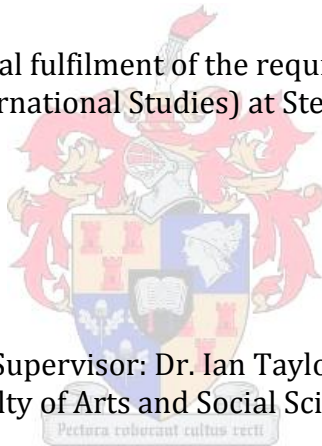# UN, AU and SADC Approaches to Unconstitutional Changes of Government: The Case of Madagascar

By
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Declaration

By submitting this thesis/dissertation electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the sole author thereof (save to the extent explicitly otherwise stated), that reproduction and publication thereof by Stellenbosch University will not infringe any third party rights and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

December 2012

Abstract

The resurgence of unconstitutional changes of government in Africa is regarded not only as a threat to democratisation processes but also to peace, security and stability on the continent. The United Nations (UN), the African Union (AU) and various regional economic communities (RECs) have all sought to address this challenge, in what may be described as a trilateral linkage between the international, regional and sub-regional organisations.

The unconstitutional change of government in Madagascar in 2009 led to the involvement of the UN, AU and the Southern African Development Community (SADC). Although these organisations all responded to the case of Madagascar, it cannot be assumed that they all share a common understanding of and approach to unconstitutional changes of government. This study builds upon a constructivist approach to norm development, with a particular focus upon the norm life cycle. The thesis seeks to assess if a normative approach to dealing with unconstitutional changes of government has developed within the UN, AU and SADC respectively, and if so, how? Furthermore, how have these organisations responded to such a case, with a specific focus on Madagascar? Building upon these findings, the thesis aims to assess if and how a norm condemning unconstitutional changes of government has emerged, spread and become internalised within the UN, AU and SADC.

The study illustrates that the norm condemning unconstitutional changes of government is particularly salient within the AU. Furthermore, and unlike many other peace and security norms, the norm condemning unconstitutional changes of government seems to have emerged from the level of the AU and impacts upwards on the UN as well as downwards on SADC. These findings imply that the AU will have a prominent role in informing the approach and response to such cases on the African continent in the future. Furthermore, the normative frameworks of the UN and SADC may be developed largely as a result of and on the basis of the principles and policies of the AU.

Opsomming

Die herlewing van ongrondwetlike regeringsverandering in Afrika word nie net as 'n bedreiging vir die demokratiseringsprosesse beskou nie, maar ook vir vrede, veiligheid en stabiliteit op die kontinent. Die Verenigde Nasies (VN), die Afrika-Unie (AU) en verskeie streeks-ekonomiese gemeenskappe (REC's) het gepoog om hierdie uitdaging, wat beskryf kan word as 'n driehoekskakeling tussen die internasionale, streeks- en substreek-organisasies, aan te spreek.

Die ongrondwetlike regeringsverandering in Madagaskar in 2009 het gelei tot die betrokkenheid van die VN, AU en die Suider-Afrikaanse Ontwikkelings gemeenskap (SAOG). Alhoewel hierdie organisasies op die Madagaskar-saak gereageer het, kan daar nie aanvaar word dat hulle 'n gemeenskaplike begrip van en benadering tot die ongrondwetlike verandering van regering deel nie. Hierdie studie bou op 'n konstruktivisme benadering tot die ontwikkeling van norme, met 'n spesifieke fokus op die lewensiklus van 'n norm. Die tesis poog om te bepaal of 'n konstruktivisme benadering respektiewelik binne die VN, AU en SAOG ontwikkel het rakende ongrondwetlike regeringsverandering, en indien wel, hoe? Verder, hoe het hierdie organisasies gereageer op so 'n geval, met spesifieke fokus op Madagaskar? Met hierdie bevindinge in gedagte, sal die tesis bepaal of, en hoe, 'n norm wat ongrondwetlik regeringsveranderinge veroordeel, na vore gekom het en hoe dit versprei en binne die VN, AU en SAOG geïnternaliseer is.

Hierdie studie illustreer dat die norm wat ongrondwetlik regeringsveranderinge veroordeel, besonder opvallend is binne die AU. In teenstelling met ander vredes- en sekuriteits norme, blyk dit dat die norm wat ongrondwetlik regeringsveranderinge veroordeel, sy oorsprong het op AU-vlak, met opwaartse trefkrag op die VN, sowel as afwaarts op SAOG. Hierdie bevindinge impliseer dat die AU in die toekoms 'n prominente rol in die benadering tot en reaksie op derglike gevalle op die Afrika-kontinent, sal hê. Verder kan die normatiewe raamwerke van die VN en SAOG moontlik hoofsaaklik ontwikkel as gevolg van die basis van beginsels en beleid wat deur die AU neergelê word.

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List of Abbreviations

APSA	African Peace and Security Architecture
ASEAN	Association of Southeast Asian Nations
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
COMESA	Common Market for Eastern and Southern Africa
DIRCO	Department of International Relations and Cooperation, RSA
ECOWAS	Economic Community of West African States
EU	European Union
FFKM	Madagascan Christian Council of Churches
FLS	Frontline States
GNU	Government of National Unity
HCC	High Constitutional Court
HDI	Human Development Index
ICG	International Contact Group
ICG-M	International Contact Group on Madagascar
IOC	Indian Ocean Commission
IOF	International Organisation of La Francophonie
ISPDC	Inter-State Politics and Diplomacy Committee
JMT-M	Joint Mediation Team for Madagascar

LDCs	Least Developed Countries
OAU	Organisation of African Unity
OIF	Organisation of Francophone Countries
OPDS	Organ on Politics, Defense and Security
OPDSC	Organ on Politics, Defense and Security Cooperation
PSC	Peace and Security Council
RECs	Regional Economic Communities
RISDP	Regional Indicative Strategic Development Plan
SADC	Southern African Development Community
SADCC	Southern African Development Co-ordination Conference
SIPO	Strategic Indicative Plan for the Organ
TIM	Tiako I Madagasikara (I Love Madagascar)
UCG	unconstitutional change of government
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNSG	United Nations Secretary-General

Chapter 1
Introduction, Aim and Method

1.1 Introduction

Whilst the role of the United Nations (UN) remains central in the maintenance of international peace and security, regional and sub-regional organisations are increasingly regarded both by African regional bodies as well as by the international community as equally important actors in promoting and maintaining stability and security. In Africa, this has led to the involvement of the UN, African Union (AU) and various regional economic communities (RECs) in addressing peace and security challenges on the continent. Clear examples would be the conflict in Sierra Leone involving both the UN and ECOWAS, and the conflict in Darfur involving both the UN and the AU (Boulden, 2003: 12; Adebajo, 2008: 140; Bah, 2010).

An issue of increasing importance in Africa with regard to stability and security is the question of unconstitutional changes of government. The AU has come out strongly against such regime changes, expressing "deep concern over the resurgence of the scourge of coups d'état on the Continent, which constitutes not only a dangerous political downturn and a serious setback to the democratic processes, but also a threat to peace, security and stability of the Continent..." (AU, 2009a). At the same time, the UN Security Council also expressed "its deep concern over the resurgence of unconstitutional changes of Government in a few African countries, and the possible violence that might accompany such events, as well as the negative impact on the economic and social welfare of the people and the development of affected countries" (UNSC, 2009a). In this light, the political and security crisis in Madagascar in 2009 revealed a flux of actors responding to a case of an unconstitutional change of government. The Southern African Development Community (SADC) responded to the situation by condemning the unconstitutional actions which ousted President Ravalomanana, stating that it did not recognize Rajoelina as President of Madagascar "because this appointment not only violates the Constitution of Madagascar and democratic principles, but violates the core principles and Treaty of SADC, the African Union and the United Nations Charters" (SADC, 2009a). Yet equally, the

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Madagascar crisis revealed a divergence of norms revolving around the issue of unconstitutional changes of government.

Indeed, whilst the UN, AU and SADC all responded to the situation in Madagascar, it is far from certain that they all shared the same guiding frameworks to respond. As Williams and Haacke point out, different actors perceive of security and the consequent responses they consider as legitimate and effective in different ways (Williams and Haacke, 2008: 119). The approach to the protection of human rights and to humanitarian intervention are examples in which various actors perceive of these issues and consider consequent responses to such cases in very different ways. Furthermore, the norms and principles on human rights and humanitarian intervention have emerged and become internalised by international, regional, sub-regional and national actors to a varying degree and in different ways.

This thesis seeks to assess if a normative framework on unconstitutional changes of government has developed within the UN, AU and SADC respectively, and if so, how? Furthermore, how have these organisations consequently responded to norm-breaking behaviour on unconstitutional changes of government, with a specific focus on Madagascar? On the basis of these findings, the thesis seeks to assess if and how norms on unconstitutional changes of government have emerged and become internalised within these three organisations. Whilst it is a common assumption that the UN plays a dominant role in promoting and spreading norms on peace and security in the international system, this thesis will argue that it is predominantly the AU which has served to promote and spread the norm condemning unconstitutional changes of government on the African continent.

1.2 Purpose and Significance of the Study

Whilst material and other exogenous factors are regarded as important and central in studying the actions and responses by the UN, the AU and SADC to peace and security issues, the focus here will be upon norms and specifically upon norms on unconstitutional changes of government. In line with the argument of Krause, the purpose is not to rank ideational factors versus material interests (Krause, 1999: 2). Rather, it is to highlight the ideational factors that are

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at play to broaden our understanding of how the UN, AU and SADC respectively have addressed the crisis in Madagascar. This thesis therefore aims to gain a better understanding of the salience of a norm condemning unconstitutional changes of government within these organisations and consequently which responses they consider available and appropriate. The study is considered to have particular significance in that the focus is upon ideational and normative factors, in contrast with material factors which are most commonly addressed in literature on security in Africa with regards to the capabilities and constraints of international and regional organisations.

The focus will be upon a security issue in southern Africa and the role that the UN, AU and SADC have played. As underlined by numerous SADC communiqués on the situation in Madagascar, the crisis was regarded both as a political and security challenge for the region (SADC, 2010a; SADC, 2009a). The UN Office of the Special Adviser on Africa noted in 2007 that "much of the literature on the activities of African regional organisations has so far focused on contributions of these organisations in peacekeeping and peace enforcement" (UN, 2007a: 3). The report continues to explain that "the structures and the activities undertaken by African regional organisations to prevent conflict and consolidate peace have received much less consideration" (UN, 2007a: 3). The case of Madagascar is considered to constitute a conflict, defined as "the pursuit of incompatible goals by different groups" and applicable to "any political conflict, whether it is pursued by peaceful means or by the use of force" (Ramsbotham et al., 2005: 28). Unconstitutional changes of government and coups d'état are furthermore regarded as constituting a threat to peace, security and stability on the African Continent, and involves incompatible goals by different groups. The study of the UN, AU and SADC involvement in addressing the conflict in Madagascar therefore provides insight into conflict management, prevention and mediation in southern Africa and consequently focuses upon an area which, as noted above, has received less attention in the academic literature. This study therefore provides useful insights on how political violence and an unconstitutional change of government are addressed in the context of the southern African region.

In addition, this study is also similar to studies on the relationship between the UN, the AU and the Economic Community of West African States (ECOWAS) and may therefore serve to provide useful comparative studies in the future. These organisations are commonly described as providing a "triangle for peace and security", in which a particular case study involves a "trilateral linkage" between the UN, the AU and RECs (Ajayi, 2008; Bah, 2010b: 284). As Bah explains, such a trilateral linkage "provides useful lessons for future cooperation between the UN and regional entities, and between the AU and the RECs" (Bah, 2010b: 284). This study may therefore supplement literature on the cooperation between the UN, regional and sub-regional organisations, focusing upon ideational factors and providing particular insight on how these organisations approach and address unconstitutional changes of government on the African continent.

The concept of unconstitutional changes of government stems from the more limited concept of coups d'état. McGowan and Johnson (1984: 634) define coups as "events in which existing regimes are suddenly and illegally displaced by the action of relatively small groups, in which members of the military, police, or security forces of the state play a key role, either on their own or in conjunction with a number of civil servants or politicians". Ikome (2007: 7) describes coups as

> ...the sudden overthrow of a government against the general will (volonte generale) formed by the majority of the citizenry. It is usually carried out by a small, but well-organised group that threatens, or effectively uses, force to replace the top power echelons of the state.

Constitutions and constitutionality are described as embodying "the practices, customs, and rules through which power is established, exercised and transmitted in the state, ensuring the primacy of the law over both the governed and the governors- in other words, no one is above the law" (Ikome, 2007: 10). The constitution therefore defines modalities by which power can be acquired and exercised, and deviations from these norms are therefore regarded as unconstitutional.

Coups d'état may be regarded as one form of unconstitutional change of government. Whilst the definitions of coups d'état place emphasis on the manner in which one comes into power, it is also important to address how a ruling party stays in power by constitutional means. Maru (2012: 68) distinguishes between two forms of unconstitutional changes of government, namely unconstitutional replacement and emplacement of constitutional government. Replacement is defined as an "illegal accession to power and it includes coups d'état, mercenary intervention and rebel insurgency" (Maru, 2012: 68). Emplacement "refers to the illegal retention of power", and may refer to the attempt by an incumbent to extend his term beyond that which is constitutionally mandated (Maru, 2012: 68). As will be presented in detail in Chapter Three, the AU recognizes the broader definition of unconstitutional changes of government, outlined particularly in the Constitutive Act and Lomé Declaration of 2000 as well as the African Charter on Democracy, Elections and Governance of 2007. It is this broader definition of unconstitutional changes of government which will be applied in this thesis.

1.3 Problem Statement

The main objectives of this thesis are to assess the salience of normative frameworks on unconstitutional changes of government within the UN, AU and SADC respectively and how they responded to Madagascar. On the basis of these findings, the thesis seeks to infer the manner in which norms on unconstitutional changes of government have emerged and spread in a multi-level international system. The focus upon the roles of the UN, AU and SADC builds upon the argument that international organisations in general, and these specific organisations in particular, have assumed a prominent role in promoting and maintaining peace and security on the African continent (Adebajo and Scanlon, 2006; Akokpari et al, 2008). As Barnett and Finnemore (2004: 3) argue, "international organisations have never been more central to world politics than they are today". Similar studies upon the role of international organisations in African conflicts have been performed, particularly upon cooperation and collaboration between the UN, the AU and the Economic Community of West African States (ECOWAS) (Ajayi, 2008; UN, 2007a). In these studies, scholars find

that there are differences in the how these various organisations approach one and the same conflict (Boulden, 2003; Jonah, 2006).

Crucially, the focus upon the issue of unconstitutional changes of government and coups d'état in Africa has received increased attention in recent years. Such regime changes are regarded as a set-back in the democratic process, as well as a threat to peace and security in Africa. Souaré explains that "this happens at a time when the African Union (AU) and Regional Economic Communities (RECs) are striving to fine-tune their relevant mechanisms and policy/legal instruments to address what has been seen as one of the major sources of dysfunctionality of the post-colonial African state" (Souaré, 2009).

The response to the political violence and consequent unconstitutional change of government in Madagascar by the UN, AU and SADC supports the assumption that these organisations do not accept unconstitutional changes of government. As Finnemore and Sikkink (1998: 892) explain, "we recognize norm-breaking behaviour because it generates disapproval or stigma...". It cannot, however, be assumed that these three organisations have robust normative frameworks in place to address unconstitutional changes of government. Furthermore, it is far from a given that these three organisations share a common understanding of and approach to unconstitutional changes of government.

In his article *Thinking About Security in Africa*, Paul Williams (2007) discusses the topic of how various actors think about and perceive of security in Africa in different ways. A series of articles on the political and security culture in West Africa further touches upon this subject, underlining the fact that there are differences in how actors perceive of security and what responses they consider legitimate and effective in addressing a security challenge (Williams and Haacke, 2008: 119). Whilst these articles focus upon states, this thesis seeks to build upon this mode of analysis and apply it to the UN, AU and SADC.

The main research question of this thesis is:

Has a normative approach to dealing with unconstitutional changes of government developed within the UN, AU and SADC respectively, and if so, how?

To assess the salience of a norm condemning unconstitutional changes of government, the thesis will first seek to identify normative frameworks on unconstitutional changes of government with the UN, AU and SADC. Furthermore, a study of the response to the case of Madagascar will show how these organisations responded to a case of norm-breaking behaviour. Building upon these findings, the thesis will seek to assess how a norm condemning unconstitutional changes of government has emerged and spread in a multi-level international system.

In framing these research questions then, the notion of constructivism as a social theory will provide the theoretical framework for this thesis. As McDonald (2008: 59) argues,

> "[c]onstructivism has become an increasingly prominent theoretical approach to International Relations since its emergence in the 1980s. Focusing on the role of ideational factors and the social construction of world politics, it is perhaps best described as a broader social theory which then informs how we might approach the study of security".

As will be outlined in a background review of the UN, AU and SADC in Chapter Three, normative changes have taken place within these organisations with regards to how they think about and approach security on the African continent. In seeking to understand the manner in which norms emerge and spread within the international system, literature on the norm life cycle and particularly the works of Finnemore and Sikkink (1998), Legro (1997) and Acharya (2004) will be presented in Chapter Two. Although acknowledging the prominent role of the UN in promoting and spreading norms on peace and security in the international system, these authors seek to better understand the role of regional, sub-regional and national actors within the multi-level international system. They argue that regional, sub-regional and national actors also play an important role in the process of norm emergence and diffusion. However, the common assumption remains that international norms emerge and spread particularly from the international level and downwards. In applying these approaches to the objectives of this thesis, these works will provide the framework for seeking to understand how norms addressing unconstitutional changes of government have

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emerged and spread within the UN, AU and SADC and how this has informed their response to Madagascar.

1.4 Methodology and Research Design

This study is qualitative in nature, with an inductive approach in which the collection of data allows for developing insights and generalisations as the study progresses (Neuman, 2006: 153-154; Yin, 2003: 55). The purpose of this qualitative study is descriptive and exploratory, with the aim of assessing the salience of the norm condemning unconstitutional changes of government within the UN, AU and SADC and how they have consequently responded to such norm-breaking behaviour. Furthermore, this thesis seeks to assess how a norm condemning unconstitutional changes of government has emerged and spread within a multi-level international system building upon the constructivist approach. This study may therefore also serve the purpose of theory-testing, in assessing if the constructivist approach on norm emergence and diffusion may be applied to norms on unconstitutional changes of government within the UN, AU and SADC.

The units of analysis for this study are therefore the UN at the international level, the AU at the regional level, and SADC at the sub-regional level. This study does not seek to be explanatory, highlighting why it is that the UN, AU and SADC responded as they did. However, the findings of this study may lay the foundations for an explanatory study in the future.

The case study approach has been chosen as the most appropriate for this study, as it is qualitative and exploratory in nature. Furthermore, case studies are found to be particularly relevant in studies of theory-testing (Van Evera, 1997: 55). A common definition of a case study is "an empirical inquiry that investigates a contemporary phenomenon within its real-life context…" (Yin, 2003: 13). As Bah explains, a case study upon the trilateral linkage between international, regional and sub-regional organisations may provide useful insights on the dynamics between these organisations and how they address peace and security issues (Bah, 2010b: 284).

As Yin explains, a particular strength of case study data collection is the opportunity to use many different sources of evidence (Yin, 2003: 97). Of

particular importance in collecting multiple sources of evidence is the opportunity to develop converging lines of inquiry, also referred to as a process of triangulation (Yin, 2003: 98). To ensure reliability of the data collected and consequent findings presented in this study, the triangulation process has been applied. In addition, the case study approach is generalizable to theoretical propositions but not to populations or universes (Yin, 2003: 10). Consistent with a case study design, this thesis seeks to expand and generalise the constructivist approach, in other words provide analytic generalisation, to test the assumptions on norm scholarship and particularly on the norm life cycle.

The study firstly consisted of a literature review to develop the theoretical framework, to collect primary and secondary sources pertinent to the research questions, as well as to collect empirical data on the case of Madagascar. Qualitative data analysis was performed on the basis of both primary and secondary data collected. Primary data included public documents from the UN, AU and SADC including policy documents, communiqués, official statements and reports both on their normative approach toward unconstitutional changes of government and on their response to Madagascar. Secondary sources included academic literature pertinent to the research questions, sources from the media as well as data from research institutes and think tanks on the subject matter

Field research was performed with the goal of executing interviews with persons who have extensive knowledge on the normative approach of the respective organisations toward unconstitutional changes of government as well as with persons who have worked closely on the organisations' response to the case of Madagascar. Data collected from these interviews served to support other data sources and provided in-depth and detailed accounts of the UN, AU and SADC approach to the unconstitutional change of government in Madagascar. The interviewees were from within the UN, AU and SADC as well from outside these organisations including researchers and civil society.

Field work was performed in Pretoria and Cape Town in South Africa, to interview persons within the Department of International Relations and Cooperation (DIRCO) of South Africa as well as with researchers and other persons who have extensive knowledge on the topic area. Attempts were made at interviewing persons at the SADC Secretariat in Gaborone, Botswana, but the

interviews were cancelled last minute. Field work was also performed in Addis Ababa, Ethiopia, to meet with persons within the AU, UN as well as other international organisations. Telephone interviews were performed with UN officials based in New York as well as with a few SADC officials based in Gaborone, Botswana.

