacy of SADC mediation efforts. The first is how SADC could link regional mediation with local initiatives that promote peacebuilding, and address the underlying dimensions of conflicts more systematically. The second is to explore the link between SADC mediation and the requirements for peacebuilding in the countries it mediates, and how non-state actors can influence SADC to support peacebuilding. A last avenue for future research is to explore how other regional institutions approach and evaluate peacemaking effectiveness. This could be studied comparatively. Such an approach could contribute to studies of how African organisations perform in conflict management and peacemaking, and how they institutionalise their evaluations and their outcomes. Ultimately, there is a need for more comparative work in this field, and APSA and the AU's African Governance Architecture (AGA) have envisioned this.

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