

Diplomatic peace enforcement of a  
roadmap: The role of the SADC  
Organ in Madagascar

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# VARIATIONS ON PEACE ENFORCEMENT

- Normally external military intervention (Ch. VII & VIII) – Art. 41 alternatives: economic sanctions, communication limitations, diplomatic isolation
- Can be internal peace enforcement: implementation of peace agreement or transition – act against spoilers: National Peace Accord 1991, National Peace-keeping Force 1994
- Diplomatic opposition in Africa against collective military interventions: R2P, proactive/pre-emptive actions (Bush Doctrine), Lesotho 1998 – but don't generalise: Mali (ECOWAS) vs Madagascar (SADC)
- 3 variations:
  - 1) enforcement in *response* to conflict/crisis – predominant use
  - 2) enforcement as *proactive* action – seldom used
  - 3) enforcement to secure implementation of existing peace agreement or enforcement of peace agreement onto parties
- Alternative for external military actions: Roadmaps (Libya, Sudan, Madagascar) – not product of negotiations – imposed/prescribed by external body

# SADC Organ on Politics, Defence and Security Cooperation Protocol (2001):

## *2. Objectives*

- 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;

## *3. Methods*

- a) The methods employed by the Organ 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.
- b) The Organ shall establish an early warning system in order to facilitate timeous action to prevent the outbreak and escalation of conflict.
- c) Where peaceful means of resolving a conflict are unsuccessful, the Chairperson acting on the advice of the Ministerial Committee may recommend to the Summit that enforcement action be taken against one or more of the disputant parties.
- d) The Summit shall resort to enforcement action only as a matter of last resort and, in accordance with Article 53 of the United Nations Charter, only with the authorization of the United Nations Security Council.
- e) External military threats to the Region shall be addressed through collective security arrangements to be agreed upon in a Mutual Defence Pact among the State Parties.

# SADC summit decisions on Madagascar – 17 August 2012

- Endorsed the UN Elections Observer Team and CENIT calendar for the 2013 elections, under the framework of Article 10(g) of the Roadmap;
- Considered the views expressed by the vast majority of the Malagasy Stakeholders that should H.E. Andry Rajoelina and H.E. Marc Ravalomanana contest the forthcoming elections, it may lead to further political instability, which may impact on regional security, peace and stability;
- Considered the views of the majority of Malagasy stakeholders, namely political stakeholders and signatories; security establishment and civil society that it is best for both H.E. Andry Rajoelina and H.E. Marc Ravalomanana not to stand for elections. (All former Presidents will receive protection, privileges and status afforded to all former Heads of States and Government as well as compensation for economic losses incurred);
- Considered the need to ensure that the return of HE Mr Marc Ravalomanana should be implemented through a security assessment between the SADC Troika and the Malagasy security establishment in order for proper preparations so that his return does not lead to civil unrest and violence. In this regard, SADC Troika must immediately dispatch a team to Madagascar to assess the potential challenges related to the return of HE Marc Ravalomanana and make specific recommendations to address such challenges. The assessment and implementation of these recommendations should be completed within the next 30 to 60 days.
- Called upon the High Transitional Authority (HAT) to immediately create the mechanisms for the implementation of the Amnesty Law, also to the benefit of HE Mr Marc Ravalomanana and his specific case. This will then ensure the full implementation of Article 20. All this is done in respect and recognition of the sovereignty of Madagascar and its judicial system (Article 45).

# Roadmap formulations on Ravalomanana's return

## ORIGINAL ROADMAP (2010)

Marc Ravalomanana should not return to Madagascar until the establishment of a favourable political and security climate which appreciation will assist the sovereign and exclusive competence of the future Government on the issue of the elections. The President, the Government and the transitional administration will take responsibility for the protection of the family and goods of Marc Ravalomanana. In exchange, he must abstain from any destabilising action during the transition.

## AMENDED ROADMAP (2011)

Paragraph 20. The High Transitional Authorities (HTA) shall allow all Malagasy citizens in exile for political reasons to return to the country unconditionally, including Mr Marc Ravalomanana. The HTA shall provide security and safety to all Malagasy returnees. The HTA shall urgently develop and enact the necessary legal instruments, including an amnesty law, to ensure the political freedom of all Malagasy citizens in the inclusive process of the transition, towards free, fair and credible elections.