

SOUTHERN AFRICAN SECURITY REVIEW 2020

**Edited by
Gilbert Khadiagala
and Dimpho Deleglise**





Centre for Defence and Security Management
University of the Witwatersrand

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Acronyms

ABC	All Basotho Convention
AFDL	Alliance of Democratic Forces for the Liberation of Congo
ANC	African National Congress
AMIB	African Union Mission in Burundi
AMISEC	African Union Mission for Support to the Elections in Comoros
AMISOM	The African Union Mission in Somalia
ASADHO	African Association for the Defense of Human Rights
AU	African Union
BCP	Basutoland Congress Party
CCL	Christian Council of Lesotho
CENCO	Conférence Episcopale Nationale du Congo
CNDD-FDD	Conseil national pour la défense de la démocratie-Forces de défense de la démocratie)
CNE	Comissão Nacional de Eleições
CNS	Conférence Nationale Souveraine
CODESA	The Convention for a Democratic South Africa
CSO	Civil society organisation
DC	Democratic Congress
DDR	Disarmament, demobilization and reintegration
DRC	Democratic Republic of Congo
EMOCHM	Observation Team for the Cessation of Military Hostilities
EU	European Union
EPG	Eminent Persons Group
FADM	Forças Armadas de Defesa de Moçambique
FARDC	Forces Armées de la République Démocratique du Congo
FCC	Front Commun pour le Congo
FDI	Foreign Direct Investment
FDLR	Forces Démocratiques pour la Libération du Rwanda
FLS	Front Line States
FRELIMO	Frente de Libertação Moçambique
GDP	Gross Domestic Product
GPA	General Peace Agreement

GNU	Government of National Unity
ICC	International Criminal Court
ICD	Inter-Congolese Dialogue
ICG	International Contact Group
ICGLR	International Conference of the Great Lakes Region
IMF	International Monetary Fund
IPA	Interim Political Authority
LCD	Lesotho Congress for Democracy
LDF	Lesotho Defence Force
LHA	Lancaster House Agreement
LRA	Lord's Resistance Army
MCPMR	OAU Mechanism for Conflict Prevention, Management and Resolution
MDC	Movement for Democratic Change
MDG	Millennium Development Goal
MONUSCO	The United Nations Organization Stabilization Mission in the Democratic Republic of Congo
MLC	Mouvement de Libération du Congo
MMP	Mixed Member Proportional
MPLA	The People's Movement for the Liberation of Angola
NGO	Non-governmental organisation
OAU	Organisation of African Unity
OMIB	OAU Mission in Burundi
PAC	Pan African Congress
PALIPEHUTU-FNL	Parti pour la libération du peuple Hutu-Forces nationales de libération
PCRD	Post-Conflict Reconstruction and Development
POSA	Public Order and Security Act
PSC	Peace and Security Council
REC	Regional Economic Community
RENAMO	Resistência Nacional Moçambicana
RDP	Reconstruction and Development Program
RM	Regional Mechanisms

RSF	Rhodesian Security Forces
SA	South Africa
SADC	Southern African Development Community
SADCC	Southern African Development and Coordination Conference
SADSEM	Southern African Defense and Security Management
SANDF	South African Defence Force
SASR	Southern African Security Review
SDG	Sustainable Development Goals
SSR	Security Sector Reform
SOMILES	SADC Observer Mission in Lesotho
SWAPO	Southwest African People's Liberation Organization
TRC	Truth and Reconciliation Commission
UN	United Nations
UNDP	United Nations Development Programme
UNITA	National Union for the Total Independence of Angola
UDPS	Union pour la Démocratie et le Progrès Social
UK	United Kingdom
US	United States
UNSC	United Nations Security Council
USAID	The United States Agency for International Development
WPS	Women, Peace and Security
ZCTU	The Zimbabwe Congress of Trade Unions
ZNA	Zimbabwe National Army
ZANLA	Zimbabwe African National Liberation Army
ZAPU	The Zimbabwe African People's Union
ZANU PF	Zimbabwe African National Union-Patriotic Front
ZPM	Zimbabwe Peoples Militia
ZRP	Zimbabwe Republic Police

Foreword

Negotiating and building peace in countries experiencing and emerging from conflict is a huge, complex undertaking. It involves a myriad of different players, actors and processes. This constitutes peacebuilding, which includes a wide range of efforts by diverse actors in government and civil society at the community, national and international levels, to address the root causes of violence. More importantly, it is meant to ensure that civilians have freedom from fear (negative peace), freedom from want (positive peace) and freedom from humiliation before, during, and after violent conflict.

Mediation is thus one part of these processes – inherently a political process with its set of uses and limitations with no advance commitment from the parties to accept proposed solutions and their sustainability. At best, mediation helps parties in conflict find solutions they cannot find by themselves – usually when a mutually hurting stalemate or crisis arises, and where such solutions have been made acceptable to the adversaries in the conflict. The latter must, in turn, cooperate diplomatically with the mediator. At worst, solutions are met with rejection, resistance or later curtailed as conflicts evolve and interests and grievances are re-shaped.

Practitioners and academics have developed several conceptual and practical mediation and peacebuilding frameworks, in the last decade, on bridging the gap between mediation and conflict transformation. Through detailing complex conflict contexts and negotiations, different frameworks have been proposed to analyse the success of existing initiatives in supporting a country's transition to peace, identifying some key theoretical characteristics that distinguish them as unique avenues to peacebuilding. Central to these are multi-sectoral approaches to resolving conflicts, practices that elevate and incorporate local mechanisms or techniques into national agendas and structures; and developing a comprehensive sense of legitimacy that spans from the government to grassroots levels in negotiating peace and sustaining it.

This fourth edition of the Southern African Security Review (SASR) will further explore how mediation and conflict transformation relate to peace and security processes in Southern Africa. The publication consolidates the reflections from regional security dialogues between academics and practitioners that the Southern African Defence and Security Management (SADSEM) network and the Maputo Office of the Friedrich Ebert Foundation (FES) have co-hosted. The publication focuses on two interrelated themes: African mediation, and African capacity to support and promote the range of mediation and peacebuilding activities, interrogating their potential to transform conflicts.

We want to thank all authors and especially our editors, Gilbert Khadiagala and Dimpho Deleglise, for their solid work and profound commitment to bringing this book together in these trying times of the global COVID 19 Pandemic. We hope that readers will enjoy the compilation and that the chapters contribute to the discourse on peace settlement and sustainable conflict resolution in the Southern African Region and beyond.

*Tina Hennecken Andrade (FES) and
Anthoni Van Nieuwkerk (SADSEM)*

Introduction

Mediation in Southern Africa: A framing Introduction

Gilbert M. Khadiagala

MEDIATION HAS been an essential mechanism for resolving conflicts since the onset of Africa's civil wars in the 1990s. Reflecting both the diminution of sovereignty and the search for local solutions to African problems, mediators arose as major players in conflict resolution as peacemakers, peacebuilders, and institution builders. Over the years, there have been three major forms of mediators: state actors, regional institutions, and elder statespersons. Because of their severity, some African conflicts have invariably attracted various non-state and international actors, particularly the United Nations (UN). Southern African conflicts followed the African trend by attracting mainly regional mediators who have deployed themselves in various ways to find solutions to these conflicts. Our analytic focus in this volume is to capture and describe local mediators' engagement in Southern Africa's civil wars, insurrections, and electoral contestations that gripped the region since the 1990s. The objective is to shed light on these mediation experiences in order to find comparative patterns that could inform efforts to improve mediation and peacemaking institutions across the region. While international actors such as the UN have featured prominently in the mediation of African conflicts, they have elsewhere been treated exhaustively and are, therefore, not the subject of this book.

This introductory chapter illuminates major themes in the mediation of African conflicts that are pertinent to understanding the Southern African cases studies. It starts with a conceptual overview of mediators and their roles in civil conflicts, drawing primarily from global mediation studies. Subsequently, I analyse the evolution of mediation of civil conflicts in Africa, delineating the main actors and processes. In the conclusion, I provide brief chapter summaries and the key questions that framed the analysis of the Southern African cases surveyed.

Mediation of civil conflicts in theory

Research on mediation of civil wars has focused on the contextual conditions that propel mediation, the critical characteristics and features of mediators, the types of interventions, and outcomes of mediation. Mediation is defined as the interposition of third parties in conflicts with the aim of helping disputing parties to find mutually acceptable solutions. Since parties to civil wars face information, reputational, and commitment problems, third parties help them to overcome these dilemmas by bringing them together and encouraging them to build trust and facilitate a settlement (Savun, 2008, pp. 25-47; Greig, 2013, pp. 336-361; Regan and Aydin, 2006, pp. 736-756). As Bercovitch, Anagnoson, and Wille (1991, p. 7) point out:

[M]ediation is a process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, groups, state, or organisation to settle their conflict or resolve their differences without resort to physical force or invoking the authority of the law.

Most mediators do not just de-escalate the conflict, but more fundamentally, they also assist the parties to address the underlying grievances that drove the conflict in the first place.

Characteristics of civil conflicts

Civil conflicts are characterised by power asymmetries between belligerents, who are often governments and rebel groups. Unlike interstate conflicts, the high stakes compound the power imbalances in these conflicts, whereby parties feud over power, resources, and recognition. The scarcity of resources and local options make compromises difficult and, in some cases, non-negotiable (Mitchell, 1991, pp. 23-38; Sahadevan, 2006, p. 239-266). The other critical characteristic of civil conflicts is that governments, as the most powerful parties, are always reluctant to negotiate with rebel groups for fear of conferring legitimacy and credibility on them.

In this respect, governments frequently hide behind the norm of sovereignty to prevent mediators from assisting in conflict management. As Melin and Svensson argue:

Since mediation in civil wars transfers legitimacy to the non-state actor and can generate a precedent of exceptions to the norm of sovereignty, the political cost associated with accepting international mediation will be substantially higher in civil wars compared to international conflicts. It is primarily the government that suffers the costs of accepting external mediation. The acceptance of mediation signals a lack of capability by the government side to manage the internal situation on its own territory. (2009, p. 254)

The nature of civil conflicts highlights questions related to the ideal preconditions for mediation; specifically, when and why disputants become amenable to the suasion and entreaties of mediators. Zartman's proposition of mutually hurting stalemates or ripe moments remains one of the most popular explanations for why parties in dispute countenance mediation (Zartman, 2001, pp. 8-18; Zartman, 1996). According to him, a mutually hurting stalemate is present when both parties perceive that unilateral solutions are unattainable and when the costs of further violence are increasing.

A key feature in the development of a stalemate is the power parity between the disputants: as a conflict continues, the parties become increasingly aware of their inability to achieve their goals through violence, ripening the opportunity to move toward a compromise (Zartman & Touval, 1985, pp. 27-45; Greig & Regan, 2008, pp. 759-781). As a result, even though both parties may remain in conflict, they share a common interest to reach a settlement to the conflict. Most studies point out that in conditions of stalemates, mediation becomes more appealing to the belligerents because they now see themselves faced with painful and inconclusive strife in the future (Mitchell, 1995, pp. 38-52; Greig, 2001, pp. 691-718; Beardsley, 2009, pp. 272-297).

Characteristics of mediators in civil wars

Mutually hurting stalemates may provide the preconditions for mediation, but given the intensity of the grievances and the stakes in civil conflicts, scholars have suggested that mediators in such conflicts need to be prepared to take on more profound roles than in interstate conflicts (Zartman & Touval, 1985, pp. 27-45; Greig & Diehl, 2006, pp. 355-384). To transform the stakes from zero-sum to positive sum, these conflicts require authoritative external mediators. Some analysts suggest that mediators obtain these authoritative roles from the invitation by disputants who are incapable of finding unilateral solutions to their problems (Mitchell, 1992; Touval, 1992). When the likelihood of disputing parties to settle conflicts on their own diminishes, mediators become even more necessary. Compelled by grinding stalemates from which they cannot extricate themselves, feuding parties inevitably choose mediation. From this perspective, invitation endows the authority and legitimacy that allow the mediator to become an alternative and attractive source of solutions. By accepting mediation, the disputants signal their intentions to overcome the unilateral approaches that impede mutual compromises (Olson & Pearson, 2002, pp. 421-445).

In other circumstances, however, powerful regional or international mediators concerned about the escalation of the conflict can induce invitation by nudging disputants to accept mediation. Some scholars have proposed that powerful actors, driven by foreign policy interests, can intervene to mediate conflicts even if they are not ripe for settlement (Bercovitch, 1984; Stephens, 1988). In such instances, these powerful mediators can induce stalemates by bringing pressure on stronger parties to come to the table; this helps mostly the weaker parties, but also contributes to conflict resolution. The most common forms of powerful interventions occur in regional contexts where the contagion of conflicts motivates mediators who desire to minimise the deleterious effects of such conflicts (Gartner, 2011, pp. 380-390; Wehr & Lederach, 1991, pp. 85-98; Pevehouse, 2002, pp. 611-626). It is for this reason that most studies show that regional organisations comprised of states that have close political, economic, social, and cultural ties to civil conflict disputants seem ideal as third-party mediators.

Conceptualising the power and leverage of mediators

While invitation and acceptance are some of the organisational variables that contribute to the effectiveness of mediation, comparative analyses also focus on the power and leverage of mediators. Many analysts have identified two distinct forms of power that are critical to mediation (Svensson, 2007, pp. 229-248; Eisenkopf & Bächtiger, 2012, pp. 570-597). The first type is termed 'mediators with muscle', due to the raw power mediators can sometimes deploy to assist the mediation process: they push the disputants toward the bargaining table, but also provide the political cover necessary for the belligerents to engage in dialogue (Zartman, 1996; Caplan, 2015; Svensson, 2007, pp. 229-248). Typical of mediation by big powers, mediation with muscle highlights the traditional carrots and sticks that the mediator uses to increase the chances of successful outcomes (Carnevale, 1986, pp. 41-56; Smith, 1994, pp. 445-450; Touval, 1975, pp. 51-69).

As Melin (2013, p. 85) notes:

States (or third parties) with material strength and diplomatic prowess are likely to be accepted and successful as mediators because these actors have access to resources and negotiating experience that makes them attractive as mediators and able to create and sustain peace. Before a state can act, however, it must have the capabilities necessary to be effective as a mediator.

By contrast, the second form of power illuminates how mediators without traditional power instruments exploit soft mediation tools in encouraging disputants to reach agreements. This includes the control of information flows, knowledge of the disputants, seizing initiatives to break logjams, manipulation of deadlines, and appeals to the morality and good judgement of the disputants.

As Young (1972, p. 56) has noted:

There is no logical reason to conclude that an intermediary who is well-endowed with the traditional instruments of physical coercion will be more successful in [negotiating contexts] than one who

is not so endowed...Intellectual dexterity and persuasiveness in dealing with such problems as the transmission of information and the dissolution of tactical rigidities are apt to be more important determinants of the success of an intermediary than the possession of any instruments of physical coercion in a great many situations. It is true that intermediaries can sometimes increase their power by imposing costs on the original players for failures to accept specific suggestions or proposals. However, many techniques of imposing costs on the original players do not involve the use of physical coercion.

‘Powerless’ mediators or small state actors, therefore, derive their mediation power primarily from the invitation to participate in resolving civil wars.

Mediation scholars have used a variety of labels such as the power of facilitation, legitimacy, commitment, and information to designate the variety of power options that third-parties acquire once they have gained entry into conflicts and the parties have embraced them as authoritative interlocutors (Princen, 1992; Fisher, 1983, pp. 50-53; Kleiboer, 1996, pp. 360-389; Maundi et al., 2006). For instance, Conlon (1998, p. 144) conceptualises these elements as process and decision control:

Process control refers to the amount of influence that the third party can exert over the method or procedure by which the dispute can be resolved...Decision control refers to the amount of influence third parties can exert over the outcome or the decision of the dispute resolution procedure.

Once the disputants are amenable to assistance from mediators, ‘mediation takes some of the power away from the disputants (elements of process control) and places it in the hands of the third party’ (Conlon, 1988, p. 145). Further, as Dobinson observes, ‘If small states are to “succeed” as mediators, they are likely to draw quite heavily on referent power on their relations with the protagonists’ (Dobson, 1995, p. 13). The effects of the neutrality and impartiality of mediators on negotiated outcomes are also closely linked to questions of power and resources.

Young distinguished between neutrality and impartiality. Neutrality, he contends, is the condition where 'intermediaries do not have any impact on the bargaining process, an impossible task since virtually every activity of an intermediary affects the negotiations' (Young, 1972, p. 56). On the other hand, 'impartiality refers to situations in which the intermediaries have no individual biases or preferences in favour of any of the disputants, a more realistic scenario.' From this view, it is easier for intermediaries to be impartial than neutral: 'intermediaries may be perfectly impartial even in situations where the impact of their activities is not neutral'.

In fact, in typical civil conflicts that spill over across borders, ignite refugee flows, and depress economic development, mediators often have no choice but to intervene. Thus, as Young (1972, p. 60) further argued, a mediator has an incentive to:

[A]void or minimise collateral damage, to him or to a group he represents, which would flow from an outcome of conflict among the original players.... a third party who would stand to suffer from a war among the original players might find it highly desirable to assume the role of intermediary in an effort to avert the outcomes of war.

A similar debate relates to the notion of mediator bias and its influences on mediation outcomes (Touval, 1975, pp. 51-69; Kydd, 2003, pp. 597-611). Some scholars have distinguished between unbiased and biased mediators.

Proponents of unbiased mediators argue that most successful outcomes arise because parties prefer mediators who are fair and trusted rather than biased toward one of the disputants (Smith, 1985, pp. 363-372; Smith, 1994, pp. 445-550; Carnevale & Arad, 1995, pp. 39-53). Proponents of biased mediators, however, argue that bias is a main source of mediator's influence that increases the mediator's ability to bring peace. From this perspective, disputants accept mediators not because they are biased but because of their ability to influence the interests of each party (Betts, 1996; Savun, 2008, pp. 25-47). Touval, a leading scholar of biased mediators, argues that a mediator who is biased against one's opponents can be advantageous because the mediator can put pressure on its favoured party.

In addition, biased mediators find it much easier to convince their favoured party to make concessions because the latter is often reluctant to alienate its ally (Touval, 1985, pp. 373-378). In recent years, some scholars have contended that since power and resource asymmetries characterise civil conflicts, biased mediators are necessary to compensate for these asymmetries through protecting the weaker side or by enforcing the compliance of the stronger side (Melin & Svensson, 2009, pp. 254-55; Hellman, 2012, pp. 591-603). Biased mediators, Kydd (2006, pp. 449-462) suggests, have stakes in conflicts and are thus more likely to mediate successfully; moreover, the self-interests of biased mediators may fortify their persistence in the pursuit of an acceptable conclusion.

The role of regional organisations

Regional institutions occupy a vital place in comparative analysis of mediation. These institutions have gained prominence because of their ability to share costs and pool resources in the pursuit of peace. As mentioned above, because neighbouring states are often most affected by civil wars, the containment of conflicts through mediation is a crucial element in sustaining regional security and economic stability. Gartner (2011, p. 388) argues that regional organisations are invited to mediate disputes in their neighbourhoods largely because of 'identity, familiarity, and proximity', since these factors increase their ability to act effectively as third-party conflict managers. While shared identities increase the disputant's trust in third-party mediators, familiarity and proximity are important because both the disputants and the mediators maintain a standing relationship that helps to facilitate negotiated compromises (Gartner, 2011, p. 380; Pevehouse, 2002, pp. 611-626). In their study of Central America, Wehr and Lederach found that regional institutions are effective mediators because they are more trusted: '[T]rust comes partly from the fact that the mediators do not leave the post-negotiation situation. They are part of it and must live with the consequences of their work' (1991, p. 87). Similarly, Bercovitch and Houston have shown that regional organisations are more likely to achieve

conflict resolution outcomes because they ‘mediate within the same culture and value system—and this, it seems promotes agreements more than other factors’ (1995, p. 27). The focus on geographical ties underlies the fact that systems of regional interdependencies in politics, economics, security, and culture create abiding and permanent stakes that may be ideal to propel intermediary initiatives (Greig & Regan, 2008, pp. 759-781; Regan & Aydin, 2006, pp. 736-56; Murdoch & Sandler, 2002, pp. 91-110).

Assessing mediation outcomes

There are two approaches to measuring outcomes: the minimalist and the maximalist. The minimalist approaches acknowledge the mediators’ role in facilitating a settlement of the issues at hand, thus successfully ending conflict or reducing hostilities. The maximalist approaches emphasise the mediator’s substantive contribution to designing durable and long-term institutions. In most cases, however, there may be a thin line between the two modes of outcomes since, for the most part, most mediators in civil conflicts seek to end violence as the preliminary step to building durable peace.

Thus, even though mediation initiatives may fail to address substantive issues, the negotiation process is significant for bringing disputants together and creating an environment that encourages piecemeal or incremental outcomes that prepare the way for fundamental agreements. It is for this reason that negotiated agreements that build confidence among the parties often yield the critical foundations on which former disputants can routinely negotiate solutions to the root causes that drive violent conflicts (Bercovitch and Jackson, 2001, pp. 59–77; Kleiboer, 1996, pp. 360-389).

Themes, trends, and trajectories in the mediation of civil conflicts in Africa

Mediation of civil conflicts emerged in Africa in the early 1990s as part of the search for a collective security mechanism to manage the scourge of

state collapse and their effects on fragile regional systems. In this respect, mediation initiatives became broad normative responses to the challenges of democratic governance and political stability. Coincidentally, mediators arose as Africa was beginning to move toward systems of democratic governance characterised by emphasis on inclusive, participatory, and accountable institutions. Similarly, African institutions, notably the African Union (AU) and regional economic communities begun to relax the rules around intervention by according attention to the notion of sovereignty with responsibility. As states facing internal fragmentation started to cede substantive conflict resolution roles to actors in regional neighbourhoods, questions about the nature, stature, and standing of third-party intermediaries became salient. In all these instances, mediators came from states, regional institutions, and non-state actors such as African elder statespersons.

State mediators

State-led mediation marked the initial foray of African mediators in civil wars that erupted in Uganda in 1985 and Rwanda in the early 1990s. While civil wars forced the two countries to accept mediation, at the time of these interventions the mediation of internal conflicts was relatively new in Africa and there was consequently limited knowledge about the tasks of third-party intermediaries. As a result, these mediation experiences amounted to learning by experimentation within rapidly changing conflict dynamics. Civil wars began to break out in regions where states were least prepared to intervene because the dominant norms of non-intervention and sovereignty prevented states from intervention. Gradually, however, these conflicts forced neighbouring states into localised responses that have led to solid experiences in the mediation of civil conflicts.

In the Uganda case, the major parties—the interim government of General Tito Okello and the National Resistance Movement led by Yoweri Museveni—sought the mediation of then president Daniel Arap Moi following the military overthrow of the second government of Milton Obote in June 1985. In negotiations that tried to forge a power-sharing arrangement,

Moi mobilised the power of his office to bring the disputants to Nairobi between September and December 1985 (Mwagiru, 1994). The first set of problems Moi confronted were organisational. Facing a protracted process that required his full attention and energies, Moi's preoccupation with other motley matters of state prevented him from conducting a sustained mediation exercise.

Moi did not have the patience to mediate the slow and cumbersome concession making process of civil conflicts, since, as head of state; he regularly gave commands and expected prompt results. Secondly, although the parties had welcomed Moi's mediation, a lack of organisation deprived the mediator of the leverage he could have had over the disputants. Thus, throughout the negotiations, Moi seemed to preside over a process that he did not fully control and, as his authority diminished, he was prepared for any agreement that would extricate him from the conflict. Thirdly, and most significantly, Moi's poor credibility as a mediator became apparent, since he was simultaneously prescribing power-sharing arrangements to the Ugandan parties while presiding over an autocratic state in Kenya. This case demonstrated that state mediators sitting in between holders of state power and their opponents found themselves in awkward positions to prescribe solutions inconsistent with their values and institutions (Khadiagala, 2007). These organisational challenges added to the power asymmetries among the disputants, producing a hurried agreement that predictably collapsed when Museveni forcibly seized power in January 1986 (Museveni, 1997).

Tanzania, under the nominal invitation of the Organization of African Unity (OAU), was tasked to mediate the conflict between the Rwandan government of Juvenal Habyarimana and rebels of the Rwanda Patriotic Front in 1992-1993. As the conflict produced a new phase of instability in the Great Lakes region, Tanzania's OAU Secretary-General, Salim Ahmed Salim, leaned on his country to take the leadership role in mediation, in part to pre-empt the meddling and unhelpful role of Zaire under the then strongman Mobutu Sese Seko. Building on its wider credibility as a model of ethnic harmony in East Africa, the Tanzanian government assigned the mediation to a team of ministry of foreign affairs officials. Unlike the Moi mediation in Uganda,

the Tanzanian team managed the mediation without the encumbrances or distractions from competing state functions (Jones, 2001). Furthermore, the lower ranks of the mediators gave the negotiations reduced visibility, enabling the parties to proceed with deliberations in relative isolation and free from the pressures that are associated with presidential mediations.

Most critics of the August 1993 Arusha Agreement have harped on the unpreparedness of the radical Hutu groups to countenance power-sharing, but this does not detract from how skilfully the mediators conducted the negotiations (Kuperman, 1996, pp. 221-240; Clapham, 1998, pp. 193-210). Implemented haltingly and weakly, the Arusha Agreement did not save Rwanda from genocide that began in April 1994. By the time of the Arusha negotiations, some critical lessons were beginning to emerge with regard to the institutional anchorage of mediators, particularly the assignment of mediation to professionals instead of sitting heads of state.

More profoundly, there was recognition that as civil wars became more widespread than interstate conflicts, mediators would need not only organisational dexterity and innovation, but also tangible resources to manage processes that were long-drawn, complex, and expensive. For this reason, contrary to the assumptions of the postulations of 'powerless mediators', it became apparent that state mediators without adequate resources could not be effective in civil wars. African mediators thus started to contemplate how to overcome the power and resource weaknesses impinging on mediation.

Regional mediators

Questions of the insurmountable weaknesses and capabilities of state mediators amplified the importance of collective approaches to mediation within continental and sub-regional African institutions. The need to reinvigorate African institutions for collective problem solving in response to the changing nature of conflicts was captured in the OAU's Mechanism for Conflict Prevention, Management, and Prevention in Cairo, Egypt, in June 1993 (OAU, 1993). No doubt, the peacemaking efforts by Kenya and

Tanzania in East Africa contributed to the pressures to alter the OAU norms on non-intervention and adherence to sovereignty. Even though the Cairo Mechanism specifically authorised the Secretary-General to use eminent African personalities and special envoys in conflict situations, the broad spirit of the Mechanism was to underscore the vital roles of African institutions in mediation and peacemaking initiatives (Khadiagala, 2016).

In the first attempt to galvanise collective efforts by an African regional organisation, the Intergovernmental Authority on Development (IGAD) intervened to mediate in the North-South conflict in Sudan in September 1993 at the invitation of the government in Khartoum. Although then under Moi's leadership, the IGAD initiative started with the appointment of a mediation committee comprised initially of Eritrea, Ethiopia, and Uganda (Deng, 1995; Lesch, 1998). The main achievement of the IGAD ministerial committee was to negotiate the Declaration of Principles in July 1994, which, over the years became the formula for a settlement based on secularism and self-determination. Because of its growing role in mediation in the Horn of Africa, IGAD formally broadened its mandate in 1996 to include the peaceful settlement of conflicts, the maintenance of regional peace, stability and security, and the protection of human rights. This mandate enabled IGAD to include Somalia on its list of mediation activities, although Kenya assumed the key role in the Somalia mediation (Woodward, 2007: 469-481). In Sudan, for almost eleven years, the IGAD secretariat, through the mediation of Kenyan diplomats ambassador Daniel Mboya and Lt. Gen. Lazaro Sumbeiywo, worked relentlessly alongside the IGAD Partner's Forum to produce the January 2005 agreement that resolved the Sudanese conflict (Adar, 2000, pp. 39-66; El-Affendi, 2001, pp. 581-599; Healy, 2011, pp. 105-120).

The IGAD mediation initiatives in Sudan and Somalia in the mid-1990s paved the way for the proliferation of regional initiatives in the West African Economic Community (ECOWAS), SADC, and the East African Community (EAC). In ECOWAS region, the initial steps toward mediation came in the revised ECOWAS Protocol of July 1993 that urged member states

to ‘undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region’. In addition, ECOWAS committed to ‘employ, where appropriate, good offices, conciliation, and other methods of peaceful settlement of disputes’ (Atuobi, 2011, pp. 29-40; Odigie, 2020). The emphasis on mediation coincided with ECOWAS aggressive military intervention in Liberia and Sierra Leone in the early 1990s. As the conflicts escalated to Guinea, Guinea Bissau, and Cote d’Ivoire later in the decade, ECOWAS under Nigerian leadership adroitly combined preventive diplomacy, mediation, and peacekeeping efforts.

Subsequently, ECOWAS adopted a number of normative frameworks for its peace and security architecture such as the 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security and the supplementary 2001 Protocol on Democracy and Good Governance (Aning & Atuobi, 2012; Odigie, 2016). The normative frameworks in ECOWAS gave further regional and continental impetus to the elaboration of a collective security system in which mediation was to constitute one of the fundamental building blocks (Mottiar & van Jaarsveld, 2009, pp. 4-63; Nathan, 2007). Thus, as the new framers of the African continental architecture recognised in the early 2000s, it was important for Africa to pool its collective resources in order to realise the objective of African solutions to African problems.

More critical, following the AU’s Constitutive Act of 2002 and its instruments, the principles of non-indifference and local ownership of African challenges informed the mediation initiatives in places as diverse as Burundi, Cote d’Ivoire, Guinea, Guinea Bissau, Kenya, Madagascar, Sudan, Togo, and Zimbabwe. The increase in mediation by African regional institutions conforms to the assumptions in the literature that speak of geographical proximity, economic interdependence, and conflict contagion as the drivers of mediation efforts (Pevehouse, 2002, pp. 611-626; Gartner, 2011, p. 383). It is also vital that regional institutions have salient stakes in mediation because they often have more to lose from conflicts than distant actors do. Less recognised, however, is the norm building around

governance and democratisation that has accompanied the proliferation of regional mediation.

Alongside the advancement of African shared norms captured in documents such as the African Charter on Democracy, Elections, and Governance, the broad normative frameworks have provided African mediators with wide prescriptive latitude as they intervene to manage conflicts. This is markedly different from the 1990s, when, because of the inconsistent adherence to democracy and governance, mediators could not confidently encourage disputing parties to resolve their conflicts through democratic means. In this respect, the normative thrust of democratisation has removed the credibility problems that faced African mediators who could not prescribe democratic pathways to conflict settlement. This normative trajectory also reflects a global dynamic in which mediation has been closely associated with democratisation.

In Latin America, for instance, Mitchell has noted that as the proportion of democratic states has increased, so have third-party interveners who have attempted to settle conflicts through peaceful and democratic means (Mitchell, 2020, pp. 749-759). Similarly, Melin (2013, p. 84) argues that:

Regime type plays an important role in the frequency and likely success of mediation. Regime type, or form of government, can encourage mediation and its success at several levels. Mediation and accepting offers of mediation are more likely when democracies are involved, as these states are accustomed to third-party involvement in conflict and garner other state's trust, making them a more attractive option for conflict resolution.

Elder Statespersons

The institution of elder statespersons emerged from the mid-1990s to complement and supplement state and regional mediators. Among the main Elders who have participated actively in mediation and peacemaking have been former presidents Julius Nyerere (Tanzania), Nelson Mandela and

Thabo Mbeki (South Africa), Quett Masire and Festus Mogae (Botswana), Olusegun Obasanjo (Nigeria), Joaquim Chissano (Mozambique) and Benjamin Mkapa (Tanzania). Initially popularised as the embodiment of African traditional deference to elders in conflict management, elder statespersons attained prominence because of their ability to overcome some of the obstacles encountered by state mediators (Williams, 1996; Kaninda, 2006; Khadiagala, 2018). Whereas state mediators were preoccupied by weighty affairs of state, elder statespersons had more time to devote to the tasks of mediation and conflict resolution. While state mediators tended to lean toward incumbent governments in civil wars, the relative insulation of elder statespersons from the parties afforded them greater flexibility to stand above the fray. Proponents of the intermediary roles of elder statesperson also emphasise that their credibility grows out of their previous prominent standing in their countries; leaders who governed well and gave up power tended to be the more likely to be invited as mediators (El Abdellaoui, 2009; Murithi & Mwaura, 2010).

Civil conflicts in the Great Lakes region in the late 1990s propelled elder statespersons to mediation roles with Nyerere and Mandela mediating in Burundi while Masire was engaged in the Democratic Republic of the Congo (DRC). Rather than carving out distinctive sources of leverage as mediators, however, elder statespersons came to depend on the mix of pressures from national, regional, and international contexts. Thus, while all the three elder statespersons exhibited strong moral suasion and pressures, they ultimately had to obtain assistance from a wide array of actors at the table and beyond to achieve their objectives. Years later, Chissano in Northern Uganda and Madagascar, Mogae in South Sudan, Mbeki in Sudan, Mkapa in Kenya, and Obasanjo in the eastern DRC also had to rely on regional and international institutions as pressure points for mediation.

The designation of elder statesperson has widened beyond former heads of state to include former OAU Secretary-General Salim and former UN Secretary-General Kofi Annan. Significantly, the AU's Panel of the Wise, part of the AU Peace and Security Architecture, has embraced the spirit and practice of elder statespersons, bringing onto the conflict resolution horizon

many Africans who have played major roles in public affairs. The Panel of the Wise has, in turn, influenced the growth of similar panels in ECOWAS, IGAD, SADC, and the EAC (Porto & Ngandu, 2014). All these institutions are creating a large number of mediators and conflict resolvers that underscore Africa's determination to pool collective resources and expertise to solve local problems. Mandela broadened the institution of elder statesperson by teaming up with other international luminaries to create the Elders, a body that has comprised leaders such as Annan, Graça Machel, Desmond Tutu, Henrique Cardoso, Mary Robinson, and Jimmy Carter. Over the years, the Elders have routinely intervened in global conflicts. More pertinent, the Elders underscore the migration of African conflict resolution norms to the global arena and Africans' contribution to norm making. The Chissano Foundation in Mozambique has equally galvanised former Southern African leaders into a non-government organisation (NGO) that seeks to promote peace in the region.

In just twenty-five years since the first African mediators intervened in civil conflicts in regional neighbourhoods, there has been a growing appreciation of the centrality of mediation in the construction of collective security systems in Africa. Similarly, regular participation in mediation exercises has produced discernible lessons about managing the complexities entailed in peacemaking; the more African actors have mediated, the better they have become. Building collective security via mediation and peacemaking has also stemmed from the recognition that despite the severe limits in tangible resources and power, African actors can improve their intervention capacity through innovations in norms and shared values pertaining to common problem-solving.

Mediation experiences in Southern Africa

The end of colonial and settler regimes in Southern Africa produced a multiplicity of mediation initiatives beginning in the late 1970s. These efforts entailed the convergence of regional states and international actors, particularly the UN and Western powers. On both sides of the eastern and

western frontlines, mediators rushed to end the escalating violence while also attempting to check the further radicalisation of the nationalist movements (Brown, 1990, pp. 334-359; Jabri, 1990; Chen & Jabri, 1993; Stedman, 1991; Crocker, 1993). The conclusion of these conflicts was followed in quick succession, by the destabilisation wars in Angola and Mozambique that prompted new mediation efforts that led to peace agreements in both countries in the early 1990s (Hume, 1994; Anstee, 1996). The conclusion of these conflicts also coincided with majority rule in South Africa and Pretoria's subsequent engagements in mediation and conflict resolution in Southern Africa and beyond (Jolobe, 2019; Mufamadi, 2010, pp. 621-630).

This book deals with the conflicts that arose in the region since the 1990s. Although there are several writings on the mediation of these conflicts, it is important to collect this knowledge in a single volume and to permit comparative perspectives. Since SADC has committed to boosting the capacity of its mediation institutions, these contributions may be useful in drawing lessons from the previous experiences. The first part of the book consists of this introduction and chapters by André du Pisani, Cheryl Hendricks, and Welile Nhlapo and Tshepho Mokwele. Du Pisani probes the evolution of mediation in Africa from a conceptual and global perspective, underlining why it has been vital in conflict resolution. Hendricks discusses the role of women mediators in Africa and their contribution to peacemaking. Nhlapo and Mokwele discuss South Africa mediators in regional conflicts, focusing on the sources of their power, mandates, and the outcomes of their interventions.

The second part of the volume consists of mediation in seven cases: Lesotho (Dimpho Deleglise), Madagascar (Gavin Cawthra), the DRC (Lena Mukendi and Kenedy Bindu), Zimbabwe (Martin Rupiya), Mozambique (Énio Chingotuane), Comoros (Said Abbas Ahamed) and South Africa (Sandy Africa). In addition to analysing the origins of these conflicts, we asked all the authors to reflect on the following questions: Who were the mediators? Were they individual or institutional mediators? Were they mediations by heads of state, regional institutions, or elder statespersons? Who invited these actors into these conflicts? What was the process of invitation?

Did the parties invite the mediators or did they foist themselves onto these conflicts? How did the mediators conduct the negotiation processes? Did they establish distinctive mediation mechanisms or did they mediate on an ad hoc basis? Did the mediation contribute to conflict de-escalation and institution building for peace or both? Did the conflicts ultimately end and how did they end? Although these questions do not exhaust all the issues pertaining to mediation in the region, we expect that the analysis provided in each of the chapters will serve as a starting point for deeper research on the actors and players who were involved in the mediation exercises.

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Part One:

Approaches to Mediation



Old and New Approaches to Mediation

André du Pisani

Introduction

MEDIATION PLAYS a central role in modern-day conflict resolution. Its use as an instrument to manage conflicts predates the modern nation-state constellation. History records that in 209 BC, a group of emissaries from several Greek city-states attempted to mediate between the Aetolian League and Macedonia during the First Macedonian War, leading to a short suspension of hostilities. This mediation was driven not only by the conflict itself, but also by third-party interests, each seeking to limit the expansion of Macedonian power and safeguard regional commerce (Eckstein, 2002). Contemporary mediation takes a similar form, utilising efforts of third parties to mitigate violence and achieve a peaceful and sustainable outcome while protecting and promoting their own interests. International and other forms of mediation have gained renewed traction over the last several decades; for example, mediation has resolved opposing preferences between parties in Northern Ireland, Egypt and Israel, Argentina and Chile as well as in various African conflicts.

Conceptualisations of mediation

Mediation should be distinguished from other conflict management approaches. Mediation and negotiation, for instance, are often used interchangeably since they share several procedural elements, including bargaining in formal and informal settings. However, it does differ from negotiation in several ways: mediation changes the dynamics of bargaining

between the conflicting parties and thus the processes and outcomes are likely to be different. In this respect, mediation is not a special form of negotiation but rather a distinct form of conflict management (Dixon, 1996). Mediation also differs from approaches and processes such as fact-finding missions or ‘good offices’ even when they overlap in one form or another. It is also different from peacebuilding, although this depends on its particular conceptualisation. Peacebuilding asks a set of normative questions in order to clarify parameters and goals, such as the type of peace being envisaged and for whom. Galtung (1969; 1996; 2008) identifies two types of peace: negative and positive. While ‘negative peace’ might be a necessary condition for positive peace, it tends to be insufficient, as negative peace is far from an optimal condition for positive peace to manifest (Sandole, 2007; 2010).

There is no universally agreed definition of ‘mediation’. Greig and Diehl’s view of mediation is instructive to this analysis (2016). They define mediation as a process of managing conflict in a diversity of settings by an outside or third-party, with the aim of reaching some form of agreement between the belligerents (p. 2). A review of the rapidly expanding body of literature on international mediation is summarised in Table 1. The categories concern the antecedents of mediation, possible mediation approaches, and the outcomes these approaches yield.

Table 1: A Review of mediation concepts

Definitions	Author/ Exponent	Stages/Phases	Goals
Impartial as opposed to neutral third-party engagement	Greig & Diehl (2016)	Facilitation/ Communication/ TrustBuilding/ Design of process leading to negotiations as the final stage of mediation	Reaching some agreement

Voluntary assistance to parties in conflict	Wall, Stark, & Standifer (2001)	Facilitation/ Communication/ TrustBuilding	Minimalist: no authority to design and/or impose an agreement
Integral to peaceful conflict resolution; non-coercive, non-violent and non-binding	Bercovitch & Langley (1993)	Multiple stage in a diversity of settings/ often different mediators at different stages of the process	Voluntary process; parties control the outcomes (but not the process)
Conflict structure determines type and nature of mediation. Mediation gravitates from being 'instrumental' to becoming 'process'	Burton (1979)	Facilitation of information flow between/among parties in conflict/assist parties to articulate bargaining positions/ assist parties in defining their interests/identify areas of cooperation/build forms of cooperation between parties	Conflict management Reducing violence Structure cooperation Feed into negotiation and a more inclusive set of outcomes

Redefine the nature of conflict	Galtung (2008)	A joint/mutual process designed to transcend conflict by changing the ABC of conflicts: attitudes of parties, behaviour of parties and resolving contradictions	A joint process designed to transcend the conflict
Supportive or developmental mediation/ non-directive/ non-condemnatory/self-sustaining	Mitchell (1981, a & b)	Environmental modification/ psychological support/ clarification/ insight/analytical framing	Peacemaking
Mediation as a form of case-work	Hollis (1962, 1986); Irvine (1966)	Following a case-work methodology: modify the conflict/support problem-solving/ clarify and explore the conflict environment and structure, provide analytical insight	Joint problem-solving

Level of engagement by the third-party or mediator determines the kind and nature of mediation	Fisher (2007)	<p>Mediation is a multi-level process that starts with conciliation, progresses to consultation and then takes two principal forms: 'pure mediation' or 'power mediation'.</p> <p>'Power mediation' addresses the core interests of the parties, as well as the issues in conflict</p>	Conflict management as a first step towards conflict resolution
Mediation as confidence-building	Pruitt (2000)	'Light mediation' – the third-party does not develop solutions to the conflict, nor does it attempt to leverage concessions from the parties in conflict	Conciliation by means of providing 'good offices' to facilitate meeting space for open dialogue

Mediation as problem-defining activity	Princen (1991)	Mediation is essentially a facilitative process that assists the parties in conflict to define the issues (problem) The most appropriate mediator is usually a person with political power and means, or with moral authority	Problem-defining
Using resources to leverage a framework for conflict management and resolution	Zartman (2009)	Mediation moves from facilitation to 'pure' mediation, to 'power' mediation, to 'heavy mediation' or 'manipulation' (based on 'carrots' and 'sticks')	Conflict resolution
'Implicit mediation'	Barkun (1964)	'Implicit mediation' works on the assumption that a conflict process will be conducted and settled within defined limits	Conflict 'settlement' by a range of actors

As illustrated in Table 1, mediation encompasses a wide range of third-party activities designed to manage conflict. Structuring communication, building trust, and exploring alternative outcomes to conflict, all form part of mediation.

The approach that a third-party takes in managing a conflict is determined by the specific conditions of the conflict. In some cases, settlements can be impeded by a lack of information between parties. Simply facilitating the ability of the parties to sit down and talk may be sufficient to permit them to exchange information on their bargaining positions, interests and goals, overcome misunderstandings (and build trust), and identify areas of possible cooperation and agreement. In such cases, mediation is an instrumental process that may lead to deeper and wider forms of collaboration between the parties in conflict (Burton, 1987). For other conflicts, the key barriers to a settlement may be how the parties view their relationship and the interests and issues in contention. In such cases, mediators must engage the parties with the purpose of assisting them to redefine or reframe their view of the conflict from zero-sum to win-win outcomes. Here, mediation takes on specific process dimensions, replete with co-designing a framework that could lead to a sustainable outcome of the conflict.

In some cases, a third-party is necessary to change the bargaining positions of the parties, thereby making settlement terms which might initially be seen by the disputants as unacceptable seem more attractive by offering rewards for their acceptance or punishments for their rejection. Third-party mediators must meet certain minimum prerequisites if they wish to be successful in their efforts, including but not limited to: their willingness to devote time and resources to the effort, a vested interest in managing the conflict or achieving a particular outcome (Greig & Diehl, 2016, p. 62), and a mastery of diplomatic and negotiation skills. Bercovitch and Langley (1993, pp. 34-35) offer a useful summary of the core characteristics of mediation, and by extension, its limits. They posit mediation should be an extension and continuation of peaceful conflict resolution characterised by a non-coercive, non-violent, and ultimately non-binding form of intervention that

is typically ad hoc and as such a voluntary form of conflict management. The actors involved retain control over the outcome (if not always over the process) of their conflict, as well as the freedom to accept or reject the mediation and/or mediators' proposals.

Neutrality is a key and contested concept in the process of mediation. Not all mediation activities are carried out by individuals, groups, states, or organisations that can be regarded as neutral, in a given context. For some conflicts, a 'neutral' third-party is not always available. It would be erroneous to ignore such efforts as falling outside mediation, when in fact the processes are quite similar except for the identity and preferences of the mediator. Empirical analyses of mediation show that 'neutrality' is not a necessary condition for successful mediation. The United States, for instance, had a clear bias towards Israel in its mediation of the Israel and Egypt conflict. Despite this bias, the combination of its role as a superpower, its interest in stability in the Middle East, and its ability to encourage an agreement and provide guarantees to both sides made it a useful mediator.

