Full Study

Unpacking the Mystery of Mediation in African Peace Processes

Mediation Support Project

Table of Content

Foreword

People call me the midwife of the Comprehensive Peace Agreement between the North and South Sudan. When did I learn to be a peace midwife? I started my career in the army, and was head of staff of the Kenyan army for some years. So it was by default I came to peace negotiations. My path was unconventional, but as the 11 cases in this study show, this is typical for most chief mediators in African peace processes.

The study also shows that there is no single path to a peace agreement. The way is stormy and stony. In June 2003, for example, we drafted a document, and I was told to "soak it, drink it and go to hell." I refused; and said I am bound for heaven. So I continued with the document. I developed high blood pressure, but we also found an answer. We got SPLM/A leader, the late John Garang, and the Sudanese vice president, Ali Osman Taha, to negotiate directly with each other. It is essential to have negotiators with real power, who act in the name of the parties, who are in a position to implement any agreement.

The essence of negotiations is for the parties to work together to solve a problem. For negotiators, this means they must focus on an objective, look to the future, rather than to the past. For mediators, it is essential to establish one's ethics, and keep them. One does not compromise ones' ethics. People have said I am "straight as an arrow". A mediator's integrity and humility is essential in the muddle of negotiations.

There is the idea that we need African chief mediators for African conflicts, we have first hand experience, and a keen sense of the African political, cultural and military realities at hand. This is correct, but I am also convinced that any African chief mediator needs the best possible experts in his mediation team, irrespective of their nationality. I welcomed anyone on my team who could help. We had a Swiss mediator on our team, and experts from Norway and many other countries supporting us.

A key challenge for the chief mediator is to be a gate-keeper between the actual process, and the many observers, special envoys, regional and global states that want to have a say. I often battled with the diplomats to protect the Sudan negotiations from being manipulated too much by external pressure. For a military man, one cannot let an operation take place without guidelines on the how, when, what, and who of implementation. The international community tried to push us to sign an agreement even if we had not yet negotiated the implementation modalities. We refused, because implementation modalities are essential!

This study examines various peace processes, giving some indicators on why some were successful, while on the other hand others were failures. My personal view is that in the end, it is not who facilitates that is responsible for success or failure, but it is who negotiates. It is the negotiators that matter, not the mediators - but in some cases we can help.

"Unpacking the Mystery of Mediation" is a useful collection of 11 cases of mediation work with diverse conflicts, parties and mediators. It provides the future mediators in African conflicts with various approaches that would help them succeed. What clearly comes out is that unless enough time is accorded to any process, with background support from whatever source, so that some consensus may be achieved that leads to an agreement, the results would not be guaranteed.

Lt. General Lazaro Sumbeiywo, Chief Mediator of the IGAD led process between SPLM/A and the Government of Sudan (2002-2005)

"If you want to make peace with your enemy, you have to work with your enemy. Then he becomes your partner."

Nelson Mandela

Mediation in African Peace Processes: Carefully Comparing Apples and Oranges

By Simon J A Mason, Mediation Support Project, Center for Security Studies, ETH Zurich

Introduction

Mediation is a mystery. Some peace processes are successful, some are dismal failures, and most are a bit of both. The transition of a society from war to peace is extremely complex and difficult. Conflict parties use military means to reach their aims, sometimes killing thousands or tens of thousands of people in the process. During a peace process, conflict parties may slowly realize that they can gain more from negotiating than from fighting. This takes time, however. It also takes people who talk to the conflict parties to try and understand their motives and intentions, and why they have chosen arms as their means of settling issues.

There is no ethical reason for refusing to talk even to the world's worst human rights violators if thereby lives can be saved, and if this helps to transform a war-torn society into a society moving towards peace, justice, and democracy. On the contrary, there are good ethical reasons for talking to such people, even if the task is a delicate and very difficult one. The decision of talking or not, however, must also be based on case by case pragmatic and political considerations, not only on ethical ones.[1] This challenge is one reason why mediation in contemporary peace processes is surrounded by a certain mysterious aura. Simple answers are out of place, and it is not helpful to examine mediation as a purely technical or academic topic. Nevertheless, it is also wrong to endow mediation with excessive mystification, thus placing it beyond the bounds of systematic research and learning.

Aim and rationale: The aim of this study is to partially "unpack" the mystery of mediation, in order to learn about the use of mediation in African peace processes during the last decade. Ultimately, the goal is to provide better support for ongoing and future mediation efforts in such peace processes. The study was mandated by the Political Division IV of the Swiss Federal Department of Foreign Affairs as preparation for their 2008 conference on "Mediation in Africa". However, it also springs from a longer-term interest in Africa as the continent with the most peace agreements signed world-wide.[2]

Comparative approach: In order to avoid stereotypes and commonplaces, the study uses a bottom-up approach, starting with individual cases, but following a similar analytical structure in order to allow for comparison. The subsequent comparison

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[1] UN Special Representative of the Secretary General, Lakhdar Barhimi argues for this pragmatic approach: "If you accept these kinds of jobs, you go and mediate between warlords, faction leaders, bandits, all sorts of people, people whom the human rights purists want to see hang. What I tell them is 'Let me finish, and then go ahead and hang them.'" He was also asked if he would talk to Osama bin Laden. "If I were to mediate between Al Qaeda and the United States, I suppose I would have to. But we are not there yet, are we? And Osama would refuse to talk to me, you have to remember that." Martin, Harriet: "Kings of Peace, Pawns of War: The Untold Story of Peace-Making", London, New York: Continuum International Publishing Group (2006), p.25-26.

[2] In the period 1989–2004, 76 peace agreements were signed in 20 conflicts in Africa, 31 peace agreements in 6 conflicts in the Americas (mainly Guatemala and El Salvador), 16 peace agreements in ten conflicts in Asia, nine peace agreements in Europe (e.g., former Yugoslav republics, Moldova, and Georgia), and in the Middle East, seven peace agreements were signed in the conflict over Palestine. Högbladh, Stina. "Patterns of Peace Agreements: Presenting new data on Peace Processes and Peace Agreements". Paper presented at the annual meeting of the International Studies Association, Town & Country Resort and Convention Center, San Diego, California, USA (22 March 2006). Available at http://www.allacademic.com/meta/p99120_index.html quoted with permission of the author.

is tricky, but not impossible if it is done carefully. The first reason why this comparison is delicate is due to the multi-causal nature of peace processes – what was the key factor affecting the outcome: the nature of the conflict, the negotiating parties, the mediators, the process, the peace agreement, the context, or something else? As all these aspects are interlinked, comparing them in isolation is problematic.

The second reason why comparison is tricky is due to the significant difference in scale between a basic agreement on principles or cessation of hostilities on the one hand, and a full-blown comprehensive peace agreement on the other. For example, the pre-talks agreement in the Central African Republic (CAR) or the Tuareg or Somalia ceasefire agreements consist of only a very few pages, where implementation modalities are missing. The Kivu talks took place over a period of some 17 days. In contrast, the Sudan Comprehensive Peace Agreement is a 260-page document addressing major security, political, institutional, and constitutional aspects. The negotiations that led to the agreement took nearly three full years. Therefore, the comparison is not just between apples and oranges; one is actually comparing peanuts with pumpkins!

Nevertheless, the advantage of such a comparative approach is that the tentative lessons one generates are of a more general value than if they are derived from one case only. The problems of interlinkages between factors and the very different scales must be kept in mind, however, and any lessons from these comparisons should also be seen as working hypotheses, or as food for further study, rather than as truth writ in stone.

Case selection: How were the cases selected? We focused on cases in Africa to limit the scope of the study. The comparison between mediation processes is also easier within one continent, as the conflicts are more likely to share at least some common denominators, such as a similar geo-political context or the importance of the regional dimension (conflict spill-over). Most conflicts experienced numerous peace processes, making the choice of a specific peace process difficult. The two criteria of selection were: First, the process was to be a recent one, e.g., one that had occurred during the last ten years. The second condition was that sufficient material had to be available to provide lessons about the nuts and bolts of mediation. This micro-level view on mediation does not make sense without an understanding of how the mediation approach adopted fits the respective conflict context. For this reason, we also describe the context of the various cases and explain how the mediation engagement is embedded therein. The peace processes we analyze are: Burundi (Arusha Accords 2000), Central African Republic (pre-talks 2007), Democratic Republic of Congo (Kivu process 2008), Ivory Coast (Ouagadougou negotiations 2007), Kenya (post election peace negotiations 2008), Somalia (Khartoum negotiations 2006), Sudan (North-South negotiations 2005), Sudan (Darfur Peace Process 2006), Mali/Niger-Tuareg (Libyan led talks 2007), Uganda LRA (Juba negotiations 2008), and Western Sahara (UN-led negotiations 2003). A summary of the cases, parties, and mediators, can be found in map 1.
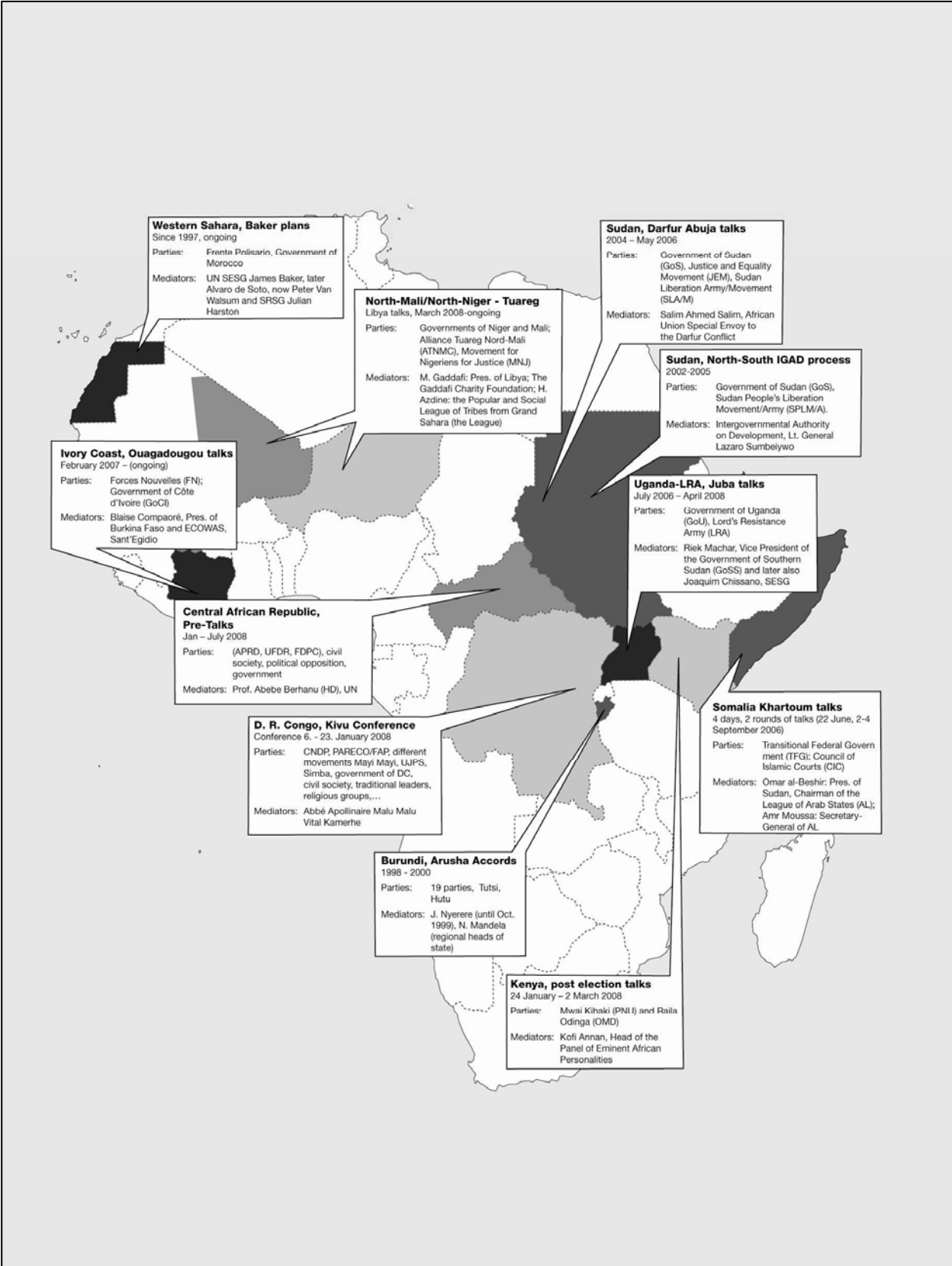
Map 1: Mediation processes examined in this study

Questions, definitions, and structure: The guiding question of the study is: What can we learn about mediation[3] in contemporary peace negotiations[4] in Africa? The conflicts we focus on are violent, armed conflicts,[5] generally on the intra-national level. The text is broken down into four sections: First, we look at the conflict *background* in order to identify key characteristics of the conflict at hand and key issues during the negotiations. Second, we examine the *outcome* of the peace process, seeking to see how far the peace agreement was able to reduce violence and deal with root causes of the conflict. Third, we focus on the *context*, because the question of how the process fits the context is vital to making sense of mediation. Fourth, we come to the heart of our study, which examines the *mediation process*, especially focusing on the participants in the process and the mediators in the negotiations. This structure allows our analysis to proceed from the general level to the particular, as well as to work backwards from the outcome to identify the process that led to it. The process–context–outcome triplet follows the conventions of mainstream mediation literature.[6] We end with some concluding theses, focusing on what we can do to support peace processes in Africa.

Conflict Background and Issues

The selected cases highlight the deadly nature of contemporary conflicts. The numbers of people killed ranges from hundreds to thousands (Ivory Coast, North-Mali/North-Niger, Western Sahara, Central African Republic, Kenya) to the hundreds of thousands (Burundi, Northern Uganda, Somalia, Darfur) to the millions (Congo, Sudan North South civil war). Most people are not killed in battle, but indirectly due to famine and diseases that result from the conflict. In the second Sudan North South war, for example, some two million people were killed, yet only a fraction of these casualties were directly attributable to battlefield deaths. One estimate even suggests their number to be as low as 55,500.[7]

Before the peace agreement and during peace negotiations, these countries are "fragile states" – the state has a limited monopoly on violence, basic security and services are not provided, the economy is poor or declining, and there are often widespread human rights violations. If the peace agreement is successfully implemented, it slowly brings about a process of development and stabilization.

In a peace process, the conflict parties come together to negotiate a peace agreement that seeks to address both the root causes and the manifest symptoms of the conflict, thereby aiming to end the violence and achieve sustainable peace. There may, however, be political or pragmatic reasons why the peace process or the ensuing agreement

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[3] "Mediation" refers to the support of peace negotiations by a third party that is acceptable to the conflict actors. "Facilitative mediation" is understood to refer to a non-directive form of mediation, where the mediator mainly facilitates the dialog and helps to bring the parties together. "Formulative Mediation" entails listening to the parties, and drafting agreements that are then presented and adapted by the parties. "Manipulative or directive mediation" concerns two dimensions: on the micro-level of the mediator, it entails a directive mediation style, where the mediator is more assertive than in facilitative mediation, strongly controlling the process and the framework in which it takes place. Manipulative mediation, on the other hand, also refers to the role of external parties using sticks and carrots to induce the parties to the table, to continue with negotiations, and to implement what they have agreed. While facilitative and "Formulative Mediation" help the parties to bridge communication difficulties and find common ground, manipulative mediation may change the possible agreements through incentives and disincentives. Beardsley, Kyle C.; Quinn, David M.; Biswas, Bidisha; Wilkenfeld, Jonathan, "Mediation Style and Crisis Outcomes," in *Journal of Conflict Resolution*, vol. 50, no. 1 (2006), pp. 58–86. Zartman, William, and Saadia Touval. "International mediation in the post-cold war era", in: Chester A. Crocker and Fen Osler Hampson (with Pamela Aall) (eds.) Managing global chaos, Washington, D.C.: U.S. Institute of Peace Press (1996). pp. 445-461.

[4] "Negotiations" are defined as a process of joint decision-making. For further definitions and a glossary on mediation, see: UN Peacemaker Website, available (with registration) at: (http://peacemaker.unlb.org/glossary.php?p=89); Glossary of the Conflict Research Consortium, University of Colorado, US, International Online Training Program On Intractable Conflict, available online at: (http://www.colorado.edu/conflict/peace/glossary.htm).

[5] "Armed conflicts" are generally defined as conflicts resulting in at least 25 deaths per year. For standard definitions of conflict and conflict data sets, see the homepage of the Uppsala Conflict Data Program, available at: (http://www.pcr.uu.se/research/UCDP/index.htm).

[6] See for example: Bercovitch, Jacob, and Allison Houston. "Why do they do it like this? An analysis of factors influencing mediation behavior in international conflicts", In: *Journal of Conflict Resolution*, vol. 44 nr. 2 (2000), 170-202.

[7] Bethany Lacina and Nils Petter Gleditsch, "Monitoring Trends in Global Combat: A New Dataset of Battle Deaths," European *Journal of Population*, no. 21 (2005): pp. 145–66, available at: (http://www.springerlink.com/content/l826g1412943w55w/fulltext.pdf).

does not address all conflict causes, with various points instead being delegated to the subsequent transformation process. Key issues of the negotiations we examined were:

- *Security:* How can violence be stopped, and what mechanisms must be in place to prevent it from erupting again? To end the violence, rebels and state forces must agree on a cessation of hostilities and a more long-term ceasefire. One aspect of this process is the need to undergo Disarmament, Demobilization, and Reintegration (DDR) as part of an even longer-term process of Security Sector Reform (SRR). Security was a key issue in all 11 cases, except in Western Sahara, a frozen peace process, where the ceasefire holds, but the root causes of the conflict have not been addressed and DDR is explicitly omitted from the process at the present stage.

- *Wealth-sharing:* How are taxes, territory, and land resources (an issue in all cases) as well as natural resources such as uranium (Mali, Niger), oil (Sudan, Mali, Niger), diamonds (Congo), phosphate and fish (Polisario / Western Sahara) to be shared and used? What kind of land property rights can be agreed on to prevent future conflicts?

- *Power-sharing and identity:* A key characteristic of all the cases examined was unequal access to political power at the local, regional, or state level. In two cases (Sudan North-South, Polisario/Western Sahara), the question of secession and gaining independence were key issues. In Darfur and Northern Uganda, the marginalization of the region compared to other parts of the country is a root cause of the conflict. Kenya stands out from the other cases as the conflict here consisted of post-election violence directly triggered by the elections, and driven by a struggle for power. Power-sharing is often also related to ethno-political questions of citizenship. Thus, the question of "who is a citizen of the country" was a central issue for negotiations in the case of the Ivory Coast, and Kenya is a good example of how political and ethnic affiliations were linked to each other and part of the violent escalation.

- *Human Rights and justice:* Rebels, militias, and state armies violate human rights. Peace processes seek to address this problem by establishing judiciary systems and institutional mechanisms to deal with past injustices and prevent future ones. Nevertheless, since the negotiating parties are often the conflict parties who are responsible for the human rights violations, they are not interested in integrating clauses in the agreement that will then be used against them. Today, however, no peace agreement is endorsed by the international community if it contains a blanket amnesty covering war crimes, crimes against humanity, or genocide. Both in the case of Northern Uganda and Darfur, the intervention of the International Criminal Court (ICC) posed a challenge on how to combine peace and justice.

Outcome

To what degree were the peace processes and agreements "successful"? Was there a longer-term reduction in violence and a transition to a more democratic and accountable governance system? The question of success or failure cannot be reduced to a simple "yes" or "no" answer. Success and failure are relative to the situation before the peace process, and they must also consider the impact of the continually changing context. There is also a subjective dimension to "success", as it depends on the perceptions of the people affected by the conflict and peace agreement. Thus, rather than categorizing the peace processes and agreements into "successes" and "failures", we tried to look at the outcomes on a continuum between "rather successful" and "rather unsuccessful". It should also be noted that from the point of view of a fully functioning democracy, the situation in most countries is appalling even after a peace agreement: Human rights violations, violence, poverty, and inequality usually remain widespread. However, compared with life during a state of war, the situation has often improved tremendously.

Rather successful: The Burundi Arusha Accords (2000), the Sudan Comprehensive Peace Agreement (2005), the Ivory Coast Ouagadougou Agreement (2007), and the Kenyan National Ac-

cord and Reconciliation Act (2008) were important steps in stopping the violence and dealing with central political issues. All of the above countries still grapple with implementation problems, but so far, it seems that the agreements reached are holding – even if the last three are still too recent to allow a final assessment. In the cases of Sudan and Burundi, there are clear indications that the agreements have supported a longer-term process of stabilization that is needed for democracy to function. Burundi is the only case we examined where the transition period from the peace agreement to democratic elections has been completed. Sudan is still in this transition phase.

Unclear or mixed outcome: The CAR pre-talk agreement (2007), the Congo/Kivu "Act d'engagement" (2008), and the Uganda-LRA Cessation of Hostilities (2006) and Agreement on Reconciliation and Accountability (2007/08) can be viewed as being partially successful. In Uganda, the level of violence decreased; in the CAR, a framework for future negotiations was agreed; in the case of Congo/Kivu, an agreement on basic principles and broader public support for peace have been gained. However, recent violence in North Kivu shows how elusive peace remains in this region. Furthermore, the success of the CAR pre-talks agreement can only be judged once the negotiations start, the Congo/Kivu agreement was weak on the implementation, and the final agreement in Uganda has not yet been signed by the LRA.

Rather unsuccessful: The Western Sahara Baker Plan I (2001) and II (2003), the Darfur Abuja Agreement (2006), the Somalia Khartoum Agreement (2006), and the Tuareg ceasefire agreement (2007) are generally seen as failures or partial failures. The Baker plan was not accepted by the parties. The Darfur Abuja agreement was not signed by all the rebel groups, the conflict escalated soon after the agreement was signed, and the deal was never implemented. The Somalia Khartoum agreement was not implemented, and violence even escalated shortly after signing. The Tuareg ceasefire agreement did not hold, and further efforts are underway. Nevertheless, most of these processes and agreements also have positive aspects. The Abuja Agreement, for example, will

remain a key reference document for future Darfur agreements because the parties agreed on many aspects, even if the agreement as a whole was unsuccessful.

With this rough assessment in mind, the following dimensions of "context" and "process" become more pertinent, as one can see how relevant various factors were in leading to a specific outcome, be it the improvement/worsening of the security situation or a broadly accepted/rejected power sharing arrangement.

Context

The global geopolitical framework and regional neighborhood form the "context" in which a peace process takes place. This context specifically includes developments such as regional conflict spill-over, political and economic interests of neighboring or global actors, or events of global significance such as the attacks in the US on 11 September 2001. Mediators have little influence on the context, even if it has a tremendous impact on their work. From our cases, it seems that the context can either support a peace process, with regional actors actively pushing for an agreement or helping its implementation; or the context has mixed impacts on the process, at times helping the process forward, at other times slowing it down or actively stopping it; or the context may consistently prevent progress in the peace negotiations, for example if regional or global actors arm one actor against the other.

Supportive context: The context in the following peace processes seemed supportive or at least permissive: Kenya post election negotiations, Burundi Arusha negotiations, CAR pre-talks, and the Ivory Coast Ouagadougou negotiations. The EU involvement in CAR seems to be a major reason why the pre-talks were initiated. In Burundi, a regional coalition of neighboring states (Ethiopia, Kenya, Rwanda, South Africa, Tanzania, Uganda, Zaire, Zambia) used economic sanctions to put pressure on the president of Burundi after the military coup d'etat, that was decisive in getting serious negotiations underway. The Ouagadougou negotiations are an example of how a neighboring head of state is not only supportive,

but actually mediated in the bordering country, as any conflict spill-over (migration, organized crime, armed groups) also leads to insecurity at home.

Context with mixed impacts: The Sudan North-South process is an example of transition through various phases where the context was supportive, neutral, or even impeded progress. The IGAD countries Eritrea, Ethiopia, Kenya, and Uganda were much more coordinated and thus supportive at the onset of the Sudan North-South negotiations than towards the end, when they became preoccupied with the Ethiopia-Eritrea clashes or tensions in Somalia. The attacks on 11 September 2001 seem to have helped kick off the Sudan negotiations, as Sudan feared it would be attacked similarly to Afghanistan if the country did not show some goodwill, but later on, the CIA also benefited from intelligence provided by the Government of Sudan (GoS) on Islamic groups, making it easier for the GoS to slow down the process and have their say. The process enjoyed financial and political support from the US, the UK, and Norway (Troika), as well as the EU and the UN. The chief mediator, Lt. Gen. Sumbeiywo, managed to protect the process from too much external intervention – it is reported that he even threatened to shoot the US envoy when the latter became too intrusive.[8] The Ugandan-LRA negotiations began shortly after North and South Sudan signed their peace agreement. The LRA had acted as a proxy rebel group for the northern GoS, helping it to fight against the SPLM in the South. Once the Sudanese had struck a deal with each other, the LRA lost its support, putting it under pressure that helped to open up negotiations with the Ugandan government.

Impeding context: In the following processes, the context seemed detrimental: Darfur, Somalia, Western Sahara, North-Mali/North-Niger – Tuareg and Congo/Kivu. In Darfur, the regional states of Libya, Chad, and Eritrea were funding one or the other of the conflict parties. In the US, a strong domestic lobby was calling for swift action, and China had interests in the maintaining

the stability of the Sudanese regime due to its oil interests in the country. Furthermore, the parties still felt they could gain more on the battlefield than at the negotiation table. In Western Sahara, the governments of Algeria and of Mauritania, the former colonial power France, and the US each had visions of their own for the outcome, which did not necessarily agree with the UN's vision at the time James Baker was working on the conflict. In the North-Mali/North-Niger – Tuareg negotiations, Libya had a strong regional agenda that motivated it to mediate, but it may also have been interested in strengthening ties with certain parties, even if no agreement was struck. The US counter-terrorism policy throughout the Sahel zone has also caused most non-governmental actors to be branded terrorists, making it easier for governments to pursue them militarily rather than to talk with them, e.g., in Niger. In the Congo/Kivu negotiations, Rwanda and Uganda were missing at the negotiations, but would have been key actors. In Somalia, Ethiopia – backed by the US's counter-terrorism approach – was pursuing a military solution against the Islamic courts, thus leaving extremely little room for any mediation process.

In summary, context matters! If the context is strongly detrimental to the process, it is very hard to reach a sustainable outcome. However, most processes go through phases where the context is variously supportive, neutral, or impeding. During difficult phases, the process may slow down, only to pick up again when the context changes. The key challenge for a mediator is to analyze the context and see how best to design the process to fit it. At times, it may be better to lie low and wait for a more favorable context. Probably, it is useful to stay involved and engaged during these difficult phases, but not to fund major meetings, as long as they have little chance of being productive. Donors who want to be effective need patience and perseverance.

Process

The process factors analyzed in the 11 case studies comprised participation, mediation style, third-party coordination, and mediation setup.

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8   Martin, Harriet: "Kings of Peace, Pawns of War: The Untold Story of Peace-Making", London, New York: Continuum International Publishing Group (2006), p.137.

Below, some of the main points from the case studies are summarized.

Participation

Participation concerns the question of which conflict party sits at the negotiation table – one of the main dilemmas facing a mediator. Participation entails questions of inclusiveness, representation, decision-making power, and procedures, as well as competence on the part of the negotiation delegations. At first glace, the trade-off between inclusive and exclusive negotiations seems to be the following: the more inclusive the negotiations, the more legitimate and sustainable they are, but the more complicated and the harder their management also becomes. In other words, it is more difficult for 100 people to talk with one another than it is for two people, but if the 100 can agree on a solution, the outcome is more solid and sustainable. At second glance, however, things become more complicated when one looks at who the negotiators represent, and what decision-making power they hold. If the two people talking together are heads of states who are legitimate representatives of their respective people, such an exclusive process may be more effective and democratic than a very inclusive process with hundreds of people who have no decision-making power and no strong constituencies. The 11 cases we examined show the dilemmas of participation in its various facets:

Few negotiating parties: Examples of effective processes that were fairly exclusive include the Sudan North-South process, the Kenyan process, and the Ivory Coast Ouagadougou negotiations. While various consultation platforms, working groups, and negotiation delegations were involved, the negotiation delegations were fairly small, and there were also key moments when only the heads of the negotiation delegations were present and thus managed to move the process forward. In the Sudan North-South process, a blockage in the negotiations in 2003 could only be surmounted by bringing in the top leadership of the conflict parties. The Ivory Coast Ouagadougou negotiations were more exclusive and effective than earlier, more inclusive negotiations. One advantage of a small number seems to be

that the people tend to talk more to each other, to be able to test ideas without immediately committing themselves to them. On the other hand, when a large number of participants is involved, the danger is that they will pander to their own constituencies and try to gain points by hitting at their opponents, posturing rather than focusing on interests[9] – which is also typical of many parliamentary debates in Western democracies.

Many negotiating parties: The cases also highlight processes that were inclusive and effective: the Burundi Arusha processes were more inclusive, and the number of parties at the table grew from a dozen to some 19 by the end of the negotiations. Here, the "sufficient consensus" approach was applied in order to get the large parties to bring the small parties on board. The Congo/Kivu process was, at least from the point of view of number of people attending, the most inclusive process we examined, involving some 1,500 people. However, there were also side negotiations with about 50 key decision-makers.

Fragmented parties: In many cases, the problem of participation was more related to the degree of cohesion within the negotiation delegations, and the extent to which they represented their constituencies. In the Somalia Khartoum negotiations, only the moderate representatives from the side of the Islamic Courts were present. This led to tensions with the more hard-line representatives, and the end of the negotiations. In the Darfur Abuja negotiations, the rebel groups were divided amongst themselves, and the chief mediator even asked them to come in one by one for the last "take it or leave it" signature of the agreement. This fragmentation of the Darfur groups increased after the agreement, and is a key impediment to any effective peace negotiations in Darfur up to this day. Another problem is that the importance of negotiating parties is often assessed by mediators or the international community according to their fighting force and control of strategic areas on the ground. In this view, the

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[9] Position = what I want, fixed solution to a problem. Interests = why I want something. See Ury, William, Roger Fisher, and Burce Patton "Getting to Yes: Negotiating Agreement Without Giving In", New York, London: Penguin Books (1991).

value of a conflict party at the negotiation table increases according to their military achievements on the ground. This influences the fighting, and makes it very hard to stop, as conflict parties try to expand their military actions in order to have more weight at the negotiation table. The LRA-Uganda negotiations were a special case, as the heads of the LRA were not present at the table, due to the ICC indictments and fear for their personal security. The LRA negotiation delegation therefore did not have as much decision-making power as would have been desirable. They had to consult with their head, Joseph Kony, who remained behind in the bush. The numerous formats of negotiations made it all the more challenging to maintain the cohesion of the process (in Juba between the delegations, in Juba with the Acholis present, in the bush with Joseph Kony, and in consultations with the Acholis in major manifestations or regroupings within Northern Uganda).

Women participation: UN Security Council Resolution 1325 on Women, Peace and Security calls for active participation of women in peace processes. In none of the case studies we examined were women present as main negotiators at the table, showing that the implementation of this UN resolution is very difficult. This is because the composition of the delegations that come to the table is decided by the conflict parties, not by the mediators, although the latter can suggest various consultation formats or working groups to broaden the participation. At times, women may find it easier to gain participation through the entry points of working groups on specific topics, e.g. "Dealing with the past", amnesty, land tenure, or human rights than through quotas. Mediators are in a very strong position to promote participation of women in such working groups, as these topics cannot be discussed without them, for women are key actors in these topics.

Representation: It is worth noting that the pre-talks in the Central African Republic were called "Inclusive Political Dialog". Eight parties, including the opposition, rebel movements, and civil society representatives, participated: however, many of these parties were chosen by the gov-

ernment. Therefore, the process was inclusive, but not necessarily representative of actors who were not in favor of the government. The predilection of Western donors for the label "inclusive" may be the reason for choosing this term as much as any intrinsic motivation. The difficulty of representation is also illustrated by all the cases we have entitled as "rather successful". None of the parties that signed the agreements can be considered to have been democratically legitimated. Peace processes are inherently un-democratic. Authoritarian regimes and rebel groups gain access to the table though the barrel of their guns, rather than their democratic legitimacy. Nevertheless, this is often favorable compared to continuation of war. The main idea of a peace process is to create a situation that will allow for a transition to democracy and fairer political representation of those in power. The case of Burundi shows that this is possible. It is not the peace process that has to be democratic – it is its result that should enable the people concerned to find their way to a stable and non-violent way of dealing with conflicts. There is always the danger that Western observers may project their ideals of democracy, human rights, and good vs. bad onto a society, thereby trying to shape or judge the peace process according to European and US norms, with insufficient understanding of the historical and cultural reality at hand.

No contact: A final problem of participation is found in the case of the Western Sahara and North-Mali/North-Niger – Tuareg negotiations: Sometimes, the parties do not even come to the table! The UN Secretary General's Personal Envoy James Baker drafted his plans without consulting the parties (Baker Plan I), or consulted them, but did not get them to meet and talk about the proposals (Baker plan II). In the case of the Tuareg, the government of Niger did not attend, and opted instead for a military strategy.

In summary, most processes involve both exclusive and inclusive formats, and the key to their effectiveness lies in the right mix, rather than in the question of whether a process is primarily exclusive or inclusive. All processes go through different stages, in which different forms of participation and contact play a role. The number of par-

ticipants alone does not indicate the degree of inclusiveness, their decision-making power, their internal cohesion, and the question of which constituencies they represent is crucial. The cases of Burundi and Sudan show that both inclusive and exclusive processes can work. Often, the mediator also has little or no say on these questions, which are instead decided by the conflict parties or by external participating actors. However, the mediator needs to know the various dilemmas and change the formats as the process moves forward.

Mediation

Our main questions regarding the actual mediation were: who mediated and how did they mediate? Mediators normally represent or work for an organization (e.g., states, regional or international organizations, or non-governmental organizations), yet they are also personalities. Often, the personality is more important than the organizational affiliation of the mediator. Commenting on the choice of Nelson Mandela as chief mediator in the Burundi Arusha negotiations, former Burundian president Sylvestre Ntibantunganya said: "We need someone who is bold and who will help us accept ourselves and the real problems."[10] The quote illustrates the need for a mediator to display both psychological ("accept ourselves") and political ("real problems") qualities in order to be effective. The most striking results from our 11 cases pertain to the role of partial mediators and the relationship between chief and assisting mediators.