Semi-structured and open-ended interviews were performed with thirty-one interviewees chosen by non-random sampling as well as by snowball sampling, on the basis of who was available and most appropriate to speak to with regards to the topic of this study as well as on the basis of personal referrals. As some of the material was still regarded as sensitive during the time of the interviews, most interviewees did not want to go on the record. In an attempt to provide an informal discussion and allow the interviewees to speak freely, no interviews were recorded. Rather, detailed notes were taken during the interviews. Anonymity is provided to those interviewees who requested it. Although all of the interviews are not directly referred to in this thesis, the list of respondents in Appendix I lists all respondents. This decision was made on the basis that all the interviews contributed to the overall insight and understanding on the research questions, providing important and useful information to the researcher during this study. Transcriptions from the interviews can be provided on request.

1.5 Limitations and Delimitations

The limitations to this study refer to the practical limitations of performing this study and include time constraints and limitations to the length of the thesis. Performing this research as a single observer, particularly in performing interviews, limits the ability of the researcher to obtain a multi-faceted understanding of the data collected. In addition, challenges to remain objective as a single observer must also be taken into account.

Financial constraints must be considered, particularly with regards to the field work performed. A study scholarship from the Norwegian Institute for International Affairs (NUPI) as well as a travel scholarship from the Nordic Africa Institute (NAI) provided the finances necessary to perform three weeks of field work. Due to financial constrains the field work was performed in South Africa

and Ethiopia. Telephone interviews were performed with those not available in South Africa and Ethiopia, particularly with UN representatives based in New York as well as SADC representatives based in Gaborone, Botswana.

An important limitation was the lack of interviews with Madagascan officials as well as other local actors in Madagascar including civil society and churches involved in the mediation process. Attempts were made at making appointments for interviews with Madagascan officials at the Madagascan Embassy in South Africa, with no luck.

Language barriers were a limitation, since the official language in Madagascar is French. The data sources used for this thesis are therefore sources in English.

Delimitations of this study include a time limit. In identifying normative frameworks on unconstitutional changes of government, the researcher has focused particularly upon documents from the late 1980s until 2012. This decision was based on noting that it was particularly in the past two decades that this topic has received increased attention. The case study of Madagascar was limited from the beginning of the political crisis in December 2008 up to June 2012.

In addition, a myriad of actors have been involved in addressing the crisis in Madagascar. This study has however been limited to the UN, AU and SADC thereby excluding other important actors including states such as France and the US as well as organisations such as the IOF (International Organisation of La Francophonie), the European Union (EU) and the Common Market for Eastern and Southern African (Comesa). The focus upon the UN, AU and SADC is based upon the purpose and aim of the study. Further studies may however be served with including additional international organisations, state actors and civil society to name a few.

1.6 Structure of the Thesis

This chapter has provided an introduction to the study, argued for the purpose and significance of the study and presented the research questions with a focus upon the normative frameworks of unconstitutional changes of government within the UN, AU and SADC, with a case study of Madagascar. The chapter has

further outlined the methodology and chosen research design and highlighted major limitations and delimitations to the study.

Chapter Two will outline pertinent theories within International Relations and focus particularly upon the constructivist approach and theories on norm emergence, diffusion and internalisation in the international system. It is the constructivist approach which will serve as the main theoretical framework for this thesis. As Ruggie (1998) and Krause (1999) argue, the purpose is not to rank ideational factors in relation to materialistic ones, but to take ideational factors into account when seeking to understand the social world. In seeking to understand the manner in which norms emerge and diffuse in the international system, the works of Finnemore and Sikkink (1998), Legro (1997) and Acharya (2004) are of particular interest.

Chapter Three will provide a background review of the UN, AU and SADC as organisations with a mandate to promote and maintain peace and security. In seeking to understand how a normative framework on unconstitutional changes of government has developed, it is also important to understand how these respective organisations have developed and changed in their approach toward peace and security issues. The main part of this chapter will seek to identify if a normative framework on unconstitutional changes of government is in place within the UN, AU and SADC and how these norms have emerged.

Chapter Four will provide a detailed account of the unconstitutional change of government in Madagascar and the consequent efforts made toward finding a solution and ensuring a return to constitutional order. This chapter will focus particularly upon the manner in which the UN, AU and SADC have chosen to address and respond to the political crisis in Madagascar, building upon the findings on normative frameworks in Chapter Three.

Chapter Five will provide a summary of the findings in this thesis and discuss the implications for the further development of normative frameworks on unconstitutional changes of government within the UN, AU and SADC. In addition, recommendations for further research areas will be discussed.

Chapter 2
Theoretical Framework

2.1 Introduction

This thesis seeks to identify the normative frameworks which the UN, AU and SADC have in place to address unconstitutional changes of government to further assess how salient this norm is within the organisations. Do these organisations have normative frameworks in place to address unconstitutional changes of government and how have these organisations consequently responded to such a case? Whether a norm condemning unconstitutional changes of government is at all present and how this has consequently informed the behaviour of these organisations in addressing the case of unconstitutional change of government in Madagascar are key questions. Social constructivism will therefore serve as the main theoretical framework for this thesis. What is a norm? How do we know a norm is salient? And how does a salient norm affect the behaviour of actors in the international system? This chapter will review the prominent theoretical approaches within International Relations theory. A particular focus within constructivist literature will be upon the works of Finnemore (1993), Finnemore and Sikkink (1998), Legro (1997) and Acharya (2004) in seeking to understand how norms emerge, spread and become internalised by international, regional and sub-regional organisations.

2.2 Prominent Theories within International Relations

Major changes within the international system from the late 1980's, described by Mueller (1995) as a "quiet cataclysm", resulted in a shift within International Relations theory, challenging mainstream and critical approaches as these could not adequately explain the changes taking place within the system. Such changes included the fall of the Soviet Union and the end to the bilateral balance of power, as well as other major changes including continued Western European integration, the wave of democratisation and economic liberalisation through the former Soviet Union, Eastern Europe and the developing world as well as the improbability of war between the great powers (Elman, 2008: 20). The international system was found to be in a state of change, with an increased focus

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upon international organisations (Cox, 1989: 825). More specifically, the focus on security arrangements turned towards the role of international institutions in the post-Cold War era, resulting in an increased focus upon the role of institutions within international relations theory (Mearsheimer, 1994: 5). The debate between neo-realists and neo-liberal institutionalists came as a result of these structural changes within the international system. Furthermore, the constructivist approach within International Relations theory gained prominence during this time period, particularly as a result of the inadequacies of neo-realism and neo-liberal institutionalism in explaining change in the international system as well as in addressing the changing nature of conflicts on the African continent. A major debate therefore concerned the issue of whether or not international institutions markedly affect the prospects for international stability and consequently peace and security (Mearsheimer, 1994; Keohane and Martin, 1995; Wendt, 1995). Furthermore, an emphasis upon social and ideational factors, promoted by constructivism, led to new analytical approaches argued to "sharpen our thinking on issues that neo-realism and neo-liberalism slight" (Katzenstein, 1996: 19).

2.2.1 Realism, Neo-Realism and Neo-liberal Institutionalism

The classical realist approach regarded the international system as anarchic, with no over-riding authority, in which states functioned within a self-help system. States were regarded as rational and central units of action which sought power and dominance as an end in itself or a means to an end (Keohane, 1986: 7). Within an anarchic, self-help system Morgenthau presented the realist claim that the security of the state be pursued through the balance of power in which the state should be a value maximizing actor (Dunne and Schmidt, 2008: 93; Keohane, 1986: 10). Moving beyond classical realism, Waltz in particular developed structural realism in which he systematizes political realism as a deductive approach focusing upon the structure of the international system in comparison with the classical realist approach which assumes an inductive approach on the basis of the actions and interactions between states (Lamy, 2005: 208). Within the neo-realist approach, Waltz distinguishes himself from classical realism by excluding any assumptions about the units which make up

the international system except the claim that states at a minimum seek their own survival (Elman, 2008: 19; Lamy, 2005: 209). He focuses instead upon the effects of the structure in the international system, in which the ordering principle is regarded as anarchic (Elman, 2008: 18; Lamy, 2005: 209). Furthermore, the units within the system are argued to be functionally alike, on the basis of the self-help principle. Waltz therefore argues that the distinguishing factor is the distribution of capabilities across the units with a particular distinction between multi-polar and bipolar systems (Elman, 2008: 18). In this way Waltz goes beyond Morgenthau's focus upon maximizing power and argues that a bipolar system is more stable than a multi-polar one, in which bipolarity reduces interdependence between states (Elman, 2008: 19). With regards to the function of international institutions in promoting cooperation, peace and stability, Waltz argues that the functions and capabilities of the institutions would heavily rely upon the most powerful units within the system, thereby placing emphasis upon the distribution of power and material capabilities (Lamy, 2005: 209).

In comparison to what neo-realists are particularly concerned with, namely state security, neo-liberal institutionalists focus upon the benefits of cooperation in areas such as economics and the environment which is argued to lead to cooperation in other areas including security. Neo-liberal institutionalism focuses particularly upon the effects which cooperation within international institutions may have to increase relations between states and thereby increase security within the international system. Neo-liberal institutionalism does resemble neo-realism in that it accepts the rational actor model in which states function within an anarchic international system with the distribution of power as a central feature (Keohane and Martin, 1995: 39; Lamy, 2005: 213). In this way, neo-liberal institutionalism does not challenge the status quo of the international system thereby serving to maintain what may be regarded as the hegemony of the realist assumptions within international relations theory. These shared assumptions support the claim by Mearsheimer that liberal institutionalism is merely "realism by another name" (Mearsheimer, 1995: 4). Keohane and Martin support this claim when they note that "for better or worse,

institutional theory is a half-sibling of neorealism" (Keohane and Martin in Jervis, 1999: 43).

Whilst the debate between neo-realism and neo-liberal institutionalism differs particularly on the issue of the potential international institutions may have in promoting cooperation, both share the assumption that states act as unified, rational actors within an anarchic international system (Katzenstein, 1996: 12). Furthermore, these approaches share basic commitments to individualism and materialism. Individualist theories argue that actors within the international system have a set of innate and fixed interests and that collective understandings have no causal power or ontological status of their own (Barnett, 2005: 253; Finnemore and Sikkink, 2001: 393). This reflects the shared commitment neo-realism and neo-liberal institutionalism have to the rational actor model treating the identities and interests of states as beyond the theory, exogenously given and building upon the assumption that "state interests are hard-wired and fixed forever" (Allison and Zelikow, 1999: 35; Wendt, 1992; Barnett, 2005: 253). In addition, neo-realism and neo-liberal institutionalism share a commitment to materialist theories which assumes "that the structure that constrains behaviour is defined by factors such as the distribution of power, technology, and geography" (Barnett, 2005: 253). Although neo-liberal institutionalism does acknowledge that states may construct norms and institutions which promote their own interests, "neither approach can imagine that ideas and norms might not only constrain but actually construct how states define their interests" (Barnett, 2005: 253). This depicts a clear distinction between neo-realism and neo-liberal institutionalism on one side, which both largely focus upon material factors, and the constructivist approach on the other, which emphasizes the importance of ideational factors within international relations theory.

Whilst neo-realists have a more pessimistic view upon the role of institutions in promoting cooperation and consequently security within the international system, both theories acknowledge the role institutions may play in promoting cooperation between states. However, issues of absolute and relative gains, the risk of cheating and the assumption that states participate in cooperative behaviour within institutions only as long as it serves their interests

largely limits the functions which international institutions are considered to have. Neo-liberalism and neo-realism therefore share a common epistemology and differ particularly in what they study, with a neo-realist focus upon "high politics" or security studies whilst neo-liberal concerns are within what is commonly referred as "low politics" or issues including economic cooperation and environmental issues (Lamy, 2005: 216).

In discussing the variations between neo-realism and neo-liberal institutionalism, Jervis points out that these two approaches analyze different things (Jervis, 1999: 45). Whilst neo-realism focuses upon the security of the state in which relations between states are characterized as conflictual and competitive, neo-liberal institutionalism builds its arguments on the basis of international political economy and the environment (Lamy, 2005: Jervis, 1999). The claim that these two approaches "study different worlds" may be further applied to the constructivist approach, which gained prominence within international relations theory in the early 1990's (Jervis, 1999: 45). Constructivism developed as a broader social theory within International Relations with a particular focus upon how world politics is socially constructed (Wendt, 1995: 2). Rather than focus upon material aspects influencing state behaviour, constructivism argues for the importance of discourse, ideas, norms, identities and inter-subjective understandings as driving forces in constructing the understanding that individuals, states, institutions and other actors have of themselves and of the order of the international system (Mearsheimer, 1994: 38; Wendt, 1992; Ruggie, 1998). Constructivism therefore moves beyond the state-centric and largely a-historical approach, focusing upon idealistic versus material factors. Whilst there are various strands within the constructivist approach, all constructivism is described as using "an ideational ontology and holism in some way" (Finnemore and Sikkink, 2001: 393).

2.3 Realism versus Reality: Enter Constructivism

The foundation of constructivism focuses upon the social construction of world politics and is therefore described as a broader social theory within International Relations, which gained prominence in the field particularly from the late 1980's (McDonald, 2008: 59). Central within the constructivist approach is the focus

upon ideational factors which influence and shape the ideas, interests and identities of actors within the international system (Finnemore and Sikkink, 2001). These ideational factors are not only present at the individual level, but are social and shared among groups within society. This form of idealism does not however reject material factors, but argues that "the meaning and construction of that material reality is dependent on ideas and interpretation" (Barnett, 2005: 258). Ruggie (1998) and Krause (1999) support this claim in that the purpose is not to rank ideational factors in relation to materialistic ones, but to take ideational factors into consideration when seeking to understand the social world and global politics. Katzenstein builds upon this argument when he poses the question of how we may conceive of the international environment if we look beyond the physical capabilities of states and consider the cultural-institutional context of the political environment and the political construction of identity (Kaztenstein, 1996: 17, 26). In addition to constructivism's ideational ontology, it also accepts some form of holism or what is also described as structuralism (Barnett, 2005: 258). Holism concerns the claim that the social world is composed of more than the already existing actors within the system and that shared ideas constitute and shape the organisation of world politics (Barnett, 2005: 258).

Although neo-liberal institutionalism does acknowledge that states may construct norms and institutions to promote state interests, neither neo-realism nor neo-liberal institutionalism acknowledge the constructivist claim that ideas and norms not only constrain but also construct how states define their interests (Barnett, 2005: 253). Identities and interests are therefore not assumed to be exogenously given, but are argued to be endogenous to the structure of the international system in which the most important ideational factors are inter-subjective beliefs that are not reducible to the individual (Wendt, 1992; Finnemore and Sikkink, 2001: 393). Inter-subjective beliefs will be defined as collectively held ideas and understandings on social life (Finnemore and Sikkink, 2001: 392). The focus upon inter-subjective beliefs therefore goes beyond the individualistic approach and leads to a particular interest in shared understandings which collective groups may have within international institutions and reflects the holistic approach within constructivism.

On the basis of the argument that the world is constituted through inter-subjective interaction then, constructivism argues that both agents and structures within the international system are mutually constituted (McDonald, 2008: 59). Wendt (1992) led this discussion in arguing that not only are agents within the system constrained by the structure of the international system as neo-realism argues, but that the interests and identities of agents also serve to influence and possibly transform the structure of the system itself. This argument may be further applied to institutions, as Katzenstein depicts when he argues that "institutions can constitute, to varying degrees, the identities of actors and thus shape their interests" (Katzenstein, 1996: 17). In line with what Wendt describes as "strong liberals", Wendt argues for the importance of acknowledging the "processes" by which identities and interests come about and how these then influence the structure of the international system (Wendt, 1992: 393). For the purposes of this study, we seek to understand if and how a normative approach to unconstitutional changes of government has come about and how this consequently affects the behaviour of actors in the international system. Is the norm condemning unconstitutional change of government prevalent in the UN, AU and SADC? How has this norm come about? And how does it influence the decisions and actions taken by the respective organisations?

2.3.1 The Importance of Social Facts within World Politics

The focus upon processes within the international system in general, and international institutions in particular, has led to various approaches within the constructivist realm seeking to understand "how social facts change and the ways these influence politics" (Finnemore and Sikkink, 2001: 393). In comparison with "brute facts" such as rocks, trees, and flowers, which exist irrespective of human presence in the world, "social facts" cannot exist without a shared understanding and agreement of its existence. Examples of social facts are for example money, states, sovereignty and anarchy as Wendt (1992) points out when he argues that "anarchy is what states make of it". These social facts exist because it has been agreed upon collectively, yet these facts may ultimately be taken for granted and consequently become objective facts that constrain the

decisions and actions which agents take within the system (Barnett, 2005: 259; Finnemore and Sikkink, 1998).

Building upon the common assumption that norms, identities and inter-subjective beliefs do matter, constructivists have sought to support this argument by developing theories "about the mutual constitution process and the behaviour that results from it" (Finnemore and Sikkink, 2001: 394). This builds upon the argument presented by Wendt, namely that "structure has no existence or causal powers apart from process", and leads to questions of how norms emerge, under what conditions, how they are internalised and the ways they consequently inform change within the international system (Wendt, 1992: 395).

There are a broad range of approaches under the umbrella of constructivism, all focusing upon various aspects of the mutual constitution process between agents and structures and how this consequently informs behaviour. These include studies on discourse analysis, theories of agency and culture, notions of security communities, and theories on organisational behaviour, amongst others (Finnemore and Sikkink, 2001: 394). What all of these have in common is the aim of supporting the claim that ideational factors, and more specifically norms, culture and identities, have explanatory and causal power of their own.

> For constructivists, understanding how things are put together and how they occur is not mere description. Understanding the constitution of things is essential in explaining how they behave and what causes political outcomes… Constitution in this sense is causal, since how things are put together makes possible, or even probable, certain kinds of political behaviour. (Finnemore and Sikkink, 2001: 394)

This claim provides the basis for the various theoretical approaches developed under the umbrella of constructivism in seeking to study the social construction processes occurring at the international, regional, national and sub-national levels and how norms consequently influence international politics and change within the international system (Finnemore and Sikkink, 1998: 888). By identifying the normative approaches of the UN, AU and SADC toward unconstitutional changes of government, we expect to gain a better understanding of why they acted as they did and what this means for the further

development of a norm addressing unconstitutional changes of government within the international system.

2.3.2 The Impact of Norms upon Behaviour

Whilst acknowledging materialistic factors as well as strategic and rational motivations for political action, norms, identities and cultures are also regarded as necessary factors to consider within international relations theory (Katzenstein, 1996: 5). Norms are generally defined as "a standard of appropriate behaviour for actors with a given identity", and may define or constitute identities as well as prescribe or regulate behaviour (Katzenstein, 1996: 5).

There remain however some conceptual challenges to the concept of norms. One important distinction to make is the difference between norms and institutions. The concept of institutions is most commonly applied within sociological studies and is defined as "a relatively stable collection of practices and rules defining appropriate behaviour for specific groups of actors in specific situations" (March and Olsen in Finnemore and Sikkink, 1998: 891). Whilst the definition of norms "isolates single standards of behaviour", institutions "emphasize the way in which behavioural rules are structured together and interrelate" (Finnemore and Sikkink: 1998: 891).

In further addressing conceptual issues on norms, norms are distinguished as "either constituting, regulating, or enabling actors or their environments, presenting the distinction between constitutive, regulative, and evaluative/prescriptive norms (Legro, 1997: 33). Ruggie (1998) addressed the concepts of constitutive and regulative rules to distinguish between neo-realism and neo-liberal institutionalism on one side and constructivism on the other. Here Ruggie argues that the former theories do not acknowledge the importance of constitutive rules which "define the set of practices that make up a particular class of consciously organized social activity" (Ruggie, 1998: 871). In the same vein, Katzenstein discusses norms as having both constitutive and regulative effects upon the behaviour of actors. Constitutive norms "operate like rules that define the identity of an actor" in which a prime example is that of state sovereignty and the recognition of this status within international institutions

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(Katzenstein, 1996: 5). Furthermore, constitutive norms may create new actors, interests, or categories of action (Finnemore and Sikkink, 1998: 891). Norms also have regulative effects by specifying standards of proper behaviour thereby limiting the range of behavioural options considered available and appropriate by actors in the system (Katzenstein, 1996: 5, 20). A third category of norms are termed prescriptive or evaluative norms which impact upon the thought process of actors in determining policy and action and is described as referring to the quality of "'oughtness' that sets norms apart from other kinds of rules" (Finnemore and Sikkink, 1998: 891).

These categories of norms parallel the concepts of logic of consequences and logic of appropriateness. Logic of consequences particularly resembles the rational actor model, and attributes "human behaviour to the anticipated costs and benefits of particular action, mindful that other actors are doing the same" (Barnett, 2005: 259). The logic of appropriateness however is of particular concern within norm scholarship, in that it argues that actors "determine their course of action depending on a sense of self and what is appropriate for the situation" (Barnett, 2005: 259). In arguing for the importance of the third category of norms, namely prescriptive/evaluative norms, Finnemore and Sikkink argue that because "norms involve standards of 'appropriate' or 'proper' behaviour, both the intersubjective and the evaluative dimensions are inescapable when discussing norms" (Finnemore and Sikkink, 1998: 891).