The different forms that mediation takes are largely determined by the level of engagement the third-party has in the process of negotiations and the level of involvement of the mediator in designing proposals to settle the conflict. Roger Fisher (2007) distinguishes four levels of third-party engagement: *conciliation*, *consultation*, *pure mediation*, and *power mediation*. In Fisher's model, *conciliation* is the lowest level of third-party engagement. A third-party focuses on setting up information exchanges and linkages between the disputants to reduce the hostility between the parties and thereby create a platform for further negotiation among them. In this form of mediation, what Pruitt (2000) calls 'light mediation', the third-party is not directly involved in developing solutions to the conflict or attempting to leverage concessions from the parties in conflict. Conciliation is thus about providing 'good offices' among the disputants, arranging for a meeting place and time to facilitate dialogue, yet still giving the parties to the conflict a free hand in the dialogue.

The Community of Saint'Egodio, a lay Catholic religious organisation, provided this form of mediation for the Mozambican government and RENAMO rebels during that country's civil war, allowing the two sides to meet and lay the groundwork for the 1992 Rome General Peace Accords that formally ended the Mozambican Civil War. *Consultation*, in Fisher's model, requires a more extensive level of mediator involvement in the negotiation process. A mediator acting in a consultative role uses personal skills and subjective understanding of conflict management as tools that assist disputants in resolving their problems. While consultation implies a more direct role by the third-party in the discussions, this role remains limited. The mediator has to avoid exerting control over the discussion by changing the bargaining positions of the parties or offering them carrots and sticks, but instead should be providing encouragement to the parties in their attempts to end the conflict.¹ During the Camp David Accords, U.S. President Jimmy Carter, who demonstrated a dislike for hard bargaining, saw his mediator role as one of assisting the Egyptian and Israeli representatives reconsider the issues in dispute, rather than supporting zero-sum solutions (Princen, 1991). In 'pure mediation', the role of the third-party is significantly more substantive.

Acting as the dialogue facilitator, the third-party not only encourages an agreement by reasoning with and persuading the parties, but also by controlling the information flow between them and suggesting potential terms for the conflict settlement. In this complex role, the mediator becomes a 'solutions innovator'. When attempting to increase the chances for a successful resolution, the mediator can also limit the range of issues to be dealt with in the negotiations by excluding some issues from the dialogue entirely, and focusing on others that seem more favourable to reaching an agreement. For example, while mediating the Northern Ireland conflict, an ad hoc international body (headed by the US through George Mitchel), limited initial discussions to the 'decommissioning' (disarmament) issue in the expectation that an agreement on this issue might become the basis for a broader settlement.

The effect of power in mediation and how it is balanced plays an important role in the outcome of the process. According to Fischer, the most intensive and deepest form of mediation is 'power mediation'. In power mediation the mediator not only controls the issues under discussion and advances potential settlement terms to the conflict, but also actively uses resources to leverage an agreement by the parties. As such, power mediation, what Pruitt (2000) calls 'heavy mediation' and Zartman (2009) 'manipulation', is the most coercive form of third-party intervention. In power mediation the mediator uses their resources as both carrots and sticks to entice the parties toward an agreement. For example, a third-party might make the terms of settlement more attractive to the parties by offering them foreign assistance or push them toward an agreement by threatening punishments such as economic sanctions and military action. The US mediation of the Camp David Accords is a good example of power mediation at work: in order to encourage agreement between Israel and Egypt, the US offered substantial amounts of foreign aid to both parties, while also offering security guarantees to assuage Israel's fears of Egyptian 'cheating'. American mediator Richard Holbrooke's use of threats during the negotiation of the Dayton Accords during the Bosnian conflict is another example of power mediation.

The goals of mediation vary widely and can range from the narrowest of aims, such as achieving a quick agreement on one or more issues, to a more comprehensive settlement of all issues in a conflict. In the case of violent conflicts, mediators often target outcomes such as ceasefire agreements in the hope that they would lead to a reduction in hostilities. Although ceasefire agreements are beneficial, they do not always improve the relationship between warring parties. Some of these have collapsed within days, making them insufficient as long-term tools for more sustainable and comprehensive peace (Princen, 1992; Richmond, 1998). Some conflicts are too complex to resolve at once. In such situations, a mediator may choose instead to focus on a particular sub-set of issues for which an agreement is likely, or on less serious areas of disagreement to facilitate progress in the talks. In this case, a mediator should seek to achieve a series of partial agreements over time (often on procedural or less divisive issue) as a means to build towards a

broader settlement of the conflict (Greig & Diehl, 2016 p. 11). For example, the International Negotiation Network intervened in the Ethiopia/Eritrea conflict in September 1989 with the initial goal of reaching an agreement on the meeting agenda. Afterwards, they reached agreements on the ground rules for follow-up meetings, which incorporated matters covering the publicity, languages, venues, and procedural rules for meetings. Two months later, they met in Kenya for the main talks that produced agreements on power-sharing between the leadership from both sides and on some territorial and political demarcations.

The empirical evidence shows that partial agreements can contribute to the development of a broader peace process between the parties. Such partial agreements can remove issues over which agreement can be reached fairly early in the mediation process, and can (if properly done) make future agreements easier by reducing the complexity of those issues in future talks (Bercovitch & Langley, 1993; Greig & Diehl, 2012; Hopmann, 1998). Partial agreements can also provide a basis for building trust between conflicting parties and facilitating agreement over relatively minor issues, thereby creating a positive momentum toward the settlement of more contentious issues (Greig, 2001; 2005; Regan & Stam, 2000; Zubek et al., 1992). This approach has risks and can hamper trade-offs across those issues that might be necessary for a comprehensive agreement (Brams & Taylor, 2000).

What defines successful mediation?

A growing body of scholarly literature regards agreements as the most important indicator of short-term mediation success (Bercovitch & Gartner, 2006; Svensson, 2007; Wilkenfeld et. al., 2003). The appeal of an agreement as a short-term indicator of success is obvious. Mediated agreements are often widely reported, making them readily observable. However, the danger exists that such agreements may provide the source of new conflicts in the future, especially if they are not appropriately just and inclusive. This danger points to the distinction between mediation goals and mediation success. Determining mediation success in terms of the goals of the mediation

complicates the ability to identify mediation success consistently. It is not always easy to identify the initial goals of the parties that participate in the mediation, nor is it always the case that these goals remain constant during the process.

Even if we can clearly identify these goals, should it be the goals of the mediator or the disputants that matter in determining the success or failure of mediation? What if the goals of the conflicting parties and the mediator are different? Because mediated agreements may not be sustainable and may not transform changes in the behaviour of the parties in conflict, other scholars focus on changes in the behaviour of the parties during a conflict as an indicator of successful mediation.

Some analysts such as Dixon (1996) emphasise the impact of mediation on limiting conflict escalation, while others (Regan and Aydin, 2006; Regan and Stam, 2000; Wilkenfeld et al., 2003) envision mediation success as the ability to lessen the duration of a conflict. Quinn et al. (2006), for instance, emphasise the capacity of mediation to reduce tensions between states involved in a conflict. This approach to mediation ‘success’ is highly contingent and in important aspects limited.

The second approach to mediation success focuses on the long-term effects of mediation; it posits that successful mediation has the potential to change the dynamics of the relationships between the parties in conflict and make them less prone to revert to violence and more likely to resolve their conflicts peacefully. Beardsley (2006) sees mediation success as an increase in the length of time between crises. In a more limited understanding of ‘success’, Greig (2001) sees mediation success as the length of time between a mediation effort and the next militarised conflict between rival states. Johan Galtung (1969, 1996) famously argued that ‘success’ must transform the ‘ABC’ of conflict: the actual attitudes of the parties, their behaviour, and transcend the contradiction(s) between them. The key weakness of these approaches is that they make it difficult to draw a clear distinction between cases of mediation success and mediation failure.

Arguably, thinking about mediation success over the medium-to long-term may be more suitable. Mediation success, however, is contingent upon the goals of the mediator and the parties in dispute, the history of prior conflict management efforts applied to the dispute, and the characteristics of the conflict. Thus, the defining traits of mediation success vary from context to context (Bercovitch, 2002). Moreover, mediation may deliver some form of success at a particular phase of the conflict while failing at another. The process is also not uni-directional: a conflict can move both 'forward' and 'backwards'. Conflict phases and resolutions stages intersect and influence the process and strategies of mediation (Walter, 2002).

Mediation and Power-sharing agreements

A dominant theme in many peace negotiations in Africa is the role mediation plays in the power-sharing process. This was evident in the cases of Côte d'Ivoire, Zimbabwe, Chad, and the Democratic Republic of Congo (DRC). Burundi had four power-sharing agreements, and Angola and South Sudan each had two respectively. Typically, such power-sharing provisions in peace agreements give the warring parties positions in the 'new government' at the cabinet level or a specific quota of political power in at least one of the main branches of government. In several cases such political power-sharing arrangements have become a source of new conflicts and contestation even if they avoided open warfare. The cases of Angola in 2002 and Burundi and the DRC in 2003 are illustrative. Such agreements should be generally prescribed as a means of promoting and ensuring sustainable peace, but this is not always the case. In many instances political power-sharing arrangements have relapsed into open conflict.

A case in point is the Lusaka Protocol signed by the Angolan MPLA government and UNITA in 1994, which was followed by a resumption of full-scale war in 1998. There are also several African peace processes that led to a lasting cessation of fighting without relying on a political power-sharing formula. Examples include peace accords in Burundi and Chad,

where agreements without formal political power-sharing stopped the fighting between the signatories (Maina & Melander, 2016, p. 286). Political power-sharing is most common in conflict over the control of the state. Most African peace agreements are concerned with governmental conflicts, which explains why political power-sharing is such a common provision in these peace agreements. A fairly common concern raised in connection with some accords is that the terms of power-sharing may negatively affect the quality of democracy and governance. To varying degrees this was the case in Angola, Burundi, Chad, and the DRC; in each situation the integration of former warring parties into a common political elite led to a tendency to ignore concerns regarding accountability for war crimes.

Another form of power-sharing is military power-sharing, which allows adversaries' access to the military as a result of the political agreement. Examples can be found in several peace agreements, including those in Burundi, Côte d'Ivoire, Chad, Uganda, Sudan, Angola, the DRC, and Namibia. The success record for military power-sharing agreements is mixed and consequently no general conclusions about the potential utility of such agreements can be drawn. In depth analysis of individual cases is required. For example, in the case of Burundi, did military power-sharing equal in importance the role political power-sharing played in bringing peace to the country?

It remains unclear, however, that if a peace agreement provides for both political and military power-sharing, as in the case of Burundi, whether the success should be attributed to political power-sharing, to military power-sharing, to both forms of power-sharing, or perhaps to neither of them (Maina & Melander, 2016, p. 287)? In the case of Angola, military and political power-sharing were part of the 2002 Peace Agreement that ended the civil war between UNITA and the MPLA government. In this agreement (as in Chad) military power-sharing could be seen as a strategy to co-opt key military personnel that reduced their capacity for and interest in resuming war (they were effectively bought off). Power-sharing arrangements may in fact work better as a tool for the homogenisation of potentially threatening

counter-elites rather than as a means of achieving inclusive and democratic governance.

Post-1992 Mozambique may well fit into this pattern. There are also a number of cases where military power-sharing was poorly regulated at the early stages of a peace process due to the political importance and complexity of the process. The future composition of the armed forces may then be deferred to a later date. On the other hand, military power-sharing is likely to be a core issue in cases where the parties are particularly suspicious of each other and simultaneously retain a substantial number of reserve combatants for future deployment, as in Mozambique. Whatever the particular case might be, the presence or absence of military power-sharing in a peace agreement seems to be related to the type of conflict termination involved.

In many of these scenarios, the inclusiveness of the peace agreement is a recurring theme. Inclusiveness, however defined, seems to be desirable not only due to the process' fairness, but also because inclusive representation is widely understood to enhance the prospects of conflict transformation that safeguards human rights and democratic outcomes. However, it is often unclear what is meant by inclusiveness in the context of mediation. A minimal understanding of inclusiveness requires that all warring parties be included in the peace process. A broader understanding of inclusiveness takes into account not only the participation of the parties to the conflict, but also the extent to which other actors – such community organisations, other civil society actors, business organisations, or relevant political parties – are included in the peace process. Since there are often more than two parties in conflict, there is thus a possibility that some parties may enter into a separate peace process from which other warring parties are excluded. This was the case in the 2003 agreement between the government of Burundi and the CNDD- FDD group that ended hostilities, whereas the PALIPEHUTU-FNL continued to wage war until 2008.²

Perhaps a fully inclusive peace process is more of a normative ideal than an empirically validated outcome. In many African cases fully inclusive peace processes have been few and far between. In the case of the DRC, for example,

the various peace agreements in the period 1999-2003 failed to terminate the conflict despite the signed agreements. Even if peace agreements have been designed to be as inclusive as possible, are they particularly likely to hold? The degree of inclusiveness of non-armed actors outside the state, such as civil society, seems to be an elusive driver of the success of a peace agreement. One of the reasons for this seems to be the legitimacy and authenticity of various actors who may show up and demand to represent particular interests or sectors of society in a peace process. This was the case in Somalia and the DRC. In general, the potential peace-building role of civil society seems unclear and has been tried to a rather limited extent in actual peace processes.

The issue of post-conflict exclusion versus inclusion relates to issues of transitional justice. In most conflicts, parties are deeply implicated in various transgressions. Demands for accountability and the punishment of various actors involved in the war raise a more complex question: what is the balance between prosecution and retribution on the one hand and inclusion on the other? Transitional justice offers an alternative approach to a relatively exclusionary retribution leading to transgression, as distinct from a maximally inclusionary approach. Transitional justice can take many different forms, such as truth and reconciliation commissions and conditional amnesties.

In many peace agreements on the continent, the parties agreed to 'blanket amnesties'; for example in Angola, Côte d'Ivoire, Burundi, Chad, Namibia, Somalia, Sudan, and Uganda. Many of these agreements with blanket amnesties also contained provisions for power-sharing. Most of the peace agreements that provided for blanket amnesties were relatively successful in the sense that the signatories did not return to war against each other. Examples include several agreements with various rebel groups that laid down their arms in the civil war in Chad, as well as the 2002 Peace Agreement ending the civil war in Angola. Whereas parties who have been defeated militarily may have little choice but to subject themselves to whatever justice the victors have in mind for them, undefeated

warring parties often seem to be deeply concerned about their future security and political survival if they were to agree to surrender their arms.

A clear example is the Lord's Resistance Army (LRA) in Uganda that demanded a full amnesty as part of the final peace agreement. This delicate negotiation process was further complicated by indictments by the International Criminal Court (ICC) against the LRA leadership. In the end, no peace agreement was signed between the LRA and the Ugandan government. The lack of a credible amnesty could partly explain it. The LRA is still militarily active and has enlarged its area of military operations in the DRC, the Central African Republic and South Sudan. What are the prospects for a lasting peace in Uganda, given the displacement of the LRA? Based on a few cases such as Burundi, there seems to be limited credible evidence to suggest that trials at the international level or truth commissions work better than amnesties. More research is needed on this issue.

The politics of transitional justice in the Great Lakes region – Rwanda, Burundi and the DRC – foretell the politicisation of transitional processes and mechanisms due to the inter-connectedness of conflicts in those states (Murithi, 2016, p. 141). Although within the process of peacemaking a tension inevitably develops between the imperatives for peace and those for justice, it is important to stress that the 'peace versus justice' dilemma is often oversimplified (Sriram and Pillay, 2009). It is entirely possible to craft peace agreements that include meaningful elements of transitional justice, such as Truth and Reconciliation Committees, or other accountability measures that can be institutionally embedded. Thus, the pursuit of justice is not always an obstacle to peacemaking. Truth commissions can and do take different forms, as do accountability mechanisms such as the granting of amnesty. Granting amnesty can later evoke and impose accountability: other regimes may grant amnesty or pardon and transitional arrangements may grant amnesty to many while prosecuting a few. The richness of practice should form the basis for closer analysis with the purpose of identifying crosscutting themes.

In the international context, The Rome Treaty of July 1998 forms the basis for the establishment of the ICC and has placed prosecutions firmly on the

transitional justice agenda. The conversation about inclusive justice is far from over and should include the limitations of trial justice as well as of truth commissions. For Villa-Vicencio (2009, p. 66), ‘the litmus test for all transitional justice options, which includes prosecutions, different forms of rectification and national conversation, is whether they contribute to political reconciliation and nation-building’. The author adds:

...[P]eace and justice are inextricably interrelated. It is difficult to get the balance right – and the final adjudicators in such matters are the citizenry of the nation whose task is to weather the storms of transition. The international community can assist but dare not dictate: local ownership is an imperative³.

Another issue is the role of democratic institutions and the accountability of the executive. In many of Sudan and South Sudan peace processes the undemocratic nature of the Khartoum regime made it difficult for the leadership of the South to trust any peace deal. Only when the international community, largely for reasons of their own, became sufficiently engaged in supporting the peace efforts did the commitments made in peace negotiations become more credible. This raises important questions about the peace prospects of different regime types.

Lastly, the role of third parties in either fuelling conflict or contributing to peace is yet another important theme. In the vast majority of cases, third-party mediation is a constitutive element of peacemaking. The conclusion of the 2002 peace agreement between the government of Angola and UNITA is a rare exception to the rule. The 2002 Luena Memorandum of Understanding was reached without mediators. Instead, military officers of the warring sides made direct contact after UNITA leader Jonas Savimbi had been killed in combat. Overall, there are several key propelling variables in successful conflict mediation. Connecting mediation to longer-term conflict transformation remains a pressing challenge for most mediators and for many countries emerging from conflicts.

Endnotes:

- 1 In conflict analysis and mediation, it is important to distinguish between initial ‘position bargaining’ and ‘interest bargaining’. Mediation must address both forms of bargaining, but (ideally) develop capacity for mediating ‘interest bargaining’, which might be much harder to do.
- 2 CNDD-FDD – Council for the Defense of Democracy/Forces for the Defense of Democracy (Burundi); Palipehutu-FNL, led by Cossan Kabura (Burundi).
- 3 See: M. Mamdani, ‘Reconciliation without justice’, *Southern Africa Review of Books* 46, 1996: 3-5. See also M. Mamdani, ‘The Truth according to the Truth and Reconciliation Commission’, in I. Amadiume and A. An-Naim (Eds.) *The Politics of Memory: Truth, Healing and Social Justice*. London: Zed Books, 2000, pp. 176-183.

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Women and Mediation in Africa

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Introduction

MEDIATION PROCESSES are sites of struggle for women because, over the last 20 years, women have sought inclusion in mediation with limited success. In the last three decades, Africa has witnessed a great number of armed conflicts and, concomitantly, the production of a plethora of peace agreements. Women in Africa have been at the forefront of movements and organisations working to achieve peace, but remain marginalised from formal peace processes. Very few women in Africa have participated in negotiations, and only a handful have mediated violent conflicts. Yet, the call for women's inclusion – a seat at the table – continues to reverberate in the policy-making corridors of multilateral institutions tasked with peace and security, both globally and continentally. Women have protested, organised themselves into networks, and thousands of them in Africa have received training. But this has not made a significant difference regarding their participation levels. Between 1990 and 2017, only 8% of peace negotiators, 2.7% of mediators and 5% of the witnesses of peace agreements, globally, have been women (United Nations Security Council, 2018).

Women have sought inclusion in peace negotiations by invoking human rights, policy and practice, essentialisms, and instrumentalism. The few women in Africa who have participated in formal peace negotiations have done so either as observers (primarily civil society), negotiators (on behalf of the warring parties), witnesses, facilitators and mediators: women such as Graça Machel, Betty Bigombe, Lindiwe Zulu, Asha Hagi Elmi come readily to mind. Many more women have been part of peacebuilding organisations and actions to promote peace, bring leaders to negotiating tables, or pressurise

parties of the negotiations to sign and implement peace agreements. These activities have informed the calls for women to participate in formal peace processes.

This chapter provides an overview of women's mediation in Africa and re-examines the arguments put forward for their inclusion in peace negotiations. There have been increasing efforts to justify the assertion that women's participation in peace processes makes peace more sustainable. However, there is also contradictory evidence to date regarding this assertion. This chapter sheds light on the conceptual and practical challenges of women's participation in mediation and argues for an increased appreciation of the potency of women's contributions in the past, present and future. There is also a need for a far deeper engagement with the form and content of formal peacemaking processes which shifts emphasis from women's mere inclusion, to one that gives space and respect for the transformation of peace tables and peace processes their presence can provide. Women must be wary of participating in, and thereby legitimising, peace processes that merely serve to divide the spoils of the state between warring male elites.

From practice to policy: Frameworks for women's inclusion in peace processes

The story of Queen Nzinga of the Ndongo and Matamba Kingdoms (now Angola) is a telling reminder that in pre-colonial Africa there were women who acted as both warriors and mediators. Nzinga learnt the art of warfare and governance from her father, who was king, and, importantly for her future career, Portuguese from the missionaries. When her father died, patriarchy prevented her from ascending to the throne and thus her brother became the king; however he soon required her diplomatic and language skills to negotiate a treaty with the Portuguese and in 1622 made her his ambassador (African Feminist Forum, 2016). As ambassador, she successfully concluded a peace treaty aimed at limiting the slave trade in her kingdom, which was not honoured, and therefore later formed an alliance with the Dutch against

the Portuguese. After her brother died, in 1626, Nzinga became queen and reigned for 37 years, though some people contested her succession to the throne. Primarily, however, she is remembered for her military prowess, diplomatic and mediation skills, especially her fight against colonialism.

During the colonial period, European notions of the household, and women's place within it, were introduced alongside an increase in the subjugation of women through the codification of customary laws that entrenched the rights of men over women. As a result, women joined armed liberation movements to resist colonial rule with the expectation that broad national liberation would increase their own freedom. Women formed part of armed wings of liberation movements in Angola, Algeria, Mozambique, Namibia, South Africa, and Zimbabwe. In the post-colonial period, women campaigned for their rights and for participation in decision-making, and many African constitutions recognised these rights. Women now act in various capacities: they are part of government decision-making structures, political parties, rebel movements and violent extremist groups. Women are also at the forefront of efforts to forge peace at local, regional and international levels, and yet they remain marginalised from the formal peace processes that have transpired across the continent, particularly from Track 1 mediation processes.

The post-Cold War shift from interstate to intra-state conflict highlighted the various ways women were both victims of and actors in conflict. For example, the peacebuilding roles of women in the Democratic Republic of Congo (DRC), Liberia, Rwanda, Sierra Leone and Somalia were made visible when these conflicts were reviewed through a feminist lens and by collating the archives of women's activism. This broader discourse on women and conflict began to capture the multiple roles of women during conflict and peacebuilding efforts, which particularly framed women as actors in peacebuilding. During the many civil wars across Africa, women mobilised themselves into national and regional organisations to advocate for peace and their inclusion into peace talks. In South Africa, women formed the Women's National Coalition in 1992, which advocated across political party

lines for a 30% representation of women at the Convention for Democratic South Africa negotiations.

Some of the other prominent women's peace movements in Africa at that time were: a) Peace Action campaign formed by Rwandan women in 1994; b) Burundi women formed the *Le collectif des Associations et ONG Feminines du Burundi* in 1994 to lobby for women's participation in the peace process; c) exiled Sudanese women in Nairobi formed the Women's Voice for Peace in 1994 to train women to participate in peace committees at village level; d) Kenyan Somali women formed the Wajir Peace Initiative in 1995 as a rapid response team with early warning capability at the community level; and e) Femmes Africa Solidaritet was formed in 1996 to empower women for leadership in peacebuilding (Hendricks & Chivasa, 2009). Subsequent organisations were formed, for example, the Mano River Women's Peace Network (2001), South African Women in Dialogue (2003), Women of Liberia Mass Action for Peace (2003), and the Uganda Women's Peace Coalition (2006), along with many others that all advocated for women's inclusion in peace processes.

A key attribute of these organisations was their ability to mobilise numerous women peace builders at national or regional levels who would then place pressure on leaders (government and rebels alike) to engage in peace talks and to introduce a list of demands from women into the peace agreements. Sympathetic mediators created space for women to enter as observers and table their demands, some of which were reflected in the ensuing peace agreements (for example, the peace negotiations in the DRC and Burundi). In practice, therefore, women were engaged in peacebuilding activities and were in some instances instrumental in getting belligerent men to sign peace agreements. For instance, women played roles in the signing of the DRC's Sun City Agreement; in the case of Liberia, women working under the auspices of the Mano River Women's Peace Network put pressure on the Liberian parties to sign peace agreements.

Calls for women's participation in peace processes began to find expression in UN policy documents in the mid-1990s. The Beijing Declaration and

Platform for Action addressed the issue of women, peace and security noting that:

In a world of continuing instability and violence, the implementation of cooperative approaches to peace and security is urgently needed. The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security. (UN Women, 1995, p. 89)

The development of an Agenda for Peace (by Boutros Boutros Ghali in 1992) and enunciation of the Human Security approach by the United Nations Development Programme in 1994 created the conceptual space for an emphasis on women's participation in peace processes and for the consideration of sexual and gender-based violence (SGBV) as a threat to international peace and security.

The Agenda for Peace outlined four areas for action: preventative diplomacy, peacemaking, peacekeeping and post-conflict peacebuilding. It also called on states, regional organisations, non-governmental organisations and the other organs of the UN system to share in the responsibility of delivering results regarding the peace and security agenda. The document, however, noted that mediators were 'distinguished statesmen' who could 'bring a personal prestige that, in addition to their experience, can encourage the parties to enter serious negotiations' (UN Secretary General, 1992). These 'distinguished statesmen' are often appointed as Special Representatives and Special Envoys.

The shift from traditional security to human security in the mid-1990s broadened the sphere of security actors and the scope of the threats to peace and security. Threats to personal security were now included in what defined security, and in this category violence against women was specifically mentioned. The work of women's peace organisations could, therefore, be included as part of the groups contributing both to the Agenda for Peace and emphasising SGBV as a threat that needed to be factored into the policies and programming of peace and security institutions.

It was, however, only after the adoption of the United Nations Security Council Resolution (UNSCR) 1325, in October 2000, whilst Namibia chaired the Council, that the Women, Peace and Security (WPS) agenda gained traction by calling for the participation of women in peace and security structures and processes, the protection of women in conflict and non- conflict situations, and the prevention of violence against women. Through the resolution, the Security Council charged institutions engaged in peacemaking, peacekeeping and post-conflict reconstruction to mainstream gender into their policies and practices and to ensure women's representation in peace and security. In particular, UNSC 1325 reaffirmed 'the important role of women in the prevention and resolution of conflicts and in peacebuilding', stressed 'the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security', and called to increase their decision-making roles in peace processes. It urged the Secretary General 'to appoint more women as Special Representatives and Special Envoys to pursue good offices on his behalf', and called on actors engaged in negotiations and implementation of peace agreements to adopt a gender perspective and measures that support local women's peace initiatives (UNSC, 2000). Nine other resolutions were adopted after this resolution, all of them reinforcing the need to implement UNSCR 1325 and bring to the fore aspects which this resolution paid less attention to, such as SGBV, monitoring and evaluation and countering violent extremism. UNSCR 2242 (2015) in particular called on all those 'supporting peace processes to facilitate women's *meaningful* inclusion in negotiating parties' delegations to peace talks and to provide financial and technical assistance to women involved in peace processes that included training in mediation, advocacy, and technical areas of negotiations...'. Thousands of African women have since been trained in short courses on mediation by such organisations as ACCORD, FemWise and the South African Department of International Relations and Co-operation.

The African Union (AU) integrated UNSCR 1325 into its policy frameworks and has been at the forefront of creating structures and programmes to

promote its implementation. Article 10 of the African Charter on Human and People's Rights (2003) – The Right to Peace - highlights the right of women to participate in the promotion and maintenance of peace and for their increased involvement in conflict resolution. The Solemn Declaration on Gender Equality in Africa (2004) called for the 'full and effective participation and representation of women in peace processes' and for the appointment of women as Special Envoys and Special Representatives of the AU. Agenda 2063 (2015), the Gender Programme of the AU's Peace and Security Department (2015-2020), and the AU Gender Strategy (2018-2028), all speak to the need for inclusive peace processes. The AU has also adopted a 'Continental Results Framework for Reporting and Monitoring on the Women Peace and Security Agenda in Africa (2018-2028)'. The AU's 'Master Roadmap of Practical Steps to Silence the Guns by 2020', however, only refers to training women mediators for preventative diplomacy, which is undertaken primarily by FemWise and not to their participation in the other peacebuilding processes. The Regional Economic Communities and national governments have in turn adopted Regional Action Plans on WPS and 26 countries have National Action Plans which all call on women to be part of peace processes.

All the above mentioned frameworks and instruments have their limitations, as they are crafted primarily in the ambit of an 'add women and stir' approach to peace processes that lacks an interrogation regarding their nature and outcome to society as whole and to women in particular, and with very limited reflection on the dismantling of patriarchy. UNSCR 1325, however, did not place emphasis on women specifically being mediators in peace negotiations; it was a more general assertion for them to be included in peace negotiations and peace processes. The dominant emphasis of the resolution is on women's role in peace missions. Nonetheless, the demand for more women mediators at peace talks has become a central aspect of the WPS agenda and much of the organisational activity is centred on this aspect.

Rationalising women's inclusion in mediation

Mediation has become the dominant method of peacemaking in which a third-party, through non-violent means, persuades the parties in conflict to sign peace agreements that commit them to cease hostilities and/or to embark on more durable political solutions. Mediation can be broadly viewed as including 'interventions from hosting formal negotiations and conducting shuttle diplomacy to facilitation' (Aggestam & Svennson, 2018, p. 152). Since the late 1980s, post-colonial Africa has seen many mediation processes instituted to resolve intra-state conflicts. Many of these processes have not been sustainable, leading to a return to armed conflict and successive mediation efforts.

The calls for women's participation in formal peace processes still echo loudly 20 years after the adoption of UNSCR 1325, despite their limited participation. There have been numerous arguments advanced regarding women's important role in peace negotiations. There are strong rights-based arguments noting that women constitute 50% of the population, are both victims and actors during conflicts and, therefore, should be part of processes aimed at rebuilding their societies. Peace processes are also important sites for transforming gender power relations. Meintjies et al. (2002) highlighted that the transition from conflict to post-conflict represents the greatest opportunity for women to change gender power relations in their societies. Bell and O' Rourke noted that 'inclusion in peace agreement texts is therefore an important starting point in achieving other political, legal and social gains for women' (2010, p. 947). Ellerby pointed out:

...peace agreements are 'road maps' for a country's subsequent peacebuilding efforts. It is often the first step in building a state after war in which parties to the conflict set forth their objective for the future. Peace agreements also lay out the stakeholders of peacebuilding – who gets what, who does what and when, and where resources will be allocated. (2013, p. 439)

Furthermore, in pointing reasons to why peace processes were important sites in which women should be represented, she argued they had become the

most frequently used form to settle disputes, since ‘half of the wars that have ended after 1989 have done so via peace agreements, which is significantly higher than the 20% agreement rate of the previous two centuries’ (Ellerby, 2013, p. 439). Aggenstam and Towns contend that ‘[p]eace negotiations may be seen as a critical opportunity to redefine relationships and empower groups by working towards an equitable distribution of power. Ultimately inclusion in diplomacy and negotiations aims to build a more just and peaceful international society’ (2018, p. 5). These arguments co-exist alongside more essentialised contentions that women are inherently more peaceful, tolerant, and have innate negotiation ability by virtue of their positions as mothers and nurturers.

There has, however, been a marked turn towards more instrumentalist arguments for women’s participation, such as the now often asserted claim that the inclusion of women into peace processes leads to more sustainable peace. This claim has been accompanied by a flurry of quantitative analysis attempting to prove that women’s participation in peace negotiations contributes to durable peace. Soini and Wallström (2017) contended that the more women participated in peace processes the more peace there would be: ‘For peace agreements to be sustainable, more women must contribute to peace negotiations.’ The Global Study on the Implementation of UNSCR 1325 (2015), drawing on studies of peace agreements, found links between women’s participation and the sustainability of peace. Citing Stone, the Global Study highlighted that ‘[p]eace processes that included women as witnesses, signatories, mediators, and/or negotiators demonstrated a 20% increase in the probability of a peace agreement lasting at least two years. This increases over time, with a 35% increase in the probability of a peace agreement lasting 15 years’ (2015, p. 49). A closer reading of Stone’s study of peace agreements concluded between 1989 and 2011, however, indicates that she neither counted the number of women present at the negotiations nor their roles in the process, but merely whether there was a woman present or not.

The key independent variable in this study, women’s participation, shows limited significance in general; however, its predicted probability reveals that

increasing women's participation could increase the probability of violence ending within one year by 24.9%. This finding is strengthened by increasing women's inclusion as active participants in the peace plan which results in violence ending within five years as 25% more likely. These percentages, though seemingly small, present strong evidence for women impacting peace; however, this positive impact can only be found in participation and inclusion. When observing the increase of women's human rights language into the text of a peace agreement and the presence of female third-party participants, conflict is actually more likely to continue by 24% and 30% respectively. (Stone, 2014, p. 28)

Moreover, the more significant variables for lasting peace were said to be democracy and quotas and that the 'durability of peace was determined more by the inclusion of provisions for territorial and political disputes than by including gender provisions at the five-year mark' (Stone, 2014, p. 29). This research, as contradictory as the evidence seems to be, was widely used to support evidence for why women should be included in peace negotiations, i.e., more women, longer lasting peace. It gave very little explanation for how women's participation increased the sustainability of peace, especially if, according to the author, clauses on women's rights had a negative impact on sustainability.

Research by Bell and O' Rourke (2007) and Bell (2015) noted that gender provisions are often included when peace agreements are internationalised and in these instances the peace agreements have less traction at their commencement. Krause, Krause, and Bränfors (2018), however, see a positive element to the presence of women, the inclusion of gender provisions in peace agreements, and the durability of peace. Lee-Koo and True (2018) indicate an increased likelihood of the inclusion of gender provisions in peace agreements when women participate in the negotiations. They note that 'peace agreements signed by women include a larger number of agreement provisions and a greater rate of provision implementation 10 years after the agreement when compared to those not signed by women' (2018, p. 987). Lee-Koo and True conclude that the collaboration between female delegates and civil society groups account for these provisions. One notes, however,

that there was only one woman delegate at the peace negotiations in Sudan in 2019, yet the peace agreement contained many gender provisions and some of the more recent peace agreements tend to have standard clauses relating to gender irrespective of the presence of women.

Mbwadzawoma and Ngwazis take the argument a step further than gender provisions and argue that ‘the advantage of including women as participants in peace processes is their contributions enlarging the scope of the agreements so that they contribute to larger societal priorities that carry the potential to guarantee lasting peace’ (2013, p. 6). UN Women (2019), too, states that the ‘direct participation of women in peace negotiations increases the sustainability and the quality of peace.’ Women’s inclusion, it is therefore argued, will lead to larger structural changes in the society that can produce a qualitatively different society. Nonetheless, women participated in the peace processes in Central African Republic (CAR), DRC, Sudan (prior to 2019), South Sudan, and Somalia without those processes necessarily producing lasting or qualitatively more just and equitable societies. It seems that there is no agreement in the literature on the following: on gender provisions and the sustainability of peace, on the number of women that should participate, on the precise roles they should participate in during the negotiations, on whether they should be part of negotiating parties and peacebuilding women’s groups that advise women negotiators, be advisers to mediators or mediators and facilitators themselves, and whether to have gender provisions inserted that strengthen the peace process as a whole. Furthermore, those that argue that women’s participation leads to a qualitatively different form of peace have yet to provide sufficient evidence supporting this theory.

The 2019 Report of the UN Secretary General on Women Peace and Security notes a decline in the inclusion of gender provisions in peace agreements, indicating that between 1990 and 2018, ‘only 353 of 1,789 agreements (19.7%), relating to more than 150 peace processes, included provisions addressing women, girls or gender. In 2018, of the 52 agreements across a range of issues included in that data base, only 4 (7.7%) contained provisions relating to gender, down from 39% in 2015’. This raises important questions: are we seeing a decline in gender provisions in peace agreements because

the number of women participating in peace processes has shown a slight decline, or because peace processes have become more localised (if we use the arguments advanced above)? Paffenholz notes that ‘research shows that it is not the inclusion of women per se, but rather women’s actual influence on peace negotiations that is positively correlated with a higher likelihood of reaching sustainable peace agreements’ (2018, p. 169). This presumably would lead us to review the calibre of the women present: an exercise that would itself be riddled with pitfalls.

African women have asserted their right to engage in peace processes for many reasons: they form half of the population that will be impacted by comprehensive peace agreements, they have been activists for peace during the conflicts, they have been targeted during the violence and want to prevent perpetrator impunity, they want to ensure that the peace agreements contain gender equality provisions. Ultimately all the above reasons seek to produce more equitable, just and democratic post-conflict societies. They did not argue that the sustainability of peace agreements, and peace, depended on their involvement. This would negate the many peace agreements globally that have produced peace. The internationally driven arguments present women the difficult challenge of having to ensure that their presence will not only lead to successful negotiations and make peace durable, but that it will also produce qualitatively different societies. These instrumentalist views are not sustainable, since the quality of peace – or conflict transformation – depends on changing social, political, economic and cultural relations (Lederach, 2003), of which gender is but one component. These kinds of arguments have of late, however, been propagated extensively. They also inform the preoccupation with training women as mediators to increase the pool from which intergovernmental organisations can select.

A potential contradiction resides in the assumption that women’s inclusion in peace processes is dependent on the training they have received. Diaz and Tordjman (2012) pointed out years ago that women’s exclusion was not necessarily because of a lack of training. This fact is becoming self-evident as many women have been trained, yet they are still not been included in peace processes. Nor has the extent of women’s participation in negotiations

been sufficient to draw conclusions about their impact on the durability of peace. There are many contingent and structural factors that impinge upon the signing of peace agreements and their durability, hence the broader array of confidence and peacebuilding measures that have been developed. The following section provides deeper insight into the African women who have been engaged as mediators.

African women mediators

There is not much research one can draw on to make an analysis of African women mediators and their contributions to mediation in conflict countries. The recent contribution by Aggestam and Svennson (2018), ‘Where are the Women in Peace Mediation’ give us an insightful and useful global resource. These authors reviewed peace processes between 1991 and 2014 and identified 36 cases in which women were mediators, facilitators, signatories or witnesses, noting that women constituted 8% of this category of participants in peace processes during this time frame (2018, p. 153). The table below extracts from their dataset, the instances in which women mediated in African conflicts.

Table 1: Women in Peace Mediation in Africa: 1991-2014

Conflict	Unit	Mediator	Year
Angola	UN	Margaret Anstee – Mediator	1992-1993
Burundi	UN	Carolyn McAskie – Mediator	1999-2000
Central African Republic	UN	Margaret Vogt-Facilitator	2012-2013

Democratic Republic of Congo	UN	Mary Robinson Facilitator	2013-2014
Democratic Republic of Congo	NGO	Liberata Mulamula – Tanzania diplomat Facilitator	2008
Guinea Bissau	Sweden	Ulla Andren Facilitator	1998-1999
Kenya	African Union	Graça Machel Former First Lady of Mozambique and South Africa; Former Minister, Humanitarian Part of a team of three mediators	2008
Liberia	AU	Adwoa Coleman Ghana Formal Witness	2003
Liberia	NGO	Theresa Leigh Sherman From Mano River Peace Network Observer. Signatory	2003
Sierra Leone	OAU	Adwoa Coleman Ghana Formal Witness	1991
Somalia	Sweden	Marika Fahlen	2007-2008
Somalia	NGO	Asha Hagi Elmi (Sixth Clan) Somalia	2000, 2002-2004
South Sudan	EU	Rosalind Marsden	2002 and 2012

Sudan	NGO		2006
South Sudan –Sudan	NGO	Mary Robinson	2012
Sudan	Norway	Hilda F Johnson	2001-2005
Sudan	EU	Rosalind Marsden	2010-2013
Uganda	EU	Anna Sandstrom	2006-2008
Uganda	Norway	Heidi Johansen	2006-2008
Uganda (LRA)	Government of Uganda	Betty Bigombe Minister of State for the Pacification of Northern Uganda	1992-1994 2004-2006

Source: Extracted from data provided by Karen Aggestam and Isak Svennson (2018)

We can also include Lindiwe Zulu, who was the former International Relations Adviser to South African president Zuma and part of his mediating team on behalf of SADC in Zimbabwe from 2009-2011, along with Mojanku Gumbi as part of President Mbeki's facilitating team, and former President Joyce Banda, who was a third-party representative at the negotiations between the DRC government and the M23 in 2013. From the table, highlighted in italics, we glean that not many African women have been mediators and those who have been part of these processes tend to be women based at international governmental institutions (UN, OAU/AU), holders of high office in government, or representatives of women's peacebuilding organisations. Of the 20 mediation efforts in Africa identified in the table above, there were six African women (30%) who acted in a facilitation/mediation/witness capacity and none of them were former heads of state or government. It is predominantly male, current or former heads of state that have been asked to be mediators in African conflicts (i.e. Presidents Nyerere, Mandela, Obasanjo, Kikwete, Mkapa, Chissano, Mbeki, Ramaphosa). Often the argument is made that there are too few women who have occupied these

positions and that this accounts for their absence in formal peace processes. Although there is currently no woman president in Africa and indeed there have been very few women elected or appointed to such positions, the table below indicates that women do exist who have been in these positions, and, if the criteria were merely head of state or government, could have been drawn on to assist with mediation efforts.

Table 2: Women Heads of State or Government in Africa

Name	Country	Capacity	Year
Elisabeth Domitien	Central African Republic	Prime Minister	2 January 1975- 7 April 1976
Carmen Pereira	Guinea Bissau	Acting President	14 May – 16 May 1984
Stella Sigau	Transkei	Acting Prime Minister	5 October 1987– 30 December 1987
Sylvie Kinigi	Burundi	Prime Minister	10 July 1993 - 5 February 1994
Ruth Perry	Liberia	Chairperson of the Council of State	3 September 1996 - 2 August 1996
Mame Mamour Boye	Senegal	Prime Minister	3 March 2001 - 4 November 2002
Luiso Diogo	Mozambique	Prime Minister	17 February 2004 - 16 January 2010
Mario do Carmo Silveira	Sao Tome and Principe	Prime Minister	8 June 2005 - 21 April 2006
Ellen Johnson Sirleaf	Liberia	President	16 January 2006 – 22 January 2018

Rose Francine Rogombe	Gabon	Acting President	10 June 2009 - 16 October 2009
Cecile Manorohanta	Madagascar	Acting President	18 December 2009- 20 December 2009
Cisse Mariam Kaidama Sidebe	Mali	Prime Minister	3 April 2011 - 22 March 2012
Adijato Jalo Nandigna	Guinea Bissau	Acting Prime Minister	10 February 2012 – 12 April 2012
Monique Oshan Bellepeau	Mauritius	Acting President	31 March 2012 – 21 July 2012
Joyce Banda	Malawi	President	7 April 2012 – 31 May 2014
Aminata Toure	Senegal	Prime Minister	1 September 2013 - 8 July 2014
Catherine Samba Panza	Central African Republic	Interim President	23 January 2014 - 30 March 2016
Saara Kuugongelwa	Namibia	Prime Minister	21 March 2015 – Incumbent
Monique Oshan Bellapeau	Mauritius	Acting President	25 May – 5 June 2015
Ammena Gurib	Mauritius	President	5 June 2015 – 23 March 2018
Zahle Work-Zewde	Ethiopia	President	25 October 2018 – Incumbent

Source: Extracted from Wikipedia's list of females elected and appointed heads of state and government

We note from Table 2 that the majority of female Prime Ministers and Presidents have been appointed in acting capacities and in some cases, this has been in conflict countries (CAR, Liberia, Burundi, Mali, and Rwanda). The women, especially those from conflict countries, would have some form of experience in mediating the different political interests in their countries and all those listed in the table would have been sufficiently high-ranking to be considered for mediation roles. The criteria for inclusion as mediators, therefore, are not, nor have they ever been, merely one's position or experience. Boutros Boutros Ghali, as noted previously, had added the important qualifiers distinguished statesmen who 'bring a personal prestige that, in addition to their experience, can encourage the parties to enter serious negotiations'. Herein lies the crux: who is considered distinguished and prestigious, who is deemed sufficiently trustworthy by the Secretary General of the UN or the Chairperson of the AU and by the warring factions themselves, and for what reasons? This, one suspects, has more to do with ingrained patriarchal views that will require more than the production of resolutions to shift to a more inclusive perspective. In addition Khadiagala has noted that in Africa the 'cadre of elder statesmen has also proliferated because of the upsurge in political pluralism,' which provided an avenue for presidents to exit into 'elder statesmanship' (Khadiagala, 2007, p. 62).

Bigombe, Machel and Zulu as mediators

The mediation roles of Betty Bigombe in Uganda's conflict, Graça Machel in the conflict in Kenya, and Lindiwe Zulu in Zimbabwe are worth greater exploration. There is surprisingly little academic work on the contribution of Betty Bigombe's mediation efforts in Uganda, despite her winning the Peacemakers in Action Award in 2007 and being one of very few African women who have been mediators of armed conflicts. One must piece her story together through newspaper articles and short biographies on websites. Betty Bigombe, an Acholi woman from Northern Uganda, was a member of parliament from 1986 to 1996. She was appointed as the Minister of State for Pacification of North and North Eastern Uganda in 1988. Bigombe received

this latter appointment when she complained to the president that she could not sit and ‘do crossword puzzles in the office’ (BBC, 2019) and therefore volunteered to reach out to the Lord’s Resistance Army (LRA). President Museveni required as the condition of her posting that she had to ‘negotiate with the factions to stop fighting’ (BBC, 2019): this was widely perceived as a suicide mission. Although she was able to convince the rebel leader, Joseph Kony, to engage in talks, Museveni publicly threatened Kony, leading to a breakdown in the proposed talks and the massacre of 300 people by Kony (BBC, 2019). Bigombe resigned and departed to the US to undertake a Master’s degree in Public Administration at the Kennedy School of Governance at Harvard University, which she earned in 1997 (FAMpeople 2019). She then joined the World Bank as the Senior Social Scientist in their Fragility, Conflict and Violence Programme (Wikipedia) and also provided technical support to the Carter Centre in a successful mediation between the governments of Uganda and Sudan in 1999–2000 (Arcadia Foundation).