Conflict parties as mediators: The 11 cases we examined held some surprises: Some of the chief mediators had previously themselves been affiliated with conflict parties in their own country, and were thus familiar with the problems facing negotiators. Furthermore, some of them were also involved in the conflict they later tried to mediate, as they had supported one or the other side, or at least not been "neutral" bystanders. They therefore did not fit the classical "outsider / impartial" model of a mediator often propagated in the West. Nevertheless, two of them were at least partially successful. Riek Machar facilitated the negotiations between the government of Uganda

and the LRA as vice-president of South Sudan. He was a key actor in the Sudan North-South conflict, in which the LRA had also played a role. The president of Burkina Faso and of the regional organization ECOWAS, Blaise Compaoré, facilitated negotiations between the government of Ivory Coast and the rebel group Forces Nouvelles (FN). Compaoré had himself come to power through a blood coup in Burkina Faso in 1987. He was also involved in the conflict in Ivory Coast by supporting and hosting the rebels of Ivory Coast, and many migrants from his country were in involved in the conflict. The president of Sudan and chairman of the League of Arab States (AL), Omar al-Bashir, facilitated talks between the Islamic Courts and the Transitional Government of Somalia. As president of Sudan, he had long years of experience with peace processes related to the North-South and Darfur conflicts. A fourth example is also interesting: the president of Libya, Colonel Muammar Gaddafi, facilitated talks between the governments of Niger and Mali and the Tuareg, while at the same time pursuing strong aspirations of his own for regional hegemony.

Chief mediators: Most of the processes we examined (six out of 11) were mediated by a head of state or former head of state: Burundi Arusha negotiations (J. Nyerere/ N. Mandela), Darfur Abuja negotiations (S. A. Salim), Ivory Coast (B. Compaoré), North-Mali/North-Niger – Tuareg negotiations (M. Gaddafi), Somalia Khartoum negotiations (O. Bashir), and Uganda-LRA (R. Machar). The chief mediators of the remaining talks were more diverse, and included current or former eminent UN personalities (J. Baker in Western Sahara and K. Annan in Kenya), national personalities (Abbé A. Malu Malu and V. Kamerhe in Kivu, Congo), one military officer (Lt. General L. Sumbeiywo in the Sudan North-South negotiations), and one academic (Berhanu Abebe in Central African Republic pre-talks). At the institutional level, regional organizations dominated, with four of the 11 cases having taken place under the mandate of a regional organization: The African Union (Darfur), ECOWAS (Ivory Coast), IGAD (Sudan North-South), and the League of Arab States (Somalia). Ten of the 11 chief mediators we looked at were Africans,

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10   http://www.africa.upenn.edu/Hornet/irin-120799.html

and all of them were male. It seems that non-African chief mediators were only involved in some cases where the UN has the lead in the peace process (e.g., Maarti Ahtisaari in Namibia in 1989, James Baker and Peter van Walsum in Western Sahara), probably due to the global nature of the UN, where Africans also play a role in non-African conflicts. In most cases, however, a regional organization or neighboring state had the lead and the chief mediator was an African, thereby highlighting the idea that African problems have to be solved by Africans.

Mediators and experts behind the scenes: Besides the chief mediator, who carries the overall responsibility for the process and acts as the moral guarantor of the process, all cases involved further mediators, facilitators, and experts working behind the scenes. Often their role is geared more towards the details of the process such as moderating sessions and committees, drafting documents as foundations for further discussion, and in general helping to design the process. Furthermore, experts on various topics were called in to give advice to many of the longer processes, helping to clarify tricky issues and bring the parties to a level playing field as regards knowledge relevant for the negotiations. Such supporting roles were played, in the Kenya negotiations, by the NGO Centre for Humanitarian Dialogue (HD), and in the Ivory Coast negotiations, by the religious community of Sant' Egidio. States often also provide experts to support peace processes. E.g., a Swiss mediator was involved in the Burundi, Sudan North-South, Darfur, and Uganda-LRA negotiations. The UN was also involved in numerous ways in most of the cases we examined, namely in the Sudan North-South, Darfur (after Abuja), Burundi, CAR, Western Sahara, and Uganda-LRA conflicts. The implementation of the Sudan North-South agreement would not have been possible without the UN. The fact that in most cases the lead mediator was an African did not prevent many others from supporting the lead mediator with both human and financial resources.

Mediation style – combining facilitative and directive approaches: The literature on mediation investigates the extent to which various me-

diation styles (e.g., facilitative, formulative, directive, manipulative) lead to different kinds of mediation outcomes. Empirical studies seem to indicate that manipulative mediation is more likely to lead to an agreement, while facilitative mediation is more likely to lead to longer-term tension reduction.[11] It is very difficult, however, to label a peace process according to these three mediation styles, as most peace processes go through various phases during which the form and style of mediation changes. The Ivory Coast Ouagadougou negotiations seem to be an example of the use of a predominately facilitative style that helped to create a breakthrough after more heavy-handed processes had failed. Burundi and Sudan North-South seem to be examples of both directive and non-directive mediation styles, depending on the phase and issue. Both Nelson Mandela and Kofi Annan used moral pressure to get the parties to overcome hurdles. In order to be successful, however, these approaches have to be accepted by the conflict parties.

In some processes (e.g., Burundi, Congo/Kivu, North-Mali/North-Niger – Tuareg, Somalia Khartoum negotiations, and CAR pre-talks), financial incentives in the form of per diems or possible future access to finances seemed to be an important incentive for the parties to attend. In many processes (e.g. Burundi, Sudan North-South), the mediators formulated draft texts – often causing heated reactions from the parties. Nevertheless, by continuing to work and adapt the draft, the process moved ahead. James Baker used an approach that can be viewed as being formulative, as he drafted an agreement, but had no power to get the parties to sign or implement his plan. A draft peace agreement that can be changed by the parties, but where there is a deadline that imposes limitations on the scope for any adaptation, is practically the same as a "take it or leave it" text. It is questionable whether this constitutes mediation at all, or whether it is not instead a form of non-binding arbitration. The same seems to apply to the final stages of the Darfur negotiations: the document was drafted by the mediators; however, the parties had very little time to amend, adapt, or shape it in the way they wanted, thus indicat-

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[11]   Beardsley et al., 2006, op cit.

ing a directive if not manipulative style of mediation.

Process design: Process design includes questions of venue, participation, phases, agenda, etc. Most of the longer processes had long pre-talks aimed at securing agreements on the process design and a clear framework before beginning discussions on substance. Some of the shorter processes we looked at, e.g., Somalia Khartoum negotiations, North-Mali/North-Niger – Tuareg negotiations, however, seem to have lacked a clear design, and were instead organized in an ad-hoc fashion. The cases highlight a creative mix of possible formats in many of the processes: The Congo/Kivu process consisted of a conference of 1,500 people that was held in parallel with small meetings of 50 people. The Uganda-LRA process featured numerous parallel formats (the Juba negotiations, talks in the bush or via telephone, civil society participation in Juba, and visits of the LRA delegates to Kampala and Northern Uganda), seeking to overcome the limitations that were imposed on the process. The Burundi Arusha negotiations featured five committees on various topics working in parallel, each mediated by different co-mediators, and responsible to the overall secretariat under the presidency of the chief mediator. The Sudan North-South negotiations combined plenary meetings of the two main parties, i.e., involving about 12 people on each delegation, with working groups on topics and face-to-face meetings between the heads of delegations. Overall, the cases indicate that a good process design is extremely helpful, as long as it is also flexible enough to adapt to unfolding events and changing contexts.

In summary, the cases seem to indicate that most mediators use a mix of non-directive and directive mediation styles. The style changes depending on the phase of a process. The chief mediator may also use a directive or even manipulative style, but in this case, he relies on a team of mediators that may well use a facilitative style at the same time, building confidence with the parties. Furthermore, pressure may come from external parties and observers, allowing the mediator to adopt a more facilitative approach. In short: Pressure and dialogue must be combined. In addition to direct pressure imposed by external actors, external actors may also have their own agenda, which may at times even be antagonistic to the substance of what the two conflict parties can agree on. In such cases, mediators do not only deal with the conflict between the parties, but also come under pressure from the international community. As far as the question of timing is concerned, the mediators are often not in control. In most processes, the timeframes are shaped by external actors and even funding constraints. The Darfur process went through a procession of missed deadlines until the final deadline forced the parties to accelerate beyond their pace. The time pressure imposed by the international community is understandable, but if it disrupts the process and causes a resumption of war, it is counter-productive.

Conclusions

The cases cover a broad range of mediators, mediation styles, and forms of participation. Nevertheless, we can identify some patterns and advance tentative hypotheses:

First, the geo-political context and interests of neighboring states set the framework in which a peace process takes place: Peace processes occur between the conflict parties directly concerned. If the global or regional states hinder any agreement between these actors, however, it is highly unlikely that the peace process will be effective. In such cases, pressure on, and dialog with, the regional states is needed, as now for example in Darfur. A modicum of agreement between the regional actors and amongst great powers such as the US, China, and Russia is an essential pre-condition for a successful peace process. Mediation is not the only tool needed to make peace; it must be seen as one among others, including economic sanctions, military peace support operations, longer-term development cooperation and peace-building.

Second, African conflicts are typically mediated by African chief mediators, supported by international experts and finances: Most of the chief mediators in the cases we examined were Africans, yet the teams supporting them included various organizations (states, regional and international organi-

zations, NGOs) and experts from all over the world. So despite the idea of African mediators for African conflicts being manifested by the chief mediator, most peace processes were shaped by international politicians and experts and were also heavily financed by the West, e.g. the EU. This support seems extremely helpful and welcome in most cases, yet there may be times where it also leads to the external actors trying to impose their vision on the issues at hand. It is still unclear, for example, how the ICC shapes peace processes, and how its involvement interacts with traditional African approaches to conciliatory justice. The international community (and small countries like Switzerland or Norway) should therefore continue or expand their support of peace processes by seconding experts to the chief mediator and financing such processes. They should, however, familiarize themselves well with the case, be prepared for a long-term commitment, and work in a culturally sensitive manner.

Third, the coordination efforts of third-party actors are essential: Numerous actors, including state, regional, and international organizations, personalities, and NGOs, are needed to deal with the diverse topics, multiple actors, and changing phases of a peace process. There have been cases, however, where third parties were duplicating efforts or distracting from the main process. Thus, greater efforts at third-party coordination constitute a sine qua non. The participation of "Groups of Friends" in a peace process is one possible way of doing this, while another approach is to strengthen the role of a clear chief mediator who coordinates the various other mediators.

Fourth, mediators are never neutral, yet they need to work in an even-handed, non-judgmental manner to be effective: Effective mediators are often directly interested in the conflict outcome and often have closer ties to one party than the other. Third parties have to be accepted by the conflict parties, or else the third party will – by definition – not be able to serve as a mediator. This acceptance, however, is not necessarily based on the third party being neutral. For mediators to be able to help the conflict parties "accept ourselves and the real problems", they need to work with the various parties in an even-handed manner,

without condemning them. For once one condemns other individuals, they are no longer open to dialog and change. This non-condemning approach does not mean that perpetrators of human rights violations or even war crimes should not be tried and judged, but it is not the role of the mediator to do this. The role of the mediator is rather to build into the process a system within which these crimes can be investigated and dealt with further down the road. Here, civil society actors play an important role: They alone can decide what kind of pardon and punishment for past crimes their society requires in order to build a just and peaceful future.

Fifth, self-interest and humanitarian motivations are drivers for mediation: The mediators in the cases we examined often had a stake in the outcome of the conflict, such as regional stability and preventing conflict spill-over. This is especially true for the regional states supporting the process. It is ok for a neighboring state to have a political agenda of its own. Such an agenda only becomes detrimental to the peace process if the state strongly favors one side over the other. States far away from a crisis zone support peace processes based on humanitarian considerations, but also out of self-interest. For in an increasingly interdependent, world, wars that are geographically far away nevertheless have global impacts, e.g., forced migration, organized crime, or terrorism. Supporting peace and security on the other side of the globe helps to make peace and security sustainable at home.

Sixth, tough, directive approaches are often needed. However, they may also fail, calling again for more facilitative, non-directive approaches. The magic is in the right mix: A mediator may start with low-powered, non-directive mediation, and when this fails, he or she will adopt a more directive, tough approach. However, the inverse was also illustrated by our study: The tough, directive mediation approach failed in some cases, calling for a shift to a non-directive approach that was then successful. Most processes go through different phases, calling on different combinations of facilitative and directive mediation.

Seventh, inclusive processes are rare and not necessarily always the best approach; rather, exclusive and

inclusive formats have to be carefully combined: Mediators should not seek the maximum of inclusiveness at any price. Representation, decision-making power, inner party cohesion, and pragmatic power politics must also factor in any process design. In many cases, mediators cannot even decide who sits at the table. However, various formats can be combined to allow greater participation of various stakeholders without making the process unmanageable. Mediation is not aimed at achieving a perfect peace agreement or creating a democratic, fully inclusive peace process. Rather, it is about accepting and understanding what drives the conflict, and, starting from this complex and confused situation, working slowly towards a more peaceful and just society. In a nutshell, the mystery of mediation is to understand, rather than to condemn.

Burundi, Arusha Peace Process

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In a Nutshell

Political manipulation of ethnic and class differences goes back to pre-independence of Burundi in 1962. In 1993, Melchior Ndadaye, the very first Hutu president ever elected, was assassinated, launching the country once again into crisis. Some 250,000 people were killed between 1993 and 2003. Hutu uprisings were followed by repression from the side of the Tutsi-dominated army. Serious efforts to mediate the Burundi crisis began in 1996, with regional states imposing sanctions on Burundi. The Arusha talks were first led by the chief mediator Julius Nyerere and later by Nelson Mandela. 19 parties signed the "Arusha Peace and Reconciliation Agreement for Burundi" in 2000, creating institutions for transition to democracy, power-sharing, and security sector reform. Political parties and some of the armed groups participated in the Arusha process. However, some of the armed splinter groups continued fighting in the hills, so that ceasefires with these armed groups had to be negotiated after the peace agreement (various ceasefires were signed between 2003 and 2008). The Arusha Accords were more successful than expected, key challenges remain with regard to the definitive settlement of the armed conflict with the remaining armed group Palipehutu-FNL.

Key Messages

Regional mediation effort: The Arusha process was a regional process, with less influence from outside the continent than some more recent peace processes in Africa. The decision of the heads of states of the regional countries to impose sanctions in 1996, following Pierre Buyoya's coup, was a fundamental shift in inter-African relations.

Outspoken role of facilitator: Both Julius Nyerere and later Nelson Mandela greatly shaped the process by their personality. Unlike the Western notion of a "neutral" mediator, Nelson Mandela showed how the role of a moral chief mediator, or "facilitator" as he called himself, can be undertaken in a very outspoken manner. He worked for mutually acceptable solutions, but at the same time he was openly critical of the government (e.g., about how they held political prisoners), and he compared the IDP camps to concentration camps. This form of "moral pressure" cannot be exerted by anyone, but when exercised by Mandela, with his personal reputation as the "Father of Africa", it was effective.

Participation: The Arusha talks included all political parties, and some, but not all, of the armed groups. The number of parties grew from 17 to 19 towards the end of the process, thereby being an example of a rather inclusive process. Nevertheless, some splinter armed groups did not sign, and called for separate ceasefire agreements later on.

Use of sufficient consensus: All important parties must be included and engaged in successful political negotiations. However, the more parties are involved, the more difficult and complex the talks. There is also a danger that parties are formed in order to enhance the weight of one's position at the table (or to get paid for attending). One way of dealing with this, and that began to take effect towards the end of the Arusha talks, is the use of "sufficient consensus", where the mediators work towards a consensus between the large parties, and these then try to pull the smaller parties along with their decision.

Use of a draft to overcome deadlock: It is always a delicate matter when mediators propose a draft, as it is probable that they will be seen as being biased. However, there are times when talks do not move ahead, and the presentation of a draft can help to overcome deadlock. In the Arusha negotiations this was successful, but the parties also had ample time to adapt the draft.

Background of the Conflict

The conflict in Burundi goes back to pre-independence in 1962. The Belgian colonial government used and exacerbated ethnic differences between the majority Hutu (85 per cent) and dominant minority Tutsi (14 per cent) and the Batwa or Twa (1 per cent) by following the adage of "divide and rule". Large-scale fighting in 1965 (5,000 killed), 1972 (150,000 killed), 1988 (thousands killed), and 1993–2003 (some 250,000 killed) generally followed the pattern of Hutu uprisings with subsequent repression by the Tutsi-dominated army. Hundreds of thousands of Burundians sought refuge in the neighboring countries. In 1987, Pierre Buyoya – a Tutsi – became president of Burundi in a coup d'état and remained in power until 1993. A constitution was drafted and widely accepted in a referendum in 1992.

In 1993, army extremists assassinated the recently elected Melchior Ndadaye and six Hutu ministers, and in 1994, his successor, Cyprien Ntaryamira, as well as Rwandan President Juvénal Habyarimana were killed when their plane was shot down over Kigali. Civil war intensified, with civilian massacres orchestrated by the parties and fighting between the Tutsi dominated army and the Hutu rebels, e.g., the armed wing of the National Center for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD), the Party for the Liberation of the Hutu People – National Liberation Forces (Palipehutu-FNL), and the Front for Democracy in Burundi (FRODEBU). Buyoya returned to power in 1996 after a second coup. Regional pressure led to all-party talks in Arusha in 1998.[12]

What distinguishes the violent conflict in Burundi from so many others is the extent to which elite-led politico-ethnic rivalry for power became entwined with mass killing and fears of group extinction. Ethnic violence is the result not of ancient tribal hatreds, but of divisive colonial policies and the post-independence struggle for power among politico-ethnic elites in a polarized country.[13]

Previous Negotiations / Mediation Engagements

As the Burundian civil war intensified in late 1995, members of the international community undertook different approaches to prevent genocide and foster political reconciliation. A multitude of external actors initiated a large number of mediation-oriented activities in Burundi.[14] The focal point of mediation efforts changed several times. At first, mediation centered on the UN and the Organisation for African Unity (OAU); then the focus shifted to the official and private efforts of the Carter Center and of Julius Kamparage Nyerere, who had been appointed as African facilitator; then to 'secret' mediation efforts by the Community of Sant'Egidio, which worked in parallel with efforts of regional states; and then back to the Arusha process and Nyerere, who also worked in coordination with the EU, Switzerland, and the US. Parallel processes of internal dialog were actively supported by private actors, such as Synergies Africa, and official actors, such as UNESCO and the Vatican.[15]

Although the engagements had their advantages and accomplishments, the various and competing definitions of the problems resulted in a mismatch of responses: more than a dozen special envoys worked alongside private mediators, with both complementary and contradictory initiatives and agendas. The Burundians were clearly able to profit from this confusion, with actors manipulat-

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[12] International Crisis Group: "Burundi's Peace Process, the Road to Arusha", Africa Report no. 2 (20 July 1998), (se1.isn.ch/serviceengine/FileContent?serviceID=7&fileid=AB1 12B67-27F8-B5C9-E99C-1A01EF56E0C4&lng=en).

[13] Weissman, Stephen: "Preventing Genocide in Burundi: Lessons from International Diplomacy", in: *Peaceworks*, United States Institute for Peace (1998).

[14] Fabienne Hara explains the multitude of activities and agents: 'Impelled by a mixture of guilt toward the Rwandan genocide, genuine indignation in light of the massacres' scope and cruelty, and an oversimplified view of the Burundian problem, the international community became obsessed with the threat of impeding genocide in Burundi. Many […] saw Burundi as a laboratory to test […] new conflict resolution and prevention approaches' (Hara, Fabienne: "Burundi: A Case of Parallel Diplomacy", in: Crocker, Hampson, and Aall, ed., *Herding Cats: multiparty mediation in a complex world*, United States Institute for Peace (1999), p. 142).

[15] Ibid.

ing the different negotiators in order to gain maximum legitimacy.[16]

Pre-Negotiation to the Arusha Agreement

Several East and Central African States, in conjunction with the OAU, developed a broad peace initiative to the crisis in Burundi. In 1996 and 1997, Rwanda, Uganda, DR Congo, Kenya, and Ethiopia (joined by Zambia after October 1996) demonstrated an unusual degree of cohesion and determination in pushing for a negotiated settlement. The countries held five Presidential Summit Meetings on Burundi between 1996 and 1997, which brought together leaders of neighboring nations to address the Burundi situation and forced the international community to recognize the conflict's regional character.[17] They also engaged former Tanzanian president Julius Nyerere as their 'facilitator' and sponsored four major political discussions, hosted by Nyerere, among the Burundian parties.[18] In an exceptional move, nine regional states[19] adopted economic sanctions in 1996 aimed at persuading the Burundian government to restore constitutional legality and participate in all-party negotiations. This represented a fundamental shift in inter-African relations: For the first time, a group of leaders declared they would not accept a *coup d'état* as a legitimate way for an individual to come to power.

The Arusha talks between June 1998 and August 2000 were carried out within this regional framework, facilitated by Julius Nyerere, and by Nelson Mandela after the death of Nyerere in 1999. Nyerere approached the Swiss Federal Department of Foreign Affairs (FDFA) for support. The Burundian parties wanted French speakers and also some experts that were not from the Nyerere foundation (to balance a perceived bias), thus they short-listed countries that would be acceptable as countries that might send experts, and proposed South Africa and Switzerland for the constitutional issues.

Negotiation phase

Participation and Inclusiveness

All political parties to the conflict and some of the armed groups were included in the Arusha talks.[20] The process was very inclusive, as the parties agreed that all political parties could attend. However, this also led to the increase in parties as the process developed (with more than 200 delegates). The ensuing dynamic was for the large parties to bring in "their" parties and "their" civil society actors, so that no real new perspectives were integrated, although there were more and more people. This was then brought down to a manageable number through the "sufficient consensus" approach, getting the large parties to agree, and then working with the large parties to get "their" smaller parties to come on board. Thus, there was a G7, G8, and G3 group.

Some of the political parties had a military branch, so that the armed groups were in part also represented at the talks. However, at times there were differences between the political and military branch of the same movement, so that the respective armed movement did not feel adequately represented. The CNDD-FDD and the Palipehutu-FNL split from their political wings during the Arusha talks and wanted to replace these delegations in the talks. The other negotiation parties rejected this, however; thus, these two

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[16] Claiming commitment to democratic principles, FRODEBU gained the support of certain international parliamentary organizations. Opposing FRODEBU and playing on Western guilt about the Rwandan genocide, the Union for National Progress (UPRONA), a Tutsi group, along with members of the military, sought to gain international endorsement by denouncing what they claimed was a Hutu plot to exterminate all Tutsis (Ibid., p. 149.)

[17] Hara (1999): op.cit., p. 145. The war involved neighboring states as well. Many CNDD-FDD combatants were based in Tanzania and launched incursions into Burundi from there, despite apparent efforts by the Tanzanian government to discourage the activities (Human Rights Watch: "Burundi - Escalating Violence Demands Attention", Briefing Paper (November 2002), (http://hrw.org/backgrounder/africa/burundi/burundi1128.pdf)).

[18] Weissman (1998): op. cit.

[19] DR Congo, Ethiopia, Eritrea, Kenya, South Africa, Tanzania, Uganda, and Zambia.

[20] Key actors on the Tutsi side were: the army, dominated by the Tutsi until the elections of 2005, the UPRONA party, the MRC of Colonel Bayanganakandi, and the movement AC Genocide etc. On the Hutu side: the FRODEBU party, the former rebel groups CNDD-FDD, CNDD, FROLINAT, and Palipehutu-FLN as well as its dissidents.

rebel groups were not signatories of the Arusha Accord, signed in 2000.

Mediation Style and Third-Party Coordination

The regional African states' most significant initiative – economic sanctions against the Burundi government and mediation under the auspices of Nyerere – suffered, at least initially, from lack of sufficient Western support. The regional states clearly pushed the Burundian conflict parties in the direction of political negotiation. European and US reservations were based on their belief that it was necessary to work through moderate political leaders and that a relaxation of sanctions would strengthen moderate forces for peace. But the Burundi government's military-oriented policies indicated that relative extremists were largely in control. This suggested the need for more rather than less outside pressure, carefully orchestrated to bring the radical rebel groups into power-sharing negotiations that could protect their essential interests.[21]

A plethora of non-state mediation organizations were active in Burundi, including the Carter Center[22], the Community of Sant'Egidio[23], The Center for Humanitarian Dialogue (HD)[24], and Synergies Africa[25]. Some of these efforts helped to keep the peace process moving while the official Arusha talks were stalled, e.g. efforts of Sant'Egidio in 1997 or by the Swiss Federalism Institute and Synergies Africa in March 1998.

However, parallel efforts by non state mediators also posed the danger of giving certain splinter groups some form of legitimacy while not being at the table, or giving the parties an excuse to exit the Arusha process.[26] This was also why HD stopped its efforts to establish a dialogue on humanitarian issues in August 2000.[27] Thus the Burundi case shows the potential of various third parties, but also that too many actors can threaten a process if they are not well coordinated.

Arusha Process

The Arusha process was structured into five committees dealing with the following topics: 1) nature of the conflict, 2) democracy, good governance, and constitutional arrangements[28], 3) peace and security, 4) reconstruction and development, 5) guarantees to support implementation of the accord. Besides the chief mediators Nyerere and later Mandela, there were some two dozen people in the facilitation team between the Tanzanian Facilitation and the International ones.

The mediators of the second committee structured the agenda by getting the parties to talk about the 1992 constitution, which had been very widely accepted in a referendum. The parties were set the task of making three columns: 1) acceptable points that they agreed with, 2) problematic points that could, however, be dealt with once the main hurdles had been overcome, 3) unacceptable points, which were absolutely "no-go" areas. The agenda was set following the second and third points. In this process, the mediators were looking for institutional settings and constitutional principles that would help bring Burundi out of its actual crisis and start solving the political crisis through power sharing mechanisms.

A working draft document presented by the mediators, based on the 1992 constitution and the talks that had taken place so far, was rejected by all the parties. This is in fact better than if it is accepted by some parities, but rejected by others, as the mediator is then viewed as being biased. The

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[21] Weissman (1998): op. cit.

[22] The Carter Center sponsored talks in 1995 and 1996, cochaired by Julius Nyerere and Jimmy Carter. Hara (1999): op.cit., p. 146.

[23] Sant'Egidio had contacts with the parties since 1995, and held secret talks in Rome leading to an outline agreement in 1997 (Ibid., p. 147). Don Mateo Zuppi, a member of St. Egidio, had the office of the president of the commission for the "ceasefire and disarmament" in the official Arusha talks under Nyerere and Mandela. Sant Egidio website: (http://www.santegidio.org/en/pace/pace6.htm)

[24] HD was involved in 1999 in efforts to establish communication channels with the armed groups. In Feb 2000 HD hosted a seminar in Geneva to start a dialogue on humanitarian issues. It ended these efforts in August 2000, however, so as not to distract from the then-ongoing political negotiations in Arusha. HD website: (http://www.hdcentre.org/projects/burundi/activities?hd-centre-ends-its-involvement-burundi)

[25] Synergies Africa helped set up a conference in 1997 and seminar in 1998. Hara (1999): op. cit., p. 147-150.

[26] Hara (1999): op.cit., p. 150.

[27] (http://www.hdcentre.org/projects/burundi/activities?hd-centre-ends-its-involvement-burundi)

[28] Chaired by Nicolas Haysom and Julian T Hottinger.

idea of a draft text is that it is a document to work on, to adapt and "massage". The principle set by the mediators for this work was that the parties could only change the content of the draft if there was total consensus amongst the parties. All parties had to agree to the change, but they could and did bargain: "If you change this I will let you change that". This took about one year of work, in which the parties were supported by the mediators.

It is likely that after the death of Julius Nyerere on the 14th of October 1999, the process would have broken down if Nelson Mandela had not come in December 1999. He first let the committees work, and then increased pressure to get an agreement on the open issues, working with the heads of delegations. He used a lot of moral pressure, but with his background, was able to do so authentically and effectively. On a visit to Burundi in his capacity as chief facilitator of the peace process, for example, he visited a prison on the first day and said "If we are looking for peace here in Burundi, all the political prisoners have to be released."[29] On the second day, he visited a Hutu refugee camp that he had earlier termed a 'concentration camp'.[30] Finally, the Arusha Peace and Reconciliation Agreement for Burundi was signed on 28 August 2000.

Key Issues in the Arusha Accords[31]

- Clarification of the origin and nature of the conflict so as to lead towards reconciliation

- Agreement on an institutional framework for the transitional period, aiming at democratic renewal and fair power-sharing. The key principle here was the decision to include all parties to the conflict, without exception; to continue with the momentum of negotiations and dialog; and to re-establish the rights of the persons elected as well as of the parties that participated in the 1993 elections.

- Reform of the army and security guarantees for all citizens.

- Outline of the country's economic and social revival, and stabilization based on a return of refugees.

- International guarantees ensuring that the Arusha resolutions would be implemented.

Implementation

The Hutu and Tutsi parties signed the Arusha accords in 2000 and formed a transitional government from 2002 to 2005. On 23 July 2001, Mandela's choice of Pierre Buyoya and Domitien Ndayizeye as, respectively, president and vice president of Burundi for the first phase of transition was endorsed by the summit of regional heads of state.[32] This was a milestone in the implementation of the Arusha accord.

Eight years down the road, the Arusha accord has to a large extent been implemented, even if at a slower timetable than anticipated. Today, power is shared in the government of Burundi, with 60 per cent Hutu and 40 per cent Tutsi representation in government institutions. The president is a Hutu, the vice president is a Tutsi, and the second vice president is a Hutu. The army is made up to equal parts of Hutu and Tutsi.

Not all the armed rebel groups (all Hutu) were associated with this peace agreement, however. Buyoya's transitional government negotiated a ceasefire agreement with the National Council for the CNDD-FDD in 2003. The CNDD-FDD then dominated the elections in 2005, forming the first democratically elected government of Burundi after the Arusha accords were signed. This government then negotiated the return to Burundi of other movements (e.g. CNDD; FNL Mugaramabona). It also tried to negotiate and deal militarily with the last active rebel group, Palipehutu-FNL. Ceasefire agreements were signed (e.g., in 2007), but were generally poorly implemented.

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[29] BBC News: "Mandela visits Burundi prisoners" (12 June 2000), (http://news.bbc.co.uk/2/hi/africa/788230.stm).

[30] BBC News: "Mandela visits "concentration camps" (13 June 2000), (http://news.bbc.co.uk/2/hi/africa/788855.stm).

[31] International Crisis Group: "Neither War Nor Peace", Africa Report No. 25. (1 December 2000), (http://www.crisis-group.org/library/documents/report_archive/A400267_01122000.pdf).

[32] International Crisis Group: "Burundi: One Hundred Days to put the Peace Process Back on Track", Africa Report no. 33 (14 August 2001), (http://www.crisisgroup.org/home/index.cfm?id=1656&l=1).

Assessment and Outlook

Agreement

The Arusha accord was described as a 'thorough and balanced reflection of the parties' wishes for political representation and access to political power […] based on a series of unanimous resolutions'.[33] One of the flaws of the Arusha accord was that two of the rebel groups had not signed the agreement, namely the CNDD-FDD and the Palipehutu-FNL, which turned out to be a cause of continued violence and large scale-displacement of people during the subsequent years. While these two groups had been initially represented by their political wings attending the talks, differences between the political and military wings of the movement led to a split. As a result, the two armed groups did not sign the agreement. Another problem at the moment of signing was the open question concerning the leadership of the transitional government.

Process

One advantage of the Arusha negotiations was that the constitution of 1992 could be used as a basis for a plural political system, and that it had been accepted as such in a referendum. This is easier than negotiations that first have to collect issues and build on these. Nevertheless, due to the high level of mistrust, the negotiations were very hostile, especially during the first half year, and it was only possible to work in plenary meetings, as any work in smaller groups would have been met with suspicions that the mediator was biased. The role of the mediators of the second committee continually changed and developed, and took on a greater role than was first envisioned, i.e., also establishing contacts with parties not at the table, CNDD-FDD and FNL, and designing the 5th Committee responsible for preparing the Implementation.

Outlook

Despite the success of the Arusha accords, challenges remain, for example concerning human rights and lack of democratic pluralism since the first democratically elected government came to power in September 2005, led by the CNDD-FDD (which had been integrated into the political process after the 2003 ceasefire with the transitional government). Ndayizeye's government signed a ceasefire agreement with the Palipehutu-FNL in September 2006, which was only partially implemented, however.[34] South Africa was the chief mediator in these talks, based in Tanzania, while others supporting their efforts, such as the Swiss-based international NGO "Initiative of Change",[35] were active in coaching the parties outside the formal meetings. The Initiative of Change had built up contacts with the Palipehutu-FNL over the years, and was therefore able to support the South African mediators also in difficult moments when negotiations broke down. The Swiss FDFA also has a peacebuilding advisor based in Bujumbura supporting conflict transformation projects in the country.

Security improved following the agreement, but worsened again in mid-2007, when the Palipehutu-FNL withdrew from the mechanism established to monitor the ceasefire, alleging bias on the part of the facilitator, South African Safety and Security Minister Charles Nqakula.[36] In April 2008, heavy fighting between the Palipehutu-FNL and the government occurred in and around the capital, killing dozens of people and leading to the temporary displacement of many more.

After strong international pressure on the rebel group to enter into negotiations, the government of Burundi and the Palipehutu-FNL surprisingly signed a ceasefire on 26 May 2008 that provided for an immediate end to all fighting and aimed to resolve all their differences through dialog. Furthermore, the two parties resolved to address simultaneously all the outstanding political issues, including the political accommodation of the Palipehutu-FNL in national institutions as well as the integration of its combatants into the security and defense forces. They also agreed to undertake specific initiatives in order to inform the national

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[33] Reported by International Crisis Group (1 December 2000), op. cit.

[34] International Crisis Group: "Finalising Peace with the FNL", Africa Report no. 131 (28 August 2007), (http://www.crisisgroup.org/home/index.cfm?id=5034)

[35] (http://www.iofc.org/en/).

[36] Human Rights Watch (November 2002): op. cit.

institutions, Palipehutu-FNL members, and the population about the ongoing peace process; to refrain from any inflammatory action or declaration; and to find as soon as possible a mutually acceptable solution to the question of the registration and the name of the Palipehutu-FNL as a political party.[37]

Many challenges remain, however, one key question is the transformation of the Palipehutu-FNL into a political party, the integration of its combatants into the national defense forces and police, and the demobilization and reintegration of the other fighters. There are also political tensions between the parliamentary opposition and the government CNDD-FDD, as well as between the government, the media, and civil society.

Nevertheless, the Arusha accords were successful in bringing the country out of war. The difficult transition period after the peace agreement ended with the elections. The ongoing tensions show, however, that a long-term support even after a peace agreement and after elections is essential.

