

Mediators

in Current African Conflicts

Introductory paper by Professor Gilbert M. Khadiagala, PhD, Jan Smuts Professor of International Relations and Head of the Department of International Relations at the University of Witwatersrand, Johannesburg, South Africa.

Introduction

Africa's current conflicts stem from the fissures of ethnicity, regionalism and social marginalisation as well as the absence of democracy and good governance. This paper examines recent cases of mediation in African conflicts, focussing on the context of the conflicts and the content of the mediation in Darfur, Côte d'Ivoire, Libya, Zimbabwe, Lesotho and Madagascar. The analysis also probes the institutional settings of African mediators and their links to global actors and institutions. It concludes by identifying the challenges and opportunities facing African mediators.

Types of contemporary conflicts

Africa has witnessed an unparalleled period of political stability in recent years as revealed, for instance, in the Stockholm International Peace Research Institute's indices of active conflicts in Africa in 2010 which only lists four countries in conflict: Somalia, Sudan, the Democratic Republic of Congo (DRC), and Uganda. In the 2011 Failed States Index, a much broader index that includes potential sources of conflict, only five African countries – Somalia, Chad, the DRC, Sudan and Zimbabwe – are among the top ten.¹ The types of conflicts that still dominate the African landscape pertain to unresolved questions of nation- and state-building (symbolised by the Somali conflict), to wars, such as in Sudan, that are the outcomes of inconclusive peace agreements, or to electoral, governance and participation issues. New fissures centred on electoral contestations and the militarisation of politics has added another layer to Africa's conflict configuration.

¹ The Fund for Peace. *Failed States Index 2011*. (Washington, DC: The Fund for Peace, 2011), <http://www.foreignpolicy.com/failedstates>

1. Conflicts surrounding state- and nation-building

For two decades, Somalia has been synonymous with state failure. Over the years, the militarisation of society and politics has rendered difficult the reconstruction of Somalia's statehood, particularly since violent entrepreneurs have invested considerable resources in lawlessness and anarchy. The de facto secessions by the northern regions of Somaliland and Puntland have brought some semblance of stability to parts of Somalia but it is questionable whether these successes are sustainable.

The Somali conflict has also created regional insecurity that has drawn in neighbouring countries (Ethiopia and Kenya) who are disproportionately affected by the refugee crisis, attacks by the Islamist militant group Al-Shabaab, arms flows, human trafficking, and kidnapping of foreigners. Kenya and Ethiopia have deployed armed forces in military operations in southern Somalia and, in addition, have given military assistance to militia supporting the internationally recognised Transitional Federal Government (TFG). These efforts have occurred against the backdrop of the continued engagement of the African Union Mission in Somalia (AMISOM) which was deployed in 2007 to assist the TFG in securing Mogadishu and rebuilding government institutions.

In the Sahel region, revolts by Tuaregs in Mali and Niger since 2008 have pointed to some of the drivers of conflicts in weak states. Like Somalia, the Sahelian conflicts have contributed to a regional conflict zone involving multiple actors and interests. Long marginalised by central governments in Mali and Niger, Tuareg nomads have sought more autonomy by sporadic attacks on government targets. Driven initially by genuine political and economic grievances as well as extreme poverty, these conflicts have recently transformed into battles over the control of lucrative drugs, arms and migrant smuggling routes. In Niger, the Tuareg-led insurgents took up arms and formed the Niger Movement for Justice (MNJ) in April 2007 to demand a share in the proceeds from Uranium and gold found in the northern region.² In Mali, where the United States has trained the army as part of the war on terrorism, the authorities have acknowledged that lack of an effective state presence in the Tuareg region has fostered the growth of drug trafficking and the spread of Islamism. Following the ousting of Libyan leader Muammar Gaddafi, his Tuareg followers announced the formation of a new movement, the National Movement for the Liberation of the Azawad (NMLA), to contest for independence for northern Mali's desert region. Complaining of marginalisation, the NMLA gave the Government until November 5, 2011 to start negotiations on secession.³

2. Conflicts arising from inconclusive peace agreements

Conflicts such as those involving Uganda's Lord's Resistance Army (LRA) in the Great Lakes region, in the eastern DRC and in Sudan continue because of the lack of implementation of the peace agreements that tried to end these wars. These conflicts are fuelled by a complex mix of uneven socio-economic development, marginalisation of minorities and regional contagion.