Norms are therefore regarded as important social factors which enable and constrain the behaviour and action of actors in the international system. Building upon the works of Goldstein (1993 in Acharya, 2004: 240), Acharya distinguishes nicely between norms and ideas when he explains that ideas may be held privately whilst norms are always collective and behavioural (Acharya, 2004: 240). Norms are furthermore not static or fixed, but fluid and change over time (Katzenstein, 1996: 10). This has led to a body of literature discussing the "life cycle" of norms, which must be assessed within an historical context (Finnemore and Sikkink, 1998: 892). Where norms derive from is a central question within constructivism. Norms may spontaneously evolve, as social practice, they may be consciously promoted, or deliberately negotiated (Katzenstein, 1996: 21). They provide the premises for action, and may have

both negative and positive effects. Although norms encourage certain types of behaviour they are not determinative, but only limit the range of options available (Williams, 2007: 258; Finnemore and Sikkink, 1998). And whilst occasional violations of norms do not invalidate them, recurrent violations of norms which receive no meaningful repercussions will ultimately invalidate a norm (Katzenstein, 1996: 20; Legro, 1997: 33; Finnemore and Sikkink, 1998: 894).

2.4 The Life Cycle of a Norm

Building upon the premises of constructivism, which argues for the importance of acknowledging social processes within the international system and the manner in which collectively held or inter-subjective beliefs impact upon policy and action, Finnemore and Sikkink explain that "in an ideational structure, idea shifts and norm shifts are the main vehicles for system transformation" (Finnemore and Sikkink, 1998: 894). Based upon the categories of norms, and particularly the logic of appropriateness, norms are argued to set and also reset standards of appropriate behaviour amongst actors in the international system. Numerous issue areas illustrate the impact of norms upon change in the international system, including the decolonization process, the abolition of slavery, the promotion of human rights and humanitarian intervention, the fall of the Soviet Union and the prevalence of capitalism, as well as gender equality. The manner in which norms emerge, change and diffuse across the international system, also referred to as the life cycle of a norm, has received much attention within constructivism. The study on norm life cycles has resulted in what Acharya (2004) presents as two waves of scholarship on norm diffusion.

2.4.1 The First Wave of Norm Scholarship

The first wave of scholarship on norm diffusion is presented as focusing particularly upon "transnational agents and processes shaping norm diffusion at the level of the international system" (Acharya, 2004: 240). Central works within this first wave of scholarship include works by Finnemore (1993) and Finnemore and Sikkink (1998). Finnemore (1993) performed a study on how the new norm

promoting the idea that states are responsible for science, leading to science policy bureaucracies, has spread within the international system. The central argument in her article claims that "organisational innovation was supplied to states from outside, from an international organisation, rather than being the product of any characteristics internal to or inherent in the state itself" (Finnemore, 1993: 566). This argument builds upon the constructivist theoretical framework that treats states as social entities, shaped by international social action (Finnemore, 1993: 566). Consequently, state policies and structures are shaped by changes in inter-subjective understandings within the international system upon the role of the modern state. Building upon this constructivist framework, Finnemore argues that international organisations have the role as principals, rather than merely being agents, in international politics. It is upon this theoretical foundation that Finnemore argues for the central role of UNESCO, as an international organisation, in spreading the new norm on the idea that states are responsible for science policy bureaucracies. In her findings, Finnemore finds that UNESCO as an international-level actor played a proactive role in forming the identification and definition of policy options at the state level (Finnemore, 1993: 593). The role of international organisations is therefore argued to be important not only in constraining the activity of states, as neo-realists argue, but also in shaping and spreading ideas and norms at the state level. This study therefore places emphasis upon international-level actors in forming, shaping and spreading ideas and norms within the international system.

Finnemore and Sikkink (1998) further build upon this top-down approach in their article "International Norm Dynamics and Political Change", focusing upon the "social construction processes and norm influences in international politics" (Finnemore and Sikkink, 1998: 888). Central to their argument is the theory of a norm's life cycle, understood as a three-stage process in which the first stage is norm emergence, the second norm acceptance or what they also describe as norm cascading, and the third being norm internalisation (Finnemore and Sikkink, 1998: 895). An important aspect in their approach is their focus upon the relationship between domestic and international norms. In seeking to understand the processes by which norms emerge and spread across

the international system, Finnemore and Sikkink place emphasis upon the relationship between domestic and international norms arguing that domestic norms "are deeply entwined with the workings of international norms" (Finnemore and Sikkink, 1998: 893). Domestic norms are regarded as important particularly in the early stages of norm emergence and that many international norms originally began as domestic norms and then spread to the international level through the efforts of norm entrepreneurs of various kinds (Finnemore and Sikkink, 1998: 893). On the basis of this approach, Finnemore and Sikkink argue that "international norms must always work their influence through the filter of domestic structures and domestic norms" (Finnemore and Sikkink, 1998: 893). They therefore refer to the works of Putnam on two-level games, in which they argue that "there is a two-level norm game occurring in which the domestic and the international norm tables are increasingly linked" (Finnemore and Sikkink, 1998: 893). With the increased role and significance of regional organisations in international politics today however, it may be appropriate to add a third level, namely the regional level, in the study of the dynamics of agreement processes upon norms within world politics.

In presenting the stages of a norm's life cycle then, domestic norms are regarded as most influential in the early stage of norm emergence, in which norm entrepreneurs play an important role in promoting and framing the norm in a manner which serves to influence how actors think about and perceive of a certain issue area. As they argue, "little normative change occurs without significant domestic movements supporting change" (Finnemore and Sikkink, 1998: 902). Following this first stage, a tipping point occurs in which domestic factors become less important and dynamics at the international level become the focal point. At this stage "an international or regional demonstration effect or 'contagion' occurs in which international and transnational norm influences become more important than domestic politics for effecting norm change" (Finnemore and Sikkink, 1998: 902). More specifically, Finnemore and Sikkink argue that "the primary mechanism for promoting norm cascades is an active process of international socialisation intended to induce norm breakers to become norms followers" (Finnemore and Sikkink, 1998: 902). Socialization is defined as "the induction of new members…into the way of behaviour that are

preferred in a society" (Finnemore and Sikkink, 1998: 902, fn62). Socialization is regarded as the dominant mechanism in norm cascading, in which states, networks of norm entrepreneurs and international organizations are regarded as central agents of norm socialization. The focus therefore turns from the domestic to the international level, in which states are argued to comply with norms at stage two on the basis of their identities as members of an international society (Finnemore and Sikkink, 1998: 902).

In studying the process of norm diffusion, an important point is the fact that norms do not emerge and disseminate within a vacuum but "instead emerge in a highly contested normative space where they must compete with other norms and perceptions of interest" (Finnemore and Sikkink, 1998: 897). New norms which are emerging might therefore compete with already established and internalised norms, thereby challenging particular ways of thinking. The norm on humanitarian intervention provides a good example of the challenge of an emerging norm upon already established ones (Bellamy and Williams, 2006). The established norm of state sovereignty and respect for the territorial integrity of a state has been internalized and written into law in article 2(4) the Charter of the United Nations in which the use of force is allowed only on the basis of specific conditions outlined in Chapter VII, and particularly article 51, as well as Chapter VIII of the UN Charter (UN, 2010a). The norm of humanitarian intervention then, building largely upon moral rather than legal grounds, directly challenges particular ways of thinking about state sovereignty, security and the right to intervene within a sovereign state. The case of Darfur directly reflects this competition between the norm on state sovereignty and territorial integrity and the norms on human security and humanitarian intervention or what may also be called the principle of non-indifference (Bellamy and Williams, 2006; Akokpari et al, 2008). This normative contestation "has important implications for our understandings of the ways in which a 'logic of appropriateness' relates to norms" (Finnemore and Sikkink, 1998). The competition between various actors in the system seeking to promote these contesting norms is therefore an important process which occurs in the emergence and consequent internalisation of norms, and relates to the literature on how norms are diffused and internalised.

In this first wave of norm scholarship then, the focus of the study upon how norms spread and diffuse across the system place an emphasis upon the international level and on transnational agents. Both Finnemore (1993) and Finnemore and Sikkink (1998) approach the study of norm diffusion largely at the international level, in which transnational agents and international organisations are presented as central in understanding how and why norms spread within the international system. Finnemore and Sikkink (1998) also point out the importance of the domestic level, particularly in the early stage of norm emergence, but neither of these articles places much emphasis upon the regional level and the role regional organisations may have in promoting and spreading norms both upwards, on the international level, and downwards to the state level. Acharya seeks to address this and presents an alternative approach, describing this as the second wave of norm scholarship within international relations theory.

2.4.2 The Second Wave of Norm Scholarship

In addressing the manner in which norms come about and impact upon the behaviour of actors, a second wave of scholarship has turned towards a focus at the regional, national and sub-national levels in seeking to better understand the manner in which norms disseminate and are internalised by local and regional actors.

Legro seeks to develop constructivism by asking the question of "which norms matter, the ways they matter, and how much they matter relative to other factors" (Legro, 1997: 31). He argues that too much emphasis is placed upon international norms and that norms rooted in other types of social entities including regional, national, and sub-national groups must also be addressed (Legro, 1997: 32). Furthermore, whilst international norms matter in important ways, they are internalized differently by actors from the international to the sub-national levels. This leads Legro to emphasize organisational culture at the domestic level in helping to understand how norms become internalized and to help in explaining variations in norm adherence and violation. Legro therefore approaches the study of norm emergence, internalisation and diffusion from the domestic level and argues for the central importance of acknowledging domestic

level factors, and particularly organisational culture, in understanding the impact of norms upon state behaviour. However, the focus still remains upon how norms at the international level spread downwards and are internalized by domestic actors thereby supporting the top-down approach of Finnemore and Sikkink.

Acharya (2004) has also addressed this question of which and whose ideas matter, underlining the importance of acknowledging how local beliefs and identities inform the manner in which a foreign norm is diffused and localized by regional actors and consequently a regional organisation, in this case the Association of Southeast Asian Nations (ASEAN). However, in studying the manner in which foreign norms are internalised by a regional organisation, Acharya supports the approaches of Finnemore (1993) and Finnemore and Sikkink (1998) in that he places emphasis upon "foreign norms" within the international system thereby also taking a top-down approach. His central focus however is upon how regional organisations, ASEAN in particular, respond and adapt to foreign norms so that they may become internalised within the regional organisation.

Acharya's argument builds upon the limits of the first wave of norm scholarship, emphasizing "how domestic political structures and agents condition normative change" (Acharya, 2004: 240). In seeking to understand the manner in which ASEAN has internalised international norms, Acharya focuses upon the agency of norm-takers and the process of congruence-building based upon local beliefs and practices which he describes as a process of localization. Localization is therefore defined as "the active construction (through discourse, framing, grafting, and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices" (Acharya, 2004: 245). Similar to the agent-structure approach presented by Wendt (1992), the existing normative order within a region and at the local level and external norms are mutually constitutive of each other (Acharya, 2004: 251-252). This process of localization is then applied by Acharya in seeking to understand how and why ASEAN did make institutional changes within the organisation to adapt to the "common security" norm whilst the organisation did not manage to sufficiently dilute the norm of non-interference

within the organisation (Acharya, 2004: 240-241). The focus still, however, remains upon 'foreign' or 'international' norms and they way in which they spread and are internalised by regional and domestic actors.

2.5 Applying Theory to Practice

In seeking to answer the main research questions of this thesis, the theoretical framework chosen as most appropriate is constructivist thought. Constructivism argues that ideational factors and the processes by which identities and interests come about are important when seeking to understand the international system and the behaviour of actors within this system. Ideas and norms not only constrain but also construct how actors define their interests and thereby take action. Agents and structures are therefore mutually constitutive of each other, which helps to explain behaviour as a result of this mutual constitution process.

To answer the research question it must first be established whether a normative approach to dealing with unconstitutional changes of government has emerged and is at all salient within the UN, AU and SADC. A salient norm influences the choices made and actions taken, or not, by social actors. The salience of a norm may be measured by its level of institutionalisation by social actors. In this case, is there a robust normative framework in place in the UN, AU and SADC to address unconstitutional changes of government? Furthermore, the salience of a norm may be identified when other actors within the international system react to, condemn or take action on norm-breaking behaviour (Finnemore and Sikkink, 1998). How have the UN, AU and SADC responded to the unconstitutional change of government in Madagascar?

On the basis of these findings, the thesis aims to gain insight in how a normative approach towards unconstitutional changes of government has emerged within the UN, AU and SADC. Furthermore, this study seeks to assess the manner in which such a norm has manifested itself within a multi-tiered international system. Do we find support for the approaches of Finnemore and Sikkink, Acharya and Legro in placing emphasis upon norms spreading from the international level and downwards? Or has a norm condemning unconstitutional changes of government emerged from the regional or sub-regional level? These are questions guiding the remainder of this thesis.

Chapter 3
The Normative Frameworks of the UN, AU and SADC

3.1 Introduction

To understand the manner in which norms emerge, spread and become internalised within international, regional and sub-regional organisations, it is important to provide an historical-political context for the study. A background review of how the UN, AU and SADC have become prominent actors in promoting and maintaining peace, security and stability in Africa will therefore first be provided. The chapter will then provide an in-depth study of if and what normative frameworks the UN, AU and SADC have in place to address unconstitutional changes of government.

3.1.1 A Background of the UN

During the first four decades of United Nations activities promoting international peace and security, the UN supported one operation in Africa—the Congo from 1960 to 1964 (Boulden, 2003: 13; Dokken, 2008: 147). UN activities during this time period were commonly placed within Cold War dynamics which hampered the capabilities of the UN to deal with crises (Alao et al, 1999: 3). The changing dynamics of the international system from the late 1980s onwards however led to a large increase in UN operations on the African continent allowing for "new opportunities for the United Nations in the prevention, management and resolution of conflict" (Goulding, 1999: 161). However, the withdrawal of the UN from Somalia in 1993 and the subsequent failure of the UN in Rwanda in 1994 largely undermined the credibility of the UN and resulted in "widespread hesitancy on the part of member-states to participate in operations dealing with complex conflicts" (Boulden, 2003: 3; Goulding, 1999: 163). It was within this context that the UN took a step back to reassess its operations in Africa and "rethink the way in which the UN deals with international peace and security" (Boulden, 2003: 3).

This process of rethinking its role and approach in dealing with conflicts in Africa reflects the process of change which has subsequently taken place in how the UN approaches peace and security on the African continent. Two central

topics clearly depict this change in ideas and thinking, namely the re-conceptualization by the UN of peacekeeping and of security (Dokken, 2008).

The "traditional" notion of peacekeeping focused upon the principles of consent, impartiality and minimal use of force (for defence and not coercive force), in addition to a strong commitment to the principles of state sovereignty and territorial integrity (Dokken, 2008: 156; Alao et al, 1999: 4). With the changing dynamics of conflicts in Africa in the early 1990s involving a large increase in intra-state conflicts and an increase in the number of actors involved, including both state and non-state actors, conflicts became more complex and resulted in "second-generation" peacekeeping which had a broader operational scope and included peace enforcement (Ramsbotham et al, 2005: 135; Dokken, 2008: 156). Following the failures in Somalia and Rwanda, however, "second-generation" peacekeeping was reassessed and the principles of impartiality and consent were revised. As a result, impartiality now requires that the UN continues to be neutral to a conflict but "would not stand by while civilians are in imminent threat of danger" (Dokken, 2008: 166). In addition, the nature of consent changed as a result of cases in which there was a lack of a central authority maintaining control over state territory. Consent to intervene in internal conflicts in what are regarded as "failed states" is therefore sought by the UN from the affected areas (Alao et al, 1999: 7; Dokken, 2008).

The concept of security also expanded from a state-centric approach to the notion of human security, a concept introduced by the Human Development Report in 1994, which shifts the focus towards the protection of individuals and communities and stretches "'security' both horizontally (beyond merely military objectives) and vertically, to incorporate not just states, but regional and international structures, as well as local and individual actors" (Hutchful, 2008: 63-64; Dokken, 2008: 159). As Hutchful (2008) underlines, the notion of human security did not exclusively evolve from within the UN. He identifies "a long and distinctive tradition of African 'human security' thinking or sentiment" (Hutchful, 2008: 64). But within the context of the UN approach to African conflicts, the re-conceptualization of the notion of security reflects how the UN has evolved in its approach to and understanding of conflicts in Africa.

Another key development in the UN approach to African peace and security was the increased support for Chapter VIII of the UN Charter, outlining the relationship between regional organisations and the UN and what role regional organisations may play in promoting international peace and security. Whilst there were no formal activities under Chapter VIII throughout the Cold War, interest in regional organisations began to receive great attention from the UN from the early 1990s (Boulden, 2003: 1). The *Agenda for Peace* presented by UN Secretary General (UNSG) Boutros-Ghali in 1992 presents the beginnings of several official documents emphasizing the role regional organisations may play in international peace and security. In *Agenda for Peace*, Boutros-Ghali acknowledged the need for cooperation with regional and sub-regional organisations and arrangements, stating that "'regional actions as a matter of decentralization, delegation and co-operation with United Nations efforts could [...] lighten the burden of the Council' and, most importantly, 'contribute to a deeper sense of participation, consensus and democratization in international affairs'" (UNSG 1992 in Dokken, 2008: 162). Further support for the prominent role of regional organisations was underlined in *Supplement to an Agenda for Peace* by Boutros-Ghali in 1995 which UN Secretary-General (UNSG) Kofi Annan further supported in a statement in 1998 emphasizing that "providing support for regional and sub-regional initiatives in Africa is both necessary and desirable" (UNSG 1998 in Dokken, 2008: 162). To further strengthen cooperation between the UN and regional and sub-regional organisations in Africa, the Framework for the Ten Year Capacity Building Programme for the AU was signed in 2006 to serve as an overall strategic framework for cooperation between the UN and AU. The main objective was to "enhance the capacity of the AUC and the African sub-regional organisations to act as effective UN partners in addressing the challenges to human security in Africa" (UN, 2010b). Whilst peace and security were initially given main priority, the focus was extended to six issue areas which also placed emphasis on governance and development. During the same time period, both the AU and SADC revised their institutions seeking to form a security-political strategy of their own and becoming prominent actors in addressing peace and security on the African continent (Dokken, 2008: 18). It is

within this context that UN, AU and SADC responses to the unconstitutional change of government in Madagascar must be understood.

3.1.2 A Background of the OAU/AU

The Organisation of African Unity (OAU) was established in 1963 with the aim of "liberating African countries from colonial oppression and fostering social and economic self-determination" (Murithi, 2005: 3). The OAU served to promote the notion of Pan-Africanism "motivated by ideas that have placed an emphasis on the cultural unity and political independence of Africans" (Mathews, 2008: 27). Particularly following the wave of independence of African countries in the 1970s and what is described as the nationalist generation, the OAU consequently fell short in achieving its goals of African unity (Mathews, 2008: 32). In addition, the 1990s involved an increase in intra-state conflict in places such as Liberia, Sierra Leone and Somalia, "culminating in the tragic genocide in Rwanda in 1994" (Murithi and Ndinga-Muvumba, 2008: 6). It is within this context that the African Union was established in 2002 with hopes that this organisation would provide a new start upon which the Pan-Africanist movement could better address major challenges on the African continent. In addition, the failures of the UN to address security challenges in Africa in the 1990s further motivated and provided a space for regional organisations to gain prominence and strengthen their peace and security mechanisms (Hutchful, 2008: 63).

Of particular importance with regards to the issues of peace and security on the African continent and as a result of the transformation of the OAU to the AU was "the establishment of a comprehensive peace and security regime" (ISS, 2009; Bah, 2010b: 281). This resulted in what is now referred to as the African Peace and Security Architecture (APSA) which is institutionalised within the framework of the AU Constitutive Act of 2000 and the Protocol Relating to the Establishment of the Peace and Security Council (PSC) of the AU which was launched in May 2004 (ISS, 2009; Mwanasali, 2008; Bah, 2010b: 282). Article 3(f) of the Constitutive Act underlines the objective of the AU to "promote peace, security and stability on the continent", which the PSC serves to promote under Article 3 of the Protocol stating that the Council will serve "'as a standing decision-making organ for the prevention, management and resolution of

conflicts, and a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa'" (Mwanasali, 2008: 43; AU, 2002). A key development under the AU Constitutive Act is the shift from the norm of non-intervention and non-interference to what is commonly referred to as the norm of non-indifference under article 4(h). This shift allows the AU to intervene in the internal affairs of member states in instances of war crimes, genocide, and crimes against humanity (AU, 2000). To further support the comprehensive peace and security architecture of the AU, the PSC is supported by the African Union Commission (AUC), a Panel of the Wise, a Continental Early Warning System, an African Standby Force (ASF) and a Special Fund (Bah, 2010b: 284). These developments depict the normative shift which the AU, similar to the UN, has undergone in the last decade exemplified by the norm of non-indifference as well as norms of good governance and human rights, as articulated in the AU Constitutive Act (Murithi and Ndinga-Muvumba, 2008: 6; Bah, 2010b: 283; Williams, 2007: 266).

3.1.3 A Background of the SADC

Complimenting the increased focus upon and support for regional organisations, the establishment of the AU also served to "renew focus on the relationship between the continental organisation and the various sub-regional organisations" (Dokken, 2008: 20). The relationship between the AU and regional economic communities (RECs) served to form part of the overall peace and security architecture of the AU, with RECs serving as stepping stones for the security-political efforts of the AU (Oosthuizen, 2006: 216; Dokken, 2008: 20).