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[37] Boshoff, Henri: "The Return of Agathon Rwasa Could Signal Permanent Peace In Burundi", Institute for Security Studies (23 June 2008), (http://www.iss.co.za/index.php?link_id=5& slink_id=6138&link_type=12&slink_type=12&tmpl_id=3).

Central African Republic, Inclusive Political Dialog (Pre-talks only)

By Damiano Sguaitamatti, Mediation Support Project, Center for Security Studies, ETH Zurich

In a Nutshell

The current political landscape in the Central African Republic (CAR) has been shaped by a history of coups, widespread human rights abuses, and bad governance, leading to the dismantlement of the state institutions and to the devastation of the economy. Today the state's legitimacy and authority is contested by three armed non-state actors operating in the north-west and north-east of the CAR.

Two attempts at reconciliation in the society of the CAR (in 1998 and 2003) failed to produce any significant change in the way the country is governed. In 2007, President François Bozizé agreed to convene a new round of talks and mandated an NGO based in Switzerland, the Centre for Humanitarian Dialogue (HD), to facilitate the pre-talks. The Comité préparatoire du dialogue politique inclusif (CPDPI) was established by presidential decree on December 2007. The talks started on 1 January 2008 and lasted 90 days. The dialog included the ruling party Kwa Na Kwa (Sango language, meaning "work, nothing but work"), the political opposition alliance Forces vives de la nation, civil society representatives, the state administration, the rebel groups, and the other opposition parties. The largest rebel group, the Armée Populaire pour la restauration de la ré-publique et la démocratie (APRD), however, only joined the process during the last days of the pre-talks after having signed a separate ceasefire-agreement with the government. The head of the local UN representation, Special Representative of the Secretary-General François Lonsény Fall, bro-kered this agreement.

While being rather inclusive at a first glance, some 80 per cent of the representatives were more or less closely affiliated with the ruling party. Additionally, the participants disagreed on the very nature of the talks, as the presidential majority was in favor of an unbinding dialog, whereas the op-position requested formal negotiations with a binding agreement. The pre-talks, which are covered by this case study, ended with a final report containing 23 recommendations to be dealt with during the actual talks, which are supposed to take place in 2008.

Key Messages

Government-controlled civil society: Inclusiveness is not a matter of groups sitting at the table, but also a matter of who they are actually representing. Civil society groups, religious groups, the public administration, and others can all be affiliated with the ruling party.

Window dressing: The president ordered the talks. However, there is the danger that the ruling party might exploit the talks in order to increase its own legitimacy and gain more international support.

Danger of overloading the agenda: There is a tendency to overload the agenda of peace-talks during the pre-talks. Certain limitations, such as a presidential decree defining the mandate of the facilitation, might undermine the facilitator's ability to address this issue effectively.

Sustained pressure can work: International pressure can induce a government towards peace talks, even if the conflict is not "ripe for resolution". In this case, pre-talks started due to international conditions for increased multilateral aid. However, the pressure needs to be sustained in order to avoid either a breakdown of the talks or non-compliance with the outcome.

Third party cooperation: Third parties with limited political leverage and influence have to cooperate closely with institutional actors (such as UN or states) in order to enlarge their room for maneuver. Conversely, the flexibility and (human and financial) resources of HD were crucial to complement the UN's institutional authority.

Background of the Conflict

Chronology

After the first democratic multi-party elections in 1993, the country was soon thrown into disorder by mutinies amongst the army's rank and file, caused by salary arrears and attempts to disempower the allegedly disloyal army.[38] Soon after being re-elected in 1999, President Ange-Félix Patassé repeatedly faced coup attempts, the most important one occurring in 2001, when former president André Kolingba tried to oust his long-standing enemy. Patassé immediately started a campaign against high-ranking suspects, such as his own defense minister, Jean-Jacques Demafouth, and his chief of staff, François Bozizé. The latter resisted his arrest, but was finally forced to seek asylum in Chad, from where he launched two coups in 2002 and – successfully – in 2003.

On 15 March 2003, the current president of the CAR, François Bozizé, seized power in Bangui within a few hours. The state lacked any control over its territory, even in the capital. Neither the Force Multinationale en Centrafrique (FOMUC), nor the militias of the Mouvement de Libération du Congo (MLC) were able to save Patassé's regime. During a short transition period, a new constitution was promulgated in 2004. Bozizé won the presidential elections in 2005 that were largely considered to be free and fair, despite the fact that Patassé was not allowed to run for president.

Three armed groups were formed after Bozizé's election as president: the APRD in the north-west; the UFDR in the north-east; and a smaller group, the FDPC, in the central north. Currently, all three groups have signed the Accord global de paix with the government and joined the Inclusive Political Dialog (Dialogue politique inclusif, DPI).[39]

Causes of the Conflict

The current political landscape in the CAR has been shaped by a post-colonial history of about 20 coups (most of them unsuccessful), ten of which occurred during the last 15 years.[40] These recurrent disruptions have led to the dismantlement and weakening of the state institutions, and to the total devastation of the economy, especially the industrial sector.[41] As a result, the state is no longer able to provide basic services: There is virtually no state presence (such as police, teachers, hospitals, or local governors) outside the capital Bangui.[42] The complete absence of any state institutions has severely increased the lack of security, widespread banditry, and the grievances of the population in the CAR. Self-defense groups and the armed groups have filled the security vacuum, while several humanitarian organizations provide basic health care services.

To make things even worse, the CAR security forces themselves became a source of insecurity during the late 1990, as Patassé's government tried to combat banditry with a special force, focusing on the north-eastern Vakaga province.[43] Initially, the north-eastern region was therefore a stronghold of Bozizé's rebellion. He recruited hundreds of fighters for his attack on Bangui, promising huge bonuses if he seized power. These promises were not kept, turning the initial support into hostility.[44] Spillover effects from the

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[38] The president at the time, André Kolingba, had transformed the army into a personal security apparatus, mainly on the basis of ethnic loyalties, thereby politicizing ethnic kinship in the CAR. International Crisis Group: "Anatomie d'un État fantôme", in: *Rapport Afrique,* no. 136 (2007), p. 8, (http://www.crisisgroup.org/home/index.cfm?l=2&id=5259). See also Ngoupandé, Jean-Paul: "La crise centrafricaine 1996-1997", Paris: L'Harmattan (1997).

[39] Bozizé requested a Comprehensive Ceasefire Agreement as a pre-condition for the DPI. Radio France Internationale 10 May 2008: *Bangui signe un accord de paix avec la principale rébellion.*

[40] Human Rights Watch: "State of Anarchy" (2007), p. 25, (http://www.hrw.org).

[41] Up to now, over 40 months of salary arrears have accumulated, eight by the current government of François Bozizé; and in 2007/2008, the only plant still operating was the MOCAF brewery.

[42] "Il n'y a pas de gendarmerie, pas de police, pas de militaire"; "il n'y a pas de docteur": inhabitants of Vakaga Province interviewed by Radio France Internationale in April 2008. This is confirmed by the author's own conversation with aid workers in Bangui, February 2008.

[43] The former commander of this special force and current leader of the FDPC, Abdoulaye Miskine, is originally from Chad and an example for the cross-border activities of mercenaries in the CAR/Chad region. See also International Federation for Human Rights: "War Crimes in the CAR" (2003), pp. 36–46, (http://www.fidh.org/spip.php?article1092). One of the leaders of the north-eastern UFDR, Abakar Sabone, explicitly left Patassé due to Miskine's indiscriminate attacks on civilians. Crisis Group (2007): op. cit., p. 26.

[44] Debos, Marielle: "Fluid Loyalties in a Regional Crisis", in: *African Affairs*, 107/427 (2008), p. 229.

Sudan-Chad conflict play a role as well, but are not a central driving force of the conflict.[45]

Previous Negotiations / Entry Points / Pre-Negotiation [46]

Previous Negotiations

There have been two major attempts to reconcile the different political factions in the CAR: a National Reconciliation Conference in 1998, following various mutinies in 1996/1997, and a National Dialog in 2003, conducted by Bozizé.[47] Both dialogs embraced a comprehensive assessment of the political, cultural, social, economic, and security situation in the CAR. The 2003 dialog lasted from 9 September to 15 October and ended with some 100 recommendations for reforms, which are to be monitored by a follow-up committee. However, only some ten reform measures have been implemented so far.

Participation and Inclusiveness in the DPI Pre-talks

The CPDPI comprised 25 commissioners from the following constituencies:

- Majority parties rallied around the Kwa Na Kwa presidential party (five delegates);
- Political opposition alliance Forces Vives de la Nation (five delegates);
- State administration (five delegates);
- Civil society groups (five delegates);
- Other opposition parties (two delegates);
- UFDR (one delegate)
- FDPC (one delegate)
- APRD (one delegate, who only joined the talks for the last three days)

The inclusiveness is mostly based on this list of constituencies. For the actual talks, two more constituencies are called to participate: Religious groups and eminent personalities.[48]

At the beginning, security issues and the unclear role of Patassé in the process hampered the inclusion of the APRD. The Bureau d'appui des Nations Unies pour la consolidation de la paix en République Centrafricaine (BONUCA) assured side talks with the APRD all along the pre-talks, through shuttle diplomacy, and finally managed to broker a ceasefire agreement.[49] The APRD joined the pre-talks during the last days of the CPDPI's mandate.

Mediation Team and Third-Party Coordination

The UN has been engaged in the CAR since 2000 through the BONUCA.[50] In 2007 François Lonseny Fall became the new SRSG. During this transition period of BONUCA, international pressure increased to find a solution for the armed conflict and the severe socio-economic problems. BONUCA, however, was not in a position to take over the lead in organizing talks between the conflict parties. With the new head of BONUCA recently appointed, it had to first redefine its position and role in the country. At that time, HD had just opened an office in Bangui. The organization was asked by Bozizé to facilitate the pre-talks for a political dialog. HD appointed a facilitator from Ethiopia, the late Prof. Berhanu Abébé, who led the talks of the preparatory committee from January to March 2008 in Bangui. BONUCA sponsored the talks and cooperated with HD throughout the preparation.[51] Ad-

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[45] International Crisis Group (2007), op. cit., p. 30.

[46] The following is based on the author's own observations and conversations with participants to the dialog. He visited the talks and acted as consultant for the organization of a workshop for the CPDPI in February 2008. The DPI is scheduled for late 2008; this study therefore covers only the period of the pre-talks.

[47] A comprehensive documentation of the dialogs can be found on (http://dialogue.national.free.fr/).

[48] CPDPI: "Résumé Général" (2008). These final recommendations are unpublished and can be obtained from the author.

[49] A UN representative confirmed to the author that the UN main role in early 2008 was to make sure there would be contacts with the APRD. SRSG Fall later talked directly to the APRD. Guinea Forum: "François Lonsény Fall, médiateur et promoteur du Dialogue politique inclusif" (2008), (http://centrafrique-presse.over-blog.com/article-19707700.html).

[50] BONUCA is a mission of the UN Department of Political Affairs, as opposed to the major missions in the region (DRC / Sudan) that are part of the UN Dept. for Peacekeeping Operations.

[51] After the pre-talks, HD terminated its mission in CAR and handed over the responsibility to BONUCA. The role of facilitation has not been conferred on BONUCA, though, but to the president of Gabon, El Hadj Omar Bongo Odimba. Thus, a regional facilitation within the framework of ECCAS has been preferred. The new facilitator will be much more of an insider than the facilitator of the pre-talks.

ditionally, the Mediation Support Project[52]/ swisspeace and the UN Mediation Support Unit were called in early 2008 to support the work of the CPDPI with a workshop. The Swiss Federal Government and BONUCA sponsored this engagement.

The situation in the CAR is characterized by changes in the facilitation and coordination roles. Until 2006, BONUCA was exclusively in charge of the dialog between the government and the political opposition. HD took over the lead facilitation in 2007 and handed it back to BONUCA in 2008. However, neither BONUCA nor HD has been able to meet all of the prerequisites for an effective facilitation of the talks on its own. While HD staff certainly benefited from their extensive experience in facilitation, BONUCA was able to provide the necessary international legitimacy, which was needed to engage in talks with the APRD without Bozizé's explicit consent.

Mediation Style and Strategy

Prof. Abebe's status as a respected elder was coupled with an outstanding cultural and linguistic knowledge. His language and speeches were characterized by great respect for the commissioners and awareness of his own limitations. This status enabled him to act as a moral authority, which partly became clear in the relationship between him and the commissioners and the respect shown by the commissioners during plenary meetings.[53] The facilitator's task was mainly to repeat (not rephrase) each intervention in order to ensure the correct wording in the final report. He also had to make decisions pertaining to procedural matters if there was no consensus.

From the beginning, HD enjoyed little room for maneuver, due to its lack of power and clout. Consequently, the mediation by HD during the preparation talks was exclusively low-power mediation, i.e., facilitative. There were at least two important limits to the facilitation:

Firstly, HD had to stick rigorously to the provisions of the presidential decree establishing the

preparatory committee and mandating facilitation by HD.[54] For instance, any engagement in informal dialog with additional conflict parties that had been excluded from the pre-talks would have immediately led to HD's expulsion from the CAR. Secondly, HD had few opportunities to influence the pace and content of the discussions. The aim of the preparatory work of the CPDPI was to establish an agenda for the actual dialog that contained all issues at stake as well as a rough timeframe. The facilitation could not prevent the commissioners from designing an agenda with a myriad of issues to be discussed in only 17 days – despite the explicit concerns of the facilitation team with regard to an 'overloaded agenda'.[55]

Negotiation Setup and Process

The negotiations took place in a small compound in Bangui, which was built specifically for the CPDPI. It comprised a plenary room and two additional rooms for the facilitation office. The meetings took place from January to March and lasted 90 working days, as stipulated by the presidential decree. Besides the plenary sessions (which took up less than half of the discussion time), the CPDPI met in three working groups, each of which was presided by one of the CPDPI members. Each group had to define the agenda for the three issues of concern, namely security and armed groups, the socio-economic situation, and politics and governance. The results of the working groups were reported to the plenary.

Perceptions by the Conflict Parties

The perception of the inclusive political dialog varied. Generally speaking, the dialog is seen as a presidential initiative. Bozizé highlighted his ownership over the process on several occasions. The indisputability of the 2004 constitution and the 2005 elections was a *conditio sine qua non* for the dialog. Furthermore, to highlight the state's sovereignty, Bozizé issued presidential decrees mandating the work of the preparatory committee and designating the members of the committee. Since the names in this decree had been agreed beforehand, this procedure only served to

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[52] The Mediation Support Project is a joint venture between swisspeace and the Center for Security Studies, Swiss Federal Institute of Technology (ETH) Zurich.

[53] Observations based on a plenary meeting assisted by the author as well as several discussions with the facilitator.

[54] Presidential decree no. 07.356 (30 November 2007).

[55] Author's conversation with HD representative in Bangui (February 2008).

uphold the perception of the existing constitutional framework as the only legitimizing set of rules.

While most of the parties, including those rallied in the Forces Vives de la Nation (FVN) acknowledged the legitimacy of this procedure, there had been opposition by several political leaders (most of them in exile), who signed a political manifesto. The signatories of the manifesto have no common stance with regard to the DPI, though. Officially, they question the feasibility of a truly inclusive dialog in Bangui, without addressing the fundamental issue of legitimacy of the state institutions.[56] However, after the signing of a ceasefire agreement between the APRD and the government, former defense minister Jean-Jacques Demafouth, a prominent signatory of the manifesto, joined the dialog as the APRD representative. It is possible that the remaining resistance against the process will fade away once the dialog has started, provided the government remains credibly committed to the implementation of any outcome.

Key Issues during Negotiations

Three issues were debated most frequently in formal and informal discussions: the status of the dialog's results and their application; impunity and human rights violations; and elections.[57] Firstly, the government was keen to underline the non-binding reconciliatory character of the DPI. Accordingly, the first discussion during the seminar on dialog and negotiation, carried out by the Mediation Support Project, revolved specifically around the nature of an "Inclusive Political Dialog" and the applicability of the results.

Secondly, concerning the issue of impunity and human rights abuses, Bozizé engaged in reforms in the security sector, thereby significantly reducing the occurrence of human rights violations caused by security forces.[58] At the same time, UNDP took the opportunity to organize a com-

prehensive seminar on security-sector reform.[59] Despite the recent improvements, this issue remained an important topic of the talks.

Thirdly, the unspoken focus of the talks was certainly the 2010 election, where president Bozizé is expected to run against key opposition representatives. All parties are keen to create favorable pre-conditions for the elections – a request that is closely linked to security, given the country's experience of manipulated elections and intimidation of the opposition.

Assessment

Outcome and Impact

The outcome of the pre-talks was a *Note de synthèse* describing the work of the CPDPI and the recommendations for the DPI, the so-called *Résumé Général*.[60] The documents were officially handed over during a public ceremony in Bangui on 25 April 2008. So far, there has been substantial progress with regard to comprehensive ceasefire agreements with the armed non-state actors (see above). However, the actual dialog has not started yet, and the necessary security provisions for the political opposition have not been implemented. The ceasefire agreements with the three rebel groups include partial amnesties (without prejudice to ICC indictments). Additionally, amnesty laws were passed late September, including the exiled opposition and the state's administration. These bills were heavily criticized due to the conditions imposed on the rebel movements (e.g. disarmament within 60 days) and led to a walkout of the opposition and of all armed groups as well as to new fighting.

Process

Formally, the pre-talks of the DPI were successful, as they produced recommendations for the talks, endorsed by the government and a substantial part of the opposition. However, the process has three fundamental shortcomings:

56   Wanfiyo, Goungaye: "Déclaration de la coordination des signataires pour un vrai dialogue" (2008), (http://www.manifeste-dialogrca.com).
57   Additionally, the commissioners also debated the salary arrears. Yet, they all agreed on the fact that no government had ever been able to avoid such arrears.
58   Human Rights Watch (2008): op. cit.

59   For a comprehensive documentation of the seminar see (http://www.hdpt-car.org/ssr).
60   The *Note de synthèse* containing the issues addressed by the CPDPI can be downloaded from (http://centrafrique-presse.over-blog.com/article-19185670.html).

Firstly, there was the lack of continuity in the process once the CPDPI's and HD's mandate had ended, with no implementation scale for the resulting recommendations.

Secondly, Bozizé owned the process and made it difficult to shape it according to the parties' perceptions. The question of ownership was itself an issue of the talks.

Thirdly, the supposed inclusiveness of the process must be questioned, as 80 per cent of the participants were more or less closely affiliated with the ruling party.

These questions must be addressed by the mediation team of the actual talks; otherwise, it is likely that the dialog will become a mere window-dressing exercise of the CAR's government.

Agreement

The agenda for the negotiation phase, which is part of the recommendations of the CPDPI, is overloaded. With a timeframe of only 17 days and 150 participants, it is hardly possible to cover 23 agenda points ranging from socio-economic development, security, and disarmament to political and economic governance, elections, and many more topics. In fact, the non-participating political opposition has asked that the content of the talks be limited to security and governance, fearing that the dialog would lead to superficial and non-binding recommendations.

Context

The pre-talks to the DPI are not due to the specific situation in the conflict between the main armed groups and the government: In fact, the military situation has not changed much for the past ten years, with the government controlling only little state territory outside Bangui. While there might be some sort of stalemate in the armed conflict, due to the weakness of all armed factions, it does not seem to be hurting, as the government shows little interest in the northern part of its country. The criterion of 'ripeness' is therefore not applicable to this mediation attempt.[61] The request from President Bozizé to the third parties to facilitate a preparatory committee

for an inclusive dialog is rather the consequence of external pressure from the EU, which was worried about the security situation in one of EUFOR's destination countries.

Outlook

The implementation of any outcome needs to be followed very closely by BONUCA. In this regard, the inclusion of the CAR in the UN Peacebuilding Commission's agenda on 12 June 2008 is a positive message to Bozizé, indicating that the post-dialog phase should not be treated as business as usual.

BONUCA still lacks resources, staff, and capabilities. It needs support from the UN Mediation Support Unit (MSU) as well as other external actors. The regional organization, the Economic Community of Central African States (ECCAS), provides the Mission de consolidation de la paix en Centrafrique (MICOPAX) peacekeeping force. However, ECCAS lacks peacebuilding and mediation capacities. The current attempt to improve the organization's capacities is crucial in facilitating effective cooperation between BONUCA, MSU, ECCAS, and other actors.

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[61]   For a definition of 'ripeness' see: Zartman, William I.: "Ripe for Resolution", New York: Oxford University Press (1989), p. 10.

Côte d'Ivoire, Ouagadougou Agreement

By Damiano Sguaitamatti, Mediation Support Project, Center for Security Studies, ETH Zurich

In a Nutshell

The conflict in the Republic of Côte d'Ivoire, related to political and identity issues, started with the economic decline in the early 1990s. Following a failed coup attempt in 2002, the conflict between the Mouvement patriotique de Côte d'Ivoire (MPCI) and the government of Côte d'Ivoire (GoCI) escalated to an armed conflict causing hundreds of casualties and hundreds of thousands of displaced persons. A French intervention separated the conflict parties along a demilitarized zone. The country was subsequently split into a northern part, controlled by the rebels, and a southern part under government control.

Peace talks were initiated immediately by ECOWAS and later facilitated by France and South Africa. However, all brokered agreements failed to de-escalate the conflict, which repeatedly re-erupted. In 2003 new armed groups, the Mouvement populaire ivoirien du grand ouest (MPIGO) and the Mouvement pour la justice et la paix (MJP) seized power in the western part of the country and later rallied with the MPCI under the name of Forces nouvelles (FN). Additionally, violence against French and UN troops in 2004 and 2005 jeopardized the outcome of the various peace talks.

Eventually, President Laurent Gbagbo proposed direct talks with the leader of the FN, Guillaume Soro. The president of neighboring Burkina Faso, Blaise Compaoré, offered to facilitate the talks, which were held in Ouagadougou from February to March 2007. A first round of separate talks was followed by direct talks between the delegations, including Gbagbo and Soro. The agreement signed on 4 March 2007 has been viewed as a success so far, despite some delays in the implementation phase. Two commissions, which include other opposition parties that were not present at the negotiation table, are in charge of supervising the implementation.

Key Messages

Exclusive peace talks are sometimes more effective than inclusive ones: Not only did the exclusive nature of the talks help to reach an agreement, but it also allowed participants to focus on the issues which were most important for the conflict parties.

Participation of powerful people: In order to enhance the likelihood of implementation, decision-makers must be represented at the negotiating table.

Implementation needs a more inclusive approach: Exclusive processes must be extended to a larger number of parties during the implementation phase in order to prevent the emergence of spoilers.

Limitations of (external) pressure: International involvement and pressure must be gauged carefully, as it might be perceived as neo-colonialism, interference in internal affairs of a state, and delegitimization of those responsible for implementing the agreements. Low-power mediation, in turn, can enhance the sense of responsibility and commitment of the parties.

Regional stakeholders have to be included: When a conflict is embedded in a regional conflict cluster, neighboring states must be included to solve the crisis.

Partial mediators can be successful: Even though he was initially biased towards one party, senior mediator Compaoré succeeded in bringing the leaders of the conflict parties to the table.

KISS = keep it smart and simple: limit number of participants, issues, and actors involved in mediation.

Background of the Conflict

Chronology

The first signs of a crisis were registered at the beginning of the 1990s. Latent conflicts became critical when the first president of Côte d'Ivoire, Félix Houphouët-Boigny, died in 1993. Economic decline was coupled with the political exploitation of an identity discourse around the concept of "Ivoirité". Henry Konan Bédié, Houphouët-Boigny's successor, sharpened this nationalist discourse to exclude several candidates from the presidential elections in 1995 (Bédié won with about 95 per cent of the votes).

After a coup in 1999 by General Robert Guéï, elections were held in 2000, in which the current president, Laurent Gbagbo, emerged as the winner. The tensions did not ease, however, and eventually led to the coup on 18 September 2002, splitting the country into a northern part under the control of a coalition of armed non-state actors, the Forces Nouvelles (FN), and a southern part, including the country's economic capital of Abidjan, over which the GoCI kept control.[62] The coalition of rebel groups comprised the MPCI, which had instigated the 2002 coup attempt, and two groups operating exclusively in the western part of the country (the MPIGO and the MJP).[63]

A French intervention in 2003, codenamed Opération Licorne, prevented a military solution to the conflict and stopped the armed struggle at the very onset. Nevertheless, there was massive displacement, especially in the western region of Dix-Huit Montagnes. At the end of 2005, there were around 700,000 IDPs.[64] The number of casualties is disputed, but is generally assessed at around several hundred, mostly civilian, victims.[65]

Causes of the Conflict

The conflict is essentially political and identity related. Nevertheless, there are a number of economic issues directly linked to questions of identity and citizenship, the most important being land ownership.[66] The policy of Houphouët-Boigny still practiced in some parts of the country was to grant ownership over land to any people cultivating it, provided the local chiefs' agreement.[67] This policy, along with Côte d'Ivoire's prosperity during the 1970s and 1980s due to high market prices for cacao, attracted many immigrants, mainly from Burkina Faso.

During the economic crisis, the identity discourse was used for two purposes: firstly, to frame immigrants as scapegoats for the lack of work places and decreasing prices for agricultural products during the 1990s.[68] Secondly, it served as a pretext to exclude Alassane Ouattara, who had served as prime minister under Houphouët-Boigny, from the election in 1995. This political dynamic led to the expatriation of some 100,000 people mainly from the northern part, i.e., from the constituencies of Ouattara and his party. After coming to power in 2000, Gbagbo did not effectively address these issues or change the discriminatory laws, which fuelled anger and mistrust.

Despite the absolute majority of Muslims in the North and Catholics in the South, the conflict was not ethniticized along religious or ethnic lines.[69] The discourse of "Ivoirité" was rather rejected altogether by the opposition and the FN, whose leadership represented both major religious groups. Côte d'Ivoire also benefited from an early cease-fire imposed by the French peacekeepers. In addition, the rebels' political goals were clearly to be realized within Côte d'Ivoire, i.e., there was no

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[62] Gramizzi, Claudio: "La Crise Ivoirienne", Bruxelles: Les Rapports du GRIP (2003).

[63] For a detailed account of the dynamics in the Western part, see: International Crisis Group: "The War Is Not Yet Over", in: *Africa Report,* no. 72 (28 November 2003), (http://www.crisisgroup.org/home/index.cfm?l=1&id=2389).

[64] For detailed information, see (http://www.internal-displacement.org).

[65] See the "Rapport de la Commission d'enquête internationale sur les allégations de violations des droits de l'homme en Côte d'Ivoire" (fr.wikisource.org).

[66] De Gaudusson, Jean du Bois: "L'accord de Marcoussis", in: *Afrique contemporaine,* 2003-2, no. 206 (2003)

[67] Ibid.; Author's discussions with local land-owners in the 18 Montagnes region.

[68] Forum Curdiphe: "L'ivoirité, ou l'esprit du nouveau contrat social du Président H. K. Bédié", in: *Politique Africaine,* no. 78 (1996), pp. 65–9: "L'ivoirité est, selon nous, une exigence de souveraineté, d'identité, de créativité. Le peuple ivoirien doit d'abord affirmer sa souveraineté, son autorité face aux *menaces de dépossession* et d'assujettissement: *qu'il s'agisse de l'immigration* ou du pouvoir économique et politique." (emphasis added).

[69] "Rôle central de l'immigration", in: *Le Monde Diplomatique* (December 2007).

agenda for secession.[70] Spill-over of the Liberia conflict and alleged implications of Burkina Faso's President Blaise Compaoré hampered the quest for peace, though.

Previous Negotiations / Entry Points / Pre-Negotiations

Previous Negotiations

Immediate reactions of the Economic Community of West African States (ECOWAS) led to a first round of talks and the signing of a ceasefire agreement on 17 October 2002 in Lomé.[71] The early reluctance came mainly from the side of the GoIC, which still believed in a military victory. Gbagbo's stance was manifested through the procurement of tanks, additional mercenaries, and the rejection of the French military presence that was securing the de-militarized zone between the conflict parties.[72] Mediation efforts were therefore largely due to external pressure of ECOWAS and France.

The list of talks and agreements before the Ouagadougou agreement (OA) includes:

- Lomé-Ceasefire Agreement in 2002;

- Accra-Agreement I and II in 2002 and 2003, concerning the ECOWAS peacekeepers;

- Lina-Marcoussis-Agreement (LMA) in 2003, brokered by France;

- Accra-Agreement III in 2004 under the auspices of ECOWAS, reaffirming the LMA's principles;

- Pretoria-Agreement in 2005, brokered by the AU-mandated Thabo Mbeki.

The logic behind these agreements was to mandate an even-handed government of national reconciliation with the implementation of the

agreement, while the main conflict parties were seen as spoilers that had to be kept on a short leash through an International Working Group (GTI, which proved to be ineffective).[73] None of the above agreements succeeded.

The FN dismissed Mbeki as mediator after a South African statement in the UNSC that made reference to Gbagbo's "positive attitude".[74] President Gbagbo, in turn, repeatedly rejected any external pressure to change the constitution so as to limit his own power, and completely marginalized the internationally supported Prime Minister Charles Konan Banny.

Entry Points and Third-Parties Involved

Gbagbo eventually proposed direct talks with the leader of the FN and the MPCI, Guillaume Soro, on 19 December 2006. He thereby sidelined the international interventions and opted for a regional solution with Blaise Compaoré, a mediator who was biased towards the FN. Campaoré had followed and supported all regional efforts of the ECOWAS and was its incumbent president in 2007/2008. More importantly, though, the FN cadres circulated freely in Burkina Faso throughout the whole conflict. During the early years of the conflict, the northern president was therefore seen as enemy by the GoIC.[75] At the same time, he was well suited to put pressure on the FN cadres. In addition, the Rome-based religious community of Sant'Egidio was called on by Compaoré, who had previously worked with them in the Inter-Togolese dialog. The community had used its longstanding presence in Côte d'Ivoire to follow all previous peace agreements.[76]

Negotiations

Participation and Inclusiveness

Unlike the previous agreements, the Ouagadougou Process restricted participation to the two delegations of FN leader Soro and President

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[70] International Crisis Group: "Faut-il croire à l'accord de Ouagadougou?" (27 June 2007), p. 4, (http://www.crisis-group.org/home/index.cfm?id=4916&l=2).

[71] Gramizzi (2003), op. cit., p.21.

[72] "Nous n'avons pas demandé l'intervention des troupes françaises [...] Nous ne demanderons même pas l'intervention de quelque pays africain que ce soit." Ivoirian Minister of Defence quoted in: "Les chefs d'Etat africains décident l'envoi d'une force en Côte d'Ivoire", in: Le Temps (30 September 2002); Gramizzi (2003), op. cit., p. 17f.

[73] International Crisis Group (2007): op. cit., p. 19.

[74] UN Doc S/PV.5253, cited in: "Médiation remise en cause en Côte d'Ivoire", in: Le Monde (1 September 2005).

[75] La Croix: "La crise ivoirienne menace de sétendre" (3 December 2002); International Crisis Group (2007): op. cit., p. 5f.

[76] Interview with Mario Giro (2 August 2007): "Personne ne doit se sentir exclu du processus de paix" (http://www.santegidio.org).

Gbagbo (the Lina-Marcoussis-Agreement had been signed by seven major delegations and additional small parties). More importantly, direct talks were held between Soro and the government, the latter being represented at the table by Minister of the Interior Désiré Tagro.

Mediation Team and Third-Party Coordination

Three mediators were involved: Djibril Yipènè Bassolé, at that time minister of security of Burkina Faso; the legal councilor of the president of Burkina Faso; and Mario Giro from the community of Sant'Egidio. In difficult situations, all the mediators and participants went to President Compaoré. Minister Bassolé acted as the head of the mediating team during the sessions.

Mediation Style and Strategy[77]

Previous attempts had been characterized by external pressure and the imposition of solutions.[78] Mario Giro describes the activities of the GTI on the eve of the Ouagadougou talks as expropriation of the Ivorians with regard to their peace process. By contrast, according to Mario Giro, there was no pressure either from international actors or from the lead or assisting mediators in the Ouagadougou talks.[79] This mediation differed essentially from other mediation attempts, as the mediators abstained from intervening in the substance, and the negotiations took place directly between the two parties' leaders. Therefore, the entire responsibility rested upon these two leaders.

During the sessions, there was no need for ground rules. For most of the time, the three mediators were just sitting in the room and watching the delegations "shouting at each other", indicating that the parties were responsible for their actions: " 'If you want to reach an agreement, do so; we are here to assist you, and we don't need to be here.' If you put things like this, the parties feel

the responsibility and stop playing games."[80] This sense of responsibility had been missing in previous mediation attempts.

There was no deadline, and the two parties were free to reach whatever outcome they had in mind. Furthermore, the mediating team did not take the initiative with regard to putting documents on the table. The parties themselves drafted the relevant documents separately. Subsequently, the mediators put the positions together and gave the resulting document back to the parties for further discussion. Formulation and suggestions were rarely applied. One element in the agreement that goes back to a suggestion by the mediation team is a code of conduct for the implementation phase. This code was formulated jointly between the parties and the mediators. This 'non-threatening' mediation is certainly an example for facilitative, low-powered mediation.

Negotiation Setup and Process

The negotiation set-up of the talks reflected the facilitative approach used. The confidential atmosphere in the conference hotel was ensured by limiting contact to journalists and reducing the total number of persons involved in the organization and chairing of the meetings to a maximum of ten persons. Only the three mediators were constantly in the room with the parties. No audience was allowed, since spectators would undoubtedly have increased the sense of pressure and of being 'observed'. The smaller the setting, the easier it is also for the negotiators to test ideas without being bound to them by an audience.

The talks were partly conducted directly between Soro and Tagro, who was in constant contact with Gbagbo, and partly in separate meetings with the mediators. In a first phase (approximately from 5–24 February 2007), the two delegations held separate talks, with the facilitators acting as go-betweens. In a second phase (20 February – 4 March), both delegations met directly. The discussions took place in a confidential atmosphere, with the aim of maintaining the par-

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77   The following description of the mediation style and third-party coordination is based on a conversation of the author with Mario Giro (22 July 2008).

78   See, for instance, the declaration of France on 30 January 2006 (http://www.doc.diplomatie.gouv.fr).

79   Interview with Mario Giro (2 August 2007): "Personne ne doit se sentir exclu."

80   Mario Giro (22 July 2008). From a social psychological perspective, this approach complies with the basic preconditions for a shift in attitude or perception. Commitment and recognition must be achieved without pressure in order to create cognitive dissonance, which in turn initiates shifts in perception.

ticipants' perception of responsibility, and without pressure for specific results. Tagro and Soro were almost always at the table. During the first phase, the FN was represented by André Louis Dakoury-Tabley, the number two of the FN; later, Soro was directly involved.