In 2004, after another massacre by the LRA, she took a leave of absence from the World Bank to try again to get the government of Uganda and the LRA to mediate, this time acting as an independent mediator (Arcadia Foundation). For this undertaking, she at first used her personal funds and was later supported by the Joan B. Kroc Institute for Peace and Justice. She was able to regain the trust of the LRA and she provided them with food supplies in the hope that this would limit their plundering of the villages. When they demanded more food supplies than she could personally afford to buy, she asked President Museveni for assistance (McLaughlin, 2005). Bigombe, through tireless effort and personal sacrifice was, in 2004, able to engineer the first face to face talks between the two warring factions, but these soon broke down.

Some local actors expressed concerns that she was ‘not tough enough’ and that ‘you need somebody with authority and power’ (McLaughlin, 2005). Joyce Neu (2005) summed up the context during 2004:

One has to acknowledge that the progress made towards peace is due not just to this mediator, as talented, trusted, and persistent as she is.

The military pressure on the LRA is real and the LRA has been on the move for months. Sudan has stopped providing shelter for the LRA and LRA forces are now hunted inside both Uganda and Sudan. And, there is the fear of indictment by the International Criminal Court [...] There are some in the international community who believe that the process has stalemated with the failed signing of a joint ceasefire on December 31, 2004. Many are offering to jump in, including the [AU] and non-governmental organisations based in the West, but they have little comparative advantage.

After the failed ceasefire agreement in 2004, the talks moved to Juba with Vice President of Southern Sudan, Riek Machar, as the mediator. Another ceasefire agreement was negotiated in 2006, but the LRA leader again refused to sign this document.

Bigombe's first attempt at mediation, when she was sent by the Ugandan government, failed because the conflict was not 'ripe for resolution'. In her second attempt at mediation she did not wait to be included, but actually initiated the pre-negotiations independently and largely with her own funding until support from institutes in the US assisted her. Bigombe had some advantages: she was from Northern Uganda, had a degree of familiarity with the rebels because of her previous encounter, and she had been a high-ranking government official - MP and Minister of State - and was therefore well known in government circles. In addition, she had the relevant knowledge and experience from work in the conflict and violence programme of the World Bank. Her approach, like many other woman peace builders, indicates that she went the extra mile to build trust and to try to get warring parties to the negotiating table at a Track 2 level. She was able to bring about a face-to-face meeting but was not able to get them to sign an agreement. In this case, a woman mediator in the peace process did not contribute to an agreement or to durable/sustainable peace. Indeed, some people resorted to gender stereotypes by blaming the failure of the agreement on her being a woman. Conversely, the failure of the peace process led by Machar did not elicit the same outcry.

Further research remains to be conducted on Bigombe's experience as a woman mediator with insider knowledge. What we learn from this engagement is that the government gave the task of mediation to a woman in the belief that she would not accomplish the task. The rebels also interpreted it the same way, noting that 'this is a male domain; if you step here, we are going to kill you. Museveni does not want to end the war if he is sending a woman. He is insulting us even more' (Bigombe rendition of a letter sent to Museveni by the LRA cited in Agger 2012). As a woman she had greater success as an independent mediator at Track 2 level. She could also draw on her ethnic affiliation for acceptance and she could employ nurturing characteristics (bringing them food, using her own money) to rebuild trust – a necessity in any mediation. She was, however, excluded when the international community took over the negotiations and shifted them to South Sudan.

Graça Machel was one of three mediators appointed to resolve the 2008 post-election violent conflict in Kenya (the other two were Kofi Annan and Benjamin Mkapa). She is a distinguished stateswoman with personal prestige. She was the Minister of Education and Culture in the government of Mozambique, First Lady of both South Africa and Mozambique, has been Chancellor of the University of Cape Town and of the African Leadership University, and has had various assignments in the UN. In 2007 she also became a member of The Elders, a group of elder statesmen, peace and human rights activists tasked by Mandela to 'use their political independence to help resolve some of the world's most intractable problems' (The Elders.org, 2007) It is this prestige that made her a good choice to mediate the Kenyan conflict of 2008. This mediation process had the substantive participation of women: negotiating parties had 25% women each as part of their delegations. Senior women acted as advisers to the mediators, and women's groups jointly developed a set of priorities to be tabled during the negotiations. Machel was pivotal in ensuring the participation of women in these negotiations, most notably for her role in convincing women's groups to organise themselves so that they could make an effective contribution to the peace negotiations.

McGhie and Wamai (2011, p. 16) noted that women's groups 'required the impetus of Graça Machel, calling the women together, for them to overcome their own divisions in order to work together to press for a greater focus on women's issues in the process'. This is a strategy that had been employed in places such as South Africa, Ireland and Burundi. United, women were able to articulate their priorities and make a substantive contribution to the peace agreement in Kenya. Kenya has also not seen a return to the levels of election related violence that it had experienced. It is important to note the context that can shape what a gender-sensitive, experienced woman diplomat can do in the role of mediator: Kenya had a strong civil society and many women's groups and peace organisations that wanted a more inclusive peace settlement and were able to work with political party representatives and political leaders to influence the peace settlement. It was not one woman mediator that was able to bring about sustainable peace, but rather a society that wanted peace in which astute mediators (for Annan and Mkapa were equally influential) opened the way for strong civil society input that created a peace agreement which resonated with the society at large.

Juma's (2009) assessment of the success of the mediation in Kenya notes that it was due to (1) the framework for the mediation being accepted by both sides and thus the mechanism enjoyed legitimacy (2) Kenyan stakeholders mounting sustained pressure on the parties of the conflict and the mediation team to return Kenya to peace, which mobilised the population across party lines to engage the process from the start and remain involved beyond the signing of the agreement (3) the character of the mediating team, which was not only experienced, had the required network and skills to address the crisis, but also enjoyed a global respect that raised confidence in the process and (4) the international community exerted unrelenting international pressure and leverage. The fact that women were present increased the representative nature, legitimacy, and scope of the issues that were considered. This is in and of itself a good thing and needs no further arguments to advocate for women's inclusion. It is not only Machel's gender that should be examined, but also her long engagement with women rights issues and overall experience as a seasoned diplomat. The choice of mediator is always key to negotiations and

this case was no different. Position, influence, experience, gender sensitivity and the connection with strong women's peacebuilding organisations are important when reviewing women's inclusion in mediation efforts.

Lindiwe Zulu is currently South Africa's Minister of Social Development. She was appointed by president Zuma in 2010 as part of his facilitation team (the other two were Charles Nqakula and Mac Maharaj) to oversee the implementation of Zimbabwe's Global Political Agreement signed in 2008. Zuma took over this mediation role from Mbeki when he assumed power in 2009 but left the day-to-day responsibilities of this position to his facilitation team. At the time, Zulu was the International Relations Adviser to President Zuma. In 2013, when Zulu as part of the group of facilitators, advised that the Zimbabwe election be postponed, President Mugabe called her a 'little street woman' who could not tell him what to do and stated that he would pull out of SADC if it made stupid decisions (Politicsweb, 2013). Although Mugabe later apologised for his statement, his attack on Zulu, and not Zuma who was the mediator, indicates an attempt to discredit the process through belittling the woman involved. Women facilitators and mediators, therefore, bear the burden of having their credibility disparage through an attack on their respectability. This is often the same situation with women who stand for elections.

Given the AU's adoption of a gender parity principle and its integration of UNSCR 1325 into its frameworks, it should be appointing an equitable number of women as Special Representatives and Special Envoys to conflict countries. The AU Panel of the Wise (PoW) is gender representative, as three of the five members are women: Dr. Speciosa Wandira Kazibwe (Uganda), Former President Ellen Johnson Sirleaf (Liberia), and Former Minister Honorine Nzet Bitehe (Gabon). The pool of women increases when former PoW members are included in the newly formed 'Friends of the Panel of the Wise', such as Brigalia Bam (South Africa), Madame Kalala (DRC), Madame Poignon (Gabon), and Mary Chenery-Hesse (Ghana). The PoW can be better used for peace negotiations in Africa, and the AU should also require that more women are appointed as diplomats in their respective countries, since this creates the pool for mediators of Track 1 peace processes.

There is a reasonably wide pool of women who have been ministers, diplomats, part of intergovernmental organisations, leaders of peacebuilding organisations, and others who have distinguished themselves in areas relevant to peace and security that the AU can draw on to appoint as Special Envoys and Special Representatives, some of whom could also act as mediators or co-mediators. The absence of women who can occupy these roles is not the challenge, as many databases reveal, but rather the political willingness to do so is absent. Intergovernmental organisations have an obligation to include women in varied roles during peace negotiations because women's participation is a right and confers greater representation and legitimacy to processes, as well as reflecting a broader set of interests. There is no need for spurious arguments to justify this right. Rather the emphasis should be on appropriate mechanisms to ensure implementation and accountability. Women's peacebuilding organisations should remobilise to exert pressure on national peace negotiation processes and create multiple peace tables.

Women, mediation and peace: Back to basics

Women have played multiple roles in peace processes. Their contributions have, however, been strongest when they are organised, when they have taken their own initiatives to foster peace in conflict zones, and when they have engaged in Track 3 (local level), Track 2 (middle range led leadership negotiations) and Track 1 1/2 mediation processes (national dialogues). The emphasis over the last few years has, however, shifted to get women into Track I mediation processes (high-level negotiations). Women should be equitably represented in Track 1 processes and have a contribution to make at this level, as seen in the examples of Bigombe and Machel. But it is equally important that women maintain the momentum of their engagement in other peacebuilding processes. Women can also play several different roles in Track 1 processes (advisers to mediators, advisers to negotiating parties, third parties, as part of negotiating parties, etc). If the role of mediators in Track 1 processes is over-emphasised, this risks spending disproportionate energy and resources on a few high-level women participating at a Track 1 level at

the expense of the organisations and processes that were the harbinger of the call for women to be mediators.

Despite UNSCR 1325 calling for support for women's local peace processes, we see a dwindling of funds and a weakening of the women's peacebuilding infrastructure at local levels, with a concomitant redirection of funding towards women's mediation networks and the training of mediators. There are a growing number of global and regional women's mediation initiatives, such as the Global Alliance of Regional Women Mediator Networks, Women Peace and Security Focal Points Network, Women Mediators across the Commonwealth, Nordic Women's Mediation Network, and the AU's Network of African Women in Conflict Prevention and Mediation (FemWise-Africa). These organisations are complemented by a range of mediation training programmes for women run by, for example, South Africa's Department of International Relations (the Gertrude Shope Women's Capacity Building Programme) ACCORD, Clingendael, and so forth. These are good initiatives, but much more effort should be directed at rebuilding a women's peacebuilding infrastructure across all levels that will enable more women to participate and exert pressure and accountability.

The vast majority of women who have been trained in mediation will not be deployed to Track 1 negotiations simply because of the limited number of these processes and because of the criteria to be mediators. These women are, however, an important resource that can be employed in the other tracks and in peacebuilding initiatives. The argument forwarded is that within any peace process there should be multiple tracks and peace tables happening simultaneously (which there usually is) at every level, and these should be encouraged, supported, and counted. Women's roles in the other tracks are not being counted and sufficiently supported, hence the dismally low figures being reported by the Secretary General for women in peace processes annually. It is the combination of all these peace efforts that enable more durable peace agreements. Only when we collectively influence processes can they become more inclusive and transformative. This responsibility cannot solely be that of the mediator in a Track 1 peace process. The methodologies and tools to capture,

count and reveal women's participation in the other 'peace tables' should be developed. Women should use their power, resources, experience and mobilisation potential to strengthen their own peace infrastructure and create the necessary peace tables at multiple levels. Peace agreements are forged, implemented and sustained when they have the support of a broad section of the population and women are critical actors in that process.

Women are not the panacea for the inherent weaknesses of peace agreements. The entire process of negotiating power sharing deals must be revisited. The context has changed. The nature of warfare and the atrocities committed have changed. The demands and desires of those engaged in the conflict have changed. Therefore, the solutions cannot be the same as yesteryear, especially when they are no longer in the interests of the general population, but only of the warring elite. Women's participation in these forms of negotiations legitimates and reinforces precisely the kind of power relations and male dominance that needs to be transcended in order to build more sustainable societies. The Women's Peace and Security agenda must, therefore, have a more critical reflection of Track 1 peace processes and not merely clamour to be included.

Conclusion

This provided an overview of women in mediation in Africa. It outlined the paths that brought women to demand participation in formal peace processes and the arguments put forward for their inclusion. In particular, it highlighted the pitfalls of instrumentalist arguments that correlate women's participation in formal peace processes with the sustainability and quality of peace and the limitations of focusing on the role of women as mediators while ignoring their strengths and multiple roles in other areas of the peace process. Those engaged in counting women's participation in peace and security have to begin to count the number of women in the other mediation tracks because all these processes are important components of peacebuilding.

Women must refocus their activities to strengthen the peace infrastructure that they originally built and play equally meaningful roles in shaping the peace. In such instances, women have control over their participation and can use these mechanisms to influence the nature and outcomes of Track 1 processes. They do not have to knock on closed doors to participate as mediators and facilitators in processes that they themselves initiated.

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Part Two:

Politics of Mediation



South African mediation experiences

Ambassador Welile Nhlapo and Tshepho Mokwele

Introduction

SINCE ITS first democratic elections in 1994, South Africa, once an international pariah, set out to advance democracy and contribute to peace, security and stability in Africa. Its peacefully negotiated transition to democracy paved the way for Pretoria's (re)establishment of full diplomatic relations with the outside world, including with African countries. In particular, South Africa was (re)admitted to the UN, the Commonwealth, the OAU, and SADC, where it developed an increasingly critical role (Alden & Pere, 2004). This important role was expressed in a speech delivered by President Nelson Mandela to the OAU Heads of State and Government meeting in Tunis, Tunisia on 13 June 1994 (Mandela, 1994). In this address, Mandela acknowledged Africa's shared history of the liberation struggle, the emancipation of her states from colonisation and its vestiges, and the immense contribution they have made to South Africa's own liberation from the apartheid system. Mandela remarked that post-apartheid South Africa's 'contribution [to the continent] shall be to the making of the new African renaissance' for peace, stability, democracy, cooperation and development. Mandela thus articulated South Africa's commitment to fulfilling the continent's common goals as an equal member-state of the OAU. The idea was that South Africa would draw on its capacity, resources and experience to advance the agenda of peace and stability which at that time included conflict-ridden countries such as Rwanda, Western Sahara, Angola, Mozambique, Liberia, Sudan, and Lesotho (Mandela, 1994).

The prevention and peaceful resolution of conflict in Africa has since been one of post-apartheid South Africa's key foreign policy considerations. As Marx (1994) notes, South Africa's mediation efforts in conflicts and other confrontational situations in Africa have been effectively characterised by multilateralism through the UN, the OAU, and SADC. This chapter reflects on South Africa's mediation experiences in conflicts in Burundi, Comoros, and the Democratic Republic of Congo (DRC). South Africa has been engaged in conflict resolution in other countries, including but not limited to Lesotho, Zimbabwe, Côte d'Ivoire, and Madagascar. But its involvement in Burundi, Comoros, and DRC, all states not within its immediate geographical space, were not only mandated and endorsed by the OAU/AU and/or SADC but were also undertaken at the request and with the support of the conflict parties. For instance, in the case of Burundi, the parties to the conflict appealed to South Africa to participate in the mediation process because the parties had faith in South Africa's readiness and capacity to assist, given its own peaceful transition, President Mandela's stature and the respect he commanded. South Africa was also vice president of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution (MCPMR).

This chapter begins with exploring the principles underpinning South Africa's post-apartheid foreign policy to contextualise its mediation efforts in conflict situations. The second section then provides a brief analysis of the conceptual issues around the derivation of conflict mediation mandates, power and resources. Against this backdrop, the third section examines selected case studies (Burundi, Comoros, and the DRC) to determine sources of mandates and resources to mediate, the mediation outcomes and lessons learned thereof.

South Africa's foreign policy underpinnings

The demise of apartheid in 1994 precipitated the idea and conviction among South African leaders that the country's development could only take place within a peaceful and stable African continent (Miti, 2012). South Africa

was hailed for its negotiated political settlement ‘miracle’, which drew it into the business of conflict resolution and peacemaking, including mediation of African conflicts (Southall, 2006; van Wyk, 2019). The moral obligation to play a leading role in international relations, complemented by resources (both economic and military) boosted the country’s ability to carry out continental responsibilities, and set the tone for South Africa’s post-apartheid foreign policy (Southall, 2006).

President Mandela’s (1994-1999) foreign policy was characterised by the promotion of democracy and human rights, particularly in Africa. For this reason, ‘the concept of *Ubuntu* became the core of South Africa’s foreign policy’ (Dudley, 2013, p. 3). President Mbeki’s (1999-2008) administration led a foreign policy premised on the philosophy of ‘African Renaissance’ by founding the New Partnership for Africa’s Development, the African Peer Review Mechanism, and the transformation of the OAU into the AU. The Mbeki administration referred to its foreign policy prioritisation of the African continent as the ‘African Agenda’, which has somewhat continued under the presidency of Jacob Zuma from 2009-2018 (Landsberg, 2014) and beyond.

The African Agenda is espoused in the 2011 White Paper on South Africa’s Foreign Policy titled ‘Building a Better World: The Diplomacy of Ubuntu’. South Africa’s ‘moral infrastructure in foreign policy’ is embodied in ‘Afro-centrism’ and ‘rooted in national liberation, the quest for African renewal, and efforts to negate the legacy of colonialism as well as neo-colonialism’ (DIRCO, 2011, pp. 7-8; Pere, 2015, p. 100). The White Paper thus affirms that ‘peace, stability, and security are essential preconditions for development’ of South Africa, the African continent and the world (DIRCO, 2011, p. 20).

Prior to adopting the diplomacy of *Ubuntu*, the South African Parliament ratified the White Paper on National Defence in 1996 that repositioned democratic South Africa’s national defence on the global stage, followed by the *Defence Review* (1998). In 1999, Parliament went further to adopt the White Paper on South Africa’s Participation in International Peace Missions to guide the country’s engagements in peace and security missions further

afield. These developments culminated in the 2012 *Defence Review*, which ‘stressed the centrality of Africa to South Africa’s foreign policy and referred to the developmental challenges facing the continent, as well as global economic and political inequalities between North and South that need to be redressed’ (Nagar & Paterson, 2012, p. 15). To bolster multilateralism, the review recommended, *inter alia*, that South Africa consolidate its support for, and cooperation with, security and defence mechanisms with other countries as well as sub-regional and continental bodies (Nagar & Paterson, 2012).

An additional fundamental to South Africa’s post-apartheid foreign and security policy is the philosophy of ‘human security’. The debates around security have tended to focus on the security of the state in the context of inter-state threats to peace. However, the threats to security increasingly come from within borders as states violate fundamental human rights of their own people and inhibit individual wellbeing and human development (Lazarus, 2006). In the context of post-apartheid South Africa, sources of human insecurity emanated mainly from poverty, unemployment, inequality, and high levels of crime and violence. Since 1994, the country has infused its domestic and international policy orientation with human security priorities that promote the ability of all humans to live in freedom, peace, and safety (Ferreira & Henk, 2009). In its foreign policy, post-apartheid South Africa adopted human security principles in its ‘employment of the military in external peace operations as a mechanism to create a peaceful regional environment that would facilitate human development while attenuating strategic threats’ (Ferreira & Henk, 2009, p. 507).

Upon liberation, South Africa immersed its democratic triumph in peace, security, and stability of the continent and ‘acceded to requests from other African nations for a leading role in collective efforts to diminish deep-seated problems of regional instability and violence’ (Ferreira & Henk, 2009, p. 507). The White Paper on South Africa’s Foreign Policy reminds us that ‘[a] better life in South Africa is intertwined with our pursuit of a better Africa in a better world’ (DIRCO, 2011). In pursuit of the African Agenda through human security and the diplomacy of *Ubuntu*, South Africa

continues to dedicate human and financial resources to carry out its foreign policy endeavours, including the mediation of conflicts.

Mediation mandates, power and resources

Effectively carrying out foreign policy endeavours such as providing mediation in conflict situations requires more than just human and financial resources. A variety of factors and actors influence the processes and determine the outcomes of international mediation in intrastate conflicts. This chapter takes into consideration such factors and actors as the source of mediation mandates, the nature and strategies of mediators, and resources and/or power. Presidents, foreign affairs ministers, elder statesmen and special envoys may serve as chief mediators to help belligerents find peace and rebuild the institutions of political order, social cohesion, and economic stability (Khadiagala, 2007b). A mandate is one of the vital components of mediation that needs to be considered before any intervention aimed at bringing about peace is pursued. It shapes the dynamics and results of mediation and its acceptance, rejection, or contestation by the conflict parties and has a bearing on the success or failure of the intervention.

South Africa's contribution to conflict prevention and resolution has seen the integration of diplomatic, military and other capabilities that strengthen the country's capacity to influence international development (Mabera, 2018). Its diplomatic prowess in mediation draws on its own negotiated transition, which was seen as a model that other countries could follow in seeking to end their own conflicts, on its promotion of human rights and democracy, however much it has become increasingly 'pragmatic', and on the negotiation skills of its mediators such as Mandela and others (Sidiropoulos, 2007; Williams, 2015). On the military front, South Africa has led and contributed to initiatives aimed at political stabilisation of the SADC region and the African continent. While it carried out proactive military intervention in Lesotho (the 1998 *Operation Boleas*), South Africa continued to prioritise diplomatic solutions to political crises and 'only dispatched troops when there is peace to be secured' (Zondi, 2012, p. 18).

For this reason, South Africa has been one of the major contributors to the UN and AU peacekeeping missions in terms of troops, police and military observers (Zondi, 2012). Mutanda (2013) similarly notes that SADC lacks resources and relies on the means and actions of mediators in response to regional challenges. Member-states of the regional body, with South Africa at the forefront, often underwrite its activities using their resources, diplomatic capital and military capability (Zondi, 2017).

Nathan (2017) provides a typology of mediation mandates from an international perspective. First, he states that a *constitutional mandate* entails the authorisation of mediation or deployment of a mediator by a multilateral organisation's highest decision-making structure (for example, UN Security Council or AU Peace and Security Council) in terms of legislation. Secondly, a *political mandate* originates from resolutions passed by the member-state decision-making body of multilateral organisations such as those mentioned above that set parameters and provide strategies and resources for mediation. Thirdly, a *normative mandate* emerges when disputing parties consent to peacemaking and mediation efforts by external actors. Fourthly, a *donors' mandate* derives from donors who fund the mediator/mediating body and generally provide mediation instructions. Lastly, the *parties' mandate* involves the conflict parties' acceptance of the intermediary and mediation efforts. Nathan (2017) notes that a mediation mandate can suggest a political mandate, a constitutional mandate (less common), or the parties' mandate, though it should be noted that these five types of mandate are not mutually exclusive.

In light of the foregoing types of mandates, Mabera (2018) writes that South Africa's participation in peace missions stems from four levels: the UN, the AU, regional economic communities (for example, SADC) and nation-states. South Africa's mediation mandates emerged (directly or indirectly) from various levels as demonstrated in cases explored in this chapter. First, during the mediation of the Burundi conflict in 1996, the Great Lakes Region Heads of States initially appointed Tanzanian President Mwalimu Julius Nyerere as the chief mediator (this gave him a political mandate) under the auspices of the Great Lakes Regional Initiative for Peace

in Burundi (GLRIPB) and the endorsement of the OAU and the UN. After the death of Nyerere, Nelson Mandela took over as the chief mediator of the Arusha negotiations ‘at the request of the Burundi [conflict] parties’ in December 1999 (Nhlapo & Alden, 2015, p. 5), which bore the hallmarks of *parties’ mandate* and *political mandate* as defined by Nathan (2017).

Secondly, in relation to Comoros, the OAU (politically) mandated the Ivorian Ambassador Pierre Yere as its Special Envoy to lead the conflict parties to the negotiation table. Yere oversaw the signing of the Addis Ababa Agreement that emerged out of the December 1997 International Conference on the Comoros. However, in response to the challenge of acting on the implementation of the agreement, the 34th OAU Summit of the Heads of State and Government subsequently handed Mandela the political mandate to lead and coordinate the OAU-led mediation process in Comoros (Francis & Tieku, 2011).

Thirdly, South Africa has engaged in the DRC conflicts on two fronts. In the first instance, given its commitment to peace on the continent, Mandela attempted to avert a military overthrow of Mobutu Sese Seko’s government by the rebel leader Laurent Kabila by bringing together the belligerents in what can be argued to have been a normative mandate. In the second instance, SADC mandated then Zambian President Frederick Chiluba in 1998 to mediate the conflict in the DRC. President Chiluba oversaw the brokering of the 1999 *Lusaka Ceasefire Agreement*. However, implementation was once again difficult. At the cusp of stepping down as President of South Africa in 1999, Mandela delegated then-Deputy President Thabo Mbeki to lead the South Africa mediation team in the DRC at the request of belligerents under the auspices and mandate of SADC.

Mediation mandates can only be successfully carried out with the availability and investment of resources coupled with ‘power’. Khadiagala (2007a) analytically examined the notion of ‘organisational power’ that is worth highlighting. He defines organisational power as the power that derives from the invitation of the mediator or the mediating body to participate in resolving intrastate conflicts. The notion of organisational power includes

capabilities such as facilitation, legitimacy, commitment, and information that are typical of ‘powerless’ (or resource-deficient) mediators or mediating bodies. Furthermore, organisational power can be viewed from two lenses: resources-based (or ‘strategic’) power, and behavioural (or ‘tactical’) aspects of power. The latter comprise such variables as the mediator’s knowledge of conflict and protagonists, attention, persistence, and clarity of purpose regarding the mediation mandate (Khadiagala, 2007a). Equally important considerations are the mediator’s status or position (national or international), their reputation, and motivation (Park, 2010). The mediator’s leadership skills, style, competence and understanding of the conflict parties, their interests and stakes in the dispute are all critical to the mediation process and outcome (Khadiagala, 2007a). It is against this backdrop that Nathan (2005) suggests that financial resources are important but human resources are equally if not more important.

Mediators also need sustained institutional support such as mediation expertise, country/regional expertise, intelligence, thematic expertise (for example, DDR and SSR), as well as communication expertise (Nathan, 2017). The institutional milieu in which mandates typically emerge, or are simply endorsed, lends credibility and legitimacy to mediators and/or mediating bodies in the eyes of conflict parties and observers. Moreover, the institutional setting interlinks with the invitation and entry into the conflict zone at the request of the receiving state or conflict parties. Although highly contested, ‘the standing, legitimacy, and leverage of those “mediating bodies” determine the status of the representative who acts as a mediator’ (Khadiagala, 2007a, p. 8). Everything considered, mediation missions ought to respect and observe the basic principles of inclusivity, coordination, impartiality, consent, preparedness, and national ownership as outlined in the UN Guidelines for effective mediation (Hove & Ndawana, 2016).

South Africa institutionally sustains its mediation efforts through the support of, endorsement by and/or collaboration between regional organisations (SADC and its Organ on Politics, Defence and Security Cooperation), the continental body (AU and its PSC), and international bodies (for example, UN and its Security Council). In its mediation of external conflicts, South

Africa draws on its internal experience of a negotiated political settlement although some argue that its model cannot be replicated in other contexts. That said, South Africa's mediation endeavours have 'hitherto been strongly informed by its own recent history and experience in the peaceful resolution of seemingly intractable conflicts' (Mark Malan [1999] as cited in Williams, 2015, p. 359). Williams's (2015) analysis indicates that Nelson Mandela (and possibly other statesmen in South Africa) who acted as mediators in conflict situations were influenced to some extent by the local experience. For this reason, institutional support, mediation experience, and financial resources are some of the factors to which South Africa's leadership's support of mediation missions can be ascribed. The following section explores post-apartheid South Africa's experiences of mediation in Burundi, Comoros, and the DRC against the backdrop of the foregoing factors and actors, but first commences with debates and critique of its mediation engagements.

South Africa's involvement in conflict mediation

South Africa's post apartheid conflict mediation strategy has generated scholarship that draws a strong link between Pretoria's own negotiated political settlement and its mediation strategy in external conflicts (Alden & Pere, 2009; Krosalak, 2009; Mathebula, 2016; Williams, 2015). The dominant perspective is that South Africa's mediation strategy 'has attempted to export its own reconciliation model... in which conflicting parties share power until an election is held to determine a democratic government' (Mathebula, 2016, p. 4). Krosalak (2009) believes this South African model is plausible not only because of its peaceful transition but also because it adheres to the principles of peacemaking such as national ownership, inclusivity, integration of all parties, impartiality, and diplomatic (as opposed to military) solutions.

South Africa's post-apartheid foreign policy has, as a result, been marked by the promotion of 'negotiation rather than intervention' (Krosalak, 2009, p. 41). That said, 'exporting' the model has not been without its challenges, characterised by a 'contradiction' between what Krosalak (2009) identifies as the 'humanistic' impulse and the return on investment (politically and

economically) in peace processes. The former is grounded on the moral inclination of South Africa's foreign policy to maintain peace and security in Africa, epitomised by then-President Nelson Mandela's dedication to peace diplomacy. In relation to the latter, Krosiak (2009, p. 43) claims that 'South Africa approached Laurent Desire Kabila as early as 2000 to discuss the economic payback of South Africa's engagement'. The same argument has been made in civil society circles that there is no direct economic benefit from South Africa's interventions. Alden and Pere (2009) describe this as a 'collision' between normative and pragmatic imperatives in South Africa's peace diplomacy in light of South Africa's 'manifested' hegemony through Southern African Customs Union (SACU), 'contested' hegemony in the region, and an 'unrealised' hegemony on the continent. However, some scholars, Williams (2015) observes, underline the 'inapplicability' of the South African conflict resolution model in different contexts abroad.

Other scholars have also identified the source of 'ambiguity' in South Africa's foreign policy in general and peace diplomacy in particular as its common liberation history with its neighbouring states. Ndlovu-Gatsheni (2011) noted that common history and personal ties influenced the character of the SADC-led mediation of the Zimbabwe conflict that erupted in 2008, with South Africa adopting the much-criticised 'quiet-diplomacy' approach. The debate on foreign policy imbued with 'humanistic' versus economic, or moral versus pragmatic, impulses is ongoing today. All said however, South Africa's engagements came from a policy position based on historical experience. A commitment to contribute to peace and security in the spirit of pan-African solidarity is one of the policy positions that saw the outside world support South Africa's struggle against apartheid. For these reasons, soon after it transitioned to democracy, South Africa was not hesitant to mediate in conflicts in geographically distant countries, including in Burundi, Comoros and the DRC.

South Africa's mediation in Burundi: an OAU-initiated processes

Then-Secretary-General of the OAU, Dr. Salim Ahmed Salim of Tanzania, assumed the role of chief mediator in Burundi with the support of the UN. In October 1993 Dr. Salim visited the capital Bujumbura to have talks with the military and surviving members of President Melchior Ndadaye's cabinet. The conflict in Burundi was a test case for the newly established MCPMR, which had to devise a military intervention and disarmament strategy. An OAU Mission in Burundi (OMIB) was established, and Dr. Salim appointed Ambassador Papa Luis Fall of Senegal as Special Envoy to see it through. The mission proved fruitless because it lacked the trust of the Tutsi military and was therefore marginalised (Nhlapo & Alden, 2015). In April 1994, Cyprien Ntaryamira, who succeeded Ndadaye, died together with President Habyarimana of Rwanda when their plane was shot down in Kigali. The 'Tutsi-dominated military, the Hutu CNDD-FDD (*Conseil national pour la défense de la démocratie-Forces de défense de la démocratie*) and the armed Hutu militias, PALIPEHUTU-FNL (*Parti pour la libération du peuple Hutu-Forces nationales de libération*)' escalated violent attacks on politicians and civilians (Nhlapo & Alden, 2015, p. 3).

The Catholic Church initiated negotiations culminating in a coalition government known as the 'Convention of Government', led by Sylvestre Ntibantunganya (who had assumed power following Ntaryamira's death) together with Prime Minister Antoine Ndiwayo, representing the Union for National Progress (UPRONA) party in Burundi. While Hutu leaders constituted a slightly more significant proportion (55%) of the convention's cabinet membership than the Tutsi (45%), the former felt that their democratic gains were eroded. Therefore, not all the parties were prepared to sign the convention as hostility between the ethnic Hutu and Tutsi persisted, leading to the breakdown of the convention. The GLRIPB made up of Heads of State in the region mandated Tanzanian President Mwajimu Julius Nyerere to mediate the power-sharing agreement between the disputants in what was known as the *Mwanza* process (Nhlapo & Alden, 2015; Hendricks, 2015).

South Africa's mediation in the Burundi conflict was executed in two phases. In the first phase, the mediators were President Nyerere and then-President Nelson Mandela of South Africa, who presided over the signing of the *Arusha Agreement* in August 2001. In the second phase, the mediator was then-Deputy President Jacob Zuma of South Africa, who oversaw the implementation of the agreement that was preceded by the inclusion of armed non-signatory parties into the mediation process in 2006 (Nhlapo & Alden, 2015).

Nyerere's invitation to Mandela marked South Africa's formal involvement, together with donor countries and specially appointed envoys for representation, in Burundi. In this case, the OAU was the official mandating body. The continental body derived resources for the process and management of the mediation from several sponsors including, for example, Britain, Belgium, European countries, and the UN. According to Nhlapo and Alden (2015), the Mwalimu Nyerere Foundation was key in mobilising resources while serving as the secretariat for the mediation process until Mandela took over.

It is important to note that actors such as Canada, the US, Britain, Belgium, the EU, the UN and the OAU itself, did not only contribute financially but also provided human resources in the form of special envoys. Nyerere thus brought it to the attention of President Mandela that no African country was represented among a group of special envoys deployed in Burundi and requested the deployment of a representative from South Africa: Ambassador Welile Nhlapo took this role. President Mandela made other important appointments later in the mediation attempts to support the Arusha process. For example, Nicholas (Fink) Haysom, Mandela's legal adviser at that time, was brought into the mediation process to specifically advise in terms of the drawing of the constitution in Burundi, owing to his experience in managing South Africa's own (CODESA) negotiations. At the same time, General Andrew Masedo was also called upon to assist on the military side of negotiations. Nyerere's invitation to Mandela to lead the Burundi peace process was not only informed by South Africa's peaceful negotiation model

but also its capacity to contribute resources. South Africa's contribution also ensured that the GLRIPB circumvented over-reliance on Europe and the West to fund and carry out its mediation process.

Prior to Nyerere's invitation to Mandela, South Africa had been part of the OMIB delegation to Burundi since May 1995. The delegation discovered that conflict between the military and militia groups was ongoing while Nyerere was preparing for negotiations. The army roamed the streets of Bujumbura as Hutu militias, who were party to the convention, orchestrated city shutdowns known as *Ville Morte* ('Dead City'). With the Rwandan genocide still fresh in mind, the OAU convened a summit in 1995 where Burundi topped the agenda. In his address, President Sylvestre Ntibantunganya fearfully declared that a coup d'état to overthrow him was imminent, and appealed to African leaders to intervene. As this unfolded, a report released by the *UN Department of Political Affairs* established that the killings in Burundi, which occurred between 1993 and 1995, were ethnically motivated at the instigation of Hutu militia elements. Fear of reprisal between the military and Hutu 'genocidaires' propelled former Burundi President Pierre Buyoya's return to power through a coup, which rendered the Mwanza process futile. However, through the Arusha peace process, Nyerere tried to bring conflict parties who were part of the 1993 elections to the mediation table but only managed to reach an internal agreement in 1998. The absence or exclusion of some parties and armed formations such as the CNDD-FDD and PALIPEHUTU-FNL from the negotiation table saw the continuation of violent conflict (Hendricks, 2015).

After the death of Nyerere in 1999, Mandela took over the mediation process at the invitation of the Burundi conflict parties. While some doubted his capabilities and knowledge, Mandela employed his diplomatic aptitude and an exceptional memory, retained the mediation structures Nyerere put in place and championed the principle of inclusivity to bring parties to the table. Moreover, Mandela used his moral standing and stature as well as experience as a political prisoner in South Africa to negotiate for the release of political prisoners in Burundi. The challenge, however, was that

this approach revived the contested questions of justice, reconciliation, the 'legitimate representation of political parties' in Burundi (Nhlapo & Alden, 2015, p. 6).

That said, on 28 August 2000, the Government of Burundi, the National Assembly and 17 political parties (seven Hutu-based and ten Tutsi-based parties) signed the *Arusha Peace and Reconciliation Agreement*. Mandela once again used his stature to invite world leaders, including then US President Bill Clinton, to witness the ceremony and indirectly pressured the parties to make and fulfil negotiation commitments. Subsequently, Mandela had to lead the implementation of the agreement, which comprised various protocols. The key issue was the configuration of a three-year transitional government (addressed at a regional leaders' summit in February and then in Pretoria in July 2001) and the safe return of all exiled political leaders. In respect of the latter, South Africa guaranteed to deploy a protection mission for the safe return of exiled leaders and participated in the new OAU peacekeeping mission.

Although not authorised by the UN Security Council, the protection mission mushroomed into the first regional peacekeeping mission, the AU Mission in Burundi (AMIB) (2003-2004). The Force Commander Major-General Derrick Mbuyiselo Mgwebi led AMIB to which the South African government, together with Mozambique and Ethiopia contributed resources through the African Renaissance Fund (ARF) located in the foreign affairs ministry (DIRCO, 2011). With Burundi's transitional government coming into effect in November 2001, Mandela stepped down and Jacob Zuma, who was also present at the signing of the Arusha Agreement, took over as the lead mediator.

It was clear from the onset that a handover to the UN was expected. AMIB prepared the ground conditions for re-hatting of the mission into the UN. As Hendricks (2015) notes, the UN deployed a mission after the signing of the ceasefire agreement, and South African peacekeepers were retained until 2009. A new constitution that embodied the Arusha Agreement principles was inaugurated in 2005 and multiparty democratic elections were held in

2015. One of the failures of the mediation process in Burundi was that from its onset the reconciliation element of the agreement received little to no attention, unlike other mediation cases.

NGOs were also closely involved in supporting the mediation process. For instance, the African Centre for the Constructive Resolution of Disputes (ACCORD) was vital in mobilising and training members of civil society and politicians ‘excluded’ from the formal negotiation processes. The idea was to provide expertise and resources to equip and capacitate these groups for negotiations. ACCORD also provided training to the rebel groups to empower them to negotiate as equals on the negotiation table. Church organisations and NGOs, including the leadership of Reverend Mvume Dandala’s All Africa Conference of Churches and the South African Women in Dialogue, played a critical role in empowering different voices unrepresented and/or underrepresented around the mediation table.

One of the key lessons to draw from the mediation process in Burundi is the deployment of a mission to protect political exiles, necessitated by regional dynamics and security concerns. This was an important lesson because, as former Secretary-General of the UN Kofi Annan remarked, such a mission had never been deployed before. The deployment was the first case in which a military unit undertook to protect politicians and enable them to freely participate and have an equal voice in the mediation process. Creating a conducive environment for all parties to get involved was important for inclusivity. The initiative to take such steps outside the general prescripts for mediation is critical in fluid conflict situations. The deployment was later transformed into AMIB that was, in turn, re-hatted into a UN peacekeeping mission, which was also the first (evolution) of its kind. This paved the way for various *outcomes*, including the establishment of the transitional government, the implementation of the peace agreement continued negotiations for a ceasefire and the cessation of hostilities. reintegration of the army and SSR, finalisation of the new constitution, and multiparty democratic elections. Moreover, the mediator’s (Mandela) stature and leadership skills to get the buy-in of conflict parties and the support of regional and international

bodies, as well as the post-Nyerere continuity he provided, cannot be overemphasised.

South Africa's mediation role in the Comoros

In August 1997, the OAU mandated Special Envoy Pierre Yere of Côte d'Ivoire to lead a mission to ensure the territorial integrity of Comoros was preserved and secession prohibited. Egypt, Tunisia and Senegal contributed about 20 military observers to monitor the situation in what was considered the first OAU Observer Mission in the Comoros. The mission paved the way for an International Conference on the Comoros from 10 to 13 December 1997 attended by several stakeholders, including conflict parties, the OAU, the Arab League, and the EU (World Peace Foundation, 2017). The main outcome of this conference was the Addis Ababa Agreement, which attempted to bring secessionists, the central government and other conflict parties together and called for further engagement to find an amicable lasting solution to the crisis.

However, the implementation of the agreement was a challenge; factions of militias, particularly in Anjouan, vied for outcomes favourable to them and could not compromise. It was at this juncture that South Africa first entered the fray. In anticipation of a military intervention, the 34th OAU Summit of the Heads of State and Government appointed Mandela to spearhead and coordinate the organisation's regional efforts in Comoros, leading to the first inter-Comorian dialogue (Francis & Tieku, 2011). The actual actor was, however, Deputy President Thabo Mbeki, with support from Foreign Affairs Minister Alfred Nzo and later Dr Nkosazana Dlamini-Zuma as part of the 'Countries of the Region Ministerial Committee' driving the mediation process. The strategy was that South Africa's moral, diplomatic and economic leadership and military capabilities would be critical to mediation endeavours. For military purposes, the Ministers of Defence, Lindiwe Sisulu and then Nosiviwe Mapisa-Nqakula, were also involved. South African Ambassadors in Addis Ababa, including Welile Nhlapo, Jeremiah Mamabolo, and Baso Sangqu played a crucial role in the coordination of missions in Comoros.

South African General Jan Lusse was also deployed in December 1998 to a fact-finding mission to establish the sticking points between political factions in Anjouan. It should be noted that South Africa had no diplomatic representation in Comoros until it made a significant contribution to the mediation, after which an embassy was established. In April 1999, the OAU hosted the second inter-Comorian dialogue in Antananarivo, Madagascar, which culminated in the signing of the *Antananarivo Agreement*. Among other things, the agreement called for the decentralisation of institutions and governance structures in Comoros. Soon after the agreement was signed, Army Chief of Staff Colonel Azali Assoumani executed a coup d'état that triggered tension between the OAU, the *Organisation Internationale de la Francophonie* and France, which threw its weight behind Colonel Azali Assoumani.

A series of other developments followed, including the OAU transitioning into the AU, and Mandela stepping down and Mbeki ascending to power in South Africa. In 2001, conflict parties in Comoros signed the *Fomboni Framework Agreement*, which allowed for rotation of the presidency between the islands, and the approval of the draft constitution and elections. During the same year, and lasting until 2002, the OAU deployed the second observer mission in which South Africa contributed 14 observers (World Peace Foundation, 2017). Subsequently, small observer missions (March-May 2002 and March-May of 2004) supervised rounds of elections and maintained peace and security. A larger AU mission to support elections in Comoros comprising 462 military police personnel (about 75% of which were from South Africa), was deployed between April and May 2006. Egypt, Mozambique, Nigeria, Congo, and Rwanda also contributed to the civilian component of the mission. One of the main outcomes of this mission was relatively free, fair and successful election, but not without some challenges that the continental body attempted to address (World Peace Foundation, 2017).

In 2007, challenges emerged when another round of elections had to take place for 'Chief Executives' of each Comorian island. President Mohamed

Bacar of Anjouan refused to step down in keeping with the *Fomboni Agreement* rotational presidency rule. Furthermore, the AU deployed an electoral and security assistance mission of about 350 peacekeepers as the situation deteriorated. Grande Comore and Mohéli allowed the mission access while Anjouan refused the mission entrance. As a result, the AU resorted to removing Bacar militarily. The organisation undertook ‘Operation Democracy’ in Comoros to restore the central government authority under President Sambi. South Africa, which chaired the Region’s Ministerial Committee on the Comoros and the AU Troika in the Comoros at that time, had advised against military intervention and appealed for diplomatic measures to be taken instead. Nonetheless, Comorian troops and AU forces proceeded with the military removal of Bacar and withdrew from Comoros in 2008. The underlying causes of conflict were poor economic prospects and inimical capital-periphery relations that continue to linger to date. That said, the AU has been relatively successful in its mediation efforts in Comoros.

Throughout a litany of missions in Comoros, regional organs made resources available to the O/AU and some member-states volunteered to finance aspects of the mediation process. Moreover, regional organisations enabled the involvement of major regional powers, which also lent credibility and legitimacy to the mediators. South Africa, in particular, provided leadership from the time Mandela was mandated to coordinate regional efforts by leading the Troika on Comoros and Countries of the Region Ministerial Committee engagements and by contributing to military observer and election support missions. Mandela, as Francis & Tiekou (2011) put it, brought political and moral authority to the OAU process and was particularly instrumental in occasionally gaining the buy-in of France, which had made it difficult to impose smart sanctions on Bacar. Mandela’s successors, Mbeki and Zuma, also played important roles.

Some of the lessons learned from the Comoros case included that missions were required to be deployed in different geographical locations and resources had to be strategically distributed. Mayotte used Anjouan as a springboard to destabilise Comoros. The geographical setting of the islands, without physically close neighbouring countries, meant that

missions relied on the sea and airports for logistics. The command, control and coordination of the operations were difficult to manage because of the complex nature of dispatching and airlifting troops to different islands. The mandates for the missions, their scale, duration and impact varied to some extent. The question of revenue generation and sharing added to this complexity as the islands contested the centralisation of power and resources in Grande Comore. The situation was compounded by the Comoros' lack of institutional capacity to support the mediation missions. The peace agreements reached inadequately addressed the question of institutional deficit. As in mediation efforts elsewhere, political parties and militias would derail negotiations or fail to honour peace agreements. Civil society inclusion and participation were also minimal. However, whether the uneven and differentiated approach to mediation can be executed elsewhere is yet to be seen.