Two regional groupings developed in the southern African region from the independence years of the 1960s through to 1980, which subsequently led to the establishment of SADC (Oosthuizen, 2006: 53). The first regional grouping, the Frontline States (FLS), was founded in the 1970s as an "informal political alliance" seeking political and security co-operation particularly in response to efforts by the apartheid regime in South Africa to destabilise the region as well as to support decolonisation projects such as that in Rhodesia and Namibia at the time (Solomon, 2004: 9; Oosthuizen, 2006: 53; Khadiagala, 2007: 10). As the FLS served to promote security and political co-operation amongst its members, the

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Southern African Development Co-ordination Conference (SADCC) was launched in 1980 and formally established in July 1981 with a primary goal to promote socio-economic co-operation and reduce economic dependence on the South African apartheid regime (Oosthuizen, 2006: 59; Solomon, 2004: 9). Key characteristics of the SADCC throughout the 1980s and early 1990s included a decentralised approach in which each member state was allocated a sector or sub-sector to coordinate from home with a dominant focus upon national sovereignty and closely linked to the focus upon state rather than human security (Oosthuizen, 2006: 63; Solomon, 2004: 10).

In seeking to address several of the organisational and structural challenges to the FLS and SADCC, the Southern African Development Community (SADC) was established in 1992 as an international body with a legal persona and the successor to the SADCC, founded upon the SADC Windhoek Declaration and the SADC Treaty (Oosthuizen, 2006: 70; Nathan, 2006: 607). With the inclusion of South Africa in 1994, SADC is described as having become the focal point for stabilization and regeneration in the Southern African region (Breslin et al, 2002: 1). The security dimension constitutes one of the two overarching objectives for SADC, outlined in Article 5(c) of the SADC Treaty which states its objective to promote and defend peace and security in the region (SADC, 1992; Oosthuizen, 2006: 39). SADC launched the Organ on Politics, Defence and Security (OPDS) in 1996. The Protocol on Politics, Defence and Security Co-Operation was adopted in 2001, providing a framework and mechanisms to support peace and security objectives of SADC (CCR, 2007: 19; Oosthuizen, 2006: 279). Furthermore, the Mutual Defence Pact was approved by the Summit in 2003 with the objective "to operationalise the mechanisms of the Organ for mutual cooperation in defence and security matters" (SADC, 2003). In 2004, the Strategic Indicative Plan for the Organ (SIPO) was adopted "designed to be the operational side of the organisation's security structure, the OPDSC" (van Nieuwkerk, 2007: 85). However, it can be said that it is only in the past decade that a comprehensive plan for peace and security management, including principles for democracy and human rights, within the SADC region has developed and become internalised within the organisation (Cawthra, 2010.

Whilst SADC faced numerous challenges within the first decade of its establishment, a normative and ideational shift can be identified within the organisation, similar to the changes within the OAU/AU and the UN (Hammerstad, 2005). These changes particularly concern the shift in focus from state security to the broadened conceptualisation of human security, as outlined in the Protocol on Politics, Defence and Security and the SIPO (Hammerstad, 2005: 6-7). The security agenda of SADC therefore "includes domestic instability as well as inter-state war, and focuses on non-military causes of instability and insecurity" (Hammerstad, 2005: 7). This new security discourse, built upon the broadened concept of human security, comes in direct contrast with the continued focus upon national sovereignty and the principle of non-interference and has consequently become a dilemma within SADC (Hammerstad, 2005: 7). Nyirabu explains that "it is this very fear emanating from loss of national sovereignty that has compounded attempts at creating successful regional integration" (Nyirabu, 2004: 26). Whilst ECOWAS and the AU have taken a more explicit stance on the issue of non-interference versus non-indifference, this issue remains a central challenge to the security architecture within SADC. SADC has, however, been active in addressing political and security challenges in the region, including the Democratic Republic of the Congo, Zimbabwe, and most recently Madagascar. The role of SADC in addressing the crisis in Madagascar, as the most prominent actor promoting regional peace and security in southern Africa as well as serving as part of the AU security architecture, is the foundation for the focus upon SADC in this thesis. Furthermore, the normative changes within this organisation with regards to how SADC thinks about and approaches security challenges is regarded as having evolved the past two decades although challenges still remain, particularly with regards to its approach towards the principle of non-indifference and its continued focus upon state sovereignty and regime security.

3.2 A Normative Approach in the UN?

The Charter of the United Nations was signed on June 26, 1945, in San Francisco and came into force on October 24, 1945. The Charter sought to unite the countries of the world following two World Wars and placing emphasis upon the

role of the United Nations as an international organisation with the primary role of maintaining international peace and security. In discussions with UN officials on the normative framework of the UN on unconstitutional changes of government, reference to the UN Charter were made and several interviewees underlined the issues of promoting human rights, the rule of law and constitutional order as well as democracy and good governance as central sources which implicate the position of the UN on unconstitutional changes of government (Interview with Jagne, 2010; Interview with UN official, 2010a; Interview with UN official, 2010b; UNDP, 2010). However, persons interviewed for this study confirm that the UN does not have an explicit framework or doctrine on unconstitutional changes of government (Interview with Jagne, 2010; Interview with UN official, 2010a; Interview with Ranaivomanana, 2010; Interview with UN official, 2010b; Interview with UN official, 2010c). This is supported by a recent study by the International Peace Institute which explicitly acknowledges that "in recent years, regional and sub-regional organisations have adopted norms rejecting departures from constitutional rule. The UN has not." (Call, 2012: 1).

Interviews with UN officials explain that the UN has involved itself on the issue of unconstitutional changes of government through supporting and implementing the decisions of regional organisations, contributing to and providing input on documents and decisions formulated by regional organisations in addressing unconstitutional changes of government and in recent years also taking part in International Contact Groups that have been established for addressing unconstitutional changes of government in Africa (Interview with Jagne, 2010; Interview with Matlosa, 2010). In tracing UN responses to unconstitutional changes of government, it is found that the UN has rarely been involved in such cases. It is only recently that the UN has begun to involve itself, and then usually in partnership with regional and sub-regional organisations. The following section seeks to identify whether the UN has developed any normative approach towards unconstitutional changes of government, to further assess whether a norm condemning unconstitutional changes of government is salient within the UN. We seek to identify policy documents, decisions and mandates in place which may depict the

institutionalisation of a normative approach toward this issue, as well as actions taken by the UN in earlier cases of constitutional crises. Chapter Four will then assess the UN response to the case of Madagascar. It is on the basis of these findings that we seek to answer the question of whether a normative approach towards unconstitutional changes of government is at all salient within the UN, and how this norm has emerged and developed within a multi-level international system.

3.2 1 Previous Responses by the UN

In seeking to identify a normative approach on unconstitutional changes of government within the UN, it is important to consider historical-political factors which have contributed to the current position of the UN on this issue area. In discussing the UN approach to coups d'état and unconstitutional changes of government, several interviewees present various cases of coups d'état and unconstitutional changes of government which have served to inform the position of the UN on unconstitutional changes of government in recent years. Looking at previous cases, we find that the responses by the UN have been addressed on a case-by-case basis, with an ad hoc approach to unconstitutional changes of government (Interview with UN official, 2010b; Interview with UN official, 2010c).

The coup in Mauritania on August 6, 2008 resulted in the Security Council condemning the military overthrow of the democratically elected Government of Mauritania and demanding the immediate release of President Abdellahi and the "immediate restoration of the legitimate, constitutional, democratic institutions" (UNSC, 2008). In addition, the Security Council stated that "the Council expressed its opposition to any attempts to change Governments through unconstitutional means" (UNSC, 2008). The UN Secretary-General did not however explicitly condemn the coup d'état, but expressed "deep regret" and called for respect for the rule of law and the immediate restoration of constitutional order in the country (UN News Centre, 2008a). In addition, a UN official added that there had been a problem between the UN on the one side and the AU and ECOWAS on the other, as a result of the Credentials Committee of the UN accepting the credentials of Mauritania during the 63rd session of the General Assembly in

December, 2008 (Interview with UN official, 2010c; UNGA, 2008). This was regarded as a set-back for the AU and ECOWAS who argued that the UN was breaking with the solidarity of the organisations who were seeking a common position and stance on the case of Mauritania at the time (Interview with UN official, 2010c).

Following the death of long-term ruler General Lansana Conté in the Republic of Guinea in December 2008, a military junta seized power announcing the dissolution of the government and parliament and suspending the Constitution in the Republic of Guinea (Souaré, 2009b). Whilst the AU and ECOWAS quickly took a strong stance, condemning the coup and suspending Guinea from the activities of the respective organisations until constitutional order is restored, no statement was made by the UN following the coup in Guinea (Souaré, 2009b; Imisim and Taiwo, 2009). The UN however involved itself in mediation and negotiation processes, following decisions made by the AU and ECOWAS including the establishment of an International Contact Group on Guinea (ISS, 2009b).

The unconstitutional overthrow of the president in Honduras in 2009 resulted in a statement by the UN Secretary-General Ban Ki-moon expressing "deep concern" over the arrest of the constitutional president, President Zelaya, and urging the reinstatement of the democratically elected representatives of the country and full respect for human rights (Reuters, 2009a; UN News Centre, 2009a). This was further supported by the UN General Assembly adopting a resolution explicitly condemning the coup d'état in Honduras stating that the coup has "interrupted the democratic and constitutional order and the legitimate exercise of power in Honduras" (UN News Centre, 2009b; UNGA, 2009a). A UN official explained in an interview that the UN General Assembly rarely addresses cases of unconstitutional changes of government, and that the case in Honduras was one of very few instances when the General Assembly made a statement on cases of coups d'état and unconstitutional changes of government (Interview with UN official, 2010c).

The recent study by the International Peace Institute (Call, 2012) supports the claim that the UN does not have a normative framework in place to address unconstitutional changes of government. Rarely has the General

Assembly addressed it, and the Security Council has been inconsistent in addressing it. The wording of the UNSG also differs on a case-by-case basis, expressing deep regret and concern in most cases. These findings were supported in an interview with a UN official who has worked closely on these issues (Interview with UN official, 2010c).

3.2.2 A Change in the UN Approach

Findings show that the UN does not currently have any doctrine or normative framework in place which explicitly outlines its position on unconstitutional changes of government. This assumption has also been supported in an internal review performed by the UN in 2009, a document which has not yet been publicized but which a UN official discussed in an interview (Interview with UN official, 2010c). However, important steps have been made within the past years. These steps forward by the UN are explained to come largely as a result of recent instances of unconstitutional changes of government in Africa (Interview with UN official, 2010c). In addition, the UN acknowledgement of the comprehensive normative framework of the AU seems also to be an important factor for the UN.

It is particularly in the year 2009 that the UN has made steps forward in addressing its position on constitutional crises. Several interviewees point to the Security Council Presidential Statement which expressed deep concern over the resurgence of unconstitutional changes of government in a few African countries (UNSC, 2009a). This statement came following the submission of a draft presidential statement to Council members prepared by Uganda in close consultation with Libya and Burkina Faso, and regarded as "a coordinated African initiative" (UNSC, 2009b). The Security Council Report on this draft presidential statement underlines that "the willingness and ability of the AU PSC to act in concert against coups on the African continent, in recent times, stand in contrast to the lack of early and unanimous Council condemnation of coups d'état" (UNSC, 2009b: 4). The purpose of the draft presidential statement was to support the Decision of the AU Assembly of Heads of States and Government on the Resurgence of the Scourge of Coups d'état in Africa, 3 February 2009, pointing to cases such as Mauritania and Guinea (AU, 2009a; UNSC, 2009b). In

this regard, one key issue outlined in this report concerned "whether and how to articulate support for the 3 February AU decision condemning the resurgence of coups d'état in Africa" (UNSC, 2009b). Secondly, the report discusses "whether the Council should do more to streamline processes and decisions to lend its political leverage to relevant decisions and peacemaking efforts of the AU and further develop partnerships with regional organisations along similar lines in the spirit of Chapter VIII of the UN Charter" (UNSC, 2009b: 3). Lastly, the report also discusses "whether the Council should consider the desirability of taking a more active role in seeking to deter coups d'état in specific countries and encouraging or supporting mediation, or similar activities, at early stages" (UNSC, 2009b: 3).

As a result, the Security Council issued a presidential statement on 5 May, 2009, "expressing its deep concern over the resurgence of unconstitutional changes of Government in a few African countries" (UNSC 2009a; UNSC, 2009c). The statement further emphasized the primary responsibility of the Security Council for the maintenance of international peace and security, whilst also recalling "that cooperation with regional and subregional organizations, consistent with Chapter VIII of the Charter of the United Nations, can improve collective security". The Security Council also welcomed "the continuing important efforts of the African Union and subregional organizations, consistent with Security Council resolutions and decisions, to settle conflicts, promote human rights, democracy, rule of law and constitutional order in Africa". It welcomed the decision of the AU at its twelfth-ordinary session expressing concern and condemnation of the resurgence of coups d'état which was regarded as not only constituting "a dangerous political downturn and serious setback to the democratic processes, but could also pose a threat to peace, security and stability on the continent". Lastly, the presidential statement "welcomes preventive measures undertaken by the African Union and subregional organizations against unconstitutional changes of Government" (UNSC 2009a; UNSC, 2009c).

In discussions with several interviewees, this presidential statement marked an important step forward by the Security Council in directly addressing unconstitutional changes of government (Interview with anonymous source,

2010; Interview with UN official, 2010a; Interview with UN official, 2010c). This issue was also addressed at the 6157th meeting of the Security Council, when top UN officials addressing challenges in the West African region emphasized that "[c]oups d'état are illegitimate, constituting a severe setback for democratization and a threat to national cohesion and stability, with significant subregional implications" (UNSC, 2009d). In this statement, it was also underlined by the Special Representative of the Secretary-General and Head of the UN Office in West Africa that amongst the challenges to peace and security in West Africa "the resurgence of unconstitutional or violent changes of government was one of the most alarming threats" recalling the statement by the President of the Security Council on 5 May 2009 (UNSC, 2009d; UNSC, 2009c).

These developments show that the UN has had to take a stronger stance and directly address recent cases of unconstitutional changes of government. Whilst it has previously responded on a case-by-case basis, the issue has been raised and the Security Council and/or General Assembly have been challenged to clarify its normative approach. Not least by the AU and representatives of members states of the AU. As a result, the UN has initialized an internal review to clarify and perhaps develop a normative framework on unconstitutional changes of government.

3.2.3 An Internal Review of the UN

In late 2009, an internal review was conducted by the UN to assess the development a norm based principled approach on unconstitutional changes of government by the UN (Interview with UN official, 2010c). This decision is explained to have been triggered by the recent experiences of the UN in addressing (or not) instances of coups d'état and unconstitutional changes of government including Mauritania, Guinea, Madagascar and Honduras (Interview with UN official, 2010c). As a result, two particular points have come out of the internal review. Firstly, it has been recommended that the UN Secretary-General should promote a norm based principled approach on unconstitutional changes of government (Interview with UN official, 2010c). It was acknowledged that the current approach has been done on an ad hoc basis, pointing also to the debate on "good" versus "bad" coups (Ikome, 2007; Collier, 2009). Secondly, the internal

review also addresses the issue of coordination and information sharing with the aim of strengthening the collective response of all sections of the UN to instances of unconstitutional changes of government (Interview with UN official, 2010c). To ensure coherence by all branches of the UN, both operational as well as strategic mechanisms are regarded as necessary, which may also serve to strengthen the collaborative efforts of the UN with other international, regional and sub-regional organisations (Interview with UN official, 2010c).

In discussing this internal review, a UN official explains that the UN does not have a principled approach and schedule for condemnation, suspension, threatening of and then imposing sanctions upon norm-breakers as the AU has. This is however an important point for the UN, with regards to the degree of flexibility the UN may have in addressing these cases. The UN official explains that the UN wishes to develop a principled stance expressing clearly that the UN is against coups d'état and unconstitutional changes of government, eliminating any "good" versus "bad" coups debate as discussed by Ikome (2007). A coup is a coup. However, the UN also wishes to engage constructively with the authorities on the ground to support the return to constitutional order (Interview with UN official, 2010c; Call, 2012). This raises the issue of how stringent a UN position and strategy on unconstitutional changes of government should and could be. The UN Security Council report on the draft presidential statement addressing the resurgence of coups d'état in Africa points this out when it states that "certain Council members (e.g. the UK, the US and France) are reluctant to make condemnation of coups an automatic Council practice and would prefer that the Council reserve the right to determine on a case-by-case basis when an incident of coup d'état should be characterised as a threat to peace and security" (UNSC, 2009b: 4). In further developing a normative framework on unconstitutional changes of government there is a desire by the UN to take a clear stance condemning unconstitutional changes of government whilst also allowing for a degree of flexibility. However, the UN official makes it clear that in developing a normative approach, the UN cannot continue with business as usual when coups or instances of unconstitutional changes of government occur (Interview with UN official, 2010c). As a result, the message promoted within the internal review is that there is now a clear effort on the part of the UN to formulate a coherent

UN strategy and position on coups d'état and unconstitutional changes of government. These findings show that the UN does not currently have a norm based principled approach to unconstitutional changes of government, but that the issue is being addressed within the UN and may result in a more coherent and explicit framework by the UN in the future.

3.3 A Normative Approach in the AU?

The OAU/AU has significantly developed and institutionalised its role as a central regional body addressing peace and security in Africa, particularly within the past two decades. Within the context of the end of the Cold War, the release of Nelson Mandela from prison and the resurgence of intra-state conflicts in Africa, the OAU began to lay a foundation for its role in addressing conflicts in Africa in the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World in 1990. The popular participation of peoples in processes of government and development to promote an environment which guarantees human rights and the observance of the rule of law, as well as peaceful resolutions to conflict, were important issue areas outlined in this document (OAU, 1990). The document also laid the foundations for the Mechanism for Conflict Prevention, Management and Resolution established in 1993 (hereafter referred to as the Mechanism). The Mechanism was established "to ensure that Africa through the Organisation of African Unity plays a central role in bringing about peace and stability in the Continent" (OAU, 1993). Engel and Porto (2010) underline that the OAU at this point began developing a normative approach toward unconstitutional changes of government, when a sub-committee of the Mechanism was designated towards addressing this issue area. This sub-committee would consequently gain particular importance at the OAU Council of Ministers in 1999, prior the establishment of the AU (Engel and Porto, 2010: 7).

A central shortcoming of the OAU was however the limited ability to address internal conflicts as a result of the principle of non-intervention, described "as one of its 'unshakeable' founding principles" (de Coning, 1997). This principle greatly limited both the OAU and African countries in general to

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sufficiently address internal conflicts and civil wars in Africa. Furthermore, and perhaps largely as a result, external actors played a central role in addressing conflicts in Africa in the early 1990's, exemplified by the role of the Portuguese in facilitating negotiations in Angola from 1990 to 1992 as well as by the UN in 1993 to 1995, the role of Italy in mediating the end of the civil war in Mozambique in 1991 to 1992, and the role of the U.S. in Ethiopia in 1990 to 1991 and in Somalia in 1992 to 1993 (de Coning, 1997).

In cases where conflicts did require international intervention, the OAU underlined the role of the UN and cooperative measures under the UN Charter, as well as the coordination of activities with African regional and sub-regional organisations and with neighbouring countries to the conflict. It is within this context that the OAU was re-established to become the AU, to strengthen the organisation as an important regional actor as well as to strengthen the mandate and policies of the organisation.

3.3.1 From the OAU to the AU: Strengthening the Normative Framework

At the Thirty-Third Summit of the OAU in Harare, Zimbabwe, in June 1997, the agenda initially concerned progress made on the continent in achieving peace in areas such as Liberia, Angola and the Democratic Republic of the Congo (DRC) (Meldrum, 1997). However, the coup in Sierra Leone during this time resulted in the issue being raised in the OAU on how to address coups and to consider actions to be taken against the coup makers (Meldrum, 1997). Both the Secretary-General of the UN at the time, Kofi Annan, and the OAU chairman at the time, President Robert Mugabe, directly addressed this issue. Secretary-General Annan stated "'[n]eighboring states, regional groups and international organizations must all play their parts to restore Sierra Leone's constitutional and democratic government'" (Meldrum, 1997). President Mugabe reiterated these sentiments, stating "'[c]oup-plotters and those who overthrow democratic governments will find it more difficult to get recognition from us. Democracy is getting stronger in Africa and we now have a definitive attitude against coups'" (Meldrum, 1997). As a result, the OAU Summit in 1997 began to develop a clear stance on coups d'état and ultimately upon the broader issue of unconstitutional changes of government on the continent. As Souaré explains, "[f]or almost the

first time, African leaders jointly and unequivocally condemned and rejected coups and any unconstitutional change of government on the continent and resolved to maintain a united official stance on this issue in the future…" (Souaré, 2009a).

The Algiers Summit held by the OAU in 1999 also placed the issue of unconstitutional changes of government on the agenda, outlined in the decision "that Member States whose Governments came to power through unconstitutional means after the Harare Summit, should restore constitutional legality before the next Summit" (OAU, 1999). The Algiers Summit requested that the Secretary-General remain observant of unconstitutional activities taking place within member states and called upon a report on progress being made on this issue for the next Summit to be held, leading up to the Lomé Declaration of 2000 as well as the African Charter on Democracy, Elections, and Governance of 2007.

The Constitutive Act of the African Union was adopted in July 2000 in Lomé, Togo, establishing the legal-institutional framework for the transformation from the OAU to the AU (Engel and Porto, 2010: 2). The Constitutive Act is described as "giving it [the AU] a radically new vision and mission, a set of clearly defined objectives and responsibilities" (Engel and Porto, 2010: 2). This document serves to institutionalise the AU stance on unconstitutional changes of government, outlined in Article 4(p) of the Constitutive Act stating that one of the principles of the AU is the condemnation and rejection of unconstitutional changes of government (AU, 2000). In addition, Article 30 states that "Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union" (AU, 2000). From the establishment of the AU then, a normative approach is clearly outlined in the Constitutive Act laying the foundation for the further development of a normative framework on this issue.