Key Issues during the Negotiations

As in the previous negotiations, the crucial points pertained to identity and elections. The main provisions of the ten-page agreement thus concerned the identification procedures (chapter I), elections (II), security forces and disarmament (III), and re-unification and other confidence-building measures (VI). This "realistic scope"[81] of the agreement is clearly different from the previous ones, which combined political and legal issues, imposing the amendment of the constitution and of several laws.[82]

Implementation Phase

Implementation Mechanisms

Two bodies, the Permanent Coordination Committee (CPC) and the Evaluation and Support Committee, were in charge of supervising the implementation. Compaoré was the president of both of them, and the community of Sant'Egidio is so far represented in both commissions. The former includes the main political parties (Ouattara's RDR and Bédié's PDCI) as well as the two signatories of the OA. It defines the priorities of the process and serves as a permanent forum for discussions. The latter is a broader supervisory commission comprising both international representatives (as stipulated by the UNSC Res. 1765), and high-ranking officials of the conflict parties.

Outcome and Impact

On 9 May 2008, the CPC scheduled the first round of presidential elections for 28 November 2008. Yet, according to an UN official, elections might only take place at the beginning of 2009 due to delays in the issuance of auxiliary birth certificates and identification.[83] Mario Giro, however, acknowledged the desire of both parties to hold elections, and therefore saw no reasons for a break down of the peace process due to technical and logistical obstacles.[84]

An additional protocol to the OA concerning disarmament, demobilization, and reintegration was signed in Ouagadougou on 28 November 2007. The process was still blocked, however, according to an UN representative.[85] While most of the FN soldiers did not carry weapons in the cities and villages, their assembly in agreed zones and the destruction of weapons was still far from being accomplished as of the summer of 2008.[86]

The prefects and sub-prefects are redeployed in the northern part of the country through presidential decree and ceremonially invested in their respective sub-region, usually under the auspices of the UN, the FN, and local elders.[87] The buffer zone between north and south has been abolished, the French presence drastically reduced, and trucks and coaches run from and to northern towns. The northern part still struggles with FN roadblocks, though, which are the main source of revenues for their soldiers.[88]

Perceptions by the Conflict Parties

The major political parties not included in the peace talks were subsequently integrated in the CPC. Nevertheless, the exclusive nature of the talks led to speculations regarding a possible secret deal between Soro and Gbagbo. There were also speculations as to whether the OA had been architected by Gbagbo to divide the opposition.[89] These rumors have faded away since the political parties were included in the coordination of the

[83] Email from a UN representative in the northern part of the country to the author (11 April 2008).

[84] Author's conversation with Mario Giro (22 July 2008).

[85] Email from a UN representative in the northern part of the country to the author (11 April 2008).

[86] International Crisis Group: "Garantir un processus électoral crédible" (22 Apr 2008), (http://www.crisis-group.org/home/index.cfm?id=5400&l=2), p.14.

[87] Ceremony in the department of Biankouma (10 December 2007).

[88] Own travel experiences December 2007. As an Ivorian citizen from the north put it, it cannot be taken for granted that these soldiers will readily step down from their acquired power in the region.

[89] Jeune Afrique: "Le rapprochement Gbagbo/Soro fragilise l'opposition" (10 May 2007), (www.jeuneafrique.com).

[81] Italian Embassy and Sant'Egidio: "Sortie de crise en Côte d'Ivoire", communiqué (11 April 2008), (http://www.gouv.ci).

[82] De Gaudusson (2003): op. cit.

process, but are likely to re-emerge as the elections come closer.

Assessment

Process

The exclusive nature of the talks was necessary to allow the two main opponents to build confidence, the weak spot of all previous agreements. Previous mediation efforts had been prone to casting blame on all sorts of non-controllable actors, such as the pro-government MPs, which repeatedly blocked agreed amendments in parliament, the international community for its neo-colonial stance, or the Government of Reconciliation with its weak and marginalized prime minister. The resulting lack of trust could only be overcome if the principal actors were directly accountable for the implementation of the agreement.

Blaise Compaoré invested a remarkable amount of energy in the resolution of the conflict and repeatedly pressured the parties when the implementation process became deadlocked.[90] There are two main reasons for his engagement: First, Burkina Faso's economy relies to a large extent on the ability to export its goods into and through neighboring countries; secondly, Compaoré was suspected of having fuelled other West African conflicts and was interested in improving his reputation through his mediation efforts in Togo and Côte d'Ivoire.[91] Even though being biased towards one conflict party, his mediation was perceived as even-handed.

Finally, low-power mediation was a crucial component of empowerment of the leading actors. It allowed for shifts in perception and attitude and put the actors in a situation where they were forced to make their own decisions for their own process.

Agreement

The assessment of the agreement is ambivalent. The text was short and focused on the problems the parties needed to deal with most urgently. It was more likely to be implemented, as its provi-

sions were not part of an external plan to solve the crisis, but the result of the parties' own deliberations. At the same time, the implementation schedule was not detailed enough and provided for misunderstandings regarding the roles and responsibilities. Additionally, the timelines were unrealistic. Most of these shortcomings, for instance the delay in the election process, could be managed by the CPC, though.

Context

The successful transitions of Sierra Leone and Liberia, together with the change in attitude of Blaise Compaoré, were necessary conditions to the solution of the Ivorian crisis. At the same time, the constant international and rising internal pressure might have pushed Gbagbo to put forward his own proposal for negotiations. For instance, one factor pushing Gbagbo into talks might have been the shrinking influence of Gbagbo's close ally, the Alliance des jeunes patriotes pour le sursaut national, in Abidjan. Thus, while low-power mediation was necessary as a process feature, international pressure was needed as a long-term characteristic of the context.

Outlook

The key challenges for the mediation during the implementation phase mostly pertain to the technical implementation of the OA as well as to the internal dynamics of the conflict parties.

- Generally speaking, the presidential elections as well as the period of around six months between the presidential and legislative elections will be the most volatile in terms of security. The mediation will have to take into account the prospect of changing alliances and increased tensions.

- The former presidential party's leader Bédié was one of the ideologues behind the 'Ivoirité' concept directed against his fellow oppositionist Ouattara. These ruptures will certainly re-emerge on the eve of the elections and may therefore change the dynamics within the CPC.

- Electoral register: Up to now, about half a million people have been issued auxiliary birth certificates with the remark "claiming to be

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[90]   International Crisis Group (2008): op. cit., p. 3.
[91]   International Crisis Group (2007): op.cit., p. 6.

Ivorian".[92] The recognition of such claims will be a major challenge in the next month, as it is linked to the right to vote. The mediators have to assess this process very carefully, as it is likely that the parties will ask for arbitration regarding this issue.

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[92] RFI: "Audiences foraines en Côte d'Ivoire: les sans-papiers mythe ou réalité?" (26 December 2007), (http://www.rfi.fr/radiofr/editions/072/edition_52_20071226.asp).

D. R. Congo/Kivu, Conference on Peace, Security and Development 2008

By Sabina Laederach, Mediation Desk, Swiss Federal Department of Foreign Affairs*

In a Nutshell

Despite the end of the war in the Democratic Republic of the Congo (DRC), which was achieved through negotiations in Sun City in 2002 and a peace accord signed in 2003, fighting went on in the two provinces of North and South Kivu, pitching a vast number of different rebel groups (Forces démocratiques pour la libération du Rwanda/FDLR, Conseil National pour la Défense du Peuple/CNDP, mouvements Mayi-Mayi, etc.) against each other and against the Congolese Army. The Conference on Peace, Security and Development in the two provinces of North and South Kivu, which aimed to end this fighting in Eastern Congo, took place in Goma from 6–23 January 2008. Due to the large number of participants (approximately 1,500 representatives of the Congolese state, the different rebel groups, civil society, traditional chiefs, religious leaders, and the international community) and the public nature of some of the talks, the meeting was unusual. The talks were mandated by the government, and the two main mediators were Abbé Appollinaire Malu Malu and Vital Kamerhe. The talks took place on two levels: on the one side, there was an atypical, highly public event that included all of the 1,500 participants and was widely covered by the media. The different groups present at the conference had the opportunity to express their views on the conflict. On the other side, more traditional negotiations on the crucial issues such as how to implement the agreed ceasefire and especially the fate of General Nkunda from the CNDP were conducted far from the public gaze behind closed doors and among a more restricted number of participants. The goal of the conference was not so much to sign an agreement, but rather to formulate different recommendations to the Congolese government on how to improve the situation of the two provinces. In addition to the recommendations elaborated by the 1,500 participants, the conference also produced an "Acte d'engagement" signed by some of the participants that laid the groundwork for a ceasefire, the demobilization of the various armed groups, and an amnesty for most crimes committed during the war.

Key Messages

Inclusiveness can lead to greater ownership: A high degree of inclusiveness can help to dissipate some of the mistrust between the different groups and make an entire region feel concerned about its future, thereby strengthening the basis of a peace-building process.

Decision-making levels affect participation: However, participation alone is not all that matters. The different levels of decision-making must be evaluated as well, as they require different formats of participation.

Combination of consultation and negotiation fora: The example of Goma shows how consultations and negotiations can be combined to lead to a more holistic approach.

Limits of per-diem diplomacy: In order to assure the effectiveness of the gathering, it is important to make sure that the presence of the participants is not only motivated by factors such as the per diem, food, or other potential incentives for dragging out the process.

Get the regional stakeholders on board: In conflicts with a regional dimension, it is essential to invite neighboring states to take part in the peace negotiations, as participants or observers.

Agree on implementation mechanisms during the negotiation phase: Implementation mechanisms must be decided on during the talks, not afterwards.

The role of "insider" mediators: Their role was central for the public part of the conference, which was conceived as being organized by the Congolese for the Congolese.

*This study was written within a research program together with MSP and does not represent the official position of the Swiss FDFA.

Background of the Conflict

Despite the end of the war in the DRC in 2003, which was achieved through negotiations in Sun City, South Africa, in April 2002, the two provinces of North and South Kivu continued to be ravaged by heavy fighting and assaults on the civilian population such as exactions, rape, or recruitment of child soldiers. Especially after 2006, fighting resumed, pitching a vast number of different rebel groups against each other. Broadly speaking, these can be divided into three groups: first, there are the Forces démocratiques pour la libération du Rwanda (FDLR), groups mainly made up of former Hutu armed groups from Rwanda that have escaped to Congo. Second, there is the Conseil National pour la Défense du Peuple (CNDP), led by General Laurent Nkunda and unofficially backed by Rwanda. Their intended purpose is to protect local Tutsis from attacks by *genocidaires* from Rwanda. A third actor group consists of the movements called Mai-Mai, who comprise different armed groups mostly created with the aim of resisting Rwandan influence in the region. The characteristics of these different rebel groups clearly show that the conflict in the DRC in general, and in the Kivus in particular, has to be seen in a regional context.

For a long time, President Joseph Kabila favored a military option to defeat the rebel groups in Eastern Congo, but remained without success. According to many observers, the Goma Conference is a consequence of the failure of the Congolese Army to defeat its opponents, mainly Nkunda's CNDP.[93]

Entry Points / Pre-Negotiations

The conference was a follow-up of different meetings that had previously taken place between representatives of the Kivus and was organized by different ethnic communities of the two provinces with the support of the government of the DRC and the international community.

Before the beginning of the conference, a document defining fifteen objectives as well as the expected outcomes was worked out by a preparation team.[94] The goal of the gathering was not so much to sign an agreement, but rather to formulate a variety of recommendations to the Congolese government on how to improve the situation of the two provinces. A number of institutions would then take action on the points seen as being useful. Before the beginning of the actual conference, Abbé Malu Malu and Vital Kamerhe went on an extensive awareness-raising tour through the two provinces of North and South Kivu.[95] The goal of this series of meetings (pre-talks) with local representatives was to dissipate their doubts and suspicions regarding the conference and to inform them about its objectives and guidelines.

Negotiation Phase

Participation

Compared to other peace negotiations, where discreetness is often crucial to the success of the event, the conference that took place in Goma was held in an unusual format, being more in the nature of a "consultation" (less focused on decision-making, more in clarification, exchange of views, sharing of information) than a "negotiation" (with decision-making). Originally, about 600 representatives had been expected to take part in the talks. However, the astonishing number of approximately 1,500 persons, representing the different segments of the Congolese state, rebel movements, ethnic groups, civil society, chiefs, religious leaders, and representatives of several foreign governments and regional and international organizations attended the conference. The representatives of Congolese institutions and groups composed the Plenary Assembly, whereas the international representatives had the status of either observers or experts. During the first phase of the conference, each of these groups was accorded a certain amount of time to address the Plenary Assembly in order to lay out their own views on the conflict and their grievances.[96]

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93   "Rebelles et autorités congolaises s'engagent sur la voie de la paix au Nord et au Sud-Kivu", in: *Le Matin* (25 January 2008).

94   Amani Leo: "Objectifs globaux et spécifiques de la Conférence", N°00 (03 January 2008), (http://www.amanileo.org).

95   Amani Leo: "Vital Kamerhe de retour à Goma aujourd'hui", N°00 (03 January 2008), (http://www.amanileo.org) and (http://kakaluigi.unblog.fr).

96   Republique Démocratique du Congo, Bureau de la Conférence: "Rapport final des Traveaux", (http://www.amanileo.org).

The internal procedural rules of the conference provide for an inclusiveness that went beyond the actual participants. In fact, the talks were supposed to be public, and even members of the public who were not delegates had the opportunity to ask the Office of the Conference to deliver a spoken address to the conference.

The event was also widely covered by the media: a newspaper on the conference (Amani Leo, "Peace Today") was edited and distributed for free, a website created (http://www.amanileo.org), the official radio (RTNC) broadcasted the talks live at least three hours daily, and various blogs served as platforms where everyone could express their opinion on the conference.[97] However, the inclusiveness had one important flaw: Whereas all the parties to the conflict in Congo were present, the cross-border aspect of the conflict was neglected, as no representative from Rwanda or from the FDLR participated in the talks. Moreover, the broad inclusiveness is not valid for all the meetings that took place at the conference in Goma. The conference was clearly divided into two parts – one inclusive and public, and the other one secret and open only to some of the armed groups, the Committee of Sages (see below), and the external facilitators.

Some questions remain as to the motivation to participate in the conference. The organizers of the conference provided accommodation and food for the 1,500 participants. Some commentators on the blogs argue that certain people were present at the conference only to receive the per diem allowance and free food, and they point out that active participation in the talks was quite weak.

Third Parties

President Kabila and the government of the DRC played the key role in setting up the conference by appointing most of the members of the various institutions in charge of organizing and facilitating the talks and by awarding mandates to third parties.[98]

The main facilitators, Abbé Appollinaire Malu Malu and Vital Kamerhe, both have important government positions: Vital Kamerhe is the president of the national assembly, and Abbé Malu Malu was in charge of organizing the postconflict elections in the DRC. But they are also central figures in the region of the Kivus. Abbé Malu Malu was born in North Kivu, whereas Vital Kamerhe had a particularly high electoral score in the region of South Kivu.[99] Thus, they can be defined as "insider" mediators, and this role is in effect a central characteristic of the Conference on Peace, Security and Development, initiated and organized by local communities and the Congolese government and destined to resolve a regional conflict by including local personalities and the population concerned. The two main facilitators were part of a larger organization with various institutions. Those institutions and their respective responsibilities are specified in detail in the "Internal Rules of Procedure of the Conference"[100] adopted by the participants at the first Plenary Assembly. Those institutions include, among others, the Plenary Assembly, the Office of the Conference, the Panel of Moderators, the Committee of Sages, and a workshop each for North and South Kivu.[101]

The Office (Bureau) of the Conference, under the presidency of Abbé Malu Malu, was responsible for various organizational aspects, but was also strongly involved in the drafting of the "Acte d'engagement" that was signed at the end. The Panel of Moderators had the role of facilitators of the talks, as they were in charge of moderating the meetings of the Plenary Assembly as well as of the two regional workshops. The Committee of Sages was made up of 21 members, some of them representing the different communities of the Kivus and others being distinguished persons on the national level. It was presided by Vital Kamerhe. In the light of the authority given to them by the "Internal Rules of Procedure", they were the actual mediators of the conference, in charge of ensuring communication between the different

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[97] (http://afrikarabia2.blogs.courrierinternational.com/); (http://amanileo.unblog.fr/); (http://kakaluigi.unblog.fr); (http://zairecongo.net/fr/htdocs/modules/smartsection/item.php?itemid=402).

[98] (http://www.amanileo.org).

[99] (http://kakaluigi.unblog.fr) and the biographies on (http://www.amanileo.org).

[100] (http://www.amanileo.org/index2.php?option=com_docman&task=doc_view&gid=1&Itemid=47).

[101] A detailed list of the members of the different institutions can be found on (http://www.amanileo.org).

communities and trying to reconcile their views. They were also asked to collaborate with the external facilitators. The latter were mainly foreign personalities appointed by the Office of the Conference and representing, among others, the UN, the EU, the US, and the AU. Their official role was to assist the Office of the Conference in its work, where required, and to guarantee the neutrality and objectivity of the talks by their presence. The actual role of the external facilitators seems to have been twofold: At the gatherings of the Plenary Assembly, in addition to their official role as observers, they had the opportunity to intervene in the same way that all the other groups did. At the secret bilateral meetings, however, they played a more active role, participating in the negotiations between the Congolese government and the CNDP of General Nkunda.

Mediation Style

The meetings took place in the three auditoriums of the Université Libre des Pays des Grands Lacs (ULPGL), with a capacity of 300 persons each, not nearly sufficient to hold all participants. Therefore, a few hundred of the participants followed the conference in the court yard. The talks took place in the main auditorium and were transmitted on big screens to the two other rooms and to the court yard of the university complex by loudspeakers.[102] The participants were thus separated into two groups: those present in the main auditorium and those who were able to follow the talks on the screens in the other two auditoriums or over loudspeakers in the court yard. Certain delegations were unhappy with this situation and claimed that the delegates were divided into first- and second-class participants.[103]

The opening ceremony began on 6 January 2008 with an ecumenical prayer and several opening speeches, but it was only three days later that the talks began in the Plenary Assembly with the adoption of the "Internal Rules of Procedure", a document serving as a basis for the organization of the event. The conference continued with speeches before the Plenary Assembly. After these statements, the conference went on with two

workshops, each focusing on one of the provinces of North and South Kivu. In each of these workshops, the 1,500 participants were divided into several sub-committees dealing with various aspects of the conflict such as peace, security, humanitarian matters, social issues, and development. During these workshops, the participants were asked to formulate recommendations to different political institutions on what actions should be taken to resolve the conflict in the Kivus. Based on the conclusions of these sub-committees, documents were drafted and eventually presented to the Plenary Assembly for amendment and approval.

Beside those gatherings of the Plenary Assembly and the workshops, which were open to all participants and covered by the media, there were also non-public meetings between a smaller number of participants complementing the talks at the Plenary Assembly.[104] Thus, bilateral consultations took place throughout the conference between Abbé Malu Malu and different representatives of the participating groups at the Hotel Karibu every morning before the Plenary Assemblies started.

These non-public negotiations became even more important towards the end of the conference as two questions apparently remained unresolved: the possibility for an amnesty of General Nkunda and the implementation of the demobilisation of the troops. In order to find a way out of this deadlock, negotiations in a small circle between the Committee of the Sages, the external facilitators (the US, the EU, the AU, and MONUC) and representatives of several armed groups took place at the Hotel Karibu.

Religious language seems to have been a very important part of the conference. Not only was one of the most important actors, Abbé Malu Malu, strongly linked to the church, but a large number of other representatives from various religious groups were present and co-signed the "Acte d'engagement" along with the other actors. In addition, prayers were an integral part of the conference, and several speakers used religious citations to underline their views: "Blessed are the

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[102] Conversation with Toss Mukwa and Lothar Seethaler of "Fastenopfer", Bern (8 July 2008).

[103] (http://kakaluigi.unblog.fr).

[104] (http://kakaluigi.unblog.fr;
http://www.jeuneafrique.com/articleImp.asp?art_cle=LIN27018grandamogxi0).

peacemakers: for they shall be called the children of God" (Matthew 5:9).

The Different Texts Adopted and their Drafting

Several documents were adopted at the conference. The most important was certainly the "Acte d'engagement", which provided for the foundation for a ceasefire, the demobilization of the armed groups, and an amnesty for all crimes committed during the war except for war crimes, crimes against humanity, and genocide. This document was initially drafted by the Office of the Conference together with some members of the Committee of the Sages. It was then submitted to the armed groups for amendments and finally presented to the Plenary Assembly for comments and adoption.

In addition to the "Acte d'engagement" worked out by the Office of the Conference, the gathering also produced two documents collecting the recommendations made to the government by the participants of the two workshops on North and South Kivu. In accord with the internal rules of procedure, all documents were finally submitted to the delegates of the Plenary Assembly.[105] They were adopted by consensus on 23 January 2008, and the "Acte d'engagement" was then signed by the most important representatives of the different actors.

Implementation and Outcome

The goal of the conference was to formulate recommendations to the government to improve the situation in the Kivus. The two documents with suggestions as well as a declaration of intent by the different actors to end the fighting did, however, not include the exact modalities of implementation. They were supposed to be worked out by several committees in the aftermath of the conference. As a consequence, the government put in place the Amani Leo program. It is coordinated by Abbé Malu Malu, who at the beginning of April 2008 established several committees in charge of working out practical solutions leading to peace, based on the recommendations formu-

lated by the participants of the conference, among others the Joint Technical Committee on Peace and Security. This committee is responsible for the implementation of the ceasefire and the demobilization of the armed groups.[106] At the beginning of June 2008, France informed the UN Security Council about the developments in Eastern Congo, and expressed satisfaction with the ongoing progress and willingness to find a solution, but without naming any concrete actions. It seems that the FDLR is not participating in the demobilization, since the group did not participate in the conference and did not sign the "Acte d'Engagement". As long as the FDLR is present in the two Kivus, it will be difficult to convince the CNDP to lay down arms.[107] In fact, even though some sources report that the security situation in the Kivus has improved, fighting and human rights violations still persist in the two provinces.

Assessment

Process

The Conference on Peace, Security and Development that took place in Goma in January 2008 was unusual in terms of its set up, its large number of participants, and the public nature of parts of its talks. This high degree of inclusiveness of parts of the conference was pointed out by most observers as one of its most important strengths. The talks allowed all groups to speak out on their view of the conflict, its causes, and possible solutions. Bringing together all the factions helped to dissipate some of the mistrust between them. In particular, the symbolic value of sharing a meal with ones enemies was sometimes highlighted.[108] Some observers point out that the conference allowed belligerents to meet their "enemy" in a different context and to realize that all sides thought they had just reasons to fight and that all were suffering from the war. The fact that the entire population of the region and all the different armed groups worked out common goals and

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[105] More details on the voting procedure can be found in the "Internal Rules of Procedure", Articles 43 and 44.

[106] (http://www.hrw.org/english/docs/2008/04/30/DRC_letter_en.pdf).

[107] (http://www.undemocracy.com/securitycouncil/meeting_5915/highlight_S-RES-1804).

[108] Amani Leo: "La conférence enregistre sa première victoire", N°05 (12 January 2008), (http://www.amanileo.org).

priorities might also have a positive impact on the implementation of the accord.

Agreement

The mere existence of the conference is appraised by some observers as a big success. Another positive achievement seems to be the fact that after the discussions at the conference, the old arguments put forward by the armed groups can no longer be used to legitimate their fighting.[109] The conference also helped to mobilize a large part of society for changing the situation in the Kivus. The process of defining common goals and priorities served as an important base to work out peace. On the whole, the spirit rather than the letter of the conference might have served as a collective catharsis for the population of the two provinces.

However, some important weaknesses threaten the success of the conference. The participants merely formulated common intents and recommendations, but no concrete and guaranteed engagements have been taken. The agreement itself is ambivalent, especially concerning its implementation. The more difficult phase of working out the details of implementation was supposed to start only after the end of the conference. Despite some positive developments, fighting and human rights abuses continue in the two provinces of Kivu. The conference and the signing of the "Acte d'engagement" can therefore not be seen as the end, but more as the beginning of a process of negotiation and peacemaking.

Another important point is the fact that the international aspect of the conflict was neglected at the conference, as no representatives from Rwanda or from the FDLR were present. However, it seems unlikely that Nkunda will demobilize his troops as long as there are FDLR troops present in the region. The success or failure of the conference thus remains to be seen in the near future.

Outlook

The process initiated by the Conference on Peace, Security and Development is likely to be a long and difficult one, as many details, especially concerning the ceasefire and the demobilization of the troops, still have to be worked out between the different armed groups. In fact, the conference merely led to a declaration of intent. However, there is a certain danger that the population, which was largely mobilized by the conference, will feel betrayed if the fighting continues and their recommendations are not followed by concrete actions. Already, some members of the public feel that they were used as extras in a play where the main story was the negotiation between the government and Nkunda's CNDP.[110]

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[109] Conversation with Toss Mukwa and Lothar Seethaler of "Fastenopfer", Bern (July 2008).

[110] (http://kakaluigi.unblog.fr).

Kenya, The National Accord and Reconciliation Act 2008

By Jonathan Litscher, Mediation Support Project, swisspeace

In a Nutshell

The root causes of the violence in Kenya include social inequalities, unjust land legislation, ethnic prejudice, and political divisions along ethnic lines. The violence was triggered by the "victory" of Mwai Kibaki over Raila Odinga in the presidential election in December 2007, which was widely regarded as having been highly manipulated. Although tensions had been high during the campaigns, the extent of the post-election violence was unforeseen: it claimed over a thousand victims within a few weeks and displaced over 300,000 persons. A Panel of Eminent African Personalities, headed by Kofi Annan, led the mediation process between the two rival party leaders. For the first month of the process, which began on 24 January 2008, only indirect talks were held between two negotiating teams, including five representatives of either party. On 26 February, Kofi Annan suspended the negotiating teams in favor of direct talks between Kibaki and Odinga. These face-to-face meetings of the leaders of the conflict parties quickly led to a breakthrough; the Kenya National Accord and Reconciliation Act 2008 was signed only two days later. The most important aspect of this power-sharing agreement is the creation of the office of prime minister, to be held by Raila Odinga.

The mediators effectively used their leverage, based on their personal standing and strong regional and international backing for the process, to apply discreet pressure on the parties, without ever openly threatening to apply sanctions. They also clearly controlled the format of the process and adjusted it according to the achieved progress. The Kenyan civil society, although not represented in the talks, played an important role in the process by working towards peace at the grassroots level and providing direct support to the formal process. As the conflict had an immediate and severe impact on Kenya's economy and on neighboring states reliant on supplies via Mombasa Harbor, the Kenyan business community

also assumed an active and important role in supporting the process on different levels.

Key Messages

Leverage, authority, and backing: To enable a mediator to put pressure on the parties to make concessions, both great personal authority and backing from regional and international actors are necessary.

Indirect vs. direct talks: When indirect talks drag the process out, a breakthrough can be achieved by involving the leaders of the conflict parties in face-to-face talks. If the mediators have enough authority and backing, the leaders can be induced to make a decision.

Personal authority of the chief mediator: Personal authority is an important asset of a successful mediator. Should such a mediator lack extensive technical expertise, this can be provided by specialist assistants.

Advantages of "continental insider" mediators: It may be advantageous for the mediators to be Africans, as this increases their acceptance by the parties. In contrast, mediation efforts by Western personalities may be viewed as a form of neo-colonialism.

Complementing election monitoring with early warning and mediation efforts: The international community invests a great deal in election monitoring. The case of Kenya indicates that this should be complemented by early warning systems and support to insider and outsider mediation efforts in the pre- and post-election phase.

Multi-track approach: An exclusive, official mediation process can be successful even if civil society actors are not present in the talks, provided that they complement and support the process on different levels.

Background of the Conflict

Chronology

The violence that gripped Kenya during the first months of 2008 was sparked by the announcement of the results of the presidential election, which was widely regarded as having been severely manipulated, on 30 December 2007. The incumbent president, Mwai Kibaki, who leads the Party of National Unity (PNU), was announced to have won the election over Raila Odinga, the candidate of the opposition Orange Democratic Movement (ODM). The ensuing violence between supporters of the opposing parties went on for several weeks and caused over 1,000 deaths and displaced 300,000 persons.[111]

In a report entitled "Countdown to deception: 30 hours that destroyed Kenya", a group of election observers describe the severe manipulations at the tallying centre in Nairobi's Kenyatta International Conference Centre: For some constituencies, a turnout of over 100 per cent was claimed, and the results accepted. From other constituencies, results were announced without any documentation. Observers even witnessed results being made up regardless of the reports from certain constituencies. It was also reported that officers in charge of bringing the results to Nairobi had been threatened. A few hours before the announcement of the final results, all party agents and observers were evicted from the building.[112] Within less than an hour of the public announcement of the election results, Mwai Kibaki was sworn in as president.

Upon the public announcement of the election results, three forms of violence broke out at once. Firstly, there were spontaneous and disorganized protests, which in some cases turned into violence against persons and property. Secondly, organized militias set out to attack supporters of the opposite party. And thirdly, cases were reported in which the Kenyan police forces reacted with disproportionate violence to the protests.[113] The

supporters of the two parties are divided along ethnic lines, and the violence had strong ethno-political features.[114] The slums of Nairobi were affected as well as towns on the countryside. Luo mobs, enraged by the defeat of their candidate, attacked Kikuyu settlements. This in turn sparked revenge attacks by Kikuyu youths against non-Kikuyus. The officially outlawed Kikuyu Mungiki sect killed dozens of Luos and Luhyas within the first days of the violence. The scene of the most severe violence was the Rift Valley region. Organized Kalenjin militias attacked Kikuyu settlements, and again, there were deadly counterattacks by Kikuyus against rival ethnic groups.[115]

Causes of the Conflict

The trigger of the violence was the disputed presidential election and the quest for political power of political parties. Since the supporters of the two parties to the election are largely divided along ethnic lines, ethnicity did play a major role in the conflict.[116] The ethnic divisions in Kenya are manifest in the demographic make-up of political constituencies. The constituencies that support the PNU are found in the Central and Eastern Provinces as well as the Nairobi Area, the Coast Province, and the Rift Valley and are dominated by the Kikuyu, Embu, and Meru ethnic groups. ODM's constituencies are located in the very west of the country in the smaller Western and Nyanza Provinces on the shores of Lake Victoria, as well as parts of the Rift Valley, and their population largely consists of Luo, Luhya, and Kalenjin ethnicity. Although figures vary, the Kikuyu are the largest ethnic group with about 20 per cent of the population, followed by the Luo with roughly 14 per cent and Kalenjin with about 12 per cent.

One important root cause of the conflict is insecurity in the case of Kenya's land and property rights. According to Senior Property Rights and Land Tenure Specialist Gregory Myers at the US Agency for International Development, the Kenyan government has for a long time annexed large

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[111] International Crisis Group: "Kenya in Crisis" (2008), p. 1 (http://www.crisisgroup.org/home/index.cfm?id=5316&l=1).

[112] Kenyans for Peace with Truth and Justice: "Countdown to deception: 30 hours that destroyed Kenya" (21 January 2008) (http://www.africafiles.org/article.asp?ID=17016).

[113] Ibid., p. 1.

[114] Gruppe Friedensentwicklung FriEnt: "Krise in Kenia – Was haben wir übersehen und wie geht es weiter?" in: *FriEnt Impulse,* 04 / 2008 (2008).

[115] International Crisis Group (2008): op. cit., pp. 9–16.

[116] Ibid., p. 1.

areas of land under customary tenure, typically without informing or consulting the customary tenants. Under President Jomo Kenyatta, a Kikuyu, the traditional owners of the annexed land were mostly Kalenjins. The legal system has continuously failed to resolve land disputes or secure customary tenants' rights to their land. People were thus often left with the only option of securing their land property by violent means. This led to deep tensions, which had ethnic dimensions and turned violent on a large scale after the presidential elections.[117]

General problems like high rates of unemployment, especially among the youth, and widespread poverty and inequitable distribution of resources added to the tensions within the Kenyan population. Again, the inequality amongst the population is linked to ethnicity. One manifestation of this is the fact that infant mortality in Nyanza Province is three times higher than in Central Province.[118] The Kenyan National Dialogue and Reconciliation acknowledged that these two factors are among the root causes that will need to be addressed in order to ensure long-term stability. The ethnic divisions along party lines were increased by the exploitation of deeply rooted ethnic prejudices in the election campaigns. One such prejudice concerns the practice of male circumcision, which is very important in Kikuyu and Bantu communities, but not practiced by Luos. PNU leaders attacked Odinga publicly based on the fact that he was not circumcised.[119]

Previous Negotiations / Entry Points / Pre-talks

The first official mediation mission to Kenya was led by the chairman of the African Union (AU) and president of Ghana, John Kufuor, who arrived in Kenya on 8 January 2008. He presented

a document proposing steps to be taken to resolve the crisis, which was to be signed by Kibaki and Odinga. The two main points were the following: first, an independent investigation into the electoral dispute was to be carried out, in order to determine whether a rerun of the election was necessary. The parties were to agree to be bound by the findings of the investigation. Secondly, should this be the case, an interim government would be set up on a power-sharing basis between the PNU and the ODM for the period up to the rerun. The document was refused by the PNU, which rejected the option of a possible rerun, leading to the failure of Kufuor's mission.[120] Before the end of his mission, Kufuor announced the transfer of the mediation process to a Panel of Eminent African Personalities, led by former UN secretary-general Kofi Annan.

Negotiation Phase

Mediation Team and Third-party Coordination

The African Union named a Panel of Eminent African Personalities to mediate between the conflict parties in Kenya and resolve the national crisis. The panel consisted of former UN secretary-general Kofi Annan, who was in the lead; former president of Tanzania Benjamin W. Mkapa; and Graça Machel, president of the Foundation for Community Development (FDC) in Mozambique. They were assisted by two staff members of the Geneva-based Centre for Humanitarian Dialogue (HD), who provided direct support and strategic advice. [121]

The panel gained its authority from the moral standing of its individual members. Despite their distinguished careers in international relations, politics, and diplomacy, the three panel members did not undergo extensive training in the technical mediation approaches used in the West. In technical matters, they were assisted by personnel of the HD centre as well as a panel of eminent Kenyans. This division of roles between the lead figures, who ensured the acceptance and legiti-

[117] Myers, Gregory: "Land Tenure and Property Policies in East Africa", speech at the Wilson Center conference (23 April 2008), (http://www.wilsoncenter.org/index.cfm?topic_id=1413&fuseaction=topics.event_summary&event_id=399913).

[118] Cohen, Roger: "How Kofi Annan Rescued Kenya", in: *The New York Review of Books*, vol. 55, no. 13 (14 August 2008).