South Africa's mediation efforts in the DRC

South Africa's involvement in the mediation process in the DRC, formerly Zaire, started in 1996 on two fronts. The first was a direct engagement between the former President Mandela and the belligerents, Mobutu and Laurent Kabila, in response to what came to be known as the First Congo War. The second was a regional initiative initially chaired by former Kenyan President Daniel Arap Moi in response to the Second Congo War.

In the first instance of South Africa's engagement in the DRC, when the rebel leader Kabila sought to overthrow Mobutu, who had been in power for 32 years, Mandela organised and facilitated face-to-face dialogue between the parties on the *SAS Outeniqua* ship at Pointe Noire, Congo-Brazzaville. The main aim of the dialogue was to avert military overthrow of the Zairian government. However, Mobutu was diagnosed with cancer at the time and ready to surrender. His interest was to step down and retire at his home, *Gbadolite*. Disturbingly, both Mobutu and Kabila had military forces on the ground that were determined and prepared to enter the battlefield. Mandela's mediation attempt was relatively successful. Yet, as Hendricks (2015) argues,

Mobutu's legitimacy had waned and his forces could not maintain control of the state, which led to Kabila and his forces taking over the State House.

In the second instance, a regional process known as the 'Nairobi process', was already in place when South Africa joined the mediation efforts. As the longest-serving president at the time, Mobutu considered himself the doyen of the region and refused to be part of the process led by Arap Moi and other young leaders. At Mobutu's insistence, Mandela was invited to the meeting of the region to discuss the issue of the choice of mediator. However, one of the substantive issues around the civil conflict was the *Banyamulenge* (the Zairian Tutsi) who contested territorial space, which brought the question of nationality to the fore. Violence engulfed the country after the government forced the Banyamulenge out of the Eastern DRC to the dismay of Rwanda. It was at this point that the Alliance of Democratic Forces for the Liberation of Congo (AFDL) spearheaded by Kabila and backed by Rwanda, Uganda, and Burundi emerged. This coalition was united by their common desire to overthrow Mobutu, which ultimately happened (Miti, 2012). The situation deteriorated into what some scholars call the 'First African World War' or what Kabemba (2006) dubbed 'internationalised civil war', when Angola, Chad, Sudan, Namibia and Zimbabwe came to the defence of Kabila, who was threatened with removal.

It was at this point that the belligerents solicited South Africa's intervention. Mandela, who was chairperson of SADC, delegated then-Deputy President Mbeki to assemble a team to look into possible diplomatic solutions to the conflict. The team organised and chaired by Mbeki included, among others, Alfred Nzo, Jackie Selebi, Joe Nhlanhla, Billy Masetlha, Mojo Motaung, and Welile Nhlapo, all of whom contributed to the discussion document on finding diplomatic solutions to the conflict in the DRC. For consultation purposes, the draft discussion document was shared with diplomatic representatives of the parties involved in the conflict to transmit to their headquarters for further inputs. South Africa's push for the diplomatic resolution of the DRC conflict served as the basis for the 1999 *Lusaka (Ceasefire) Agreement*. This agreement emphasised inclusivity in the transitional government.

In addition to the government of the DRC and the rebel groups, mainly the Movement for the Liberation of the Congo (MLC) and the Rally for Congolese Democracy, civil society organisations and a range of political parties had to be involved going into the Inter-Congolese Dialogue (ICD). Some countries that had interest or stake were also part of the mediation process. However, the implementation of the Lusaka Agreement was met with some concerns from the UN. As such, some changes had to be made to accommodate these concerns and only then could the region proceed.

In 1999, Dr Salim, with the agreement of the conflict parties, mandated former President of Botswana Sir Ketumile Masire to facilitate the ICD under the auspices of the OAU. A team that included former Ambassador of Mauritania Mohamed El Hacen Lebatt supported Masire. Former Prime Minister of Senegal Moustapha Niasse served as a Special Envoy to support Masire as well. The British government and the UN were willing to provide logistical support for the mediation process. As noted earlier, NGOs such as ACCORD were closely involved in peace and security issues. ACCORD Advocate Vasu Gounden was invited to provide expert mediation support in ICD.

It was, however, not until the assassination of Laurent Kabila in 2001 that ICD started making headway. After the rise to power of Laurent Kabila's son Joseph Kabila, the UN Organisation Mission in the Democratic Republic of the Congo (MONUC), a limited mission to protect UN agencies on the ground, was deployed that allowed the ICD to commence. South Africa then re-entered the mediation process in the DRC. President Mbeki guided a team that included Foreign Affairs Minister Dlamini-Zuma, Advocate Mojanku Gumbi, Welile Nhlapo, Ratubatsi Super Moloi, and Lindiwe Zulu, to mention but a few.

Mediation talks hosted in South Africa

In 2002, South Africa hosted the DRC government, the rebel groups, and a variety of other parties in Sun City, North West province. The gathering was under the mediation process led by Masire. At the beginning of the

Sun City meeting (February-April) Mbeki welcomed all the parties who had converged, encouraged them to negotiate in good faith, and assured them of South Africa's support of mediation processes. Mbeki further indicated that the gathering aimed to lay the foundation for political and security arrangements for the DRC government and a constitution that would reflect the reconfiguration of the state with a full meaning of the *Democratic Republic of Congo*. The constitution would then pave the way for national elections. The groups represented at the Sun City meeting included political parties, government, armed groups, *Mai-Mai* elements and a contingent of women and youth. The negotiations culminated in the 'signing of an agreement between the DRC government and the Ugandan backed rebels, but not with those backed by Rwanda, leading to a stalemate' (Khadiagala, 2007, cited in Hendricks, 2015, p. 22). Parallel to the formal negotiations, the MLC of Jean Pierre-Bemba and the government initiated separate talks, with the urging of the US. This was an attempt to strike a deal to the exclusion of other parties, almost collapsing the negotiations hosted in Sun City, South Africa.

The negotiations later moved to Burgers Park in Pretoria, South Africa, and Masire stepped down as the lead mediator. Mbeki took over again to lead the negotiations and quickly responded to varying regional and international interests that hindered and impinged on the mediation process and its outcomes. Mbeki managed to broker a deal between the DRC and Rwanda, leading to the withdrawal of the latter's troops from the former's territory (Miti, 2012). Led by Angola, the *Luanda Agreement* (2002) also saw Ugandan troops withdrawn from the DRC. To proceed smoothly, the ICD had to consider further external interests from actors like the EU, the US, France, and Belgium.

At the same time, the ICD process required financial resources. According to Miti (2012), South Africa offered to provide half of the envisaged costs of the ICD, with the Western donors contributing to the financing of the meetings. The ICD meetings ultimately led to the signing of the *Global and Inclusive Agreement on Transition*, or, in short, the *Pretoria Agreement*, in 2003. This comprehensive agreement formed the basis for the composition of the

DRC transitional government. Lingering, however, was the thorny question of the presidency in the transitional period. The incumbent Joseph Kabila retained his position (Miti, 2012) but with four vice presidents: two from the rebel groups, one from civil society, and one from women's organisations. The agreement also envisaged the (re)-integration of the rebel armies into the formal national defence structures through DDR and SSR mechanisms but the government refused to follow these processes and decided to recruit from within elements in the armed groups. The agreement also formed the basis for the adoption of the interim constitution and timeframes for democratic elections.

The conflict parties reached the transitional government and military (re)-integration agreements (Miti, 2012). Through its Independent Electoral Commission, South Africa provided logistical and technical support, including the printing of ballot papers and transporting them to the DRC, which lacked the necessary infrastructure. South Africa also sent '128 electoral experts and 118 observers... [and] spent 819.6 million rands on the DRC' by the end of 2003 (Khadiagala, 2009, cited in Miti, 2012, p. 32). Some of the funds for the missions derived from the ARF. All this was crucial to the DRC's organisation of its first democratic elections held in 2006. Throughout this process, Mbeki demonstrated his aura and leverage, backed by financial and military resources, in mediating the conflict in the DRC (Kabemba, 2006).

Some specific lessons to take from the DRC mediation experience relate to the ICD framework in the Lusaka Agreement. For example, on the question of inclusivity, there were vast interested countries and political parties that were suppressed under Mobutu, including several armed groups and militias, and women and youth with interests in contributing to the solution: all were brought into the dialogue. There had never been any inclusive dialogue of this magnitude before the ICD. In other cases, dialogue involves only the government and rebel groups and excludes other key parties directly or indirectly affected by conflict.

Bringing all these parties with divergent views into one place in DRC was a key lesson in itself. In particular, the contentious issue of exclusion of women and children also had to be given the priority it deserves in the face of resistance as they bear the brunt of conflict. Other related issues such as constituting a republican army that reflects a balanced composition of the parties who had been part of the negotiations remains a challenge to this day. The internationalised civil war also resulted in the UN launching an investigation into the ‘pillaging’ of the Congolese mineral resources. A report by the UN to this effect found that some of the states involved in the conflict were indeed plundering mineral resources from the DRC. This also serves as a lesson that mediation processes can lay bare broader challenges that cause protracted conflicts.

Conclusion

This chapter has explored South Africa’s mediation experiences in Burundi, Comoros, and the DRC in relation to where it derived its mediation mandate and resources, and what outcomes and lessons of the mediation efforts were drawn from these cases. There are several lessons to take from South Africa’s mediation experiences in these three cases. The first relates to the application of the principles of mediation in different contexts. Flexibility proved to be key because situations in different contexts are fluid and change over time and space, and mediators/mediating bodies need to adjust to these changes. As in the case of Burundi, mediation strategies need to be as flexible as possible. The deployment of a military protection unit for political exiles proved to have facilitated the inclusion and free participation of parties, and its evolution into AMIB and the broader UN mission was remarkable.

Another issue all these cases held in common was that mediators needed to deal with various, often opposing, interests that make negotiations extremely difficult. In each of these cases, geopolitical interests influenced the trajectory of mediation processes and outcomes. The case of the DRC has shown that inclusivity of interested and *affected* parties is critical. Unlike other mediation missions, the ICD catered to both interested and affected parties including

government, rebel and militia groups, civil society organisations, and women and children.

The argument that South Africa's involvement in mediation efforts is 'humanistic' or moral rather than *realpolitik* is buttressed by its mediation in the geographically distant Comoros. Some hurdles and lessons in mediation efforts in Comoros included the complex nature of dispatching and airlifting troops and resources to the different Comorian islands. The common features across the cases were that the countries had very weak institutions of governance with constitutions that were also equally not in harmony with the aspirations and expectations of the people. The strong military made it difficult to manage civilian-military relations, as they would take sides with politicians in the time of conflict to pursue either regional or ethnic interests, coupled with interests of the neighbouring states and other external allies, particularly former colonial masters.

The chapter has highlighted that DDR and SSR components do not receive adequate attention in the negotiation phase of peace agreements and/or suffer implementation challenges later on. However, South Africa as a mediator has always been keen to participate in SSR. For example, South Africa continues to be involved in the DRC because it previously deployed a unit to help them draw up a policy framework for re-organising the army, including command-and-control structures, which they did not have. In the case of Burundi, South Africa was successful in SSR and an army, which exists today, was constituted out of the rebel groups.

Regarding the responsiveness of mechanisms, this might be the time to review the peace and security mechanisms of the African continent. A related and crucial consideration is to strengthen the relations between AU and the regional economic communities on the one hand, and the AU and all other international actors on the other, particularly the UN Security Council and UN agencies as a way to realise *Agenda 2063*. It is important to acknowledge the complexities of the lingering challenges where mediation has taken place or continues. It is clear from the state of affairs in cases presented in this chapter that in conflict resolution the job is never complete. These processes

have not culminated in post-conflict reconstruction and development, as some countries are still trying to manage structural and systemic challenges that brought us into the negotiations/mediation activities.

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Lessons from mediating Lesotho's political disputes

Dimpho Deleglise

Introduction

POOR, LANDLOCKED, and surrounded by South Africa, Lesotho's tumultuous history is marked by conflict between its major political parties (the Basutoland National Party (BNP) and the Basotho Congress Party (BCP)), their respective splinter parties, and by power struggles between civilian and military regimes. This chapter discusses SADC's involvement in Lesotho's political conflicts to identify the factors contributing to effective regional mediation and internal conflict transformation. I argue that Lesotho's cyclical conflicts largely stem from economic and political governance problems and that due to the lack of full implementation of agreements, a high potential for conflict recurrence remains. This chapter's analytical framework comes from Paul Collier's work on 'the problems of the bottom billion,' which explains the persistent underdevelopment and instability of countries at the bottom of the development scale (Collier, 2008, pp. 3-4). This is referred to as a development trap, a concept associated with Jeffrey Sachs's poverty trap theory. While Collier's work focused on civil wars and coup-prone states, his thesis can be applied to countries like Lesotho that display both underdevelopment and recurrent political conflict.

Collier argues that since conflict is inherent to politics, and all societies are political, all societies experience conflict. A distinct problem for underdeveloped countries is not the conflict experienced per se, but rather its form and frequency (Collier, 2008, p. 4). Some countries are stuck in a pattern of violent internal contestation that can either be prolonged or

short-lived, with the latter likely to be recurrent. These costly and repetitive patterns can trap a country in poverty and conflict. Collier (2008, p. 18) explains that underdeveloped countries are caught in one or more of four major traps that lock them in poverty: the 'conflict trap', 'the natural resource trap', the trap of being 'landlocked with bad neighbours', and the trap of 'bad governance in a small country'.

Lesotho's political and economic profile matches the 'conflict trap' and the trap of 'bad governance in a small country'. The governance trap refers to how government and economic policies help shape economic performance and political institutions. Bad governance becomes manifestly problematic when it erodes political and legal institutions' ability to constrain the behaviour of political and military elites. These constraints serve as a check on executive power, help incumbent elites credibly commit to political reform and create a situation in which there is no need to maintain militias as a supplementary mechanism to hold political elites in line (Walter, 2014). The political instability characteristic of much of Lesotho's post-independence history results from how the state has been created and political authority shaped through interactions with citizens.

This chapter also draws from research on the characteristics, implementation, and enforceability of peace agreements, as this raises questions that address the legacy of conflicts when viewed through the terms of a peace accord (Stedman et al., 2011; Yawanarajah & Ouellet, 2003; Wallensteen et al., 2012; Hampson, 1996). Högladh (2011, p. 44) defines the five main characteristics of a peace agreement to be provisioned on the military, political, territorial, and justice matters, as well as guidelines concerning the implementation of peace accords. Therefore, most peace agreements address three main concerns: the procedure for how peace will be attained, the substantive changes required to consolidate it, and the organisational arrangements needed to support a continuing state of peace.

Yawanarajah and Ouellet (2003) describe procedural components as those setting out the processes that establish and maintain stability. They consist of schedules and institutions that facilitate free and transparent elections,

justice, human rights, and disarmament. The authors further describe substantive components as the institutions and mechanisms that effect change and stress the need for political, economic, and social structural changes to remedy past grievances and provide a more fair and equitable future. Therefore, substantial components in a peace agreement include provisions on the distribution of power and the management of resources and mechanisms to address past injustices (Yawanarajah & Ouellet, 2003). Organisational components entail actual arrangements and instruments that promote peace efforts after the agreement is reached. These mechanisms are directly responsible for providing oversight and guidance to other actors carrying out the activities to consolidate peace and lay the foundation for long-term stability and development.

There are two types of organisational components. The first, often referred to by the UN as ‘implementation mechanisms,’ immediately follow a peace agreement and promotes agreement implementation (UNDP, 2020, p.2). Examples include regional peacekeeping operations and monitoring committees chaired by a neutral third-party, which may comprise parties to the conflict and other relevant actors (Yawanarajah & Ouellet, 2003). The second type are designed to resolve subsequent and future disputes over substantive issues such as the abuse of state power concerning human rights and the promotion of transparency and accountability in governance. The UN refers to these as ‘peacebuilding mechanisms’ that help promote a culture of peaceful conflict resolution in society and build public confidence in the state’s capacity to systematically and impartially resolve future grievances (UN, 2020, p. 28; Maiese, 2003).

Bekoe’s research on the implementation of peace agreements in Angola, Mozambique, and Liberia further analyses the conditions under which agreements are signed and implemented (Bekoe, 2005). She concludes that the implementation of many peace agreements depends on the decision-making environment, the degree of vulnerability felt by the signatories, and the levels of political, financial, and military support from the broader international community following the mediation (Bekoe, 2005, pp. 46-48).

Conflicts and the economy

Collier's work on the relationship between poverty, underdevelopment, and conflict enhances understanding of Lesotho's conflict dynamics and the viability of mediated solutions. Collier provides strong statistical support demonstrating that conflicts were clustered in the worlds' poorest nations. He argues that unless economic growth occurs after the conflict is resolved, a country has a 44% chance of slipping back into violence. Lesotho's economic growth has been inconsistent in the last three decades. While its economy grew steadily in the 1990s, riots emanating from political conflicts during this period destroyed nearly 80% of commercial infrastructure in its capital Maseru and two other major towns, with disastrous effects on the country's economy. Gross national product grew at an annual average of less than 2% during the 1990s and then dropped sharply in 1997–99 (World Bank, 2002 p.27). Economic activity, particularly foreign direct investment, also tapered off in response to the 1998 civil unrest. (World Bank, p. 17). Overseas development aid, initially high in the early 1990s because of Lesotho's assistance to the Frontline States during the apartheid era in South Africa, has steadily declined since South Africa's independence in 1994. A resumption of economic growth from 2001 slowed to a 3% average before surging again to 7% in 2006 (IMF, 2007, p. 5). In 2009, GDP growth slowed to 0.9% on the heels of the 2007 electoral crisis and the global economic downturn. Sustained political instability in the country, coupled with slow economic growth in the South African economy, has contributed to slow economic performance in the last decade. Between 2015 and 2019, it averaged 0.6% (World Bank, 2020).

Lesotho's narrow economic base, slow growth, and high poverty levels over the decades, as described above, have been linked to its susceptibility to and relapse into conflict. According to Matlosa (2020, p. 4), Lesotho's conflicts and political violence have structural causes. These include underdevelopment, deepening poverty, widening inequality, chronic unemployment, exclusion, and what he termed, 'marginalisation of the impoverished majority by a small coterie of the nouveau riche whose wealth is generally acquired through

corruption' (Matlosa, 2020, pp. 4-5). Lesotho is a poor country, such that the 2019 Human Development Report ranked it at number 164 out of 189 countries, which denotes its low human development context (UNDP, 2019). Its economy is predominantly rural, with 76% of its people living outside the cities and towns; however, the former only accounts for roughly 7% of GDP, partly explaining its high-income inequality (UNDP, 2018, p 3). Poverty is widespread, with more than 57% of the population living below the poverty line. The government maintains a significant presence in the economy and is Lesotho's largest employer. In fact, Lesotho's wage bill in 2016 rose to 23% of GDP, which is the highest percentage in sub-Saharan Africa. The country's largest private employer is the textile and garment industry. These scarcity conditions have fostered competition amongst Basotho over access to limited economic resources and the control of government resources.

Enclaved by South Africa, Lesotho heavily relies on it for much of its economic performance and activity. Its economy is tied to South Africa in diverse ways. Some significant examples are the common monetary union where South Africa has a decisive influence on its monetary policies, and through its membership in the South African controlled- Southern Africa Customs Union, where it depends on customs revenues that have accounted for at least 23% of its GDP in the last decade. Lesotho further gains royalties from South Africa for water transferred to it under the Lesotho Highlands Water Project. It imports at least 85% of the goods it consumes from South Africa, including most agricultural inputs. Given its low economic endowment and spatial exclusion, Lesotho depends overwhelmingly on donors for development assistance, especially from the EU, the US, and the UN.

Lesotho's conflict cycles

Since independence, Lesotho's conflicts have evolved along five general trajectories involving different variations of the following: the army's hostility towards the civilian government, protracted internal power struggles among major political parties, and post-election disputes. The first post-independence phase from 1966 to 1993 was characterised first by a

one-party dictatorship led by the BNP between 1966-1986 and military rule from 1986-1993. A military junta overthrew the BNP in 1986, and a military dictatorship then ruled Lesotho until 1993. The latter period was characterised by violent confrontations between the country's two major parties, the BCP and the BNP. Both were riddled with protracted internal power struggles, although the BCP experienced this more markedly during its split in 1997 that created the Lesotho Congress of Democracy (LCD) (Likoti, 2005, p. 3).

The second trajectory from 1993 to 1998 was a time of democratic restoration when the first democratic elections held since 1970 were won by the BCP. The BCP's win was decisive and gave the party control of both the government and the legislature. After having opened several appointive Senate seats for the BNP, the BCP government finally filled the vacancies in early 1994 with BCP members, further exacerbating BCP-BNP tensions (US Department of State, 1994). Following serious fighting within the military early in the year, King Letsie III sparked a constitutional crisis by suspending Parliament and parts of the Constitution and ruled by decree during August and September. This ushered in SADC's first involvement in Lesotho with South Africa, Botswana, and Zimbabwe who jointly facilitated the return of the BCP to office (South African Department of Foreign Affairs, 1998). During this time, the fragmentation of the political party systems became more pronounced.

The third period between 1998 and 2002 was typified by protracted post-election contestation and efforts at electoral stability. Until 1998, all of Lesotho's elections had used the first-past-the-post model that led to the LCD's dominance in Parliament. The LCD's win of 79 out of 80 seats in the 1998 polls is illustrative; the BCP and the BNP especially deemed the results fraudulent, insisted that the government step down and mobilised their supporters to do the same (Southall & Fox, 1999, p. 672). The LCD's defiance triggered violent protests in the capital that led to weeks of political instability. The crisis initiated a controversial military intervention under the auspices of SADC. On the other hand, SADC's diplomatic involvement led to the creation of a multiparty Interim Political Authority (IPA) to review

the electoral process and organise fresh elections. New electoral rules were agreed to in 2002 and the Mixed Member Proportional (MMP) model was adopted to prevent the development of a winner-takes-all electoral result, as was previously the case. This remained effective until the 2007 elections (Kapa & Shale, 2014, p. 97).

The period between 2007 and 2012 can be considered as distinctly characterised by contentious elections and the phenomenon of political party alliances that proliferated in the run-up to parliamentary elections in 2007. These were mostly vote-pooling alliances (Kapa & Shale, 2014, p. 100), but as Matlosa argues, the alliances distorted the MMP system by turning it into a *de facto* parallel system (2007, p. 37). It undermined the spirit of proportionality in the allocation of parliamentary seats and the inclusivity of Parliament. Unsurprisingly, the losing political parties legally challenged the 2007 electoral outcome won by the LCD. Months of political impasse and insecurity ensued fuelled by assassinations and attempts on several party and government officials (Motsamai, 2015, p. 4). SADC mediated the impasse from 2007 to 2009 on the basis of a request from the sitting Prime Minister Pakalitha Mosisili. The process paved the way for the 2012 elections that resulted in a peaceful transfer of power for the first time in the country's history.

The post-2012 period signalled a new era of unstable governing coalitions typified by inter- and intra-party conflicts, contestation over the political elite's control over the state and its resources, and the increasing vulnerability of state institutions to political manipulation. This period also witnessed the instrumentalisation of no-confidence motions in Parliament to deal with political disagreements and adversaries. The All Basotho Congress (ABC), along with the LCD and BNP as junior partners, led Lesotho's first coalition government created in 2012. The coalition crumbled acrimoniously in June 2014 as a result of internal defections within both the ABC and the coalition itself, in addition to the threat of no-confidence motions to counteract the Prime Minister's political control. These events were preceded by the refusal of the country's influential army chief General Kamoli to step down

(Zihlangu & Molomo, 2014). Rather than doing so, he orchestrated a mutiny and targeted his rivals, including high-profile political leaders such as Prime Minister Thabane himself.

Thabane fled to South Africa and asked for SADC's military involvement in quelling what he considered a coup attempt. SADC opted for a mediated approach and recommended that elections be held in 2015 when its mediation came to a close. The 2015 elections were inconclusive. Similar to 2012, another coalition government was formed by opposition parties led by the LCD's splinter, the Democratic Congress (DC) under the leadership of the previous Prime Minister Mosisili. A no-confidence motion was passed on Mosisili's government in 2017, which effectively led to the collapse of Lesotho's third coalition government (The Post, 2017). Thabane returned to power after June 2017 through another coalition with three other parties: the BNP, the Reformed Congress of Lesotho, and the Alliance for Democrats—a splinter party from the DC that had initially orchestrated Mosisili's no-confidence vote. He was forced to resign in May 2020 following infighting within his party and the withdrawal of support by his coalition partners in Parliament. A new governing coalition has since been installed.

The evolution of SADC's involvement in Lesotho

The overwhelming influence of South Africa in mediating Lesotho's conflicts as both a neighbour and regional hegemon should not be understated. South Africa has incipiently mediated all Lesotho conflicts under the auspice of SADC and has largely financed these missions. The first of these missions was in 1994 when Botswana, South Africa, and Zimbabwe, representing the regional body, sent a 17-member fact-finding mission to the country after rival factions of the Royal Lesotho Defence Force clashed in Maseru (Electoral Institute for Sustainable Democracy in Africa, 2007). This followed parliamentary elections in 1993 in which the BCP had won all 65 parliamentary seats. Two military coups preceded these developments: the first in 1990 when King Moshoeshoe II was overthrown and replaced by his son, and the second in 1991 when Major General Lekhanya was deposed

in a military coup and Colonel (later Major General) Phisoane Ramaeme was appointed as chairman of the Military Council (Commonwealth Governance of Lesotho, 2018). Commonwealth mediators negotiated an agreement between military factions on February 1, 1994 that provided for the soldiers' return to their respective barracks, but violence resumed which led to the killing of Deputy Prime Minister Selometsi Baholo in April that year.

King Letsie III then dissolved Parliament and dismissed Prime Minister Ntsu Mokhehle's government in August, a move the latter declared unconstitutional. Presidents Nelson Mandela of South Africa, Ketumile Masire of Botswana, and Robert Mugabe of Zimbabwe jointly condemned the government's dismissal. Their governments, representing SADC, established a Conciliation Commission to mediate negotiations between the parties. This Commission negotiated an agreement between King Letsie III and Prime Minister Mokhehle on September 14, 1994 that resulted in the Prime Minister's reinstatement and the abdication of the King (Selinyane, 2006, p. 80).

SADC's second intervention followed the 1998 parliamentary elections won by LCD, a BCP splinter party created in 1997 (Lesotho, 1998). It monitored the elections and reported that, despite some irregularities, the poll was conducted in a free and fair manner. The LCD had won 78 out of 80 seats in parliament to the BNP's one. Opposition political parties claimed electoral fraud. Parties signed an agreement on August 13, 1998 that established a SADC Commission of inquiry to investigate the May 1998 elections. The Commission (Lesotho, 1998), which was composed of election experts from Botswana, South Africa, and Zimbabwe and headed by South African Judge Pius Langa, issued a report on its investigation of elections. The report acknowledged some 'irregularities and discrepancies' with the electoral process but did not recommend annulling the results. The ambivalence of Langa's findings displeased opposition parties (mainly the BNP, BCP, and the MFP), whose supporters had staged a protest at the Royal Palace in Maseru calling for the annulment of the results and Mosisili's resignation.

Meanwhile, army factions had rebelled against command, causing some to flee to South Africa with Mosisili and his cabinet (including Thabane, who was a foreign minister at the time). As soon as Langa's report was published, rioting began with protesters at the Palace, who were later joined by some military officers.

As a result, South Africa ended its efforts to mediate negotiations between the parties and 3,500 SADC peacekeeping troops from Botswana and South Africa were then deployed in Lesotho to restore law and order (*Operation Boleas* and *Operation Charon*) beginning on September 22, 1998 (Molomo, 1999, p. 144). The operation was controversial and resulted in high casualties on both sides. SADC created another Commission comprising Botswana, Mozambique, South Africa, and Zimbabwe to mediate negotiations among political factions. This led to the creation of a 24-member IPA that assumed control of the government. SADC peacekeeping troops completed their withdrawal from Lesotho in May the following year.

The third SADC intervention in Lesotho was from 2007 to 2009. SADC mediated a political impasse over the electoral results on the basis of a request from Mosisili. It sent a fact-finding mission comprising ministers from the SADC Organ Troika to assess the situation on the ground (SADC, 2007, p.2). The mission identified seven factors that had triggered the post-election conflict, namely: the manipulation of the MMP electoral system the unfair allocation of parliamentary seats, the uncertain legality of party alliances, a lack of respect for the electoral code of conduct, a lack of communication among political leaders, the appointment of new ministers from the National Independent Party list, and unruly behaviour of youth supporters of the parties (SADC, 2007, p. 2). SADC recommended the government initiate a dialogue with opposition parties, facilitated by SADC via a former head of state to supervise the process. Botswana's former president Ketumile Masire was nominated to facilitate the dialogue. His role was to develop a structured plan, hold consultative meetings with all relevant parties and stakeholders, and submit a report on the process and its outcome to the SADC Chair.

Masire undertook seven missions to Lesotho as part of the post-crisis stakeholder dialogue (Matlosa, 2010, p. 206). Participants included the

ruling party, opposition parties, and civil society organisations. The dialogue was meant to review and safeguard the MMP model, agree on the process, and institutionalise a dialogue and politically tolerant culture. However, the talks reached a deadlock because the political parties involved were litigating over the election results and the allocation of parliamentary seats, causing deep-seated polarisation. This, as Matlosa explains, drove them to zero-sum approaches to resolving the conflict (Matlosa, 2010, p. 208). Masire also struggled during the mediation due to frequent attacks by Mosisili, who accused him of bias towards opposition parties. He aborted the mission in July 2009 and handed the task to SADC due to the unwillingness of the Lesotho government to resolve the dispute. Meanwhile, Mosisili had told Masire that the dialogue had run its course (Lesotho Times, 2009). According to Masire, the government had kicked him out of the process and did not have the political will to resolve the issues amicably if it stood to lose from it.¹

In September 2009, Masire submitted a report to SADC on the dialogue that stated the following: the MMP electoral model had been improperly applied during the 2007 elections; alliances between the LCD and the NIP and between the ABC and the Lesotho Workers Party undermined the spirit of the MMP's compensatory mechanism; there was distortion in the allocation of parliamentary seats; legal reform was required to ensure the expeditious completion of election petitions in court; and the dispute over who should be the leader of the opposition in Parliament should be resolved legally (SADC, 2009, p. 2). SADC subsequently persuaded Masire to stay on as facilitator and dispatched another Troika ministerial meeting to Lesotho to meet with the government, opposition parties, and other stakeholders, most notably the Christian Council of Lesotho (CCL) to resolve the impasse. A team of facilitators was appointed to assist the CCL in providing technical support, facilitating communication with relevant SADC structures, and mobilising financial resources to support the mediation process (SADC, 2009, pp. 2-3). SADC's reception of the CCL's role was vital since it detracted from its usual track one diplomatic engagement. The CCL was a non-state actor that had, in effect, initiated a local mediation process among the government,

Lesotho's Electoral Commission, and all registered parties in July 2009. After Masire's departure, the mediation's chief convenor was Bishop Mokuku with assistance provided by the heads of various churches (Letsie, 2015, p. 80). Donors, namely the UNDP, Ireland Aid, and Action Aid, also supported the dialogue process. SADC recommended a partnership with the CCL after its Troika mission to Lesotho. Meanwhile, the ruling party refused to reconsider its position on Masire. Masire was equally unwilling to continue on with the mediation.

Malebang (2014) argues that SADC's role in resolving the 2007 post-election impasse was diminished because, in reality, the intervention was taken over by the UN resident team in Maseru. The UN provided substantive support to the CCL through the UN Interagency Framework Team, the UNDP Regional Service Centre in Johannesburg, South Africa, the UN Bureau on Crisis Prevention and Recovery, and the UN Department of Political Affairs. The UN appointed a peace and development adviser mainly assigned to expand the mediation capacity of the local CCL team (Malebang, 2014, pp. 218-219). As such, SADC's efforts to partner with the CCL, while laudable, were eclipsed by the UN's role and support to the CCL, which became the 'real mediation' the conflicting parties supported.

The UN intervention deliberately opted for a discreet, behind-the-scenes role in the mediation to ensure that all credit went to the local mediation team. SADC did not officially recognise the UN's role in this regard and did not officially collaborate with the UN in the CCL-led mediation (Malebang, 2014, p. 219). The CCL talks began in August 2009 at UN House in Maseru chaired by four heads of churches and supported by a UN-funded technical team of local NGO leaders. They initially registered modest results due to the low attendance of parties and the facilitators' dwindling commitment. A key breakthrough came in March 2011 when the government and opposition parties finally reached an agreement on reinvigorating the MMP ahead of the country's general election in 2012. This had the effect of building confidence in the electoral process. SADC eventually declared the CCL's mediation process successful in a communiqué issued before the elections in 2012.

SADC's fifth intervention in Lesotho followed Prime Minister Thabane's exile in 2014 against the backdrop of a coup attempt. The SADC Ministerial Committee (of the Organ) headed by Namibia recommended that inter-party peace talks be initiated to resolve tensions within the coalition (SADC, 2014b). The CCL, with Pohamba presiding, initially mediated the talks. There were in total, three SADC-led inter-party consultations. The discussions' objective was to review and amend the original June 2012 Coalition Agreement to the satisfaction of the parties and for Thabane to rescind Parliament's prorogation. The talks collapsed mainly because of a lack of good faith. While the consultations were in progress, leaders of the DC and LCD signed a new alliance agreement. Following the deadlock in negotiations, Pohamba invited a delegation of the coalition government to Windhoek, Namibia in July 2014 as a follow-up to the SADC Maseru inter-party meetings. Like the Maseru talks, the visit produced an agreement to resolve intra-party disputes (referred to as the Windhoek Declaration) that was not implemented. President Zuma also convened several working visits to Lesotho to encourage the parties to maintain the coalition arrangement as per the Windhoek Declaration's recommendations. These trips were inadequate in both managing and resolving the rifts between the parties.

Following Thabane's exile after the August crisis, the SADC Troika convened an emergency meeting to consider Lesotho's situation. It was at this meeting that Thabane requested a SADC military intervention to restore order in the country. SADC rejected this request and instead opted for political dialogue and bilateral measures to support public security. South Africa deployed a police contingent to Maseru in September to reinforce public security in the capital alongside the Lesotho police (Motsamai, 2015, p. 10). The South African Police Services also provided Thabane and several other leaders with full-time security protection. The outcomes of the negotiations included the Pretoria Declaration, a joint statement by the SADC Troika and leaders of the Lesotho coalition acknowledging that the political and security situation had deteriorated and needed immediate intervention and support from SADC, and a road map on the process of re-opening Parliament by September 18 that was agreed upon but not honoured until later on (SADC, 2014a).

Then South African deputy president Cyril Ramaphosa was chosen as a lead mediator to help the country return to constitutional normalcy, political stability, and restore peace and security. Ramaphosa's appointment was preferred over President Zuma's because the latter was seen by many CSOs and the opposition as a personal friend of Thabane and therefore likely to be biased. SADC deployed an observer team from the Organ to Maseru known as the SADC Observer Mission in Lesotho (SOMILES) comprising police officers and military personnel from various regional states (SADC, 2015c).

The negotiations facilitated by Ramaphosa primarily involved parties in the coalition and the opposition in Parliament. Civil society organisations petitioned Ramaphosa to compel the government to convene a national dialogue on Lesotho's instability to defuse the simmering acrimony among political factions, but SADC only heeded this call from 2015 onwards when the SADC Commission also required local stakeholders' testimonies to the prevailing security and political standoff. Unfortunately, these were ad hoc consultations and not adequately institutionalised. Many observers in Lesotho eventually concluded that the consultations were undertaken as a 'tick box' exercise on the part of SADC to superficially demonstrate its visibility in dealing with Lesotho's situation. Nonetheless, the Ramaphosa led talks resulted in agreements on joint cooperation between the country's security institutions, and that the old leadership should go on special leave. The talks also produced an elections agreement and snap elections were subsequently held.

Shortly after the 2015 elections, which were won by the DC, the country experienced another chaotic period when former army chief Lieutenant-General Maaparankoe Mahao was killed by his army peers. The SADC Organ, chaired by South Africa, sent a Ministerial Fact-Finding Mission to Lesotho: based on the mission's report, SADC convened an Extraordinary Double Troika Summit in Pretoria on July 3 that adopted four key resolutions (SADC, 2015a). The first was to establish an Oversight Committee in Lesotho that would act as an early warning mechanism to detect signs of instability. The committee was to intervene as appropriate in consultation with the SADC facilitator. The second was to establish an independent Commission

of Inquiry into the circumstances surrounding Mahao's death, the mutiny allegations, and broader politics in the country that were undermining its stability. The Summit also decided that Lesotho should put the court-martial of various military officers on hold pending the Commission of Inquiry's findings. The government instituted the court-martial in July to prosecute Lesotho Defence Force (LDF) officers charged with mutiny. Lastly, the government was urged to create a conducive environment for the return of the opposition leaders living in exile (SADC, 2015a).

A month later, Botswana's president Ian Khama took over SADC's rotating chair from Zimbabwe, and Mozambique assumed the Organ's chair from South Africa. Within a few days of its deployment, disagreements emerged between the Lesotho government and SADC about the Commission's mandate and terms of reference. Some SADC officials believed the government was abusing its authority and frustrating the workings of the Commission (SADC, 2015b, p. 16). A Double Troika Summit held in Botswana in August expressed its concern that the terms of reference published in a government gazette deviated fundamentally from those drafted by the Pretoria Summit (Zihlangu, 2014). It noted that, despite members of the Commission being sworn in on August 10, it had yet to make headway. The Summit concluded that the pace of the Commission's work was adversely affected by the Lesotho government's lack of cooperation (SADC, 2015b, pp. 16-18).

The convening of the court-martial by the Lesotho government, which ran parallel to the Commission's proceeding, was another point of disagreement. SADC eventually told the government to suspend it in order to allow the Commission's work to proceed (Motsamai & Petlane, 2015). This was never done and the Commission completed its work with the court-martial still in place. The Commission also differed with the LDF over the coverage of its mandate vis-a-vis that of the court-martial. The LDF had asked the Commission not to inquire into the alleged mutiny in the LDF on the basis that it was dealing with the issue by way of the court-martial. The Commission rejected this request.

But the most severe challenge undermining the Commission's work was a legal challenge to its jurisdiction that followed the hearings it had conducted in South Africa with opposition leaders and others in exile. The Lesotho government argued that the Commission had not been appointed by SADC but rather by itself and that any activities outside Lesotho therefore fell outside its jurisdiction. In response, the lawyers argued that it was not a SADC Commission per se, but merely sponsored by SADC. On the other hand, the government highlighted that the Commission was set up under its laws, specifically the Public Inquiries Act of 1994. They argued that domestic law and not SADC should govern its operations; this laid the foundation for Prime Minister Mosisili's later refusal to receive the report of the Commission.

In October 2015, a Special Forces commander, Tefo Hashatsi, applied to the High Court to have the SADC Commission declared illegal (Lesotho Times, 2016). The court case became central to Lesotho's relations with SADC since the government had refused to receive the Commission's report until the application had been finalised. SADC opposed the application, noting in a letter from its Secretariat that it enjoyed immunity as per the SADC Treaty and SADC protocol on immunities and privileges. Any court decisions in Lesotho against the Commission of Inquiry would have no legal effect and would not bind SADC to its institutions. Lesotho was urged to abide by the immunity provisions, yet the government's position remained that it would only accept SADC's final report after the case had been adjudicated. Botswana convened a SADC Double Troika Summit in Gaborone on January 18, 2016 to consider Lesotho's situation and receive the Commission of Inquiry report for handover to the Lesotho government. At this meeting, Mosisili was presented with an ultimatum to either accept the report or face possible suspension. Lesotho was also asked to publish the report within 14 days of receipt, to prepare a road map for implementing the SOMILES recommendations and submit a progress report to the Summit in August 2016 (Lesotho Times, 2016).

The report was later made public, but not without politics entering the process. It contained the names of high-ranking LDF officers whose arrests

on charges of high treason had been ordered from April 1, 2014, to September 29, 2014. The report refuted the mutiny allegations (SADC, 2015b, p. 7) by stating that the army operation that resulted in the Mahao's death had been authorised by the Minister of Defence and National Security Tšelisio Mokhosi. According to the report, the LDF lacked control and oversight mechanisms. On a balance of probabilities, evidence showed that Mahao had not resisted arrest. The report found deep-rooted politicisation of the security sector, particularly the police and the military. It also found that Kamoli's reinstatement as the LDF Commander had increased divisions and instability in the army. It advocated that Kamoli be relieved of his duties 'in the interest of restoring trust and acceptance of the LDF to the Basotho nation' (SADC, 2015b, p. 57). It also advocated for the suspension of LDF members implicated in murder, attempted murder, and treason and that amnesty be facilitated for mutiny suspects. The report also called for the 'accelerated implementation' of reforms encapsulated in the SOMILES report, and that SADC operationalise the Lesotho Oversight Committee meant to assist with the implementation of the reforms.

The Mosisili government initially denied the existence of a security crisis or violations of human rights by soldiers as contained in the Commission's report and also failed to condemn the killings of high-profile individuals. The administration focused on undoing any damage posed to the security apparatus, especially the top-ranking military personnel found to have committed serious crimes and violations in the SADC report. In October 2016, the government drafted an Amnesty Bill that sought to reverse the SADC recommendations on criminal liability and amnesties. The Bill proposed blanket amnesty to all members of the LDF, the Lesotho Mounted Police Service, the National Security Service, the Lesotho Correctional Services, government officials, and 'any other person' for offences committed between January 2007 and December 2015. The amnesty extended to members of the LDF whom the SADC Commission had recommended should face prosecution. The rationale given was that it would bring lasting peace to the country and serve as a reconciliation and reconstruction tool, but this was short-lived. Kamoli was eventually forced to retire in 2016

under immense pressure from Lesotho's donors, who demanded an end to the impunity and human rights abuses that occurred during his tenure at the helm of the LDF.

Mosisili's coalition government collapsed in 2017 following a power scramble within the DC and passage of a no-confidence vote in Parliament; and a snap election was called. Thabane's party won the most seats in the election but had to form a coalition with three other parties to obtain the 61-seat majority needed to form a government. Within three months of its inauguration, Thabane's government arrested Kamoli and rival military officers who were flagged in the SADC report for prosecution in the killing of the sitting army commander. SADC deployed a SADC Preventive Mission to Lesotho primarily comprised of military, security, and intelligence personnel (SADC, 2017). It closed after a year and has been lauded for helping create a stable and peaceful environment on which reforms could be pursued. The Oversight Committee initiated by its recommendations was headed by Retired Chief Justice Matthew Ngulube of Zambia and functioned as an early warning mechanism in support of Lesotho's reconciliation and reform process. Retired Deputy Chief Justice Dikgang Moseneke led Ramaphosa's team. Another significant reform under Thabane was the passing of the Lesotho National Reforms Bill in August 2019. The Bill legitimises, safeguards, and insulates Lesotho's reforms and peacebuilding process from political interference. This development broke important new ground since the Bill contained provisions that prevented incoming administrations from undoing their predecessors' work.

Lessons from the mediation

SADC peacemaking efforts and missions in Lesotho from the 1990s to date varied greatly in duration and outcome, but they all led to the successful termination of those conflicts at the time. While these missions have contributed positively to conflict de-escalation, most of the peace agreements signed have not correlated with durable peace. The challenge for mediators working on Lesotho's conflicts has been to devolve agreements

that alleviate short-term security concerns while guaranteeing longer-term stability. SADC's mediation experience in Lesotho, indeed, shows that agreements that are not carefully designed to deal with all obstacles to cooperation have the weakest pacifying effect on conflict outcomes. The propensity for the country to relapse into conflict, as illustrated in previous sections, stems from a failure to deal with the mainspring of the conflict during negotiations toward peace, the implementation of the signed peace agreement, and state authorities' reluctance to abide by their commitments. If a long-term solution is to be found, it is necessary to understand both the recurrent dynamics of and continuities in Lesotho's conflicts and the typical characteristics and lacunas of peace agreements signed over the years. Failure to do so could reduce peace agreements to nothing more than ciphers for state power and political interests.

Four lessons are key, based on the broad framework for understanding the components of peace agreements. First, most of Lesotho's peace agreements have primarily focused on the procedural elements of the different conflict issues, dealing with substantive matters in ways that appear to contemplate future agreements to be completed. These are short agreements, premised on elections as a panacea for future conflict transformation; most, if not all of Lesotho's peace agreements had a provision to convene an election as a formal sign that the mediation had been successfully concluded. However, elections are only a necessary, and not a sufficient component of democracy and peace consolidation following a conflict. For mediators to make judgements about conflict resolution and democratic stability based on elections falls victim to the fallacy of electoralism. SADC's preference and South Africa's, to a large extent, to promote electoral democracy as part of mediation and conflict resolution has in many cases, been driven by political expediency. In such situations, the durability of the peace suffers since the sources of the conflict were insufficiently addressed and these become salient sources of future conflicts. Issues of justice and retribution have featured prominently in Lesotho's post mediation and post electoral contexts and have contributed to the impasses in consolidating peace.