The Thirty-Sixth Summit of the OAU takes another step forward in addressing unconstitutional changes of government with the "Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government" (OAU, 2000). This declaration, referred to as the Lomé Declaration, is a second key document on the norm condemning unconstitutional changes of government

in the OAU/AU (Interview with Kambudzi, 2010; Souaré, 2009; Engel and Porto, 2010). To further strengthen a clear normative framework on unconstitutional changes of government, The African Charter on Democracy, Elections and Governance of 2007 (hereafter referred to as the Charter) greatly strengthens the OAU/AU doctrine on unconstitutional changes. The central points of Lomé Declaration and the African Charter will be considered together, as they both provide the current framework of the AU on unconstitutional changes.

Firstly, these documents point out a range of guiding principles and common values of the OAU/AU. These include the respect for democratic principles, democratic change and human rights; free, fair and regular elections; the institutionalisation of transparency, accountability and participatory democracy; respect for the constitution and the principle of the rule of law; separation of powers and independence of the judiciary; and the condemnation and total rejection of unconstitutional changes of government (OAU, 2000; AU, 2007).

Both the Lomé Declaration and the Charter define situations considered to be an unconstitutional change of government as 1) a military coup d'état against a democratically elected government; 2) intervention by mercenaries to replace a democratically elected government; 3) replacement of a democratically elected government by armed dissidents or rebels; and 4) the refusal of an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections (OAU, 2000; AU, 2007). The Charter adds a fifth situation in Article 23(5) as "any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government" (AU, 2007). Whilst the Lomé Declaration places focus upon how governments come into power to prevent individuals and/or groups from coming into power unconstitutionally and undemocratically, the Charter takes a step further to also focus upon the issue of staying in power on a constitutionally legal and democratic basis thereby addressing the issue of retaining power constitutionally. These instruments therefore address both unconstitutional replacement, as an illegal accession to power, and emplacement, referring to the illegal retention of power (Maru, 2012: 68).

To operationalise these common values and principles condemning unconstitutional changes of government, a range of policy standard responses are outlined in the Lomé Declaration and the Charter. Souaré (2009) presents these central points in his review of these documents which include, in order, the following actions.

- That the Chairperson of the OAU/AU Commission and the President of the AU Commission (AUC) immediately and publicly condemn the act of unconstitutional change of government and urge for the speedy recovery to constitutional order and also urge for consistency of action at the bilateral, inter-state, sub-regional and international levels.

- The Peace and Security Council (PSC) of the AU convene, as a matter of urgency, to discuss the matter.

- The country where unconstitutional change of government occurred should be suspended from participating in the policy organs of the AU while the 'new authorities' (or the perpetrators of the UCG) are given a period of six months to restore constitutional order. This is supported by Article 30 of the Constitutive Act stating that "Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union" (AU, 2000).

- During the six-month time period, the AU is to remain seized of the matter and "engage with the new authorities with a view to ascertaining their intentions regarding the restoration of constitutional order in the country, and, in so doing, seek the contribution of African leaders and personalities in the form of discreet moral pressure on the perpetrators of the unconstitutional change in order to get them to cooperate with the AU in its efforts." Collaboration with the REC to which the country concerned belongs is also underlined.

- After the six-month suspension period, "a range of limited and targeted sanctions against the regime that stubbornly refuses to restore constitutional order should be instituted, in addition to the continued suspension from participation in the AU policy organs." In implementing these sanctions, "the AU should involve all its Member States, RECs and the wider international/donor community, including the UN". It is also

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noted that the sanctions should not cause disproportionate suffering of the citizens in the country concerned.

Article 25 of the Charter further supports these actions as outlined in the Lomé Declaration and adds an additional two actions to be taken. In paragraph four of Article 25 of the Charter, the AU states that "[t]he perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their State" (AU, 2007; Souaré, 2009). In addition, paragraph 6 of Article 25 states that "[t]he Assembly shall impose sanctions on any Member State that is proved to have instigated or supported unconstitutional change of government in another state in conformity with Article 23 of the Constitutive Act" (AU, 2007). These decisions by the Charter serve to greater strengthen the zero-tolerance policy by the AU on unconstitutional changes of government.

The Protocol Relating to the Establishment of the Peace and Security Council (the PSC Protocol) adopted in July 2002, and entering into force in December 2003, further supports the norm condemning unconstitutional changes of government and reaffirms the position and decisions made in the Algiers Summit in 1999 as well as the Lomé Declaration of 2000 in condemning unconstitutional changes of government on the continent (AU, 2002; Engel and Porto, 2010). Lastly, the Rules of Procedure for the AU Assembly outlines in Rule 37 action to be taken, including sanctions to be applied, to unconstitutional changes of government (Engel and Porto, 2010: 8).

In sum, we find that the AU Constitutive Act of 2000, the Lomé Declaration of 2000 and the Charter on Democracy, Elections and Governance of 2007 (ratified in 2012) provide the main pillars for a robust normative framework on unconstitutional changes of government within the African Union.

3.3.2 Recent Developments on the Position of the AU

Following occurrences of unconstitutional changes of government in Africa, including the case of Madagascar, the AU has shown increased concern on the matter highlighted in the Twelfth and Thirteenth Ordinary Sessions of the AU in

2009. At the Twelfth Ordinary Session, the AU expresses "deep concern over the resurgence of the scourge of coups d'état on the Continent, which constitutes not only a dangerous downturn and a serious setback to the democratic processes, but also a threat to peace, security and stability on the Continent…" (AU, 2009a). The Thirteenth Ordinary Session of the AU in July 2009 follows up with a "Decision on the prevention of unconstitutional changes of government and strengthening the capacity of the African Union to manage such situations" calling for the Chairperson of the Commission to initiate consultations to address ways and means of strengthening the capacity of the AU to address the scourge of unconstitutional changes of government and calls for a final report with comprehensive recommendations on the matter for the Fourteenth Ordinary Session of the AU (AU, 2009b). These sessions led to the "Report of the Chairperson of the Commission on the Prevention of Unconstitutional Changes of Government and Strengthening the Capacities of the African Union to Manage such situations" in January 2010 and consequently the "Decision on the Prevention of Unconstitutional Changes of Government and Strengthening the Capacities of the African Union to Manage Such Situations" by the AU Assembly in February 2010 (AU, 2010a). This decision reiterates the AU's total rejection of unconstitutional changes of government and also emphasized the need for a comprehensive approach to address this issue based on a principle of zero-tolerance. In addition, the Peace and Security Council held a retreat in Ezulwini, Swaziland, in December 2009 to also address "ways and means of strengthening the capacity of the AU to deal with the scourge of unconstitutional changes of Government in Africa" (AU, 2010b).

Since the African Charter on Democracy, Elections and Governance of 2007 was yet to be ratified at the Fourteenth Ordinary Session of the AU Assembly in January-February 2010, the AU sought to further support Article 25 of the Charter by reiterating the points made in Article 25 in hopes of further strengthening the capacities of the AU in addressing unconstitutional changes of government. The Decision emphasises the importance that members of the AU as well as non-members, and particularly the UN and the General Assembly, do not recognize the de facto authorities and provide support for the decisions taken by the AU in seeking to take a firm and strong stance on this issue. The AU

acknowledges that it is important to receive broad support for AU decisions by the international community to avoid action which may undermine the decisions of the AU and send conflicting signals to the perpetrators. The use of International Contact Groups (ICGs) to secure a return to constitutional order is also encouraged, to ensure coordinated efforts and to mobilize support for the decisions of the AU from the international community. Lastly, the decision reiterates the fundamental role of RECs and their rules and practices in addressing unconstitutional changes of government.

The Peace and Security Council at its 213th Meeting in January 2010 also sought to take strong steps toward addressing unconstitutional changes of government, stating that "it has become imperative to put in place further practical strategies and measures with a view to strengthening the existing institutional arrangement for preventing and combating unconstitutional changes of Government in Africa" (AU, 2010b). Particularly noting the pending of entry into force of the Charter at the time, the PSC reiterated the promotion of zero-tolerance of unconstitutional changes of government and suggested that the AU take an even firmer stance on unconstitutional changes of government. These actions include the shortening of the time period perpetrators have to restore constitutional order from six months to three months; further elaborate upon the Lomé Declaration on regimes that "stubbornly" refuse to restore constitutional order, in order to hold any unconstitutional regime/de facto authority fully accountable within the framework of AU instruments for combating and preventing unconstitutional changes of government; further enhance coordination and cooperation between the AU and RECs; accelerate the ratification of the Charter; as well as preparing guidelines for preventive deployment of AU presence before the breakdown of law and order based on AU early warning indicators (AU, 2010b). On the basis of these decisions, the AU has made clear its complete and total rejection of unconstitutional changes of government on the continent.

3.4 A Normative Approach in the SADC?

With the creation of SADC and the signing of the SADC Treaty and SADC Windhoek Declaration in 1992, the focus of the organisation shifted from "the co-

ordination of some, mainly national, affairs in a fairly loose association to co-operation and integration through an international organisation" (Oosthuizen, 2006: 70). Together with a focus upon deeper economic co-operation and integration as well as strengthened regional solidarity, the Windhoek Declaration outlines that the framework for co-operation includes enhancing "democracy and good governance, respect for the rule of law and the guarantee of human rights, popular participation and alleviation of poverty" (Oosthuizen, 2006: 71). The SADC Treaty similarly outlines its principles including solidarity, peace and security as well as democracy, human rights and the rule of law (SADC, 2001; Oosthuizen, 2006: 302).

The SADC Treaty encompasses two overall objectives which are the promotion of socio-economic growth and socio-economic development as well as the "the promotion and maintenance of peace, security and democracy, through regional co-operation and integration" (Oosthuizen, 2006: 121). The SADC Treaty of 1992 differs from the amended Treaty of 2001 in that it paid less attention to the issue of democracy, stating in its political and security objectives in Article 5 (b) and (c) of the 1992 Treaty that SADC "shall evolve common political values, systems and institutions" and "promote and defence peace and security" (Oosthuizen, 2006: 72; SADC, 1992). In contrast, the amended 2001 Treaty states in Article 5 (b) and (c) that it seeks to "promote common political values, systems and other shared values which are transmitted through institutions which are democratic, legitimate and effective" and "consolidate, defend and maintain democracy, peace, security and stability" (Oosthuizen, 2006: 280; SADC, 2001). Similar to the language depicting the values and principles of the UN, the terms "democracy, [democratic] elections, human rights, the rule of law, and good governance" are therefore found to be appearing more frequently in SADC sources (Oosthuizen, 2006: 301). However, in contrast to the AU Constitutive Act, the SADC Treaty does not explicitly address the issue of coups d'état or unconstitutional changes of government in its text.

The Organ on Politics, Defence and Security was created at the SADC Extraordinary Summit on 28 June 1996 and "has developed into a critical structure whose function has become the major determinant of the direction that peace and security in the sub-region will take" (Ngoma, 2005: 141). No treaty

was drafted at the time, and the objectives, principles and institutional framework of the body were presented in the Summit communiqué in 1996 (Oosthuizen, 2006: 85). There were also major disputes particularly with regards to whether the Organ and its chairperson would fall under the SADC Summit, promoted by South Africa, or whether it would be a relatively autonomous body with its own summit, promoted by Zimbabwe (Oosthuizen, 2006: 86). The period between 1996 and 2001 therefore consisted of a weak OPDS described "as if the OPDS ceased to exist for several years" (Oosthuizen, 2006: 86). With the amendment of the SADC Treaty in 2001 however, the Organ was formally established in its present form in which the Protocol on Politics, Defence and Security Co-operation, the 2003 Mutual Defence Pact, the SIPO and the 2004 SADC election guidelines outline the structure, functions, power, and procedures of the Organ (Oosthuizen, 2006: 213-214).

Together with the SADC Treaty, the Protocol on Politics, Defence and Security Co-operation provides the general basis for political and security co-operation in the sub-region (Oosthuizen, 2006: 279). Amongst its objectives, the Protocol outlines in Article 2 the aim to "protect and safeguard the development of the Region against instability arising from the breakdown of law and order, intra-state conflict- inter-state conflict and aggression"; "promote political co-operation among State Parties and the evolution of common political values and institutions"; and "promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights…" (SADC, 2001b). In specifying the areas in which the Organ has jurisdiction to resolve intra-state conflicts amongst its members, the Protocol regards "a military coup or other threat to the legitimate authority of a State" as a significant intra-state conflict under Chapter 2 of the Protocol (SADC, 2001b). The Protocol also reaffirms the primary role of the UN in promoting and maintaining international peace and security and of the AU Mechanism for Conflict Prevention, Management and Resolution. Co-operation and coordination with these organisations is therefore recognised as important in promoting peace and security in the region as "political, defence and security matters transcend national and regional boundaries" (SADC, 2001b). The methods which the Organ may employ to prevent, manage and resolve conflict by peaceful

means include "preventive diplomacy, negotiations, conciliation, mediation, good offices, arbitration and adjudication by an international tribunal" (SADC, 2001b). On the topic of enforcement action, the Protocol empowers the Chairperson acting on behalf of the Ministerial Committee to recommend such action to the Summit whilst recognising such action as a last resort and in accordance with Article 53 of the United Nations Charter with authorization from the UN Security Council.

The Strategic Indicative Plan for the Organ (SIPO) is meant to be the implementation plan for the Protocol and divides the security priorities outlined in the objectives of the Protocol into four areas, namely the political sector, the defence sector, the state security sector and the public security sector (Van Schalkwyk, 2005: 120). The SADC Summit approved the SIPO in August 2003 and it was officially launched in August 2004, and is based upon the objectives and common agenda of Article 5 of the amended Treaty of 2001 (Oosthuizen, 2006: 127; SADC, 2004). The Regional Indicative Strategic Development Plan (RISDP) serves as SADC's main socioeconomic development plan, approved by the Summit in August 2003 and launched in March 2004 (Oosthuizen, 2006: 125). These serve as key instruments for SADC in promoting socioeconomic development as well as political and security co-operation in the region (Oosthuizen, 2006: 125, 127). These documents reflect the common language within SADC on the promotion of democracy and good governance, transparency, respect for the rule of law and respect for human rights as prerequisites and challenges for SADC in seeking to promote the main objectives of socioeconomic development and peace, security and democracy as outlined in the SADC Treaty (Oosthuizen, 2006: 303; SADC, 2004; SADC, 2004b). But unconstitutional changes of government are not explicitly mentioned.

The Mutual Defence Pact was provided for in the Protocol on Politics, Defence and Security Co-operation in Article 2 (2)(h) which states as an objective to "consider the development of a collective security capacity and conclude a Mutual Defence Pact to respond to external military threats" (SADC, 2001b). Article 2 of the Mutual Defence Pact states as its objective "to operationalise the mechanisms of the Organ for mutual cooperation and security matters" (SADC, 2003). Supporting the commitment of SADC to function as a collective defence

organisation, the Mutual Defence Pact commits "members to (unspecified) mutual assistance against attack" (Möller, 2009). This document touches upon the issue of unconstitutional changes of government, when it specifies that destabilising acts include "any act or activity aimed at changing the constitutional order of a State Party through unconstitutional means" (SADC, 2003). However, the focus here is upon assuring that member states do not undertake such acts against other member states. As Article 8 of the Pact states, "state parties undertake not to nurture, harbour or support any person, group of persons or institutions whose aim is to destabilise the political, military, territorial and economic or social security of a State Party" (SADC, 2003). The Pact thereby focuses upon external destabilising factors rather than destabilising factors within a member state, reflecting the traditional focus upon regime security rather than human security within SADC.

A SADC official explains that the general position of SADC is that it does not tolerate unconstitutional changes of government (Interview with Sangiza, 2010). This general position of SADC is reflected in various cases, for example in the case of Lesotho in 1998. South Africa and Botswana deployed troops to Lesotho, at the request of the Prime Minister in hopes to stabilize a domestic crisis and to avoid a coup (Nathan, 2006: 612). This intervention however led to the deaths of both South African as well as Basotho soldiers, and resulted in a wave of criticism and the view that the intervention was a political and military disaster (Nathan, 2006: 612). In seeking to explain why South Africa and Botswana intervened, one main issue was namely that the intervention "flowed from a SADC decision to not permit coups and other unconstitutional changes of government in southern Africa" (Nathan, 2006: 613). Similarly, SADC responded to a coup attempt in the Democratic Republic of Congo (DRC) on 10 June 2004 by stating its "deep concern and dismay" over the coup attempt. In the same press release from the Inter-State Politics and Diplomacy Committee (ISPDC) of the SADC Organ on Politics, Defence and Security Co-operation, SADC states that it "will not tolerate and will not allow unconstitutional change of governments in the region" (SADC, 2004c).

SADC officials explain that the general position of SADC is that it does not tolerate unconstitutional changes of government in the region (Interview with

Sangiza, 2010; Interview with Ndlovu, 2010). However, both confirm that SADC does not have an explicit framework on unconstitutional changes of government (Interview with Sangiza, 2010; Interview with Ndlovu, 2010). Furthermore, both reiterate that the member states of SADC are also members of the AU. They explain that SADC accepts the policies and legal instruments of the AU and that SADC therefore also bases its position on unconstitutional changes of government on the policies and documents of the AU (Interviw with Sangiza, 2010; Interview with Ndlovu, 2010). But an explicit normative framework on unconstitutional changes of government within SADC is currently not in place.

3.5 From Policy to Practice

Background reviews of the UN, AU and SADC show that there have been clear normative shifts within all organisations in the post-Cold War era. The shift from a focus upon regime security to human security particularly exemplifies this change in normative approaches toward peace and security on the African continent. In seeking to identify the emergence and salience of a normative approach toward unconstitutional changes of government within the UN, AU and SADC, it is also clear that a normative approach is developing although to varying degrees within each organisation. We find that a norm condemning unconstitutional changes of government has clearly evolved and become institutionalised through key political documents in the AU, whilst a strong normative framework is not yet in place within the UN and SADC.

A review of the UN shows that the UN does not currently have a norm-based, principled approach toward unconstitutional changes of government. UN responses are shown to be taken on an ad hoc basis, with a preference amongst several member states to retain this degree of flexibility and consider instances of unconstitutional changes of government on a case-by-case basis. The manner in which the UN involves itself therefore largely concerns support for decisions and actions taken by regional and sub-regional organisations and involvement in forum such as International Contact Groups to support and help coordinate the efforts of the regional and sub-regional organisations. A clear and structured response to Madagascar by the UN is therefore not expected on the basis of these findings. As a UN official explains, there is no principled approach or schedule for

condemnation, suspension, threatening of and then imposing sanctions upon norm-breakers as the AU has. What can be expected is that the UN offers support to the efforts of regional and sub-regional organisations, to mediation efforts, electoral and technical assistance and/or financial and logistical support.

In contrast to the UN, a clear normative framework on unconstitutional changes of government has clearly emerged and become salient within the AU. The main documents outlining the policies of the AU on unconstitutional changes of government include the Constitutive Act of 2000, the Lomé Declaration of 2000, the AU Charter of 2007 as well as the more recent AU decision on the prevention of unconstitutional changes of government at the Fourteenth Ordinary Session of the AU Assembly and the Ezulwini Framework from the 213th Meeting of the Peace and Security Council in 2010. These documents provide a clear overview of the actions we may expect the AU to take in instances of unconstitutional changes of government. First, the AU is to immediately and publicly condemn the act of unconstitutional changes of government and urge the return to constitutional order. This should be followed by the suspension of the country concerned from participating in the policy organs of the AU, while the new authorities are given a period of six months to restore constitutional order. Following suspension, the AU is to remain seized of the matter and engage with the new authorities to ensure and support the return to constitutional order. If by six months constitutional order is not restored, the AU is to impose a range of limited and targeted sanctions with the involvement and support of the relevant RECs and of the international community, and particularly the UN. In addition, the AU has decided that perpetrators are not allowed to participate in elections to restore constitutional order or hold any position of responsibility in the political institutions of the state. And lastly, the AU is to impose sanctions upon any member state which has instigated or supported unconstitutional changes of government in another state. This normative framework results in the expectation that when instances of unconstitutional changes of government occur in Africa, the AU will take a clear and strong stance against it and respond on the basis of actions to be taken as outlined in the policy documents above.

A review of SADC depicts a similarity to the UN, in that SADC does not have a clear and structured framework guiding a norm-based response to

unconstitutional changes of government. However, interviewees from within SADC have made it clear that SADC does not accept any unconstitutional change of government in the region. This position does indicate that SADC will respond to instances of unconstitutional changes of government, although guidelines for a SADC response are yet to be put in place. The manner in which SADC does chose to respond has furthermore been a point of focus in studies of how SADC addresses security challenges in the region. A main distinction amongst the member states of SADC has concerned pacific versus militaristic approaches to regional security (Nathan, 2006: 606). This has been reflected in the process of developing the SADC regional security policy and particularly the OPDS, in which it was found that "it was clear that many states did not support the anti-militaristic and democratic norms" (Nathan, 2006: 608-609). These differences have therefore led to a discussion on whether there are clear common political and security values and practices amongst the members of SADC (Nathan, 2006; Tavares, 2010: 59-60). In looking towards where decision-making takes place in addressing regional security issues, we find that SADC Summits remain the main source for addressing regional security issues and taking decisions on how to respond and take action in the region. Whilst SADC does not have clear guidelines on how to address unconstitutional changes of government, it is at the Summit level meetings that we expect to find the SADC position and response to the case of unconstitutional change of government in Madagascar. Building upon these findings, the following chapter will assess the responses by the UN, AU and SADC to the case of unconstitutional change of government in Madagascar.

