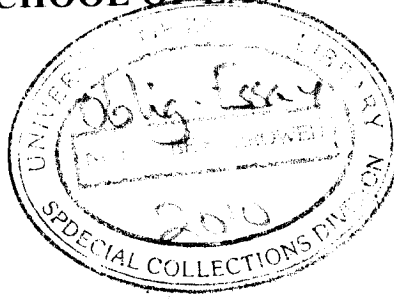# THE UNIVERSITY OF ZAMBIA

SCHOOL OF LAW

THE IMPACT OF HOSTILITIES IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) ON ZAMBIA'S ECONOMIC DEVELOPMENT.

BY

KASOCHI, MIRRIAM K.

26080109

DECLARATION

I, **Kasochi, Mirriam K.,** do hereby declare that I am the author of this directed research, and that it is a creation of my own ingenuity. I therefore, remain accountable for the contents, errors and omissions herein. Further I depose with veracity verily to the best of my Knowledge, that this work has not previously been presented in any University for academic purposes.

Student's Signature ....

Date ....27/07/10.........

ii

I, **Anne Chewe Chanda,** do hereby recommend that this directed research prepared under my supervision by the said **Kasochi Mirriam, K.,** entitled:

THE IMPACT OF HOSTILITIES IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) ON ZAMBIA'S ECONOMIC DEVELOPMENT

Be accepted for examination. I have checked it carefully and I am satisfied that it fulfils the requirements pertaining to the format as laid down in the regulations governing directed researches.

Mrs. Anne Chewe Chanda, **(Supervisor)**

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Date ....30/.04./.10.....................

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ABSTRACT

Since the end of the Second World War, countries all over the world have been hopeful for a peaceful existence devoid of war, armed conflict or hostilities because of the devastating consequences of such activities. Developing countries in Africa have been not been spared from the effects of war and still grappling with the unfortunate impact of hostilities on their economies. This paper set out to investigate the impact of hostilities in the Southern African Development Community (SADC) on Zambia's economic development. This was achieved by both desk and field research. The findings of this research were that the impact of these hostilities on Zambia's economic development has been profound, with limited trade and an influx of refugees being identified as the chief areas that have been impacted in that they directly and indirectly (respectively) affect Zambia's economic development. In order to prevent the hostilities and thus drastically reduce the impact of hostilities and promote economic development, the Southern African Development Community (SADC) has been identified as the institution that can achieve this is at a regional level. The SADC Treaty contains provisions for the maintenance of peace, security and stability as well as economic development. However, SADC has been challenged on the basis that the provision that gives the SADC Tribunal power and authority to make findings in a case before it after a dispute is null and void as the Treaty was not properly constituted. At an international level, the United Nations has been deploying peace-keeping and peace-building troops to Africa to assist in curbing violence. Although this intervention has been commended, these peace – keeping missions have been criticised for not determining the root cause of hostilities in Africa, especially having regard to the fact that these causes are diverse in nature. A myriad of issues based on policy, institutional and legal framework have to be addressed in order for Zambia to develop economically.

DEDICATION

To my parents, **Andrew Kasochi** and **Jessie Zimba,** who have taught me that it is only through hard work, perseverance, humility and patience that one can be successful in all aspects of life........................

ACKNOWLEDGEMENTS

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ECONOMIC DEVELOPMENT

1.0 Introduction

As far back as the 1970s, Africa has seen some of the most deadly conflicts, most of them internal. Although the reasons for these conflicts in Africa are many, they are mostly deep-rooted in ethnic and political tensions that date back centuries. For example, hostilities in the Democratic Republic of Congo (DRC) are mostly because of the power struggle between the ruling government and the rebels. The result of this power struggle has been disastrous in the sense that a number of people have been forced to flee their homes and seek refuge elsewhere. The situation is not very different when one looks at Angola which has also experienced civil strife since the 1970s.[1] One of the most violent conflicts occurred in Rwanda in 1994 where 250,000 Rwandese fled to Tanzania in a single day.[2] The conflict

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[1] Brown, M.E. The International Dimension of Internal Conflict. (London: MIT Press, 1996), p83
[2] Preston,J. '250,000 Rwandese Flee to Tanzania in One Day', Boston Globe, 30 (April 1994); 1

between the Government of Rwanda, Rwandese Patriotic Front, and the Hutu Militia led to the displacement of 2,000,000 people while the number of people killed was 800,000.

Fortunately, Zambia has been spared from such violence and as such, does not have a history characterised by wars and political instability. The country is landlocked and can be said to be peaceful because it has enjoyed the peace and stability that certain countries have not for a long time.[3] It has also been a place of refuge for many people from a number of countries in the SADC region. Zambia is a member of the Southern African Development Community (SADC) which is a sub-regional political organization that was created to maintain peace, development and security in the region. Other members include Angola, Mozambique, South Africa, Zimbabwe, Malawi, Botswana, Namibia, Tanzania, Rwanda, Burundi and the Democratic Republic of Congo (DRC).

Most of the countries in the SADC region are poor and because of this, a common set of goals and objectives have been drawn up to deal with the problems being faced by these so-called developing countries. Article 5 (1) of the SADC Treaty sets out the objectives of SADC. These objectives are to:

- promote sustainable and equitable economic growth and socio-economic development that will ensure poverty alleviation with the ultimate objective of its eradication;

- promote common political values, systems and other shared values which are transmitted through institutions which are democratic, legitimate and effective;

- consolidate, defend and maintain democracy, peace, security and stability;

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[3] Common Country Assessment Zambia Report (2009), p 65

- promote self-sustaining development on the basis of collective self-reliance, and the inter-dependence of Member States;

- achieve complementarity between national and regional strategies and programmes; promote and maximise productive employment and utilisation of resources of the region;

- achieve sustainable utilisation of natural resources and effective protection of the environment; strengthen and consolidate the long standing historical, social and cultural affinities and links among the people of the region;

- combat HIV/AIDS or other deadly and communicable diseases; ensure that poverty eradication is addressed in all SADC activities and programmes; and

- mainstream gender in the process of community building.

With these objectives in mind, a brief explanation is necessary. It is perceived that where there is economic development in a country, poverty will be alleviated coupled with the equitable distribution of resources amidst common political and other shared values. This enhances co-operation and consensus between and among member states in relation to stated goals in that national policies and strategies will be similar to those that the regional grouping has in place which ultimately consolidates affinities among the people in the SADC region. There lies a link between democracy and integration as it stands as the bedrock of any meaningful co-operation, free trade and liberal policies in any state. Furthermore, integration is certain where neighbouring countries are enjoying peace, security and stability without which there would be little or no co-operation among member states. For countries in the region to achieve self sustaining development, interdependence and collective self reliance is key in that each state will be able to provide what is lacking in other states.[4]

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[4] Article 5(1) of the SADC Treaty of 1992

The objectives as set out in the SADC Treaty seek to promote regional integration in the SADC region so as to ultimately achieve economic development and promote regional integration which can only be realised through cooperation. However, most of these objectives such as promoting sustainable and equitable economic growth and socio-economic development that ensure poverty alleviation, and maintaining democracy, peace, security and stability have not been achieved and this is evident from the high poverty levels in countries such as Zimbabwe, Angola, Malawi and Zambia.[5] Evidence suggests that where there is political stability and low poverty levels, an economy will record success as compared to one in which there is conflict[6].

In light of this, the paper considers the way forward for member states especially with regard to hostilities in the region, the causes and effects of such hostilities, the impact of hostilities on economic development in Zambia and also the relevance of maintaining peace, national security and stability to economic development. The main thrust of the paper is therefore to provide an evaluation of the impact of hostilities in the SADC region with particular emphasis on Zambia's economic development.

1.1 Statement of the Problem

The majority of African countries have been ravaged by wars despite having attained independence. There have been calls from the international community to find a solution to the seemingly never-ending hostilities in the SADC region. Several agreements have also been signed but it appears they have had little or no effect because wars have continued in some Southern African countries.

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[5] Todaro, M.P and S.C. Smith. Economic Development. (Delhi: Pearson Education, 2003: 8th Ed), p70
[6] www.economywatch.com (visited on 14th December 2009)

Hostilities have the effect of fuelling decline in regional integration which consequently restrains free trade, hinders economic development and threatens national peace and security. The problem is linked to Zambia in the sense that its economy is largely dependent on imports. If such goods are to be accessed, there is a need for friendly ties between or amongst countries to ensure free trade and passage of goods and services. However, this is not the case in Southern Africa as some routes have been closed. This has had an adverse impact on the Zambian economy because trade has been restricted to certain countries. One example is the Benguela pipeline between Zambia and Angola has been closed due to security concerns.

1.2 Specific Research Questions

- What are the causes of hostilities in the SADC region?

- What are the effects of these hostilities on Zambia's economic development?

- What is the international community doing to resolve hostilities in the SADC region?

1.3 Research Methodology

The study has been based on both primary and secondary information. The primary information has included personal interviews with officers from the Ministry of Commerce, Trade and Industry and officials from the Zambia Development Agency in order to ascertain whether hostilities have an impact on the level or extent of development. Secondary information has been sourced from text books, internet generated information, statutes, newspaper articles and newsletters.