However, over time, mediators have paid increased attention to developing more substantive peace accords in Lesotho, at least in the last five years. These have elaborated the political, economic, and social structural changes needed to consolidate peace in Lesotho. But these agreements have often insufficiently accommodated its political and economic realities, such as its economic insecurity, inherent weaknesses of its governing coalitions since 2012, political fragmentation and the degree of militarised politics in the country. Substantive components that focus on the distribution of power, dispute resolution within governing coalitions, and mechanisms to address past injustices, and security sector reform and governance (SSR/G) are critical. This approach could prioritise, for instance, the development of an efficient MMP parliamentary structure that encourages collaborative governance and consensus, thereby ameliorating Lesotho's lack of experience with coalitions. SSR/G is also critical in Lesotho since it is one of the most frequent recipients of diplomatic interventions from SADC in which the mediators have prioritised the conflicts between civilian authorities and the military. Reform or even transformation of the security sector has to be seen as an integral part of Lesotho's transitions. The underlying problems of material distribution that may have contributed to the conflict in the first place also have to gradually be addressed. These are often ignored in Lesotho's peace processes, and as previously argued, it may be the state's economic structure that is most crucial to lasting peace in Lesotho.

Thirdly, a common and significant obstacle to implementing Lesotho's peace accords has been the resistance or outright refusal by state authorities to proceed with political settlements that require compliance with the SADC recommendations emanating from mediation. This has also been evidenced by the absence of explicitly dedicated high-level negotiation platforms during the implementation phase of the peace process. Several factors explain this, including perception management of political actors (implementing sensitive provisions of agreements may portray them as weak and militarily ineffective in handling internal conflicts), an aversion to or rejection of third-party involvement in the internal affairs of the state, and reluctance

of state authorities to divest themselves of political power. This constitutes perhaps the most daunting challenge for the successful implementation of peace agreements in Lesotho. SADC mediators have acknowledged these difficulties and have sought to apply diplomatic pressure on state authorities as a remedy. This approach has had limited success.

The last lesson to highlight concerns the need to establish a broader set of peacebuilding mechanisms in the country after mediation missions are completed. These mechanisms are necessary to consolidate peace and prevent conflict recurrence through reconciliation, institution building, and political and economic transformation. They therefore consist of a set of physical, social, and structural initiatives integral to post-conflict reconstruction and rehabilitation (UNDP, 2020, p7). Except for SADC's last mission in Lesotho, previous peace agreements lacked inbuilt peacebuilding mechanisms. As discussed, such mechanisms should include a neutral structure and capacity within the state to resolve future conflicts and complaints, a means for the peaceful resolution of public grievances before they become a source of conflict in society, and a means of preventing future conflicts that include the existence of independent and functional institutions such as the Office of the Ombudsperson, a Commission on Human Rights and an Independent Judiciary.

It is equally important to create and strengthen local peacebuilding capacities and support peace infrastructures where they exist. SADC has over time, formally included non-state groups like the Lesotho Council of Churches in its mediation processes. This should be broadened to other organisations and local peace infrastructures on the ground. In Lesotho, churches maintained a non-partisan role and avoided becoming identified with any one political party and their impartiality is therefore respected. This enabled them to remain credible brokers when the SADC process was deadlocked. However, NGOs have not always maintained neutrality and some churches have been 'captured' by partisan politics in recent years. SADC has also backed local initiatives flowing from its negotiated agreements such as the multi-stakeholder national dialogue it convened after the 2017 elections

with the Lesotho Council of Non-Governmental Organisations. This renewed sense of confidence in local capacity may in the end be the most important lesson for future SADC missions in Lesotho. Collaboration with other international peacebuilding organisations on the ground like the UN remains sporadic and ad hoc. The UN in Lesotho has however been critical in building and strengthening local peacebuilding capacities. For instance, it has provided expert mediation and technical support to local peacebuilders, has resourced mediation meetings, tracked political developments for peacebuilding opportunities and dangers, and provided timely briefings to national peace organisations. A more coherent partnership between the UN and SADC in mediation should be encouraged. What is needed beyond capacity and confidence is to strengthen local buy-in and ownership of the peacebuilding process. This is an area that has remained elusive in Lesotho due to polarisation among political parties and the often-troubled relationship between political parties and civic organisations.

Conclusion

The Lesotho experience proved that providing a lasting resolution to a cyclical conflict is difficult. Most of Lesotho's political conflicts are modified versions of previous ones: the same political actors restart old conflicts after a brief period of peace. This speaks to its 'conflict trap' as the country's cyclical conflicts share a common heritage of faltering democratic rule, coups, and coup attempts that have undermined state capacity and legitimacy for decades. Some of the most pressing challenges that remain include a lack of civilian control over the security forces, human rights abuses including arbitrary or unlawful killings, and a lack of judicial independence to adjudicate rule of law violations effectively. This conflict trap is linked to the trap of bad governance, particularly allegations over the abuse of power, human rights, and corruption by the ruling elite. In this case, countries become trapped in cycles of conflict because fighting has proven to more swiftly and directly enhance the elite's economic and political power. Even if political instability is expensive and makes weak states weaker, this weakening of political and legal institutions sustains the conflict cycles that benefit these elites.

The Lesotho case also illustrates the shortcomings of states in honouring their obligations to settle disputes peacefully and reform their institutions. Conflicts are more likely to repeat themselves in countries where government elites continue to be unaccountable to the public, where the public does not participate in political life, and where information is not transparent. Lesotho's conflicts have frequently undermined rule of law institutions, and there is a need to advance the process of transitional justice and the rule of law after mediation missions conclude. Doing so serves as a check on executive power that creates governments more likely to serve the interests of a wider population while reducing motives for politicians to destabilise the government. It also creates multiple non-violent avenues to influence government policy, making renewed violence less essential as a means to promote change. Strong political and legal institutions help incumbent elites credibly commit to the political terms of a peace agreement and make lasting bargains more likely. Strengthening checks on executive power is equally vital in Lesotho to avert situations in which politicians need to maintain unofficial militias in the army and use violence or its threat to hold political elites in line. The result is a situation where political groups in Lesotho find it easier to resolve underlying differences and support a permanent long-term solution that sees the country improving governance and building better capacities to develop and grow economically.

Endnotes:

- 1 Author interview with Ketumile Masire, July 15, 2015, Gaborone: Botswana

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Mediation in Madagascar: Democratic transition and unconstitutional change

Gavin Cawthra

Introduction

LIKE MANY other developing countries, Madagascar has been engaged in a perilous and complex transition to democracy since the early 1990s that has seen many reversals.¹ It has hung on to its democracy by a thread, mainly due to the mediation that emanated from Southern Africa and the support of many international actors. The particularities of this process have been largely unexamined in the academic literature, at least in English, because of the island state's perennial marginalisation.

Madagascar cannot by any measure be regarded as a consolidated democracy. Politics is personalised and based on patronage with a zero-sum or winner-takes-all approach, especially within the competition for executive power (International Crisis Group, 2014). There are no real established political parties, only 'camps' or at best self-styled 'movements' attached to previous and existing presidents. Each election, especially presidential campaigns and their results, seems to provoke a new crisis of political legitimacy, the worst being the events of 2009.

Perhaps its complexity, fragmentation and the apparent obscurity of its politics have helped to prevent a decline into civil war. There is also no threat from neighbouring states or opportunities for political rebels to use neighbouring territories as bases. Thus, potential conflict must be contained within the boundaries of the Malagasy state. Additionally, within the territory itself, political mobilisation is made difficult by the island's inaccessibility and variations in topography, climate and social systems. There are no clear-

cut ethnic divides (although differences between the dominant highlanders or *merinas*, and *cotiers* living in the coastal areas, are evident). Neither do there appear to be any major ideological differences between the competing parties. Politics is hard-fought, but mainly for the spoils of office in a zero-sum game.

Democratic and judicial institutions are weak, although since 1992 the constitution has provided for the familiar structures of liberal democracy along with the French model: a parliament, a senate, a constitutional court and an executive presidency, with formal separation of powers. In practice, the French influence, as is often the case, has resulted in a strong presidential system. It is thus not surprising that the presidency has proved to be the most contested institution. It has been at the centre of periodic crises requiring external mediation, sometimes supported by internal reconciliation promoted primarily by the Malagasy Council of Churches (FFKM) (Razanakolon, 2009; Cawthra, 2020). While elections are an essential element of democracy, they are also flashpoints for conflict, as the Madagascar case has shown repeatedly (as elsewhere in Africa).

The Road to Democracy

As a French colony that, like most, reverted to Vichy in World War II, it was subsequently liberated by South African and other allied troops after token resistance. Madagascar was granted independence in 1960 during the great wave of colonial withdrawal from Africa. By 1972 it was under military rule following the abject failure of civilian governance. Three years later, it had its own dictator: Didier Ratsiraka. Ostensibly Marxist-Leninist, the regime tilted towards the Soviet Union, although it remained under French cultural and economic influence, and became a one-party (or rather no-party) authoritarian state. This provided some form of stability, but little in the way of development.

The ‘third wave’ of democratisation following the collapse of communism in Eastern Europe made a socialist trajectory in Madagascar impossible and international pressure brought about democratic presidential elections.

These were won by Albert Zafy, who remained reliant, like his predecessor, on patronage rather than a political party, and continued to govern with a form of personalised rule. This precipitated what would prove to be the first of many constitutional crises. He was impeached in 1996, which resulted in Ratsiraka's return to office, this time elected, in the manner of many former African dictators.

The Mayor of Antananarivo

Politics in Madagascar tends to be centralised in the capital Antananarivo, located in the centre of the country, and in the highlands (outside the capital politics tends to be localised). One of the wealthiest people in Madagascar, Marc Ravalomanana, exercised his charisma and wealth to become mayor of the capital and from a populist base launched a bid for the presidency in the December 2001 presidential elections. Although official results showed otherwise, he claimed to have broken through the 50% threshold to prevent a second-round vote and claimed the presidency. Realising he had lost control of the capital, and with mobs clamouring for the self-declared president, Ratsiraka and his followers retreated to the coast, especially the city of Taomasina, which he anointed as a new capital, and sealed the roads to Antananarivo with an improvised militia. It seemed like Madagascar was headed for civil war, but the armed forces remained relatively cohesive and neither side could or would exercise military advantage. The institutions of the Malagasy state remained functional: both parties were obliged to manoeuvre through judicial and political institutions rather than on the battlefield (Cawthra, 2010).

External mediation also became important. The Organisation of African Unity (OAU) refused to recognise the Ravalomanana administration. It obliged the warring sides to negotiate in Senegal, resulting in a compromise executive authority called the High Transitional Council. Ravalomanana, however, refused to acknowledge this decision and instead incrementally increased his power, especially over the military, as the Ratsiraka militias dissolved. The former president departed for exile in France, his reputed

backer, while the African Union (AU) and the High Constitutional Court eventually recognised the Ravalomanana presidency. Although no corruption charges were levelled against the judges, the highest court does have a history of exonerating an incumbent president under contested circumstances.

Many accuse Ravalomanana of merging business with politics, and there is little doubt that his economic clout contributed to the relative stability of his regime, at least for a time. His policies were viewed as a turning away from French post-colonial influence towards Southern Africa and perhaps the USA – partly for business reasons (Lanz & Glasser, 2013). He also invited Chinese and South Korean investment. As part of this tilt, in August 2005, Madagascar became a member of the Southern African Development Community (SADC), which was to have profound and initially divisive implications for the country's external relations, especially when it came to the inevitable subsequent political crisis and the external mediation that followed.

The next Mayor of Antananarivo

Local elections in 2008 brought into office an entrepreneur and former DJ, Andry Rajoelina, as the next populist Mayor of Antananarivo, who used his television and radio stations to political advantage. They were shut down by the ruling regime shortly afterwards, resulting in another upsurge of civil unrest in the capital. Despite attempts at mediation by the Malagasy Council of Churches (FEKM), which is dominated by the Catholic Church, the protests spiralled into violence as troops opened fire on demonstrators outside the presidential palace (in what would appear to be a classic pre-revolutionary phenomenon).

Ravalomanana made the fatal error of making himself unpopular with the security forces, (allegedly through meddling in promotions), attempting some rationalisation of the bloated and poorly managed institutions and was rumoured to be pressing the armed services to do business with his companies. Whatever the case, amidst mounting chaos in the capital, and as

civilian deaths mounted (to perhaps over 100) a small but vital unit of the army based in Antananarivo mutinied. They demanded that Ravalomanana resign. No one in the security forces rose to the defence of the president, and he stepped down. But the military did not seem interested in formal political power, and instead promptly appointed Rajoelina as President (Manrohanta, 2009).

The fact that the army had handed power to the Mayor of Antananarivo allowed them to deny that a coup had taken place. The move was widely accepted alongside acknowledgement of the coup itself, even if there was little resistance. Ravalomanana went into exile in South Africa with some of his followers – a departure reportedly funded by the United States (Rakotomolala, 2020). As before, the High Constitutional Court was soon to rule in favour of the usurper: thereafter Rajoelina ruled through a High Authority for the transition in a civilian-military junta (Cawthra, 2009a; Lanz & Glasser, 2013).

SADC's attempt at restoration

The AU and SADC had both recently adopted policies requiring them to act against unconstitutional changes of government. Perhaps they saw Madagascar as a test case, but closer analysis indicates that other interests were at work. Indeed, much later, in 2017, the organisations seemed quite happy to ignore the coup in Zimbabwe for reasons of political expediency. At any rate, SADC's response can be described as muddled, hypocritical, and foolish; it nearly pushed Madagascar out of SADC. Indeed, if the organisation's response had been realised, it may have brought about a political and military disaster.

At the time of the coup, the SADC Organ on Politics, Defence and Security Co-operation was headed by Swaziland, with the previous chair Zimbabwe playing a supportive role. Neither of these countries are paragons of democracy, yet they immediately saw it as their task to 'restore democracy' to Madagascar, and not only that, but also through military intervention.

Madagascar was (quite rightly) quickly suspended from the AU and SADC (to return only five years later). The regional organisations urged the restoration of the Ravalomanana presidency.

As a final affront, the Swazi king, Mswati III, proposed that the SADC intervention brigade (SADCBRIG), which is not actually a brigade but a standby arrangement, militarily intervene in Madagascar to restore the old regime. Zimbabwean President Robert Mugabe supported this, and Mswati used a conference in Zimbabwe to get the Common Market for East and Central Africa (COMESA) (of which most SADC countries were also members) to support it too. Lest there be any doubt as to the seriousness of SADC's intentions, Angola was reportedly approached to provide transport aircraft for the (as yet non-existent) SADC troops (Cawthra, 2009b; Cawthra, 2010). It was highly unrealistic, but the *Malgache* – and not just Rajoelina – were outraged. The armed forces made preparations to repel what they saw as an imminent invasion. Rajoelina threatened to pull Madagascar from SADC membership, and this remained a never realised intention for much of his presidency.²

Fortunately, after a visit to Madagascar in May, SADC began to realise the impropriety of its position. Perhaps more importantly, other actors had also become involved in attempting to resolve the crisis. Until this stage mediation (as opposed to SADC's attempts to restore the previous administration) had been carried out mainly within Madagascar through the Council of Churches, which was supported by the UN through its offices in Antananarivo. When this lost momentum, a raft of international actors became involved without being invited by the *Malagache* (Cawthra, 2020). These included the EU, the Indian Ocean Commission (COI) and the *Organisation Internationale de la Francophonie* (OIF), all of which suspended any international aid they had been providing. France, India and Turkey were also involved.³ Through the establishment of an International Contact Group (ICG), an approach based on mediation and reconciliation was adopted, although the actors lacked a unified message. For example, France was widely regarded as discreetly supporting Rajoelina (Rakotomolala, 2020). Eventually, the AU

was appointed the principal negotiator, but in practice, it acted through SADC (Nathan, 2013).

During the most intense period of the crisis, the first half of 2009, SADC's attempts at mediation (or rather intervention and the restoration of the status quo) appeared to lack information or analysis and was characterised by unilateralism. However, efforts were made to synchronise with the AU and COMESA. Above all, they were overtly militaristic. These efforts were unsuccessful and divisive, not just widening the gap between the protagonists in Madagascar but also with other international actors as they came on board, notably the OIF and France, which sympathised with Rajoelina (Lanz & Glasser, 2013). It is notable that the UN did not openly condemn Rajoelina's seizure of power, but instead supported local mediation by the Council of Churches.

Most international actors wanted mediation. SADC wanted restoration of the status quo. Any efforts it might have made towards mediation were destined to be unproductive since Ravalomanana knew that he was being backed for a return to power and thus had no need to compromise. There is no evidence that SADC drew upon professional opinion: it seems that presidents and their personal advisers made all the decisions. Capacity within the SADC secretariat for mediation support at the time was virtually non-existent. SADC's responses, despite all their flaws, were rapid.

Enter South Africa

With the establishment of the ICG, and under the formal aegis of the AU, SADC appointed the former president of Mozambique, Joaquim Chissano, as a principal mediator to be assisted by a small team. The South African embassy in Antananarivo provided support since there were no other SADC embassies in the country apart from Mauritius until an AU/SADC liaison office was established in Antananarivo. South Africa became increasingly involved by hosting a conference in Pretoria and taking over as chair of the SADC Organ under the usual system of rotation.

This marked a shift from an effort to restore the Ravalomanana regime, to mediation involving both major parties and a *de facto* although not *de jure* recognition that there was a new regime in power, if only temporarily, and that transitional arrangements would need to be made. Chissano, an experienced if perhaps over-exposed mediator, was broadly acceptable to the major factions, and ‘all-party dialogue’ commenced. At a conference held on 5 to 8 August 2009 in Maputo, Mozambique, a framework was established for transitional governance arrangements leading to elections 15 months hence (Nathan, 2013; Kotzé, 2019). Rajoelina remained in power and Ravalomanana in South African exile (with headquarters in Pretoria, he was prevented from returning to Madagascar under the close supervision of South Africa). Rajoelina increasingly sought to entrench his position, although lack of international support and aid, which was a significant contribution to the national budget, made this difficult.

Two other conferences followed, first in Maputo and a final one at Addis Ababa in October 2009. A ‘roadmap’, which constituted the most important document of the transition, was signed by most parties in Antananarivo on September 17, 2011, under the aegis of the AU (AU, 2013a). This emphasised the institutions of transition: a ‘president of the transition’, a ‘consensus prime minister’ and a ‘congress of the transition’. Given the institutional weakness of politics in Madagascar, much power revolves around the status of the presidency. Finally, it was agreed that neither Rajoelina nor Ravalomanana would be eligible to stand in the forthcoming elections, following a decision by the Malagasy courts (AU, 2013b). By this stage, two former presidents, Zafy and Ratsiraka, had re-emerged, demonstrating yet again the personalised and presidential nature of Malagasy politics. Each of the presidents had declared themselves heads of popular ‘movements’. In reality, only Rajoelina and Ravalomanana had any significant following: the AU, perhaps more correctly, preferred to call them ‘camps’. A formal agreement accommodating all four ‘movements’ was finally adopted on November 7, but this did not end the political jostling for positions and brinkmanship: the agreement was always under threat, and formal processes of reconciliation remained unimplemented.

This period was characterised by ‘economic malaise, corruption, institutional decay and breakdown in the rule of law’, all of which were exacerbated by international isolation and cuts in aid and trade (International Crisis Group, 2014). The military chafed under well-founded concerns about civilian interference and inadequate resourcing. Two coups were attempted, but both failed and seemed more like warning shots than actual challenges for power. Fortunately, political violence significantly reduced despite the ongoing instability. International support and aid were restored, and with it, government finances were revived. However, despite local and international efforts, including a ban on logging, criminal exploitation of Madagascar’s rich environmental resources (such as cattle-rustling, a traditional means of redistributing power and wealth) intensified in the transition period, sped along by the corruption of police, local officials and the judiciary. Weak governance and lack of confidence in public institutions exacerbated by the incessant political crises provided ample opportunities for local and international criminals or foreign governments intent on violating environmental laws for resource exploitation (Gumba & Randrianarisoa, 2018).

South Africa, SADC, the AU and the ICG can take considerable credit for stabilising Madagascar’s politics through mediation in this period. Although there were many reverses, they all turned out to be temporary. Innovative conflict resolution approaches were developed and used. The exclusion of former presidents from standing in elections is not as radical as it seems since the AU’s electoral code of conduct provides for it to prevent individuals who seize power through coups or constitutional means from legitimising themselves through elections, be they fixed or otherwise (AU, 2007). Conveniently, Malagasy legislation also required the presidential candidates to have been resident in the country for six months before standing for election, affecting the presidents who were in exile (at one-point Ravalomanana tried to get around this by putting forward his wife as a candidate). Amnesties also played an important role, especially for the previous presidents who had all in various ways carried out unconstitutional actions.

SADC gained the sometimes-grudging respect of most of the parties. Within the SADC ensemble, South Africa, through its ministry of foreign affairs, played an increasingly important behind-the-scenes role even as Chissano remained the principal negotiator. South Africa and other mediators also seem to have been lubricating the political process through much-needed funding. Madagascar certainly did not have the resources to pay for mediation. An AU Electoral Process Support Project was set up as a conduit for funding, drawing pledges of over US\$80 million (AU,2013a). It seems that in Madagascar, and probably in many other cases, those who seek to mediate are also expected to pay the costs of the process and the subsequent settlement to provide peacekeeping police and troops if required.

Peaceful elections

With all former presidents excluded, in January 2014 presidential elections were held under relatively calm conditions with international observers, including from SADC, in attendance. A new figure, Hery Rajaonarimampianina, emerged with a majority in a vote that was generally regarded both locally and internationally as free and fair (International Crisis Group,2011). He was, however, seen by many as a cipher for the outgoing president, Rajoelina, who publicly endorsed his bid. He soon proved able to act independently, although Rajoelina remained in the wings and returned to power five years later in the next electoral cycle.

Although political stability had returned, during the lead-up to the next elections in 2018 a further crisis ensued once again over the status of the former presidents. This time, both Ravalomanana and Rajoelina were eligible to run. Still, the incumbent regime, now increasingly comfortable with power, sought to exclude them and parliament duly obliged by introducing changes in the law to make their exclusion permanent. While this could be justified in terms of the AU's electoral code, there had been a general amnesty, and both Rajoelina and Ravalomanana's considerable corps of followers in Antananarivo took to the streets (Louw-Vaudran, 2018).

With violent conflict brewing, SADC again became more involved. However, as in the past, the AU remained formally in the lead through its special envoy, the head of the Peace and Security Commission, Lamtane Lamamra. As incoming chair of SADC (as opposed to the Organ), South Africa became even more closely involved.⁴ The new Ramaphosa administration despatched foreign minister Lindiwe Sisulu to Antananarivo. The High Constitutional Court may have obligingly revoked the controversial legislation. Still, South Africa had to pay for this success by providing US\$17 million to fund the elections⁵ (which were also funded by France, Japan, and Norway) (Louw-Vaudran, 2018).

The South African intervention was supported by most of the factions. In any case, Ramaphosa/Sisulu were seen as a change from Chissano, who had made too many compromises with too many actors over the years of his mediation. The elections, held on November 7 2018, were closely monitored by external observers, including by a SADC delegation led by Zambian foreign minister Joseph Malanji. They were deemed sufficiently free and fair. Despite, or perhaps because of his incumbency, Rajaonarimampianina got only 7% of the vote, and Rajoelina obtained a convincing victory, with 55% of the vote (thereby providing evidence to those who long thought he was always the power behind the throne.) (Al Jazeera, December 27, 2018). Although the opposition again raised complaints regarding legitimacy, the international observers, including SADC, declared them free and fair and the results were confirmed by the High Constitutional Court (Madagascar News24, 16.01.2019). As further evidence of the consolidation of his power and his ascendancy in the epic struggle with the Ravalomanana camp, Rajoelina's 'movement' fairly decisively won parliamentary elections in May 2019 (Madagascar News24, 27.05.2019). The SADC observer mission pointed out, however, that turnout was meagre at 30 per cent, partly as a result of 'relatively low levels of civic and voter education' and its limited understanding of the mixed electoral model that had been reintroduced. The Ravalomanana camp, however, consistently refuses to accept the legitimacy of their results when they lose, as they increasingly do (Cawthra, 2020).

Analysis and Conclusion: *Mediation in the context of democratisation*

Madagascar is a case study on the difficulties of democratic transition. The mediation cases reviewed above study the problem of competing interests and values of the many actors involved. Few if any countries, especially those with weak institutions and economies, can make a linear progression from authoritarianism and command economies to democratic systems and market economies. Most transitions are characterised by conflict and partial, sometimes lengthy, reversals. Often the outcome is what is sometimes termed ‘electoral democracy’: in such cases, although elections are held, they are often tarnished, and other vital elements of democracy are lacking, weak or corrupted. Democracy thus becomes a kind of shell or carapace, a surface phenomenon beneath which lie hidden the realities of power, often based on a personalised or authoritarian rule, or the legacy of one-party rule, or even dominant liberation movements lacking in real internal democracy. Inevitably, this is a fragile arrangement and at junctures when the inner workings of the system become stressed the shell proves unable to contain the body.

Democracy in Madagascar does not run deep. Outside of the capital and some key centres, the realities of patronage and corruption are easily seen. All of this is exacerbated and caused by a lack of development, weak institutions of state and politics, and poverty. It is hardly surprising: democracy took many centuries to consolidate in Europe and the developed world, and even there it has many different permutations and is in a continuous process of evolution (and not necessarily progressing towards greater democratic freedoms). The democratisation process that began in Madagascar during the great wave that swept Africa following the collapse of Soviet communism is thus in historic terms relatively recent, was built on weak foundations and has been subject to repeated crises.

What does this mean for mediation? First, Madagascar’s dependence on external aid and support makes it relatively open to external interventions.

No government in the island state can survive for very long without external assistance, so any regime will be obliged to seek international legitimacy, thus paving the way for mediators. Second, mediation may secure a political settlement to whatever crisis is in play, but there is no guarantee that the solution found will be enduring. The underlying workings of state and society, which are often hidden from outsiders, will continue to persist and may result in the resurgence of conflict.

For SADC, mediation in Madagascar was initially necessary to avoid a possible contagion of populist unconstitutional change (e.g. If it can happen in Madagascar, why not Swaziland or Zimbabwe?). Additional factors included possible adverse effects on the regional economy (even if the island is weakly integrated into it) and a potential source of a further migrant and refugee burden. However, this has not materialised (and indeed South Africa has recently lifted visa restrictions on *Malagache*). Mediation over Madagascar has been an opportunity for SADC to show its ability to look after its own neighbourhood and eclipse the influence of former great powers that once held sway over Madagascar's international affairs. As Witt has pointed out, in most international mediations and global responses to unconstitutional changes of government, multiple international mediators are now involved, pursuing different interests, and it becomes necessary to seek a convergence of approaches and appoint a lead actor (Witt, 2013). SADC, and South Africa in particular, are increasingly concerned about threats and opportunities in the once-neglected Indian Ocean area of the regional community. The 'Blue Economy' – the resource base of the sea and seabed – is supplemented by opportunities for trade with the mainland, and the minimal inter-island trade opportunities seem to be vastly underexploited. Perhaps the accession of the Comoros to SADC will contribute to the growth of a SADC Indian Ocean sub-region.⁶

While relative stability has been restored to Madagascar, and mediation has played an essential part in this, there is no guarantee that a further crisis most likely revolving around presidential contestation will not take place. Fortunately, Madagascar has avoided collapse or civil war, and the security

institutions have remained intact. There is currently an AU-driven Security Sector Reform (SSR) process underway. The security services have legitimate concerns about governance, and SSR should improve democratic oversight and effectiveness. But it could also be destabilising if the corporate interests of the various security institutions are disproportionately threatened. The military leadership remains unsteady and wary of being used for political purposes. Electoral reform and political capacity building, for example through assistance in building political parties and through education in democracy, will also be necessary. Again, however, external interventions can also be potentially destabilising, in part because in an environment of weak institutions. Relatively small inputs can stir undue influence.⁷ Madagascar is poor, and election campaigns are expensive.

The implications of this are that mediation, like peacekeeping operations, needs to be supported by long-term post-intervention capacity building of a multifaceted nature. Elections will remain a flashpoint. SADC has had a systematic set of guidelines for running elections and has strived to ensure that all SADC countries follow these (SADC, 2015). It now also has some institutional capacity for mediation support in the form of a secretariat function, the Mediation Support Unit and a Mediation Reference Group (which draws, to a very limited extent, on NGO capacities) (SADC, 2019a). But there would seem to be a strong case to be made in support of the policies and modalities developed over the years by the AU (and by extension SADC) for dealing with post-conflict peacebuilding (PCRB) (AU, 2006) to also be applied to post-mediation contexts. Furthermore, SADC should ensure that its mediation experience in Madagascar over the past decades remains curated in its institutional memory and available for future use.

Endnotes:

- 1 The fourth-largest island in the world (after Greenland, Borneo and New Guinea), Madagascar has a population of 23 million. One in four children do not attend school at all. It has the worst access to potable water and sanitation

of any country in the world. It is also subject to repeated environmental crises: floods, droughts and, above all, annual cyclones. It is prone to public health crises, food insecurity and outbreaks of diseases. Environmental degradation caused by illegal logging, illegal fishing and slash-and-burn agriculture is escalating rapidly (Allison, 2015).

- 2 About a year after these events, the author was invited by the Friedrich-Ebert-Stiftung in Madagascar to answer the question to the military and political authorities ‘why should Madagascar remain in SADC?’ It was not an easy meeting. But in practice, the AU increasingly functions on the basis of its sub-regional building-blocks (for diplomatic purposes in particular) and where else could Madagascar go?
- 3 France, as the former coloniser, and India because of its interests in the ocean. In 2019, India set up a new desk in its international affairs department for the Indian Ocean and despatched its first defence attaché to Madagascar. Turkey has been developing an increasing footprint in Africa. This may partly be to counter the efforts of the Gulenist opposition to fund religious and educational institutions and projects in the continent. China also has growing interests, in part seeing the region as a ‘feeder’ for its global Belt and Road Initiative (Sputniknews.com/india/201912171077880010).
- 4 It should also be recalled that for much of the crisis, the Chairperson of the AU was Nkosazana Dlamini-Zuma, presumably ensuring that South Africa remained in the loop of AU interventions.
- 5 In others successful mediation efforts, especially under the Mbeki administration, South Africa found that it had to financially support peacekeeping forces as well.
- 6 Apart from Reunion (Isle de France), the south-west Indian Ocean is now a ‘SADC lake’.
- 7 A case in point is an attempt by Russian funders – it is unclear if the Russian state-supported them – to influence the 2019 elections by supporting a charismatic Christian leader standing for the presidency. But they evaporated when it became obvious he would come nowhere, at least according to a BBC investigative programme (BBC World News, 2019).

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Mediation experiences in the Democratic Republic of the Congo

Lena Mukendi and Kennedy Bindu

Introduction

THE COLLAPSE of the Mobutu regime in 1997 produced a period of insecurity in the Democratic Republic of the Congo (DRC) that persists to the present day. The DRC has witnessed three major wars from 1996-1997, 1998-2002, and in 2012 (Carayannis, 2013; Rotich, 2013). Between 2015 and 2018, it also experienced a political and constitutional crisis when then President Joseph Kabila failed to organise the 2016 general elections on time (Mukendi, 2018). The DRC has significant natural resources that put it in a position to become Africa's strongest economy. However, as this chapter argues, the failure to establish stable post-colonial administrative and economic institutions has impeded its economic and democratic development, as well as failing to develop and maintain stable relations with its neighbours. In addition to these internal causes, regional and international factors have contributed to the conflicts (Kabemba, 2011; Miti, 2012).

Since the regional peace initiatives that culminated in the 1999 Lusaka Ceasefire, the international community has invested in efforts to resolve Congo's conflicts and establish stability. This chapter analyses the international, regional, and local mediation initiatives aimed at ending DRC's long-standing conflicts. Before analysing the mediation processes and the ensuing lessons, the chapter first establishes the historical and political background to these conflicts, dating back to the 1990s. The chapter also examines the DRC's internal governance problems, the role of the United Nations peacekeeping mission, the United Nations Stabilization Mission in the Congo, (MONUSCO), and external dimensions of the conflicts.

Historical and political background

Since its independence in 1960, the DRC has been characterised by political and security instability, which first led to the assassination in 1961 of its prime minister, Patrice Lumumba, and second, the ensuing ethnic conflicts that bred secessionism and rebellions. Some semblance of stability was achieved after Joseph-Désiré Mobutu came into power in a military coup in 1965 (Dlomo, 2010; Bope, 2011; Kabemba, 2011). While Mobutu stabilised the country, he also installed an authoritarian one-party system that was characterised by corruption, self-enrichment, and the mismanagement of public funds. This patronage system inevitably frustrated and impoverished the population. With the onset of the democratisation wave in the early 1990s, Mobutu introduced a multiparty system in April 1990. A national dialogue, the *Conférence Nationale Souveraine (CNS)*, took place in 1991, to discuss the transition to a democratic political system. However, the antagonism between Mobutu and his opponents prevented most of the resolutions of the national dialogue from being adequately implemented (Dlomo, 2010; Bope, 2011). At the same time, with Mobutu reeling under international and internal pressure, the 1994 Rwandan genocide occurred, and its consequences reverberated in the DRC. The massive presence of Hutu refugees in eastern Congo became a source of insecurity.

By September 1996, Laurent-Désiré Kabila, backed by troops from Rwanda, Uganda, and Angola, launched his rebellion against the Mobutu regime and toppled it in May 1997 (Dlomo, 2010; Miti, 2012; Lemarchand, 2012). Bope's (2011) analysis of the Laurent-Désiré Kabila regime shows that the exclusion of political opponents and civil society organisations (CSOs) who had fought the Mobutu regime undermined Kabila's legitimacy. Kabila also ignored the democratisation process that the CNS had launched. Consequently, there was increasing political resentment with the Kabila regime, culminating in a dispute with his former allies, Rwanda, and Uganda. Kabila's demand for the departure of Rwandan and Ugandan troops triggered the 1998-2002 war. In the standoff that followed, neither side could obtain a decisive military victory, thereby forcing the intervention of the international community

that then imposed the Lusaka ceasefire agreement on the warring parties in July 1999 (Weiss & Carayannis, 2004; Spittaels & Hilgert, 2008).

After the assassination of Laurent-Desiré Kabila in January 2001, his son, Joseph Kabila assumed power and committed himself to restoring peace in the DRC. Thus, he led the DRC to the Sun City peace talks that culminated in the December 2002 Pretoria Peace Agreement. This agreement established a transitional government from 2003–2006 led by Kabila and assisted by four vice-presidents: Jean-Pierre Bemba and Azarias Ruberwa, respectively the chiefs of the two major rebellion movements, the *Mouvement de Libération du Congo* (MLC), and the *Rassemblement Congolais pour la Démocratie/Goma* (RCD/Goma); Abdoulaye Yerodia from the then Kinshasa government and Zaidi Ngoma, from the political opposition. After the transition, Kabila won the 2006 and 2011 general elections. He stayed in power until 2018 in violation of the Constitution, which had obliged him to step down at the end of 2016.

From January 2015, CSOs and the political opposition vehemently opposed Kabila's efforts to change the Constitution to allow for a third presidential term. Amidst the political standoff, the executive alleged that the DRC had no funds to hold the 2016 general elections. Subsequently, the executive asked for negotiations with all the key players on a new calendar for the general elections that occurred at the end of 2018. During this constitutional crisis, there was an increase in political violence. By 2016, the armed violence, traditionally concentrated in the eastern Congo, had also spread into the Kasai provinces. This became known as the Kamwina Nsapu rebellion, and it violently opposed the authoritarianism and incapacity of the Kabila regime to stabilise the political and security situation (Nagar & Nganje, 2016; Mukendi, 2018).

Thus, following the 2016 – 2018 controversial electoral process, Felix Tshisekedi, leader of the *Union pour la Démocratie et le Progrès Social* (UDPS), assumed power in January 2019. He entered into a coalition with Kabila's political group known as *Front Commun pour le Congo* (FCC) to form the government. Kabila's FCC largely controls the two legislative branches

at the national level and provincial assemblies. Since coming to power, Tshisekedi has expressed willingness to improve good governance and deal with insecurity in the eastern Congo. To demonstrate this resolve, the DRC's army has, since October 2019, dismantled armed groups in the east (International Crisis Group, 2020).

The campaigns against armed groups in eastern Congo demonstrate that armed violence has never ended, despite the 1999 Lusaka and 2002 Pretoria agreements, as well as efforts to do so by institutions such as the International Conference of the Great Lakes Region (ICGLR). Regional states established the ICGLR in 2004 to help find solutions to the problems in the subregion. Still, the DRC has remained the battlefield of proxy wars involving most of its neighbours--Burundi, Rwanda, and Uganda (United Nations Security Council, 2002). By 2008, for instance, Spittaels and Hilgert (2008) mapped out nearly 70-armed groups operating in the eastern Congo, and by UN estimates, these armed groups have reached 100 by 2020. In addition, following the 2002 Peace Agreement and despite the establishment of the Truth and Reconciliation Commission, there have been neither serious efforts to promote reconciliation through reparation of damages, nor efforts to address the causes of conflicts. For instance, there has been no effort to address the grievances stemming from the issue of citizenship of Congolese Tutsi or the Banyamulenge. Conflicts over access to land and chieftaincies have remained unresolved because the judiciary remains weak (Autesserre, 2008; Davis & Hayner, 2009; Lemarchand, 2012).

Both the international and Congolese actors implemented an unfinished DDR process that resulted in a national army, the *Forces Armées de la République Démocratique du Congo* (FARDC), composed of former fighting forces that did not undergo serious vetting. The formation of the army allowed Rwanda and Uganda to penetrate the military and further weaken it (Edmonds et al., 2009; Carayannis, 2003). Since 2006, there have been various clashes between the national army and its rebel factions supported by Rwanda and Uganda. These clashes were mostly headed by high-ranking Banyamulenge soldiers supported by Rwanda and rebelled against the

FARDC and Kinshasa. The rebels alleged that the central government was not protecting Banyamulenge people enough. By 2008, for instance, Laurent Nkunda and his Banyamulenge followers rebelled against the FARDC, igniting talks in Goma to restore peace. Despite this initiative, by 2009, the Banyamulenge soldiers triggered the Mouvement du 23 Mars (M23) rebellion. The M23 rebellion lasted until 2012 when it was defeated by the FARDC, supported by MONUSCO - under the flag of which a brigade of the Southern African Development Community (SADC) intervention also intervened (Autesserre, 2008; Carayannis, 2009; Carayannis, 2013).

Analysing the problems behind the DRC's conflicts

In her attempt to explain complex new wars in Africa, Carayannis (2003, pp. 233-235) developed the 'network-centred approach', which focuses on the interaction between state and non-state actors to capture Congo's wars. She argues that the war networks combine political, military, and economic factors, which change over time (Carayannis, 2003; see also UNSC, 2002). At the same time, although the DRC has hosted the largest UN peacekeeping and peacebuilding operation, peace continues to elude it.

DRC's state fragility and MONUSCO's weaknesses

Two major recurring problems underpin the DRC's political and security problems: poor governance and illegitimate power. Both the 2003 and 2006 Constitutions addressed these two significant issues by establishing democratic rule and including clear mechanisms for accessing power and managing political institutions. Although the 2002 Peace Agreement contained clear resolutions on political and security reforms, most of these reforms have not been properly implemented, and have thus failed to resolve the underlying governance and security problems (Edmonds et al., 2009; Mukendi, 2018).

Similarly, although the international community and the majority of Congolese do not consider that a crisis of legitimacy of power exists, some opposition leaders and their supporters continue to contest the victory of President Tshisekedi in the 2018 elections with accusations of a lack of transparency in the polls. Until the 2018 elections, the Kabila government did not establish mechanisms for good governance, including free and fair elections. Problems of illegitimate power, armed violence, and socio-economic deprivation have led many observers to characterise the DRC as a failed or collapsed state (Rotberg, 2003; Patrick, 2007; Stewart & Brown, 2010).

The persistence of state fragility after over 15 years of peacebuilding shows that the country has failed to implement governance reforms that could address the root causes of its recurring conflicts (Autesserre, 2008; Davis & Hayner, 2009). Throughout its history, the DRC has often failed to fulfil its functions as a state, resulting in chronic political and security instability (Kabemba, 2011). For instance, it is the DRC's incapacity to organise the mining sector and ensure the fair distribution of its revenues that has led to the proliferation of armed groups (UNSC, 2002). Likewise, the failure of security sector reforms and the DDR processes has contributed to the flourishing of armed groups (ASADHO et al., 2012; Kets & de Vries, 2014). Similarly, the dysfunctional judiciary reinforces the impunity of armed groups.

All these internal problems have been compounded by the inability of MONUSCO to keep peace and protect civilians. The mandate of MONUSCO is to maintain peace and to strengthen the DRC's institutional capacities, especially in the fields of politics and security (Novosellof, 2019). More importantly, since 2010, the UN has transformed MONUSCO from a peacekeeping mission into a stabilisation mission due to the need to strengthen the FARDC's capacities to stabilise the eastern Congo. However, although MONUSCO supported the FARDC to defeat the M23 rebellion, the eastern Congo has remained insecure due to the continued proliferation of armed groups. Civilians in the region continue to suffer at the hands of many rebel groups and have accused MONUSCO of failure to protect them.

Despite its ‘ineffectiveness’ in the eyes of most Congolese, MONUSCO’s presence has been unavoidable to prevent the DRC from imploding via internal rebellions and being partitioned by its external invaders.

Regional and international dynamics

The DRC’s complex wars have combined internal rebellions and interventions by regional actors, especially during the 1998-2002 war. Moreover, non-state actors in the form of rebels have established intricate networks with states and business groups to pursue the objectives of violent exploitation of resources. These relationships constitute the ‘war networks’, whose political, military and economic factors or alliances have changed over the years and make it difficult to distinguish between local and external dimensions of conflicts (Carayannis 2003; Autesserre, 2008). Some analysts have depicted the proxy wars, in the DRC, as part of the geopolitics in the Great Lakes region. This means that the DRC, as a huge country with immense natural resources and weak governance capacity, has inevitably attracted neighbours who exploit these resources (Khadiagala, 2001). The support to rebel groups by Burundi, Rwanda, and Uganda is, therefore, a way of maintaining large ‘uncontrolled’ zones in the DRC, so that they can access its natural resources (UNSC, 2002).

The other aspect of the regional dynamics influencing conflicts in the DRC is the façade of democracy in the Great Lakes region. Nagar and Nganje (2016), show that countries in the region have not implemented governance reforms as prescribed by the many peace agreements. As a Member of Parliament interviewed in Kinshasa noted, it is difficult for the DRC to democratise when the neighbours have not (Bwana, 2012). The low level of democratisation produces seeds of conflicts that destabilise the whole region. During the 2015-2018 crisis, SADC also failed to impose pressure on Kabila despite South Africa’s democratic credentials. SADC’s stance on this crisis only radically changed when President Ramaphosa assumed power in South Africa. His pressures on Kabila helped pave the way for the alternation in power according to the DRC Constitution.

The demise of the Mobutu government led to fundamental shifts in the role of international actors in the region. The United Kingdom (UK) and the United States (US) shifted their attention from the DRC to Rwanda and Uganda as their major interlocutors in the region. Since the Bill Clinton and Tony Blair administrations, Rwanda and Uganda have received substantive military and development support from the US and UK despite their invasion of the DRC and destabilisation of the region through proxy wars (Eriksen, 2009; Edmonds et al., 2009). France and Belgium also have had a strong influence over the DRC since its independence. In many circumstances, the DRC's fate is decided by Western powers (Miti, 2012).

Mediation processes in the DRC

Mediation during the First Congo War: 1996-1997

The immediate triggers of the war in 1996-1997 stemmed from internal and regional factors. Internally, years of Mobutu's authoritarianism were coming to an end. Throughout his rule, Mobutu had frustrated many political opponents and CSOs who now took advantage of the changing regional context to try to topple him. Most of these opponents and populations therefore backed Laurent-Desiré Kabila's rebellion against the regime. Most critically, the genocide in Rwanda and the massive flow of Hutu refugees into eastern Congo gave the new Tutsi regime in Kigali the excuse to lend support to Kabila's rebel movement against Mobutu. The same goes for the Kampala regime, whose rebel movements, the Lord Resistance Army and the Allied Democratic Forces - National Army for the Liberation of Uganda (ADF-NALU) had been operating from eastern Zaire. Angola, which had long mistrusted the Mobutu government, also supported Kabila's rebellion.

At the height of the conflict, South Africa's President Nelson Mandela emerged as the main mediator, working alongside a joint UN-OAU team led by Algerian diplomat Mohamed Sahnoun. Attending the talks were the rebels, Zairian government officials and President Mobutu. Congolese

CSOs and opposition parties were not involved in the negotiations (Carayannis, 2009). From the outset, there were no clearly defined ground rules for an effective mediation; neither were these rules shared with all the parties. There was very poor organisation of the preliminary phase of the talks; in essence, the mediators did not help the conflicting parties to reach an agreement. In terms of content, the mediators mapped out the parameters of a draft agreement outside the mediation process. The sole purpose of the process compelled Mobutu to step down.

Thus, as Carayannis (2009) noted, the international action to deal with this conflict took the form of weak declaratory UN resolutions on the war, and intense diplomatic efforts to negotiate Mobutu's exit. Mobutu did not anticipate a peaceful solution to the conflict. He rejected any suggestion from the mediators to leave power. Consequently, in May 1997, the rebellion toppled his regime. Kabila assumed power and renamed the country 'the DRC.' The mediation process raised concerns about the contradictions between the mediator's self-interests and the rules of impartiality and neutrality in mediation. In this instance, the mediation was not effective because the mediators' aim was to organise Mobutu's exit (Carayannis, 2009). The mediation also lacked inclusivity.