Chapter 4
The Response to Madagascar

4.1 Background to the Political Crisis

The political crisis in Madagascar resulting in the unconstitutional change of government in March 2009 was not the first time Madagascar experienced political instability. Since its independence in 1960, but particularly from the 1970s, Madagascar has experienced recurring political instability and violence (Randrianja and Ellis, 2009: 187; Maunganidze, 2009: 1). The country's instability has been a result largely of economic crisis, poverty, contested constitutional order, partisan politics and ethnic tensions (API, 2009: 6). The manner in which the now ousted President, Marc Ravalomanana, came into power in 2001 is a clear example of this. Ravalomanana first entered politics in 1999 when he became mayor of the capital city Antananarivo, and had only been in politics for three years when he became a candidate for the presidential elections in 2001. The incumbent president at the time, Didier Ratsiraka, and the former president, Albert Zafy, were also candidates. The elections in 2001 were held during a time in which the established political parties were "more or less devalued by corruption and nepotism" (Randrianja and Ellis, 2009: 206). Ravalomanana was a successful businessman who had become widely popular for making improvements to the capital, was admired for his willingness to stand up to government bullying and also received considerable support from the churches (Randrianja and Ellis, 2009: 206). Following the first round of elections, neither Ravalomanana nor Ratsiraka received an absolute majority of the votes cast, resulting in the High Constitutional Court (HCC) calling for a second round of voting (Cornwell, 2003: 42). This led Ravalomanana to call for a recount whilst Ratsiraka said he was prepared to contest a second round. Following increased tensions between the two rivals, the situation in Madagascar was seen as culminating into "nothing less than a low-intensity civil war" (Cornwell, 2003: 42; Randrianja and Ellis, 2009: 208). Following a series of actions in which Ravalomanana declared himself president and had himself sworn in, Ravalomanana gained more and more power within the government, reflecting the waning influence of Ratsiraka (Cornwell, 2003: 44). In late April 2002, the

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HCC declared that Ravalomanana had won with a majority of 51.46% of the votes (Cornwell, 2003: 45). Ratsiraka flew into exile in France, and numerous states began to recognize Ravalomanana as the head of state (Cornwell, 2003: 44, 47, 48). On the request of the international community to remove any doubt of Ravalomanana's legitimacy as head of state, parliamentary elections were held in December 2002 in which Ravalomanana won a clear victory in which he and his allies received 132 of 160 seats (Cornwell, 2003: 49). Ravalomanana therefore emerged as President of Madagascar.

The 2006 elections however were "undermined by incidents of electoral violence and unrest, plunging Madagascar into a near permanent state of political instability" (Zounmenou, 2009). Ravalomanana was re-elected with 54.97% of the votes, yet evidence of autocratic leadership and democratic retreat were increasing with increased public discontent with the government (API, 2009: 8). In 2007, the government organised a constitutional referendum which provided additional powers to the head of state followed by legislative elections in the same year to align the legislature with the amended constitution, giving Ravalomanana total control of the legislature with 106 of 127 seats (API, 2009: 8). These actions served to further strengthen the powers of Ravalomanana and his I Love Madagascar (TIM) party whilst at the same time increasing discontent with the government amongst many voters. The period between the elections in 2006 and 2008 showed increased discontent and should have served as an early warning for Ravalomanana "to quickly move towards an inclusive political dispensation" (API, 2009: 8). These political developments and the history of political instability in the country should perhaps also have served as early warning signals for the international community in recognizing the possibility of renewed instability and conflict. A UN official however revealed that there was little concern with the internal conditions of the country at the time, exemplified by the decision of the Assembly of the AU in early February 2009 that Madagascar host the Thirteenth Ordinary Session of the Assembly (Interview with UN Official, 2010a; AU, 2009c). In addition, following the tremendous economic setback from the 2001 elections, the country was showing economic development and between 2000 and 2007 Madagascar's Human Development Index (HDI) rose 1.14% annually (HDR, 2009).

Ravalomanana was accused of mixing his personal business with state politics, and through his company Tiko took over the running of several former state-owned enterprises (Maunganidze, 2009: 3). Another source of provocation was the purchase of a private jet in 2008 at the cost of sixty million dollars to be used as the president's official aircraft (Maunganidze, 2009: 3; Rasmussen, 2010). Lastly, Ravalomanana was brokering a deal with a Korean company to lease 3.2 million acres of land for agricultural production to meet Korea's demand which constituted more than half of Madagascar's cultivatable land (Walt, 2008; API, 2009: 7, 11). This was taking place during a time in which the country of Madagascar faced "grinding poverty, joblessness, widening social inequalities, poor service delivery and corruption" (API, 2009: 8). The Human Development Index of 2009 ranked Madagascar at 145 out of 182 countries, with a Human Poverty Index ranking of 113 out of 135 countries with data (HDR, 2009).

The local elections in 2007 introduced Andry Rajoelina to the political stage, in which he won a landslide victory of sixty-three percent of the total vote for mayor of Antananarivo over the handpicked candidate of President Ravalomanana (API, 2009: 9). Before becoming mayor, Rajoelina had been a disc jockey and event organisor in the capital and set up his own radio and television station called VIVA, raising his profile in the country (API, 2009: 9). During a time in which there was increasing discontent with how Ravalomanana was running the country, Rajoelina capitalised upon these sentiments and "embarked on a spirited political campaign to challenge the authority of the Ravalomanana government" (API, 2009: 9). An official in the Department of International Relations and Cooperation (DIRCO) explained that the consequent uprise and political unrest was perceived not necessarily as pro-Rajoelina support but rather as anti-Ravalomanana sentiment, where Rajoelina represented the frustrations of the people and thereby gained support for spear-heading an anti-Ravalomanana movement (Interview with DIRCO Official, 2010a).

It is within this context that Rajoelina's television station broadcast an interview with former president Didier Ratsiraka in which Ratsiraka "lamented the state of governance in Madagascar and blamed the country's economic woes on his successor, Marc Ravalomanana" (Maunganidze, 2009: 2). As a result, the

government ordered a temporary shutdown of VIVA which further reinforced the perception of Ravalomanana's authoritarianism in the country (API, 2009: 9). This led Rajoelina to begin publicly criticising Ravalomanana and his administration and rally up political protests "to tap on growing discontentment against the TIM leadership" (Maunganidze, 2009: 2; API, 2009: 9). The closing of the VIVA television station is therefore regarded as the catalyst for the consequent political and security crisis in Madagascar and the opportunity for Rajoelina to begin mustering oppositional support against the Ravalomanana government.

4.2 Increasing Tensions in Early 2009

Following the closing of VIVA, the months of January and February 2009 showed an increase in violence, looting, loss of lives and political unrest in the country. On January 26, Rajoelina called for his supporters to hold a public protest which led protesters to take to the streets of Antananarivo marking the beginning of violent conflict and increasing death tolls in the capital city (Maunganidze, 2009; Huffington Post, 2009). Several properties linked to the government and to Ravalomanana were set on fire and on January 28 another protest was held resulting in another round of violence raising the approximate death count to between thirty and fifty people "marking the beginning of large-scale aggression towards the government" (Maunganidze, 2009: 4). On January 31 Rajoelina unilaterally declared himself President of the Higher Authority of Transition and called for Ravalomanana to resign (BBC, 2009a; IRIN News 2010a). Rajoelina was consequently removed from office as mayor on February 3, worsening the already volatile situation and leading to another protest outside the presidential palace on February 7 (Maunganidze, 2009: 4). The February 7 protest has since been referred to as "Red Saturday", as a result of the presidential guard opening fire with live bullets upon the protesters and killing twenty-eight more people raising the total number of casualties to one hundred (Maunganidze, 2009: 4). It is within this context that "the international community realised that the political crisis in Madagascar had reached boiling point and that the only solution would be mediated negotiations" (Maunganidze, 2009b). The UN, AU and SADC had

begun to realise the seriousness of the situation and deployed various missions to assess the situation and attempt to support mediation efforts in the country.

4.2.1 Responses to Increasing Instability in Early 2009

As the political and security situation in Madagascar continued to deteriorate in the months of January and February, SADC deployed several missions including a preliminary mission led by the SADC Executive Secretary, Dr. Salomão, on 6 to 7 February 2009 and a follow-up assessment mission comprising of the Organ Troika member states (the Kingdom of Swaziland, the Republic of Mozambique and Angola) from 14 to 19 February 2009 (SADC, 2009a). These missions were deployed to assess the situation in Madagascar following a briefing by the Prime Minister of Madagascar to the SADC Ministerial Committee of the Organ Troika at the margins of the AU Assembly in Addis Ababa, Ethiopia on 2 February 2009 to discuss "the political and security situation in the country following recent developments which resulted in the loss of lives and destruction of property" (SADC, 2009b: 1). These consultations were held with the numerous stakeholders involved and included both Ravalomanana and Rajoelina (SADC, 2009a; SADC, 2009c).

In the SADC press release, SADC noted the need to encourage political dialogue among all the stakeholders in Madagascar; the need for political tolerance and respect for the rule of law; the need to resolve the current political challenges through peaceful means other than resorting to violence; and the need for respect for human rights (SADC, 2009b: 3). SADC further stated that it would be present in the mediation process through the SADC missions based in Antananarivo and that it would work with other international organisations including the AU and the UN in "facilitating for the peace of Madagascar". SADC also stated that it would remain observant of the situation "until the challenges are overcome" and asked for the support of the international community in the local mediation efforts (SADC, 2009b: 3). On the position of SADC, it was further elaborated that the SADC Council of Ministers would "not entertain illegal removal of the legitimate Government from power" and would "provide assistance to Madagascar in terms of training of the security forces and antiriot equipment" (SADC, 2009c).

A DIRCO official explained in an interview that whilst SADC sent a number of missions during this time period, they spoke with the same people and had little to no follow-up after the completion of the missions (Interview with DIRCO Official, 2010b). In addition, a number of missions deployed by the AU and UN were taking place simultaneously. This time period in January and February is therefore described by several interviewees as a period with little coordination between the UN, AU and SADC (Interview with DIRCO Official, 2010a; Interview with Spies, 2010).

The AU issued several press releases and communiqués in the months of January and February expressing concern over the deteriorating situation, condemning the eruption of violence and reiterating the "unequivocal position of the African Union in condemning very strongly any unconstitutional changes of Government" (AU, 2009d; AU, 2009e). It also dispatched several representatives to assess the situation and to consult with the relevant stakeholders, including the Commissioner for Peace and Security, Ambassador Ramtane Lamamra, and the Special Envoy of the Chairperson of the Commission, Mr. Ablassé Ouedraogo (AU, 2009d).

The United Nations was also involved in these early stages, and at the invitation of the government of Madagascar (led by Ravalomanana), Secretary-General Ban Ki-moon dispatched Assistant Secretary General for Political Affairs, Haile Menkerios, "to assess the situation in the country and explore what the United Nations could do to help further avert violence and contribute towards peace and stability in Madagascar" (UN, 2009). Chris Spies, who served on the Madagascar Support Unit for the UN from February to March 2009, explained in an interview that the UN during this time sought to support the local mediation efforts in Madagascar (Interview with Spies, 2010). He furthermore explained that he did not perceive the situation at the time as a well organised, coordinated, single-focused and collaborated effort amongst the international actors including the AU, UN and SADC (Interview with Spies, 2010).

The initial responses by SADC, the AU and UN to the increasing political tensions in Madagascar therefore reflected a variety of missions and representatives from the respective organizations with the aim of gathering information on the situation and seeking to support local mediation efforts.

Additional actors also involved themselves in seeking to find a solution to the crisis, including the Indian Ocean Commission (IOC), the International Organisation of La Francophonie (IOF), the influential Madagascan Christian Council of Churches (FFKM) and individual countries such as Senegal and France (Maunganidze, 2009b). Furthermore, the UN had been given a prominent role in supporting the local mediation efforts since Ravalomanana and Rajoelina had "repeatedly agreed to talks on the basis that Haile Menkerios…would mediate" (Maunganidze, 2009b). In describing the manner in which the various organisations sought to address the crisis and support mediation, Chris Spies explains that it was a period that did not have a well organized, coordinated, single-focused collaborated effort on the part of the organisations involved (Interview with Spies, 2010). In describing the situation, Maunganidze (2009b) explains that:

> …the fact that there had been a myriad of mediators or potential mediators in the country was problematic because they lacked coordination, and none of them seemed to have deemed it necessary to take the lead in coordinating their efforts and harmonizing their proposals- something that is critical for any successful mediation.

Whilst there are many factors which led to the failure of finding an early solution to the crisis, including the lack of willingness by Ravalomanana and Rajoelina to find a compromise, the lack of a coordinated and organised effort by the international community did not resolve the conflict at the time (Maunganidze, 2009b; Zounmenou, 2009b: 72). Rajoelina was also mustering increased support by supporters opposing the Ravalomanana leadership. In addition, the Madagascan military became involved from January 2009 (API, 2009: 12). Whilst it was under pressure to remain neutral, the military was split between those who remained neutral to the conflict and those who supported the opposition (API, 2009: 12). In addition, wage-related grievances and allegations of corruption served to further involve the military in the conflict (API, 2009: 12). The situation therefore continued to deteriorate and ultimately resulted in a military-backed unconstitutional change of government in March 2009.

4.3 March 17: An Unconstitutional Change of Government

The initial attempts by the international community to support mediation efforts in Madagascar are described as "too little, too late" (Interview with Spies, 2010). In reviewing the press releases and communiqués during this time period, SADC, the AU and the UN do point out the need to coordinate their efforts in Madagascar. However, their attempts did not succeed and the situation rapidly deteriorated. On 8 March 2009, mutineers in the military refused to follow orders from the Defence Minister to use force against protesters and forced the minister to resign (API, 2009: 12). Rajoelina capitalised upon this opportunity and with the support of pro-Rajoelina soldiers had the army chief removed marking the demise of Ravalomanana's control over the army (API, 2009: 13). On 17 March, Ravalomanana announced his resignation and handed power over to the military directorate (Maunganidze, 2009:1; API, 2009: 13). This transfer of power was however unconstitutional in itself, as the Constitution requires that the transfer of power goes to the President of the Senate (API, 2009: 13; Constitution of Madagascar, 1992). The military then declared Rajoelina President of Madagascar followed by the High Constitutional Court confirming this decision (API, 2009: 13; Maunganidze, 2009a: 1). Andry Rajoelina was therefore inaugurated as President of Madagascar on March 21, 2009, and as head of the High Transitional Authority (Maunganidze, 2009a: 1).

In assessing whether or not this was a case of unconstitutional change of government, the first point to note is that Rajoelina did not come into power through an electoral process (Maunganidze, 2009b; Constitution of Madagascar, 1992). The August 1992 Constitution of Madagascar states under Article 45 that "the 'President of the Republic shall be elected by universal direct suffrage'" (Maunganidze, 2009b). Furthermore, in the event of a President's resignation Article 52 stipulates that the President of the Senate is to take over power and organise elections within a two month period (Constitution of Madagascar, 1992; API, 2009: 7). Lastly, Article 46 of the Constitution requires that candidates for President must be at least forty years old at the time that candidacy is declared (Constitution of Madagascar, 1992; Maunganidze, 2009b). Rajoelina was only thirty-four years old at the time, thereby rendering him six years too young to be a candidate for president (Maunganidze, 2009b; BBC, 2009b). These factors

therefore clearly depict the change of government in Madagascar on 17 March 2009 and the consequent inauguration of Rajoelina as President and Head of the High Transitional Authority as unconstitutional.

4.3.1 A Hard-Line Stance by the SADC

Following the transfer of power to the military, SADC held an Extraordinary Summit of the Organ Troika on Politics, Defence and Security Cooperation on 19 March 2009 to discuss the political and security situation in Madagascar. In the Summit communiqué, SADC explicitly stated that "the Organ condemns in the strongest terms the unconstitutional actions that have led to the illegal ousting of the democratically-elected President of a SADC Member State" (SADC, 2009a). SADC further stated that it cannot and does not recognize Rajoelina as President of Madagascar "because this appointment not only violates the Constitution of Madagascar and democratic principles, but violates the core principles and Treaty of SADC, the African Union and the United Nations Charters" (SADC, 2009a). It also mandated the Executive Secretary to engage with the AU and UN "to help define a comprehensive and coherent strategy" and called for the AU and UN not to recognize the appointment of Rajoelina and to support the return to democratic and constitutional rule in the country (SADC, 2009a).

This position and statement by SADC depicts a clear and strong stance against an unconstitutional change of government in the region. Following this meeting, SADC reconvened on 30 March for another Extraordinary Summit and decided to suspend Madagascar "from all the Community's institutions and organs until the return of the Country to constitutional normalcy with immediate effect" (SADC, 2009d). SADC also urged Rajoelina to vacate the office of the President for the unconditional reinstatement of President Ravalomanana and also stated that it will consider other options to restore constitutional normalcy if Rajoelina does not comply (SADC, 2009d).

The initial response by SADC was regarded by several involved in the process as a very hard-line stance in which SADC called for the unconditional and immediate reinstatement of Ravalomanana and hinted towards the possibility of a SADC military intervention (Interview with UN Official, 2010a; Interview with Spies, 2010; API, 2009: 15; Maunganidze, 2009: 5). A SADC official confirms that

SADC did consider military intervention as one of several options to address the crisis although a diplomatic solution was considered the first option (Interview with Ndlovu, 2010). This would not have been the first time SADC chose to use military force, as it had done in Lesotho and in the DRC in 1998, although these interventions were promoted by a small group of states and were not necessarily representative of an all inclusive decision by SADC member states to intervene (Nathan, 2006: 612). In addition, the use of force to address an unconstitutional change of government had taken place in the Comoros in 2008 when the AU dispatched one thousand Tanzanian and Sudanese soldiers to remove the self-declared president (API, 2009: 16). The use of military force had therefore been considered an option in other cases of unconstitutional changes of government, although the threat by SADC to use force in the case of Madagascar served to distance SADC from the AU and UN who sought to address the issue though diplomatic channels. In addition, the call for an unconditional and immediate reinstatement of Ravalomanana also left SADC with less room for negotiating a solution with both parties. The initial SADC response was therefore regarded as being "ineffective and its radical approach undermined any attempt at a peaceful resolution of the crisis" (Zounmenou, 2009b: 73). A DIRCO official reiterates that SADC marginalized itself completely in the first phase because of its hard line stance (Interview with DIRCO official, 2010b).

4.3.2 The AU and UN Seek Diplomatic Solutions

The AU PSC met on 20 March 2009, where it strongly condemned the unconstitutional change of government and stated that this "marks another serious setback in the ongoing democratization processes on the continent and reinforces the concern over the resurgence of the scourge of coups d'état in Africa…" (AU, 2009f). The AU therefore decided to suspend Madagascar from participating in the activities of the AU until the restoration of constitutional order. The AU also stated that it would take all measures necessary as outlined in the Algiers Decision of 1999, the Lomé Declaration of 2000, the Constitutive Act of the AU and the Protocol Relating to the Establishment of the Peace and Security Council, including the imposition of sanctions, and called upon all members of the AU and the international community to reject the

unconstitutional change and to work closely with their partners including SADC and the UN to restore constitutional order in the country (AU, 2009f).

In response to the resignation of Ravalomanana on 17 March, the UN Secretary-General issued a statement expressing "grave concern" over the developments in Madagascar and calling on all parties concerned "to act responsibly and ensure stability and a smooth transition through democratic means" (UN, 2009b). A UN official explains that the General Assembly and the Security Council did not issue a resolution explicitly condemning the unconstitutional change of government in Madagascar, leaving the Secretary-General to present the position of the UN on Madagascar (Interview with UN official, 2010c; Interview with UN Official, 2010a). The UN response therefore expressed "grave concern" and did not explicitly condemn the unconstitutional change of government in Madagascar. Whilst not explicitly condemning it, the UN did recognize that this was a case of unconstitutional change of government. Following a briefing on the situation in Madagascar to the Security Council on 7 April 2009, Haile Menkerios told the press that "Council members expressed serious concern about the unconstitutional transfer of power and called for a quick return to constitutional order" (UNSC, 2009b).

4.4 Initial Attempts Toward a Return to Constitutional Order

Following these initial responses to the transfer of power in Madagascar, a series of mediation talks pursued through the months of April to June. In recognizing the need to better coordinate efforts in seeking a conciliatory solution to the crisis, the AU decided in early April to establish an International Contact Group (ICG) for Madagascar under the aegis of the AU to better coordinate the efforts of the international community and ensure that the international community "took a common position in pushing for a return to constitutional order in Madagascar" (Malone, 2009). Several interviewees explain that this initiative by the AU to establish an ICG for Madagascar depicted the AU resolve to lead the mediation talks and take the lead in addressing the situation in Madagascar (Interview with UN official, 2010d; Interview with DIRCO Official, 2010a). At the time of the first meeting of the ICG, the Special Envoys of the AU and UN, Mr. Ablassé Ouedraogo

and Mr. Tiébilé Dramé respectively, "informed the participants of the developments of the situation and the initiatives taken by the international community on the ground" (All Africa, 2009). The AU and UN Special Envoys for Madagascar were at this point the leading mediators for the negotiation talks, and it was only after the first meeting of the ICG that SADC appointed a Special Envoy for Madagascar (All Africa, 2009; Interview with DIRCO Official, 2010b). Mr. Absalom Themba Dlamini, former Prime Minister of Swaziland, was consequently appointed as the SADC Special Envoy following the first meeting of the ICG.

