SADCBRIG intervention in SADC member states: Reasons to doubt

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Introduction

Territorial disputes, armed ethnic conflicts, civil wars and externally instigated armed rebellions are some of the main threats to subregional peace and security. These threats require a rapid response from a well-trained military entity that can be deployed to intervene in a conflict zone while a political solution to a crisis is being sought. Any subregional response to a conflict situation by member states requires synchronised political and military operational procedures in order to achieve a timely intervention. The military interventions in the Democratic Republic of Congo (DRC) and Lesotho crises illustrate past divisions among SADC member states on when and how it is prudent to take rapid military action as a group.

The recent creation of the SADC Standby Brigade has created hope that the subregion now has a mechanism that will at the very least enable military interventions as envisaged
in article 13 of the protocol establishing the Peace and Security Commission of the African Union, which allows for intervention in a member state in respect of grave circumstances or at the request of a member state in order to restore peace and security in accordance with article 4(h) and (j) of the Constitutive Act.

While a memorandum of understanding (MOU) was concluded among SADC member nations in order to provide a sound legal basis for their cooperation in the establishment of the SADCBRIG, and whilst the roadmap for the operationalisation of the brigade covers the period up to 2010, it is the argument of this article that the brigade’s effectiveness as a subregional mechanism for future military interventions in member states will be significantly affected by political and strategic operational challenges.

Before discussing those challenges it is necessary to give a brief outline of the subregional policy framework of the SADCBRIG.

The subregional policy framework of the SADC Brigade

Pursuant to article 5(2) of the Constitutive Act of the African Union (AU), the Protocol on the Peace and Security Council (PSC) was established as a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa. Within the framework of article 13 of the PSC Protocol the AU Commission is mandated to establish an African Standby Force (ASF) which will consists of five standby brigades in each of the five regions in Africa.1 It is within this arrangement that the SADC Interstate, Defence and Security Committee (ISDSC) set up a technical team comprised of military planners, which saw the establishment of the Planning Element (PLANEM) in Gaborone, Botswana, in April and May 2005. An MOU was signed between member states to regulate the establishment of the standby brigade. Like the other African regional standby forces, the SADC Brigade is part of the ASF.

The conceptual framework of the SADCBRIG is designed in such a way that the earmarked troops or personnel pledged to the brigade remain in their countries of origin at an ‘on call’ level of alert for the duration of the assignment, in line with the response times as prescribed. According to the expectations of SADC, the brigade and its components will typically be deployed under a UN or AU mandate. It should, however, be noted that the planning and preparations of the SADCBRIG do cater for deployment under the mandating authority of SADC itself. In this case, the applicable management structures will consist of the following:

- The SADC Summit of Heads of State and Government (the mandating authority of the SADCBRIG). All contributions to the AU peace support operations will
be subject to the approval of the SADC Summit on the recommendations of the country that chairs the SADC Organ on Politics, Defence and Security Committee (OPDSC)

- The chairperson of the SADC OPDSC
- The Ministerial Committee of Ministers of Foreign Affairs, Defence, Public Security and State Security (plenary) from all SADC countries that have signed and ratified the Organ Protocol
- The Inter-State Defence and Security Committee (ISDSC) consisting of all Ministers of Defence, Public Security and State Security
- A newly established SADC Committee of Chiefs of Defence Staff
- The SADC PLANEM. This will be composed of regional military and civilian staff on secondment from member states. Unlike other regional economic communities (RECs) which have permanent brigade headquarters and planning elements, SADC’s PLANEM is an autonomous structure which will not be incorporated into the SADCBRIG during the actual missions. It will manage the SADC standby system and assure responsibility for monitoring force preparation in troop contributing countries up to the point when the mission preparations commence. It is important to note that the precise relationship between the SADCBRIG, its PLANEM, the brigade headquarters and the SADC Secretariat is not yet clear.