Mediation during the Second Congo War: 1998-2002

The convergence of many circumstances triggered the second war. Despite the triumph of Kabila over Mobutu, the new regime was not secure, and it remained hostage to its regional sponsors in Rwanda and Uganda. Rwanda, in particular, was concerned that the Kabila government was not doing enough to deal with the Hutu rebels who still lived in eastern Congo and remained a threat to the Kigali regime (Weiss & Carayannis, 2004; Spittaels & Hilgert, 2008). As a result, Rwanda sought to exercise political and military influence in the DRC to protect itself against any potential insurgency in eastern Congo. Together with Uganda, Rwanda also started to establish its economic influence in the region by engaging with international criminal networks involved in illegal trafficking of arms and natural resources of

the DRC (UNSC, 2002; Carayannis, 2003). Rwanda's involvement with segments of the Banyamulenge community fuelled further anti-Tutsi resentment among 'native' Congolese across the DRC.

On the domestic front, despite demands for a multiparty system, the Kabila government excluded political actors and CSOs that had fought the Mobutu regime, and this disregard for the democratisation process triggered fresh political discontent (Bope, 2011; Miti, 2012). The growing authoritarianism combined with the presence of Rwandan troops in the DRC made Kabila increasingly unpopular. To gain legitimacy among the Congolese, Kabila sought to sever ties with his former allies, sparking disputes with Rwanda and Uganda. When Kabila demanded the departure of Rwandese and Ugandan forces in July 1998, Rwandan Tutsi led a rebellion in units of the Congolese army based in the east. Almost simultaneously, Uganda and Rwanda supported two other major rebel movements against Kabila: the MLC led by Jean-Pierre Bemba, and the RCD/Goma, which had a strong Tutsi background (Weiss & Carayannis, 2004). All these rebellions triggered the second war in August 1998.

Subsequently, armies from nine countries battled on Congolese territory. The government obtained support from armies from Angola, Chad, Namibia, Sudan, and Zimbabwe while Burundi, Rwanda, and Uganda backed the RCD/Goma and the MLC. Amidst the military standoff, it took a vigorous international intervention to impose the July 1999 Lusaka ceasefire, which required all belligerents to stop warring and allow for negotiations among Congolese parties. During the Lusaka negotiations, SADC appointed Zambian President Frederick Chiluba as the mediator in September 1998. His mandate was to work alongside EU special envoy Aldo Ajello and US special envoy Howard Wolpe to bring together all the conflicting parties. The key objective of the mediation was the withdrawal of foreign forces from the DRC as a preliminary step toward an inclusive internal process, the Inter-Congolese Dialogue (ICD). Due to considerable external pressure and the military stalemate, the mediation achieved its objectives when the parties signed the Lusaka agreement in July 1999 (Rogier, 2004; Musila,

2014). Although the mediation of the second war was successful in many respects, some criticised it for excluding local militias in eastern Congo such as the Mai Mai fighters (Carayannis, 2009).

By December 1999, the OAU appointed the former President of Botswana Quett Masire as mediator in the ICD peace talks that took place primarily at Sun City in South Africa. A key provision of the Lusaka agreement was the inclusion of all domestic parties to the dispute as equals. The inclusion of political opponents and CSOs was a positive element and contrasted with the mediation of the first war, which excluded them (Ahere & Hellmüller, 2014). The major impediment to the implementation of the provisions of the Lusaka agreement was Kabila's refusal to cooperate with the mediator in launching the peace talks. Kabila never accepted the implementation of the agreement's provision that all parties would enjoy the same status in the ICD talks. Masire also encountered many problems in dealing with Kabila during preparation for the peace negotiations (Carayannis, 2009). It was not until his assassination in January 2001 that the talks started in earnest. As Joseph Kabila assumed power and restarted the talks, some new actors came to support Masire's mediation—South Africa's President Thabo Mbeki and former Senegalese Prime Minister Moustapha Niasse.

Although preliminary negotiations occurred throughout 2001 to lay the groundwork for the talks, the Sun City talks did not begin until February 2002; they brought all the parties to the Lusaka agreement, as well as the Mai Mai fighters. The talks also included several observers from the UN, EU, AU, and SADC to help put pressure on the parties (Rogier, 2004; Bope, 2011). Despite South Africa's relentless efforts, the dialogue faced numerous challenges from the beginning, and the parties failed to achieve even a general agreement. Many observers put partial blame on Masire for the initial failures of the Sun City peace talks. More poignantly, analysts blamed Masire for his lack of adequate understanding of the dynamics and underlying relationships among the parties. This shortcoming was compounded by the fact that Masire did not speak French. These shortfalls prompted the appointment of UN special envoys, Niasse and Haile Menkerios, the latter an Eritrean

diplomat, who played a much more proactive mediation role than Masire (Carayannis, 2009; Carayannis, 2013).

The enhanced mediation of Niasse, Menkerios, and Mbeki was critical in producing the Pretoria agreement in December 2002. In addition to the power-sharing provisions, the parties also agreed to a new constitutional dispensation after the democratic transition. Since the parties were unable to prevail on the battlefield, the Sun City process and Pretoria agreement provided a way out of the stalemate (Zartman & Berman, 1982; Zartman, 1985; Zartman, 1989 – as cited by Mugo, 2016, p.78). The ensuing transitional government took office in June 2003 and organised the first democratic elections in 2006.

Mediation during the Third War: 2009-2012

This war was triggered by many unresolved issues in eastern Congo (Autesserre, 2008; Lemarchand, 2012; Rotich, 2013). The conflict led to a series of mediation attempts that focused primarily on the region. Between 2004 and 2006, Nkunda launched a new movement, the *Congrès National pour la Défense du Peuple* (CNDP), which claimed that the Kinshasa government was not providing protection for the Banyamulenge against potential genocide. The rebellion contributed to mass killings and human rights violations in the region. As a result, CSOs campaigned for an international conference in Goma in January 2008 to restore peace. Since Kabila refused to negotiate with Nkunda, the UN Secretary-General Ban Ki-moon appointed former Nigerian President Olusegun Obasanjo to work with the AU toward reaching a peace deal among the disputants. Obasanjo's efforts resulted in the signing of the March 23, 2009, Peace Agreements between Kinshasa, the CNDP, and the Mai Mai. The key provisions of this agreement were the transformation of the CNDP and other armed groups into political parties; the identification of means to foster the direct participation of elements of the former armed groups into the nation's political life; the establishment of a national reconciliation mechanism; reforms towards good governance; and the proper control of natural resources (Brusset et al., 2011).

Obasanjo's peace efforts did not last long as both the government and CNDP accused each other of bad faith in the implementation of the March 2009 Agreements. Indeed, Obasanjo later stated that the above-mentioned important provisions of the March 23, 2009, Peace Agreements remained unimplemented and that it was a risk for the disputants to return to the fighting. Thus in April 2012, the CNDP, now renamed M23, launched a new rebellion to put pressure on the government to ensure the implementation of the March 23, 2009, Agreement. They demanded: the return of Congolese refugees in neighbouring countries; security sector reforms; and the promotion of former CNDP rebels to high-ranking positions in the police and the FARDC (Tunamsifu, 2017). Subsequently, the M23 movement began a new violent campaign to pressure Kinshasa to respect its commitments.

To manage the new crisis, the ICGLR appointed Uganda's President Yoweri Museveni to launch talks between Kinshasa and the M23 in Kampala. These talks did not make any progress due in large part to Museveni's contentious involvement in eastern Congo. A UN Group of Experts on the DRC released a report in November 2012, which charged that Uganda and Rwanda created and sustained the M23 rebellion (UNSC resolutions 1291 and 1304; Tunamsifu, 2017). Characterised by deep mistrust, the Kampala talks were unable to produce sustainable peace, and further violence in the region ensued. In a dramatic escalation of the conflict, the M23 forces captured the city of Goma in November 2012, causing a major embarrassment to FARDC and MONUSCO. In response, a combined force of FARDC, MONUSCO, and the SADC Force Intervention Brigade defeated the M23 in December 2012 (Rotich, 2013). The AU, UN, SADC, and ICGLR later launched new diplomatic efforts in Addis Ababa, Ethiopia to establish a robust framework for peace and security in the region in April 2013.

Mediation during the 2015-2018 political crisis

This 2015-2018 crisis was a result of the public's discontent with the authoritarianism and poor political and socio-economic performance of

the Kabila regime since the 2006 elections. After he received international legitimacy after winning the 2006 elections, Kabila resorted to strong authoritarian practices by dismantling safeguards put in the 2002 Pretoria Agreement and the 2003 and 2006 Constitutions. During the 2005 referendum, there was consensus that the government would not tamper with some key provisions of the Constitution because this would plunge the DRC back to war (ASADHO et al., 2012; Africa Center for Strategic Studies, 2016). However, Kabila increasingly defied the Constitution, when for instance, in 2009, he demanded the resignation of the National Assembly speaker for questioning the government decision to permit Rwanda to enter the DRC's territory to search for Hutu rebels (Carayannis, 2009; Africa Center for Strategic Studies, 2016). After many failed attempts to remove the two-term limit for the presidency, the regime obtained a ruling from the Constitutional Court in 2015 that allowed Kabila to stay in power beyond 2016 and until the holding of new general elections. This became the rallying cry for Kabila's opponents and CSOs, who embarked on endless protests that the regime was violently repressing citizens (OHCHR, 2015; Sawyer, 2018), further worsening the already deteriorated living conditions of ordinary people. Instead of responding to the protestors' demands, the regime resorted to past practices of corruption, self-enrichment, and mass impoverishment.

At the request of Kinshasa, the AU appointed Edem Kodjo, a former OAU Secretary-General from Togo, to mediate negotiations between the regime and the opposition groups to set up a new electoral agenda. Kodjo's mediation did not result in any significant breakthrough because many political parties and CSOs disapproved of his appointment, which they regarded as Kabila's ploy to hang onto power. Major opposition parties, notably Etienne Tshisekedi's UDPS, boycotted the negotiations that collapsed in October 2016. Following Kodjo's exit, the *Conférence Episcopale Nationale du Congo* (CENCO) offered to mediate the continuing crisis in December 2016. Through this initiative, CENCO obtained the signing of the Saint Sylvestre Accord on December 31 2016. Even though the Accord decided on elections by the end of 2017, they did not take place until December 30 2018, after international and internal

pressure. Overall, the mediation process succeeded because it was inclusive and was a homegrown solution to the crisis. Although Kabila continued to frustrate the implementation of the Accord, SADC under the leadership of President Ramaphosa took a tough line on the issue of elections at a summit in Windhoek in August 2018. Ramaphosa's firm intervention was decisive in paving the way for the elections and Kabila's departure from power.

Lessons and conclusions from the DRC's mediation processes

Most peace agreements in the DRC contributed to the gradual process of creating a legitimate constitutional order. The 2006 Constitution mainly provides for key safeguards to preserve democracy and peace (see Articles 70 and 220). However, the peacebuilding process has remained elusive due to the failure to achieve peace and security. There are several lessons to be learnt from the experiences of peacemaking and mediation in the DRC. The first is that credible implementation mechanisms for agreements are necessary to achieve peace. The continued violence up until today on the ground, reveals that the observations and recommendations by the panel of experts (UNSC, 2002, para. 149-154; 161-168) and Obasanjo's remarks as mentioned above have not been taken seriously. Thus, they have not contributed to peace and stability. With the benefit of hindsight, the international community should have established robust mechanisms for monitoring the implementation of all the peace accords. For the most part, the international community has been naïve to think that rebel movements and countries in the Great Lakes region can willingly implement peace agreements without mechanisms to constrain and hold them to account.

Second, it is important during the negotiations and after to look critically at the role of military actors who tend to negotiate in bad faith and later return to war. The case of Nkunda, for instance, reveals that a disgruntled former combatant of the RCD/Goma, party to the 2002 Pretoria Peace Agreement could later regroup in a new rebel movement. This indicates that the RCD/Goma was not negotiating in good faith.

Third, the DRC being a fragile and post-conflict state, true peace and stability can be sustainably established only if the fragility is dealt with. Notably, the democratisation process must effectively progress; political and security governance reforms - as agreed upon in the peace accords and the 2006 Constitution - have also to be effectively implemented. Serious socio-economic transformations also must be implemented to deal with the populations' impoverishment, which also ignites conflicts.

Fourth, there needs to be more effective approaches to reconciliation among communities in eastern Congo, as most analysts have suggested. Serious reconciliation approaches should include transitional justice mechanisms such as reparation of damages, healing of traumas, and the establishment of a special tribunal to prosecute odious crimes (Bindu, 2017). The international community should cease the double standards of establishing criminal tribunals elsewhere but not in the DRC where serious crimes have been committed over many years. There is no way peace can be restored in the country when crimes committed during the conflicts remain unsettled. It is not sufficient to mediate conflicts and sign accords while ignoring the role of justice (Davis & Hayner, 2009).

Fifth, various UN reports name regional countries such as Burundi, Rwanda, and Uganda as states using the excuse of security threats to continue to illegally exploit natural resources in eastern DRC, which maintains the violence cycles in the region. The international community needs also to deeply address their persistent claims of security threats and eventually censor and sanction these countries, should any wrongdoing be found. Regional mechanisms such as the ICGLR have not done enough to bring peace to the DRC.

Sixth, for the most part, mediation processes in the DRC were conducted without adequate adherence to classical rules of mediation. Internal and external stakeholders' efforts to restore peace and security within the country and that overlooked the pre-talks phase and mediation ground rules, made very limited contributions. Thus, the international community which appoints the mediators and the mediators themselves should ensure

that the mediation rules of neutrality and impartiality of mediators, as well as adequate pre-talks phase organisation, are adhered to and effectively applied – when peace is to be made between the conflicting parties and when the peace talks are to be facilitated.

Otherwise, parties' confidence becomes difficult to build, which inevitably undermines the credibility of the mediation processes. And when the mediation process lacks credibility, no one can expect peace or a serious agreement in the end (i.e. Museveni and Kodjo's mediations; the Mobutu-Kabila conflict mediation; the misunderstanding between Masire and Kabila). Finally, the multiplicity of agendas on the part of international peacebuilders has prevented coherent and coordinated approaches on the DRC (Lemarchand, 2012; Miti, 2012). Ultimately, the DRC's ownership of its peace process remains the key to peace and security.

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Zimbabwe, 1980-2020: Mediation experience with regional and insecurity implications

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Introduction

THIS CHAPTER examines three mediation experiences in Zimbabwe with the first occurring at independence in 1980, arguably continuing throughout its history. Freedom for Zimbabwe was eventually ushered in through mediation between warring parties, brokered by a long-departed colonial power, Britain, on behalf of a recalcitrant white minority and two major liberation political factions, the Zimbabwe African National Union Patriotic Front, (ZANU)-PF, and the Zimbabwe African People's Union (ZAPU). These parties enjoyed the support of Southern African regional states. The initial conflict that witnessed intervention and mediation was triggered by a split electoral result that gave ZANU-PF an absolute majority of the 80 available seats against ZAPU's 20 seats that were significantly concentrated in the Midlands and Western Matabeleland. (Chibuwe, 2004, p. 116-139). In a clear bid to establish dominance, ZANU-PF employed newly acquired state instruments. During the now widely acknowledged Operation Gukurahundi (translated as 'the chaff that comes before the rains'), it effectively dismantled their former liberation allies, causing its leader Joshua Nkomo to self-exile to London in March 1983. Mediation by the Front-Line States (FLS) began in late-1987 and culminated in the December 22, 1987, Peace Accord.

The second conflict event occurred in 2002 at the back of combined civil society and working-class attempts to use the ballot box to defeat the ruling

ZANU-PF in March 2000. The impasse lasted until March 2002. Reacting to this potential homegrown challenge, the ruling party responded with fury, invoking liberation rhetoric and marshalling militia groups and a few select active units organised supported by State intelligence organisations to launch brutal attacks on leading actors and their supporters. This took place within the same period that South African President Thabo Mbeki was in the country on a mediation mission to try persuade President Robert Mugabe and the military to observe the rule of law and constitutional provisions. The mediation that ended with the presidential election of March 2002 was too, one-sided to achieve lasting results.

The third version of conflict mediation analysed in this chapter flows from the SADC-convened Extraordinary Summit on Zimbabwe in Dar es Salaam in 2002, which again bestowed the mandate on Mbeki to mediate the Zimbabwean crisis. The result was no different from the hard line and non-negotiable conditions set by the military and ZANU-PF in January 2002, 'barring anyone, even if they won an election' to become President of Zimbabwe if they did not possess liberation credentials. Subsequently, in November 2017 when the ailing President Robert Mugabe was attempting to remain in power, key party and military officials conspired to remove him and commence a transition process in which the political opposition were mere spectators. However, once the newly installed leaders sought political legitimacy in a national election, the people expressed dissatisfaction resulting in yet another unresolved and disputed electoral outcome. This feature has characterised the country's conflict and political history since 2002.

In assessing the three mediation epochs covering four decades of political crises and the question of electoral legitimacy in Zimbabwe, a clear lesson emerges concerning the troubled democratic transitions of liberation movements in Southern Africa, which is particularly germane to challenges existing in Angola, Tanzania, Namibia and Mozambique. Research on national crises culminating in regional mediation experiences in Southern Africa comes at an opportune moment, in particular regarding the protracted political crisis that has existed in Zimbabwe since independence in 1980

(Sims, 2015, pp. 14, 67, 136-147; Walker, 2013, p. 2; Chibuwe, 2004, pp. 116-139). The armed struggle in Zimbabwe reached the Lancaster House Agreement (LHA) on December 21, 1979. (HMSO, 1980). The agreement was negotiated between the British colonial power, the white-settler minority regime, and the FLS, who represented the Patriotic Front (PF). The PF was comprised of the ZAPU, its military wing the Zimbabwe Peoples' Revolutionary Army, its wartime alliance partner the ZANU, and ZANU's armed wing the Zimbabwe National Liberation army. At that time, the FLS member states were Angola, Botswana, Tanzania, Mozambique and Zambia. The new Constitution that emerged from LHA sought to provide a balanced power-sharing framework between the outgoing white minority regime and the new black majority government by allocating a fixed 20 seats in the new parliament to the minority group, and 80 of the 100 to the African majority. This policy was to be implemented over the next ten years.

While the white minority secured its 20 minority seats in a closed poll run by the ruling Rhodesian Front Party, those available to the PF partners presented a different challenge (Chinyere, 2017, p. 39; Jackson, 2011, pp. 381-395). In the late February to March 1980 African majority election for the 80 seats, ZANU-PF obtained a majority of 57 seats, ZAPU garnered 20, and the minor parties took 3 seats. ZAPU's 20 seats, however, were strategically significant, as they were mainly confined to the Midlands and Matabeleland regions, which revealed widespread ethnic, cultural, and linguistic divisions. Therein lies the bedrock of the protracted political differences in Zimbabwe.

Firstly, these two regions contained a concentration of the historical linguistic differences between the pre-colonial Ndebele and the Shona dialect groups prevalent in the rest of the country. Secondly, the new government sought to win over the population to reduce ZAPU into a second-class party. However, when the same ZAPU dominance of 20 seats in this region was repeated during the August 1980 local government elections, the ruling party's frustration with the Midlands and Matabeleland electorate could not be contained, causing the administration to unleash the armed instruments of the State as part of the destruction of ZAPU's political organisation. Lastly,

there was little to no condemnation of the state-sponsored actions that flared up internal tensions, which allowed the State rhetoric to be believed and thereby justify the repression. Consequently, ZANU-PF had no incentive to submit itself to an internal mediation process since its substantive position was not threatened.

As a magnanimous gesture, Robert Mugabe, the leader of the victorious ZANU-PF, invited ZAPU's Joshua Nkomo to form a coalition government. Furthermore, in the spirit of the LHA, the three previous warring armed wings of the Rhodesian Security Forces (RSF), ZIPRA, and ZANLA agreed to an integration plan that formed a single national army. As we now know, there were inherent challenges in the process of disarmament, demobilisation and rehabilitation (DDR) in Zimbabwe. DDR was riddled with suspicion and mistrust, and there was a clear intention to keep in reserve a component of each force in case the process was reversed. All parties had to survive based on their own capacity to defend themselves individually.

Some ideological idiosyncrasies also separated the philosophies of each group. For instance, ZANU's cadres were aligned with China and therefore favoured a rural-based strategy, while ZAPU's focus on urban communities was informed by Russian Leninist-Marxist thoughts concerning the aspirations of the working class: against these competing views there emerged a capitalist Rhodesian Security Force that espoused narrow Western ideas while attempting to confront communism and other related 'isms'. Therefore, the initiative took place in an environment in which the ruling ZANU-PF was determined to achieve state legitimacy and electoral victory to subdue its longstanding competition, which had arisen from the split between the parties in May 1963.

The FLS and SADC intervened in serious conflicts in Zimbabwe on three distinct occasions: late 1986 to December 1987; January 2000 to March 2002; and, from March 2007 until July 2013. Some of these processes lasted for short periods, while others required longer efforts to manage crises characterised by repressive violence. The coalition government experienced a gradual collapse from late 1980 to early 1982. The initial cause was the dismissal

of ZAPU leader Joshua Nkomo and other ministers from government in late 1980. By March 1983, Nkomo was forced to flee into exile to London (Ndlovu-Gatsheni, 2010, pp. 8, 12). Afterwards, a government inquiry led by Justice Enoch Dumbutshena appeared to discover atrocities committed by State agents, resulting in both the reports being shelved and never released by the State (Peta, 2000; Mafu, 2017, p. 228).

Furthermore, this was followed by the removal and incarceration of senior military officers and former ZIPRA military commanders Lookout Mafela Masuku and Dumiso Dabengwa and more than a dozen other senior commanders before launching the assault on the party's infrastructure and constituencies in the Midlands and Western Matebeleland. (Rupiya, 2004; Mafu, 2017, pp. 227-244). As subsequent evidence was to show, this graduated dismantling of ZAPU before the assault on the civilians followed a clear pattern.

The military deployment was devastating, with 20,000 killed, a large number internally displaced, and thousands more forced to flee into Botswana, Zambia and South Africa (The Legal Resources Foundation, 1989). Alarmed at reports coming out of Zimbabwe, FLS Presidents Eduardo dos Santos of Angola, Sir Seretse Khama of Botswana, Kenneth Kaunda of Zambia and Julius Nyerere of Tanzania, called for an urgent end to the near civil war, the return of Nkomo and reconstitution of the Coalition Government. Following pressure from the FLS, ZANU-PF absorbed ZAPU in December 1987, effectively establishing a one-party State (Mashingaidze, 2019, p. 82; Ndlovu-Gatsheni, 2003, pp. 17-38). This intervention was the first post-independence mediation by regional actors. Most observers have criticised the Coalition Government crafted from this mediation because it amounted to a capitulation by the weakened Nkomo, ZAPU, and ZIPRA (Scarnecchia, 2011; Dombo, 2014, pp. 140-147; Lelyveld (February 18, 1982).

The second mediation process took place between March 2000 and March 2002, when the SADC Chair and former South African President Thabo Mbeki rushed to Harare in January 2002 following political and military threats from opposition groups intending to take up arms again if Mugabe

lost the impending presidential election in March 2002 (Muvingi, 2008, p. 87). Following the brutal beating of political opposition leaders in Harare, SADC hosted an Extraordinary Summit in Dar es Salaam wherein Mbeki was reappointed as the point person to mediate the conflict. Mbeki's reign as the South African President, however, ended abruptly in September 2008 when the African National Congress (ANC) replaced him with Jacob Zuma. The ensuing period saw South Africa's engagement with Zimbabwe continue beyond Zuma's forced resignation from office on February 14 2018, which ushered in the Cyril Ramaphosa administration. This special relationship was continued through the equally violent transition during which ZANU-PF expelled Mugabe and forced him to resign in November 2017. He was succeeded by the country's Vice-President, Emmerson Dambudzo Mnangagwa.

This chapter examines the FLS and SADC interventions, interrogating why the agreements reached did not provide a lasting solution. The very nature of mediation processes often determines their success or failure. This chapter argues that the protracted political crisis in Zimbabwe is a result of perpetual efforts by the ZANU-PF to retain power. In maintaining absolute rule, ZANU-PF relied almost exclusively on the control of a military that always employed violence on the political opposition. Consideration of this central feature is critical for understanding the intervention of the mediators.

Mediation theory and practice

Mediation is a process whereby adversarial parties subject themselves to intervention by a third-party arbiter, particularly when they reach a 'hurting' stalemate. The third-party assists the opposing parties to reach mutually acceptable positions (Karlsson, 2006; Spear & Keller, 1996, p. 3). Furthermore, by agreeing to participate in negotiations, parties do not necessarily concede important areas of contestation; they do not abandon their original objectives, but instead, have to adjust them to progress (Papagianni, 2010, pp. 243; Spear & Keller, 1996, pp. 121-130). There are different types of interventions. In

some cases, the adversaries are merely proxies, and it becomes necessary for the power behind them to set the parameters of the agreement. This was true of the FLS during the LHA process, in which the leaders would reach a consensus with Britain and ask the liberation movements to go along with the stated positions, much to the chagrin of Mugabe (Terris & Maoz, 2005, pp. 563-60; Wall et al., 2001, p. 371).

In the case of the liberation ideology and anti-colonial politics underlying the Zimbabwean stalemate, the major disputants in each of the phases had connections with the international community and former allies, who sometimes acted as interested parties in the resolution of the dispute. During the initial phase, Nkomo, ZAPU and ZIPRA enjoyed support from the then Soviet Union, Angola, Botswana and Zambia, while Mugabe had established support from China, Tanzania and Mozambique. This basic ideological underpinning, informed by Moscow for ZAPU and Beijing for ZANU-PF was manifest in the weaponry, strategy and posture of the two factions. For example, while Mao's ethos has been associated with the peasants, ZAPU's was oriented around igniting revolutionary ideals of the working and urban classes. Furthermore, in the Southern African region, Tanzania was generally associated with China while Mozambique and Angola were Soviet satellites extending influence to Nkomo's ZAPU and ZIPRA forces. During Mbeki's mediation for SADC, his approach evoked perceptions of State and liberation movement solidarity between Mugabe, ZANU-PF and the ANC (Moore, 2010, pp. 752-767). Crescenzi, Kadera, Mitchell, and others point toward an interesting advantage for a biased mediator who, driven by selfish interests, may seek to impose their favoured solution and then seek to compel the weaker part to conform and acquiesce. (Thyne, 2011, p. 109)

Some commentators have argued that Mbeki's role enhanced the credibility of the process, despite critique from Zimbabwe's main political opposition, the Movement for Democratic Change (MDC), its allies including the Congress of South African Trade Unions, and international partners such as the UK (Crescenzi et al., 2011, p. 1069). Mbeki was therefore forced to act in unison with ZANU-PF, who sought to retain power by any means, including

setting aside electoral and other democratic norms, as was candidly admitted to the Sisi Khampepe Inquiry by Minister Patrick Chinamasa (Khampepe & Moseneke, 2002, pp. 7-8, 12). A mediator may also engage disputants with intentions to 'avoid war or escalation of the conflict' in situations where some of the parties are planning to wage even more vigorous action, thereby relying on the military instrument as a solution to the crisis (Crescenzi et al., 2011, p. 1071). In so doing, the mere fact of mediation engagement is designed to serve as sufficient leverage to secure compliance from the negotiating parties. An example was the fast-tracked peace agreement in Angola between the President Eduardo Dos Santo's Movement for the People's Liberation of Angola (MPLA) and Jonas Savimbi's party, Union for the Total Independence of Angola (UNITA), which was mediated by the former colonial power Portugal with the facilitation of Washington and Moscow. The peace agreement was reached in May 1991. At the time, it was evident that as the surviving superpower, the United States was able to offer both incentives to UNITA and threaten more sanctions towards the MPLA, which resulted in both agreeing to sign what became known as the Bicesse or New York Agreement. (Knudsen et al., 2000).

The first mediation experience: 1980 to December 1987

Three questions are central to understanding the internal clashes that occurred in newly independent Zimbabwe in 1980 between the erstwhile liberation PF partnership of Nkomo, ZAPU, and ZIPRA against Mugabe, ZANU-PF, and ZANLA. The first relates to what Mugabe and ZANU-PF sought to achieve in dominating Nkomo, ZAPU and ZIPRA. The second is the methods Mugabe and ZANU-PF used to achieve this domination. The third regards the outcomes of the mediations conducted by the FLS and SADC. Again, some analysts have stressed the ideological differences between the 2, whereby ZAPU drew from Soviet Communism, and Chinese socialism inspired ZANU-PF.

After the signing of the LHA in December 1979, ZANU-PF senior official Enos Nkala, Ndebele, who had a frosty relationship with Nkomo, announced

that the party would contest the elections independent of its unity partners in the PF. This caused consternation in Nkomo's ZAPU and the FLS because, to establish effective control in the countryside, ZANLA had expanded its hold on the 'liberated zones' in preparation for the elections. In the process, clashes occurred between RSF and ZIPRA on the one hand, and ZANLA forces on the other, especially in the Gwanda and Southern Matebeleland regions (Alexander, 1998, pp. 153-154).

Upon the establishment of the new African majority Coalition Government, it became clear that the two former PF partners would embark on a power struggle to settle scores and grievances dating back to the early 1960s. It is important to note that the formation of the PF coalition in 1977 did not emerge from the willingness of the Zimbabwean parties to work together, but rather through pressure from the FLS (Alexander, 1998, p. 154). In the post LHA interim period, both ZIPRA and ZANLA competed to demarcate distinct operational zones in the country, causing eruptions of violent conflicts. These background dynamics influenced FLS attempts to maintain harmony among these groups. The absence of such meant the white minority settler community was able to divide and deal with each separately; a distinctive advantage because when they combined their forces, the groups' field impact became far more formidable.

Furthermore, it was more prudent that the FLS provided war and other material support to the groups as a unified entity rather than to different factions, since the sole objective was to liberate colonial Rhodesia. It was also true that divisions based on ethnicity and languages severely exacerbated an almost primordial ethnic preference against each other that weakened the capacity to mount a serious war effort. As was later evident soon after independence, the divisions resurfaced and had severe foreign policy implications when Mugabe and ZANU-PF refused for several years after the independence of the new State Moscow's request to open an embassy in Zimbabwe's capital Harare, seeking to weaken Nkomo and ZAPU further, a point confirmed by Vladimir Shubin in *The Hot and 'Cold' War The USSR in Southern Africa* 2008.

Mugabe and ZANU-PF secured a majority of 57 seats out of 80 in the March 1980 elections, which was sufficient to run an independent government. Although Nkomo and ZAPU secured only 20 seats, they were significant due to their location in the Midlands and Western Matabeleland regions dominated by the Ndebele speakers. After taking office, Mugabe invited Nkomo into a coalition government and offered him a ceremonial presidency and junior cabinet posts. Nkomo refused the offer and instead eventually became the Home Affairs Minister but without jurisdiction over the police. ZAPU became a junior partner in the government (Sims, 2015, pp. 79-81). There was a similar structure in the integrated army in which former ZIPRA Generals Masuku and Dabengwa became deputies to Solomon Mujuru and Josiah Tungamirai. Five months after the April 1980 Independence, a conflict arose over the local government elections when ZAPU swept the polls in the Midlands and Matabeleland. After ZAPU consolidated its position in these regions, there were accusations that Nkomo and his party were planning to overthrow the new government. This potential political consolidation as the second most significant party in the country was anathema to Mugabe and ZANU-PF since they desired to establish a one-party State.

In the aftermath of the August 1980 local elections, conflict broke out between the Mugabe and Nkomo factions of the coalition government, which forced the first intervention of mediators (Sims, 2015; Munemo, 2016). ZANU-PF became increasingly concerned about the consolidation of power in the Ndebele regions by ZAPU. The mercurial Nkala accused Nkomo of attempting to create an enclave in the new Zimbabwe (Alexander, 1998, p. 154). He suggested that ZANU-PF was going to deploy its party militia, the 20,000 member Zimbabwe Peoples Militia as the 'eyes and ears of the government and the security establishment' in the Midlands and Matabeleland (Ndlovu-Gatsheni 2003, pp. 18-26). Furthermore, in February 1981, there was an assassination attempt on Mugabe that was attributed to ZIPRA officers (Alexander, 1998, p. 101). In October 1981, Mugabe went to North Korea to seek weapons to train a new army new unit that would operate outside the ongoing British military assistance and training team responsible for the integration of the new Zimbabwe National

Army (ZNA). With support from North Korea, Mugabe created two new brigades: a loyal Presidential Guards and the 5th Brigade. The formation of the brigades coincided with the purging of former ZIPRA cadres in the ZNA (Muvingi, 2008, p. 85; Alexander, 2000, p. 181). Subsequently, the government arrested and imprisoned former senior ZIPRA commanders, including Generals Masuku and Dabengwa in March 1982, marking the end of the army's integration (Rupiya, 2004). The commanders unsuccessfully appealed their dismissal and imprisonment and remained in jail until 1986 (Alexander, 1998, p. 156). Tensions worsened further when Nkomo was attacked in his residence in Bulawayo in March 1983.

The new brigades Mugabe created in 1982 contradicted the agreed-upon principle of a balanced army because they were drawn from the former ZANU-ZANLA security branch, which was not part of the integration process. The brigades received training from North Korean instructors, were well equipped, and reported exclusively to Mugabe (Mashingaidze, 2010, pp. 84-86; Jackson, 2011, p. 15; Alexander, 1998, pp. 155-158). These forces were responsible for the atrocities in the Ndebele regions under the auspices of Operation Gukurahundi from 1982 until 1988, in which approximately 20,000 people lost their lives, and thousands more became either internally displaced or fled into exile (Trelford, 2000; Ndlovu 2019; Ndlovu-Gatsheni, 2003, pp. 22-30; Gusha, 2019; Amnesty International, 1997). The convoluted 'success' of the military option by Mugabe therefore, did not endear him to external intervention and mediation. He ostensibly was satisfied with the outcome of the military operation and a weakened political competitor to whom he did not have to make any further concessions.

The FLS Mediation

The FSL mediation did not occur until 1985 when the presidents reacted to persistent alarm bells and critical international voices regarding egregious human rights violations in the country. During the mediation, the Presidents of Tanzania (Nyerere), Botswana (Khama), Mozambique (Machel), and Zambia (Kaunda), collectively played a decisive role in compelling Mugabe

to reach a settlement with Nkomo, who was in exile. The mediation also occurred against the backdrop of the violence meted out to communities in the Midlands and Matabeleland (Trelford, 2000; Hamauswa & Chinyere, n.d.; Mashimbye, 2017, pp. 38-39). During the mediation, ZANU-PF and ZAPU both established negotiating teams.

The negotiators conducted over ten meetings from October 1985 until December 10, 1987, culminating with the signing of a Unity Accord on December 22. The Unity Accord incorporated ZAPU into ZANU-PF, and the brigades implicated in the violence in the Ndebele regions were granted amnesty and re-absorbed in the ZNA (Ndlovu, 2019, pp. iii, 34-55; Dombo, 2014, pp. 137-171; Trelford, 2000). In later years, Mugabe admitted that the treason charges against Nkomo and former ZAPU generals that triggered Operation Gukurahundi were executed during 'a moment of madness' (Mafu, 2017, p. 230; Mashingaidze, 2010, pp.86-88; Trelford, 2000; Amnesty International, 1997; Gusha, 2019). The Gukurahundi issue was never opened for debate despite calls from the public and organisations such as Amnesty International. (Crescenzi & Thyne, 1997).

The second mediation experience: January 2000 to March 2002

The electoral events in Zimbabwe, including Mugabe's and ZANU-PF's reaction to them, set the tone of the mediation process in the phases leading up to 2000. The arena for contestation had moved to the electoral processes, beginning with the February 2000 referendum, then followed by the June National Assembly poll, and finally, the March 2002 presidential election (Dorman, 2005). The second mediation occurred during the intense political contestation in which Mugabe and the ruling party sought to institute changes to the Constitution to consolidate power and launch land reforms, which were fundamental grievances of the liberation war. The LHA had placed a 10-year moratorium on land reforms as the precondition towards independence. Furthermore, during the 1990s, the FLS had appealed to Mugabe to hold back on land reforms because the negotiations for South Africa's independence following the release of Nelson Mandela from prison

in February 1990 had reached a critical stage (Adelmann, 2004, pp. 251-253). This context is important as it later influenced Mbeki's mediation and his preference for Mugabe and ZANU-PF.

In the February referendum, the government's preferred position of a 'Yes' vote was narrowly defeated by a 'No' vote with 58%. This first electoral loss for ZANU-PF shattered its reputation as the party that led the liberation struggle. Three months later in June 2000, ZANU-PF lost its parliamentary majority by five seats to the newly established MDC, which secured 57 seats. These new trends heralded the first massive electoral desertion of ZANU-PF since independence (Muvingi, 2008, p. 81). After the 2000 referendum and legislative setbacks, Mugabe reacted with anger; he abandoned the free and fair electoral platform and encouraged war veterans and party militia to visit violence on the opposition in a new 'liberation' war (Khampepe & Moseneke, 2002, pp. 3, 5, 7-8, 12; Mhandara & Poore, 2013). As Mugabe acknowledged: '[T]hey (war veterans) are demonstrating their greatest disappointment that there was this "No" vote which negated the clause in the Constitution that was going to give the government power to acquire land without hindrance' (Pottie, 2001, p. 65).

The MDC and its allies were labelled proxies of the Western regime change agenda against the liberation movements throughout SADC (Pottie, 2001, p. 65). Confronted with the possibility of further defeat in the upcoming March 2002 presidential elections, Mugabe opened the door for violent military participation in politics while effectively dismantling the independence of the electoral process. Thousands of brutalised citizens simply voted with their feet and fled to neighbouring countries (Crush & Tevera, 2010, pp. 1-51, 112-133). On January 9 2002, with support from the security services, the Chief of Defence Staff Lieutenant General Vitalis Zvinavashe announced that the only person eligible for the presidency would be 'one with liberation war credentials' (Munemo, 2016; Kriger, 2004, pp. 4-6). This statement took the country back into the revolutionary mode, effectively suspending the Constitution, as well as free and fair elections processes. As Muvingi (2008, p. 87) noted:

The army and police made clear that if the masses dared not to like ZANU-PF and Mugabe, the uniformed services would go against the people; and they did. The uniformed services had morphed from custodians of the nation's security to being guardians of ZANU-PF's liberation entitlement.

While the world watched in shock, SADC reacted. Then SADC Chairman President Joaquim Chissano and President Mbeki rushed to Harare to restrain Mugabe and persuade the military to desist from the unconstitutional position adopted. Chissano was forthright; publicly condemning the military position as violating SADC principles and demanding Mugabe curtail the expanding role of the military in politics, in which 'violence had become the tool of choice' (Musingi, 2008, p. 80). Mbeki appeared to want to work with Mugabe, the military and the electoral commission to salvage the situation. (Mail & Guardian, 2014).

Mbeki then established three high-level groups: a Judicial Commission of Inquiry led by South African High Court Justices Sisi Khampepe and Dikgang Moseneke; a 50-person Electoral Observer Mission whose dual purpose was to reassert the constitutional provisions for a free and fair election and to assist and strengthen State institutions with emphasis on the Zimbabwe Election Commission to deliver on its mandate; and, a panel of senior South African National Defence Forces Generals to directly engage with their Zimbabwean military counterparts (Adelmann, 2004, pp. 249-260). Despite SADC's intervention, Mugabe and the military were unwilling to change course.

With the enactment of the highly controversial Public Order and Security Act (POSA), the electoral playing field was tilted toward the government. As the report of the South African Judiciary Observer Mission and the South African Observer Mission noted:

In practice, in the conduct of campaigns, political parties experienced different treatment from the law enforcement agencies and Zimbabwe Republic Police, relying on a newly established POSA that required four days' notice by political parties before conducting

a rally. To this end, the report noted that 79 MDC events had been banned while not interfering with ZANU-PF events... Finally, two weeks before the scheduled 9-10 March election, the leading opposition leader, Morgan Tsvangirai, was arrested on charges of treason. Released, he later campaigned under a cloud of an impending High Court appearance. Furthermore, three days into the poll, the party's Secretary-General, Professor Welshman Ncube, was also arrested and later bailed for participating in a plot to kill the President. (Government of South Africa, 2002, pp. 7-8, 12)

The March 2002 presidential election was massively rigged and established the pattern of electoral disputes (Government of South Africa, 2002, p. 26). The report by the South African justices aptly noted the March 2002 presidential election 'could not be considered free and fair' (Government of South Africa, 2002, para. 99: 25). Significantly, unlike Chissano, who publicly rebuked Mugabe and the military, Mbeki refused to release this report. It was only after ten years of intense court action by media and civil society groups that the South African government released it. Furthermore, when an uncompromising Mugabe announced the results, SADC and South Africa simply fell into line, offering diplomatic recognition to the process (Adelmann, 2004, pp. 249-276; Dorman, 2005). Muvingi (2008, p. 77) and Tshuma (2020) argue that ZANU-PF was able to maintain a monopoly on political power under the facade of democratic governance due to the confluence between the hegemonic interplay of consensual and forceful power with the ethos of liberation entitlement.

The third mediation experience: March 2007 – July 2013

The final mediation experience was initiated by a SADC Extraordinary summit decision in March 2007 in Dar es Salaam, and it again mandated President Mbeki to find a negotiated settlement in Zimbabwe. This coincided with a period of publicised escalation of violence on opposition supporters. For instance, the May 2005 Operation Murambatsvina ('Remove the Filth') launched by the military to remove illegal settlements in urban areas elicited

significant international outcry and the appointment of a UN humanitarian investigation (Muvingi, 2008, pp. 82-87; Scarnecchia, 2012; Rupiya, 2005). In response to the violence, SADC sought to use Mbeki's mediation to straddle the thin line between persuading Mugabe to tone down his violence against the opposition without seeming to push for regime change.

Even as the parties were in the early phase of the negotiations, Mugabe unilaterally called for an early election in March 2008; a violation of the latter and spirit of the mediation process. Mbeki was unable to dissuade Mugabe and on March 29 Zimbabweans went into elections that produced shocking results. For the first time since independence, Mugabe and ZANU-PF lost the election to the opposition MDC, which took control of the National Assembly (International Crisis Group, 2008). Upon this loss, the Election Commission refused to announce the result for nearly five weeks. When it eventually did, it also announced the date of a presidential rerun. Citing increasing civilian casualties amongst its supporters, the opposition decided to boycott the rerun of the presidential elections.

Although SADC was deeply divided about the course of events, it authorised the continuation of Mbeki's mediation based on the March 2007 SADC Extraordinary Mandate (Potts, 2006, pp. 273-80). Part of the explanation to this decision resides in understanding SADC from a historical perspective as well as the positions taken by Pan-Africanist leaders. They established the OAU Liberation Committee that then designated Tanzania and Zambia as continental leaders in Southern Africa. At the time, leaders from Botswana and Lesotho also became part of the then FLS, while President Kamuzu Banda of Malawi went against the trend, having chosen to collaborate with white-settler ruled Rhodesia and apartheid South Africa, as well as governors in the Portuguese colonies of Angola and Portuguese East Africa, now Mozambique. Once independence was secured in 1975 from the Portuguese, for example in Angola and Mozambique, these states became immediate members of the FLS, as did Zimbabwe after 1980 and Namibia in 1991.

The FLS transitioned into present-day SADC in 1992. With SADC membership covering the whole region, those with FLS background retained, almost by default, a special relationship as well as unstated confidence with each other in the areas of diplomacy, security and conflict resolution, especially when confronted by neo-colonial residual forces. As a result, any mediation in a regional conflict, for example in Mozambique or Angola, would not countenance representation from Malawi. When states are in crisis in Southern Africa, history and previous relationships with liberation movements matter more than contemporary dynamics and actors. For this reason, the long association of the ANC and Mbeki to Zimbabwe's liberation movements placed him in an advantageous position as an accepted mediator (Machakanja, 2010, pp. 1-22).

Analysis of the Mbeki –led mediation

Mbeki first met with Mugabe and a splinter faction of the MDC under Arthur Mutambara, Welshman Ncube, and Priscilla Misiharabwi-Mushonga on July 5 2008. The leading opposition MDC, led by Morgan Tsvangirai declined to participate, reiterating its refusal to recognise Mugabe as the legitimately elected leader following the elections (Mhandara & Poole 2013). The MDC preferred talks led by an African Union mediator because they had lost confidence in Mbeki. Five days later, however, under pressure from SADC, the MDC grudgingly re-joined the talks (du Toit et al., 2016, pp. 130-32). During the negotiations, Mbeki straddled a complex position: he had a close relationship with Mugabe, an antagonistic and dismissive relationship with Tsvangirai, and a condescending engagement with Mutambara and Ncube. By dissecting these relationships associated with the mediator, we see how Mbeki openly confronted the former colonial power Britain, who had taken it upon itself to throw its weight behind the opposition MDC, and also engaged Mugabe to find some common ground to move the process forward. This eventually led to a tendency to orient the mediation in a way that reasserted post-colonial independence, whose vanguard was the liberation movements, as opposed to a focus on the realities on the ground. In

tow would be the minor parties led by Ncube and Mutambara whose impact and influence remained peripheral. The ongoing and protracted crisis in Zimbabwe that has remained impervious to mediation is therefore partly due to the mediator's failure to adequately address the shortcomings and excesses of the ruling party, which left the ordinary citizens' and workers' positions perilous in terms of personal security, livelihoods and available democratic spaces within the constitutional and electoral systems. This contradictory posture characterised the mediation until the signing of the Agreement on September 11 2008 (Mhandara, 2018; Chinyere, n.d., p. 34; Harold-Barry, 2004). The MDC later acknowledged that during the negotiations, it was put in the tough position of either negotiating or supporting an outright military coup (Walker, 2013; Mail & Guardian, 2014). The mediation produced the first Government of National Unity (GNU) in which Mugabe remained as President, Tsvangirai as Prime Minister, and Mutambara as Deputy Prime Minister from February 2009 until July 2013 (Harold-Barry, 2004). Mbeki's mediation was overtly tilted in favour of the Mugabe government, and he received criticism for this from both the opposition and the international community.