[119] Kenyan National Dialogue and Reconciliation: "Annotated Agenda and Timetable" (1 February 2008), p. 5, (http://www.dialoguekenya.org/agreements.aspx).

[120] International Crisis Group (2008): op. cit., p. 21f.

[121] Center for Humanitarian Dialogue: "Kenya: Activities" (http://www.hdcentre.org/projects/kenya/activities?secondment-hd-staff-kenya-national-dialogue-and-reconciliation).

macy of the process, and technical advisors in the background, seems to have been vital to the success of the process. The panel was the only mediation team, and the Kenya National Dialogue and Reconciliation that it led was the only negotiation process between Kibaki and Odinga's parties. Kofi Annan insisted that there must not be any other parallel processes, because that would enable the parties to "look elsewhere if they don't like what you're offering".[122] Another interesting feature of the panel was that it specifically included only African personalities. Persons from other continents were not considered. However, none of the panel members were Kenyans. Therefore, although they were external mediators with a certain distance to the conflict, their African origin was beneficial to their acceptance by the parties.

Negotiation Setup and Process

The panel members arrived in Kenya on 24 January 2008 and initiated the Kenya National Dialogue and Reconciliation process. The first step to initiating a constructive dialog was the formation of two negotiating teams including five representatives of either political party involved in the conflict.[123] The panel arranged meetings between the negotiating teams on a regular basis. The teams worked out an agenda for the process and proceeded to address the identified issues in turn. On 13 February, the panel and the negotiating teams withdrew to a secret location outside Nairobi (a game reserve lodge) to continue the negotiations on agenda item 3, the political crisis. During the discussions, a number of options were considered with respect to addressing the disputed electoral results, including a complete, nationwide recount, a re-tally, a re-run, a judicial process, and a forensic audit. No agreement was reached over any of these options. At this point, the crucial issue of the governance structure was not yet addressed either.[124]

On 18 February, US Secretary of State Condoleezza Rice met with Kofi Annan, as well as with Mwai Kibaki and Raila Odinga, on separate occasions. She affirmed the support of the US and the international community for the peace process in Kenya in a public statement.[125] On 26 February, Kofi Annan announced the suspension of the negotiations between the negotiating teams, and that he would instead engage with both leaders of the parties, Kibaki and Odinga, in face-to-face talks. The negotiations had been unproductive over several sessions – the PNU had an interest in slowing down the negotiations as much as possible (the longer Kibaki stayed in office, the harder it would become for the opposition to revert the electoral result). This dragging out of the peace process again increased the risk of the country falling back into violence as ODM supporters came to see this as their only option.[126] "I couldn't let them hide behind the mediators anymore,"[127] Annan said. The direct talks included five African leaders: Annan, Kibaki, Odinga, Mkapa, and Jakaya Kikwete, the president of Tanzania. The talks between the two leaders proved fruitful; after only two days, on 28 February 2008, Kofi Annan announced to the press that a power-sharing agreement had been reached. Kibaki and Odinga had both signed the Kenya National Accord and Reconciliation Act 2008.

Key issues during Negotiations

On 1 February 2008, in the fourth session organized by the panel, the PNU and ODM negotiation teams agreed on a dialog agenda, which included the following four points: Stopping the violence; addressing the humanitarian crisis; overcoming the political crisis; and finding solutions to long-term issues and root causes of the conflict. With respect to agenda item one, ending the violence, the panel issued a public statement on 1 February with a number of recommendations, signed by the parties' representatives in the negotiation teams. Item two was addressed by a corresponding statement on 4 February recommending a number of immediate measures to address

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122 Cohen (2008): op. cit., p. 6.
123 The Kenya National Dialogue and Reconciliation: (http://www.dialoguekenya.org/default.aspx).
124 Kenyan National Dialogue and Reconciliation: "Agenda Item Three: How to Resolve the Political Crisis" (14 February 2008), (http://www.dialoguekenya.org/agreements.aspx).

125 "Transcript of statement of US Secretary of State Condoleezza Rice with former UN Secretary General Kofi Annan" (18 February 2008), (http://www.dialoguekenya.org/docs/Rice%20with%20Annan%20PC%20%2002%2018%2008.pdf).
126 International Crisis Group (2008): op. cit., p. 26.
127 Cohen (2008): op. cit., p. 8.

the humanitarian crisis.[128] By signing the Kenya National Accord and Reconciliation Act 2008 on 28 February, the parties agreed that "neither is able to govern in Kenya without the other."[129] The act provides for the formation of a coalition government and the establishment of the offices of a prime minister, a deputy prime minister, and government ministers, and defines their functions. The prime minister is to be appointed by the president, and has "authority to coordinate and supervise the execution of the functions and affairs of the Government of Kenya including those of Ministries".[130] The office of prime minister would be held by Raila Odinga.

Participation and Inclusiveness

The formal negotiations took place exclusively on track 1 (i.e. between the leadership of the respective conflict parties). Both the PNU and the ODM appointed a negotiating team, which consisted of high-ranking officials but did not include the parties' leaders themselves. Each team included four men and one woman. In the final phase leading to the agreement, only Odinga and Kibaki took part in face-to-face negotiations. Although they were not represented at the negotiation table, representatives of civil society, the Kenyan business community, and grassroots movements played an important role in the process. As Akwe Amosu, a senior policy analyst for Africa at the Open Society Policy Centre, notes: "Kenya has a vibrant and well-established civil society, which played a big role in setting Kofi Annan's agenda."[131] Groups such as the Concerned Citizens for Peace (CCP)[132] movement have con-

tributed to ending the violence and resolving the conflict on various levels. At a high level, the movements supported the National Mediation Process by facilitating contacts, interacting with important actors to the process, supporting the mediators through briefing papers, and carrying ideas from grassroots level into the National Mediation Process. At an intermediate level, key public and private institutions such as schools and universities were included in the process, whilst the violence was addressed directly at a low level by the promotion of peaceful means of conflict resolution, confidence-building, and counseling. Open forums were created for exchange on the conflict, and the results of the discussions carried into institutions on all levels. The Kenyan business sector supported the grassroots movement for peace financially and logistically. At a meeting with about 300 Kenyan CEOs, Annan thanked the community for their "tremendous support"[133] for the peace process. The process was an inclusive one as far as the range of topics was concerned. It was acknowledged that the political crisis was only one part of a complex problem, and the election was only the trigger of the violence. Root causes like social inequality, land legislation, etc. are currently being addressed in the ongoing Kenya National Dialogue and Reconciliation.

Mediation Style and Strategy

The panel had a significant amount of leverage, which it used subtly but efficiently. In addition to the moral authority of its individual members, it gained this leverage from the strong backing of the process by regional as well as major international powers. One major player who put pressure on Kibaki was the US. Condoleezza Rice stated in February that there could be no "business as usual" with Kenya in its present political state. President Bush explicitly said on 6 February that he wanted a "power-sharing agreement".[134] This leverage was used, but the mediator or external actors never openly threatened to impose sanctions on the parties for refusing to cooperate. However, it was clearly implied to Kibaki that he

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128   Kenyan National Dialogue and Reconciliation: „Public Statement" (4 February 2008), (http://www.dialoguekenya.org/agreements.aspx).

129   Government of Kenya: "The Kenya Accord and Reconciliation Act 2008" (28 February 2008), (http://www.reliefweb.int/rw/RWB.NSF/db900SID/EDIS-7C9NLB?OpenDocument).

130   Ibid.

131   Amosu, Akwe: "Towards a lasting peace: addressing the political and humanitarian situation in Kenya", presentation at the Brookings Institution – University of Bern (14 March 2008), (http://www.reliefweb.int/rw/RWB.NSF/db900SID/AMMF-7DZDL8?OpenDocument).

132   See also: Berghof Research Center for Constructive Conflict Management: Interview with Dekha Ibrahim Abdi, "Working for Peace in Conflict Systems in Kenya: Addressing the Post-Election Crisis 2008" (http://www.berghof-handbook.net/uploads/ download/dialogue6_dekha_comm.pdf).

133   "Partial transcript of a press conference by H.E. Kofi Annan and Kenyan CEOs" (5 February 2008), (http://www.dialoguekenya.org/agreements.aspx).

134   Cohen (2008): op. cit., p. 6.

only had the choice of compromise or isolation. His room for maneuvering was continuously restricted by implicit pressure. For example, Graça Machel told the negotiating teams in one of the sessions that her husband Nelson Mandela had "sent his best wishes and sought to remind them that all of Africa was watching the process".[135] During the direct talks between Kibaki and Odinga, Annan told Kibaki that his choice was simple: he could either divide or reconcile Kenyans.[136] He thus put pressure on Kibaki and made it difficult for him to avoid the decision. Given the status of the personalities who were confronting Kibaki with the decision, coupled with the extensive regional and international backing they had, it was difficult for him to refuse to make concessions any longer.

Implementation

On 17 April 2008, Raila Odinga was sworn in as prime minister. On 26 May, the parties agreed to work towards reforming the land legislation in Kenya. They furthermore committed themselves to fighting poverty, inequity, unemployment, and impunity, and to promoting national cohesion, transparency, and accountability. The implementation of the reform agenda is to be led by the coalition government. The Kenya National Dialogue and Reconciliation process continues. Agenda item four, comprising long-term issues and the root causes of the conflict, is currently being addressed. On 4 March, representatives of both parties agreed on a constitutional review. The Kenyan Constitution would be reviewed in a process of five stages, in each of which the people of Kenya would be consulted. At the end of the process, the people would vote on the new constitution in a referendum.[137]

Assessment

Process

The negotiation process was a success. In particular, the tactical move of suspending the negotiat-

ing teams in favor of face-to-face talks between Kibaki and Odinga was an essential step towards an agreement. The panel used its leverage wisely by applying subtle but firm pressure rather than openly threatening to impose sanctions. The process was comprehensive in terms of agenda topics, and although it took place exclusively on track 1, the civil society and business community played a major role in parallel grassroots efforts for peace and in supporting the official process.

Agreement

The National Accord and Reconciliation Act 2008 addresses the immediate cause of the violence in Kenya in early 2008, namely the struggle for political power between two rival political parties, by establishing a power-sharing government. However, this alone is not enough to bring lasting stability to Kenya. It must therefore be noted that the agreement is only part of a more extensive agenda that addresses the root causes of the conflict.

Context

The context was favorable to finding a solution. The great regional and international backing for the process enabled the panel to corner Kibaki and make it impossible for him to refuse to make concessions. Odinga agreed to the concession of accepting Kibaki's presidency as he realized it was the most he could reasonably expect, given the circumstances: "Better half the loaf than no bread."[138] Moreover, the process was supported by a strong civil society and business community. Both worked towards finding peace both at the grassroots level and at the track 1 level.

Outlook

The National Accord and Reconciliation Act is a milestone in the efforts to achieve renewed peace and stability in Kenya. Today, Kenya has a functioning government in which Kibaki and Odinga share power as president and prime minister, respectively. The long-term stability of Kenya will depend on the implementation of agenda item 4, which deals with the root causes of the conflict. One critical issue in this future process will be the

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[135] Cohen (2008): op. cit., p. 5.

[136] Ibid., p. 9.

[137] Kenya National Dialogue and Reconciliation: "Longer-term issues and solutions: constitutional review" (4 March 2008), (http://www.dialoguekenya.org/agreements.aspx).

[138] Raila Odinga, quoted in: Cohen (2008), op. cit., p. 9.

situation of the hundreds of thousands of people who were internally displaced by the violence. Enabling those people to return home safely and providing them with adequate housing will be crucial to maintaining peace and stability in Kenya.

North-Mali and North-Niger, Libya Engagement

By Annika Åberg, Mediation Support Project, Center for Security Studies, ETH Zurich

In a Nutshell

The Tuareg are a nomadic pastoralist ethnic group residing in several West African countries. During the 1990s, conflicts emerged between the Tuareg and the Malian as well as the Nigerien governments, as the Tuareg demanded more autonomy, participation in the political process, and economic development of the countries. In July 2006, Algerian mediation efforts led to an agreement between the government of Mali and the rebel group Democratic Alliance for Change (DAC), which was rejected by one faction led by Ibrahim Ag Bahanga. The Niger government refused altogether to talk to the Tuareg movement on its side of the border, the Mouvement des Nigeriens pour la Justice (MNJ).

Libyan leader Muammar Gaddafi initiated peace talks between the Bahanga faction, the DAC, and the Malian government in March 2008 through his Gaddafi International Charity and Development Foundation and through the Popular and Social League of the Great Sahara Tribes, which comprises traditional and religious leaders from 21 African and Asian countries. The Nigerien government still refused to talk to the MNJ.

In a first phase, talks were held in Tripoli on 26 and 27 March 2008. They ended with a ceasefire agreement. However, this agreement could not prevent the parties from continuing fighting during the subsequent weeks. In a second phase, a delegation of tribal chiefs from 14 African and Asian countries was sent by the Popular and Social League to contact all parties in Mali and Niger to convince them to join the peace initiative.

Although all parties thereafter pledged to participate in a new round of talks, there were no signs of an abatement of the conflict. On the contrary, the Malian government changed its rather conciliatory policy after a series of deadly attacks by the Bahanga faction. The Libyan initiative must therefore be characterized as a failure, as it could not provide any substantial contribution to a transition of the conflict. Although Gaddafi's approach, including a variety of traditional actors and prominent personalities, seemed to distinguish itself from other Libyan mediation attempts (e.g., in Chad), it failed due to a lack of commitment to the signed agreement from all sides.

Key Messages

Implementation mechanisms are crucial: The ceasefire agreement did not include clear and realistic timeframes and implementation mechanisms to assure that agreed-upon promises were delivered.

Agreement vs. post-agreement commitment: Sticks and carrots during the negotiations helped to achieve an agreement, but could not assure the parties' commitment to adhere to its provisions.

Regional conflicts require regional approaches: The transnational character of the Tuareg community would have made it necessary to coordinate the actions and responses of all states concerned in order to prevent spill-over of conflict. Niger's refusal to engage in the process was certainly an obstacle in the peace process.

Political agenda of the mediator can be problematic: It can be detrimental for a lasting peace process if mediators are pursuing a political agenda of their own in a conflict (in the case of Gaddafi, the Pan-Arabic discourse), because then the mediator does not focus on facilitating a solution that is in the interests of all the parties to the conflict.

Difficulties of financial incentives: High financial incentives for agreeing to a peace accord can bring the parties to agree to a ceasefire although they never had the intention to respect it.

Background of the Conflict

Chronology

The Tuareg, who are part of the Berber people, are a nomadic pastoralist ethnic group residing in several West African countries: Algeria, Burkina Faso, Libya, Mali, and Niger.[139] In the 1990s, Tuaregs in Mali and Niger claimed autonomy for their traditional homeland, and voiced concern over the exploitation of their region by government-backed foreign companies.[140] Deadly clashes between Tuareg fighters and the armies of both countries followed, resulting in thousands of deaths. Negotiations initiated by France and Algeria led to peace agreements in 1995 and 1998 in both countries.

In 2006, Tuareg rebel groups rose up again to press for inclusion in the political process and in the economic development of their desert region. In July 2006, Algerian mediation efforts led to an agreement between the government of Mali and the rebel group Democratic Alliance for Change (DAC). One faction, led by Ibrahim Ag Bahanga, refused to sign the deal, saying it did not do enough to help the Tuaregs.[141] He announced that his movement had formed an alliance with Niger's Tuareg rebels, called the Alliance Tuareg Nord-Mali pour le Changement (ATNMC). However, the Tuareg Movement in Niger (Mouvement des Nigeriens pour la Justice, MNJ) denied the existence of such an alliance.

Since 2007, the fighting has led to hundreds of deaths and hostage-taking. Mali's President Amadou Toumani Touré and Niger's President Mamadou Tandja have described the rebels as 'bandits', 'terrorists', and 'arms smugglers' that use Mali as a base to attack Niger and vice versa.[142] While Tandja has vowed to fight rather than negotiate with the rebels and declared a state of alert in the region, giving extra powers to the military,[143] Touré appears to be ambivalent between a civil or military response.

Causes of Conflict

The conflict is an example of a transnational ethnic group involved in conflict in more than one state. It is an inter- and intratribal conflict due to tensions between governments, modern agricultural schemes, and marginalized parts of the population. The Tuaregs' grievances range from demands for their political integration to political accountability on the part of the ruling elite. For many decades, the North of Mali has felt excluded from the national development agenda. In addition, the uneven distribution of the wealth generated by the exploitation of Mali's and Niger's natural resources – uranium,[144] gold, and oil[145] – has exacerbated the abject poverty in which the majority of the region's people find themselves.

In Niger, the process of administrative decentralization, improved development in the north, and disarmament that was promised in the 1995 Ouagadougou Agreement has been incomplete. In Mali, the spill-over effect of Niger's uncontained crisis is evident, as is the dissatisfaction among a small part of the Tuareg community over the 2006 agreement. Regional governments and analysts are divided, however, over the extent to which the Tuareg rebels are driven by genuine political grievances or whether they are fighting to control lucrative arms, drugs, and migrant

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[139] Before French colonization, the Tuareg were organized into loose confederations, each consisting of a dozen of tribes. Each of the main groups had a traditional leader along with an assembly of tribal chiefs. During the colonial era, their confederations were largely dismantled and reorganized.

[140] Neither Mali nor Niger is ethnically polarized at the national level, and the Tuareg population in both states is about ten per cent. However, the group is regionally concentrated, and in those units the predominant ethnic group.

[141] It is unclear just how much popular support Bahanga has, but he is believed by many Malians to be using the cover of a rebellion for his own enrichment. His group is also responsible for laying land mines on public roads, which have killed dozens of people in the first half of 2008.

[142] Reuters AlertNet: "Rebellion in uranium region" (3 September 2007), (http://www.alertnet.org).

[143] The attempts of Niger's government to silence media coverage on the issue and the 4,000 government troops sent to the north have failed to stop the MNJ's approximately 1,000 troops. Instead, defections from government forces have reinforced the rebellion, creating a quasi-permanent state of insecurity in the north.

[144] Niger hopes to become the world's second-biggest uranium producer by 2011 through the development of more mines in the northern region. The uranium sector was long dominated by former colonial power France, but Niger is now opening up its mining areas in the north to companies from Canada, China, Japan, and the US, despite grave security problems.

[145] A number of Canadian, Chinese, Venezuelan, and Australian oil companies and energy firms have signed lucrative deals with Mali concerning oil exploration in the northern region.

smuggling routes in the Sahara and Sahel zones.[146]

Previous and Parallel Negotiations / Entry Points

Previous Negotiations

Peace deals in both Mali and Niger brought an end to major fighting more than a decade ago, but low-level fighting has continued. Some of the main talks and agreements are: 1) the National Pact in 1992 between the Mali government and a coalition of Tuareg rebels; 2) the Ouagadougou Agreement in 1998 between the Niger government and the MNJ, initiated and brokered by Burkina Faso's president Blaise Compaoré; 3) the Algiers Agreement in 2006 between the Malian government and the DAC, mediated by Algeria; 4) various unofficial attempts in 2007 to negotiate with Bahanga, led by Tuareg elders; and 5) the process involving the former Tuareg rebel leader Iyad Ag Ghaly, accompanied by Algerian delegates, in which they met officially with Bahanga in Algiers in late 2007 to revive the peace process between the Mali government and the rebels. Furthermore, the parties professed their interest to enter into dialog in the talks initiated by Algeria in early 2008. This process was interrupted during the four-month (March-June) Libyan engagement, but was taken up again in late July.

Entry Points

The Mali rebels are based in the far-north region of Mali, near the Algerian border. Several incidents of attacks by the armed militia in the Mali Sahel region have been registered close to the Nigerien border with Libya.[147] The risk of escalation further set in motion a process of political consultation and created pressure to initiate dialog with the rebels. In 2008, a mission was formed on a Libyan initiative, operating under the name of 'Delegation of Tribal Chiefs of the Great Sahara' (the Delegation), in order to make contact with all conflict parties. It consisted of sheiks and sul-

tans from 14 Muslim countries who enjoyed prominent social status in their countries and in the Sahara in general.[148] Libya's leader Muammar Gaddafi arranged for talks to be held between the interested parties in Tripoli, Libya, in early April.

At the same time, Gaddafi is also alleged to have provided weapons and vehicles to the rebellion in Niger, with the assumed objective of reversing the government's decision to undertake oil exploration in the border region of Libya and Niger.[149]

Negotiation

Participation and Inclusiveness

During the first stage of the Libya-initiated peace process, only the Malian president was willing to enter into negotiations. Niger refused to come to the negotiating table despite repeated requests by the MNJ to do so. Therefore, the Libyan ceasefire agreement included only the Malian parties to the conflict. It was not until all parties were approached separately in a second phase that all states and groups were simultaneously involved in the continuing process. From the armed non-state actors, the Malian side was represented by both Bahanga's faction as well as those Tuaregs standing by the 2006 Algiers agreement.

Mediation Team and Third-Party Coordination

Two entities were in charge of organizing and coordinating the talks: the Gaddafi International Charity and Development Foundation (GICDF), a charitable organization chaired by the Libyan leader's son, Saif al-Islam Gaddafi; and the Popular and Social League of the Great Sahara Tribes (the League), which was launched in 2006 under the aegis of Gaddafi as a movement comprising traditional and religious leaders from 21 African and Asian countries. The League provided a platform for the organization of the talks and mandated the Delegation. The GICDF was in charge of facilitating the talks during the first phase.

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[146] Reuters: "Climate, arms, drugs make lethal mix in Sahel" (5 June 2008), (http://africa.reuters.com).

[147] IRIN News: "Western diplomats warn about 'deterioration' in north" (11 September 2007), (http://www.irinnews.org).

[148] The mission delegation consisted of representatives from Djibouti, Egypt, Eritrea, Iraq, Jordan, Libya, Mali, Morocco, Mauritania, Somalia, Sudan, Syria, Chad, and Tanzania.

[149] Zounmenou, David: "Niger: Making Sense of the New Tuareg Rebellion", The Institute for Security Studies (27 July 2007), (http://www.issafrica.org).

However, the 'High Mediator' behind the scenes was Gaddafi, who at the time presided over the Community of Sahel-Saharan States (CEN-SAD).

Mediation Style and Strategy

Through the use of manipulative mediation – with his political and military power in the region, and by using 'carrots and sticks' – Gaddafi induced the parties involved in the various stages of Libya's engagement to pursue the result he wished to attain, namely a signed ceasefire and (at least officially) goodwill towards further dialog. Libya offered financial assistance to the region, and with its full engagement, weight, and influence made certain that the parties understood the need to meet Libya's expectations. The Gaddafi International Foundation, which officially initiated the talks, used formulative and facilitative mediation in its effort to bring the parties together and agree on a ceasefire agreement, drafted by the Foundation.

Negotiation Setup and Process

In a first phase (March–April 2008), separate talks were held on the one side with the Malian government's delegation and on the other side with the Tuareg representatives on 26 March. President Touré and Tuareg leader Bahanga never came to the negotiation table. Already after the first day, a memorandum of understanding regarding a ceasefire that was to take force on 3 April 2008 was signed by the Mali government and representatives of Bahanga.[150] Nevertheless, the conflict continued to escalate throughout April. The Libyan CEN-SAD secretary-general urged the Malian and Nigerien rebel groups to lay down their arms. Any movement that agreed would be compensated by the 'High Mediator', while any aggression against one member country would be considered an attack against the entire organization.[151] This time, Libya hoped to make

the parties enter into a dialog with the use of indirect threats.

During a second phase (May–June 2008), the Delegation visited the northern regions of Mali, and later Niger, over a period of two weeks for a mediation mission with the aim of understanding the conflict parties' positions better and establishing dialog between the governments and the rebel groups. In a statement released by the Malian president's office, the objective was 'to convince the dissidents […] to give up weapons and reintegrate the nation'. According to the head of the Delegation, Sheik Harika Azdine, its mission was rather about 'defusing tensions that could lead to war'.[152]

Key Issues during Negotiations

The Mali Tuareg rebels called for a regulation of the activities of companies involved in the mining of uranium in order to address the environmental hazards affecting the local people. The Niger rebellion also claimed that political and economic autonomy was 'essential' to the improvement of living conditions in the North.[153] The governments of Mali and Niger were, however, accusing the rebels of using unreasonable political and economic demands to obfuscate their real goal of controlling cross-border smuggling routes.[154] After the Delegation's visit to the different parties, Gaddafi spoke in positive terms of the notion of a Tuareg state, thereby supporting the rebels' secessionist claims.[155]

Implementation

Outcome and Impact

The League's president and Azdine reported to Gaddafi in Libya after the mission, informing him that they had made contact with all parties concerned. All parties accepted the Delegation as a mediator to support peace efforts. Nonetheless,

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[150] Colombant, Nico: "Cease-Fire Deal Reached Between Mali government, Tuareg Fighters" (3 April 2008), (http://voanews.com).

[151] African Press Agency: "CEN-SAD urges rebels to swap weapons for Libyan support" (26 April 2008), (http://www.apa-news.net); African Press Agency: "CEN-SAD member countries okay 'intervention force" (27 April 2008), (http://www.apa-news.net).

[152] African Press Agency: "Leaders from 14 Muslim countries on goodwill mission to Mali" (19 May 2008), (http://www.apa-news.net).

[153] IRIN News: "UN Secretary-General warns of deteriorating situation" (23 May 2008), (http://www.irinnews.org).

[154] BBC News: "Mali's Tuareg rebels agree truce" (19 September 2007), (http://news.bbc.co.uk).

[155] Robert, David: "Krise in Mali weitet sich aus", Konrad-Adenauer-Stiftung (2008).

many observers linked the increasing number of attacks against government positions in both Mali and Niger to the presence of the 'goodwill mission'.[156]

Due to the heavy casualties suffered by the weak military during the first months of 2008 and extensive desertion from the armed forces to the rebels, the Tuareg rebels expanded their control from northern Mali to central parts of the country. Few army officers still supported the president's attempts to find a solution to the conflict through dialog and negotiations with the rebels. In order to lessen the risk of a military coup, the president replaced several of his highest-ranking army officers and promised that the military would strike back at the rebels, regardless of human costs.[157] Algeria resumed its mediation efforts in late July, aiming at re-asserting the provisions of the 2006 deal. After four days of talks in Algiers, an agreement on cessation of hostilities was signed on 21 July between Malian government envoys and the Malian Tuareg rebels.

In Niger, the conflict is spiraling out of control. Although it expressed its cooperation with the tribal delegation in late May, the Niger government has now ruled out any peace talks with the MNJ despite pressure from international organizations and human rights groups. It cites Mali as an example showing that dialog with the rebels is useless, regardless of Algerian or Libyan mediation efforts. Niger will instead focus on providing security for growing foreign investments.[158]

Perceptions by the Conflict Parties

While the Malian government very likely perceived Libya's engagement as a threat – Libya's regional influence is irrefutable, and to openly oppose Libya in its 'quest for peace' could easily cause negative repercussions – the rebels viewed the involvement as an opportunity to gain political and financial support. None of the parties respected the ceasefire that was imposed upon them by Libya, mainly due to mistrust. Libya's mediation effort was focused on getting quick results rather than building up the necessary trust be-

tween the parties to create willingness for a serious dialog. The Malian government never ordered a ceasefire or a partial withdrawal of its army, as it believed that the rebels had signed the ceasefire merely to win time to reorganize and return in force. Similarly, the rebel group never released its hostages and intensified rather than ceased its attacks on government troops. A source within the Malian rebel group said that the Tuaregs had determined that the government had only signed the ceasefire to gain time to reinforce the military.[159]

Officially, the governments of Mali and Niger welcomed Libya's second-stage engagement, and saluted Gaddafi for his 'historic initiative to establish security and stability'.[160] Judging from later developments, however, this seemed to be true only in rhetorical and diplomatic terms, at least from Niger's side. The rebels got what they wanted, namely Libya's influential support to form a Tuareg state, a cause that many see as a cover for far less altruistic goals.

Assessment

The governments of Mali and Niger have had two different approaches: One has sought dialog and negotiated settlements with those who are not satisfied; the other has dismissed the notion of any form of dialog and pursued a purely military solution to the conflict. Until very recently, Mali has had more success than Niger in containing the threat from Tuareg insurgents, mainly due to its willingness to enter into dialog.

Process

From a methodological point of view, Gaddafi's moral authority and innovative approach to regional conflict resolution had several advantages. The influence of Libya and its president in the region goes unchallenged, and the symbolic value of an 'Arab brotherhood', with tribal elders and prominent Arabs finding an Arab solution to a regional problem over land and assets without outside interference, should not be underesti-

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[156] Robert (2008): op. cit.

[157] Ibid.

[158] Reuters: "Niger rules out rebel talks, will protect investors" (9 June 2008), (http://africa.reuters.com).

[159] Reuters: "Mali not following truce with rebels" (8 April 2008), (http://africa.reuters.com).

[160] Libya Online: "Reconciliation delegation formed by the People's Social League of Tribes from Grand Sahara visits Niger" (3 June 2008), (http://www.libyaonline.com).

mated. On the downside of the initiative, Libya's role is far from clearly defined: It acts as a mediator, but also as an incendiarist in the conflict. It appears as if Libya's strategic goal is to guarantee its influence in the region not only with financial support, but also through its ability to stabilize and de-stabilize the region's states. Rather than engaging in genuine mediation efforts, Gaddafi essentially used his role as a 'mediator' to project his military and political power and to extend his influence in the region. The initiative was thus a chance for him to solve the regional crisis and gain a high diplomatic profile.

Agreement

Under the ceasefire agreement signed in Tripoli on 27 March 2008, the government's army would partly withdraw from the northern region, while the rebels agreed to release more than 30 captured government soldiers. This would create a 'climate of appeasement' and 'open the way for a dialogue to forge a final settlement', both sides said in a joint statement after the peace talks.[161] No precise timetable was given. Simultaneously, Libya confirmed that it was considering a financial aid package from the Gaddafi Charity Foundation for the impoverished regions of Mali and Niger.

Context

Clearly, the uncontained conflict in Niger has had a spill-over effect to Mali. A small Malian Tuareg faction, with little support from the rest of the Tuareg community, started a rebellion that has, in the context of the uncontained conflict escalation in Niger, widespread poverty, and weak institutions, currently placed Mali on the brink of a civil war. The Malian government's efforts to resolve the Tuareg issue in a peaceful manner bodes well for future stability, but due to the general instable situation in Mali and the Malian Tuaregs' close ties with the Nigerien Tuaregs, the state is very vulnerable to contagion processes and internal unrest.

Outlook

Secessionist claims: How are transnational ethnic groups with secessionist demands to be dealt with, particularly in countries with massive economic needs, crippled judicial systems, and unstable neighbors on their borders that could lead to renewed regional conflicts?

Poverty and marginalization: It appears that peace can only be sustainable if poverty, marginalization, and underdevelopment are seriously dealt with by the governments.

State stability: There is a high risk of military coups in both Mali and Niger, as the state authority is relatively weak and no longer has a clear monopoly of violence within its borders. In combination with escalating violence and desertion from the countries' armies, the pronounced dissatisfaction and frustration in the higher echelons of the military means that a mutiny directed towards the states is far from unlikely.

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[161] BBC News: "Mali, rebels agree truce after bloody air strike" (3 April 2008), (http://www.reuters.com/article/latestCrisis/idUSL 03375027).

Northern Uganda, Juba Negotiations

By David Lanz, Mediation Support Project, swisspeace

In a Nutshell

The Juba talks between the government of Uganda (GoU) and the Lord's Resistance Army (LRA) officially started on 18 July 2006 under the mediation of Vice-President of the Government of Southern Sudan (GoSS) Riek Machar. On 26 August 2006, the parties signed a document on the Cessation of Hostilities (CoH), which provided for the regrouping of LRA fighters in two designated assembly points in Southern Sudan. The CoH instituted a Cessation of Hostilities Monitoring Team (CHTM) led by the Sudan People's Liberation Army. The negotiations continued, but difficulties emerged in late 2006, as the parties violated the CoH and the LRA voiced dissatisfaction about the process. The talks were thus interrupted, and new mediators were brought in, in particular the Special Envoy of the UN Secretary-General for the areas affected by the LRA, Joaquim Chissano, who was appointed in December 2006.

The talks were taken up on 2 May 2007, the parties signed the Agreement on Comprehensive Solutions to tackle the root causes of the conflict in Northern Uganda. Roughly two months later on 29 June 2007, the parties signed the Agreement on Reconciliation and Accountability, which provided a framework for dealing with the past in Northern Uganda and for addressing the International Criminal Court (ICC) indictments of four senior LRA leaders. In fall of 2007, the context of the talks changed due to the assassination of Kony's deputy Vincent Otti. Negotiations were taken up in January 2008 and concluded within a month: On 29 February 2008, an annex to the Agreement on Reconciliation and Accountability was signed, followed by the agreements on DDR and Implementation on 2 March 2008.

The final peace accord was supposed to be signed in mid-April 2008 by Ugandan President Yoweri Kaguta Museveni and LRA leader Joseph Kony, but the latter failed to turn up to the signing ceremony.

Key Messages

Self-interested mediator: The GoSS became involved as a mediator because it had a manifest self-interest in neutralizing the security threat that the LRA posed on its territory and in satisfying Acholi groups within South Sudan. Self-interested mediators can be effective because of their leverage over the parties and commitment to the process.

"Losing" the ANSA leadership: The leaders of an armed non-state actor (ANSA) cannot always be present at the talks, which poses the risk that the talks advance without their consent, giving them the feeling of being out-maneuvered by their agents. This can produce a backlash and lead to the withdrawal of an ANSA from a peace process at the last minute.

Perils of forum-shopping: The parties are likely to blame the mediators when they feel unsatisfied with the process. They may then try to find a new mediator. This "forum-shopping" can seriously undermine a process. International backers of peace negotiations should prevent this by honoring their commitment to the initial mediator.

Impact of the ICC: Despite its legal mandate, the ICC had an important political impact on the Juba talks. The indictments against senior LRA leaders put pressure on the group and contributed to bringing it to the negotiating table. The ICC also influenced the structure of the negotiations, making issues of transitional justice its central focus. Finally, the indictments made it difficult to satisfy the security concerns of the LRA, which complicated the conclusion of the Juba talks.

Peace dividends even without agreement: The Juba talks did not officially succeed, as the LRA did not sign the final peace agreement. They nonetheless had a positive impact in terms of stabilizing the security situation in Northern Uganda. As a result, close to one million IDPs were able to return home.