1.4 The Economic Position of Countries in the SADC Region

Following the end of the Second World War, international leaders felt compelled to build safeguards and institutions into the international system which would prevent the world from

another disastrous economic recession which had disrupted the world economic order leaving the so- called developing countries as those most affected.[7] There was the view that integration provided an important mechanism for achieving world peace and three institutions were envisaged for the purpose of maintaining international economic cooperation. These were the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (the World Bank) and the International Trade Organisation (ITO).

In order to achieve the maintenance of international economic integration envisaged by the IMF, World Bank and ITO, a number of regional organisations and trade blocs have been created to promote trade in goods and services. Some examples of these organisations and trade blocs are the Southern African Development Community (SADC),North American Free Trade Area (NAFTA), Economic Community of West African States (ECOWAS), Common Market for Eastern and Southern Africa (COMESA) and the European Union (EU).

SADC is the regional organisation comprising countries in Southern Africa. It is an intergovernmental organisation which has its headquarters in Gaborone, Botswana. As has already been alluded to, some of its goals are to promote socio-economic, political and security cooperation and integration among African states.[8]

Most of the countries in the Southern African region are diverse in culture, social and political structures but share the same economic background in that they are low income countries due to the fact that they have a per capita gross national income (GNI) that is below $1000[9]. These countries are further characterised by low levels of living, inequalities, low productivity levels and prevalence of imperfect markets and limited information[10]. With

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[7] Narlika, A. The World Trade Organisation: A Very Short Introduction. (Oxford: Oxford University Press, 2005), p10
[8] http//:www.sadc.int (visited on 4th December, 2009)
[9] Todaro, M.P and S.C. Smith. Economic Development. (Delhi: Pearson Education, 2003: 8th Ed), p 68
[10] Ibid, p 80

particular reference to Zambia, as evident in the SADC Regional Human Development Report, 1998 the country has been ranked as one of the countries with the highest poverty levels in the region having 78% of its population poor in 1996. These levels are even higher in the rural areas where 89% are poor.[11]

1.5 Hostilities and Economic Development

The word 'hostility' can be defined as warfare, antagonism, conflict or intense aggression. A profile on human development in Zambia indicates that countries in which there is civil strife have recorded low levels of development.[12]

The term 'development' is an elusive concept and there is no single definition because it cuts across many dimensions such as social, political, economic and even human development. Broadly, it has been defined as "improvement in a country's economic and social conditions."[13] This definition does not usually reflect the true economic position of a nation. However, since the focus of this paper is economic development, it can be defined as 'the standard of living of a nation's population with sustained growth from a simple low income economy to a modern high income economy.'[14]

As has earlier been seen, there is a link between levels of development and peaceful existence. Considering the definition of development, most countries in the SADC region do not fall within the ambit of sustained growth. Angola is one such low-ranking country in terms of development. It is one of the giant oil producers in the world but despite this fact, the country has been war-torn and poverty-stricken since the 1970's. As a consequence of not only war but poverty, a number of people have fled the country over the years.

[11] SADC Regional Human Development Report 1998: Governance and Human Development in Southern Africa, p 65
[12] Ibid. p 65
[13] www.wikipedia.com (visited on 4th January 2010)
[14] www.economicdevelopment.wikipedia (visited on 6th December,2009)

1.6 <u>Conclusion</u>

The aim of this paper, in the following four chapters, will be to discuss in greater detail the adverse impact of hostilities on the economic development of nations. The main consideration in this chapter has been to point out that the world has accepted the fact that regional integration is partly the key to economic development and has made a shift towards cooperation. The underlying problem of hostilities in the SADC region will be relevant in determining the actual impact on Zambia's economy.

CHAPTER TWO

- Introduction

- What is SADC?

- What role does SADC have to play in solving the problems of hostilities in Southern Africa?

- Has SADC achieved its objectives?

- Conclusion

WHAT IS SADC?

2.0 Introduction

Over the last few decades, Africa has experienced political and military confrontation and unrest in the region.[15] This has led to a decline in socio-economic development in the region and a low Gross Domestic Product (GDP) in most countries.

In response to these challenges, the southern African states decided to create an institutional structure in the form of the Southern African Development Coordinating Conference (SADCC) in the late 1970s with the expressed purpose of providing a counter to unrest in the region, the hostile apartheid regime in South Africa and also pursue policies aimed at economic integration and equitable development.[16] By this time a large number of countries in the sub-region had obtained their independence from colonial powers, and South Africa was seen as the last stronghold of colonialism on the continent, a situation that made the political environment in southern Africa fraught with security tensions thereby shaping the formation of the regional body.

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[15] www.swiss-cooperation.admin.ch/southernafrica/ (visited on 9th February, 2010)
[16] www.regionalisminafrica.com (visited on 9 February, 2010)

However, due to failure to achieve some of its objectives and no legal status, SADCC was done away with and later renamed the Southern African Development Community (SADC) which was formed in 1992 and has its legal basis in the SADC Treaty of 1992.[17]

From the objectives stated in the previous chapter, a definition of SADC can be deduced. SADC has been defined as is an inter-governmental organisation that aims at harmonising economic development in Southern Africa and has its headquarters in Gaborone, Botswana.[18] The creation of this institution is in line with the new African vision for a stable, peaceful and secure environment that can catalyse growth and development on the continent.

Article 2 of the Treaty establishes SADC and states that the headquarters shall be in Gaborone, Botswana. Article 9 of the SADC Treaty lays down the structures of SADC and this consists of the Summit of Heads of State and Government; the Chairperson; Ministerial Conference, the Inter-State Politics and Diplomacy Committee; the Inter-State Defence and Security Committee and the Secretariat. These structures are very important because they have been established with the aim of achieving the objectives of SADC. For example, the Summit of Heads of State and Government are called upon to resolve disputes between member states where the SADC Tribunal does not succeed.

It is therefore the focus of this chapter to discuss the Southern African Development Community (SADC) and whether or not it has achieved its objectives as laid down in Article 5 of the SADC Treaty. The paper will then proceed to discuss the role that SADC plays in resolving disputes in Southern Africa paying attention to the challenges faced by SADC in its quest to promote regional integration and economic development.

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[17] www.sadc.int (visited on 1st March, 2010)
[18] Ibid

2.1 The Role of SADC in Resolving Disputes

Right from its inception, arguments arose as to what SADC's role should be, its composition; and most importantly, how it should relate to national, regional and international dimensions.[19]

In resolving disputes in the region, the regional institution has certain principles in mind as laid out in SADC's objectives. These principles include promotion of democratic values and economic development. Being seen as a mechanism for promoting and maintaining peace and security in the region, SADC, in its Article 4, lays out the principles espoused in the Treaty which form the basis of the objectives. These principles are as follows:

a) Sovereign equality of all member states;

b) Solidarity, peace and security;

c) Human rights, democracy and the rule of law;

d) Equity, balance and mutual benefit; and

e) Peaceful settlement of disputes.

Of relevance in the present context are the principles **(b)** and **(e)** above in that they are the core foundation on which SADC is based and as such form the relevance of this paper. As mentioned earlier, the objectives of SADC are set out in Article 5 (1) of the Treaty which enlists eleven (11) objectives. The present exposition however only pays particular attention to those that:

(a) promote sustainable and equitable economic growth and socio-economic development that will ensure poverty alleviation with the ultimate objective of its eradication,

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[19] www.sarpn.org.za/../index.php (visited on 2nd February, 2010)

enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration;

(c) consolidate, defend and maintain democracy, peace, security and stability; and

(d) promote self-sustaining development on the basis of collective self-reliance, and the interdependence of Member States.

These principles and objectives as laid out in the treaty guide the regional body when resolving disputes and in due course ensure economic development. For instance, in its Article 21(1) the treaty provides that Member States shall co-operate in all areas necessary to foster regional development and integration on the basis of balance, equity and mutual benefit; and also, (2) Member States shall, through appropriate institutions of SADC, co-ordinate, rationalise and harmonise their overall macro-economic policies and strategies, programmes and projects in the areas of co-operation.

In its dispute resolution, SADC also plays a crucial role in ensuring that there is peace, defence and security in the region. Security is enhanced through the Organ on Politics, Security and Defence (OPSD) which is the main instrument for dealing with politics, security and defence in the region. It was established on the recommendations of a SADC workshop on democracy, peace and security held in Windhoek on 11–16 July 1994.[20] At this workshop SADC's commitment to a greater role in areas of security coordination, conflict mediation and military cooperation became noticeably evident.[21] However, it must be emphasised that the OPSD was established rather too hurriedly with the result that it lacked a solid basis for evolving common values and shared understanding on the future of regional security, as well

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[20] Malan,M. "Prospects for keeping the Peace in R.I. Rothberg and G. Mills (eds) War and Peace in Southern Africa : Crime, Drugs, Armies and Trade (Cambridge: Brookings Institution Press) 1998 at p 267
[21] Ibid

as the precise meaning of security in the context of new regional relations.[22] This is coupled with inappropriate design, the suffocating arrogant state elites, and lack of resources.[23]

Having recognised the fact that there is need for amicable settlement of disputes, peace, security and defence by member states in order to achieve regional integration and economic development in southern Africa, it can thus be mentioned that there are four key instruments relating to peace, defence and security.[24] These are:

i) **Protocol on Politics, Defence and Security Co-operation** adopted in Blantyre, Malawi on 14th August 2001 and entered into force on March 2004;

ii) **SADC Mutual Defence Pact**, adopted in Dar es Salaam, Tanzania on 27th August 2003 but not yet in force;

iii) **Protocol on the Control of Firearms, Ammunition and Other Related Materials in the SADC Region**, adopted in Blantyre, Malawi on 14th August 2001 and entered into force in November 2004; and lastly the

iv) **Strategic Indicative Plan for the Organ on Politics, Defence, and Security Co-Operation** adopted on 5th August.