Due to the absence of pressure from the mediator and SADC over the Agreement, Mugabe proceeded to ignore the substantive power-sharing pillars of the GNU. He consistently refused to appoint partner governors in the provinces and other important government positions. Without censure from SADC, Mugabe further created parallel and marginal 'departments' in which the MDC factions could not exercise real power. Mbeki's ouster by the ANC in September 2008, also complicated the implementation of the agreement. Even though he remained President for an additional year, Mbeki was no longer able to perform his mediation role. The departure of Mbeki 'orphaned' the implementation of the GNU Agreement and marked the redirection of South Africa's foreign policy (Machakanja, 2010, pp. 1-22; Sidiropoulos, 2008, pp. 107-8; Mhandara & Pooe, 2013). Continued reluctance to implement the key provisions of the GNU over the agreed-upon 5 years enabled Mugabe and ZANU-PF to secure 60% of the vote in the July 2013 elections, thus ending the GNU and recreating the monolithic

administration of the previous years. This demonstrated that Mugabe and ZANU-PF entered the negotiations with a singular objective: to avoid negotiating itself out of power by seeking breathing space before reasserting the status quo (Moore, 2010).

Zimbabwe's continuous conflicts and imperviousness to SADC mediation

In the aftermath of the July 2013 elections that rejuvenated ZANU-PF, Mugabe had significantly aged, and his power was beginning to slip within the party. His departure followed a violent factional conflict within ZANU-PF in which the military played a central role. On November 21 2017, he gave up power and retired, only to die a year later. His successor, former Vice-President Mnangagwa, organised elections in July 2018 to consolidate and establish legitimacy. However, even as the transition was being managed within ZANU-PF, there were continued political protests. On August 1, following the July 2018 elections, units of the armed forces opened fire on protestors who were calling for the early release of results (Gramer & O'Donnell, 2019; Mungwari, 2019). A subsequent Commission of Inquiry headed by former South African President, Kgalema Motlanthe found that:

6 people died as a result of gunshot wounds, and according to the evidence from the 2 major hospitals, 23 people were injured as a result of gunshots and one person of assault...the use of live ammunition directed at people especially when they were fleeing (shot in the back) was clearly unjustified and disproportionate...as the use of sjamboks, batons, and rifle butts to assault members of the public indiscriminately was also disproportionate. (Samaita, 2018; Mungwari, 2019)

Two UN reports drawing from country assessments in 2019 captured the continued deterioration of the situation. The first, from a Human Rights Commission Rapporteur, noted that:

[T]here is serious deterioration of political, economic and social environment since August 2018, resulting in fear, frustration, and anxiety among a large number of Zimbabweans...I strongly believe (however) that Zimbabweans are peaceful, loving people... government should capitalise on this value and facilitate an unfettered exercise of democratic fundamental freedoms... (OHCHR, 2019)

The second, from a UN Rights to Food Expert, called for an urgent mediation intervention in the unfolding humanitarian crisis:

[T]he ‘crisis in Zimbabwe is man-made’ reflected in the deeply polarised and militarised politics, high unemployment averaging nearly 90%, brazen corruption and dizzying hyperinflation impoverishing 2.2 million urban and 5.5 million rural people who now urgently require food aid...calling for mediation intervention... before this spirals and morphs into a full-blown conflict. (Elve, 2019)

Based on the documentation of the crisis elements of events in Zimbabwe, the European Union delegation and other Western Embassies have been able to formally express their official concern on the situation in Zimbabwe while calling for effective mediation to take place (Dzirutwe, 2019). Despite external pressure, internal actors have continued to prevaricate (Tamborinyoka, 2019). Against that background, intervention and mediation on an otherwise deteriorating situation are unlikely to occur unless SADC, the AU or UN takes up the initiative to bring opposing parties to the negotiating table. Post the November 2017 transition and the subsequent disputed election, former senior military officers now in the echelons of the ruling party and cabinet have shown a particular reluctance to engage with opposition political parties and civil society groups, who are perceived as fronts of external enemies and not necessarily pursuing local national grievances (Tamborinyoka, 2019). This is unfortunate and is likely to take the country further into political polarisation and economic malaise.

Meanwhile, the government has argued that the situation has normalised, despite continued international and local voices calling for transitional justice, restitution, and national dialogue. To this end, it is instructive that

the State has conceded by creating a domestic National Healing and Peace Building Commission made up of 18 parties to the Political Actors Dialogue (POLAD) in an attempt to address the continuing crisis. What is missing from this group, however, is the main political opposition, the MDC alliance, as well as the umbrella trade union movement of the ZCTU. The behaviour of the Zimbabwean State when confronted with an opportunity for mediation appears to avoid substantive engagement and therefore, merely buys time and denies the process credibility. The initial FLS mediation from the mid-1980s was but a grudging engagement with a militarily defeated ZAPU-ZIPRA and exiled Nkomo whose outcome has been accused of ‘swallowing ZAPU’ into ZANU-PF. The same is true as confirmed by Mbeki’s Judiciary team’s report to Zimbabwe. Its purpose, objective, and outcome acknowledged the crisis but was it not organised to address the conflict’s fundamental factors.

In practice, Mbeki during the March 2002 intervention focused on lowering the extent of the violence by Mugabe and ZANU-PF so that this would not continue to draw international attention; the process admits not to have engaged the victims or opposition forces and other stakeholders such as civil society groups, organised workers and churches. Furthermore, state-sponsored violence violated the Constitution alongside human rights abuses that were simply ignored (Tshuma, 2020). Notwithstanding, SADC deployed Mbeki to Zimbabwe for the second time. There appeared to be no process to introspect as to why the first mediation intervention initially failed.

Conclusion and recommendations

This chapter makes three recommendations considering the present government’s efforts to seek political legitimacy and its unwillingness to negotiate themselves out of office. The first is that SADC and South Africa should acknowledge that an entrenched militarised former liberation movement, which is not prepared to relinquish

power, governs Zimbabwe. This has disenfranchised the citizenry and lies at the bottom of the political, socio-economic, and security crises. Second, there is no possibility of a transformational mediation without the involvement of the UN and other peace guarantors. In the previous mediation exercises, the interveners approached the crisis with predetermined outcomes and were not interested in an even-handed process that could challenge ZANU-PF and the military. Third, the continuation of academic research to inform policymakers regarding the diverse contexts, histories, and underlying dynamics of Southern African conflicts is vital to successful future outcomes and should include research on mediation as a conflict prevention and resolution mechanism, with particular focus on Zimbabwe.

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International and Local Mediation in Mozambique's Intermittent Civil Conflict, 2013-2017

Énio Viegas Filipe Chingotwane

Introduction

IN 1992, after a long 16-year war, Mozambique reached a peace agreement between the Mozambican government led by the Frente de Libertação de Moçambique (FRELIMO) and Resistência Nacional Moçambicana (RENAMO). The international community considered the General Peace Agreement (GPA) a success. This ignored the fact that the accord in itself could not guarantee stable and durable peace. It was hindered by periods of instability and threats of resumed violence, mainly following elections. FRELIMO's dominance has prevailed from the country's first election in 1994 to date, despite strong contestation from RENAMO. As an opposition party, it struggled to make inroads and challenged all elections results by arguing they had been rigged. To pressure the government, RENAMO resorted to threats of war; while these threats caused some alarm in Mozambique, then-President Chissano adopted a diplomatic approach in dealing with RENAMO based on constant dialogue with its leader Alfonso Dhlakama.

The situation changed after President Guebuza came into power in 2004 when he subsequently abandoned the dialogue approach and refused to make concessions to RENAMO. Following the 2009 general elections that Guebuza won by a considerable margin, RENAMO rejected the results and again threatened to wage war. On this occasion, the Guebuza-led government refused to appease Dhlakama. The situation deteriorated further

when RENAMO gathered guerrilla members in its former bases in Sofala and Zambézia and challenged the state's authority, denigrating the police and the armed forces. The initial government response proved ineffective as it provoked retaliation from RENAMO. This created a three-year standoff between the party and government. When the police raided RENAMO's headquarters in Nampula in 2013, RENAMO attacked a police station in retaliation, and the situation rapidly escalated into a low-level war, including attacks on civilians.

Armed forces decided to hunt Dhlakama down, eventually surrounding him in his stronghold, Gorongosa, in Sofala province. RENAMO was once again at war with the Mozambican government. It was only in September 2014 that Guebuza and Dhlakama decided to negotiate amidst growing internal pressure to do so, given the country's overall rising insecurity. An agreement was signed in the same month, although it was more of a truce to pave the way for elections to be held in October later that year. A lack of trust and political will, the growing enmity between FRELIMO and RENAMO, and RENAMO's inflexibility and government leadership meant that negotiations could only be successful with third-party involvement. National and international mediators were therefore invited to the negotiation process. This chapter analyses the outcome of the negotiations that took place from 2013 to 2017.

Mediation in practice

Bercovitch (1992, p. 7) defines mediation as:

...a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organisation, a group, or a state) to change their perceptions or behaviour, and to do so without force or invoking the authority of the law.

According to Oran Young (1967, p. 34), mediation is ‘any action taken by an actor that is not a direct party to the crisis, that is designed to reduce or remove one or more of the problems of the bargaining relationship, and therefore to facilitate the termination of the crisis itself’ (Bercovitch & Jackson, 2009, pp. 33-34). Therefore, mediation is third-party assistance intended to reduce or remove whatever makes the negotiation process unproductive, ensuring that the negotiation is sustained.

A key aspect of mediation is the parties must agree to the effort. A mediator is typically called to facilitate and assist the parties in reaching an agreement: the mediator, therefore, only has power to persuade the parties to conduct friendly negotiations by facilitating those negotiations and encouraging parties to communicate. However, once a mediation process is accepted, the parties to the conflict must empower the mediators with some level of authority and recognise its legitimacy. A mediator cannot be imposed on the parties because they would refuse cooperate and comply with decisions made within such a process. In order for mediators to help parties find common ground, the parties must equally desire such an outcome, and parties must also be free to terminate the mediation process.

The handling of a mediation process requires a mastery of many skills and qualities, such as negotiation techniques, presentation of alternatives, prior experience in mediation, impartiality, neutrality, and discretion. According to Bercovitch and Jackson (2009, p. 34), success and failure in mediation depend on the nature of the parties involved in the dispute, the context of the conflict, the issues at stake, and their interaction. At the same time, they postulate that ‘what mediators can do in their efforts to resolve a conflict may depend, to some extent, on who they are and what resources and competencies they can bring to bear’. Although the mediator has no coercive capacity to force the parties to accept proposals, the mediator must influence them.

Complicated negotiations with RENAMO, 2013-2014

RENAMO's demands began with questions related to the 2009 election results; they demanded a recount of the votes and the invalidation of the elections results arguing that they were fraudulent. RENAMO's specific allegations included: ballot box stuffing, cases of intimidation and arrest of RENAMO voters by the police; the late opening of many polling stations, arrests of RENAMO candidates, failures in the registration process and the registration books, errors in the counting processed by Comissão Nacional de Eleições (CNE), irregularities during the counting process and postponements in the disclosure of results, excessive blank and invalid votes, a lack of transparency in the provincial and national tabulation process, problems with the tabulation software, and various problems with the computer systems, including lack of security resulting in fictitious voters being introduced into the computer database. RENAMO's demands intensified in the following years when it introduced new issues such as electoral reforms, the integration of its forces into the national army, increased representation in the institutions of the state, addressing allegations of state corruption, the depoliticisation of state institutions, and the equitable sharing of national resources (Vhumbunu, 2017, p. 28). Regarding integrating its forces into the national army, RENAMO demanded the reintegration of 32 of its generals who had been demobilised in 2005 following a restructuring process in the armed forces. Those generals were integrated into the FADM (Forças Armadas de Defesa de Moçambique) in 1992 in compliance with the GPA.

In October 2012, Dhlakama threatened to prevent both the 2013 municipal elections and the 2014 general elections from taking place if FRELIMO did not accept a review of the electoral package. Following his threats, Dhlakama installed a military base in the Gorongosa region and began training former veterans while demanding the formation of a government of national unity. In response, the government invited Dhlakama to create a commission to meet with them. On November 17, 2012, RENAMO announced a commission to negotiate with the government composed of Manuel Zeca Bissopo, Meque Brás, António Eduardo Namburete, and

Abdul Magid Nordine Ibraimo. On November 22, 2012, the government-appointed its commission composed of José Pacheco, Abdurremane Lino de Almeida and Gabriel Muthisse to meet with RENAMO's representatives. The negotiations started in December 2012 and concerned four issues: the electoral package, the depoliticisation of the state apparatus, and military and economic matters.

Following two unproductive rounds of negotiations, RENAMO reorganised its guerrilla bases and support, thereby threatening the state and its defence and security forces. The situation worsened in February 2013 when President Guebuza promulgated a new electoral law, paving the way for municipal elections on November 20, 2013, which RENAMO opposed. In response, RENAMO appealed to its party members and sympathisers not to register and essentially boycott the municipal elections (Angop, 2013). RENAMO then declared that it was prepared for war due to the arrogance of the government. In response to RENAMO's threats the government sought compulsory disarmament of RENAMO guerrillas. It was in this context, in April 2013, that the Mozambican government intensified its military presence in Sofala province.

The Sofala Police occupied RENAMO headquarters and detained some of its soldiers. This provoked a violent reaction from RENAMO and they attacked several units of the FDS. A period of confrontation ensued that culminated in the occupation, siege, bombing, and destruction of several RENAMO bases in Sofala. RENAMO responded by thwarting rail and road circulation, attacking civilian and military vehicles on the main roads, ambushing the FDS patrols, and exchanging fire in direct combat with the FDS. The main zones of conflict were the provinces of Sofala, Manica, Zambézia, and, sporadically, in Tete, Nampula, and Inhambane. The confrontation lasted until August 2014, despite efforts to reduce tensions.

The most significant of these efforts occurred in May 2013 when the government and RENAMO resumed direct negotiations that extended for months without achieving a consensus (Angop, 2013). To overcome the deadlock, in October 2013 RENAMO announced the suspension

of negotiations with the government and demanded the participation of national facilitators and international observers. The most significant points of contention were RENAMO's demands for the government to withdraw all military forces positioned near its bases in Muxúngue and completely withdraw its forces from Gorongosa.

Dhlakama again threatened to escalate the war if the government did not meet his demands and asked for international observers. Due to RENAMO's pressure, the government agreed to the possibility of accepting national mediators in the dialogue but rejected the presence of international mediators (Beck, 2016). In February 2014, RENAMO dropped its demand for international mediators and agreed to appoint five national mediators to attend the negotiations. On this occasion, RENAMO announced that it would submit a draft revision of the electoral law to the Parliament.

The success of national mediators and the 2014 Agreement to end hostilities

The team of national mediators comprised prominent figures such as Bishop Dom Dinis Sengulane of the Diocese of Libombos, academic and university rector Lourenço do Rosário, former rector of the Eduardo Mondlane University Father Filipe Couto, Reverend Anastácio Chembeze of the United Methodist Church of Mozambique, and Sheik Saide Abibo, a member of the Muslim community. The mediators first met on February 12, 2014 when the negotiation process was in its 35th round (Arnaça & Manhiça, 2014). After several months of negotiations, the parties finally reached a consensus on the composition and functioning of the CNE and the technical Secretariat for Electoral Administration (STAE). The Mozambican Parliament would later approve the draft law presented by RENAMO. Meanwhile, government troops continued attacking Gorongosa and Sofala provinces with heavy artillery, and RENAMO insurgents kept attacking civil and military targets along the main roads.

Nonetheless, many advances were made in the negotiation process, and after six months, the government and RENAMO finally reached a consensus on all points under discussion. On August 24, 2014 they finally signed a ceasefire in Maputo. The final detail of the agreement for the cessation of military hostilities was not signed until September 5, 2014. The agreement put an end to a military confrontation that had lasted for more than a year (Hanlon, 2016). Therefore, in summary, the final peace agreement was reached after eight months of mediation and more than 60 rounds of inconclusive talks.

Although the agreement was signed in September, many aspects remained unsettled, indicating that the mediation team could not find a more comprehensive and lasting deal. The parties only signed the agreement in September because the elections were scheduled for October and they needed to start their election campaigns. The divergences on the agreement that prevailed were related to the disarmament, demobilisation, and reintegration (DDR) of RENAMO guerrillas and the consequent transfer of RENAMO's 'residual forces' to the army and the police. The agreement proposed establishing the Observation Team for the Cessation of Military Hostilities (EMOCHM) to observe, monitor, and ensure RENAMO's DDR process, which included integrating some of its remaining soldiers into the Mozambican Defence Armed Forces (FADM) and the police. Although EMOCHM integrated 23 international military experts from countries such as Portugal, the United Kingdom, Italy, and Botswana, its effort failed. EMOCHM's disappointing record motivated several countries to abandon the process, and the government was forced to terminate its mandate in June 2015 (VOA, 2015).

In his analysis of the negotiation process, Father Filipe Couto argued it was uncharacteristically prolonged due to the impasses imposed by the parties at the negotiation table; Lourenço do Rosário also highlighted this lack of consensus. Both Father Filipe Couto and Lourenço do Rosário believed the dialogue would have gained more dynamism if extended to other stakeholders. According to Couto, representatives of both the government and RENAMO were to blame for the political impasse (da Silva, 2015).

Nonetheless, the mediation had assured a truce before the 2014 elections. Arguably, what brought about the negotiated peace was not the mediation per se but the pressure of a looming election. As a result, there was a temporary suspension of violence between belligerents, but the conflict between them re-emerged months later (Hanlon, 2016).

New RENAMO demands and complicated negotiations, 2015-2017

RENAMO's new demands came following its defeat in the general elections held in October 2014, in which FRELIMO's Filipe Nyusi, RENAMO's Afonso Dhlakama, and Daviz Simango of the Movimento Democrático de Moçambique competed. Nyusi's victory led Dhlakama to contest the results again. He claimed victory for himself and refused to recognise the electoral results. RENAMO denounced several irregularities (many similar to those it presented after the 2009 elections) and claimed victory in its former strongholds in Sofala, Manica, Zambézia, Nampula, Tete, and Niassa. RENAMO then appealed to the CNE to invalidate the results, but the appeal was rejected. In response, RENAMO demanded new elections and proposed creating a 'management government' to lead the country, but this proposal was also rejected. Dhlakama also argued that RENAMO should at least govern the provinces it had won (Roc, 2014). Despite RENAMO's refusal to accept the electoral results, the interrupted negotiation process resumed in January 2015 in a continued attempt to resolve the points in dispute. The team of negotiators and the mediators remained the same and so old disagreements persisted; RENAMO's DDR and integration in the FDS remained points of contention.

Meanwhile, in March 2015 RENAMO presented a bill to the Parliament regarding provincial autonomy that would allow the party to govern in the six provinces where it had supposedly won. Parliament rejected this proposal (Vines, 2019, p. 16). RENAMO then unilaterally approved the creation of the provincial Autarchies and a Police and Military Organisation to send troops

to counter possible government attacks. Following this decision, RENAMO began to assert its presence by appointing ‘chiefs’ and ‘secretaries’ in the villages, thereby creating a shadow government system. This move alarmed the government sufficiently to start a new military campaign to defeat RENAMO (Pearce, 2016). Military hostilities were renewed and violence spread across central Mozambique. Thus, the negotiations again came to a halt on August 17, 2015.

Although the national mediation team worked hard to bring the parties together, relations between the government and RENAMO continued to deteriorate. In September 2015 Dhlakama escaped from two ambushes and decided to return to Gorongosa. Through the mediation team’s hard work, Dhlakama was persuaded to return to the public sphere. After his reappearance from Gorongosa, the Mozambican police invaded Dhlakama’s house on October 9, 2015, forcefully disarmed his bodyguards and placed him under a form of ‘house arrest’. Dhlakama managed to escape and went back to his stronghold to restart the war (Vines, 2019, pp. 16–17). President Nyusi repeatedly invited Dhlakama to resume dialogue, but he refused to negotiate in the presence of the national mediation team because RENAMO lacked trust in them. On November 9, 2015 RENAMO suggested replacing national mediators with international mediators as a precondition for renewed talks (Jornal Noticias, 2016). According to Vines (2019, p. 17), the continued conflict of 2015–16 was more severe than the 2013–14 insurrection.

Negotiations were blocked for several months until early March 2016, when the government announced a new negotiation team whose mission involved preparing a meeting between Nyusi and Dhlakama. The government-appointed former Security Minister Jacinto Veloso, former Justice Minister Benvinda Levy, and Alves Muteque, an official from the Office of the Presidency. On this occasion, Nyusi asked Dhlakama to propose counterparts to join the government’s Joint Commission (Comissão Mista) to prepare the terms of reference for resuming the dialogue (Sambo, 2016). The issues under negotiation would include RENAMO’s demands for ‘provincial autonomy’ that amounted to

control of six out of eleven Mozambican provinces (Manica, Nampula, Niassa, Sofala, Tete, and Zambézia), the cessation of military hostilities, the restructuring of the Mozambican Defence Forces, the reintegration of RENAMO forces into the national army and their inclusion in senior ranks of the military, the reinsertion of RENAMO forces into society, and a separation between public administration and political parties (Vhumbunu, 2017, p. 28).

In response to the government invitation, Dhlakama decided to nominate André Magibire, Eduardo Namburete, and José Manteigas to integrate the Joint Commission on May 19, 2016. He also insisted on replacing the national mediators with international mediators (Sambo, 20.05.2016). In response to RENAMO's demands, the government relented and agreed to international mediators' participation in the negotiations (Vines, 2019, p. 18). The national mediation team facilitated talks from February 2014 to May 2015 and was scheduled to be replaced by an international mediation team by July 2015. The mediators' overall critique of the process stated that it was slow, protracted, and challenging to reach a consensus since the parties frequently introduced and discussed issues not on the agenda. Conversely, the parties criticised the mediators for alleged laziness, lethargy, and indifference. It is highly probable that both parties used the mediation process to buy time and damage their respective rival's public image.

The failure of international mediation and resumption of hostilities, 2016-2017

It must be emphasised that RENAMO requested international mediators to be included in the negotiations: RENAMO and the government would each invite three eminent persons or institutions to join it. RENAMO requested arbitration by the European Union, the Vatican, and South African President Jacob Zuma. The Vatican appointed its ambassador in Maputo Edgar Pena and the secretary of the Episcopal Conference of Mozambique João Carlos Hatoa Nunes, and the EU appointed Mário Raffaelli and Angelo Romano. The government selected former presidents Ketumile Masire (Botswana),

Jakaya Kikwete (Tanzania), and former British Prime Minister Tony Blair, who appointed his former chief of staff Jonathan Powell. The international mediation team arrived in Mozambique in July 2016 (Hanlon, 2016; Vines, 2019, p. 18) and the negotiations resumed. During this round of talks, the main point of contention was RENAMO's intent to appoint provincial governors in the provinces where it claimed victory.

RENAMO's proposal meant that Mozambique would have to adopt a decentralisation process wherein provincial governors would be elected by a vote rather than appointed by the president. The terms for a ceasefire were another area of contention. Matters were further complicated because the international mediation team could not meet Dhlakama personally to resolve some of these issues. Due to the parties' inflexibility, lack of political will, and the escalation of hostilities, the negotiations proved futile. After their unsuccessful attempts the mediators were resigned to defeat, given that the Joint Commission's delegations were unwilling to make concessions. The deadline to submit the draft legislation on decentralisation was also missed (DW África, 2014). Vines (2019, p. 18) believes that divisions in FRELIMO, particularly hardliners in FRELIMO's politburo and President Nyusi with his cabinet, hindered progress.

Due to the overall lack of progress, President Nyusi proposed a separate and independent group to discuss the decentralisation issue without international mediators' involvement. The work of the international mediation team was then completely suspended in mid-December 2016 without any substantive agreements. Meanwhile, Nyusi resumed talks with Dhlakama directly. They reached a truce on December 27, 2016, and both parties ceased their mutual aggression. Nyusi officially terminated the international mediation in February 2017. Many analysts have flagged the slowness of the process and the lack of progress as reasons the government dismissed international mediators. Some argue that the effort was doomed from the start because although the government was forced to accept participation in the process following RENAMO's resistance, it remained unwilling to collaborate. In this respect, the international mediation team was not in control of the process and was given minimal powers to formulate practical

solutions. International mediation also placed a heavy financial burden on the Mozambican government and some speculate this to be one of the main reasons the government terminated it.

A comparison of local and international mediation processes

Success and failure in mediation depend on several interlocked indicators that are well summarised by Bercovitch and Houston's contingency model (1996, p. 15). The model takes into account three factors, namely: the context of the mediation process (in which they consider the nature of the mediator, the nature of the parties, and the nature of the dispute as essential variables), the process of mediation (in which they highlight the mediation behaviour) and the outcome of the mediation (which can be defined a success, a failure, or something in between). Regarding the context of the mediation and the nature of the mediator, Bercovitch and Houston (1996, p. 25) admitted that the identity and characteristics of a mediator have some effect on the outcome of the process. Personal traits and characteristics can be essential factors in a mediation process. Attributes such as firmness, resolve, toughness, and tenacity were lacking in the national mediation team but were abundant in the international mediation team.

At the same time, the prestige, credibility, and authority that most consider essential when analysing a mediator's characteristics were lacking in the national mediation team but quite visible within the international mediation team. While prestige can be related to status, respect, and legitimacy, authority itself is related to 'whom the mediator represents'. In this sense, mediators linked to the United Nations, African Union, superpowers, or regional powers have some leverage against non-expressive mediators. In this case the international observers were seemingly better positioned to achieve a positive outcome than the national mediators, yet they failed in every aspect while the national team achieved some positive results.

The competence and skill of the mediation teams, as defined by Bercovitch and Houston (1996, p. 26), are important. In some circumstances

a successful mediation process depends on the mediator's ability in combination with extensive practice, experience, and knowledge. To some observers, the national mediation team comprised people with lower skills than those represented in the international team, and thus could not manage and effectively direct the negotiations. Competence and skill frequently determine the mediation process's effectiveness and efficiency. It is often assumed that a more competent and qualified mediator can instil hope of a rapid settlement agreement more effectively than a naive mediator, but reality proved otherwise in this case. Ultimately, it was the 'unskilled' local mediators that made progress toward an agreement and the international team that failed.

Shapira (2016, pp. 168-173) advocates that a mediator's core competencies must include an understanding of the nature of the conflict, the capacity to evaluate the parties' needs, interests, and obstacles to the negotiation process, knowledge of communication, negotiation, and persuasion tactics, and the ability to provide options and solutions. Additionally, they must understand the power dynamics between the parties and how those can be balanced. The foregoing considered, both mediation teams failed to realise that the parties were fighting for the distribution and redistribution of power and the access to resources derived therefrom. Both mediation teams failed to properly analyse the level of conflict regarding its intensity, correlation of forces, and strategic agendas. Both mediation teams were unable to identify and acknowledge big and powerful spoilers within both parties. Consequently, the two mediation teams were outmanoeuvred by intraparty politics, as members from both parties played their cards under the negotiation table with efficacy. Both mediation teams were unable to identify the real prospects for peace. They failed to understand the parties' actual intentions, interests, and capabilities. It has even been argued that the international mediation team was overconfident about the degree to which its influence and skill set could guide the process on its own terms and therefore did not impose the necessary pre-requisites that would have enabled it to advocate for specific solutions. The second criterion, the nature of the parties involved, is instructive when examining the quality of the

negotiation teams and how this affected the mediation process. Discussion abounded concerning the quality of the government and RENAMO's teams. Some analysts noted that both parties chose the toughest of their members to lead their teams with explicit instructions not to back down; both groups contained hardliners and rigid negotiators. One can also assume that personality traits were complicating factors. RENAMO's team, for example, often handled matters irrationally, mainly when they could not agree with proposals presented to them. This can be seen in their resistance to advice, inflexibility to accept mutually beneficial agreements, depreciative attitudes towards well-organised adversaries, and a defensive position borne out of disdain for FRELIMO.

Both teams were composed of people with extremist, radical, and biased views about their counterparts. Some analysts argued that the negotiators, mainly from RENAMO, behaved like marionettes that only replicated whatever they were instructed to say. Others believed that RENAMO representatives did not have the authority to reach an agreement and were thus required continuously to contact their superiors during the negotiations. The political weakness of the negotiators from RENAMO was another obstacle to the negotiation process. They acted and reacted without a clear strategy and understanding of negotiation procedures. Some of their irrational positions can be best understood as attempts to avoid any kind of compromise. The limited experience of negotiation strategies and tactics on RENAMO's part fuelled suspicions about their counterparts' intentions. A lack of preparation and planning before negotiations meant that RENAMO's representatives were continually looking for guidance when facing difficulties. A clear pattern of resistance developed, making it difficult for negotiators to bridge differences between the parties. A skilled negotiator could have made adjustments to their tactics and found ways to compel parties to the negotiating table. This would have depended on the negotiator's quick judgement and a clear notion of the group's interests, priorities, and goals, which were often lacking.

According to Cloke (2001), mediation depends on honesty, openness, and the protagonists' willingness to resolve their conflict. FRELIMO and RENAMO were reluctant participants who were not negotiating in good faith given the high levels of mistrust between them. Trust was at its lowest level during the heated moments of military confrontation, and as such, none could ultimately be truthful. Both parties used evasion tactics hoping that the opponent would back down. The parties did not feel compelled to accept any proposals as they followed a zero-sum, win-lose strategy. Due to its ambiguous tactics, RENAMO kept introducing new items to the negotiation table, and even if an agreement were reached, it would be negated by something else.

The third factor in evaluating the mediation processes concerns the nature of the dispute itself. The main issue of contention between the parties was gaining or retaining power. For FRELIMO, maintaining power meant that the party would not accept conceding to decentralisation and granting RENAMO the possibility to gain some control, even if only at the local level. For RENAMO, gaining power meant never surrendering its weapons as that was the only bargaining tool it had to stay relevant in Mozambican politics. These issues were at best non-negotiable. Within FRELIMO, there was a hard-line group that did not welcome decentralisation and wanted to 'castrate' RENAMO and render it powerless. This group thought it was too early for Mozambique to embark on a decentralisation process as advocated by RENAMO. For all the above reasons, the parties were unwilling or unable to resolve the dispute. Although the mediators provided some alternative ways to solve the disputes, the parties were rigidly attached to their positions and unwilling to accept any losses. International mediators offered creative solutions to the decentralisation issue, the DDR process, and the electoral process, but FRELIMO did not feel comfortable with RENAMO gaining a foothold in some provinces.

A useful way to understand this issue is through Zartman's argument (2009, p. 329) that parties consider a mediated negotiation positively when they

perceive the conditions of ripeness. This condition occurs when the parties feel that they can no longer expect to win the conflict through escalation. Zartman's theory of ripeness is reinforced by Kuperman (2008), who also believes it to be most applicable to protracted conflicts. Many agree that the conflict between RENAMO and the FRELIMO government falls under this category. The fact that the conflict was far away from its mutually hurting stalemate wherein both parties would desire to reach an agreement explains the successive delays in the negotiation process. Unfortunately, the conflict was far from achieving its ripe moment while both parties were confident in maintaining the fight and looking for opportunities to wear down their adversaries' capacities. At this stage of the conflict, mediation proposals demanded skills far beyond those presented by the national mediation team.

For the Mozambican government, fighting against RENAMO was far more advantageous than reaching an agreement with it because the government was in a much better position to weaken Alfonso Dhlakama, whom they had militarily surrounded and was thus vulnerable. In the eyes of FRELIMO, the power balance tipped in favour of government forces. Some sectors of the Armed Forces believed that overtaking Dhlakama was just a 'matter of time'. It was pressure from the whole Mozambican society, civil society organisations, and from external actors that forced the government to the negotiation table despite their initial preference for a military situation. The environment where mediation takes place also has profound effects on its outcome. According to Bercovitch and Houston (1996, p. 29), mediation is well conducted in a neutral environment, free from external pressures and influences of constituents and media. Public outcry had an enormous impact and mounted pressure on both the local and international mediation teams. The level of pressure was such that RENAMO considered public concerns as part of its demands.

Criticisms voiced through electronic and online media encouraged RENAMO to take a hard-line; as it believed that the people were on its side. Civil society groups were also pressuring the government to accept RENAMO's demands. The media was an important factor fuelling the process with information and

public opinion reporting that raised the tensions between RENAMO and the government negotiation teams. By airing public frustrations, anxieties, fears, and hopes, media pressure transformed the mediation process into a contest to win hearts and minds. This became a propaganda game for both parties in which they used the media to demonstrate their 'toughness' to the public in order to show resolve and power. Neither party wanted to lose face because they knew their constituencies were watching the show. What came to be more perverse was the constant appearance of mediators in the press commenting on the process with no restrictions, holding press conferences, or responding to interviews after some sessions. While pressure from a vast range of actors is an important motivation factor for agreements to be signed, it can also be counterproductive. Regarding this aspect, Bergmann (2020, p. 3) believes that most mediation efforts occur in secrecy. Only a small amount of information is publicly available, and Ramirez (2018) believes that third parties must use secrecy to broker settlements.

Some of these challenges can be attributed to the mediation strategy adopted by both mediation teams. Many saw the national mediation team as passive and inclined towards facilitation and not mediation per se. This was problematic. According to Vukovic (2016, p. 25), facilitation is the lowest strategy in mediation. It gives the mediator no powers to act or influence the process. Moore and Woodrow (2010) believe that facilitation is generally used to reach an agreement on low or moderate disagreements among participants. It can also be used in high-conflict situations when there's no goal of reaching agreements. The international mediation team came to play a passive role rather than an active one because it opted to keep the same ineffective format of dialogue used during the first phase of negotiations.

Fisher and Keashly (1991), as quoted by Vukovic (2016, p. 27), argue that the most active mediation strategy is 'mediation with muscle'. According to Fisher and Keashly and quoting Bercovitch et al. (1991), when mediating with muscle, the mediator can affect the substance of the bargaining process by presenting incentives or delivering ultimatums to the disputing sides. Ramirez (2018, p. 122) believes that success can only occur if a powerful

mediator with bombs, sanctions, aid, and credible threats is present to push intransigent parties toward agreement. A mediator must willingly inject powerful incentives that can bring the parties closer to an agreement; in this case, both mediation teams could neither master powerful means nor bring those kinds of incentives to the negotiation table.

Much was expected from the international mediators, yet they could not provide the kind of incentives the parties were waiting for to sign an agreement. Some analysts would later argue that a lack of tangible benefits hampered the attainment of an agreement. The mediators lacked 'authoritative' power to impede the parties from deviating from the main issues, and neither mediation team imposed any kind of consequences to the spoilers of the process. Both mediation teams were locked into communication-facilitation strategies and formulation strategies (Bercovitch, 1992, p. 17). Although both were able to make substantive suggestions and proposals, none could convince the conflicting parties to consider the costs of non-agreement.

The outcome of the mediation processes

Mediation outcomes are almost exclusively measured by the two extremes of success or failure, but there is something else in between. According to Susskind and Cruikshank (1987), cited by Bercovitch (1992, pp. 237-238), mediation outcomes may encompass many aspects, such as parties' satisfaction, effectiveness, efficiency, and stability. Regarding Susskind and Cruikshank's conceptions, it can be concluded that either negotiation process satisfied none of the parties, given that neither reached their primary objective. If we assume that effectiveness is defined by completing activities and achieving goals, and efficiency by doing things optimally, we cannot consider either mediation efforts efficient, since both of them were time-consuming and very expensive. The national mediation process can, however, be labelled effective; after all, it reached an agreement while the international mediation process did not.

Bercovitch and Houston (1996, p. 15) consider four indicators when rating mediation outcomes, namely: the full settlement of the dispute (successful mediation), in which the mediation brings positive difference to the management of conflict, and the subsequent interactions between the parties; partial settlement (or partially success), in which negotiations and dialogue between the parties have been initiated and they reach a partial settlement of the issues; limited success cases in which a ceasefire or a break in hostilities have only been achieved; and unsuccessful mediation (or failure), in which the mediation has had no discernible or reported impact on the dispute or the parties' behaviour. In light of the patterns defined by Bercovitch and Houston, the national mediation process can be termed a limited success because it helped achieve a ceasefire, and hostilities were halted for at least a year. The international mediation process can be deemed partially successful because it allowed the parties to reach a consensus on some issues, although the most critical issues remained unresolved. Some analysts call it a failure given the fact that the parties kept up their military actions, but one cannot ignore the fact that verbal hostilities were lessened during and after the international mediation process.

Stratemeyer (2020) developed some tools to measure mediation success and effectiveness that prove useful. For example, one should examine the time spent on the process, whether an agreement was reached, whether the issues under dispute were clarified by the mediation process even though an agreement was not reached, whether there was a change in parties' conduct and behaviour towards the problem, whether there was a change in the relationship between the parties (reduction in the level of hostilities between them, increased cooperation and transformed power relations), and whether the problem was wholly or partially resolved. These conditions are qualified in Table 1 below.

Table 1: Mediation outcomes in Mozambique intermittent civil conflict, 2013-2017

Criteria	National mediation process	International mediation process
Time spent	Time-consuming	Time-consuming
Agreement reached	Yes	No
Clarification of issues	Yes	Yes
Change in conduct and behaviour towards the problem	No	No
Change in the relationship between the parties	No	No
Relation of competitiveness or cooperation	Yes	No
Power struggle eased	No	No
Build a positive relationship	No	No
Problem resolved	Partially	Partially

Table 1 demonstrates that the national mediation process was more efficient than the international process based on what each accomplished.

Conclusion

Mediation has played a significant role in the management and resolution of conflicts in many African countries. Most of its advocates believe it to be the best conflict management and resolution approach despite its occasional failures. Mozambique has a protracted history with conflict mediation, having witnessed four mediation processes since 1990. The first one was organised and held in Rome, and it contributed to the GPA, signed in October 4, 1992, that genuinely terminated the 16-year civil war between RENAMO and the FRELIMO government. More than 20 years later, in 2013, Mozambique faced a new civil war between the same contenders that signed the GPA. A local mediation process was initiated the same year and was lauded by national and international actors. In one sense, Mozambique showed the world that it had sufficient expertise to deal with its internal conflicts. However, the mediation process was far from smooth, and its outcome can be questioned since it contributed to an agreement but failed to respond to the core issues of contention. As a result of the fragile 2014 agreement, conflict broke out in 2015 under similar conditions. To respond to the new row, national mediators were dismissed, and international mediators were brought into the process. International mediation was seen as a positive step that could bring the parties to an agreement. These high expectations regarding the appointment of people with robust expertise in mediation were dashed primarily due to the parties' unwillingness to resolve their disputes, notwithstanding the mediators' qualities. Ultimately, both the national and international mediation teams were outmanoeuvred by the parties and resulted in poor mediation outcomes.

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The African Union's mediation in the Union of Comoros 1997-2008: A mixed success

Said Abass Ahamed

Introduction

THE COMOROS, an archipelago of four islands between Mozambique and Madagascar, became the sixteenth member state of the Southern African Development Community (SADC) in 2017. This membership has implications for the country's future development and the resolution of internal conflicts, previously managed by the African Union (AU). This chapter reviews the Anjouan separatist crisis in the Union of Comoros, which began in 1997, ending with the signing of the Fomboni agreement on February 17, 2001. The agreement spelt out the reunification modalities of the Comoros. It officially ended divisions associated with geographical demarcations of the country and promoted a new institutional architecture. However, the conflict was slowly renewed between 2001 and 2008, as the various parties failed to implement the peace agreement. The AU subsequently intervened militarily to put an end to a separatist crisis in the island of Anjouan in 2008.

The AU intervention contributed to the partial implementation of the Fomboni agreement. But it experienced many difficulties, the first being the categorical refusal of the Anjouan Government to restore unity, peace, and democracy. The equal forces between the Government of the Union and the Government of Anjouan were equally unwilling to engage in dialogue leading to an impasse. The AU was initially involved in the Comoros as an electoral assistance mission in 2006. After the elections, President Sambi requested

assistance from the AU to help withdraw the ‘putschists’ or separatists. So, the intervention moved from electoral assistance to mediation and finally to military intervention. By removing the head of the separatist group in Anjouan, the AU’s intervention made way for the archipelagos reunification to start afresh.

The Comoros consists of four islands: Mohéli, Mayotte, Anjouan, and Grande Comore. Located in the Indian Ocean between the African continent and Madagascar, north of the Mozambique Channel, this former French colony declared its independence unilaterally in 1975, after a self-determination referendum that France organised in 1974. The lack of agreement between France and the Comorian political elite pushed the latter to proclaim independence and adopt a new name, the Islamic Federal Republic of the Comoros, on July 6, 1975. The Isle of Mayotte remains under French administration, despite AU and UN resolutions that recognise the unity of the Comoros Archipelagos.

Comoros has experienced many internal political crises since independence, most of which were resolved by the political elites. In 1997 the country experienced a combination of economic, social, and political problems that threatened the Federation’s unity. In addition to Anjouan separatism, the island of Mohéli, (the smallest of the Archipelago islands), also threatened to proclaim its independence. The Comoros, therefore, entered a cycle of acute crisis and violence for almost ten years. The AU intervened upon failure of the Comorian parties to solve the disputes. While the AU proclaimed the intervention as a success, the Comoros remains fragile with simmering tensions concerning different separatist claims.

This chapter is structured into three parts. The first is an analysis of overlapping separatist crises and how they constitute unfinished decolonisation. The second discusses the internationalisation of the crisis that began with the arrival of AU as the lead mediator. The third part assesses the outcome of the AU intervention to understand why it did not resolve the problem. The chapter concludes on the point that if Comorians fail to take charge of their affairs and strengthen the bonds of common political membership, external

interventions will perpetually be fruitless. The absence of trust in national political processes to resolve this crisis has remained an impediment to sustainable conflict resolution.

Overlapping crises from unfinished decolonisation and separatism

Late and unfinished decolonisation remains a significant obstacle to political stability in the Comoros. The dynamics and contradictions between France and the Comoros over the contestation of the island of Mayotte provide a crucial backdrop to the crisis's origins and longevity. In many ways, the Comorian crisis can be well understood through the lens of French micro-nationalism highlighted in the Gambia by Ibrahim Sall (2015). French colonialism embarked on a 'civilisation' mission of the natives, including their means of livelihood and their destiny as a future state. The colonial experience in the Comoros Archipelago created intense politicisation of the political elites and the islanders' politicisation. The elites then sought to use the power and position gained from the colonial masters to overthrow the colonist. For many African countries, the borders that they currently have are arbitrary products of colonisation. The Comoros, however, is a unique case because although it consists of four islands (UN Resolution 3385 (XXX), 1975), the newly independent state was comprised of only three because France hived off Mayotte.

Although colonisation accelerated the islands' shared language, culture, religion, and national identity, it failed to consolidate it into an autonomous political unit. Currently, Mayotte's territory is geographically an integral part of the Comoros. But it remains French, politically, legally, and administratively. Mayotte transitioned from a French overseas territory to its current status as a Department of the French Republic, following a referendum in 2009. The Mahorais' desire to remain, French, has been nourished and encouraged by internal and external factors. These have contributed to its exceptionalism or particularism, of which France promotes and encourages.

This debate has created bitter rivalries and divisions in the Comoros. The problem of identity within the islands is, therefore, a response to the legacies of colonialism and its aftermath. An important question that arises is how island identity has been conveyed, internalised and instrumentalised. Related to that are the imperatives for state survival for the Comoros, and how the competing forces of neo-colonialism and nationalism ought to be handled. The Comoros is mainly characterised by state weakness, extreme poverty, and political manipulation; factors that have also impeded the solidification of its national identity.

The crisis that attracted external intervention erupted in January 1997. Civil servants, including teachers, went on strike and demonstrated in Moroni, the capital of Grande Comores), and Mutsamudu in Anjouan to demand the payment of ten months salary arrears. The strikes coalesced into a social movement in March 1997 that was severely repressed by Comorian security forces in Anjouan and, in turn, drove separatism in the island. The repression was primarily thought to have been orchestrated by “the Grand Comoros army”. Some Anjouanese saw it as an abuse of power by the central administration in Moroni. They then rose to demand their independence from what they considered “the regime of the Grande Comores”, but at the same time claiming their attachment to France.

On national Independence Day, July 6, 1997, radical Anjouanese elements burned the Comorian flag. The Comorian Army subsequently killed an individual who first attempted to hoist the French flag. On July 14, 1997, the French national holiday, separatist militants hoisted the French flag and declared their desire to return to French rule. This episode remains a mystery because poor and unemployed people could not find brand new French flags and posters of the then French President without outside assistance) claims that there was a supply network between Mayotte and Anjouan.

On August 3, 1997, the Anjouan people declared the independence of their island and announced the creation of the independent Anjouan State. Abdallah Ibrahim was elected president of the State of Anjouan. The Island of Mohéli followed suit and proclaimed its independence on August 11,

1997. The Mohéliens had already attempted secession in 1991 by hoisting the French flag and appointing their own head of state and prime minister. This, however, did not materialise and they eventually returned to the Comoros in 1998. Anjouan separatists organised a self-determination referendum, which they won by 99.88% on October 26, 1997. The referendum also adopted the Anjouan Constitution; an act that broke formal ties to the Comoros' legal order on February 25, 1998. The political situation was further aggravated by the sudden death of the President of the Islamic Federal Republic of Comoros Mohamed Taki Abdoukarim on November 6, 1998. In February 1999, nine political parties signed a pact that committed them to manage the affairs of the state.