The leader of the LRA, Joseph Kony, refused to sign the April 2008 Juba Comprehensive Peace Agreement to end the 22 year rebellion in northern Uganda against the central government. Although peace has gradually returned to northern Uganda, Kony moved the theatre of war to South Sudan, the DRC and the Central African Republic (CAR). In December 2008, Uganda, South Sudan and the DRC launched a joint military campaign seeking to capture the LRA high command but these efforts have failed to break the cycle of revenge killings committed by the LRA. Humanitarian agencies have recently estimated that LRA attacks have led to over 600 deaths, 500 abductions and 150,000 internally displaced people in the DRC, CAR and South Sudan since the military operations started in December 2008. In September 2011, in a pattern reminiscent of the past, South Sudan officials accused the North of providing training camps for the LRA to destabilise South Sudan.

² "Niger: A Radioactive Rebellion", *The Economist*, September 13, 2007.

³ "Ex-Gaddafi Tuareg fighters boost Mali rebels", *BBC News*, October 17, 2011.

Rebel armies and militia still retain a firm grip on the Kivu Provinces in the eastern DRC, defying local peace initiatives such as the Amani Program of January 2008, bilateral accords between Rwanda and the DRC, and the engagement of the United Nations Organisation Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) which aim to stabilise the region. Increasing attacks by the rebel movement, Forces Democratiques de Liberation du Rwanda (FDLR) and by other local militia have caused untold suffering to civilians, particularly women and girls, and deepened the humanitarian crisis in the region.

In Sudan, the conclusion of the long-standing North-South conflict generated new conflicts which pitted the central government against regional and sub-regional groups claiming marginalisation and neglect. The conflict in Darfur has raged on because the May 2006 agreement was neither inclusive nor implementable. Of equal significance, shortly before the referendum on secession by South Sudan in January 2011, the Sudanese Government launched military action in the contested border areas of Abyei, Blue Nile and South Kordofan. As violence has continued, some of the rebels in Darfur have threatened to join forces with rebel movements in the Blue Nile and South Kordofan, potentially opening a new conflict phase in Sudan.

3. Conflicts arising from electoral, governance and participation issues

In countries that have witnessed electoral violence in recent years (such as Côte d'Ivoire, Kenya, Lesotho, Nigeria, Zanzibar and Zimbabwe) the consolidation of democracy has encountered the politicisation of ethnic and regional differences and the prevalence of profound socio-economic inequalities. In the absence of transparent systems of electoral administration and impartial mechanisms for dispute arbitration, violence has been the inevitable outcome. In countries such as Guinea, Madagascar, Mauritania and Niger, conflicts have arisen because of unconstitutional changes in government often by the military or civilians using the military to defy popular will. In some of these conflicts the undemocratic actions of civilian regimes have forced the military to intervene to restore democratic order. In Niger, for example, a military coup took place in February 2010 when renegade soldiers deposed President Mamadou Tandja, accused by opposition forces of anti-democratic practices.

North African uprisings since January 2011 typify popular agitation for democracy in circumstances where authoritarian leaders failed to make concessions for reforms. Thus, despite the violent conflicts occasioned by these uprisings (including the civil war in Libya), the revolts in North Africa constitute the latest phase in Africa's democratisation that started in the 1990s and gave prominence to pressures for good governance, representation, accountability and participation.

Negotiating recent and ongoing conflicts: Mediation actors and outcomes

There has been renewed institutionalisation of mediation in African organisations, notably the African Union (AU) and the Regional Economic Communities (RECs). With the growing roles of regional institutions, Africa is less reliant on state actors as mediators, primarily because regional institutions promise more effective mobilisation of resources and leverage. The use of Africa's elder statesmen, former Heads of State and other prominent personalities in mediation has become more widespread. While the growth in the number of mediators is important, an accurate way of judging recent and current negotiations is whether mediators have surmounted the previous problems of co-ordination, ownership and resources as well as which negotiations and mediations have ended in political settlements.