The relevance of these instruments is that they have been created with the view that Africa is a troubled continent and as such, there is need for a department to specifically regulate the exchange of firearms and ammunition as well as ensure that there is adequate security in the region. In as much as the instruments of economic integration and political and security cooperation existed separately, the developments in one area could inter phase with the other.

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[22] Malan, M. "Prospects for keeping the Peace in R.I. Rothberg and G. Mills (Eds) War and Peace in Southern Africa: Crime, Drugs, Armies and Trade. (Cambridge: Brookings Institution Press), 1998 at p 267
[23] Van Nieuwkerk, A.' Sub regional collaborative security: lessons from the OAU and SADC'. South African Journal of International Affairs, (2001) 8:2, winter, 81–94.
[24] Juma, M. A Compendium of Key Documents Relating to Peace and Security in Africa. (Cape Town: Pretoria University Law Press, 2006), p 331

SADC strives to promote economic development, peace and security, this may entail that peace and security in the region may lead to economic development in member states. There is an assumption that where there is peaceful co existence there is increased trade between countries.[25] It is however sad to note that there is a lack of institutional and policy coherence in dealing with economic and security challenges rendering the potentially positive association between the two weak. These are both important initiatives that suffer from poor institutional design.

From the objectives, it can be deduced that the overall goal of SADC is to further socio-economic cooperation and harmony among southern African states. Article 4 (e) of the Treaty is more specific as it provides that SADC and its member states shall settle disputes peacefully in order to foster regional integration in Southern Africa.[26] From this provision, it can be stated that SADC is tasked with acting as a **mediator** in resolving disputes in southern Africa. An illustration of an instance where SADC acted as a mediator was when South African president, Jacob Zuma appointed facilitators to act as mediators between Zimbabwean President Robert Mugabe's ZANU-PF and Prime Minister, Morgan Tsvangirai's MDC when the opposition appealed to regional leaders to intervene and break the impasse after a power – sharing dispute.[27] Where mediation fails, the dispute is referred to the SADC Tribunal which has also been established for purposes of resolving disputes.

In the case of **Campbell and Others v Government of Zimbabwe**[28] for instance, the SADC Tribunal was tasked with its first case since the establishment of the regional body. The facts of which were that the applicant filed an application with the SADC Tribunal challenging the acquisition by the respondent of agricultural land. They also filed an application in terms of

[25] Mansfield, E.D. and Pevehouse, J.C. 'Trade blocs, trade flows and international conflict', International Organization, 54:4(1973 autumn 2000) 775–808.
[26] www.cmi.no/publications/publication/ (visited on 2nd February, 2010)
[27] www.sadc.int (visited on 2nd March, 2010)
[28] SADC (T) Case No.2 of 2007

Article 28[29] for an interim measure restraining the respondent from removing or allowing the removal of the applicants from their land, pending the determination of the matter. The Tribunal granted the interim measure through its ruling. The Tribunal held that the action by the Zimbabwean government was discriminatory on the ground of race since the criteria for the expropriation was neither reasonable nor objective and ordered that the complainant be compensated for the expropriation and also that the farm be given back. The Zimbabwean government did not follow these orders. The Tribunal, having established the failure, then decided to report its findings to the Summit of Heads of State pursuant to Article 32 (5) of the Protocol. Nothing was done and Zimbabwe did not give back the farms or compensate the complainant.

From the facts of this case, it can be said that SADC has the authority to issue sanctions under Article 33 of the Treaty in the event that a member state breaches any provision of the Treaty or does not adhere to the decision of the Tribunal but giving sanctions goes against the overall goal of SADC to settle disputes amicably in order to foster economic development, peace and regional integration. It should be mentioned that although SADC has authority to act as a mediator or refer the matter to the tribunal in the event of any dispute, one may argue that the role SADC plays in dispute resolution has not been fully achieved.

It can also be added that in the event that SADC fails to act as a mediator in resolving disputes, hostilities will continue and continue sidelining the attainment of economic development.

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[29] Of the Protocol on Tribunal as read with Rule 62 (2) of the SADC Tribunal

2.2 Has SADC Achieved its Objectives?

Having identified the fact that SADC plays the role of mediator and also a tribunal in the event that disputes of any nature occur between or amongst member states, the question of whether SADC has fulfilled its mandate as set out in the various provisions of the SADC Treaty is one that has to be considered carefully because of the controversy this issue has aroused.

As had been discussed in the previous chapter, SADC has eleven objectives, but of relevance to this chapter are those that:

(a) promote sustainable and equitable economic growth and socio-economic development that will ensure poverty alleviation with the ultimate objective of its eradication, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration;

(c) consolidate, defend and maintain democracy, peace, security and stability; and

(d) promote self-sustaining development on the basis of collective self-reliance, and the interdependence of Member States.

The first objective under the SADC treaty is that dealing with promotion of sustainable and equitable economic growth and socio-economic development that will ensure poverty alleviation with the ultimate goal of eradicating it completely.[30] In this regard, countries should be diplomatic in their dealings with one another and this is to be achieved by pooling resources and eliminating trade barriers in the region. It might be argued that despite advocating for the elimination of trade barriers, this is not the practice as the movement of

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[30] Article 5 (2) of the SADC Treaty of 1992

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[30] Article 5 (2) of the SADC Treaty of 1992

goods and services across national borders are subjected to strict border checks which in itself is a good thing but against the objectives set out in Article 5(2) which provides that SADC shall "develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and of the people of the Region generally, among Member States."

Looking at the integration of the regional organisation and how the macroeconomic policies of the member states are to be harmonised, the recently commissioned Chirundu one - stop border post is a plus for SADC. According to the United Kingdom's Department for International Development (DFID), the border post is good for integration[31]. To borrow the words of the Minister of industry and international Trade, Mr. Obert Mpofu[32], the coming into fruition of the one stop border concept is an important milestone towards deepening the level of economic integration. Harmonised trade networks are the key to the regions quest for economic growth and development. The border post will have the advantage of reducing delays, cost of doing business and ultimately lead to competition. DFID believes that such developments have the capacity of transforming both the trade and investment opportunities in the region together with prospects for generating growth, creating jobs and reducing poverty[33].

Despite the successful implementation of this project, the story of regionalism in sub-Saharan Africa is marked by failure.[34] The continent continues to contend with many challenges in the process of regional integration and cooperation and this is mainly because of the different economic policies for instance, Zambia and Botswana which have different policies with regard to mining sectors despite being neighbours.

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[31] zambianwatchdog.com (visited on 12th February, 2010)
[32] Speech delivered when signing agreement. Available at www.bizcommunity.com
[33] Statement delivered by DFID Head.
[34] www.regionalisminafrica.com (visited on 9th February,2010)

Another objective of SADC is that of consolidating, defending and maintaining democracy, peace, stability and security.[35] War has been absolutely prohibited in modern international law unless the claim to be in a state of war is within the confines of the United Nations Charter in an attempt to enforce the rule of law.[36] However, Africa has continued to experience some of the worst wars the world has ever seen.[37] It is therefore within SADC's power to ensure that war is curbed. The concept of peace and democratic values are important because they will ensure that countries focus on how their economies will develop. The pursuit of economic and political stability is an important part of the region's goals, as demonstrated by the SADC. For instance, where there is continuous enjoyment of peace and stability, the chances of discontent, unrest or hostilities existing are slim.

In assessing whether or not SADC has achieved this objective it will be of the essence to state that Article 32 of the Treaty provides that all disputes will be determined by the SADC Tribunal. The Tribunal "ensures adherence to, and the proper interpretation of, the provisions of the Treaty and the subsidiary instruments made under it, and adjudicates upon disputes referred to it." However, this has not been the case and as such, there has been speculation that the Tribunal may have no "teeth". In support of this proposition, the case of **Campbell v Government of Zimbabwe**[38] shows that the tribunal cannot impose sanctions upon a member state for failure to adhere to its decision but rather can only refer such member state to the Summit of Heads of State for further action.

Recently, the government of Zimbabwe purported to pull out of the SADC Tribunal arguing that it was not properly constituted (it has not been ratified by three-thirds of the SADC

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[35] Article 5 (2) of the SADC Treaty of 1992
[36] Feinberg, N. The Legality of a State of War after the Cessation of Hostilities. (Jerusalem: Magnus Press,1961), p 7
[37] Atiku- Abubakar,J.J. 'An Empirical Profile of Weak States in Sub- Saharan Africa' African Development, Vol. XXVIII, No's 3 & 4, 2003 at p168-185
[38] SADC (T) Case No.2 of 2007

members as is required) and hence, it had no legal backing.[39] This decision by Zimbabwe has been seen as an excuse not to give back the white-owned farms that had been expropriated by the government of Zimbabwe. Moreover, this implies that Zimbabwe has violated the provision of the Treaty that provides that all member states are to adhere to Article 32 of the Treaty. Unfortunately, the Member States seem to be divided on this issue, with South Africa backing Zimbabwe while other Member States condemn this action.