Background of the Conflict

Root Causes

The conflict in Northern Uganda arose in the context of competition for political and economic resources between different regional and ethnic groups in Uganda, the roots of which were sown during the British colonial era. While the South was favored economically, Northern Ugandans, in particular the Acholi, made up most of the recruits for the army. After Uganda gained independence in 1962, the Acholi military establishment supported the demagogic rules of Milton Obote and later of Tito Okello. When Yoweri Museveni's National Resistance Movement usurped power in 1986, "the Acholi were ousted from power in all domains, and many a group in Uganda was in the mood for settling scores."[162] In subsequent years, as Museveni consolidated his reign and modernized the country, the Acholi were kept on the margins of society and largely denied access to political and economic resources.

Chronology

Against the background of Acholi marginalization, insurgent groups emerged in Northern Uganda in the late 1980s including a group led by Joseph Kony that was later to become the LRA. In the 1990s, the conflict in Northern Uganda was exacerbated as the LRA became an actor in the broader regional conflict between Uganda and Sudan. In retaliation for Museveni's support of the SPLM, the Sudanese government in Khartoum began financing and arming the LRA as a proxy force. At the same time, the LRA dissociated itself from the Acholi and increasingly perpetuated violence against the very community it claimed to defend.[163] The LRA committed unspeakable atrocities, most infamously the abduction and forced recruitment of children as soldiers. Local communities also suffered from human rights abuses that the Ugandan army, the Uganda People's Defence Forces (UPDF), committed in various counter-insurgency operations.

Thus, the 30-year war in Northern Uganda has caused tens of thousands of deaths and displaced of hundreds of thousands of refugees. Despite significant international pressure and multiple UPDF campaigns, the LRA has proved resistant to military defeat.

Previous Negotiations, Entry Points and Pre-Negotiations

Before the Juba talks, there were several attempts at making peace between the LRA and the GoU, the most notable of which was led by Betty Bigombe in the 1990s.[164] However, none of these initiatives succeeded, most importantly because the parties remained convinced that they could achieve their aims better on the battle field than at the negotiation table. The situation changed in 2006, making the Juba talks the most promising attempt at ending the conflict in Northern Uganda so far. The reasons for this are that (a) the context has evolved and that (b) a powerful and highly committed mediator materialized in the form of Riek Machar.

Changing context

Three developments changed the context of the conflict in Northern Uganda after the turn of the millennium and made its peaceful resolution possible: first, and most importantly, Khartoum discontinued its support for the LRA after the conclusion of the CPA in January 2005. Second, in 2005, the ICC indicted five LRA leaders, including Joseph Kony, without, however, being able to apprehend them. Third, Museveni sought to improve his image, which was affected by allegations of corruption and electoral malpractice as well as his inability to address the humanitarian crisis in the north.[165] These developments changed the incentive structures of the parties in such a way that they deemed a negotiated solution to the conflict in Northern Uganda more desirable than before and were thus ready to seriously engage in peace talks in Juba.

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[162] Doom, Ruddy and Vlassenroot, Koen: "Kony's Message: A New Koine? The LRA in Northern Uganda", in: *African Affairs*, no. 390 (1999), p. 10.

[163] Vinci, Anthony: "Existential Motivations in the Lord's Resistance Army's Continuing Conflict", in: *Studies in Conflict & Terrorism,* vol. 30, no. 4 (2007).

[164] See Boustany, Nora: "The Woman Behind Uganda's Peace Hopes", in: *The Washington Post* (11 July 2007), p. A09.

[165] International Crisis Group (ICG), "Peace in Northern Uganda?", Africa Briefing no. 41 (13 September 2006), p. 11, (http://www.crisisgroup.org/home/index.cfm?id=4374).

Committed Mediator

After the establishment of the GoSS in Juba, the SPLM was eager to consolidate the gains of the CPA. One of the most important challenges was to neutralize various armed groups roaming in South Sudan, among others the LRA. The GoSS was also interested in satisfying Acholi groups within South Sudan, which had lobbied the GoSS to do something to tackle the conflict in Northern Uganda. A strategic decision was taken by the SPLM leadership to deal with the LRA, and three scenarios were developed in this regard: The GoSS could facilitate peace talks between the LRA and the GoU; the GoSS could direct the UPDF and the LRA to leave Southern Sudanese territory; or the GoSS get the SPLA to join the war against the LRA.[166]

Preference was given to peacemaking, partly because this option had the advantage of generating international legitimacy and demonstrating the peaceful nature of the newly founded GoSS. Thus, Vice-President Riek Machar was designated chief facilitator in spring 2006. Indeed, the members of the GoSS, and Riek Machar in particular, were suitable mediators in the Northern Ugandan conflict for four main reasons: first, the GoSS had a strong self-interest in achieving peace between the GoU and the LRA in order to stabilize South Sudan; second, as an important regional actor, the SPLM brought political and military leverage to the table; third, the GoSS was not obliged to enforce ICC arrest warrants because Sudan has not ratified the Rome Statute; and fourth, the GoSS was an acceptable intermediary to both parties.

In May 2006, a GoSS delegation traveled to the bush to meet Kony, who received assurances from Riek Machar that the safety of LRA members would be guaranteed in the event of peace talks. In turn, the LRA agreed to Machar's prerequisites for talks, namely that the LRA stop attacks on local Southern Sudanese communities; that the SPLA and the LRA agree on a ceasefire; and that the LRA delegation to the Juba talks actually have

the power to negotiate.[167] This paved the way for the official beginning of the Juba peace talks in July 2006.

The Negotiation Phase

Mediation Process

Facilitation team: At the beginning of the process, Riek Machar was supported by a facilitation team consisting of the NGO representatives (one from Pax Christi and two from the Community of Sant'Egidio), an IDP expert from UNDP, and a mediation expert (Julian Thomas Hottinger) seconded by Switzerland and aided by an Austrian expert based in Kampala. The Swiss Ambassador, Jean-Daniel Biéler, played a key role in communicating the rationale of the process to the diplomatic community and the ICC. Later, an Anglo-Ugandan lawyer (Barney Afako) as well as a Disarmament, Demobilization, and Reintegration (DDR) specialist and another expert (seconded by Denmark and the Netherlands, respectively), joined the team.

In the beginning of 2007, when UN Special Envoy Chissano was appointed, he imposed his own team consisting of five representatives from Kenya, Tanzania, South Africa, the Democratic Republic of Congo (DRC), and Mozambique – the so-called "African Ambassadors" – thus sidelining the initial facilitation team. The mediators had an active role in terms of drafting agreements, but they did not try to coerce and manipulate the parties into signing them. Thus, the mediators in Juba were "formulators".

Multiple processes: The Juba talks consisted of at least three different processes with different participants: official negotiations in Juba between the parties, i.e., GoU representatives and members of the Acholi diaspora linked to the LRA; interactions between affected communities in Northern Uganda and Acholi parliamentarians and traditional leaders, who were present at the Juba talks; and direct consultations of the facilitation team with LRA combatants and leaders in the Garamba Park in the DRC. The multitude of processes had the benefit of making the process more inclusive. The consultations that parliamen-

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[166] Mwaniki, David and Wepundi, Manasseh: "The Juba Peace Talks – The Checkered Road to Peace in Northern Uganda" Pretoria: Institute for Security Studies (ISS) (28 March 2007), p. 3.

[167] Ibid., pp. 3f.

tarians and traditional leaders held in Northern Uganda contributed to enhancing the legitimacy and securing the support of affected communities for the Juba talks.[168] The challenge, however, was how to achieve congruence between the different processes.

The biggest problem was the discrepancy between the progress of the official talks in Juba, on the one hand, and the position and perception of Joseph Kony and LRA combatants in the bush, on the other. It appears that LRA delegates in Juba pushed the talks forward and concluded agreements that Kony was not ready for or did not fully understand. This backfired and fostered Kony's mistrust of LRA negotiators as well as the mediators. This may have been a part of the reason for the killing in October 2007 of Kony's deputy, Vincent Otti, who was perhaps the preferred LRA interlocutor of the facilitation team as well as international observers. The circumstances of his assassination are opaque, but it appears that he was killed because Kony suspected Otti of concluding a separate deal or negotiating his own liberty in exchange for Kony's. Likewise, it is unclear why Kony decided not to sign the final peace accord in April 2008, but the feeling that he was not sufficiently involved in the Juba talks or their outcome is likely to have played a role.

Change of context: As explained above, the broader military and political context in 2006 was favorable to peacemaking in Northern Uganda. This changed in 2007, as the SPLM decided to leave the government of national unity (GNU) in Khartoum. As a result, the option of the North and South resuming warfare became more realistic and the potential strategic value of the LRA as a proxy force for the North increased. Second, serious disagreements and rifts within the LRA came to the fore, as demonstrated by the killing of Vincent Otti. And third, the GoU increasingly grew impatient and seriously considered regional military action against the LRA. Fears of a military escalation were heightened in September 2007, when Museveni concluded an agreement

with the DRC on joint military action to drive the LRA out of the DRC.[169]

However, the Juba talks did not fall apart – on the contrary. The CPA crisis was partly resolved when the SPLM re-entered GNU in December 2007. Also, Museveni's military posturing increased the pressure on the LRA to conclude a peace settlement. Against this background, the talks gained momentum in February 2008, and within a month, all remaining issues were resolved, at least on paper. Unfortunately, Kony failed to turn up for the signing of the final peace accords.

Key Issues and Content of Peace Agreements

Key issues: The Juba talks started with the adoption of an agenda, which the facilitation team had drafted. It included five points:

1. Cessation of hostilities
2. Comprehensive solutions to the marginalization of Northern Uganda
3. Reconciliation and accountability
4. Ceasefire agreement
5. Disarmament, demobilization and reintegration of the LRA

This agenda reflects the double aim of the Juba talks. The first one was to deal with the LRA and to neutralize the specific security threat it posed in Northern Uganda and in the region (points 1, 4, and 5); the second objective was to address the root causes of the conflict, i.e., to remedy the marginalization within Uganda of the Acholi as a group and of Northern Uganda as a region (points 2 and partly 3).

Peace agreements: The two most significant agreements, which will undoubtedly stand as references for future efforts to make peace in Northern Uganda, are those on comprehensive solutions (May 2007) and transitional justice (June 2007 and February 2008).[170] The former lays out a set of principles geared towards fostering the participation of Acholi in Ugandan politics and tackling the discrimination they have suffered

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[168] International Crisis Group: "Northern Ugandan Peace Process: The Need to Maintain Momentum", Africa Briefing, no. 46 (14 September 2007), (http://www.crisisgroup.org/home/index.cfm?id=5078).

[169] Quaranto, Peter J: "Northern Uganda: Emerging Threats to Peace Talks", Pretoria: ISS (13 November 2007).

[170] For the texts of all peace agreements of the Juba talks, see (http://www.resolveuganda.org/peaceagreement).

since Museveni came to power two decades ago. Among others, the GoU commits itself to making the central government more inclusive, promoting proportional representation of all regions in the Ugandan army and police, promoting economic development in the poorest regions such as Northern Uganda, and respecting the land rights of the Acholi as well as their right to participate in democratic processes.

The agreements on reconciliation and accountability propose different mechanisms of transitional justice that serve different purposes. Local reconciliation and the reintegration of LRA fighters in their communities are achieved through traditional reconciliation processes, such as *mato oput*. A truth commission is created to empower victims and promote national reconciliation. To achieve formal legal accountability, the most serious crimes would be prosecuted by a special division within the High Court of Uganda – which would require a change in national legislation. The drafters of the agreement had two aims: they sought to satisfy victims and lay the basis for post-conflict reconciliation, while at the same time trying to deactivate the ICC's jurisdiction via the principle of complementarity. The result is a comprehensive and sophisticated transitional justice framework for Northern Uganda.

Participation

Officially, the Juba peace talks were facilitated by the GoSS, and its participants were representatives of the Ugandan government, on the one side, and of a non-state armed group, the LRA, on the other side – which points to a classical track-1 process of mediation. However, a variety of Ugandan actors, from the government as well as civil society, intervened, making it difficult to clearly classify the Juba talks. Furthermore, due to the ICC indictments and lack of security guarantees for the top leadership of the LRA, the LRA delegation did not consist of the top decision-makers of the movement, necessitating frequent check-backs and visits to the bush.

Third-Party Coordination and "Forum-Shopping"

Towards the end of 2006, the LRA and Pax Christi voiced dissatisfaction about the Juba talks.

They wanted to give priority to ICC-related issues, as opposed to the Acholi parliamentarians, who were interested in the bigger political questions concerning Northern Uganda. The LRA also accused Riek Machar of being biased in favor of the GoU.[171] Consequently, the LRA and Pax Christi went to look for an alternative mediator and forum for negotiations. Thus, several preliminary meetings were held in neighboring countries, most importantly in Mombasa, Kenya. The intervention of UN Special Envoy Chissano, appointed in December 2006, was required to consolidate the Juba talks. His involvement was both a blessing and a curse for the initial mediator, Riek Machar. It was a blessing because Chissano's commitment to the GoSS initiative invalidated other mediation processes and definitely brought the talks back to Juba in spring 2007. It was also a curse in the sense that it deprived Machar of full control of the process. For example, Chissano imposed five regional ambassadors as facilitators of the Juba talks, which marginalized the initial support team.

The Role of the ICC in the Juba talks

The ICC got involved in Northern Uganda when President Museveni referred the situation concerning the LRA to the ICC Prosecutor in December 2003. At the time, Museveni planned to step up the military campaign against the LRA, and the ICC was useful in this context, stigmatizing the LRA internationally and enhancing the legitimacy of UPDF military action. Subsequently, the ICC started investigations and in July 2005 issued arrest warrants against five LRA leaders including Kony and Otti. In 2006, as mentioned above, Museveni's strategy for dealing with the LRA shifted from war to peace-making, and the role of the ICC changed in this context.[172]

From the start of the peace process, the ICC was an important actor. It is important to mention

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[171] Schomerus, Mareike: "The Lord's Resistance Army in Sudan: A History and Overview", Geneva: Small Arms Survey (September 2007), pp. 34-40.

[172] For an overview of arguments see Lanz, David: "The ICC's Intervention in Northern Uganda: Beyond the Simplicity of Peace vs. Justice", Working Paper, The Fletcher School of Law and Diplomacy (May 2007), (http://www.reliefweb.int/rw/rwb.nsf/db900sid/PANA-78VKGJ?OpenDocument).

here that the ICC does not seek to have a political role or to influence peace processes. Rather, the ICC has a legal mandate via the Rome Statute, and its primary aim is to promote accountability for international crimes and to contribute to preventing such crimes in the future. Nevertheless, the ICC does have an impact on the dynamics of a peace process, even if this is unintended.

There are multiple arguments about the role the ICC in Northern Uganda, but what is of interest in this context are its practical implications on the Juba talks. Four points can be mentioned in this regard. First, the ICC changed the incentive structure of the parties. The arrest warrants have increased the pressure on the LRA and have made it more attractive for the group to redeem itself via participation in peace talks. Thus, the ICC has contributed to bringing the LRA to the negotiating table.[173] Second, the ICC influenced the choice of a mediator. Countries that are party to the Rome Statute have an obligation to extradite persons for whom the ICC has issued an arrest warrant. Therefore, it was logical that the talks would take place in, and be mediated by, a non-signatory country in the region. Third, the ICC influenced the structure of the negotiations. As the LRA leadership was highly concerned about the ICC indictments, a substantial part of the talks concentrated on issues of reconciliation and accountability. Finally, the ICC made it more difficult to satisfy the LRA's security concerns, given that the ICC arrest warrants will persist, even after the signature of a peace agreement. This complicated the conclusion of the Juba talks.[174]

Implementation and Assessment

Even though the Juba talks were concluded in March 2008, no final peace agreement has been signed and the future of the peace process in Northern Uganda remains unclear. However, it would be wrong to call the Juba talks a failure. In fact, the talks have produced significant humanitarian dividends. As a result of the cessation of hostilities and the concentration of LRA fighters, the security situation has markedly improved, making it possible for half of the 1.8 million IDPs in Northern Uganda to return to their homes.[175] In addition, the Juba talks have produced a series of substantive agreements, which provide a blueprint for a political settlement with the LRA as well as for addressing the root causes of the conflict in Northern Uganda. Moreover, the Juba peace talks have attracted international attention and helped mobilize resources for building peace in Northern Uganda.

Outlook

In June 2008, Riek Machar made a series of recommendations regarding the future of the Northern Ugandan peace process. In his report, Machar enumerates different measures that he believes could bring the peace process back on track. He advocates a continued engagement with the LRA. He also suggests that certain elements of the various Juba agreements, in particular the one on comprehensive solutions of the marginalization of Northern Uganda, should be implemented, and asks the international community to harness sufficient resources for this purpose.[176]

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[173] ICG (2007): op.cit.
[174] See Schomerus, Mareike: "International Involvement and Incentives for Peacemaking in Northern Uganda", in: *Accord,* no. 19 (2008).

[175] Internal Displacement Monitoring Centre: "Uncertain Future for IDPs while Peace Remains Elusive" (24 April 2008), (http://www.internal-displacement.org/).
[176] Machar, Riek: "Report and Recommendations of the Chief Mediator of the Peace Process between the Government of Uganda and the Lord's Resistance Army" (16 June 2008), (http://www.beyondjuba.org/peace_agreements.php).

Somalia, Khartoum Negotiations 2006

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In a Nutshell

Somalia has experienced almost constant civil conflict since the collapse of Mohamed Siad Barre's regime in January 1991. Military rule and the resurgence of clan-based political and violent factions provide the background and context of contemporary political developments in Somalia. Regional interests and rivalries, along with US concerns about global terrorism, greatly complicate the scenario, often making Somalia seem like a pawn on other chessboards rather than a player in its own game of state-building.

A Transitional Federal Government (TFG) was established in 2004, but it was unable to govern the country effectively. The Council of Islamic Courts (CIC) fought and won against a US-backed secular war-lord militia in February 2006. Subsequently, the Arab League (AL) and the president of Sudan invited the CIC and TFG to talks in Khartoum in June 2006. Agreements on principles were reached in a very short series of talks, but not implemented. This was in part due to divisions within the CIC between participants at the talks and hardliners that had not attended them, the weakness of the TFG, and the presence of Ethiopian troops in Somalia. In December 2006, the CIC was ousted from power in an offensive launched by Ethiopian forces.

Key Messages

Participation and divisions within the parties: The main parties and the main representatives of the parties to a conflict have to be present at the table, or those at the table have to keep their constituencies on board throughout the process. As long as there are strong divisions between pragmatics and hardliners within one party, negotiations with the other side are difficult.

Lack of clarity on process and framework: Generally, negotiations are more likely to succeed if they occur within a clear framework (who, when, what, where) that is outlined before the beginning of substantial talks. This was largely missing in the Khartoum talks.

Context did not allow for talks to develop: It is typical for parties to begin talks out of tactical reasons, rather than with a serious wish to find mutually acceptable solutions. This is likely also to have been the case for the TFG and CIC in the Khartoum talks. If the context allows, however, a well-designed process may lead the parties to the realization that they stand to gain more from negotiations than from fighting. Ethiopia's invasion of Somalia changed the context and did not provide space for the Khartoum talks to develop.

Challenge of implementation: Agreements are useless if the parties do not want to implement them, and if they only sign to satisfy the mediators/facilitators. In such a case, the only way to implement an agreement is with heavy external pressure during the implementation phase, which was missing in this case.

US counterterrorism limiting space for local solutions and mediation: Using sharia law and providing social services, the CIC had begun to create a certain degree of stability and security in Mogadishu. The US was involved in escalating the conflict by backing a secular warlord militia against the CIC. External pressure by the US and Ethiopia seems to have enhanced the role of hardliners in the CIC, and also limited any space for a negotiated settlement between the CIC and the TFG.

Background of the Conflict

The state collapse following the demise of Barre's regime set in motion the fragmentation of the country into five territorial entities that broadly corresponded to the distribution and settlement of major clan groups.[177] It also caused massive internal displacement of the civilian population, which along with fierce competition for the leadership of the territorial governments and control of the strategic economic infrastructure and assets fuelled and magnified the effects of the factional conflicts. By 1992, almost 4.5 million people – more than half of the Somali population – were threatened by starvation, severe malnutrition, and related diseases.

The TFG was created in 2004,[178] in a step that seemed to signify an effort towards stabilizing the situation. Due to security concerns, the TFG established itself in Baidoa, at some distance from Mogadishu. The interim government turned out to be ill-managed,[179] weakly supported – it was not regarded as legitimate by the Somali population, as it was unable to control the capital – and controlled only small regions in the Somali countryside. A number of Islamic courts grew stronger,[180] mainly because they offered some sort of stability and security through a system of sharia law and order as well as social services. When a US-sponsored secular warlord alliance took over Mogadishu in February 2006, the CIC fought and won against the militia. The victory was welcomed by the TFG until it became clear that, as of early June 2006, the CIC now controlled the capital and most of southern Somalia. The CIC's claims over what is known as Greater Somalia – Somali-inhabited territory in Djibouti, Eastern Ethiopia, Northern Kenya, and Somaliland – were seen as unacceptable by the neighboring states. There was also growing international concern, particularly in Ethiopia and the US, over the movement's possible links to militants, its political goals, and the question of whether an outpost of extremist Islam would be established in the strategic Horn of Africa.[181] In the past, Somalia's relationship with its neighbors (especially Ethiopia) has been far from friendly, with a history of armed conflict, support of opposition movements in the other countries, and border disputes that go back several decades.

Previous Negotiations / Mediation Engagements

Views differ as to why mediation efforts have so consistently failed.[182] Apart from the lack of coordination and resulting contradictions among simultaneous regional initiatives, the failure of regional and international efforts to settle the Somali conflict include the nature of Somalia as a 'failed state', clan-driven divisions and local disputes, as well as external spoilers, such as neighboring states (Ethiopia, Eritrea, Kenya, Djibouti, and some Gulf states), the US, and the UK.

Some of the main negotiation efforts on Somalia have been: the Addis Ababa Agreement in 1993, a framework and implementation agreement sponsored and facilitated by UNOSOM and Ethiopia; the Arta Agreement in 2000, a power-sharing agreement hosted and facilitated by Djibouti; and the Transitional Federal Charter of the Somali Republic in 2003–2004, a comprehensive agreement mediated by seven Horn of Africa states under guidance of the Intergovernmental Authority on Development (IGAD).

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[177] Under British and Italian rule, clan structures were used to consolidate the ruler's power. Similarly, Siad Barre's regime used clan structures as a basis of political loyalty, but without openly mentioning or referring to them. Thus, the clans' traditional functions became distorted and blended into a scientific Socialist ideological framework.

[178] The TFG was created in Kenya after lengthy reconciliation talks hosted by the regional Intergovernmental Authority on Development (IGAD).

[179] In October 2005, UN Secretary-General Kofi Annan said that friction among Somalia's leaders was preventing the country's federal institutions from functioning effectively.

[180] The Muslim extremist groups were financially supported by Eritrea. Eritrea was not the principal financing force, however; many Somalis living outside the country and businessmen who wanted some form of order contributed money. Moreover, clan structures played a part in strengthening the CIC.

[181] Bengali, Shashank: "Somalia's interim government, Islamist militias to meet", in: *McClatchy Washington Bureau* (21 June 2006), (http://www.mcclatchydc.com/staff/shashank_bengali/story/14087.html).

[182] Many observers blame domestic spoilers (warlords, local actors) and Somalia's leadership deficit and divisive political culture; others point to external spoilers that seem to have vested interests in keeping Somalia in a state of collapse, in particular Ethiopia. Some argue that a lack of international political willpower and analytical acumen, together with rival interests and a series of missed opportunities for external mediators, have caused the failures of mediation (Menkhaus, Ken: "Mediation efforts in Somalia", in: *Africa Mediators' Retreat* (2007), pp. 38–41).

Pre-Negotiation to the Khartoum Agreement

Mediators Involved

In 2006, the AL initiated mediation efforts in Khartoum. With both sides apparently arming for battle, the AL, under the leadership of Sudanese President Omar al-Bashir, intervened to ease tensions between the TFG and the CIC in June 2006. The AL and Sudan became involved in order to limit US influence in the region, to hinder Ethiopian expansion and to divert attention from Darfur. The AL wanted to show its utility, and Sudan wished to make a positive contribution to the region rather than being seen as the trouble-maker.

Entry Points

After the CIC had forced back the anti-terrorist warlord alliance in early June 2006, the chairman of the CIC, moderate Sheikh Sharif Sheikh Ahmed, stated that his group would negotiate with the interim government. The AL sent an invitation to the CIC to come to Khartoum, noting that the courts could not simply sit and wait for the events to unfold: it was evident that the Ethiopians were going to react to the CIC's positions and actions and that the international community was nervous. Thus, the AL initiated shuttle diplomacy between the TFG and the CIC. Both parties had a shared interest in attending the talks, hoping to access money from rich AL states. The CIC also saw it as a chance of getting some recognition; they did not wish to offend the Sudanese; and they were curious to see what the TFG had to offer.

In mid-June 2006, Somali President Yusuf met with a US diplomat[183] and the Ethiopian president for consultations on the rapid expansion of CIC's control over Somalia. Immediately upon his return from these meetings – one day before the Khartoum peace talks –, Yusuf appeared to be less eager for reconciliatory dialog: the peace talks would be 'conditional' on the CIC recognizing the interim government and relinquishing its

control of all areas. He pleaded to the international community to deploy a peacekeeping force to allow a secure establishment of the government and ignore the CIC's disapproval.[184] The CIC would not accept the government's conditions, but promised to keep 'all avenues for negotiations' open.[185]

Negotiation

Participation and Inclusiveness

Yusuf headed a small, but high-profile delegation to Khartoum, including Prime Minister Ali Mohammed Gedi and parliament speaker Sharif Hassan Sheik Adan, an advocate of reconciliation efforts. None of the most important leaders of the CIC – such as the chairman of the CIC, Sheikh Sharif Sheikh Ahmed, well-known for his moderate and reconciliatory views, or the spiritual and radical leader of the CIC, Hassan Dahir Aweys – were present at the meeting. The CIC insisted nonetheless that it took the talks seriously and sent ten delegates, headed by a prominent scholar, Ali Mohammed Ibrahim, to the first round of talks.

The CIC was not a unified movement, but an umbrella group of geographically organized courts that included moderate scholars and radical hardliners. Although the chairman and several scholars were moderates and were prepared to reach a settlement with the interim government to restore peace to the country, the more radical Islamists, led by the spiritual leader Aweys, had no interest in making deals with anyone, particularly not with the weak and Ethiopian-backed government.[186]

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[183] Jendayi Frazer expressed US support for the government and skepticism of the CIC. She said that CIC included 'radical elements' that US officials feared could be hiding 'terrorist suspects' (Bengali (2006): op.cit.).

[184] The president said that '[a]s far as the deployment is concerned, we don't have to listen to them. They are not the government of the land, and they are not representing the majority of the country' (Majtenyi, Cathy: "Arab League Hosts Somali Peace Talks in Sudan" (22 June 2006), (http://www.global-security.org).

[185] IRIN News: "Gov't, Islamic leaders to talk peace in Sudan" (21 June 2006), (http://www.irinnews.org).

[186] Dagne, Ted: "Somalia: Current Conditions and Prospects for a Lasting Peace". A Congressional Research Service Report for Congress, 12 March 2007.

Mediation Style and Third-Party Coordination

The international community was kept briefed on the events in Khartoum, but there was little or no direct involvement beyond that. The format of the meetings had not been agreed upon. The agenda was rather open; there was no clear separation between the pre-negotiation and negotiation phases. Formal sessions were rarely held, and procedural issues, concerning questions such as participants, location, and agenda, were rather vaguely decided upon in informal meetings. There was, however, a clear intention to try and obtain a framework for an agenda for the talks, with details to agreed subsequently. It seems that there was no mediation/facilitation team, only a series of AL diplomats and members of various intelligence services. The AL members probably never made sure that formal decisions were ratified and discussed; rather they seemed to take an approach of shuttling from one side to the other, trying to find common ground while discussing possible alternatives.

Phases of the Khartoum Talks

First round of talks (22 June 2006): Sudanese President Omar al-Bashir, the chairman of the AL, and the AL's Secretary-General Amr Moussa were among the mediators who met separately with the delegations from the TFG and the CIC in order to arrange face-to-face peace talks that were to follow later that day. There was an initial discussion on political collaboration, which mainly focused on principles rather than on substantive issues. The talks were otherwise centered on security throughout the country and a possible ceasefire.

This was the first instance of direct talks between Yusuf and the Islamic courts, giving weight to the negotiations and its outcome. Despite the climate of mutual mistrust prior to the meeting, after only one day of negotiation, the two parties signed a framework agreement – drafted by the AL and Sudan – calling for an immediate truce; an end to media and military campaigns; and the judgment of war criminals. In this document, the transitional government and the CIC officially recognized the other side's legitimacy.[187] It was signed by a prominent scholar representing the CIC and by the Somali foreign minister. Two particularly contentious issues, power-sharing and the need for a peacekeeping force, were postponed to a second round of talks scheduled for 15 July 2006. The quick results were due to two factors: First, the parties agreed on vague wording about combining forces and sharing tasks, i.e., nothing that demanded major technical discussions. Second, it is plausible that all participants simply went through the motions in order to satisfy the AL and Sudan, knowing that nothing would be done, which made it easy to sign an agreement.

Within days after the signing of the ceasefire, developments within the CIC threw the agreement into question. The radical part of CIC convened a meeting of like-minded leaders from other clans and regions and reconstituted the CIC into a more broadly-based grouping, the Supreme Council of Islamic Courts (SCIC). Though the moderate spokesman for the CIC remained the head of a new eight-man executive, the new body's much stronger legislative council was headed by the spiritual leader Hassan Dahir Aweys, who is wanted by the US in connection with terrorist acts. The relative powers of the executive and legislative of the SCIC was unclear.[188] This turn of events alarmed Western governments and especially Ethiopia, which now saw its fears of a Somalia controlled by radical clerics realized.

Pre-negotiation for second round of talks (July–September 2006): The planned follow-up talks were postponed from 15 July until 2 September 2006, due to divisions within the interim government over how to handle the SCIC's dominance and the total refusal of religious leaders to attend meetings with the TFG after confirmed reports that Ethiopian troops had entered Somalia in July. In trying to salvage the upcoming peace talks, AL diplomats carried out shuttle diplomacy between the conflicting parties while working on an agenda for the second round of

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[187] "Somalis sceptical over peace accord", in: *Mail & Guardian* (23 June 2006), (http://www.mg.co.za).

[188] Cromwell, Richard: "Somali Islamic Militia Defy Truce", The Institute for Security Studies (28 June 2006), (http://www.issafrica.org).

talks. According to an AL official, both sides were asked to open a new chapter.[189] The SCIC declared its readiness to negotiate with the government on the Ethiopian presence, power representation, and rewriting the transitional charter. The TFG's new negotiating position was to offer the SCIC some cabinet posts and positions in the judiciary and government departments. These would be distributed according to the same clan-based formula used to form the interim government in 2004.[190]

Second round of talks (2–4 September 2006): In a sign of mounting international pressure, the second round of talks was attended by several international and regional organizations, including the UN, the AU, IGAD, the EU, and the Organisation of the Islamic Conference (OIC). The SCIC delegation, now headed by another scholar, met with the TFG in Khartoum. The talks aimed at solving pending political, security, and power-sharing issues. After three days of consultations, a vague implementation agreement was brokered between the parties on the initiation of a disarmament, demobilization, and reintegration process, the reunification of the country, and the non-interference by neighboring countries in each others' internal affairs.[191] As no viable and realistic solutions could be found to the parties' major concerns, several crucial issues were postponed yet again to an envisaged third round of discussions on 30 October 2006.

Third round of talks (October 2006): Mutual allegations of violations of the outlined agreement and a hardening of military postures caused doubts as to whether talks would be resumed. It is clear that both parties came to Khartoum, but the two sides never formally met.[192]

Issues in the talks: The talks in Khartoum aimed at enhancing security and providing clarity on territorial and power-sharing issues. The discussion on whether there should be a (regional) peace-keeping force in Somalia turned out to be an overarching source of division both within the government itself and between the government and the CIC.[193] Also, unconfirmed reports in June–July 2006 of a presence of Ethiopian troops in Somalia supporting the moderate TFG caused widespread suspicion, anger, and mistrust between the CIC and the TFG.

Implementation Mechanisms

The Khartoum Agreement stipulated the formation of one implementation mechanism, a Joint Committee, and an accountability mechanism comprising the Sudanese president, the AL, and representatives from the interim government and the SCIC. Implementation was hindered by the exclusion of the strongest and most militant group of the SCIC, and the SCIC's resulting lack of legitimacy as a serious and willing participant in the peace talks. Ethiopia's military operations also escalated the conflict and constituted an obstacle to implementation.

Assessment

Agreement

No-one expected a deal to be sealed after only a few hours of dialog in Khartoum. There was an initial wish from both sides to show some positive will, while in fact the internal fighting within the parties was so extensive that it was clear that nobody really felt responsible for the promises to which they had just committed themselves. This was further exacerbated by contradictory information as to what had been or had not been agreed upon. The opinions of the conflict parties were not reflected in the agreements. Nonetheless, the signing of the agreements satisfied the AL and Sudan, which had drafted them.[194] The Somali

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[189] "Somalia's government willing to offer Islamic rivals Cabinet posts in Sudan talks", in: *International Herald Tribune* (1 September 2006), (http://www.iht.com).

[190] According to a Somali minister, only one clan position could be filled by the SCIC, as the Islamic courts were 'all coming from one clan'. Conversely, the SCIC claimed not to be clan-based, and thus different from previous leaders who asserted clan-based power (Ibid.).

[191] Joint Communiqué of the Sudanese Embassy (2-4 September 2006).

[192] The TFG delegation was headed by the moderate parliament speaker. The SCIC sent a low-ranking delegation with no power to decide or fulfill whatever was expected.

[193] Cromwell (2006): op. cit.

[194] After the first round of talks, Sudanese President al-Bashir described the accord in highly positive terms as the beginning of the end of conflicts in Somalia. It was similarly lauded by the UN, the AU, and the US (*Mail & Guardian* (22 June 2006): op. cit.).

people, on the other hand, were less optimistic. Many saw the agreement as a ploy to attract funds from oil-rich AL states; others believed that the deal was signed to please the host country, Sudan.[195]

Context

Increasingly radical policies within the SCIC, such as calls for jihad against Ethiopia and recruitment of foreign fighters, set in motion a confrontation with the increasingly weakening and withering government and, more importantly, with Ethiopia, which already had battle-ready troops inside Somalia. In December 2006, the SCIC was ousted from power in an offensive launched by Ethiopian forces. The TFG entered Mogadishu to try and govern from the capital, while a counter-insurgency was launched by remnants from the SCIC to target Ethiopian and government troops.