The ICG also set objectives on how to move forward on Madagascar. These included

> a clear calendar towards holding free, fair and transparent elections involving all stakeholders under a neutral electoral body including representatives of all political camps; the involvement of all the political and social stakeholders in the country, including President Marc Ravalomanana as well as other national personalities, in search for a solution; promotion of consensus among the Malagasy parties; respect for the Constitution of Madagascar; compliance with relevant AU instruments and the international commitments of Madagascar. (All Africa, 2009)

4.4.1 Contradicting AU Principles?

The round of negotiations held between April and June 2009 took place in the context of continuing political tensions, violence and arrests in Madagascar. Furthermore, these negotiation talks also introduced the former heads of state of Madagascar, Mr. Didier Ratsiraka and Mr. Albert Zafy, to the negotiating table as outlined in the objectives of the first meeting of the ICG allowing for the involvement of all political camps (Interview with DIRCO official, 2010b; Mail and Guardian, 2009a). Negotiations for finding a consensual solution to the crisis therefore led to the involvement of four political movements. Furthermore, an accord was proposed following lengthy negotiations for establishing a "neutral, peaceful and consensual transition" (Mail and Guardian, 2009a). This accord allowed for the participation of the former heads of state and the head of the transition in the next presidential elections. These decisions made during this first round of negotiations following the transfer of power in Madagascar

therefore allowed Rajoelina, who led the unconstitutional change of government which received international condemnation, to run for presidential elections. With reference to the AU Charter on Democracy, Elections and Governance of 2007, paragraph four of Article 25 states that "[t]he perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their State" (AU, 2007). The decision to allow Rajoelina to take part in presidential elections was therefore in violation of Article 25 of the Charter. Although the Charter was not yet ratified at the time, this decision was in direct contrast to the principles of the AU on how to address unconstitutional changes of government.

Negotiation attempts at forming an inclusive interim government to lead Madagascar into presidential elections however collapsed on 16 June 2009. The failure of these negotiations came "after the four participating political movements failed to agree on a political amnesty clause that would have paved the way for ousted leader Marc Ravalomanana to return" (Lough, 2009). The AU Special Envoy stated that these talks failed largely due to the lack of political will to find a consensual solution, and both AU and UN officials warned the Rajoelina government and opposition against "[a]ny attempt to find a unilateral way out of the crisis by one or other of the movements…" (Lough, 2009). The AU and UN led talks were therefore suspended on an indeterminate basis, and the Special Envoys soon left Madagascar.

In the initial response to the case of Madagascar, we find that both the AU and SADC explicitly condemned the unconstitutional change of government and suspended Madagascar from taking part in the activities of the respective organisations. Whilst SADC chose a hard-line stance, serving to weaken its position in the negotiations and separate itself from the position of the AU and UN, the AU established an ICG and took an initial lead in the negotiations. The UN expressed "grave concern", but did not explicitly condemn the unconstitutional transfer of power. Furthermore, we find that the UN chose to support the decisions taken by the AU and provided support for mediation efforts led by the regional body. In the initial response then, we find that the AU took a leading

role with clear reference to the AU normative framework on unconstitutional changes of government, with support from the UN and SADC.

4.4.2 SADC Seeks to Take the Lead

Whilst SADC's involvement in the mediation process between April and June was not regarded as completely aligned with the negotiating team led by the AU and UN, SADC made a shift in its approach in June with the SADC Extraordinary Summit (Interview with UN Official, 2010d). The Extraordinary Summit of SADC Heads of State and Government was held on 20 June 2009 to address the political and security situation in Madagascar (SADC, 2009e). SADC noted with appreciation the progress made in all-party negotiations facilitated by the AU, UN and the International Organisation of La Francophonie (IOF). SADC further decided to proactively promote and facilitate dialogue and therefore appointed Joaquim Chissano, former President of Mozambique, "to lead and coordinate the all-party dialogue in Madagascar" (SADC, 2009e). SADC also stated its decision to work closely with the AU, UN and IOF and that it would continue to coordinate its mediation efforts in Madagascar with the AU and UN.

This summit therefore marks a particular shift in the SADC approach, in which SADC explicitly states its objective to lead the negotiations through the appointed SADC mediator, Mr. Chissano. SADC also erased any fears of a SADC military intervention into Madagascar, and retracted from its earlier call for an unconditional reinstatement of Ravalomanana to express a willingness to promote mediation with all parties concerned (Interview with UN Official, 2010d; Maunganidze, 2009: 5). This decision also sought to place SADC in the leading role in the mediation process, with Chissano as the lead mediator. A SADC official explained that to better coordinate the efforts of the international community there was a need to accept the proposal by the organisation closest to the conflict (Interview with Ndlovu, 2010). SADC's leading role in promoting and maintain peace and stability in the southern African region is supported in Chapter VIII of the UN Charter, which states that regional arrangements should make an effort to achieve pacific settlements of local disputes before referring them to the Security Council, as well as in the AU mandate to coordinate the activities of the REC's with the objectives of the AU peace and security

architecture, as outlined in Article 3(l) of the Constitutive Act as well as in the Protocol Relating to the Establishment of the Peace and Security Council of the AU (Interview with Ndlovu, 2010; AU, 2000; AU, 2002). This summit introduced the intentions of SADC to take the lead in the mediation process and seek to coordinate its efforts with the AU and UN. A main reason for this decision was the expressed interest and resolve by SADC as the regional economic community in southern Africa to find a solution at the sub-regional level (Interview with UN Official, 2010a; Interview with Ndlovu, 2010). Whilst this shift in leading the negotiations was perceived by some as a potential area for misunderstanding between the AU and SADC and a threat to the negotiation process, the UN and AU supported the decision, placing Mr. Chissano as the SADC mediator at the head of the negotiating process.

4.4.3 Paving the Way for the Maputo Summits

With the appointment of Chissano by SADC, Chissano became the chief mediator whilst the AU continued to play a leading role in the ICG (Maunganidze, 2009: 5). It was also at the second meeting of the ICG on 22 July 2009 that it was agreed to convene a meeting including all four political camps represented by their respective chefs de file "to reach a consensual solution for the rapid return to constitutional order and to resolve the outstanding issues following the suspension of inter-Malagasy negotiations on 16 June 2009" (AU, 2009g). The ICG decided that the meeting was to take place under the leadership of former President Chissano, "assisted by the SADC Mediation Team and Special Envoys of the AU, the UN and OIF" (AU, 2009g). The ICG also encouraged the AU PSC to remain seized of the matter and "to take the measures provided for to this end if, at the expiration of six-month period stipulated by the [Lomé] Declaration, there is no significant progress towards the return to constitutional order" (AU, 2009g). This meeting marked the decision by the AU, UN and SADC to give the parties to the conflict six months to return the country to constitutional order before measures would be taken including the use of sanctions.

A Joint Mediation Team for Madagascar (JMT-M) had also been put in place, consisting of the Special Envoys of the AU, SADC, UN and the OIF under the aegis of the AU (AU, 2009g; Interview with Sangiza, 2010). The mediation team

served to provide a collaborative mediation effort by the main mediators of the organisations involved, as a step toward collecting the UN, AU, SADC and OIF so they could better work together under the leadership of Chissano. A UN official explains that this mediation team had in practice sought cooperation since January 2009 following the first attempted rounds of negotiations, but that it came better into place with the appointment of Chissano as the lead mediator and particularly following the second meeting of the ICG (Interview with UN Official, 2010d). The Joint Mediation Team therefore led the Maputo meetings, with Chissano as the lead mediator, and in close consultation with the larger grouping of the ICG on Madagascar (JMT-M, 2009; AU, 2009h).

4.5 Maputo I and II: No Solution Found

A series of agreements were concluded during the Maputo Summit from 5 to 8 August 2009, including a Transitional Charter and the decision that the power-sharing government would nominate a president, vice-president, prime minister, three deputy prime ministers, twenty-eight cabinet ministers and a legislature within thirty days of the signing of the agreement 9 August (JMT-M, 2009; API, 2009: 17; Lough, 2009). They also agreed to hold internationally supervised presidential and general elections within fifteen months of signing the agreement, and on amnesty issues (API, 2009: 17). However, no agreement was reached during the Summit on the distribution of key posts, including that of president and prime-minister, and also who would head the transition (API, 2009: 18; Mail and Guardian, 2009b). This led Rajoelina to declare himself the head of the transition on 14 August 2009 which Ravalomanana quickly rejected (Mail and Guardian, 2009b). A second round of talks, dubbed the Maputo II Summit, were therefore held in Maputo from 25 to 26 August with a focus upon the "consensual distribution of posts within the Transitional Institutions and Organs between all political and social forces of the country" (AU, 2009h). These talks did not however result in any further consensus particularly on the issue of assigning the posts of President, Prime Minister and Vice-President within the Government of National Unity (GNU) and ultimately led to a stalemate (Maunganidze, 2009: 6). On 8 September Rajoelina claimed the leadership of the transition, appointed his own Prime Minister to head the inclusive transition

government and also appointed a 31-minister "unity government" without including or consulting with the other political parties involved in the Maputo agreements (API, 2009: 18; Zounmenou, 2009b: 74; Mail and Guardian, 2009c).

As a response, the JMT-M "rejected 'any unilateral solution'" and called on new talks between the parties (Mail and Guardian, 2009c). At the SADC Summit of Heads of State and Government from 7 to 8 September 2009, SADC also "firmly rejected and condemned any unilateral decision which violates the spirit of the Maputo agreements" and reiterated the suspension of Madagascar until the restoration of constitutional order (SADC, 2009f). The AU PSC also issued a statement expressing condemnation of the unilateral move by Rajoelina and calling for resumed dialogue with the political movements for an "inclusive and peaceful implementation of the Charter and the Transition Agreements signed in Maputo…" (AU, 2009i). Throughout the two meetings held in Maputo in August, UN officials explain that the UN provided support for the mediation efforts particularly in drafting political agreements and mediation documents, providing advice and support for the mediation talks and generally supporting the efforts of the regional and sub-regional organisations in their mediation attempts (Interview with UN Official, 2010b; Interview with UN Official, 2010d). There was also a senior UN political advisor, Mr. Dramé, who was part of the mediation team (through the JMT-M) and provided support for the mediation talks (Interview with UN Official, 2010d; UN News Centre, 2009c). Following the meetings in Maputo, the UNSG also issued a statement welcoming the progress towards forming a Government of National Unity (GNU), stating that the UN will remain engaged in the mediation process through the JMT-M led by Chissano, and expressing its commitment to support the full implementation of the Maputo agreements for a rapid return to constitutional order through credible elections (UN, 2009c). The UN therefore sought to support the mediation efforts, particularly through the JMT-M.

The talks in Maputo included the four Malagasy political movements, including Rajoelina, Ravalomanana, Ratsiraka and Zafy (AU, 2009h; API, 2009: 17). This had initially been agreed upon in the earlier negotiation rounds held between April and June, and followed over to the Maputo meetings (Interview with DIRCO Official, 2010a; Interview with DIRCO Official, 2010b). In asking why

the negotiation talks involved four political movements, and not just the Ravalomanana and Rajoelina movements, a UN Official explains that the involvement of all four provided political leverage and support in the country (Interview with Ranaivomanana, 2010). These four movements were regarded as representing the bulk of political power in Madagascar, and could therefore be beneficial for finding a consensual solution reflecting a majority solution in the country (Interview with Ranaivomanana, 2010). However, the involvement of all four movements also resulted in more issues being raised in the negotiation process, which could slow the process in finding a transitional government (Interview with Ranaivomanana, 2010).

4.5.1 SADC Blocks Rajoelina's Address to the UN

Amidst the international condemnation of the unconstitutional change of government in Madagascar, the UN invited Rajoelina to address the 64th session of the General Assembly in September 2009 (Lough, 2009d; API, 2009: 16). The invitation provoked speculation that "the United Nations is softening its stance on Africa's youngest leader" (Lough, 2009d). In response, the foreign minister of the Democratic Republic of Congo intervened on behalf of SADC and stated that "SADC would like to express its protest against the decision to invite Mr. Andry Rajoelina to take the floor at the general debate…" (VOA News, 2009). He pointed to the AU and SADC decision to not recognize Rajoelina as president and that a return to constitutional order had not yet taken place (VOA News, 2009: API, 2009: 16). As a result, and following some confusion at the session, a vote was held and the motion was carried to bar Rajoelina from addressing the General Assembly (Daily Nation, 2009; API, 2009: 16). A UN official explains that the invitation by the UN received strong responses from the AU and SADC, expressing their concern that the invitation served to undermine the negotiation process underway (Interview with UN Official, 2010c). In addition, the strong stance taken by SADC and the consequent approval of the motion to bar Rajoelina from speaking at the session also showed a strong resolve and an important achievement by SADC in seeking UN support to not recognize the government of Rajoelina.

4.6 Continued Attempts Toward Constitutional Order

Several rounds of negotiations were held in the months between September and December, 2009. The ICG-M held a third meeting on 6 October 2009, in which there was also a follow-up accord between the Malagasy political parties seeking to formalise the transition government and "agreed in principle on the composition of the interim government to lead Madagascar to fresh elections..." (API, 2009:19; AU, 2009j). In this accord, Ravalomanana agreed to give the position as interim President to Rajoelina on the condition that Rajoelina not be a candidate for the next presidential elections (Pourtier, 2009; Lough, 2009b). However, the AU Special Envoy, Mr. Ouedraogo, emphasized that the Maputo Agreement of 9 August "provided for the transition president, whatever his identity, to run in the presidential election" (Pourtier, 2009). It was also further decided that a third meeting with the chefs de file be held, and it was initially said that this meeting was to be held in Geneva or Paris (Pourtier, 2009). A SADC official explains however that both SADC and the AU argued for the need to keep the meetings in Africa as this was an African issue which should be addressed in Africa (Interview with Sangiza, 2010). Following discussions, it was finally decided that the meeting be held in Addis Ababa (Interview with Sangiza, 2010).

A third meeting of the chefs de file of the political movements of Madagascar was therefore held from 3 to 7 November 2009 in Addis Ababa under the auspices of the ICG-M, which saw the signing of the Additional Act of Addis Ababa to the Charter of the Transition which was part of the Charter of Transition signed in Maputo on 9 August (AU, 2009j). The UNSG issued a statement following this meeting pledging continued UN support "throughout the transition and beyond" and stated that the UN will continue to support and work closely with the JMT-M led by Chissano (UN, 2009d). This agreement assigned Rajoelina the presidency accompanied by a Presidential Council which consisted of two new co-presidents, namely Ravalomanana and former president Zafy (Lough, 2009c). The agreement however was not entirely clear in how the executive power would be divided between the president and the co-presidents of the Presidential Council, and the distribution of cabinet posts and the final formation of an interim government continued to be postponed (ICG, 2010). There was also an attempt at bringing together the four chefs de file at what is

referred to as the Maputo III meeting in early December 2009, although Rajoelina refused to attend. When the other three movements did attend talks, Rajoelina announced that he could not guarantee the safety of the three former leaders in Madagascar and stalled any further negotiations at the time (ICG, 2010; Interview with DIRCO Official, 2010a).

By late December 2009, Rajoelina issued a presidential decree dismissing the consensus Prime Minister, naming a loyal army colonel in his place, and alleging the implementation of the Maputo Agreements and the Addis Additional Act as intenable (SABC News, 2009; All Africa, 2010; ICG, 2010).

This time period depicts a series of efforts at the sub-regional and regional levels to push for a solution to the crises, with meetings being held both in southern Africa and in Addis Ababa. Following the appointment of Mr. Chissano, negotiations were led by the SADC mediator in close cooperation with the AU and UN particularly through the JMT-M and also through the ICG-M (Interview with UN Official, 2010d). The JMT-M did manage to have agreements signed at the 8 to 9 August Maputo Summit as well as the Addis Additional Act. However, the lack of political will amongst the parties involved stalled any progress in forming a transitional government and planning elections (Interview with UN Official, 2010b; All Africa, 2010).

4.6.1 A Source for Contestation between SADC and the AU

In seeking to further implement the Maputo agreements and the agreements of the Addis Additional Act, Article 12 of the Addis Additional Act called for the establishment of a Follow-Up Mechanism to "contribute to efforts aiming at resolving difficulties that may arise in the functioning of the transitional institutions, as well as, to the achievement of sustainable progress to meet the conditions for the successful holding of legislative and presidential elections…" (AU, 2009k; All Africa, 2010). In a report submitted by the Chairperson of the AU Commission on Madagascar, Mr. Jean Ping explains that he wrote to the UN, OIF and SADC "to indicate that, following the successful conclusion of the mission entrusted to the Joint Mediation, the support of the international community to the crisis exit process would henceforth be carried out through the Monitoring Mechanism" (AU, 2010c). An AU official explains that the call for the

establishment of a Follow-Up Mechanism reflected the opinion of the AU and of the Chairperson of the AU Commission that there was a need to end the mediation efforts of the JMT-M and to move forward with implementing the Maputo agreements and the Addis Additional Act (Interview with UN Official, 2010a; Interview with AU Official, 2010). A UN official supports this perception that the AU now sought to take the lead forward in ending further negotiations and establishing a Follow-Up Mechanism (Interview with UN Official, 2010d). Another AU official further elaborates that the call by the AU for ending the mediation talks and establishing a Follow-Up Mechanism to implement the agreements served as a source for contention between the AU and SADC, in how to move forward in resolving the political impasse in Madagascar (Interview with AU Official, 2010b).

At the fourth meeting of the ICG-M, the ICG-M "urged the Malagasy parties to conclude expeditiously the full agreement on a transitional arrangement, building on what they had already agreed to in the Maputo Agreements of 8 and 9 August 2009 and the Addis Additional Act of 6 November 2009, duly negotiated and signed by the four Leaders of the political camps in Madagascar" (All Africa, 2010). The ICG-M further expressed its support to the initiative envisaged by the Chairperson of the Commission to "present to the Malagasy parties a compromise solution on the outstanding issues to resolve the current stalemate", and encouraged the AU Commission to intensify efforts to finalise the rapid establishment of the Follow-Up Mechanism (All Africa, 2010). The ICG-M further states that the Mechanism is to "facilitate the implementation of commitments made, the monitoring of the situation on the ground and the coordination of the efforts to support the process for a way out of the crisis in Madagascar" (All Africa, 2010). Following this meeting, the Chairperson of the Commission visited Antananarivo on 20 and 21 January 2010 and presented crisis exit-proposals to the Malagasy parties (AU, 2010d). During this time, SADC held its Double Troika Summit on 14 January 2010 in which it reiterated and maintained the suspension of Madagascar from all SADC organs, called for the AU, UN and international community to apply the same measure, called for the speedy implementation of the Maputo agreements and the Additional Act of Addis, and finally requested the SADC Mediator to "continue with efforts towards

restoration of constitutional order in Madagascar, through an inclusive, transparent and credible dialogue" (SADC, 2010a).

Under the 14th Ordinary Session of the AU Assembly, the situation in Madagascar was addressed and the Chairperson of the Commission presented a report on the situation (SADC, 2010b). In response, Mr. Pohamba, President of Namibia and Deputy Chairperson SADC, issued a statement to the 14th Ordinary Session of the AU Assembly to brief and update the Assembly on the situation in Madagascar and addressed the decisions of the 4th meeting of the ICG-M. Here he states that "it must be noted Mr. Chairperson, that during the ICG-M there was a consensus, with the exception of one European country, to maintain the Mediator and even to strengthen his negotiation capabilities" (SADC, 2010b). He continues by underlining that "the ICG-M is not an institution of the African Peace and Security Architecture, but a consultative forum" and further states that "[i]t is imperative that the AU Commission and the SADC Secretariat work closely and render the necessary support to the Mediator…" (SADC, 2010b). In concluding his statement, Mr. Pohamba states that the "Chairperson of the AU Commission should be supported and encouraged to increase his interaction with all the RECs. In fact, the Chairperson of the Commission should not only promote annual meetings but also pay regular visits to the Regional Economic Communities. This activity should be included in his periodical reports" (SADC, 2010b).

The decisions of the 4th ICG-M depicted a source for contention between the AU and SADC on how to move forward, particularly with regards to the role of the ICG-M as a consultative forum versus a mediating body. This perception of contention is supported by discussions with AU and UN officials and also particularly depicted through the statement presented to the AU Assembly by the Deputy Chairperson of SADC. At the 14th Ordinary Session of the AU Assembly, a Decision on Madagascar was issued in which the AU "underscores the leading role played by SADC in the mediation process, given its regional responsibilities and comparative advantages" (AU, 2010e). It further stressed the need for establishing the Follow-Up Mechanism however, and requested the Peace and Security Council to meet in due course following the proposals presented by the AU Chairperson of Commission to the Malagasy parties to review the situation and take the required decisions in light of the relevant AU Instruments (AU,

2010e). In addition, the AU "Decision on the Prevention of Unconstitutional Changes of Government and Strengthening the Capacity of the African Union to Manage such Situations" at the 14th Ordinary Session of the AU Assembly also called on "all non-African international bodies, including the United Nations and its General Assembly, to refrain from granting accreditation to such authorities, thus strengthening the automatic suspension measures of the AU against those countries…" (AU, 2010f). A UN official explains that this call by the AU was noted by the UN, particularly in the context of the recent invitation to Rajoelina to address the UN General Assembly session in September 2009 (Interview with UN Official, 2010a).