Another case illustrating the point that SADC has not achieved the objective under Article 5 is that of **Mopotola v SADC**[40] where Zanzibar sued SADC for failure to effect the decision it had rendered. In this case, it was evident to see that the SADC Tribunal is struggling for legitimacy.

From these two cases, it is obvious that in order for sustainable economic development in Southern Africa, there is need for the establishment of a regional body that will command authority when it renders decisions. This is because as things stand at present, SADC is yet to render decisions that will be abided by without being ignored. As such, the authority of the SADC Tribunal has been seriously undermined because when SADC was established, Member States unanimously agreed and undertook to guarantee the observance of democratic rights and uphold human rights and the rule of law coupled with refraining from taking measures that would be likely to hinder sustenance of the principles on which these objectives as set out in the SADC Treaty are based. This is a cause for concern and one wonders what the way forward is in light of the breaches of the SADC Treaty. Therefore, there is a link between economic development and the continuing hostilities.

It is common knowledge that democracy is not easily sustained in former colonies because of their history and therefore, the advantages of regional mechanisms ought to be considered.

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[39] *The Zimbabwe Times*, 2 September 2008
[40] No. 1 of 2008

This poses a problem as SADC has not been fully taken advantage of especially when one looks at the cases that the Tribunal handled so far.

However, it should also be mentioned that a closely integrated region is less likely to be vulnerable to divisive fears, or to experience intervention than one which is divided. It should be also be noted that regionalism is not easy and does not always proceed in a directly upward path. The starting point is co-operation but the question should be asked: what does the future hold for SADC? The weakness of regional integration and cooperation in southern Africa is evident on two fronts: first with regards to low levels of formal trade amongst neighbouring countries; and second with respect to the tenuous security foundations in SADC, especially in view of the impending political and economic crisis in Zimbabwe and the fragile situation in the Great Lakes. These have clearly shown how weak the institutional architecture of the regional organisation is and the lack of appropriate and enduring policy instruments to deal with such security and economic crises.

2.3 Conclusion

We are living in an era where conflicts and poverty are reported by the media every day. As a result, institutions have been created to curb the various problems being faced by member states. SADC is one such institution. The chapter discussed the establishment of SADC and stated the role that the regional body plays in resolving disputes in southern Africa. The objectives of SADC were highlighted and an attempt was made in order to determine whether or not SADC had achieved these objectives. From the research and case law that is available, it would appear that that its mandate has only been fulfilled to a lesser extent. As a result, most countries in the SADC region are still relatively poor while some are still experiencing hostilities and civil strife. The next chapter will deal the effects, nature and causes of hostilities.

This chapter discusses the impact of hostilities in the SADC region on Zambia

- Introduction

- What are the causes of hostilities in the SADC region?

- What are the effects of these hostilities on Zambia?

- What is the nature and extent of this impact?

- How has Zambia reacted to the problem of hostilities?

THE IMPACT OF HOSTILITIES IN THE SADC REGION ON ZAMBIA' S ECONOMIC DEVELOPMENT

3.0 Introduction

During the 1960s, Zambia's economy was relatively stable. A contributing factor to this prosperity was the country's rich mineral resources. However, this prosperity did not last due to a number of reasons. These reasons were the hostilities in the Southern African Development Community (SADC), the fall in the world price of copper and a decline in the quality of its ore which exposed the country's over-dependence on copper.[41] Apart from this, government revenues fell by more than thirty percent and its balance of payments deteriorated such that borrowing from both bilateral and multilateral institutions increased significantly. As a result of these reasons, Zambia's economy receded by about ten percent and this had an adverse impact on the economy because the Government needed more resources to mitigate the deficit. Furthermore, in the 1970s, Zambia was reported as the

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[41] Report by the Zambia Congress of Trade Unions, April 16 2001, p 2

fourth worst performing economy on the entire African continent and was not spared from the global recession. [42]

In 1973, Zambia's economy continued experiencing this downward trend and this has slowed down the rate of economic development despite recording an increase in economic growth.[43] An increase in economic growth does not entail economic development because the two concepts are different. Economic development can be said to be a sustainable boost in the standards of living of the people of a country, implying an increase in the per capita income of every citizen and also leading to the creation of more opportunities in the sectors of education, healthcare, employment and the conservation of the environment. Economic growth on the other hand, is a narrower concept than economic development. It is defined as the increase in the value of goods and services produced by every sector of the economy. It is usually expressed in terms of the gross domestic product or GDP of the country.[44] In most cases, GDP cannot be used to measure economic development because this is relative.

As earlier mentioned, this poor performance by the Zambian economy could also have been attributed to the liberation struggles and wars that were going on in the region at that time. Zambia, having been one of the earliest African countries to have attained independence was surrounded by neighbouring countries at war. Even after independence, this trend of war has continued to ravage the region and the effects are only a little different from those during independence in that, rather than fight for independence, there has been civil strife and conflict between ruling governments.

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[42] www.nationmaster.com (visited on 30th March, 2010)
[43] ibid
[44] www.blurtit.com (visited on 30th March 2010)

Having given a brief account of the Zambian economic decline, it can be said that one of the reasons for this poor performance is due to hostilities in the SADC region. Therefore, if Zambia is to develop economically, the root causes of these hostilities have to be known.

3.1 <u>What are the Causes of Hostilities in the SADC Region?</u>

The countries in the SADC region have experienced an increased amount of violence and conflict.[45] No single reason can be attributed to the causes of these hostilities in countries in the region because Africa is a vast and varied continent. As a result of this diversity, conflicts arise. Some of the reasons that can be attributed to conflicts and hostilities are power struggle, ethnic and religious differences and political differences. These reasons will now be discussed in turn.

The first reason is the power struggle between the ruling government and members of the opposition or rebels (in countries such as Angola).[46] On the one hand, opposition members or the rebel factions almost always assume that they can make a difference and that the ruling government has not done enough to satisfy the needs of the citizens. The government on the other hand, focuses on holding on to power for as long as possible and this has created a lot of friction with undesirable consequences.

The second cause of hostilities is the diverse ethnic and religious backgrounds.[47] These differences have given rise to a war that has wrecked havoc in the lives of those that have been unfortunate to be caught up in the war. An illustration is the animosity between Muslim

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[45] Wohlgemuth, L.'NGO's and Conflict Prevention in Burundi' <u>Council for the Development of Social Science Research in Africa</u> 2005, p 183
[46] Brown, M.E. The International Dimension of Internal Conflict (London: MIT Press, 1996) , p83
[47] Duchacek, I.D. Conflict and Co-operation Among Nations(New York: Holt, Rinehart and Wiston, 1960) at p 17

and Christian communities in Nigeria, where the situation can be so grave that deaths sometimes occur.[48]

The third cause of hostilities has been identified as the difference in political views. In certain countries such as Angola and Mozambique the reason for these intense political differences may have been as a result of weak political structures left by colonialists with the result that after so many years of being under colonial rule, most African leaders tended to govern their countries in a manner that had and continuously has been questioned by the international community.[49] Linked to different political views is the fact that those in power and the opposition may have different ideologies which neither of them is willing to compromise, and the people that suffer are the citizens. Different ideologies are causes of hostilities in the sense that one political party may be of the view that a Socialist (such as the programme introduced by the first Zambian republican President, Kenneth Kaunda) type of government is best for the country while the another opposition party will hold the opinion that a Capitalist (such as the programme pursued by the second Zambian republican President) type of government is better. As a result, these ideologies will always be in conflict with each other unless one suppresses the other.

The above reasons as enumerated are widespread and do not only affect the nation in which the wars or civil unrest are taking place but also neighbouring countries. Suffice to say, such a state of affairs in a particular country almost always affects neighbouring states thereby undermining regional stability.

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[48] www.pewforum.org/workarea/linkit.aspx (visited on 13/04/2010)
[49] Atiku-AbubakarYoku, J.J and Shaw-Taylor, 'An Empirical Profile of Weak States in Sub-Saharan Africa'. Africa Development, Vol. XXVIII, Nos. 3 & 4, 2003 at p 169

3.2 What are the Effects of these Hostilities on Zambia?

In order to determine the actual effects of hostilities on Zambia's economic development, the impact of hostilities in Congo and Angola will be taken as examples before narrowing down to the actual effect these hostilities have had on Zambia's economy.