As noted above, the main purpose of the brigade is to participate in missions as envisaged in article 13 of the PSC of the AU, which includes the mission of ‘intervention in a member state in order to restore peace and security in accordance with article 4(h) and (j) of the Constitutive Act’. In what follows we will outline the central political and strategic challenges to the SADCBRIG being utilised in this way.

**National interests and common values**

The absence of common national interests and common values among member states inhibits the development of trust, institutional cohesion, common policies and unified responses to crises. Member states are generally reluctant to surrender sovereignty to a security regime that encompasses binding rules, and resist ceding decision-making power on security issues to regional organisations. History has shown that member states of regional organisations have often encountered serious differences of opinion on policy matters, and in crisis situations that has led to independent or divergent courses of action. SADC once witnessed a division between militarist and pacifist camps. The
DRC conflict revealed dramatically the strategic importance of that foreign policy rift. As Tapfumaneyi noted, the split once crippled the Organ and gave rise to the notion of ‘two SADCs’. The initial decisions to intervene in the DRC and Lesotho in 1998 revealed significant and divisive policy positions among member states. It is reasonable, therefore, to ask whether in future SADC member states will be able to achieve sufficient consensus to enable the rapid deployment of the standby brigade to any conflict situation, particularly one involving a SADC member country, and even more so when that country does not invite the intervention. In all likelihood it will also take a considerable amount of effort and significant time for member states to be able to agree on common values and achieve the mutual trust and shared vision necessary to enable a deployment. This is clearly a significant problem for a force designed as a rapid reaction tool.

The mandate to intervene

The UN Charter allows member states to form subordinate groupings in order to assist with the maintenance of peace and security. As stated in article 52(1) of the UN Charter, ‘[n]othing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.’ Article 53 further states that enforcement action under regional arrangement or by regional agencies should not be taken without the authorisation of the Security Council. On the other hand, article 6(4) of the SADC Mutual Defence Pact (MDP) stipulates that the AU and the UN Security Council need to be notified soon after a military response by member states. There is clearly a legal tension here, one which is likely to impact on the potential for the rapid deployment of the SADCBRIG. The SADC Mutual Defence Pact is regarded as a collective defence strategy. It is far from clear, however, that ‘collective defence’ (as, for example, articulated in article 6(1), which views ‘an armed attack on a state within the sub region as an attack against all’) provides adequate justification for ‘intervention in a member state in respect of grave circumstances’.

Van Nieuwkerk points out that, while in essence the MDP allows for collective self-defence and collective action – stating that ‘an armed attack against a state party shall be considered a threat to regional peace and security and such an attack shall be met with immediate action’ – the text of the pact also states that parties have the option of choosing how to respond to a call for immediate action, presumably including the classic ‘do nothing’ policy option. This is likely to result in a scenario in which a section of member states would remain ‘hawks’ (preferring military solutions), others being ‘doves’ (opting for more peaceful approach and diplomatic initiatives or other non-military means), while others still would position themselves as ‘penguins’, not opting
for any particular position but instead remaining ‘outside’ the problem whilst they publicly appear determined to solve them.7 Almost all SADC member states will in one way or another be contributors of units or sub-units that form part of the brigade, and these will be based in their respective countries. Faced with the (likely) scenario of a difference of opinion among contributing nations regarding the mandate to intervene, or over appropriate policy, it would remain a significant challenge for the subregion to get together all these respective units and rapidly deploy the brigade for timely and effective military intervention.

Conclusion

While we welcome the emergence of the SADCBRIG, and indeed the other components of the African Standby Force, we have written this short article as a caution against undue optimism regarding the potential utility of the SADCBRIG as a tool to intervene rapidly in a SADC member state in order to restore peace and security – this despite the fact that, as Jakkie Cilliers has pointed out, the original purpose of the ASF was precisely to address this sort of situation in order to ‘never to allow another genocide like Rwanda’.8 Barring significant changes to current political and strategic realities, that task, should it arise, will in all likelihood have to be undertaken by other roleplayers.

Notes

2 Ibid.