Although these parties sought to unite and appoint a prime minister, the coalition was unmanageable because parties were more interested in narrow group interests than a genuine concern to manage the national crisis collectively. As a result of internal rivalries, Colonel Azali Assoumani overthrew the interim government led by Tadjidine Ben Massoude on April 30, 1999. Colonel Assoumani proclaimed the revision of the constitutional charter on May 6, 1999, after taking power. Countries of the Indian Ocean Commission (IOC) of which the Comoros is a member, refused to recognise the new government because it contravened the Organisation of African Unity (OAU)'s provision against assuming power through military coups. Many of the IOC states also regarded Azali as arrogant and divisive and demanded a return to constitutional legitimacy (Caminade, 2004. Against this background, the Comorian National Army attempted to land on Anjouan with 200 men to reclaim it from September 3-4, 1997. The landing was met with armed resistance from the separatists. Forty soldiers were reported killed during this operation, heightening the crisis, and revealing national actors' incapacity to find an internal solution.

National efforts to find a solution to the separatist crisis were riddled with challenges. The very nature of the situation made any domestic, inter-Comorian dialogue almost impossible. There were two political currents in Anjouan: the Mouvement Populaire Anjouanais (MPM) and the Organization for the Independence of Anjouan (OPIA) in favour of the attachment of

Anjouan to France. Neither of the two forces was prepared to negotiate with the Central power in Moroni or any Comorian party. There was no space for dialogue, and during this time, Taki attempted disembarkation, which was a resounding failure. Following the fiasco, President Taki asked for mediation from France via President Chirac. He asked Senegal and the Ivory Coast to lead this mission. Former Prime Minister of France P Michel Rocard monitored the situation from a distance. He later became instrumental in reassuring Anjouanese separatists on anew format for the Comorian assembly that emphasised equity and inclusivity.

Mediation by the Organization of African Unity (OAU)

Due to the escalating crisis, Mohamed Taki Abdoukarim's government asked the OAU to put an embargo around the island of Anjouan. This embargo was not effective in practice due to the lack of sufficient naval and aerial resources. At the same time, a meeting of the Indian Ocean Commission (IOC) in December 1999 suggested the need to find an international solution to the conflict. At this meeting, French President Jacques Chirac declared that 'the Comoros' internal situation was part of a mission that falls under the auspices of the United Nations and the OAU' (Gazette des Comores, 1999). Following this declaration, France's involvement increased through the mobilisation of the European Union (EU) and the UN efforts to finance the process of political dialogue and post-conflict reconstruction. The French also convinced the Organization of the LaFranchophonie (OIF) to provide judicial expertise in the drafting of the constitution.

At an International Conference organised in Addis Ababa on December 10, 1999, under the OAU's aegis, there was agreement that the OAU should take the lead in mediation and conflict resolution in Comoros. The meeting also established a monitoring committee and adopted the principle of organising an international conference to define a new institutional framework for peace in Comoros. As the OAU became the main mediator of the separatist crisis in Anjouan, its approach was to help the Comorian parties to search for peace without becoming too prescriptive during the talks.

According to Kamal Sindoun, a Comorian journalist who had followed the mediation process, the OAU proposed its former Secretary-general Salim Ahamed Salim as the Comoros mediator. However, for unknown reasons, Salim withdrew and left the task to the Ivorian Ambassador Pierre Yere. South Africa assumed an observer role in the process. The Organization of La Francophonie, the League of Arab States, the UN, and the EU participated in various capacities as observers. To finance the mediation, the OAU drew from a common fund established for resolving the conflict. El Ghassim Wane (2020), former director of the Peace and Security Department, maintains:

[T]he OAU/AU bore the cost of the mediation efforts through the Peace Fund, whose establishment dates from 1993, following the adoption of the Cairo Declaration of June 1992 establishing, within the OAU, a Mechanism for the prevention, management and resolution of conflicts. Expenses related to mediation were not very significant: the team was very small - between 2 to 4 people maximum, and even when the OAU/AU deployed military observers to support the process, it was a limited mission in terms of staff and duration.

The first meeting of the mediation took place on April 23, 1999, in Antananarivo, Madagascar when the OAU mediator convened the Comorian parties. It resulted in the Antananarivo agreements that favoured Anjouan's return to the Comoros under a new constitution under an entity called the 'Union of the Comoros Islands'. In this framework, each island would have full autonomy and the freedom to administer its affairs under the central government's law. The latter had to retain competence in matters of state sovereignty and the management of state symbols. These agreements, which advocated equality between the islands, thwarted the plan for a 'Union of Comorian States', supported by the Anjouan separatists, hence their refusal to sign the agreements. Upon President Taki's death on November 6, 1998, Commissioner for Peace and Security Saïd Djinit deployed a permanent mission to the Comoros to support the mediation process.

The second and most decisive mediation process resulted in the February 17, 2001 'Fomboni Framework Agreement for Reconciliation in the Comoros'

between the government in Moroni, the political forces that supported it in Mohéli and Grande Comores, the authorities in Anjouan, opposition parties, and civil society representatives of the islands. Article 1 of the agreement enjoined the parties to implement the ‘construction of a New Comorian Ensemble which adequately meets the need for power-sharing between all of the islands, to concretise their legitimate aspirations and to freely administer and manage their own affairs and thus promote their socio-economic development.’ Article 2 stipulated the approval by all the parties that the New Comorian Ensemble would be ‘the only subject of international law, based on the respect of national unity, sovereignty and intangibility of the borders of the Comoros as internationally recognised, in accordance with resolution CM/Res.419 (XXV) on the admission of the Comoros to the organisation of African unity, of July 18, 1975, and resolution 3385 (XXX) of November 12 relating to its admission to the United Nations’. Meanwhile, Colonel Abeid, Anjouan’s strongman, was overthrown by a coup d’état carried out by the island’s army and gendarmerie under the orders of Commander Mohamed Bacar. Bacar proclaimed himself as the chief of the authority of the island of Anjouan on August 9, 2001. Abeid unsuccessfully attempted to overthrow Mohamed Bacar on November 2, 2001.

Following the signing of the Fomboni agreement, Comorian parties adopted a draft constitution. It was submitted to a referendum on December 23, 2001, and gained approval by 77%. The Islamic Federal Republic of the Comoros became the Union of the Comoros, with power shared between the Union and the Autonomous Islands’ central government. This arrangement exemplifies Michel Rocard’s principle of granting a great deal of power to the islands and leaving symbolic power to the central state in Moroni. The government of Anjouan has rejected the idea of being subjected to a Union. Likewise, President Azali does not cede the resources that must return to the Islands, leading to political arm-wrestling between the two parties. The fact that parties acted in bad faith, and the desire of President Taki’s successor President Azali to regain the power he lost in the negotiations, has blocked progress towards a lasting resolution. There has been little attempt by the

parties to implement the Fomboni agreement. Each sought to benefit from a document whose interpretation varied depending on whether one was in the islands or the central government.

An institutional solution with incomplete reconciliation

Even though the AU had mediated the conflict and produced a constitutional compromise, the separatists in Anjouan were sceptical of any peace effort that did not meet their demands. They rejected any mediation that could lead to unity mainly because they did not believe the federal government would keep its promises in terms of decentralisation. So, while the mediation contributed to peace through adopting a new Constitution that granted broad autonomy to the islands, the separatists remained unconvinced, producing a fragile peace. New conflicts arose over the power-sharing arrangements in the constitution. With the new constitution requiring a rotating presidency (Constitution of the Comoros, 2001), the function of the president of the Union was performed primarily by Grand Comores, the largest island in terms of population size and financial contribution to the Union. Most of the major institutions are based in Grande Comore. In this context, the Union government had to coexist with that of the autonomous islands. This dualism sparked political rivalries between the authorities of the island and those of the Union.

From May 2002 to December 2003, a conflict emerged that pit the presidents of the Union against the presidents of the autonomous island of Grand Comores. Although the central government was initially based in Grand Comores, under the new constitution, the two presidents of the Grand Comores and the Union were based in Moroni. The central government then lost control of the other two islands, Anjouan and Mohéli because of their remoteness. Failing to exercise its power over Anjouan and Mohéli, Colonel Asali Assoumani assumed the right to infringe on political matters in the autonomous island of Grande Comores. This created tensions between the two presidents on the Grand Comores island.

The Grande Comores also began threatening to secede from the rest of the islands. Its president not only criticised the Union for encroaching on the powers of the Grand Comores, but also accused it of favouritism over Anjouan (*Jeune Afrique l'intelligent*", 2004). This political conflict increasingly took the form of a personal rivalry between the two authorities and their respective clans. The refusal by any of the parties to concede caused paralysis in the Grande Comores administration and made it difficult for international donors to engage with the conflicting parties. The Fomboni agreement had provisions for international technical, logistical, and financial support for the peace process. Still, due to the political disputes, this assistance could not be delivered (Framework Agreement for National Reconciliation, 2001). The jurisdictional conflict between the Union and the island of Grande Comores, both of whom were managed by politicians from the same island, was a severe impediment to Comoros' return to stability following the adoption of the Fomboni Constitution.

In the face of institutional paralysis, the AU appointed Francesco Madera to support the agreement's implementation. For many, Madera's skills and flexibility contributed to progress, even if the process was slow and chaotic. Madeira was able to achieve the goals set by the framework agreement (Framework Agreement for National Reconciliation, 2001). He left the Comoros after President Sambu was elected in May 2006.

In addition to perceptions of inequalities and domination among the islands, the conflicts in the Comoros have in part been fuelled by strong personalities. Abdou Soulé Elbak, the first leader of the autonomous island of Grande Comores, had a broad understanding of autonomy and wanted it to be respected by the Union's power. Mohamed Bacar, who ruled the Isle of Anjouan, was a former soldier in the French army and still retained links to it. Former high school biology teacher and pharmacist Mohamed Fazul was supported by President Azali to head the presidency of the Isle of Mohéli. Azali, who was president of the Union of the Comoros, was a former military man who had an authoritarian concept of power.

After the signing of the Fomboni accords, there were two diametrically opposed understandings of the agreement. For the government of the island of Anjouan, the Federation's institutional architecture could no longer be suitable. It was obsolete because more autonomy and control over the management of local affairs were needed. On the other side, President Azali never believed in the islands' independence. He was convinced that power should remain with the central government, which should thus authorise the island despite having signed the agreement under the mediator's pressure. Although there has been a decline in Anjouan separatism, the problems that drove the uprising have not been resolved. These include the legacies of violence and unresolved injustices. For instance, there were reports that during the final operation with the AU, some soldiers adopted violent behaviour towards the Anjouanese population, including allegations of rape and extrajudicial execution.

Demands for Anjouan to have all government services located in Anjouan have not been answered. For example, a passport request is processed in Anjouan, but the Ministry issues it in Moroni. Essential health, services mainly exist in Moroni, requiring people to pay a fee to go to Grande Comore or Mohéli for treatment. Regarding international transport, the airport is in Grande Comore, and this also causes additional costs for the Anjouanese. Moreover, the absence of a genuine truth, reconciliation, and justice commission means that separatists coexist within the army itself alongside people who have defended the Union flag without debate.

The biggest threat remains the new constitution promoted by Azali Assoumani after the referendum adopted by 92% of the population. The new institutional architecture disregards the principle of rotating five-year terms, allowing a president to serve two consecutive five-year terms. The Anjouanese, who were to take the presidency in 2022 under the Fomboni agreements, find themselves waiting until 2029 to do so (*Le Monde Afrique*, 2018). The powers attributed to the Islands have been taken over by the central state, creating a return to excessive centralisation. Although the ingredients for separatism continue to exist, the institutional solution was

advanced primarily to manage the crisis by temporarily easing the separatist unrest. However, the island's identity has been strengthened by the autonomous powers granted in the constitutions. Anjouan also continues to enjoy a special status, while there is a feeling in Grande Comoros that they are the only ones making efforts to preserve the Union. Anjouan political elites have been accused of perpetuating a sense of mistrust concerning the Union, mainly because few civil servants from other islands can make a career in Anjouan.

Most Anjouanese associate their state with the Union. Article 53 of its constitution mentions the 'autonomous state of Anjouan' instead of the phrase, 'autonomous island'. Anjouan has its own symbols, which coexist with those of the Union of the Comoros. It has its flag as an emblem and a hymn 'Wusawa' (equality), based on the themes of 'Solidarity, Justice, and Equality' (Article 2 of the Anjouan Constitution). These symbols only exist in Anjouan and not on the other islands. Anjouan also continues to celebrate its day of independence on August 3. The other islands celebrate this holiday on July 6, the original date of the Comoros independence. Therefore, contrary to the intentions displayed by the Anjouanese during the Comoros reconciliation agreements, some elites in Anjouan do not seem to have detached themselves from their separatist ambitions. They still want to see themselves belonging to an autonomous state, coexisting with the Union of the Comoros. As a result, Anjouan separatism has remained *de facto* independence. There is no guarantee that separatism in Anjouan will not re-emerge in the future despite the Union Constitution.

Lessons learned from the AU mediation

The AU intervened twice in the Comoros, first in 2006 with the AU Mission for Support to the Elections in the Comoros (AMISEC), mainly composed of South African soldiers. AMISEC was tasked with securing the 2006 elections. Francisco Madeira, the special envoy of the AU President in charge of the Comorian dossier, oversaw it. President Sambu from Anjouan

assumed the presidency after the elections based on the rotating presidency. When President Azali Assoumani came to power, he failed to implement the Fomboni accords. The Comorian army was still divided between Anjouan soldiers loyal to the Anjouan president and the regular army. The President of the Union, a native of Anjouan himself, put a lot of effort in convincing the separatists to implement the agreement and join the Union. But this was in vain. Faced with this opposition and knowing the weaknesses of the Comorian army, President Sambi called on the AU to intervene militarily. So in 2008, Libya funded a military intervention with an expeditionary force of 1,500 Tanzanian and Sudanese troops to restore democracy and unity in the Comoros. Operation Democracy in the Comoros was launched on March 25, 2008, from Mohéli. It resulted in Colonel Bacar's flight to Mayotte, and he was sent to exile in Togo with France's assistance. President Sambi then organised a referendum for a new constitution, strengthening the prerogatives of the President of the Union.

It should be noted that in the absence of national reconciliation, no sanctions were taken against those responsible for the separatist crisis. The soldiers who had joined the secession movement were reinstated in the army, causing many soldiers to wonder how to wear the same uniform as those who betrayed it without suffering repercussions. For loyalists, this is seen as a reward for violence and betrayal. The AU liaison office remained in Comoros from 2008 to 2017. However, serious concerns about the country's future stability remain.

Conclusion

Comoros is one of the countries flagged as a successful example of AU mediation. But, on closer inspection, there has been no lasting resolution to its crisis. Even though the violence has ceased and the islands found unity, the feeling of separatism has not been completely contained and still looms to this day. Colonel Azali Assoumani's return to power in April 2016 raised fears of another recurrence of separatism. Azali, who first came to power

in a coup in 1999, was one of the core leaders in the negotiations to end the Anjouan crisis. He did this to appease the Anjouanese and show the international community that he was a genuine peacemaker. But, since his return to power in 2016 (by the ballot box this time), he has worked to unravel the fragile peace contained in the Fomboni agreements. For instance, he organised a national census, which he rigged to make way for a national referendum that reversed some of the 2001 constitution provisions. As a result, there are no decentralisation measures in the 2006 Constitution, and the rotation of presidents has changed from 5 to 10 years. This means that Azali remains in power until 2029.

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The influence of international actors in South Africa's transition to democracy

Sandy Africa

Introduction

IT IS WIDELY held that there was little external influence and international involvement in South Africa's transition, and that the internal political negotiations of the early 1990s exclusively involved the major political rivals, specifically the African National Congress (ANC) and the white nationalist South African government (van Zyl Slabbert, 1991; Friedman, 1993; Sparks, 1994). The home-grown solution in the form of a negotiated political settlement has been held as proof that the parties to the conflict found each other and worked out an agreement without significant external involvement (O'Malley, 1996; Maharaj, 2008; Odendaal, 2013; Saunders, 2014). The role of the apartheid state's intelligence services and its underground components has also been presented as proof to support this narrative (O'Brien, 2010; Spaarwater, 2012). South Africa's unique, domestically crafted transition and the approach contained therein (negotiating an armed truce, the inter-party dialogue, consensus-building, constitution-making, and a power-sharing framework) are elements that South Africa's political elites have promoted as a useful model for other countries emerging from conflict.

This chapter explores the role of international actors in South Africa's transition, their impact, and how they influenced South African role-players in the conflict. This is an important subject in South Africa today, given recent debates and criticism about how the negotiated political transition was handled. Some analysts, for instance, have portrayed it as a significant achievement for the oppressed majority, while others have viewed it as an elite pact that betrayed the aspirations and class interests of the poor and working-

class (Bond, 2000). It has also been perceived to limit the new government's economic policy options after the end of apartheid in 1994 (Michie & Padayachee, 2019). It is essential to note the existence of a convergence of interests between domestic and international actors in these assessments. This chapter's starting point is to deconstruct the approaches that explain how change is influenced in one given country within the international system. While international relations theory identifies penetration, intervention, isolation, mediation, and facilitation as the primary tools usually considered, the chapter distinguishes solidarity as an additional strand in the continuum of approaches used by states to influence political developments in a given country.

Gilbert Khadiagala (1994) discusses this in his analysis of the 'Frontline States' in Southern Africa and how these small states' alliance leveraged their collective power to challenge the apartheid state. This chapter also addresses the interests underpinned in international actors' approaches towards South Africa at the height of apartheid and its eventual demise. Finally, an assessment is made of the approaches that ultimately prevailed as a political resolution was reached. What emerges is a complex pattern wherein affected parties' choices were not fixed but continuously changed. International actors and protagonists across the spectrum weighed the costs and benefits of their options and made changes accordingly.

The approaches of international actors in dealing with apartheid

During the negotiations for a new political dispensation, the South African government was adamant that it did not need the international community as brokers or mediators, especially multilateral international organisations. But the international community had long been influential and continued to play a significant role in South Africa's transition. Several realities ought to be kept in mind about the international community in this regard. The first is that the 'international community' was, in fact, a multi-layered

and contradictory set of forces and actors advancing competing ideas and agendas in South Africa. A rough distinction can be made between states that, for a considerable period, could be regarded as allies of South Africa with arrangements based on mutual interest, and those that were steadfastly committed to the demise of apartheid. Yet even within these traditionally allied countries, a strong anti-apartheid sentiment developed. It found expression in a vocal international anti-apartheid movement, whose voice was to bring comfort and whose campaigns were to bring pressure to bear on their governments by demanding that Pretoria accommodate its political opponents.

Deon Geldenhuys (1998, p. 250) highlights five approaches utilised by international actors to influence South African developments. These included penetration, intervention, isolation, mediation, and facilitation. The term 'penetration' involves one country maintaining a presence in another country to ensure that its interests are advanced and protected. 'Penetration' can be accomplished through the presence of diplomatic missions, trade, and economic links, cultural and other exchanges; in other words, the interactions that normalise a state's relations with another. 'Penetration' is generally seen as a positive and mutually beneficial phenomenon. But it can also be conditional and used as leverage. Geldenhuys (1998, p. 251) cited the example of British Prime Minister Margaret Thatcher when she stated that she would not visit South Africa so long as Nelson Mandela remained in prison. Further evidence of reform subsequently developed. This is an example of conditional penetration.

A second approach used by international actors to influence political developments in a country is 'intervention', a concept that has enduring currency in international relations. The difference between penetration and intervention is that governments usually welcome the former as it validates their existence. In contrast, they tend to resist 'intervention' as unwelcome involvement in a state's affairs (Geldenhuys, 1998, p. 251). An intervention also aims to exert political pressure or coerce a government into doing something that it otherwise would not. Some of the forms of intervention

exercised by states included sanctions, the supply of arms, and financial or other material support to one of the parties to a conflict, or even direct military action and involvement in the conflict. There was 'intervention' by states in South Africa to varying degrees: some supported the apartheid government and others, the anti-apartheid forces, including armed guerrilla movements such as those in the ANC. Intervention can also include verbal admonishments; Geldenhuys refers to Thatcher sending diplomatic notes demanding the release of political prisoners (1998, p. 252) as such an example.

The third approach used by external actors is isolation. By ostracising a country or breaking ties with it, a state could be punished into submitting to the isolator's will. The targeted spheres could be one or several of the following: political, economic, military, or socio-cultural. To substantiate this, Geldenhuys (1998) highlighted several examples of South Africa's isolation by the international community. First, by 1991 only twenty-five internationally recognised states maintained formal diplomatic ties with South Africa. Second, individual governments and major intergovernmental organisations imposed restrictions on South Africa in trade, finance, investment, and technology. South Africa was also the only country against which the UN Security Council maintained a mandatory arms embargo. The UN also resorted to blacklisting foreign artists, entertainers, sportsmen, and women visiting South Africa (Geldenhuys, 1998, p. 252). Many of these acts that led to South Africa being labelled 'the pariah of the world' resulted from citizen-based anti-apartheid movements in countries that pressured their governments to deepen South Africa's international isolation.

A fourth approach used by international actors to exert pressure on a country is mediation between opposing parties. The mediator is usually an independent third party or state that is accepted by all disputing parties and plays the role of directing negotiations aimed at peaceful conflict resolution. According to the literature, mediators become relevant when parties to a conflict realise that they have reached a stalemate and that continued instability is costly and unsustainable. A mediator must be accepted by the conflicting parties and be seen as neutral and without partisan interest in the outcome. As a successful

example of mediation, Geldenhuys (1998, p. 253) cites the example of the US mediation between South Africa, Angola, and Cuba in the settlement of the Namibian issue in 1988. The historic agreement led to the withdrawal of about 50,000 Cuban troops from Angola to make way for the seven-month-long UN-supervised electoral process required for Namibia's independence to ensue. Landsberg argues that the outcome of the settlement was doubled-edged for South Africa: it brought the prospect of a domestic settlement closer, but also demonstrated that an enemy could be contained by peaceful means (Landsberg, 1994, p. 280).

The fifth approach to international actor's influence on political events in other countries is facilitation. The facilitator's role paves the way to eventual negotiations between the parties involved in the conflict. Still, it does not bring the parties together in the way that a mediator does. Instead, the facilitator engages in discussions – typically separately – with each party to assess the prospects for a political solution. As with the earlier concepts discussed, the distinction between mediation and facilitation is fluid and contextual. Geldenhuys presents the visit of the Eminent Persons Group (EPG) set up by the Commonwealth in 1985 to facilitate a negotiation process in South Africa as an example of facilitation but dismisses it as an abortive mission (1998, p. 253).

When the Commonwealth Summit met in 1985, at the height of the State of Emergency in South Africa, several member states mounted a campaign for the increased isolation of South Africa through economic sanctions. The United Kingdom under the leadership of Margaret Thatcher opposed this. Instead, an EPG was dispatched to assess the conditions in South Africa. The EPG consulted the ANC (including Nelson Mandela in prison), the ruling National Party government led by the hardliner PW Botha, leaders of the democratic movement inside South Africa, and leaders of the Frontline States. It was a detailed back and forth process under conditions of polarisation and suspicion between the apartheid government and liberation organisations. It did not help that the Commonwealth was somewhat divided about the mission. It probably would have held a more favourable view on the prospects

for negotiations if not for developments that subsequently unfolded. On completion of its mission, and on the day that the EPG left the country to report back to the Commonwealth, the SADF mounted a series of deadly military raids on what it thought were ANC bases in Botswana, Zambia, and Zimbabwe. The timing was shocking to many, including some international actors. It was interpreted as a sign that the South African government under President PW Botha cared little for a negotiated solution. This gave the ANC the space to intensify pressure on the apartheid state domestically and abroad. It also justified its assertion that Pretoria had not been interested in negotiations in the first place (Swilling & Rantete, 1991).

Zwelethu Jolobe (2019) regards the EPG mission as one located on the continuum of international mediation and sets out a case for considering it as such. He highlights that the mission attempted mediation by persuading the conflicting parties that a negotiated solution was possible. He concludes that, despite the challenges with which the EPG had to negotiate, and though negotiations were not achieved as a direct result (fundamental differences remained between the major parties to the conflict around the use of violence), the positions adopted by the parties (including the concessions by the South African government) later featured in the subsequent framings of negotiated positions when the transition to democracy became a reality. In that sense, Jolobe correctly points to the EPG as having marked a turning point when international engagement aimed at ending apartheid began to gain momentum.

Conflicting, converging, and overlapping strategies of external actors in dealing with apartheid

It should be clear from the approaches to influencing political developments described above that the forms of external involvement in a country might be overlapping, complementary, and even contradictory. Major western powers that ‘penetrated’ South Africa at the height of apartheid (in the mutually reciprocal and beneficial sense) exerted a range of measures to isolate and intervene in it. Geldenhuys (1998, p. 254), when reviewing the US role,

uses the Comprehensive Anti-Apartheid Act of 1986 to illustrate the point. The Act imposed a broad set of economic sanctions on South Africa and stated that these would only be terminated if South Africa (a) released Nelson Mandela and other political prisoners from prison; (b) repealed the State of Emergency and released all detainees held under the emergency laws; (c) lifted the ban on political organisations and allowed freedom of political association; (d) repealed the Group Areas Act and the Population Registration Act; and (e) agreed to enter into good faith negotiations with representative members of the black majority without preconditions. The Act stated that it was US policy to support negotiations toward a political settlement in South Africa. A caveat was that political organisations such as the ANC and the Pan Africanist Congress (PAC) had to renounce violence to participate in the negotiations. The passage of US legislation imposing sanctions on South Africa was a far cry from the situation at the height of the Cold War when the US had seen South Africa as its representative in southern Africa and actively supported its interventions in the region. Other western governments also put pressure on Pretoria, but this was a significant moment in history. Specifically, the ideological conflict between the Soviet Union and the West began to take a new turn.

The Soviet Union had long contended with its western competitors for influence over African states. Supporting the liberation movements in southern Africa presented it with an opportunity to gain ideological support in exchange for military and logistical support for the movements' armed struggles against colonial powers. By 1987, the Soviet Union was in an economic and political crisis and, in turn, placed the armed movements in southern Africa under pressure to consider negotiated solutions with the regimes they were challenging. Philip Nel (1990, p. 71) argued that the Soviet Union realised that if it did not enter the field of diplomatic engagement in southern Africa, it would over time be upstaged by the US. Nel summarised the mutual understanding that developed between the two superpowers when it came to the region as follows: 'the USSR and the US will actively cooperate to resolve conflicts through negotiations; superpowers will not become involved in "adventures" in the Third World; the UN must be

used as a forum and as a facilitator in settling existing conflicts, and the two superpowers will serve as guarantors once settlements have been negotiated' (1990, p. 72). Nel described this mutual understanding as crucial to the progress made in resolving the Namibian question.

This analysis suggests that countries' approaches to crises, regardless of ideological persuasion, are not fixed and immutable, and changes may occur as the states weigh their options. The Soviet Union did not initially seek to extend its influence over South Africa through penetration. Still, it engaged in the isolation of the apartheid state (a posture reciprocated by Pretoria, which demonised the Soviet Union and all associated with it). As the Cold War came to an end, there was evidence that there was, at least at an informal level, more nuanced engagement by the Soviet Union with the West. It was aimed at ensuring that the country's interests were protected and at gaining greater international legitimacy. John Daniel (2009, p. 143) described the significance of the Reykjavik summit between Mikhail Gorbachev and Ronald Reagan in 1986: at that meeting, not only did these two leaders discuss arms control, but they also came to key agreements about how to handle regional disputes that had been driven by the Cold War. According to Daniel, 'the United States agreed to a non-interventionist role in Eastern Europe, Nicaragua and Afghanistan; in return, the Soviet Union "ceded" Africa to the United States – specifically the Horn of Africa and southern Africa' (Daniel, 2009, p. 143).

It was not only countries of the Communist bloc that withheld support to the apartheid government and extended support to their rivals' liberation movement. Scandinavian support to these movements extends as far back as the late 1960s, and the emergence of its anti-apartheid movement even earlier. Assistance to southern African liberation movements took the form of humanitarian aid, with the Swedes being the first to take this stand. Sweden provided such support to the MPLA in Angola, FRELIMO in Mozambique, ZANU and ZAPU in Zimbabwe, SWAPO in Namibia and the ANC in South Africa. Gleijeses (2005, p. 325) notes that the Swedes saw aid to the liberation movements as an effective

way of countering Soviet influence. From the early 1970s, Norway, Denmark, Finland (and the Netherlands) followed the Swedish example on the grounds that it should not be left to Communist countries to lend support to these liberation movements. The Scandinavian countries' stand must be seen in the context of their neutrality in the nuclear arms race. They sided with neither the West nor the East but were careful not to offend either.

This was primarily a geopolitical and security consideration. The liberation movements greatly appreciated the assistance. The effect of the support and solidarity provided could be likened to the mutual appreciation aspect that characterises the penetration model of influencing political developments. It could be argued that the economic interests of countries such as Sweden in South Africa were relatively modest and that they could afford to take a vocal stand against the government. To some extent, they used internationalism diplomacy to project themselves on the global stage (Black, 1977, p. 101). For a long time, the Scandinavian governments refused to adopt economic sanctions against South Africa because they were neutral and felt that this instrument of pressure should be exerted through the UN. It was not until 1986 when Denmark and Norway, followed by Sweden and Finland in 1987, adopted comprehensive trade sanctions against South Africa under intensive domestic pressure from within their countries (Gleijesis, 2005, p. 329). What this appears to suggest is that while there was a genuine well of domestic solidarity that led to these countries' support for the liberation movements, the actions taken by these states were carefully weighed decisions. Nonetheless, the Scandinavian countries' contributions were of tremendous significance and provided the liberation movements with international visibility and heightened legitimacy. The ideas on democracy espoused by such governments were, consequently, influential in shaping how the liberation movements and civil society organisations in the post-apartheid period construed and constructed notions of democracy (Hearn, 2000).

Approaches of regional actors in dealing with apartheid

Southern African countries also had to consider their options when influencing political developments in South Africa. Geldenhuys' (1998) typology of approaches – penetration, intervention, isolation, mediation, and facilitation – is useful for developing an understanding of how these states reacted to South Africa's dominant regional role. For one, while South Africa at times pursued interests that were at odds with those of major western countries, it was primarily aligned with them when it came to policy objectives, in particular the creation of space for capitalism and imperialism to flourish (Brittain, 1988). South Africa's strategies on the continent and its region mirrored international actors and its western allies tolerated them. One of these strategies was penetration. Pretoria had an economic stranglehold on the southern African region at the height of apartheid, but the poisoned chalice of economic dependency and incentives was tied to a campaign of military destabilisation that alienated South Africa's neighbours.

As a counter-offensive, the Southern African Development Coordination Conference (SADCC) was launched by states in 1979 to reduce the region's dependence on South Africa and promote regional integration. This disrupted South Africa's plan of absorbing states in the region into a Constellation of Southern African States that was initiated by PW Botha in 1979. The formation of SADCC was a significant political achievement; through it, the Frontline States provided an alternative economic arrangement for countries that were opposed to South Africa's dominant economic position. Moreover, the outcome of Zimbabwe's elections in 1980 further cemented the sense of solidarity of southern African states and strengthened their resolve to work towards the end of apartheid. SADCC had grand ambitions for the region's countries: self-sufficiency in energy and food, better-integrated infrastructure, and industrial development. However, the region was politically unstable and lacked capable state infrastructures to implement these ambitious plans.

Moreover, there was substantial pressure on some of the states to do South Africa's bidding, as evidenced for example by the expulsion of ANC cadres

from Swaziland and Lesotho in 1982. What drove the states into an alliance with each other, as Khadiagala (1994) points out, was their weak and dependent status. They stood a better chance of addressing asymmetrical power relations between themselves and South Africa in coming together. This solidarity was cemented by the ideological underpinnings of nationalism and a rejection of racism. It was an effective approach.

The strategy utilised by Pretoria to disrupt the solidarity between southern African countries was ‘intervention’. From the outset of their independence, southern African countries’ relations with South Africa had been characterised by force and shows of military might alongside economic dependency and incentives for cooperating with Pretoria. This ‘carrot and stick’ approach was inevitably contradictory. Efforts to put South Africa’s neighbours under military pressure were not guaranteed to succeed. For example, persistent raids on Mozambique’s territory by Pretoria did not deter FRELIMO from supporting the ANC but spurred them to greater solidarity (Khadiagala, 1994, p. 181). Maputo, however, was placed under tremendous pressure through the destabilisation campaign waged by SA through its support of the rebel RENAMO movement that eventually forced Machel into a position of accommodation with South Africa (Khadiagala, 1994, p. 186). The ‘intervention’ strategy of raids into neighbouring territories to abduct armed cadres and destroy these countries’ infrastructure as punishment was a prominent feature of South Africa’s relationships with its neighbours. This strategy involved sponsoring insurgents in neighbouring countries to undermine the efforts of newly independent southern African states to rebuild and consolidate their sovereignty after the colonial period. Jolobe (2019) points to one of the contradictions being the difficulty of operating from within the neighbouring territories. This forced the ANC to establish a more significant presence in South Africa and was one of the factors behind the guerrilla movement’s resurgence in the 1980s.

The neighbouring countries’ responses to South Africa should not be viewed merely through the lens of how they related to Pretoria. They came to have complex and interdependent relationships with the liberation movements as well. It should not be assumed that the ANC held an unchallenged position

of privilege in relationships with African countries. Jolobe (2019) explains that initially the PAC was ideologically more appealing to continental leaders, many of whom could not relate to the ANC's policy of non-racialism. By the early 1960s, the ANC established diplomatic missions in some key African countries (including Algeria, Egypt, Morocco, Tanzania, and Zambia).

In contrast, the PAC was able to gain representation in others (Botswana, Egypt, Tanzania, and Zaire). Jolobe points to both increasing tensions and rivalry between the two organisations to the extent that the OAU and the UN had to mediate, and to the fact that the UN General Assembly gave recognition to both (Jolobe, 2019). While the ANC's efforts to consolidate its status as the premier liberation movement bore fruit (evidenced by its relationship and influence in capitals and multilateral organisations), Pretoria continued to pressure southern African countries. They, in turn, were forced to make decisions that countered the goals of the liberation movements.

The realities of the relationship between Pretoria's leaders and the African heads of states with whom they had to coexist were nuanced. Chan (1992, p. 129) notes that in 1990 the South Africa Department of Foreign Affairs mooted the idea that then Zambian President Kenneth Kaunda play the role of mediator in negotiations between the government and the ANC, but this did not materialise. It nevertheless points to the perception held then by some in Pretoria that Kaunda could play this role. Zambia had long served as the ANC's African headquarters, and Kaunda enjoyed the movement's trust. On the other hand, Kaunda had long, pragmatic relations with apartheid heads of state and retained an aura of independence and principle. His general predisposition to resolving conflicts through non-violence led to his favour with western leaders even as his domestic ratings declined over economic policy failures and poor governance of national development plans (Good, 1987, p. 531). Towards the end of the 1980s it was clear to both the liberation movements (particularly the ANC) and Pretoria that conditions for a sustained conflict in which either would be the victor could not be guaranteed.

Among the reasons was the manner in which Pretoria was able to navigate the ending of the Namibian and Angolan conflicts. The effect of inter-related

agreements was to deny the ANC significant territorial space from which to operate. Angola, Cuba, and South Africa finally agreed on a date to start the implementation of UN Resolution 435, allowing for a process that would lead to Namibia's independence. The second agreement signed by Cuba and Angola provided for the withdrawal of Cuban troops from Angola by 1991. During this period, contradictions in the Communist countries peaked and led to the end of the Cold War. Consequently, it was not surprising that the ANC was under pressure by events beyond its control to reach a political settlement with the apartheid government. Pretoria equally found that its options were limited and that it was being forced to consider a negotiated solution.

In Harare, Zimbabwe in August 1989 the OAU's Ad-Hoc Committee on southern Africa, at the suggestion of the ANC, adopted a Declaration recognising that 'a conjuncture exists which, if there is a demonstrable readiness on the part of the Pretoria regime to engage in negotiations genuinely and sincerely, could create the possibility to end apartheid through negotiations' (ANC, 1989). The Declaration spelt out the main principles that would govern a future democratic South Africa but also stated that Pretoria should first create a climate for the negotiations undertaking: the unconditional release of all political prisoners and detainees; the lifting of all bans and restrictions on proscribed and restricted organisations and people; the removal of all troops from the townships; an end to the State of Emergency and the repeal of all legislation (such as the Internal Security Act) that were designed to circumscribe political activity; and the cessation of all political executions. The contents of the document became known as the Harare Declaration and were repeated in several intergovernmental forums worldwide; before the end of the year the Non-Aligned Movement of Nations (NAM), the Commonwealth Heads of State and Government, and the UN General Assembly (Swilling & Rantete, 1991, p. 207) all endorsed it.

On 2 February 1990, President FW de Klerk announced the unbanning of political organisations, the release of political prisoners and detainees, and lifted the State of Emergency. Along with domestic pressures for political change, the role of the international community had been crucial in

bringing South Africa to this point. This was followed by a series of high-level discussions between the ANC and the government and the eventual multiparty negotiation known as the Conference for a Democratic South Africa (CODESA) (Friedman, 1993). These negotiations were fraught in part because the parties had to contend with internal fractures and tensions regarding the appropriateness of chosen strategies and tactics; particularly whether the ANC's armed struggle should be abandoned, which would cause it to relinquish its strategic advantage. De Klerk faced pressure from right-wing forces that thought he was conceding too much (Welsh, 2011). Pretoria and the ANC both took a firm stand against direct international involvement or mediation in the negotiations. Still, in any case, the trajectory of the parties' eventual engagement in negotiations had a long genesis: the secret meetings that began while the ANC was still in exile; the talks between Mandela and high-ranking government ministers while he was still in prison; the successive delegations of influential people and organisation from within the white establishment that met with the ANC in the immediate years preceding the unbanning of the organisation – all these created conditions of agency and even of familiarity between the apartheid government and the ANC. This is not to suggest that there was complete trust, as the two parties regarded each other warily given what was at stake.

One example is when Chief Gatsha Buthelezi, leader of the Inkatha Freedom Party, declared that he would pull out of the elections towards a post-apartheid democratic government. The conflict between his traditionalist party and the ANC and its allies was deep and political murders were rife in his base in Kwazulu/Natal. It was the efforts of the Kenyan Washington Okumu that were instrumental in bringing Buthelezi back into the process and deciding to contest the elections. This was possible because of the relationship of trust between the two men (Atkinson, 1994, p. 13). The negotiations were a set of multiple mediations, with constant diplomatic engagement between the parties. During the larger multiparty forum at CODESA they were assisted by neutral chairpersons who acted as judges that presided over the talks. On a day-to-day basis the forged relationships between officials of the two sides (the relationship between the government's Roelf Meyer and the ANC's

chief negotiator Cyril Ramaphosa is mostly cited) kept the negotiations going, not any external mediation.

In the end there was an agreement between the parties that stated they would resolve the political conflict without external involvement. Although the negotiations were internally managed by the South Africans themselves, they shared common features with externally mediated processes, namely: the fact that the political outcome was a compromise for all sides; a level of fear and conflict that drove the process; and the stalemates, crises, and re-evaluation were constant. Notably, the South African transition had taken place at a moment that was ripe for negotiation due to a developing set of domestic and international conditions that made a mutually beneficial outcome possible. However, without leadership the opportunity could have been lost, as is sometimes the case even with externally mediated conflicts. According to Zartman (1995, p. 171), South Africa navigated the conditions and arrived at a settlement because of how these factors were mastered by the leaders of the negotiations.

Bilateral engagement with South Africa that took the form of development assistance was also significant in the push towards political stability post-apartheid. In 1992, through USAID, the US channelled \$80 million to South Africa, supporting black businesses, education, and community development initiatives. Following the US was the European Union, which became the second largest provider of development assistance in the same year by allocating R200 million to education, health projects, rural development, and human rights organisation, among other initiatives (Marx, 1992). Multilateral organisations also began to insert themselves into the South African political economy as it became clear that a new political dispensation was emerging. Since the early 1990s, the World Bank and the UN expressed their intention to begin operating in South Africa. They faced the dilemma of not wanting to legitimise the apartheid government. This led them to base their operations outside South Africa but still in the region.

At the same time they sought to engage with the ANC, the likely future government, concerning the forms of development cooperation needed

in the future (Marx, 2000). The South Africa government also allowed international agencies access to the country as observers. As negotiations unfolded, several observer missions were deployed to the country in the months preceding the 1994 elections, including missions from the UN and the OAU. The UN Mission came about as a result of Resolution 772, which required UN observers to monitor the country's conditions, promote the resumption of negotiations, and work closely with national peace structures. In addition to its election observation role, the UN observer mission found itself actively engaged in the run-up to elections, holding discussions with leaders across the political spectrum and actively attempting to address bottlenecks and reduce tensions among opposing political parties. (King, 1993) The relatively small OAU mission was mandated to strengthen national peace structures, monitor the violence, and contribute to its end.

Conclusion

External or international involvement in the inter-party talks between the apartheid government and the ANC and its allies in the early 1990s was not that substantial. This is best understood against the background of the strategies and tactics that the main protagonists undertook over time. The international actors that interacted with apartheid South Africa used various methods depending on their objective interests: penetration, intervention, isolation, mediation, and facilitation. South Africa similarly employed these strategies in the southern African region to advance its interests. States in the region were nevertheless able to effectively counter South Africa's machinations, which demonstrates the role and efficacy of solidarity as a tool. The fact that various responses to apartheid were mediated through different forms of pressure indicates that external actors were straddling several interests. Often, the sheer moral repugnancy of apartheid was enough to compel distancing from Pretoria. The strategies adopted by international actors were a function of the historical relationship with South African forces and, to a large extent, the interests the external actors wished to secure in future relations.

In the case of western countries, there was a desire for the restoration of engagement and 'penetration' of South Africa; the political, economic, and cultural benefits of a democratic South Africa, aligned to western norms were obvious. Diplomatically, this would mean that South Africa would shake off its pariah status. The mutually costly isolation and intervention strategies would be overcome as South Africa took on a new role. However, international legitimacy was contingent on South Africa abiding by the rules of the international system, including reaching a political settlement that ensured the country's black majority secured equal rights.

From the viewpoint of their relatively developed economies, western powers probably calculated that South Africa could become a respectable middle power and the powerhouse of the southern African economy. The unravelling of East and West's ideological conflict became complete with the end of the Cold War. At crucial moments, international actors nudged South Africa in the direction of a settlement of the conflict(s) in which it was involved. However, to reduce the processes of political struggle by the liberation movement and the survivalist impulses of the crisis-ridden apartheid regime to 'elite pacting' ignores some crucial lessons from the South African experience. The first lesson is that it is possible to engage effective negotiations on conflict resolution without the extensive involvement of international actors. The second is that mediation is not always successful even when vast resources are invested in it, as the Commonwealth EPG demonstrates. Nevertheless, the engagements may have benefits that serve a country and subsequent processes well into the future. The ANC was able to advance its non-negotiable demands (Mandela's release, the unbanning of the organisation, and so forth) for negotiations with the government to ensue. The government was able to declare its bottom line (ending the armed struggle). The position put forward by the ANC was carried forward in the international mobilisation it conducted and was contained in the 1989 Harare Declaration. The government held steadfast to the demand that the ANC give up the armed struggle, which the movement finally conceded in the negotiations. The third lesson therefore is that international solidarity can be a crucial element supporting locally constructed mediation efforts. It

is doubtful that the negotiated settlement in South Africa would have taken place at the time and in the manner that it did had it not been for the support received from multilateral forums such as the OAU, the NAM, and the UN. These organisations addressed the crisis and passed resolutions in support of a negotiated settlement. The South African transition to democracy thus offers solidarity as an additional and equally valuable variable to the lexicon describing state relations beyond those provided by traditional international relations theory. International actors played an extremely beneficial role in advancing democracy when they acted in solidarity with those who wanted to end apartheid.

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SOUTHERN AFRICAN SECURITY REVIEW 2020

The purpose of this Special Edition (4th SASR) is to contribute to discourses and approaches to the peaceful resolution of internal conflicts and to the long-term transformation of conflict environments in the Southern African Development Community (SADC) region. This is referred to as peace mediation; a term that covers a range of instruments used to deal with intra- and inter-state conflicts, from initial contact between mediators and conflict parties, to ceasefire negotiations and the implementation of peace agreements. While the SADC region is relatively stable compared to its counterparts on the continent, it has experienced its fair share of political conflicts and protracted disputes in the last ten years. Zimbabwe, Madagascar, Lesotho, and Comoros, the Democratic Republic of Congo (DRC) have provided the testing ground for the effectiveness of SADC mediation processes in the region. They all became sites of repeated SADC mediation, which have also excluded post conflict reconstruction and development in their design. The major objective of the book is to examine the various experiences of mediation in the SADC region focusing primarily on the role of mediators in key countries: Comoros, the DRC, Lesotho, Mozambique, South Africa, and Zimbabwe. These case studies will be anchored in the theories and practices of mediation from Africa and elsewhere.

The book is structured into two main parts. The first comprises chapters that discuss different theories of mediation and generic mediation practices under the theme, Approaches to Mediation. These chapters cover debates on hybrid mechanisms to the field of mediation and conflict transformation generally and their application to African conflicts. The second theme, (the) Politics of Mediation includes past cases of mediation processes in the SADC region drawing from individual countries. These include discussions on both the process and outcomes of past mediation missions and how political settlements have supported peacebuilding and political reconstruction in each of these states. This section could also include cases of conflict mediation elsewhere on the African continent that offer lessons for SADC in improving the methodical, technical, logistical, and knowledge support bases of its mediation processes.

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