War and armed conflict have taken an alarming toll on the economic development of conflict-affected countries in the SADC region. Despite many peace agreements that have been signed between and amongst African countries, conflicts have persisted and the consequences are far-reaching. Displacement, separation from families and lack of access to the basic necessities such as health care services, water, food and shelter are some of the most common experiences that usually retard economic development in that, because of displacement, there is less income per capita for every citizen and no access to basic services.[50]

According to a study carried out on the Democratic Republic of Congo (DRC) during the month of April 2004, the conflict in that country had cost the lives of millions of people every month and the impact on the Congolese economy is profound.[51]

Firstly, there is evidence that nearly four million people have been killed in armed conflict and a consequence of this is the fact that there has been a reduction in the production of goods and services because most people who are able to do that are living in fear of soldiers that do not spare civilians.[52] Furthermore, acts of organised violence and conflicts over economic resources in eastern DRC have contributed to the fact that despite being endowed with mineral resources, it ranks as one of the most underdeveloped countries, not only in Africa, but also the world. This is shown in the Congolese war which was for the control of

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[50]Report by the International Committee of the Red Cross (ICRC)
[51]Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey (April – July, 2004). The International Security Committee, July 2004
[52]Ibid

resources.[53] The brutal and anti-civilian character of this war of resources is best captured in the October 2003 instalment of the UN panel of experts' report which observed that in 1999 and 2000 a sharp increase in the world prices of tantalum occurred, leading to a large increase in coltan production in Eastern DRC. Part of that new production involved rebel groups and unscrupulous business people forcing farmers and their families to leave their agricultural land, or chasing people off land where coltan was found and forcing them to work in mines.[54]

Another impact on Congo's economic development is that there are low levels of productivity. Productivity is measured by the amount of labour input and the ultimate output. The main reason for the dismal levels of production is the fact that civilian property, schools, and medical centres were heavily looted and as a result, the majority of its population have continued to live in poverty because there has been little or no employment, illiteracy and high mortality rates due to the looting and destruction of various facilities and infrastructure which contribute to any country's development.[55]

In neighbouring Angola, the situation is not very different from that obtaining in the DRC. The country's infrastructure, small and large rural towns and cities were left in a deplorable state, the economy in ruins, many potentially productive areas in various parts of the country devastated by the long civil war and land mines littered the country, hindering subsistence agriculture, hunting of small and large game and gathering of forest products such as mushrooms, honey, beeswax and wild fruits when in season[56]. Because the mainly productive areas in the economy have been hard hit by the war and are virtually non-existent, Angola has

[53] Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey (April – July, 2004). The International Security Committee, July 2004
[54] Nzongola-Ntalaja, G. The Congo from Leopold to Kabila: A People's History (London and New York: Zed Books, 2002).
[55] Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey (April – July, 2004). The International Security Committee, July 2004
[56] ibid

been unable to make significant progress in its economy. The fact that the potentially productive areas have been devastated shows that violence retards economic development.

Thus far, it can be seen that countries that have been at war are not as developed as those that do not participate in any kind of strife. However, certain countries such as Zambia have been affected despite the non-participation in regional conflicts in the sense that there have been spill-over effects. These consequences are that there has been (i) limited trade and, (ii) influx of refugees from war-torn states.

The first effect that will be discussed is how hostilities have limited trade. At present day, the world is a global village to such an extent that goods and services have been able to move across international borders with ease and expediency. This free movement of goods, people and services can be summarised as trade. The concept of trade can be defined as the voluntary exchange of capital, goods or services across borders or territories.[57] Trade is not a new concept as there is evidence indicating that even during the pre-colonial period, there was some form of trade in existence albeit somewhat primitive (the Barter System). To date, trade has become very sophisticated all over the world due to technology and innovation. Even developing countries like Zambia have joined in the globalisation phenomenon.

Zambia's chief export is copper but the country also imports goods and services from other countries. In order for such an exchange of trade to occur, there is need for the free movement of people, goods and services. The passage of goods and services has unfortunately been curtailed or limited due to instability or hostilities in neighbouring

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[57] en.wikipedia.org/wiki/Trade (visited 16th December, 09)

countries. An illustration is the reduction in the export of agricultural produce and leather from Zambia to the DRC despite the protection offered as it is only limited to certain areas.[58]

In relation to how trade has been restrained, what comes to mind are the xenophobic attacks on some Zambian traders in South Africa in the year 2009. According to **Atiku,**[59] a consequence of these attacks on some Zambian traders was that trade was stifled because the traders feared for their lives. It can be argued that this unfortunate incident impacted on Zambia's economy in the sense that South Africa is known as the economic powerhouse in Southern Africa. These attacks interfered with the crossing of goods and services thereby reducing Zambia's trade with South Africa due to the fact that from that period a substantial reduction in trade between the two countries was recorded.[60]

Furthermore, trading with other countries has also been restrained due to Africa's violent history.[61] This is because, apart from the general problems arising from excessive transit and shipment costs, small landlocked countries such as Zambia also have special problems of vulnerability arising from their geographical situation as longer routes have to be used when importing or exporting goods and services instead of using shorter routes, for example through Angola rather than South Africa.

The second effect of hostilities is the influx of refugees. Information gathered in an interview conducted with Mr. Munkombwe [62] to ascertain whether refugees impact Zambia's economy negatively revealed that there is indeed a negative impact on Zambia's economic development because of the problem of refugees.

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[58] Interview: Mr. Munkombwe from Zambia Development Agency on 18/11/09 on the impact of hostilities on Zambia's economic development
[59] Atiku- Abubakar, J.J, 'An Empirical Profile of Weak States in Sub- Saharan Africa' African Development, Vol. XXVIII, No's 3 & 4, 2003 at p168-185
[60] Ibid
[61] Atiku- Abubakar,J.J. 'An Empirical Profile of Weak States in Sub- Saharan Africa' African Development, Vol. XXVIII, No's 3 & 4, 2003 at p168-185
[62] Interview: with an officer from the Zambia Development Agency conducted on 18/11/09

In 1995, there was an estimated 6.7 million refugees in various parts of Africa.[63] This high number of refugees can be attributed to the lack of peace and stability in their own countries. As a result of violence in their own countries, they flee to peaceful countries like Zambia but this has led to several problems. One such problem is the fact that hosting refugees has put a strain on the country's resources in the sense that since they arrive unexpectedly, Government has to act quickly and provide necessities such as water and food in refugee camps situated in various parts of the country until the refugees can sustain themselves. In furtherance of this, refugees are provided with tools and farm implements in spite of the fact that a good majority of the local population is also very poor and require these basic necessities and farm implements. The fact that the Government provides refugees with these implements means that not every local has access to these tools, and if they do, they have to be shared with the refugees.

Another problem caused by the influx of refugees into Zambia is the fact that the majority of them do not remit tax to the Government through the Zambia Revenue Authority.[64] This means that Zambia's population has been on the increase while the tax base has remained relatively narrow or confined to a very small percentage of the total population, although it is a well known fact that Zambia's main source of revenue is through tax collection. The consequence of this is that the country's limited resources have to be shared, that is, budgetary allocation and land even though Zambia's Gross Domestic Product is only $919.50 per capita.

Suffice to say, internal conflict in a particular country can also affect its neighbouring country in the sense that civil unrest in neighbouring countries can invariably lead to hot pursuit operations across borders and appraisals as can be recalled when some rebels from Angola

[63] UNHCR, Statistical Overview, (New York: United Nations, 1995)
[64] Interview: Mbangweta, P. on 29/07/09

crossed the Zambian border in pursuit of one of the members of the opposition. This proposition can be supported by the case of **Shamwana and 7 Others v The People**[65] where the appellants where charged with treason. This case brings out a number of different principles but of particular relevance in the present context is the fact that one of the accused persons, A6 (a Congolese national) engaged the cooperation of his organisation called the National Liberation Front of the Congo (hereinafter referred to as F.L.N.C.). F.L.N.C. was a political organisation of the then Zairean nationals in exile in Angola and Zambia whose object was to overthrow the then Zairean Government. However, in March 1980, A6, who had since moved to Zambia, became the leader of the organisation which apparently had a small and incoherent membership in this country. It was mutually arranged by the Zambian and Zairean factions that A6 and his men were to join hands with the Zambian group for the purpose of overthrowing the then ruling Government of Zambia and that, thereafter, the Zambian group was, in turn to assist the Zairean group to overthrow the Zairean Government. At the instigation of A6 there was recruitment from Mwinilunga, in the North - Western Province, of ex-Katangese soldiers.

The relevance of this case is that political instability, hostilities, civil unrest and war are widespread and almost always affect neighbouring states thereby undermining regional stability. This is particularly the case where there is a rebel movement in one country which has the aim of overthrowing another government. Instead of the government spending the meagre resources on developing its economy it diverts the resources to, for instance, tightening security at the border posts to ensure that there are no occurrences of such a nature as those in the cited case. From the facts of this case, it is clear that the crossing over of A6 posed a danger to Zambia's national security which would have warranted the deployment of soldiers to secure border posts.

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[65] (1985) Z.R 41 (S.C)

3.3 What is the Nature and Impact of these Hostilities?

Hostilities can be defined as fighting, acts of violence, warfare or a conflict in which organised military force is being enforced.[66] From their very definition, they are violent in nature, giving rise to increased military activity, high tension and change in law.