Process and Participation

Despite the high-level participation from the government and the symbolic value of the AL's engagement in the conflict – thereby symbolically forming a "Muslim bond' in the eyes of the SCIC – several factors combined resulted in the failure of the Khartoum talks. Most importantly, the willingness of the parties to participate in a political dialog and reach a settlement was only attributed to the moderate group within the Islamic courts; it did not include the radical and militant leader and members, who supported neither the dialog nor the deals brokered with the TFG.

Partly, the parties came to the table due to concerns about face-saving and tactical reflections, rather than being prepared for a long-term peace process. However, this is a typical state of affairs at the onset of negotiations. External developments, e.g., Ethiopian military operations, prevented this tactical phase from developing into a more solid process. As it turned out, rather than being a prelude to peace and reconciliation, the talks between the parties in Sudan were a mere interlude between fierce fighting and competition for control of power, or a very last tentative effort to solve the issue before using force.[196]

Outlook

Independently of the Khartoum talks, an AU peacekeeping force was later deployed to Somalia, but due to insufficient personnel was unable to stem the armed conflict. Recent talks ended in another cease-fire agreement between the TFG and elements from the opposition. It remains to be seen whether the June 2008 Djibouti agreement is capable of bringing peace and stability to Somalia.[197] The agreement is, however, similar to other agreements that have failed in that it relies heavily on external actors, rather than the Somalis, to do the task. Key challenges include:

The humanitarian crisis: More than one-third of the Somali population is in desperate need of assistance, a key priority at the moment.

Addressing inclusiveness in the peace process: A number of factions refuse to commit themselves to a negotiated agreement with the TFG and are intent on fighting. The question is whether an international stabilization force may serve to encourage dialog or merely make matters worse?

The ambiguousness of regional involvement: The involvement of regional actors, particularly of Ethiopia, seriously hampered the attempts for peace in Somalia; however, engagement by external actors in the form of international pressure may prove to be essential if peace is to be achieved.

The lack of resources and capacity: Ever since the creation of Somalia, the country has been dependent on foreign aid. This will not change overnight. Financial resources are required to create effective institutions, but this is dependent on a gradual build-up while taking into account what the Somalis want.

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195   Ibid.
196   *Mail & Guardian* (23 June 2006): op. cit.

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197   Security Council Report: "Somalia July 2008" (2008), (http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.4278477/).

Sudan, North-South Comprehensive Peace Agreement

By Simon J A Mason, Mediation Support Project, Center for Security Studies, ETH Zurich

In a Nutshell

The Comprehensive Peace Agreement (CPA) between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) based in South Sudan ended a war that cost the lives of some 2 million people and lasted between 1983 and 2005. Among the main causes of the conflict were unequal socio-economic development, distribution of political power, and control over natural resources between the center and the periphery. In 1994, the regional organization Intergovernmental Authority on Development (IGAD) initiated talks between the GoS and the SPLM/A. Talks only moved ahead seriously in 2002, however. The Machakos Protocol in 2002 set the framework for the negotiations. The parties agreed on the principles of self-determination for the South, sharia law for the North, and the common aim of building a united Sudan. This framework agreement was essential to guide the subsequent talks, but negotiations still took nearly another three years. The CPA signed on 9 January 2005 consisted of various protocols. The CPA is generally considered to be inclusive in terms of topics and to be balanced between the GoS (i.e. National Congress Party NCP) and SPLM, as well as being specific on implementation modalities. The key remaining challenges are the implementation of the CPA and the other conflicts in Sudan (e.g. Darfur). The IGAD had a mandate that was limited to only negotiate the North-South conflict. Even if it tried to get the Darfur included within its mandate from December 2003 onwards, the NCP refused this. Thus the Darfur conflict was not explicitly addressed.

Key Messages

Key role of a Regional Organization as mediator: The Regional Organization IGAD had the necessary leverage to initiate peace talks, due to its unified stance towards Sudan and its interest in regional stability. Later, internal differences weakened its influence on the peace process, and pressure and support came more from the US, Britain, Norway, and the EU. Chief mediator Lt. General Lazaro Sumbeiywo, appointed by IGAD, remained in the lead and managed to protect the process from too much external pressure.

Pressure and dialog have to be balanced: Too much pressure can break a process, while insufficient pressure can prevent talks from moving ahead. While dialog and pressure are complementary, it is often useful to split the roles of the parties exerting pressure and those facilitating, respectively.

Incremental Confidence-Building: The Nuba Mountains ceasefire agreement, mediated by a US-Swiss team in 2002, was a test and key step of confidence-building between North and South Sudan. It helped to show that steps towards peace were possible, and was thus able to invigorate the IGAD-led process.

Political role of the chief mediator, operational role of the trained mediators: The chief mediator (in this case Lazaro Sumbeiywo) is the moral guarantor of the process. Typically, this is a person with a political background and a high reputation, e.g., an elder state official. Their role is to link up with the regional and global stakeholders, letting useful people participate in the process, and keeping the others out. The more operational nuts and bolts of mediation, moderating the talks and drafting the agreement, are then carried out by trained mediators (in this case, Nicholas Haysom and Julian Thomas Hottinger).

Increased decision-making level as negotiations proceed: The way forward after the Nakuru deadlock was to have negotiation delegations with greater decision-making power (John Garang and Ali Taha).

Background of the Conflict

In the second civil war between the North and South (1983–2005), more than 4 million people were displaced, 600,000 refugees left the country, and more than 2 million people lost their lives, either directly through the fighting, or indirectly from other consequences of the war, such as famine and disease. A key root to the conflicts in the Sudan was the segregation of the South from the North already before independence in 1956. Tensions between the center and the periphery were a consequence of disparate socio-economic and political development between the North and Central Sudan on the one hand, and South Sudan and other regions (e.g., Beja in the East and Darfur in the West) on the other hand. The SPLM/A in the South and the GoS, dominated by NIF/NCP[198] in the North were the main parties involved in the negotiations. The main issues evolved around the relationship between religion and state, wealth and power-sharing, the three contested areas (Blue Nile Hills, Abyei, and Nuba mountains), and security issues.

Previous Negotiations / Pre-Negotiations / Entry Points

There have been many steps towards peace between North and South Sudan. Between 1972 and 2005, there have been at least 25 formats for direct or third-party-facilitated talks between different parties involved in the conflict, including mediation efforts by at least seven different mediators/mediation teams.[199]

IGAD-led Process until the Machakos Protocol

The IGAD, a regional organization interested in the stability in the region, concerned about the spread of political Islam and aiming at the unity of Sudan, began a process in 1994 between the SPLM/A, SPLM/A-United, and the GoS. The

parties joined the IGAD process in 1994 because they feared sanctions and isolation from the IGAD countries. The talks led to the Declaration of Principles (DoP) of 20 July 1994, on the right to self-determination of South Sudan, the priority on maintaining the unity of Sudan, and the relationship of state and religion. The DoP was a useful framework, yet it was not binding, its implementation was unclear, and it was only accepted with reservations by the GoS in 1997. The talks between 1994 and 2002 can be viewed as a pre-negotiation phase or as confidence-building talks, with both sides testing the waters, finding out how far each side could go, but also becoming aware of the costs and difficulties involved in serious negotiations. Essential to this phase was the agreement on key principles that set the framework for the talks. The agreement on the Machakos protocol in July 2002, clarifying and consolidating the DoP was a milestone. Machakos ensured the South the right of self-determination, and gave the North the right to introduce sharia law. Both actors focused on the unity of Sudan, but the possibility of secession was envisaged for the case of failed negotiations.

Renewal of Peace Process as of 2002

Besides the IGAD-led process, other events and processes also helped to bring about the talks that finally led to the Comprehensive Peace Agreement in 2005. This included the new geopolitical context after the attacks in New York and Washington in 2001, internal political and military developments in Sudan, greater international involvement in the IGAD process, and a new proposal (Machakos protocol) drafted by a qualified mediation team, based on previous initiatives.[200] Sudan's international posture was directly affected by the attacks on the US in 2001. Due to Osama bin Laden's links to Sudan and the fundamentalist Muslim policies of the GoS, the US was strongly suspicious of Sudan. After the attacks on its territory, the US wanted to find out where the Sudanese government stood. To do this, the goodwill of the Sudanese was to be

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[198]   National Islamic Front (NIF); in 1998 and 2000 parts of the NIF became the NCP.

[199]   Mason, Simon: "Learning from the Swiss Mediation and Facilitation Experiences in Sudan", Working Paper, Mediation Support Project (Center for Security Studies, Swiss Federal Institute of Technology/swisspeace) (2007), (http://www.swisspeace.ch/mediation).

[200]   Rogier, Emeric: "Designing an Integrated Strategy for Peace, Security and Development in Post-Agreement Sudan", The Hague: Netherlands Institute of International Relations 'Clingendael' Conflict Resolution Unit (2006), p. 45.

tested. One of the "tests" consisted in engaging the parties to agree on a humanitarian cease-fire in a limited region in Sudan. The Nuba Mountains region was chosen as an area that had been ravaged by war, but was not a strategic area for either of the two main conflict parties. This made compromises more likely. It is plausible that the GoS engaged in these talks because they feared that if they did not show goodwill, the US would militarily attack the country.[201]

Mediating the Nuba Mountains Ceasefire Agreement

The Nuba Mountains ceasefire negotiations took place at Bürgenstock in Switzerland and lasted six days, mediated by a Swiss-US team under the leadership of the Swiss Ambassador Josef Bucher. Bucher had close contacts with the Sudanese that dated back to 1994, one reason why they wanted the Swiss involved. The talks were attended by three officers, a legal advisor, and two diplomats from each government. As part of the procedure, it was agreed to avoid direct contacts between the two conflict parties at first, but rather to have separate parallel meetings, the one side dealing with the military questions, the other with political/legal questions, and then changing over. When facing deadlock, the Swiss-US team came up with a concrete proposal as to where the various troops should be pulled back to. The proposal shocked both the GoS and the SPLM/A. It allowed for progress, however, as the parties had to lay more of their cards on the table in the process of correcting the proposal. After six days of talks, the six-month cease-fire (later prolonged) was signed at midday, on 19 January 2002.[202]

Negotiation Phase

Mediation Team and Third Parties Involved

Many third parties were involved in the peace process. As of 2002, the IGAD talks were led by Kenyan Special Envoy General Sumbeiywo. Jul-

ian T. Hottinger, an expert working first at the Institute of Federalism[203] and as of December 2003 for the Swiss Foreign Ministry, was asked to join the IGAD mediation team, no least because of his experience in mediating the Nuba Mountains ceasefire. Furthermore, Nicholas 'Fink' Haysom, a South African was part of the team. The role of the chief mediator Lt. General Sumbeiywo[204] was to maintain the respect for the process, keep things together and step in at key moments; he was the doorkeeper to the process. His role has also been described as creating a "spider's web" to protect the process, allowing useful people to participate, others to observe, and keeping people who were not helpful out of the process. There was enormous international pressure on the mediators from the side of the international community. Therefore, the role of protecting the process from influence on the content was essential to the success of the process. Hottinger and Haysom dealt more with the nuts and bolts during the sessions. The IGAD team further consisted of three special IGAD envoys (from Eritrea, Ethiopia, and Uganda) who knew the parties extremely well, and a secretariat of five people. The process was led by the Intergovernmental Authority on Development (IGAD), but supported by a troika of the US, the UK, and Norway. Norway and EU were key financers of the process, and the UN took on the implementation role.[205]

Mediation Style and Third-Party Coordination

The international community had roughly managed to agree that there was only one process and one facilitator involved in the Sudan North-South conflict, and that no parallel exercise or process would be created.[206] The Sudan North-

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[201] Mason (2007): op. cit.

[202] Bucher, Josef: "Eine Nische für den Frieden", in: Altwegg, Jürg, ed., *Helvetia im Aussendienst, was Schweizer in der Welt Bewegen,* München, Wien: Nagel & Kimche (2004), pp. 45-59.

[203] University of Fribourg, Switzerland, (http://www.federalism.ch).

[204] See also: Waihenya, Waithaka, *The Mediator. Gen. Lazaro Sumbeiywo and the Southern Sudan Peace Process,* East African Educational Publishers (2006).

[205] Mason (2007): op. cit.

[206] Hottinger, Julian: "Mediating A Peace Agreement at the Beginning of the 21st Century", working paper, Swiss Federal Department of Foreign Affairs and Mediation Support Project (Center for Security Studies, Swiss Federal Institute of Technology (ETH) /swisspeace), unpublished (2008), p. 20.

South negotiations were an example of the multiple use of facilitative, formulative, and manipulative mediation, where approaches involving both pressure and dialog were combined. During the negotiations, pressure and assertiveness were used. However, this pressure did not come alone, but together with a relationship of trust that had been built up in the pre-negotiation phase, thus making it far more acceptable. Without some degree of pressure, it is very unlikely that the parties would ever have come to the negotiation table. While concrete solutions were proposed, these only followed careful study and communication with all the conflict parties – a process that took many years. The role of the third parties consisted not in offering solutions, but rather in being receptive, listening, understanding, and then reflecting perceptions of common ground – complemented by a degree of openness on the part of the conflict parties to agree to modifications. The mediation efforts were team efforts, involving both Africans and Westerns. The team nature of mediation is noteworthy: at least ten people were involved in the Nuba ceasefire negotiations, and 11 in the CPA negotiations. In addition, a variety of roles were involved, such as that of the low-profile facilitator in the pre-negotiation phase, the chief mediator acting as moral guarantor in the negotiation phase, and the mediator dealing with the nuts and bolts during the negotiations.

Negotiations are only possible with a certain degree of power symmetry between the parties. Knowledge is one form of power; thus, when the mediators perceived an asymmetry in knowledge about certain issues to be negotiated, they slowed the process down and introduced external experts to coach both parties. This helped to bring the parties up to the same level of expertise, to then resume negotiating on a level laying field. External experts were used a lot: for oil, banking, land issues, military questions such as DDR, etc.

Participation and Inclusiveness

The main conflict parties, the GoS and the SPLM/A, were included in the negotiations. SPLM was part of the National Democratic Alliance (NDA), thereby in part representing or at least informing the Northern opposition parties.

By dealing with a variety of topics (such as land tenure), the inclusiveness of the process was partly, as stakeholders had to be brought in to discuss the issue. In this way, traditional leaders and women could – at least in part – be consulted. In short, the process was very inclusive in terms of topics, but less inclusive in terms of actors. Efforts by the parties to make the process more inclusive in terms of actors were rejected by the conflict parties.

Key Aspects of the CPA[207]

The key issues dealt with in the peace process and agreed in the 260-page Comprehensive Peace Agreement (CPA), signed in 9 January 2005, included the relationship between religion and state, wealth- (oil) and power-sharing (interim government, asymmetrical federal system), the three contested areas (Blue Nile Hills, Abyei, and Nuba mountains), human rights, and security (armed forces, SSR, DDR) issues. In particular, the parties agreed on the following:

1. *Autonomy:* the South to be given autonomous status for six years and a referendum to be held in 2011 regarding secession from Sudan.
2. *Security and armed forces:* separate armed forces, as well as integrated units of 21,000 soldiers (half GoS, half SPLA troops). If after the interim period of six years the South should decide not to secede, both sides to unify into a 39,000 strong force.
3. *Wealth-sharing:* Oil to be shared in equal parts between the GoS and the SPLM/A. Two per cent of the revenues go to the region producing the oil.
4. *Economic issues:* two currencies in a dual banking system.
5. *Administration:* positions in the central transitional government are split 50-50. In the three disputed areas (Abyei, Nuba Mountains, and Blue Nile), the ratio to be 55-45 in favor of the GoS. Al-Bashir to be head of

207 Summarized from: Hottinger, Julian: "Mediating the Burundi and Sudan North-South Peace Agreement", working paper of the "Peace Mediation Course", Swiss Federal Department of Foreign Affairs and Mediation Support Project (Center for Security Studies, Swiss Federal Institute of Technology (ETH)/swisspeace), unpublished (2008).

state, John Garang to be vice president, and Ali Osman Taha to be second vice president.

6. *Islamic law:* Sharia to be applicable in the North; parts of the Interim National Constitution to be drafted so that sharia does not apply to non-Muslims anywhere in Sudan.

Phases

The IGAD process can be split into phases, the first phase consisting of the pre-negotiations and talks leading up to the Machakos protocol (summarized above). During the second phase of the talks from Machakos up until Nakuru (2003), things moved slowly. The draft agreement presented at Nakuru was rejected by the GoS. In part, this can be seen as a backlash from hard-liners on both sides against the Machakos protocol, the form of involvement of the international community (too much pressure), and the decision-making power of the negotiation delegations. To overcome this deadlock, during the third phase after Nakuru up until September 2003, a higher level of political decision-making was required, involving John Garang (SPLM/A) and vice president Ali Osman Taha (NCP) from GoS. The breakthrough came with the signing of the security arrangements framework agreement on 25 September 2003. This was seen as the point of no return in the IGAD process. The fourth phase (September 3003 – January 2005) dealt with the remaining issues, but was also influenced by the escalating conflict in Darfur.[208] It was not part of the IGAD mandate to deal with the Darfur conflict, however. Other major steps in the negotiations were the signing of the wealth-sharing protocol on 7 January 2004, and the protocol on power-sharing and the three contested areas (Abyei, Nuba mountains, and Blue Nile) on 26 May 2004. The annexes on detailed

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[208] The Darfur conflict had begun to overshadow the talks in 2004. The IGAD mandate, however, was to only deal with the resolution of the North-South conflict and efforts to expand the IGAD mandate to include the Darfur conflict was denied from the side of the government. Furthermore, there were indications that the GoS slowed down the IGAD process to soften international pressure on Darfur. The US had an ambivalent stand towards the Sudan: pressure, but not too much pressure. The GoS realised that the quality and cooperation with the US on al-Qaida information was a way of softening the US pressure on themselves. In part, this may have made it possible for the GoS to exclude the Darfur from the IGAD process.

security issues, ceasefire, disarmament, demobilization, and reintegration (DDR), and the implementation schedule were signed on 31 December 2004. The human rights issues were treated partly in the power-sharing agreement, partly in the other CPA documents.

Implementation

The CPA was largely successful, and regarded as a key step towards peace in Sudan. The agreement is very precise in specifying the implementation modalities (unlike the Addis Abba Agreement, which failed due to this shortcoming). External pressure is often vital for successful implementation. In this case, the United Mission in Sudan (UNMIS) took on the mandate to support the implementation of the CPA with an authorized strength of up to 10,000 military personnel, and (acting under Chapter VII of the UN Charter) to take the necessary action to protect UN personnel and civilians.

Assessment

Process

A key procedural issue in the IGAD process from 2002 onwards was that the parties agreed to negotiate each protocol individually and successively, signing each one once it had been negotiated. While this was the wish of the parties, it proved challenging to the process, as it meant that no trade-offs between protocols could be made once they had been signed.

Another striking aspect of the process was the great deal of reluctance with which both parties began the talks. Many observers said they had done so purely out of tactical reasons. But the process then drew them in, the talks became serious, and any initial tactical considerations from the side of the parties were replaced by a growing conviction that they could make the negotiations work. Thus, the question for a mediator is not whether parties begin talks in good faith (as they probably never do), but whether the process can be designed in such a way as to incrementally enhance their commitment and trust in the process.

Agreement

The agreement was very inclusive in terms of topics, and precise in terms of implementation. However, even if the agreement should be fully implemented, some challenges remain: The parties agreed in the CPA to focus on the priority of the unity of Sudan, but the agreement also gave South Sudan the tools (e.g., an army, wealth, and a border) should it opt for independence. Elections to be held four years after signing could also change the power constellation in the government, yet the decision on postponing the referendum lies in the hands of the NCP and SPLM/A, irrespective of these elections. Thus, if the referendum should lead to secession, many parts of the agreement would have to be negotiated afresh. Finally, due to the limited mandate of the IGAD, neither the Darfur nor the Beja conflict were addressed.

Context

The North-South process managed to survive a rapidly changing context, and indeed, even succeeded in influencing this very context. While the events of 11 September 2001 and the US' so-called "war on terrorism" were important context factors at the onset, the Darfur crisis and the reaction from the side of the US and China to this crisis were important context factors between 2003 and 2005. During the implementation, important factors include the tensions and lack of governance structure in the South, the question of how to truly integrate the opposition in the North, and the large amounts of money flowing into the South (and later to Darfur in the form of humanitarian aid) with the potential to cause corruption.

Outlook

The death of John Garang just over six months after signing the agreement was a blow to the implementation of the CPA and the vision of a "New Sudan". Concerning sensitive implementation issues, the SPLM listed the following reasons for their withdrawal from the Government of National Unity on 11 October 2007 (they returned in December 2007 after talks and agreement on various issues):[209]

Abyei: the status of Abyei has not been agreed upon, as the NCP rejected the findings of the international experts of the Abyei Boundaries Commission. This also means that no formal administrative structures have been put in place. Tensions escalated to the point of direct clashes between the SPLA and Messiria fighters / GoS soldiers between December 2007 and March 2008.

The redeployment of forces: the deployment has been and continues to be delayed on both sides, with the NCP concerned that the SPLA has not retreated southwards, and SPLA concerned that the GoS forces have not left the oil-producing areas.

The census: The census was delayed, and then problems arose on how it was carried out. Its validity as a basis for the elections is contested, e.g., because insecure areas such as Darfur are not fairly represented and elsewhere it was not well carried out due to lack of documents and registering officers.[210]

The demarcation of the North-South border: The establishment of the North-South Technical Border Committee was long delayed, and its reports will be very sensitive, as they impact on many issues.

The transparency of the oil sector: The SPLM had little insight into the production and marketing of the oil, and therefore had no way of knowing whether the share of revenues it was receiving were fair. The December 2007 agreement partly rectified this.

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[209] Summarized from: International Crisis Group: "Sudan's Comprehensive Peace Agreement: Beyond the Crisis", Africa Briefing No 50 (13 March 2008), (http://www.crisisgroup.org/library/documents/africa/horn_of_africa/b50_sudan_cpa_beyond_the_crisis.pdf).

[210] See also: Santschi, Martina, "Briefing: Counting 'New Sudan'", in: *African Affairs*, 1-10. September (2008).

Sudan/Darfur, Abuja Negotiations and the DPA

By David Lanz, Mediation Support Project, swisspeace

In a Nutshell

The current conflict in Darfur escalated in early 2003. Roughly one year later, in April 2004, the two principal Darfur rebel movements – the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) – and the government of Sudan (GoS) signed the N'Djamena Ceasefire Agreement, without, however, implementing the agreement. Shortly thereafter, in July 2004, the Inter-Sudanese Talks on Darfur (hereinafter the "Abuja negotiations") commenced. The talks were co-mediated by Chad and the African Union (AU) and took place in Abuja, where they were held until their conclusion in May 2006. There was very little substantive progress in the first rounds of talks. It was only in July 2005 that the parties adopted the Declaration of Principles defining the core principles for the settlement of the Darfur conflict. In the final round of talks starting in November 2005, the nature of the negotiations changed. The SLM/A split into two factions, the first led by the original SLM/A chairman Abdel Wahid from the Fur tribe, the second led by Minni Minawi from the Zaghawa tribe. Also, Western governments, who had been funding the talks and backing them politically, gradually lost patience. In April 2006, the AU set a deadline for 30 April for the conclusion of the talks. The mediators subsequently drafted a comprehensive agreement, which was made available to the parties only five days before the deadline expired. At the same time, political heavyweights from the US and European countries descended on Abuja to persuade the parties to sign the agreement. The Darfur Peace Agreement (DPA) was signed on 5 May 2006 by the GoS and the Minawi faction of the SLM/A, while Abdel Wahid and the JEM rejected it. The DPA covers three main issues: power-sharing, wealth-sharing, and security. The agreement was never implemented.

Key Messages

Pitfalls of deadline diplomacy: The Abuja negotiations exemplify the pitfalls of using deadlines as a tool in mediation. When mediators "cry wolf" and impose deadlines, without subsequently respecting them, their credibility can be undermined. On the other hand, sticking rigidly to deadlines, as in the case of Abuja, fosters a manipulative style of mediation in order to get a peace agreement, regardless of the process. If the parties are precluded from negotiating and adapting the draft of a peace agreement as well as consulting their constituents about it, they lose ownership of the process – which can hamper the implementation of the agreement.

Excessive focus on peace agreement: At the end of Abuja, external supporters needed to show success and put a lot of pressure on the parties to sign an agreement. Coercing parties into signing a peace agreement is dangerous, as they are unlikely to stick to it once the "sticks and carrots" for doing so disappear. What is more important than the peace agreement itself is the process leading to it as well as mechanisms for its implementation.

Dealing with fragmentation of parties: When parties fragment into different factions, like the SLM in Abuja, the most obvious solution for mediators is not to recognize splinter groups so as to discourage further fragmentation. However, if a party has sufficient military leverage or represents an important constituency, non-recognition becomes unfeasible and mediators will have to find a way of including the splinter group.

Interaction between process and context: The broader context of peace negotiations, that is, the military, political, and economic dynamics on the ground, interacts with the mediation process. If the context evolves negatively, as when relations between Sudan and Chad deteriorated in 2006, peacemaking will be seriously hampered.

Background of the Conflict

Chronology

Darfur was an independent sultanate until its integration into Sudan at the end of the 19th century, when it became one of Sudan's most marginalized peripheral regions. In early 2003, an insurgency broke out, triggering an extremely brutal response by the government. Aimed at destroying the civilian support base of the insurgents, the government armed Arab tribal militia from Darfur – infamously known as the Janjaweed – and supported their "scorched earth" campaigns, which in 2003 and 2004 led to the death and displacement of hundreds of thousands of Darfurians, mostly from non-Arab tribes.[211] The intensity of the conflict has since been reduced, but the humanitarian crisis persists. The total number of deaths of the combined effects of the war in Darfur is estimated at up to 300,000, while an estimated 2.5 million Darfurians are internally displaced, and a further 250,000 live in refugee camps in Eastern Chad.[212]

Causes of the Conflict[213]

The causes of the Darfur conflict are manifold and highly complex, defying simplistic narratives of the Darfur conflict as a "tribal conflict" or as an "ethnic conflict" between Arab herdsmen and African farmers.[214] Broadly speaking, the Darfur conflict can be understood in terms of three distinct, but strongly interlinked conflict clusters, which came together in 2003 and have fueled the conflict since. First, pastoralist and nomad communities in Darfur have clashed as a result of population growth, desertification, increased depletion of soil, and the over-taxation of traditional land and conflict management systems. Tensions between tribes have existed in the past, but they only became unmanageable when local communities became pawns in broader national

and regional conflicts. Second, in the national Sudanese context, Darfur has been the most marginalized region, deprived of educational opportunities, economic development, and political power. This led to the emergence of an insurgency against the central government in Khartoum. Third, Darfur has been the terrain of regional proxy wars, where the Sudanese, Eritrean, Libyan, and Chadian governments have respectively empowered and armed local proxy groups, thus exacerbating local conflicts. This cluster was less central at the outset of the conflict in 2003, but has become predominant since 2006 in the context of the deterioration of the relations between Sudan and Chad.

Previous Negotiations and Entry Points

Previous Negotiations

A few months after the conflict erupted in early 2003, talks between the conflict parties started. Under the mediation of the Chadian government, the first ceasefire agreement was signed by the SLM/A and the GoS in September 2003 in Abéché, without, however, being implemented. The Chadian government was an acceptable mediator to the GoS, which at the time saw in Idriss Déby a loyal ally. Given the catastrophic situation on the ground, the rebels did not have much of a choice. In spring 2004, the Chadian government, this time joined by the AU and a range of other facilitators, brought the parties together in N'Djamena, and on 8 April, the SLM/A, the JEM, and the GoS signed the Humanitarian Ceasefire Agreement. The agreement was never implemented, but it established the Ceasefire Commission as well as the AU Mission in Sudan (AMIS), both of which initially had a positive impact on the ground.

Entry point for the AU

The Abuja negotiations started shortly after the N'Djamena Agreement, where the AU acted as a co-mediator. The idea was to move from a ceasefire to negotiating a comprehensive agreement, including political dimensions. Thus, the AU's role as a mediator partly resulted from the momentum of previous processes, in addition to two

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[211] De Waal, Alex: "Counter-Insurgency on the Cheap", in: *London Review of Books* (5 August 2004).

[212] BBC News: "Darfur Death 'Could be 300,000'" (23 April 2008), (http://news.bbc.co.uk/2/hi/africa/7361979.stm).

[213] For an overview of the Darfur conflict and its causes, see Flint, Julie and de Waal, Alex: "A New History of a Long War", London: Zed Books (2008); Prunier, Gérard: "Darfur: The Ambiguous Genocide*"*, Ithaca: Cornell University Press (2007).

[214] Lanz, David: "Complicating Darfur", in: *The Fletcher Forum of World Affairs,* vol. 32 (Winter 2008).

structural factors: first, African leaders had promoted the idea "African solutions for African problems", and wanted to establish the newly-founded AU as an effective conflict manager in Africa. Darfur was an opportunity for the AU to match rhetoric with action. Second, the most important concern of the GoS was to prevent Western powers from interfering in the Darfur conflict, which the GoS feared would happen if the UN got involved. The AU was the least bad alternative and therefore acceptable for the GoS as a mediator.

Negotiations

Mediation Style and Strategy

The mediation process was led by AU Special Envoy Salim Ahmed Salim, a former Tanzanian foreign minister. He was supported by a mediation team led by Ambassador Sam Ibok that consisted of different topical experts, some of them seconded by Western governments. The Swiss Federal Department of Foreign Affairs (FDFA), for example, seconded a power-sharing expert until January 2006 when a decision was taken to opt out of the process. The first rounds were co-chaired by the AU and the Chadian government, but in the light of deteriorating relations between Chad and Sudan, the AU became the sole mediator in the 7th round of the talks. The negotiations took place in the Sheraton and then the Chida Hotel in Abuja, which is also where the delegations resided, without being physically separated from each other – a point of stress for the parties.

At the outset, the style and strategy of the mediators in Abuja resembled the negotiations between North and South Sudan in Kenya that produced the Comprehensive Peace Agreement (CPA) in January 2005: the mediation was led by a respected African statesman, who represented a regional organization, was backed by the international community, and was supported by a team of experts. The idea was for the mediator to be proactive in terms of guiding the process and drafting agreements, but to leave the negotiating to the parties. In other words, the mediators in Abuja initially acted as "formulators". Another strategy from the CPA negotiations was to get the parties to agree to a series of broad principles be-

fore tackling the nitty-gritty of a comprehensive peace agreement.[215] Thus, in July 2005, the parties adopted a Declaration of Principles (DoP).

After the adoption of the DoP, a range of external developments changed the context of the Abuja talks: first, the SLM/A split into two factions; second, the longstanding alliance between Chad and Sudan collapsed and a proxy conflict between the two governments began to take shape; third, the death of John Garang meant that the Sudan People's Liberation Movement/Army (SPLM/A) was preoccupied with itself and as a result, largely disengaged from the Darfur peace process; fourth, the NCP's perspective on Darfur shifted from immediate security concerns to the elections of 2009, where Darfurians are an important constituency; and fifth, the international community – including the financial backers of the Abuja negotiations – grew impatient and expected the talks to conclude before the end of 2005. Against this background, the AU stepped up its pressure to reach a settlement. The mediation team divided the negotiations in three areas: power-sharing, wealth-sharing, and security. In each committee, the AU mediators tried to work out protocols, which would later be merged into a comprehensive agreement.

However, these efforts did not succeed, and the patience of the international community gradually ran out. In the beginning of April 2006, the political leadership of the AU determined a deadline for the conclusion of the talks by the end of the month. Thus, the mediators moved to draft a comprehensive peace agreement, based on previous discussions. The draft was presented to the parties on 25 April, while its Arabic translation only arrived on 28 April. The deadline expired only two days later, which meant that there was very little time for the parties to understand and discuss the 86-page draft, let alone to consult their constituents. There were also no direct negotiations between the parties about the content of the agreement. Thus, the crux of the problem was not so much that the draft agreement was written by the mediators, but rather that it was presented as a final document, rather than as

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[215] Toga, Dawit: "The African Union Mediation and the Abuja Talks" in: de Waal, ed., *War in Darfur and the Search for Peace,* Cambridge, MA: Harvard University Press (2007).

work in progress to be adapted and "massaged" by the parties.[216]

At the same time, the dynamics of the negotiations changed completely, as different international heavyweights, including US Deputy Secretary of State Robert Zoellick, British Minister for International Development Hilary Ben, and Nigerian President Olusegun Obasanjo arrived in Abuja. They took over the mediation and used threats and inducements to secure the parties' signatures. The mediators became "manipulators". Their focus was exclusively on getting the parties' signatures, with little regard to the process, the content of the agreement, or its implementation. According to Salim, "the only page [of the DPA] that really matters is the last page, which has the space for the signatures of the Parties."[217]

The deadline of 30 April was extended by 48 hours twice, but the night of 4 May was determined to be the end of the Abuja negotiations. Obasanjo and Zoellick invited the three rebel leaders into a room one by one, the idea being to convince one of them to sign, which would then induce others to follow suit. In this context, angry verbal assaults were unleashed on the parties. Zoellick, for example, told Abdel Wahid: "I conclude that you are not serious about an agreement. Going forward, we are parting ways for good. If you think there is an alternative, you are dead wrong. And I mean dead wrong."[218] Despite such threats, Abdel Wahid and the leader of the JEM, Khalil Ibrahim, refused to sign. Mini Minawi, on the other hand, decided to sign the DPA. He stated: "I calculated the balance of forces and I knew I had to sign."[219] On 5 May, a signing ceremony was held and the Abuja negotiations officially terminated. A few members of the AU mediation team, including Alex de Waal, stayed in Abuja trying to convince Abdel Wahid

to sign the DPA. They apparently came "desperately close to an agreement, which [...] would have tipped Darfur towards peace," but in the end, Abdel Wahid left Abuja without signing because the GoS refused to accommodate his demands sufficiently in terms of power-sharing and compensation.[220]

Key Issues and Content of the DPA

The AU mediators structured the Abuja negotiations around three broad themes: power-sharing, wealth-sharing, and security. The DPA as proposed by the AU mediation team represents a compromise, but it also reflected the realities of power on the ground, i.e., the Darfur movements had not achieved victory on the battlefield, and the GoS remained in control of most cities and towns in Darfur.

In terms of power-sharing, the DPA provided for the NCP to hold a majority of seats in the Darfur state legislatures; a referendum on the regional status of Darfur in 2010; the post of a senior assistant to the president in Khartoum (not the vice-presidency, which the rebels had asked for); the establishment of the Transitional Darfur Regional Authority with certain political competences (a far call from the self-government that the SPLM had been granted in the CPA). In the discussions about power-sharing, the CPA was useful as an inspiration, but it also constrained the mediators insofar as it set a deadline for national elections and fixed percentages for the representation of different parties in national institutions such as the parliament and the government during the transitional phase up to the elections.