1. Darfur

Since the war began in 2003, negotiations for an end to the Darfur conflict have operated in the unfavourable shadows of peace efforts to resolve the North-South conflict. In the initial phase of the mediation starting in July 2004 in Chad, international attention was devoted to the conclusion of the Comprehensive Peace Agreement (CPA) between Khartoum and the South Sudan Liberation Movement (SPLM). In addition, some critics have noted that the international fixation with the deployment of UN peacekeepers to deal with the humanitarian crisis in Darfur diverted international energies for mediation and peacemaking. During the more recent talks in Doha, Qatar, the international community was also distracted by the South Sudan referendum and secession.⁴

From the outset, the Darfur mediation exemplified one of the first AU and United Nations (UN) joint efforts. AU envoy Dr Salim Ahmed Salim and UN envoy Jan Pronk took over from Chadian President Idris Deby who had managed to negotiate a brittle ceasefire agreement in Ndjamena in August 2004. The partnership pre-empted the problem of competitive mediation initiatives and, with a professional team of mediators, the AU-UN mediation produced the Darfur Peace Agreement (DPA) in Abuja in May 2006. However, the DPA was severely limited by the fact that only one of the rebel factions – the Sudan Liberation Army (SLA) of Minni Minnawi – signed the agreement alongside the Government. The mediators have also been criticised, in part, for setting unrealistic deadlines and using coercive diplomacy to force the parties to sign the agreement.⁵ In Abuja, the mediators were caught between a fractured rebel movement desperate for a solution and a formidable Khartoum unwilling to meet the demands of major rebels. A post-Abuja mediation led by Dr Salim Ahmed Salim and Jan Eliasson, former President of the UN General Assembly, faced the same challenges. While Dr Salim Ahmed Salim and Jan Eliasson managed to hold negotiations in Sirte, Libya, in October 2007, the talks were boycotted by the most significant rebel groups.

With the resignation of Dr Salim Ahmed Salim and Jan Eliasson in June 2008, the UN and the AU appointed Djibril Bassolé as the AU/UN Joint Chief Mediator. A new Afro-Arab framework was created when the Arab League proposed Doha as the new venue for talks. Djibril Bassolé, in turn, teamed up with Qatari State Minister for Foreign Affairs, Ahmed bin Abdullah Al-Mahmud.

The Doha talks between the Government and one of the leading parties, the Justice and Equality Movement (JEM), commenced in February 2009 against the backdrop of the looming indictment of President Omar Al-Bashir by the International Criminal Court (ICC) for crimes against humanity in Darfur. Following the indictment, the AU appointed a High-Level Panel on Darfur (AUPD) led by former South African President Thabo Mbeki, to investigate human rights violations in Darfur and propose alternatives to the ICC indictment. The inauguration of the AUPD coincided with the appointment, by the President Obama administration, of retired air force General Scott Gration as special envoy to Sudan.⁶ The entry of former President Mbeki and General Gration into the Darfur conflict seemed to provide the authority necessary to supplement the Doha mediators in their search for comprehensive peace. In reality, however, they introduced a competitive component to the mediation. While the Doha talks had concentrated on negotiating between the Government and rebels, the AUPD suggested a parallel process whose main actors would involve Darfur civil society, local ethnic leaders, and displaced populations.⁷ General Gration also launched his own “road map” in August 2009 in a bid to unite rebel leaders.

⁴ For some of these analyses see Alex de Waal, “Darfur!” *Review of African Political Economy*, 110: 737-72; International Crisis Group, *Darfur: Revitalizing the Peace Process*, (Brussels: International Crisis Group Africa Report no. 125, April 2007); and Julie Flint, *Rhetoric and Reality: Failure to Resolve the Darfur Conflict*, (London: Small Arms Survey, 2010).

⁵ For some of the critics who were at Abuja see Alex de Waal, “Darfur!” pp.737-72 and Laurie Nathan, *No Ownership, No Peace: the Darfur Peace Agreement*, (London: Crisis States Research Centre, 2007).

⁶ Julie Flint, *Rhetoric and Reality: Failure to Resolve the Darfur Conflict*, (London: Small Arms Survey, 2010).

⁷ The African Union, *Recommendations of the AU Panel on Darfur*, (Addis Ababa: The AU, 2009). See also “Rifts Emerge between Mbeki and Bassolé Over the Darfur Peace Process”, *Sudan Tribune*, November 15, 2009, <http://www.sudantribune.com/Rift-emerges-between-Mbeki-Bassole,33134>.