Three different theories about the nature of hostilities among or between nations have been articulated.[67] These are the **Romanticism, Idealist** and **Realist** Theories. The Romanticism theory essentially asserts that war, conflict or hostilities are inevitable or necessary and can never be eradicated. The Idealists, on the other hand, are of the view that hostilities are avoidable and can be eliminated through the improvement of international relations and regional integration. The third theory considerably departs from the previous two theories. This particular theory neither gives a negative nor affirmative answer to the question "are hostilities inevitable?" but rather assumes that the modern international society and all human relations is one in which rivalry, strife and conflict co-exist with good will, good relations and co-operation.[68]

Looking at the three theories mentioned, it can be said that **The Romanticism Theory** is more realistic in light of the current wars and hostilities which have been going on for quite a number of years in various parts of the SADC region such as Angola as it explains the nature and impact of hostilities better than the other two theories. However, this does not mean that **The Idealist Theory** (which essentially states that hostilities can be avoided) is not tenable through good or diplomatic relations if Zambia is to develop economically.

Having stated that hostilities are violent in nature, the Idealist theory should be applied in order to eliminate hostilities through improved international relations and regional

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[66] wordnetweb.princeton.edu/perl/web (visited on 30th March,2010)
[67] Duchacek, I.D. Conflict and Co-operation Among Nations (New York: Holt, Rinehart and Winston, 1960), p 210
[68] Ibid, p 212

integration. The effects of hostilities, namely, unnecessary expenditure on the military, high tension levels and sometimes, change of law will be discussed.

i) Military activity

The most obvious effect of strife is the accelerated movement and activity of armies and navies.[69] Phenomena such as mobilisation, recruitment, blockade, invasion or occupation can occur even in the absence of war but they may transpire more frequently on a larger scale during hostilities. An illustration of this is the increased military activity in not only the DRC but also Somalia, Rwanda, Angola, Ethiopia and Eritrea. Troops have, on several occasions been deployed to maintain peace in conflict torn regions but a heavy presence of soldiers puts fear in citizen's lives; business virtually comes to a standstill and the economy ultimately declines because the levels of production and productivity are reduced. This clearly shows that there is a link between increased military activity and economic development in that the civilian workforce will be unable to earn any incomes because of fear of being killed.

ii) High Tension Levels

The second effect of hostilities is the fact that they lead to high tension levels. When there is conflict, tempers invariably rise and even the slightest misunderstanding may cause an outbreak of civil war.[70] The citizens of the belligerent nation become aggressive and may go on a rampage and sometimes may cross borders into neighbouring countries. For example, in 1966, fighting inside Angola spread to Zambia's western border.

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[69] A practical illustration is the presence of American soldiers in Iraq and Afghanistan, and the United Nations peace-keeping forces in the DRC and Sierra Leone
[70] Duchacek, I.D. Conflict and Co-operation Among Nations(New York: Holt, Rinehart and Winston, 1960) at p 441

iii) Change of Law

The third effect of hostilities is that they sometimes lead to a change of law. This means that the legislature will amend the law in order to suit the circumstances obtaining in a particular society at a given time. Generally, this might seem to be a good idea but the facts on the ground are that the consequences of this law are far-reaching as human rights are drastically limited as compared to normal times. With the beginning of war, new rules of law also gain entry so that whatever is obtaining at that particular time is in line with the law whether legitimate or not.[71] Contracts with enemy neighbours are suspended and resident aliens may be closely monitored; trading with the enemy is suspended or expressly prohibited; legislation regulates industry and promulgates emergency laws that support the production of machines that can be used during war; the government may take over various sectors of society; consumption may be rationed in many dimensions and loyalty to the state overrides any loyalty to other institutions. [72] At one time, dictators actually used the law as a tool in an attempt to get rid of Jews.[73] A change of law is linked to economic development in the sense the a law could have allowed for the free movement of goods and services before the beginning of hostilities, but after amending that particular law, trade is restricted. One might argue that this is the reason why resources and supplies are not freely available during intense conflict. For instance, Zimbabwe's President Mugabe introduced the Land Resettlement Policy which had the effect of evicting white farmers, who were the major producers of farm produce. The effect of this policy was to drastically reduce Zimbabwe's exports to countries in the SADC region. This illustration from Zimbabwe shows that there has actually been a reduction in trade as countries such as Zambia have had to import from other countries such as South Africa at a higher cost.

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[71] Duchacek, I.D. Conflict and Co-operation Among Nations(New York: Holt, Rinehart and Winston, 1960) at p 441
[72] Ibid
[73] Adolf Hitler used the law to send a mass of Jews to gas chambers

3.4 How Has Zambia Reacted to the Problem of Hostilities?

Hostilities are an undesirable state of affairs which cause much suffering and anguish in the lives of the people they affect, and as such, measures need to be put in place to alleviate the impact they have on affected countries. In particular, the Zambian Government has come up with some solutions to the problem of hostilities on Zambia's poor economy.

As noted earlier, a direct impact of hostilities is the influx of refugees. The estimation of refugees is: In the year 2008, there were 2,303 Angolan, 29,169 Congolese, 7,640 Mozambicans and 289,706 Zimbabwean refugees.[74] These alarming numbers of refugees pouring into Zambia can be attributed to the unrest in their respective countries.

In response to this influx, Zambia has in the recent past embarked on a comprehensive repatriation exercise.[75] The repatriation exercise has been met with mixed feelings from both the refugees and the local community .Some refugees have shown willingness to go back to their countries while others are very reluctant for various reasons such as they are still afraid that peace and stability has not been restored in their respective countries to the fact that they were born in Zambia and have never been to their home country. On the other hand, most of the locals who live near refugee camps have expressed happiness and praised government for embarking on this repatriation exercise because they are of the view that their "space" had been invaded by refugees.

Another reaction by the Zambian government has been to deploy troops to war torn – countries in the hope that the hostilities will be alleviated. Although other countries also send troops to assist in alleviating the hostilities, this action drains Zambia's resources.

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[74] The Immigration Department : Overall Statistics of Aliens; January – December 2008
[75] *The Times of Zambia*, April 21 2009

Additionally, the Zambian borders, are regarded as very porous have been tightened to prevent spill-overs from neighbouring countries.[76]

3.5 Conclusion

In conclusion, it can be noted that the impact of hostilities on Zambia's economy and the economic development has been adverse in that one of the avenues through which development is achieved is trade. Since there has been limited trade because of the hostilities, the much needed economic development has been seriously restricted. Hostilities have not only rocked the countries at war but have also extended to countries such as Zambia. The meagre resources in the already poor Zambia have had to be shared with the ever increasing number of refugees and have in effect impinged on Zambia's economic development. Overall, hostilities have left Zambia in a very vulnerable position as its economic development has been largely dependent on the events of her neighbouring countries because as a landlocked country, its economy relies on free trade with other countries.

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[76] www.state.gov/r/pa/ei/index.htm (visited on 18th November, 2009)

CHAPTER 4

This chapter discusses the role played by the international community with regard to the problem of hostilities and particular reference will be made to the following:

- Introduction

- The United Nations Peace-Keeping Forces

- Donor countries

- The International Monetary Fund (IMF)

- The World Bank

4.0 Introduction

The Second World War left a devastating effect on world economies and the lives of millions of people. In order to prevent another outbreak of war and the consequences of the Great Depression of the 1930s, various international institutions and partnerships were created to maintain peace and security all over the world, including Africa.[77] These international partnerships and participation are vital to the success of the African peace and security agenda because regional bodies such as SADC lack the financial resources and capacity to bear the full burden of maintaining peace and security in Africa.[78]

Having stated that a number of international institutions were established to ensure peaceful co-existence, this chapter focuses on the role played by these institutions with regard to hostilities in the SADC region.

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[77] Sickmann, R,C.R. National Contingents in United Nations Peace-Keeping Forces, (Dordrecht: Martin Nijhoff Publishers), 1991 at p 1
[78] Juma, M. A Compendium of Key Documents Relating to Peace and Security in Africa, (Cape Town: Pretoria University Law Press, 2006), p 367

4.1 The United Nations Peace-Keeping Forces

There has been established on the international level the United Nations, which is an international institution whose mandate is to maintain international peace and security and retains ultimate responsibility for keeping world peace[79]. The term "peace keeping" has no official definition because it does not appear in any of the provisions of the UN Charter but attempts have been made to define the term. One such definition is:

"An operation involving military personnel, but without enforcement powers, undertaken by the United Nations to help maintain or restore international peace and security in areas of conflict. These operations are voluntary and are based on consent and co-operation but while they involve the use of military personnel, they achieve their objectives without the use of firearms unless absolutely necessary."[80]

The United Nations peace-keeping forces were established in response to the Suez crisis of 1956 under an 'Emergency International United Nations Force' (UNEF) with no reference to any article of the UN Charter.[81] Today, UNEF is not an ad hoc operation but enshrined in Article 1 of the UN Charter which lays out the instances in which the UN can respond to threats to peace, either through mediation, negotiation, or other peaceful means or through the use of force where necessary.