The Chairperson of the AU Commission, with support from an expert group of the ICG-M, submitted a proposed compromise solution to the Malagasy parties on 21 and 22 January 2010 to re-launch the implementation process of the Maputo agreements of 8 and 9 August and the Addis Ababa Additional Act of 6 November 2009 (ICG-M, 2010). This proposal included a call for a constitutional referendum to approve the Constitution in accordance with the Charter of the Transition, and to organise both legislative and presidential elections no later than October 2010 (AU, 2010g). Whilst the Ratsiraka, Ravalomanana and Zafy camps expressed their general agreement with the proposals, the ICG-M noted that the Rajoelina camp was "not fully consistent with the proposals for compromise solutions" (ICG-M, 2010). As a result, the ICG-M stated that should the impasse persist, the organisations and countries of the ICG-M would take necessary steps including the imposition of sanctions "against all those who impede the process of restoring constitutional order" (ICG-M, 2010). Following this meeting, the AU PSC met 19 February 2010 and decided that if by 16 March 2010, the *de facto* authorities borne out of the unconstitutional change did not comply with the full and timely implementation of the Maputo Agreements and the Addis Ababa Additional Act, sanctions would be imposed (AU, 2010h). With particular reference to the Lomé Declaration, the AU Assembly Decision on Unconstitutional Changes of Government at the 14th Ordinary Session of the AU Assembly, and the Ezulwini Framework, sanctions to be applied included:

travel bans against all members of the institutions set up by the *de facto* authorities borne out of the unconstitutional change and all other individual members of the Rajoelina camp whose actions impede the AU and SADC efforts to restore constitutional order…the freezing of funds, other financial assets and economic resources of individuals and entities contributing, in one way or another, to the maintenance of the unconstitutional *status quo*…[and] the diplomatic isolation of the de facto authorities borne out of the unconstitutional change…. (AU, 2010h)

The PSC decided that the AU in close collaboration with SADC was to establish a list of the individuals and entities which would have sanctions imposed upon them, and called on the international community including the UN to "fully and unreservedly support the present decision" (AU, 2010h).

4.7 The Imposition of Sanctions by the AU and SADC

On the one year anniversary of the unconstitutional change of government in Madagascar, the AU PSC reconvened on 17 March 2010 and noted with regret that the authorities in place and the Rajoelina Camp had not, within the stipulated time, responded positively to the AU PSC request to accept the Maputo Agreements and the Addis Additional Act (AU, 2010i). It was also noted that Rajoelina continued to act unilaterally in violation of the agreements in place. The AU PSC, in close collaboration with SADC representatives, therefore decided to impose the sanctions of travel bans, freezing of funds and other financial assets and economic resources, as well as diplomatic isolation against Rajoelina and one hundred and eight other individuals including top military officers (AU, 2010i). The AU also called on the international community, including the permanent members of the UN Security Council, to support the decision of imposing sanctions. Whilst sanctions were to be imposed as of 17 March 2010, it was decided that the AU, through the Chairperson of the Commission, and the head of the SADC mediation team, would continue their efforts whilst sanctions were being imposed to re-launch the process of implementing the Maputo agreements and the Addis Additional Act. The AU and SADC were therefore supportive of the implementation of sanctions. However, several UN and AU officials explain in interviews that some members of the UN Security Council were not supportive of imposing sanctions (Interview with Ranaivomanana,

2010; Interview with Matlosa, 2010; Interview with Anonymous source, 2010; Interview with Nkeshimana, 2010; Interview with AU Official, 2010b). Some members of the UN therefore contradicted the attempt by the AU and SADC to take a strong and firm stance against the *de facto* authorities of the unconstitutional change of government and challenged the attempt to collect firm support from the international community in imposing sanctions particularly with regards to diplomatic sanctions.

4.8 The Roadmap for Ending the Crisis

Following the imposition of sanctions by the AU and SADC, another attempt at negotiating a solution to the crisis was held in Pretoria from 28 to 30 April 2010 (SADC, 2010c). This meeting included the four political movements and was led by the SADC mediator, Mr. Chissano, with the support and facilitation of the President of the Republic of South Africa, Mr. Jacob Zuma (SADC, 2010c). The Chairperson of the AU Commission, Mr. Ping, the SADC Executive Secretary, Mr. Salomão, and a UN representative were also present at the talks (SADC, 2010c). France was also represented, and the inclusion of South Africa and France is said to have been an attempt to add political and economic leverage to urge the political movements to find a solution (Interview with UN Official, 2010b; Interview with Ndlovu, 2010). However, these talks did not manage to address all of the outstanding issues, particularly with regards to the timing of elections and amnesty issues, and it was decided to reconvene fifteen days after the meetings (SADC, 2010c; Iloniaina, 2010). Following this meeting, Rajoelina declared that the time for negotiations was over and that he would move forward with forming a new government (Iloniaina, 2010). Rajoelina consequently announced on 12 May 2010 that he would not run for president in the next elections, yet a consensual solution to the crisis involving all four political movements was not yet in place (Clottey, 2010; ICG, 2010). Following these events, international mediation efforts sputtered and Rajoelina and his government continued unilateral efforts to legitimize their rule for the remainder of 2010 (Ploch and Cook, 2012: 13).

By early 2011, SADC resumed mediation efforts and in September 2011 the "Roadmap for Ending the Crisis in Madagascar" was signed by ten of eleven

major Malagasy political movements and nine additional smaller ones (Ploch and Cook, 2012: 1). The Roadmap was supplemented by the "Framework for the Implementation of the Roadmap" in October, providing a timeline for implementing the roadmap. In additional, a consensual Prime Minister was appointed, a Government of National Unity formed, and the High Council of the Transition and the Transition Congress were established (AU, 2011a). Whilst the Zafy mouvance was a signatory to the roadmap and the Ratsiraka mouvance was not, both chose not to join the Transition thereby withdrawing from the implementation process of the Roadmap (AU, 2011b). In March 2012, an independent transitional electoral commission was appointed followed by an Amnesty Law passed in mid-April to address some of the major stumbling blocs for a negotiated settlement between Rajoelina and Ravalomanana. Lastly, a provisional electoral timetable was adopted in May 2012 with a projected completion set to November 2012 (Ploch and Cook, 2012: 3). At an Extraordinary Summit of the SADC Heads of State and Government on 1 June 2012, SADC noted with satisfaction the progress made to return the country to constitutional normalcy and implement the Roadmap for holding credible, free and fair elections (SADC, 2012). Although an amnesty law was passed in April 2012, some important issues remained unsolved particularly regarding amnesty for Ravalomanana as well as the return to the country "unconditionally" of Malagasy citizens in exile for political reasons (Ploch and Cook, 2012: 4).

In November 2011 a SADC Liaison Office was established to support the implementation of the Roadmap and has been fully operational since January 2012 (SADC, 2012). In addition, the AU PSC requested that the AUC and SADC Secretariat establish a join Liaison Office in Antananarivo. In a report on the current political developments in Madagascar, the ISS notes that whilst the AU and SADC have maintained a firm stance and continued sanctions against the country, the UN position has "increasingly softened" (ISS, 2012). In May 2011, Rajoelina was invited as Head of State to participate in the 4th UN Conference on Least Developed Countries (LDCs). Rajoelina was also allowed to address the 66th Session of the UN General Assembly in September 2011, and in February 2012 the UN granted a $150 million to Madagascar for a one-year (2012-2013) development programme (ISS, 2012).

As of June 2012, elections have yet to take place and the political environment continues to be described as volatile and uncertain. SADC continues to lead efforts toward the implementation of the Roadmap, with support from the AU. Whilst the UN continues to take part in the ICG-M, it seems to have weakened its position and any principled stance on condemning the unconstitutional change of government in Madagascar. However, a UN Report of the Electoral Needs Assessment Mission to Madagascar of May 2012 has proposed that presidential and parliamentary elections should be conducted simultaneously in May/June 2013, to mark the end of the transition (UN, 2012). This gives reason to doubt whether an end to the transition and a return to constitutional order in Madagascar will be achieved within the year 2012.

Chapter 5
Findings and Conclusion

5.1. Summary of Findings

This thesis has sought to explore if and how a normative approach toward unconstitutional changes of government has developed within the UN, AU and SADC, with Madagascar as the case study. In addition, this thesis has sought to assess whether such norms have emerged and diffused from the international level, as is commonly assumed, or if regional and/or sub-regional organisations have played an important part in this process. The resurgence of unconstitutional changes of government on the African continent has been regarded as a serious setback to the consolidation of democracy as well as a threat to the security, stability and development of African countries and its people. In arguing for the purpose and significance of the study it has been shown that regional and sub-regional organisations have gained an increasingly prominent role in promoting and maintaining peace and security on the African continent, in addition to the role of the UN. As a result, cases of unconstitutional changes of government have been found to involve international, regional as well as sub-regional organisations, leading to a 'triangle for peace and security' in which a particular case of unconstitutional change of government has involved a trilateral linkage between the UN, AU and RECs (Bah, 2010b: 284).

To better understand the manner in which these organisations perceive of and respond to security challenges, the constructivist approach was presented in Chapter Two as the theoretical framework for this thesis, with a particular emphasis upon norm emergence, diffusion and internalisation. It was argued that norms set and reset standards of appropriate behaviour and serve as main vehicles for transformation and change in the international system. The first wave of scholarship on norm diffusion was presented, which placed an emphasis on the international level, arguing that norms emerge and diffuse from the international level and downwards. The second wave of scholarship was found to take a step further to underline the importance of regional, sub-regional and national actors in the dissemination and internalisation of international norms. However, both of these approaches were found to support the assumption that

international norms most commonly emerge from the international level and spread downwards, albeit in different ways and to varying degrees. A main question in this thesis however has been whether this is the case for norms on unconstitutional changes of government.

Chapter Three first presented a background of the UN, AU and SADC to provide an historical-political understanding of how these organisations have developed in their approach towards peace and security challenges. This builds upon the constructivist approach, placing emphasis upon how change comes about in the international system. Examples were given of how each of these organisations have changed in how they think about and approach peace and security, exemplified by the shift from regime to human security as well as the shift from the principle of non-intervention to the principle of non-indifference.

The bulk of Chapter Three sought to explore in detail if and how normative approaches toward unconstitutional changes of government have developed within the UN, AU and SADC. It was found that the UN does not currently have any doctrine or normative framework in place which explicitly outlines its approach toward unconstitutional changes of government. It has responded to cases on an ad hoc and case-by-case basis, and research has shown that the UN has preferred a degree of flexibility in responding to such instances. However, an internal review by the UN in 2009 underlined the need on the part of the UN to formulate a coherent UN strategy and position on coups d'état and unconstitutional changes of government. These steps forward are explained to come largely as a result of the recent instances of unconstitutional changes of government in Africa and the acknowledgement by the UN that the AU has developed a comprehensive normative framework on this issue. The large strides taken by the AU therefore seems to be an important factor for the UN, and may perhaps influence the development of an explicit normative framework on unconstitutional changes of government within the UN.

The AU was found to have a robust normative framework, particularly outlined in the Constitutive Act and Lomé Declaration of 2000 as well as the African Charter on Democracy, Elections and Governance of 2007. These documents point out a range of guiding principles and common values of the OAU/AU, including respect for human rights and democratic principles and the

condemnation and total rejection of unconstitutional changes of government. A clear definition of unconstitutional changes of government is provided in the Lomé Declaration and supplemented by the African Charter, focusing not only on how governments come into power but also on how ruling parties stay in power on a constitutionally legal and democratic basis. These policy documents also provide a range of standard responses which serve to operationalise the common principles and norms on unconstitutional changes of government within the AU.

SADC was found to resemble the UN in that it does not have an explicit framework on unconstitutional changes of government. In similarity to the UN, numerous policy documents were shown to reflect a common language on the promotion of democracy and good governance, transparency, respect for the rule of law and respect for human rights. Interviewees explained that, as part of the African peace and security architecture of the AU, SADC accepts and supports the policies and legal instruments of the AU and therefore bases its position on unconstitutional changes of government on the policies of the AU.

In sum, Chapter Three found that although the AU has a clear normative framework on unconstitutional changes of government, both the UN and SADC have yet to develop explicit policy documents on this issue. Instead, both the UN and SADC have referred to the policies of the AU when addressing unconstitutional changes of government on the African continent.

On the basis of the argument that norms provide the premises for action and that we can recognize norm-breaking behaviour if it generates disapproval or stigma, Chapter Four sought to assess if and how the UN, AU and SADC have responded to the unconstitutional change of government in Madagascar. The responses to Madagascar, or not, are considered to provide further evidence of whether or not a norm condemning unconstitutional changes of government has become salient within these organisations.

Both the AU and SADC explicitly condemned the unconstitutional change of government in Madagascar and barred the country from its activities. Whilst SADC initially took a hard-line stance, insinuating the use of force and demanding the unconditional and immediate reinstatement of Ravalomanana, it quickly fell in line with the AU and UN in seeking a solution through diplomatic channels.

Following a series of mediations led both by the AU and SADC, these two organisations duly implemented sanctions as provided for in the AU Lomé Declaration. Whilst there were a few sources for contention, SADC was found to support the policies of the AU and refer specifically to these documents in explaining its response to Madagascar.

Whilst the AU and SADC maintained a firm stance and continued sanctions against the country, the UN position cannot be described as having been firm and consistent during the time period under study. The UN did not explicitly condemn the unconstitutional change of government in the first place, although it took an active part in the ICG-M and JMT-M and also provided support through large parts of the mediation process. In addition, several actions by the UN served to undermine the mediation process exemplified by the invitation to Rajoelina as Head of State to address the UN General Assembly in September 2009, the invitation to the 4th UN Conference on LDCs in May 2011 and the invitation to the 66th Ordinary Session of the General Assembly in September 2011. Whilst the UN did recognize the crisis in Madagascar as an unconstitutional change of government and did provide support during large parts of the mediation processes, the UN was not consistent in its approach and took a much softer stance than the AU and SADC.

5.2 What Implications for the Norm Condemning Unconstitutional Changes of Government?

The constructivist approach argues for the importance of ideational factors which influence and shape the ideas, interests and identities of actors within the international system. In seeking to understand how international and regional actors such as the UN, AU and SADC think about and respond to peace and security challenges on the African continent, norms matter. Norms are defined as a standard of appropriate behaviour for actors with a given identity, and may define or constitute identities as well as prescribe or regulate behaviour (Katzenstein, 1996: 5). Norms are therefore important factors which may provide insight into what causes political outcomes. It is within this theoretical framework that I have sought to answer the main research questions of this thesis.

The life cycle of a norm, as presented by Finnemore and Sikkink (1998), has provided the theoretical foundation for assessing how norms emerge, spread and become internalised within the international system. The first wave of scholarship was found to place emphasis on the first and second stage, namely norm emergence and diffusion. Finnemore and Sikkink (1998) acknowledge that domestic factors may be important particularly at the stage of norm emergence and that international and domestic norms are deeply intertwined. However, they place particular emphasis upon transnational agents and processes shaping norm diffusion at the level of the international system (Acharya, 2004: 240). The second wave of scholarship places emphasis upon local and domestic factors, but focuses particularly upon the second and third stage of the life cycle of a norm, namely norm diffusion and internalisation. Whilst domestic factors are of main concern, norms are still referred to as 'foreign' and 'international' norms thereby maintaining the top-down approach in understanding how norms have emerged and diffused in the international system.

The objectives of this thesis have been to assess the salience of a norm condemning unconstitutional changes of government within the UN, AU and SADC. On the basis of these findings, the study sought to assess how this norm has emerged, spread and become internalised within these organisations. To identify the salience of a norm condemning unconstitutional changes of government, this study sought to identify if a normative framework was at all present within the UN, AU and SADC and how these organisations have responded to a case of norm-breaking behaviour. Findings show that the AU clearly has a robust normative framework on unconstitutional changes of government, whilst the UN and SADC have yet to develop clear policies on this topic area. However, SADC has explicitly condemned unconstitutional changes of government in formal communiqués, whilst the UN was found to have a weaker and less consistent stance. Furthermore, all three organisations did acknowledge the case of Madagascar as having been unconstitutional and responded to this case through mediation processes under the auspices of the AU and SADC. On the basis of these findings we may therefore conclude that the norm condemning unconstitutional changes of government is salient particularly within the AU, to a lesser degree in SADC, and quite questionably within the UN.

In tracking the development of normative frameworks on unconstitutional changes of government within the UN, AU and SADC and their response to Madagascar, this study was also able to explore how these norms have emerged, diffused and become internalised. Findings show that the norm condemning unconstitutional changes of government has emerged particularly within the AU. Clear policy documents have developed from the late 1990s, providing both a norm-based principled stance on the subject as well as mechanisms to address norm-breaking behaviour. The ratification of the African Charter in February 2012 has further strengthened the clear stance of the AU on this issue area.

Looking at stage two of the life cycle of a norm, namely norm diffusion, the works of Finnemore and Sikkink (1998), Legro (1997) and Acharya (2004) all place emphasis upon the international level and how 'international' and 'foreign' norms have spread and become internalised at the domestic level. It is particularly at this stage that the findings of this thesis do not support the assumptions of the above mentioned authors. Whilst the AU may be described as an international organisation, it is a regional organisation on the African continent addressing peace and security issues which are led by the overarching international organisation of the UN. Both in seeking to identify the normative frameworks on unconstitutional changes of government in the UN and SADC and in seeking to understand how and why they responded to Madagascar as they did, both the UN and SADC explicitly refer to the policies and mechanisms of the AU. Furthermore, respondents have openly acknowledged the large strides the AU has made on this particular issue area and explained that this has undoubtedly influenced and can perhaps even explain the approach toward and response to unconstitutional changes of government by the UN and SADC.

These findings therefore challenge main assumptions on norm scholarship and particularly on the life cycle of a norm. In studying the emergence, diffusion and internalisation of a norm condemning unconstitutional changes of government, this study finds that it is actually the AU, at the regional level, which has been central. Furthermore, the understanding of and approach toward unconstitutional changes of government within the UN and SADC seem largely to be informed and influenced by the strong stance of the AU. The

emergence, diffusion and internalisation of a norm condemning unconstitutional changes of government therefore seems to be led by the AU (in the context of the African continent), emphasizing the prominent and important role regional organisations have in promoting and spreading norms within the international system.

We may further infer that the internalisation process of the norm condemning unconstitutional changes of government has perhaps barely begun. As outlined by the internal review of the UN in 2009, decisions and policies may be taken in the near future but remain to be seen. The final outcome on the case of Madagascar may also serve to inform how SADC choses to approach unconstitutional changes of government in the southern African region in the future, and if it choses to develop clear policies on this issue area. It is clear however that both organisations acknowledge the norm condemning unconstitutional changes of government, although a consistent and principled approach and mechanisms for action cannot be said to be present at the time of writing.

5.3 Final Remarks and Further Research

This study has been limited to a focus upon the UN, AU and SADC. There are however numerous additional actors involved in addressing instances of unconstitutional changes of government in Africa, and worldwide. In seeking to broaden our understanding of how the norm condemning unconstitutional changes of government has emerged and spread within the international system, studies upon additional international, regional, sub-regional and national actors may be particularly useful.

The single case study on Madagascar also limits the opportunity to draw major generalisations. Additional studies on the responses by the UN, AU and SADC to a larger number of cases of unconstitutional changes of government may therefore serve to add greater insight into how these organisations respond and whether these responses are consistent. Other studies have shown mixed results in the responses to unconstitutional changes of government by the UN, AU and SADC. The trilateral linkage between these organisations in addressing a larger number of cases could therefore be of interest.

The manner in which the UN, AU and SADC coordinate their actions and ensure information sharing, both within the respective organisations and between them, is also an area for further study. The case of Madagascar clearly portrayed a series of instances which reflected a weak and disorganised response and several instances of misunderstanding and sources for contention. Cooperation for collective responses by the UN, AU and SADC is therefore an interesting area of study. A closer study of the Framework for the Ten Year Capacity Building Plan for the AU and its relevance in ensuring collective responses toward unconstitutional changes of government could be one source for further exploration.

This thesis has focused particularly upon the processes which have sought to return Madagascar to constitutional order. There are however numerous issue areas which must be acknowledged and addressed to ensure the return to constitutional order, to avoid such occurrences in the future and to ensure peace, stability and development in the country. A greater understanding of the root causes of the conflict and a focus upon these issues in transition processes could therefore be studied in greater detail. Studies show that power-sharing arrangements often do not address root causes of conflicts and may cause apathy amongst the general population in taking part in democratic processes in the future. These issues raise the question of whether recurrent cases of unconstitutional changes of government in a country serve to increase the likelihood of unconstitutional changes of government in the future, and thereby weaken democratisation processes.

In addition to studying responses to unconstitutional changes of government, another area of study should focus on what preventive measures are taken to avoid such instances in the first place. In addition, looking beyond the illegal accession to power, how have the UN, AU and SADC addressed the illegal retention of power? As the African Charter on Democracy, Elections and Governance was only ratified in February 2012, in remains to be seen how sections four and five of Article 23 are applied to the illegal retention of power.

Lastly, a significant challenge in addressing unconstitutional changes of government is the issue of maintaining democracy by democratic means (Sturman, 2011). As was the case in Madagascar, the perpetrator of the

unconstitutional change of government has subsequently been involved in the mediation and transition process. The question must therefore be raised if the processes of transition comply with democratic principles and the will of the general population? It also raises a question of legitimacy, when constitutional order is sought through transition and electoral processes which includes the perpetrators of unconstitutional changes of government. These are important questions which the UN, AU and SADC must address so that the solutions to unconstitutional changes of government in the future do not directly contradict the principles and norms of the organisations.

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Appendix 1: List of respondents

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