For wealth-sharing, the DPA reiterated the principle of the equitable sharing of natural resources and accorded US$30 million as compensation for victims. The security protocol provided for the integration of 4,000 movement combatants into the army and tasked the GoS with the disarmament of the *Janjaweed*.[221]

[216] Nathan, Laurie: "No Ownership, No Peace: the Darfur Peace Agreement", London: Crisis States Research Centre, (2006).

[217] African Union: "Statement by Dr. Salim Ahmed Salim, AU Special Envoy and Chief Mediator, 30 April 2006" (30 April 2006), (http://www.sudaneseonline.com/en2/publish/Press_Releases_5/Statement_by_Dr_Salim_Ahmed_Salim_AU_Special_Envoy_33_printer.shtml)

[218] Quoted in de Waal, Alex: "Last Days in Abuja", in: de Waal, ed., *War in Darfur*, Cambridge, Mass.: Harvard University (2007), p. 277.

[219] Quoted in *Idem,* p. 273.

[220] De Waal, Alex: "Darfur Peace Agreement: So Near, So Far", in: Open Democracy (28 September 2006), (http://www.open-democracy.net/democracy-africa_democracy/darfur_talks_3950.jsp). See also de Waal, Alex: "I Will not Sign", in: London Review of Books (30 November 2006).

[221] For a detailed explanation of the DPA, see: (http://www.justiceafrica.org/publishing/sudan-research/).

Participation

The Abuja negotiations represent a track 1 process insofar as its participants were, on the one side, the military and political elite of Darfur and, on the other side, senior members of the National Congress Party (NCP), who were also members of the GoS.

A tricky issue regarding participation arose for the mediators in the seventh round of the talks. The SLM/A had split; Minni Minawi was elected secretary-general at the Haskanita Conference in October 2005 and now led one faction, while Abdel Wahid controlled another. The mediation team's policy until then had been not to recognize splinter groups. This position became untenable, given that Minawi had significant military leverage and political support. After obtaining acquiescence from the GoS as well as from Abdel Wahid, the AU recognized Minawi's faction. However, the mediators put "strict accreditation mechanisms in place for the negotiators representing the three parties in the various committees" so as not to encourage further fragmentation.[222]

Darfurian civil society was mostly excluded from the talks. A few members of civil society were present, but they were not representative of Darfurian society as a whole; some were politically compromised; and in any case, there were insufficient channels for them to make their voices heard in the negotiations. There were even rumors that people were intimidated and beaten during the talks. The strategy of the mediators and parties was to include civil society and ensure popular ownership *ex post facto.* For this purpose, they created the Darfur-Darfur Dialogue and Consultation (DDDC), which was supposed to provide a platform for different segments of Darfurian society in the implementation phase of the DPA. However, this perspective was flawed. Popular support for peace talks requires consultation and participation *during* and not only after peace talks.[223]

Other Third Parties

The Centre for Humanitarian Dialogue (HD) got involved in Darfur in summer 2003, a few months after the conflict started. HD was set to hold the first peace talks between SLM/A, the JEM, and the GoS in Geneva in February 2004, but the meeting was cancelled because the GoS pulled out at the last minute. Subsequently, HD helped facilitate the N'Djamena Agreement in April 2004, supported the establishment of the Ceasefire Commission, and provided technical assistance in the first two rounds of the Abuja negotiations. In parallel, HD worked with rebel movements individually and arranged for meetings between the leadership of SLM and JEM and humanitarian agencies. After 18 months of intensive work HD discontinued its mediation activities in what had become a very crowded playing field.[224]

Implementation and Outcome

From the outset, the DPA was unpopular in Darfur, and demonstrations against the agreement took place in IDP camps within a few days after its signing.[225] The movements became increasingly fragmented, as some commanders joined Mini Minawi when he became senior assistant to the president in Khartoum, while others rejected the agreement and left his faction. As a consequence, the security situation in Darfur deteriorated, which the GoS took as a pretext to ignore the DPA's security provisions. The DDDC was established, but remained ineffective. The same held true for the Transitional Regional Authority. In short, the DPA was never implemented, and after a few months, it was abandoned as a blueprint for the peaceful resolution of the Darfur conflict, even if it will stand as a reference for further efforts.

222 Toga (2007): op. cit., p. 232.
223 Nathan (2006): op.cit.

224 See (http://www.hdcentre.org/projects/darfur-sudan).
225 Lanz, David: "Involving IDPs in the Darfur Peace Process," in: *Forced Migration Review* (May 2008).

Assessment

The DPA was not simply a missed chance for peacemaking in Darfur; it actually made matters worse on the ground.[226] The flawed negotiation and mediation process, a difficult context, and the content of the DPA accounted for this failure.

Negotiation and Mediation Process

The most important mistake was the decision of the donors and political masters to resort to "deadline diplomacy" to bring the Abuja negotiations to a premature end. This precluded the mediators from developing a comprehensive mediation strategy and plan, and it reduced their control of the process.[227] Moreover, the tight deadline left no time for the parties to discuss the agreement internally, consult their constituents, make adjustments to it, and then negotiate it with the other side. Thus, deadline diplomacy deprived the parties of the "ownership" of the process and the agreement.

Context

The broader military and political context in which peace negotiations take place is decisive and can facilitate or seriously complicate a peace process. In the context of the CPA, peacemaking was possible because four conditions were fulfilled: the consolidation of central decision-making, relative cohesion within the provincial insurgency, the lack of interference from Sudan's neighbors, and a consistent international approach.[228] None of these conditions were given in Darfur during the Abuja talks: hardliners prevailed within the NCP in Khartoum; Darfur became the terrain of a regional proxy conflict between Chad and Sudan; and the international community was distracted, first by the North-South negotiations, and then by calls for humanitarian intervention in Darfur.[229]

Content of the DPA

The DPA satisfied most of the concerns of the movements including the non-signatories. In a few points, however, the DPA was deficient. Given the symbolic value of compensation, the amount of US$30 million was far too small – this was one of the main reasons why Abdel Wahid refused to sign. In terms of power-sharing, the fact that the NCP preserved a majority in all state legislatures in Darfur reflected the realities of power, but was too bitter a pill to swallow for the movements and people in Darfur. Furthermore, doubts were raised about whether the GoS could be trusted in leading the Janjaweed disarmament process.

Outlook

Credibility deficit: The failure of the DPA hampered the credibility of international peacemakers among conflict parties as well as the people of Darfur. The challenge is thus for mediators to regain trust among Darfurians.

Rebel fragmentation: After the DPA, the Darfur movements split up into 20 different factions. The question arises whether peace negotiations are feasible when they involve so many different groups, and if yes, how fragmentation can be adequately dealt with.

Priority of international community in Sudan: Peacemaking is only one of several conflict management strategies in Darfur. The question thus arises whether international actors in Sudan want to give priority to peace negotiations or if they prefer other, potentially contradictory strategies, for example providing leverage for the enforcement of arrest warrants of the International Criminal Court.

Grassroots peacemaking: In order to achieve peace in Darfur, it is crucial to find a settlement between the military and political elites of Darfur and the GoS. However, this is unlikely to be sufficient. Sustainable peace requires ways of reconciling different communities and tribes in Darfur.

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[226] Fadul, Abdul-Jabbar and Tanner, Victor: "Darfur after Abuja: A View from the Ground", in: de Waal, ed., *War in Darfur,* Cambridge, Mass.: Harvard University (2007).

[227] Nathan (2006): op.cit.

[228] De Waal, Alex: "Sudan: International Dimensions to the State and its Crisis", LSE Occasional Paper (3 April 2007), p. 15.

[229] Lanz, David: "Conflict Management and Opportunity Cost: The International Response to the Darfur Crisis", Madrid: FRIDE (September 2008).

Future of mediation in Darfur: The challenge now is to design a new mediation process that takes into account lessons from the past. Given the fragmentation of the rebel movements, it is necessary to first build their capacity individually and prepare them for negotiations, alongside an engagement with different non-military stakeholder groups in Darfur, before convening high-level peace talks. Together with the UN, the AU will continue to lead the Darfur mediation, with other actors, for example the Swiss FDFA, playing a crucial supporting role.

Western Sahara, The Baker Plans

By Jonathan Litscher, Mediation Support Project, swisspeace

In a Nutshell

Since Spain withdrew from the Western Sahara, Morocco has occupied part of it for three decades, moving settlers into the territory and claiming its natural resources. The occupation has been met with armed resistance by the Frente Polisario, a liberation movement, which led to 16 years of war until a ceasefire was signed in 1991. The main dispute today concerns a referendum on the future status of the territory, specifically the question of who constitutes the legitimate electorate (relating to the contentious issue of the Moroccan settlers) and the ballot choice (independence or only autonomy). James Baker, the UN secretary-general's personal envoy, led the UN engagement from 1997 to 2004. After consultations over several years and numerous unproductive direct negotiations between delegations of the parties, Baker drafted an agreement known as the Baker Plan I in June 2001. It was furiously rejected by the Frente Polisario. Based on the criticism to the first plan, he presented yet another draft agreement, known as Baker Plan II, to the Frente Polisario and the government of Morocco in May 2003. This time, Morocco refused the plan.

Baker drafted the plan based on his knowledge of the situation and consultations with both parties. Neither the government of Morocco nor the Frente Polisario were directly involved in the drafting process. Baker formulated both draft agreements entirely before submitting them to the parties for their approval. The engagement aimed at finding a compromise to which both parties would voluntarily agree. It was never an option to pressure the parties to make concessions or force them into an agreement. No outside intervention has been able to break up the stalemate in which the parties are locked. Neither side is willing to make any concessions on the main points of disagreement. Throughout the process, one party has insisted on certain non-negotiable demands that the other party deemed to be absolutely unacceptable.

Key Messages

Stalemate and low-pressure engagement: The parties' positions (independence versus autonomy) are too far apart to allow for a mutually acceptable political solution. Reaching an agreement by mere formulation without applying some sort of pressure does not seem a realistic perspective.

External factors: The interests of Security Council's member states, particularly the US and France, made it impossible for the UN to enforce a solution against the parties' will or to pursue a more manipulative approach.

Ripeness: No resolution of the conflict will be possible so long as the status quo is deemed bearable by the parties. Despite the suffering of the population and the costs to Morocco, the stakes do not yet seem sufficiently high to get them to make concessions on a voluntary basis.

Lack of participation: Conflict parties have to be involved in the drafting process of an agreement. Agreements that are formulated exclusively by outside "mediators", solely based on their perception of the situation, will not be accepted by the parties. This case illustrates the fact that there can be no ownership of an agreement if it does not carry the handwriting of the parties.

Mediation vs. arbitration: The process that led to the Baker Plans tests the boundaries of the concept of mediation. It is questionable whether a process in which an agreement is drafted without involvement of the parties can be called mediation at all, or whether it is rather a form of non-binding arbitration.

Background of the Conflict

Chronology

The present conflict in Western Sahara involves the Frente Popular para la Liberación de Saguia el-Hamra y Rio de Oro (Polisario) and the government of Morocco. Ever since Spain withdrew as a colonial force in 1976, Morocco has been occupying a part of Western Sahara, despite a number of UN resolutions urging it to withdraw from the territory. Armed resistance against the occupation by the Polisario liberation movement led to 16 years of war until a ceasefire was agreed upon in September 1991. The ceasefire of 1991 has been respected until the current date; however, with the ongoing stalemate in the negotiations, fears of resumed warfare have been articulated by observers.

Causes of the Conflict

The main root causes of the conflict are Morocco's claim to Western Sahara's territory and natural resources, which is fiercely rejected by Polisario. The territory offers a variety of natural resources; most importantly, it is rich in phosphate, and its territorial waters offer valuable fishing grounds.[230] Additionally, Western Sahara is of strategic and political importance to Morocco, and forms part of the historical concept of a "Greater Morocco" (including territories that today belong to Algeria, Mauritania, and even Mali), which has still not been completely abandoned in Moroccan politics.

It is important to note that the UN still considers Western Sahara a non-self-governing territory to which the UN Declaration on Decolonisation applies.[231] No state recognizes Morocco's occupation of Western Sahara as legitimate. In 1980, the UN issued a resolution affirming the "inalienable right of the people of Western Sahara to self-determination and independence".[232] This right to self-determination was confirmed by the International Court of Justice in the Advisory Opinion

dated 16 October 1975.[233] The government of Algeria supports the Polisario movement because Morocco has also laid claim to some Algerian territories, and for fear of large refugee flows. On the other hand, Morocco is supported almost unconditionally by France due to its economic interests in the region. The US is allied with Morocco in what it refers to as its "war on terrorism".

Previous Negotiations / Entry Points / Pre-talks

The Involvement of the Organization of African Unity/African Union (OAU/AU)

From 17–20 July 1979, after the previous failure of a number of sub-regional and bilateral efforts to end the conflict, the OAU launched a mediation initiative for a peaceful solution to the conflict at a summit in Monrovia, Liberia, calling for a ceasefire and a referendum.[234] The involvement of the OAU brought little change to the conflict. Morocco was angered by the fact that the organization had proposed independence as an option in the referendum and refused to attend meetings arranged by the OAU. When in 1982, the OAU accepted the membership of the Sahrawi Arab Democratic Republic (SADR), which had been proclaimed by Polisario in 1976, Morocco even terminated its OAU membership. Since then, two factors have weakened the OAU's leverage: on the one hand, due to its efforts to re-integrate Morocco, it has been perceived as being biased towards one party in the conflict.[235] On the other hand, certain OAU member states, such as Algeria or South Africa, have a political interest in the conflict, which makes the decision-making process even more difficult.

The Involvement of the United Nations

The first milestone in the UN engagement in Western Sahara was the acceptance by both conflict parties of the "Settlement Proposals" in 1988, which had been created in a joint effort between the UN and the OAU. The two main

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230 Aggad, Faten and du Toit Botha, Pierre: "Revisiting the Western Sahara Conflict", in: *Africa Insight*, vol. 35, no. 1 (April 2005), p. 68.

231 MINURSO: "Milestones in the Western Sahara Conflict", p. 1, (http://www.minurso.unlb.org/milestones.pdf).

232 United Nations: "General Assembly Resolution 36/46" (11 November 1980).

233 International Court of Justice: "Western Sahara – Advisory Opinion" (16 October 1975), (http://www.icj-cij.org/docket/files/61/6195.pdf).

234 Aggad and du Toit Botha (2005): op. cit., p. 70.

235 Ibid., p. 71.

points of the proposals, which later became known as the "Settlement Plan", were a ceasefire and a popular referendum on the future status of Western Sahara.[236] The UN Mission for the Referendum in Western Sahara (MINURSO) was established in 1991, the main points of its mandate being the monitoring of the ceasefire and the organization of a free and fair referendum.[237] The ceasefire was announced on 6 September 1991 in agreement with both parties and has largely held until today. In 1993, the UN set up an Identification Commission (IDC) mandated with the task of compiling a list of voters for the referendum. The process was repeatedly stalled by recurring disagreements between the parties over the criteria for registration and the definition of the electorate. The IDC concluded its activities in 2004 after having presented two provisional voter lists.[238]

On 18 March 1997, UN Secretary-General Kofi Annan appointed former US secretary of state James A. Baker his personal envoy for Western Sahara. After visiting the region and separately meeting with the leaders of the two parties, he invited the government of Morocco, the Frente Polisario, and the governments of Algeria and Mauritania to direct talks in London. All the parties sent their delegations. After four rounds of direct talks in London, Lisbon, and Houston, on 14-16 September 1997 an agreement was reached on a number of critical issues, including voter identification, refugee issues, and prisoners of war. However, the agreement did not lead to a breakthrough towards peace, and the fundamental positions of the parties remained far apart. In May 2000, Baker arranged again direct meetings with the parties with the aim to resolve the problems relating to the implementation of the Settlement Plan. However, several rounds of talks did not lead to any compromise. Rather, Baker concluded that the talks had even deepened the differences between the parties.[239] Annan agreed with Baker that there were "serious doubts

whether the Settlement Plan can be implemented in its present form"[240] and that an alternative solution had to be found

Negotiation Phase

Negotiation Setup and Process

In 2001, Baker worked out a plan entitled the Personal Envoy's Draft Framework Agreement, also known as Baker Plan I, and presented it to the parties. The document was strenuously rejected by representatives of Polisario, who stated that it aimed at "the precipitous integration of the Saharan Territory into Morocco".[241] Both Polisario and Algeria refused to even discuss it any further, and Baker soon had to accept its complete failure.

In March 2003, Annan presented to the Security Council Baker's "Peace Plan for Self-Determination of the People of Western Sahara", which would also be known as the Baker Plan II.[242] The Frente Polisario initially expressed extensive criticism concerning different points of the Baker Plan II. However, in a surprising move, it soon officially accepted it. This was seen by some as a tactical maneuver, since Morocco had counted on Polisario to reject the plan. By the time of Polisario's acceptance of the plan, Morocco had already replied critically to many aspects of the plan. In a letter to Baker dated 9 April 2004, the government of Morocco rejected the Baker Plan II. In June 2004, Baker resigned as personal envoy.

Key Issues during Negotiations

The main element of dispute is a UN-backed referendum on the political status of Western Sahara; particularly contentious are the scope of the referendum as well as the voting population. Polisario has insisted that only individuals who were registered during a census held in 1974 would qualify. That census only registered part of the Sahrawi population, since a lot of the inhabitants

236 United Nations: "Security Council Resolution 690" (29 April 1991).
237 MINURSO: "Overview of the Mission Mandate", (http://www.minurso.unlb.org/mission.html).
238 MINURSO: "Milestones in the Western Sahara Conflict", p. 3, (http://www.minurso.unlb.org/milestones.pdf).
239 Jensen, Erik: "Western Sahara – Anatomy of a Stalemate", Colorado USA: Lynne Riener Publishers (2005), p. 103.

240 Ibid., p. 106.
241 United Nations: "Report of the Secretary-General S/2003/41" (10 January 2002).
242 United Nations: "Peace plan for self-determination of the people of Western Sahara", in: *Report of the Secretary-General* S/2003/565, Annex II (2003).

were outside the territory at the time, many in Morocco.[243] Morocco, on the other hand, has insisted that members of all Saharan tribes linked to the former Spanish Sahara must be eligible to vote. Since the partial occupation of Western Sahara, Morocco has used all possible means to support settlement by Moroccans in the territory in order to increase the Moroccan constituency. According to the Spanish census, in 1974, 73,500 of Western Sahara's 95,000 inhabitants were Sahrawis and the rest Europeans.[244] In 2000, the UN Identification Commission identified 250,000 inhabitants, only 86,425 of whom it deemed eligible to vote.[245] The Baker Plan I proposed that "to be qualified to vote in such a referendum a voter must have been a full-time resident of Western Sahara for at least one year."[246]

On the second dispute, concerning the ballot choice, the Baker Plan II named independence, integration in Morocco, or autonomy as options of the referendum which was to be held after 5 years of a peace agreement.[247] In the meantime, Morocco would be in charge of, amongst other things, "exclusive competence over foreign relations, […] national security and external defence […] and the preservation of the territorial integrity against secessionist attempts".[248] Furthermore, the plan stated: "All laws passed by the Assembly […] must respect and comply with the constitution of the Kingdom of Morocco."[249]. Nevertheless, Morocco rejected full independence as an option, claiming the territory as part of the kingdom on historical grounds.[250] This position opposes a statement by the International Court of Justice made in 1975, which did not confirm

"any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco."[251] Polisario, on the other hand, has insisted that independence be presented to the voters as an option.

The Baker Plan II failed, although Kofi Annan had written that he believed that it provided a "fair and balanced approach towards a political solution […] providing each side some, but perhaps not all, of what it wants."[252]

Participation and Inclusiveness

Although Baker had arranged face-to-face meetings and consultations on track 1 before, in the creation of the Baker Plan I, neither the Frente Polisario nor the Moroccan government were directly involved in the elaboration phase. The plan was formulated by the mediator independently of the parties, who could not present any amendments to its contents before it was completed and submitted to them for their approval. After its rejection, Baker drafted the Baker Plan II based on the parties' criticisms of the first one, but again without the direct involvement of either Morocco or the Frente Polisario. Although he consulted the leaders of all parties beforehand, he did not bring them to the same table to work out a compromise plan together. Instead, he drafted the text independently and then submitted it to the parties, hoping they would accept the compromise that he had worked out for them, as he had done with the previous plan.[253]

Mediation Style and Strategy

One main feature of Baker's engagement was that he never pressured the parties to accept a certain agreement. No decision taken was ever binding on the parties if they did not agree with it.[254] The UN was never in a position to enforce any decision against the wishes of the parties. The Baker Plan II suggested that the UN would give a binding opinion on the electorate in the referendum

[243] Ibid., p. 59.

[244] United Nations: "Peace plan for self-determination of the people of Western Sahara", in: *Report of the Secretary-General* S/2003/565, Annex II (2003), p. 13.

[245] MINURSO: "Milestones in the Western Sahara Conflict", p. 3, (http://www.minurso.unlb.org/milestones.pdf).

[246] United Nations: "Framework agreement on the Status of Western Sahara", in: *Report of the Secretary-General* S/2001/613, Annex I (2001).

[247] United Nations: "Peace plan for self-determination of the people of Western Sahara", in: *Report of the Secretary-General* S/2003/565, Annex II (2003).

[248] Ibid.

[249] Ibid.

[250] International Crisis Group: "Western Sahara: the Cost of the Conflict", Middle East/North Africa Report n. 56 (11 June 2007), p. 9, (http://www.crisisgroup.org/home/index.cfm?l=1&id=5235).

[251] International Court of Justice (1975): op. cit., p. 117.

[252] United Nation: "Report of the Secretary-General S/2003/565" (23 May 2003), p. 10.

[253] Jensen (2005): op. cit., p. 113.

[254] Zartman, William and Touval, Saadia: "International Mediation in the Post-Cold War Era", in: Crocker, Chester and Osler Hampson with Pamela Tall, ed.: *Managing Global Chaos* (1996), pp. 455 – 461.

as well as in case of disputes on interpreting the plan. This was immediately rejected by Morocco. The options of enforcing solutions even without the concurrence of the parties were discussed in the Security Council. In early 2002, Kofi Annan gave the Security Council the options of implementing the Settlement Plan, the Baker Plan I, or a division of the territory, even against possible opposition by the parties. However, the Security Council rejected all of those options.[255]

The UN has repeatedly considered terminating its mission. For example, Kofi Annan presented the termination of MINURSO as one of four options to the Security Council after the failure of Baker I. The withdrawal of the UN from Western Sahara would create chaos, as it currently plays a vital role in maintaining stability, which the AU cannot take on for lack of both capacity and legitimacy (Morocco is not a member state of the AU).[256] The threat of withdrawing could therefore have provided some leverage to the UN; however, this influence proved to be insufficient to get the parties to make the concessions necessary for a viable compromise. Baker's mediation style could be described as "formulative mediation", since he had been involved in the substance of the negotiations, formulated draft agreements, and submitted them to the parties for their approval. However, Baker's engagement was arguably not mediation at all, but rather a form of arbitration, since the agreements were not based on a process of joint decision-making between the parties.

Implementation

The referendum on the future status of Western Sahara has still not been held. MINURSO has officially reduced its mandate to the three tasks of monitoring the ceasefire, reducing the threat of mines and unexploded ordnance, and supporting the confidence-building measures.[257] In 2007, the UN Security Council issued a resolution calling upon the parties to "continue negotiations […] without preconditions and in good faith, […] with a view to achieving a just, lasting and mutu-

ally acceptable political solution."[258] The two parties were brought back to the negotiation table at meetings held in June and August 2007, and again in January and March 2008. However, the meetings did not lead to any substantial progress. In a report on the meeting held in January 2008, UN Secretary-General Ban Ki-Moon writes: "although the parties dynamically interacted with each other, there was hardly any exchange that could be characterized as negotiations."[259]

Assessment

Process

The way Baker's engagement was carried out was one of the main factors for failure. This is exemplified in Morocco's criticism of the drafting procedure and its statement that there could be no question of simply signing a text without negotiation.[260] Moreover, the situation clearly required a certain amount of pressure on the parties to make concessions. However, the regional and international context did not permit this. As a result, the Security Council's resolutions never mentioned sanctions or coercion of any kind, even when Baker asked for this – making it easy for both parties to reject any agreement that did not fully comply with their particular interests.

Agreement

It could be argued that reason for the failure of Baker's engagement is to be found in the contents of the draft agreements that he suggested to the parties. He failed to come up with a text that was acceptable to both Morocco and Polisario. However, their respective positions are so far apart on the core issues that it is impossible to find a compromise to which both would voluntarily agree. According to Erik Jensen, who served as the head of MINURSO from 1994 to 1998: "There never was a moment when the process could deliver a result that was politically acceptable to both sides and that both would willingly implement."[261]

255 Jensen (2005): op. cit., p. 108; cf. p. 4 above.
256 Aggad and du Toit Botha (2005): op. cit., p. 74.
257 MINURSO: "Overview of the Mission Mandate", (http://www.minurso.unlb.org/mission.html).
258 United Nations: "Report of the Secretary-General S/2008/45" (25 January 2008), p. 1.
259 Ibid., p. 2.
260 Jensen (2005): op. cit., p. 113.
261 Ibid., p. 117.

Context

Neither the Frente Polisario nor the government of Morocco have been willing to make any concessions on their respective positions. As a report by the International Crisis Group dated 11 June 2007 states, "the parties have deemed the stalemate bearable."[262] This is despite the great suffering that the situation causes for the population in Western Sahara, which the Frente Polisario represents, and the huge financial costs for Morocco as well as damage to its international reputation and the suffering of many of its soldiers. It could therefore be said that although there is a mutually hurting stalemate, it seems not to be hurting the parties enough to get them to make any concessions. This is also a result of the ceasefire that has been observed for many years. Although this has to be seen as a great success, it has reduced the cost of the stalemate for both sides to a level they seem to regard as bearable.[263] As Peter van Walsum, James Baker's successor as personal envoy, observed, a number of states with a potential role in the peace process see the status quo as a "tolerable solution", which spares them the necessity of taking sides in the conflict.[264] In the wider context, one major factor for failure, namely the lack of pressure on the parties, stems from the regional interests of the US and France, which prevent the UN from taking any measure against the will of Morocco. President George W. Bush stated that he would not let the Security Council impose a solution unacceptable to the US's ally in its so-called "war on terrorism", just as France has officially opposed the imposition of any solution against Morocco's will.[265]

Outlook

Alvaro de Soto was SRSG for Western Sahara after James Baker, from 2004 until May 2005. In July 2005, Peter van Walsum was appointed UN Secretary General's Personal Envoy, and on the 1st September 2005, Francesco Bastagli was appointed as the new SRSG. He was succeeded by Julian Harston in March 2007.

UN Secretary General's Personal Envoy Peter van Walsum has moved away from the possibility of Western Sahara's independence and assessed that "an independent Western Sahara is not a realistic proposition."[266] The Security Council subsequently endorsed the recommendation that "realism and a spirit of compromise by the parties are essential to maintain the momentum of the process of negotiations."[267] Thus, the UN seems to support the position of Morocco, which in April 2007 proposed for the Western Sahara autonomy inside the state of Morocco.

The great success of the UN's mediation efforts in Western Sahara is certainly the implementation of the ceasefire in 1991. However, the Frente Polisario has discussed the option of returning to armed conflict at its congress in December 2007.[268]

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[262] International Crisis Group: "Western Sahara: the Cost of the Conflict", Middle East/North Africa Report n. 56 (11 June 2007), p. 9, (http://www.crisisgroup.org/home/index.cfm?l=1&id=5235).

[263] Jensen (2005): op. Cit., p. 118.

[264] United Nations: "Consultations du Conseil de Sécurité sur la situation au Sahara occidental" (21 and 30 April 2008), p. 1.

[265] Ibid., p. 113.

[266] United Nations: "Assessment of the Personal Envoy of the Secretary-General for Western Sahara" (21 April 2008), p. 1.

[267] United Nations: "Security Council Resolution 1813" (2008), p. 2.

[268] United Nations: "Report of the Secretary-General S/2008/251" (14 April 2008), p. 1.

Acronyms

AL	Arab League
AMIS	African Union Mission in Sudan
ANSA	Armed Non-State Actor
APRD	Armée populaire pour la restauration de la république et la démocratie (CAR)
ATNMC	Alliance Tuareg Nord-Mali pour le changement
AU	African Union
BONUCA	Bureau d'appui des Nations Unies pour la consolidation de la paix en République Centrafricaine
CAR	The Central African Republic
CCP	Concerned Citizens for Peace (Kenya)
CEN-SAD	Community of Sahel-Saharan States
CEO	Chief Executive Officer
CHMT	Cessation of Hostilities Monitoring Team
CIC	Council of Islamic Courts (Somalia)
CNDD-FDD	Center for the Defence of Democracy – Forces for the Defence of Democracy (Burundi)
CNDP	Conseil national pour la défense du peuple (D.R. Congo)
CoH	Cessation of Hostilities
CPA	Comprehensive Peace Agreement (e.g. Government of Sudan and SPLM/A)
CPC	Cadre permanent de concertation / Permanent Coordination Committee (Ivory Coast)
CPDPI	Comité préparatoire du dialogue politique inclusif (CAR)
DAC	Democratic Alliance for Change (Mali)
DDDC	Darfur-Darfur Dialogue and Consultation (Sudan)
DDR	Disarmament, Demobilization and Reintegration
DoP	Declaration of Principles
DPA	Darfur Peace Agreement
DPI	Dialogue politique inclusif (CAR)
DRC	Democratic Republic of Congo
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African Sates
EU	European Union
EUFOR	European Union Force
FDC	Foundation for Community Development in Mozambique
FDFA	Swiss Federal Department of Foreign Affairs

FDLR	Forces démocratiques pour la libération du Rwanda
FDPC	Front démocratique du peuple centrafricaine
FN	Forces nouvelles
MICOPAX	Mission de consolidation de la paix en Centrafrique (replacing FOMUC)
FOMUC	Force Multinationale en Centrafrique (Peace Keeping Force in Central Africa)
FRODEBU	Front pour la Démocratie au Burundi
FVN	Forces vives de la nation (CAR)
GICDF	Gaddafi International Charity and Development Foundation
GNU	Government of National Unity (Joint Government of North and South Sudan)
GoCI	Government of Côte d'Ivoire
GoS	Government of Sudan
GoSS	Government of South Sudan
GoU	Government of Uganda
GTI	Groupe de travail international / International Working Group (kind of "contact group" for Ivory Coast)
HD	Centre for Humanitarian Dialogue
ICC	International Criminal Court
IDC	Identification Commission (set up by UN in Western Sahara)
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
JEM	Justice and Equality Movement (Sudan)
KISS	Keep it smart and simple
LMA	Lina-Marcoussis-Agreement
LRA	Lord's Resistance Army (North Uganda)
MINURSO	Mission for the Referendum in Western Sahara
MJP	Mouvement pour la justice et la paix (Ivory Coast)
MLC	Mouvement de libération du Congo
MNJ	Mouvement des Nigériens pour la justice
MONUC	United Nations Mission in the Democratic Republic of Congo
MP	Member of Parliament
MPCI	Mouvement patriotique de Côte d'Ivoire
MPIGO	Mouvement populaire ivoirien du grand ouest
MSP	Mediation Support Project (swisspeace / Center for Security Studies, ETH Zurich)

MSU	UN Mediation Support Unit
NCP	National Congress Party (of Sudan, grew from NIF (National Islamic Front)
NDP	National Democratic Alliance (Sudan)
NIF	National Islamic Front (Sudan)
OA	Ouagadougou Agreement (Ivory Coast)
OAU	Organization for African Unity
ODM	Orange Democratic Movement (Kenya)
OIC	Organization of the Islamic Conference
Palipehutu-FNL	Parti pour la libération du peuple hutu - Forces nationales de libération (Burundi)
PDCI	Democratic Party of Côte d'Ivoire (Ivory Coast)
PNU	Party of National Unity (Kenya),
RDR	Rassemblement des républicains (Ivory Coast)
SADR	Sahrawi Arab Democratic Republic (Polisaro)
SCIC	Supreme Council of Islamic Courts (Somalia)
SLM/A	Sudan Liberation Movement/Army (Darfur)
SPLM/A	Sudan People's Liberation Movement/Army
SRSG	Special Representative of the Secretary-General
SSR	Security Sector Reform
TFG	Transitional Federal Government (Somalia)
UFDR	Union des forces démocratiques pour le rassemblement (CAR)
ULPGL	Université libre des pays des grands lacs (D.R. Congo
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNMIS	United Nations Mission in Sudan
UNOSOM	United Nations Operation in Somalia
UNSC	United Nations Security Council
UPDF	Uganda People's Defense Forces

The Mediation Support Project (MSP) was founded in 2005 as a joint venture between the Swiss Peace Foundation (swisspeace) and the Center for Security Studies (CSS) at the ETH Zurich. The Swiss Federal Department of Foreign Affairs is the initiator and main partner of MSP. MSP supports mediators and conflict parties in gaining knowledge and skills for effective peace negotiations.

The Center for Security Studies (CSS) at the ETH Zurich is a Swiss academic center of competence that specializes in research, training, and information services in the fields of international relations and security policy. The CSS also acts as a consultant to various political bodies and the general public. The CSS is engaged in research projects with a number of Swiss and international partners; focusing on new risks, European and transatlantic security, strategy and doctrine, state failure and state building, and Swiss foreign and security policy. The CSS runs the International Relations and Security Network (ISN), and in cooperation with partner institutes manages the Comprehensive Risk Analysis and Management Network (CRN), the Parallel History Project on NATO and the Warsaw Pact (PHP), the Swiss Foreign and Security Policy Network (SSN), and the Russian and Eurasian Security(RES) Network. The CSS is a member of the Center for Comparative and International Studies (CIS), which is a joint initiative between the ETH Zurich and the University of Zurich. www.css.ethz.ch

The Swiss Peace Foundation (swisspeace) is a practice-oriented peace research institute in the area of conflict analysis and peacebuilding. swisspeace researches the causes of wars and violent conflicts, develops tools for early recognition of tensions, and formulates conflict mitigation and peacebuilding strategies. swisspeace contributes to information exchange and networking on current issues of peace and security policy through its analyses and reports as well as meetings and conferences. swisspeace was founded in 1988 as the Swiss Peace Foundation with the goal of promoting independent peace research in Switzerland. Today swisspeace engages about 30 staff members. Its most important clients are the Swiss Federal Department of Foreign Affairs (DFA) and the Swiss National Science Foundation (SNF), as well as national and international organizations and foundations. www.swisspeace.org