Since the end of the Cold War, the UN has come under mounting pressure to respond to the numerous conflicts that erupted across the world. Between 1988 and 1992, it launched an unprecedented 13 peacekeeping missions, the same number it had carried out in the past 40

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[79] Article 1 of the UN Charter of 1945
[80] White, N.D. Keeping the Peace: The United Nations and the Maintenance of International Peace and Security, (Manchester: Manchester University Press, 1993), p 183
[81] Siekmann, R.C.R. National Contingents in United Nations Peace-Keeping Forces, (Dordrecht: Martin Nijhoff Publishers, 1991), p 3

years. The UN peacekeeping missions in Africa include those in the Western Sahara, DRC, Sierra Leone, Ethiopia/Eritrea, Liberia, Sudan, Burundi and Cote d'Ivoire. However, these missions lack the capacity and will to respond to all of Africa's conflicts effectively.[82] Good examples where the UN failed to fulfil its mandate was the withdrawal of the UN mission from Somalia in 1993 and the failure to prevent the genocide in Rwanda in 1994.

Despite these failures, the UN did not stop its peacemaking missions. However, it can be argued that the fact that the UN has responded to more conflicts in 4 years as compared to the past 40 years is a cause for concern because this is an indication that there has been a rise in the number of conflicts all over the world as opposed to a reduction as envisaged by the UN. As such, this has posed a challenge to the peacekeeping missions.

In order to respond to these challenges, there has been an attempt by the UN to reform its efforts. One of these is to link peace, security and development and in so doing, has peace – keeping forces to deal specifically with hostilities in the SADC region:

i) The United Nations Peace-Keeping Force in the Congo (ONUC) (1960 – 64)

This peace-keeping force was established by the United Nations Security Council which was concerned with socio – economic and humanitarian efforts in the Congo.[83] ONUC has its genesis in Resolution 143of July 1960 which gave the Security Council the power to take the necessary steps to provide the DRC with such military assistance as might be necessary.[84] The UN usually makes appeals to various countries (including developing countries) to send military assistance to regions facing war, hostilities or civil unrest. For instance, the ONUC is

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[82] Juma, M. A Compendium of Key Documents Relating to Peace and Security in Africa. (Cape Town: Pretoria University Law Press, 2006), p 367
[83] Siekmann, R.C.R. National Contingents in United Nations Peace-Keeping Forces, (Dordrecht: Martin Nijhoff Publishers, 1991), at p 5
[84] Ibid, p 25

made up of national contingents supplied by SADC member states including Zambia. This has taken a toll on Zambia's economic development in the sense that as a troop contributing country it is responsible for all the costs of equipment and risk allowances which are to be paid from Zambia's meagre resources. On the other hand, this mission has been a success in the sense that although developing countries have been called upon to contribute troops, its chief goal is to promote social and economic development in developing countries especially those experiencing civil wars or hostilities.

ii) The United Nations Angola Verification Missions (UNAVEM I and II) (1989-present)

UNAVEM I was established after Cuba and Angola signed a bilateral accord on 22nd December, 1988. This agreement provided for the withdrawal of Cuban troops from Angola and was linked to the tripartite accord between Angola, South Africa and Cuba which concerned the withdrawal of South African troops from Namibia.[85] It further provided that 50,000 Cuban troops present in Angola, in accordance with Article 51 of the UN Charter, would be withdrawn by 1st July 1991. Angola and Cuba then requested the Security Council to verify the redeployment and total withdrawal of Cuban troops from Angola. In anticipation of this agreement, on 20th December 1988, the Security Council decided to establish UNAVEM for a period of 31 months, to carry out the mandate provided for in the agreement between Angola and Cuba.

The parties requested UN supervision of the ceasefire and of the elections in Angola leading to a revised mandate for UNAVEM, later renamed UNAVEM II.[86] Thus, UNAVEM had become integral in the peacekeeping process by implementing of the agreed peaceful

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[85] Sickmann, R.C.R. National Contingents in United Nations Peace-Keeping Forces, (Dordrecht: Martin Nijhoff Publishers, 1991), at p 177
[86] Security Council Resolution 696 unanimously adopted on 30th May, 1991

solution, involving not only traditional peace-keeping functions and over-seeing of the ceasefire to be carried out by the military component of the force, but also the supervision of the Angolan police force, and of the elections, to be carried out by the police and civilians.[87]

UNAVEM can be said to have actually played a role in solving the problem of hostilities in that it was responsible in large measure for the attainment of peace in Angola. This put Angola on the path of success and restored its relations with other neighbouring nations. The peace keeping force therefore assisted Angola in striving to attain the much needed economic development. The cessation of hostilities in Angola has in turn, reduced the adverse impact of economic development on Zambia in particular. Indeed, the number of UN forces in Africa actually declined in the period between October 2006 and October 2007.

It must however be sadly noted that peace keeping and peace building missions undertaken by the UN and the Security Council have not been completely successful. The deployment of the UN has been very problematic because decisions to deploy peacekeeping forces cannot be made without the unanimity of the Security Council's five permanent members (the United States, Great Britain, France, Russia and China). This has made the quick deployment of UN forces often impossible.[88]

While these could be some of the reasons why peacekeeping operation in Africa did not achieve their goals, other factors may also play a role in peacekeeping failures in Africa. For instance, although conflict was, in some instances, prevented through intervention, the

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[87] White, N.D. Keeping the Peace: The United Nations and the Maintenance of International Peace and Security, (Manchester: Manchester University Press, 1993), pp 225 - 226

[88] Dr Debay Tadesse, 'Peacekeeping Successes and Failures in Africa', Institute for Security Studies, 29 (April, 2009), p 1

solution that was often imposed was a military solution without addressing the underlying issues of Africa's conflicts and the impact on its economic development.[89]

4.2 Donor Countries

Most African countries are very poor and depend on external sources in order to obtain the much needed money. Some countries such as Zambia were declared Highly Indebted Poor Countries (HIPC) with the result that huge amount of debts owed were substantially reduced or completely cancelled.

Some of the countries that assist Zambia in monetary terms are the United States of America, the United Kingdom, Norway, Japan and Germany. Although it is not a requirement that there is need for political stability, it is sometimes a determining factor when donor countries give loans because a politically stable country is more likely to repay the loan as compared to one which is volatile.[90] This has prompted most countries experiencing hostilities to at least try to ensure that they qualify to receive donor aid by creating a good political climate.

The role played by these donor countries is that of providing money for reconstructing infrastructure that has been shattered by war and also, making it a requirement for peace and stability before granting aid in most instances. In this way, governments have by all means tried to ensure that their countries are free of civil strife in order that they qualify for donor aid and this has had a good impact on the security efforts by recipient countries.

4.3 The International Bank for Reconstruction and Development (The World Bank)

The World Bank is one of two institutions created at the Bretton Woods Conference in 1944. It is one of the three pillars that were envisaged for the purpose of maintaining international

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[89] Ibid, p 1
[90] www.usaid.gov (3rd March, 2010)

economic co-operation after the Second World War.[91] As the original name suggests, its primary concern is to promote economic and social progress in developing countries which are usually characterised by poverty, hostilities and corruption.

Having stated this, it is seen that the World Bank has played a key role in reconstructing the economies of countries with budget deficits and also war stricken nations. It has also been a source of the much needed finance to most countries in Africa and as such, has played a key role in alleviating the effects of hostilities.

The World Bank's role is to be praised because it ensures that as soon as a country has been free of hostilities, it is given a push for that country to effectively contribute to its own economic development. In fact it must be seen as an incentive by the World Bank that it offers loans for reconstruction in that countries affected and afflicted by wars and hostilities will try by all means possible to redress the prevailing situation in their countries so as to be able to receive development assistance.

4.4 The International Monetary Fund (IMF)

During the Great Depression of the 1930s, the majority of countries attempted to revive their failing economies by raising barriers to foreign trade, de-valuing their currencies to compete against each other for export markets and curtailing their citizen's freedom to hold foreign exchange.[92] However, these measures resulted in a sharp decline in world trade. This breakdown in the international monetary co-operation led to the establishment of the IMF which would ensure exchange rate stability and encourage member countries to eliminate exchange rate restrictions that hindered trade.

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[91] Narlikar, A. The World Trade Organisation: A Very Short Introduction, (New York: Oxford University Press, 2005), p 10
[92] www.imfhistory.org (visited 27th February, 2010)

The IMF (which was established at exactly the same time as the World Bank), therefore, is responsible for overseeing the international monetary system to ensure exchange rate stability and encourage members to eliminate restrictions that hinder trade.[93] In this vein, it can be said that there has been recognition of the fact that regional integration is fostered by trade amongst nations. Trade is, as such, key to alleviating unrest between countries that are at loggerheads with each other. This is the case because trade encourages good relations between countries. Any role played by the IMF would be ineffective if countries put up trade barriers which hinder trade because the effect of reducing contact among traders and consumers located in various countries would be to lessen the development of mutual respect and harmonious relations which are preconditions for fostering a sense of international community[94]. This is so because the actors in international trade have an incentive to avoid war with key trading partners, since any disruption in commercial relations stemming from hostilities would be costly.

Despite the role that the IMF plays in encouraging co-operation, it has also been criticised for imposing an accelerated form of capitalism on developing countries without considering the fact that privatisation does not happen overnight.

4.5 Conclusion

The most important feature of war or hostilities is that in effect, it undermines national, regional and international security.[95] The flow of trade and aid is distorted, in some cases manifestly, by interference from political and strategic considerations, resulting in the misallocation of resources. It can also be stated that donor countries, bilateral and multilateral

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[93] Narlikar, A. The World Trade Organisation: A Very Short Introduction, (New York: Oxford University Press, 2005), p 10
[94] www.galeecngage.org (visited on 1st April, 2010)
[95] Economic and Social Consequences of the Arms Race and of Military Expenditure. Updated Report of the Secretary- General, United Nations,1978, p 58

institutions contribute to economic development especially in those countries that have been experiencing civil strife for decades.

CHAPTER FIVE

- General Conclusions

- Recommendations

- Policy Recommendations

- Legal Recommendations

- Institutional Recommendations

- Conclusion

5.0 General Conclusions

From the preceding discussions, a conclusion can be drawn that hostilities have an impact on both the country experiencing civil strife and its neighbours. The impact of these hostilities is felt especially with regards free trade and influx of refugees. The concept of peace has been an illusion to some countries in the Southern African Development Community (SADC) due to hostilities, civil strife and war. The main challenge that countries experiencing such unrest face is to be regionally integrated and consequently, economically developed.

Secondly, although the Southern African Development Community (SADC) has been mandated with maintaining peace, security and economic development in the region, the attainment of some of these objectives (that is, promoting and maintaining peace and security, and economic development in Southern Africa) has been very challenging. For instance, it is obvious to see that only a handful of countries such as Botswana and South Africa have viable economies, with most of the countries in the region, including Zambia, still struggling to achieve economic viability.

It can also be concluded that SADC has no enforcement powers, that is to say that, it has no powers to enforce its decisions in the promotion and maintenance of peace, security and economic integration because there is still evidence of civil wars and unrest in certain countries which have ultimately taken a toll on the lives of its civilian and the respective economies of the countries in question.

Thirdly, it can be concluded that the impact of hostilities on Zambia's economic development is profound even though the country is peaceful. This is because civil strife is widespread and almost always affects neighbouring states. Therefore, the underlying causes of war, hostilities and civil strife in Africa need to be addressed as this will encourage regional integration and development. Additionally, free trade is vital for any country's economic development as the free movement of goods and services ensures that countries have attained a high level of regional integration and tolerance in the event of any differences instead of resorting to violence.

A further conclusion is that war is such an undesirable state of affairs that a number of players have gotten involved in resolving these hostilities. One such player is the United Nations Peace Keeping force which is responsible for establishing a buffer zone between states, and also to maintain law and order within a state's territory. Other players are donor countries who lend money to countries that need it and from the research conducted it is noticed that war–torn developing countries require money to rehabilitate damaged infrastructure and revive ailing economies. This money is especially needed after the cessation of war.

5.1 Recommendations

Before Zambia can develop economically so as to benefit the society as a whole, it is imperative that certain changes be implemented. The measures that can now be put in place

to ensure that Zambia develops economically can now be discussed under the heads of policy, institutional and legal recommendations, respectively.

5.2 Policy Recommendations

5.2.1 Diversification of the economy

It is recommended that Zambia should diversify her economy instead of chiefly relying on copper. The country should also encourage the local population to engage in manufactured and not primary goods because imports are very costly for a poor country like Zambia. This is compounded by the fact that Zambia is a landlocked country and has to use routes via other countries in the process of importing and exporting goods.

In relation to the above, Government should also ensure that not only the national airport but also the other airports situated in other parts of the country are kept in excellent condition so that people, goods and services do not have to pass through countries where hostilities are prevalent. This will reduce the cost of engaging in trade as well as dependence on neighbouring countries in the sense that Zambia's exports will have safer passage if they are imported and exported via air as opposed to using road networks. Although it might be argued that it is not possible to trade only by air, ultimately it is much cheaper because goods in transit will not be exposed to the risks (such as looting) commonly found in war-stricken countries.

5.3 Institutional Recommendations

Trade is vital to any country's economic development because it is a source of revenue. Unfortunately, hostilities have had the effect of stifling trade among countries. Therefore, there is need to strengthen the framework of institutions that promote trade and development in view of the hostile conditions that exist in the region. One institution that oversees trade

and development is the Southern African Development Community (SADC) which is an institutional organisation aimed at promoting not only peace and security but also development in the region. However, the institution has not been completely successful in achieving what it has set out to do in its objectives due to some institutional weaknesses.

For instance, it can be said that the first weakness of SADC lies in the fact that it has not taken a leading role in the promotion of trade. This proposition lies in wake of the fact that countries have placed trade barriers despite signing agreements that there will be no trade restrictions. For instance, signatories to the SADC Treaty are essentially supposed to allow free movement of goods and services to other member states but it has been observed that some countries like South Africa have placed stringent conditions before goods, services or people enter their countries. Of course there is need for security measures to be put in place but it seems as if this has been used as an excuse to limit trade among countries and SADC has looked on without taking any action.

In order to mitigate the consequences of limited trade on Zambia's economic development, SADC should not just promote regional integration so as to encourage free trade but also ensure that this objective is achieved by imposing some kind of penalty or sanction on a member state that breaches the terms of the SADC Treaty of 1992. This is because it is felt that the sanctions that SADC can impose under Article 32 of the Treaty are not stiff enough to deter member states from breaching the provisions of the Treaty.

5.3.1 The Southern Africa Development Community (SADC)

Firstly, it is recommended that since SADC is responsible for promoting and maintaining peace and security in the Southern Africa, it should strive to ensure that the objectives it puts in place are tenable and take into consideration the economic positions of member states.

This is because countries in Africa are generally diverse and one set of objectives may be suitable for one country while not being so for another.

Secondly, SADC should monitor the activities of member states so that if certain activities seem to be a threat to the security of the region, it can prevent it before it escalates into a serious problem. An area which will require monitoring is that relating to proliferation of arms which contributes to armed conflict in the sense that weapons are smuggled between countries with little or no monitoring at all. For instance, an unauthorised flight was made from Johannesburg, South Africa to Kigali by a company involved in military operations.[96] The South African authorities launched an immediate inquiry but have yet to make a public report. Also, since 2003, no state has informed the United Nations about supplying arms to the Democratic Republic of Congo but the country has never been in short supply of firearms and ammunition. The question to ask is "where do these weapons come from considering the fact that Congo is a developing country?" Furthermore one wonders what the "watchdogs" are doing about the proliferation of arms. It is because of these troubling questions that there is need to ensure that arms are only obtained for security and peace-keeping purposes so that hostilities are reduced so as to pave way for free trade. In this regard, the elimination of hostilities is viewed as being the solution to facilitate free trade and economic development.

Therefore, there is need for SADC to be vigilant to try as much as possible to prevent hostilities before they turn into full – fledged wars and one way of ensuring this is by monitoring the flow of arms between member states.

The link between the proliferation of arms and Zambia's economic development is that hostilities are exacerbated by a huge supply of arms because states will readily use force

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[96]South African Department of Transport, 10 December, 2003

instead of settling disputes amicably. This in turn impacts on trade as good relations between member states will be strained.

Having stated that a reduction in the proliferation of arms will also lead to a decline in hostilities, thereby increasing the flow of goods and services across borders, economic development will be attainable in line with the objectives set out in the SADC Treaty.

5.3.2 The United Nations Peace-Keeping Forces .

When colonialism came to an end in Africa, the continent was confronted with several problems. A study that was undertaken on Africa revealed that between 1990 and 1997, 16 wars took place and devastated lives, economies and infrastructure.[97]

In response to this crisis, the United Nations deployed peace-keeping forces to deal with the violence in Africa. Unfortunately, these peace-keeping and peace-building missions did not achieve their purpose.

The first reason for the failure of the UN peace- keeping missions can be attributed to lack of resources. It is recommended that funds and resources be set aside in anticipation of armed violence in the event that SADC fails to deal with the problem. This entails that if funds are readily available, troops will be quickly deployed to the troubled areas and curb hostilities and their impact on economic development, with particular reference to Zambia.

The second reason is that peace – keeping missions simply impose a military solution. In order to solve this problem, the UN should carry out a study or research in order to ascertain the underlying causes of conflict in the SADC region instead of deploying troops as a first solution.

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[97] Report by the Institute for Security Studies, 29th April 2009

In order to ensure that the failures of the UN peace-keeping forces do not negatively affect war-torn countries, it is imperative that there is less dependence on these forces, and instead, countries in Southern Africa should form their own peace-keeping missions that will be well-equipped to deal with hostilities in the region.

5.4 Legal recommendations

5.4.1 Strengthen Legal Framework Providing for Adherence to Sanctions

It is recommended that the SADC Tribunal needs to have the legal backing of the law in order for the sanctions it purports to impose on member states after a breach of any of the provisions of the Treaty to have a binding effect. Article 32 of the Treaty provides that the Tribunal may impose sanctions on any member state but these sanctions are subject to challenge on the ground of illegality as the SADC Tribunal may not have been properly constituted as a minimum of one-third (at least nine) member states needed to append their signatures in order to endorse the power and mandate of the Tribunal. As this requirement was not fulfilled, the SADC as a whole would continue to be undermined and challenged by member states.

5.5 Conclusion

It can be concluded that regional bodies such as SADC exist to protect and further economic development of member states in Southern Africa by encouraging regional integration. Therefore, if regional integration is to pave way for free trade, and ultimately economic development for Zambia, SADC needs to put in place certain measures otherwise countries in Southern Africa will continue to wallow in poverty.

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