Throughout 2010, the Doha mediators continued the negotiations between the Government and two rebel groups: JEM and a coalition of minor rebel groups, the Liberation and Justice Movement (LJM). The mediators also held extensive consultations in Darfur with local authorities, representatives of civil society, IDPs, and nomadic groups about the peace process.⁸ The strategy of the Doha team was to develop a lasting ceasefire between the rebels and the Government which would prepare the ground for comprehensive peace talks among all the stakeholders. In an attempt to fend off increasing criticism from former President Mbeki, in a January 2011 tour of Addis Ababa, Cairo and New York, Djibril Bassolé and Ahmed bin Abdullah Al-Mahmud frantically tried to regain support from the AU, Arab League and the UN. In April 2011, the three major Darfurian rebel factions – JEM, the Sudan Liberation Movement and LJM – publicly supported Djibril Bassolé as the mediator and denounced the involvement of former President Mbeki and Joint Special Representative to the United Nations/African Union Hybrid Operation in Darfur (UNAMID), Ibrahim Gambari, in the Darfur peace process. Facing these criticisms, former President Mbeki slowly shifted his focus away from Darfur and instead chose to concentrate on helping Khartoum and Juba resolve conflicts over Abyei, Blue Nile and South Kordofan.

Optimistic that a comprehensive agreement was imminent, the Doha mediators convened an All Darfur Stakeholders Conference at the end of May 2011. The mediators hoped the conference would put the final touches to a draft comprehensive peace agreement to end the conflict.⁹ However, bitter differences between the Government and the mediators emerged at the conference. Although Sudan agreed to sign a peace deal in Doha, it insisted that there would be no future negotiations with rebel groups who refused to sign the agreement or were not part of the Doha process. The mediators, however, argued that the conclusion of the conference would only constitute a “consensual base” for future negotiations with other rebel movements.¹⁰

The Doha Peace Agreement was signed in July 2011 between the Government and the LJM. Like the Abuja agreement before it, the Doha Peace Agreement was boycotted by major rebel groups who claimed it did not tackle their main concerns, such as the lack of prosecution of war crimes and absence of clear provisions for displaced persons to reclaim their land. Major external actors, including the US and the European Union, cautiously welcomed the agreement and called on other movements to sign it. Djibril Bassolé subsequently resigned from the mediation and was replaced on an interim basis by Ibrahim Gambari.

Alongside mediation efforts in Darfur, negotiations between the North and South took centre stage to mitigate the transitional pains arising from the southern referendum in January 2011. After the referendum, the Sudanese army launched a campaign targeting South Kordofan's indigenous Nuba peoples who fought with the SPLA during the 1983-2005 civil war. In June 2011, clashes between Sudanese Government forces and troops loyal to the Southern Sudan army in South Kordofan forced more than 73,000 people to flee their homes. The mediation of former President Mbeki took a lead role in ceasefire negotiations to end the conflict. Similarly, after the dire humanitarian crisis caused by Khartoum's military re-occupation of Abyei in May 2011, former President Mbeki deployed his diplomatic team to mediate a cessation of hostilities, the reconstitution of the North-South administration in Abyei, and the deployment of Ethiopian peacekeeping troops in the area.¹¹ The agreement on Abyei helped build confidence as the North and South started to work on other unresolved issues such as how to share oil revenues, demarcate their common border and divide the national debt. During these efforts, former

⁸ “UN-AU mediator, Qataris kick off talks in Darfur on Peace Process”, *UN News Centre*, November 28, 2010.

⁹ Mona Al-Bashir, “Sudan Declares Acceptance, Support of Mediators' Document on Darfur Peace”, *Sudan Vision*, May 29, 2011.

¹⁰ Mona Al-Bashir, “Sudan Declares Acceptance, Support of Mediators' Document on Darfur Peace”, *Sudan Vision*, May 29, 2011; “Sudan rules out talks with rebel groups over Doha Document”, *Sudan Tribune*, May 28, 2011, <http://www.sudantribune.com/Sudan-rules-out-talks-with-rebel,39047>.

¹¹ Peter Heinlein, “Mbeki Predicts South Kordofan Ceasefire ‘In Days’”, *Voice of America, Sudan Tribune*, 17 June 2011; “Dinka Ngok Leaders Meet Mbeki, Reject Proposals on Abyei”, *Sudan Tribune*, October 10, 2010, <http://www.sudantribune.com/Dinka-Ngok-leaders-meet-Mbeki,36750>.

President Mbeki's team was able to draw upon the collective pressures of the UN special envoy to Sudan, Haile Menkerios, and the US special envoy to Sudan, Princeton Lyman.¹²

2. Côte d'Ivoire

The international community made various mediation attempts for re-unification after an armed rebellion had split Côte d'Ivoire into two in 2002. Following the failure to implement a series of peace agreements in 2003, 2004 and 2005, the Economic Community of West African States (ECOWAS) appointed Burkina Faso President, Blaise Compaore, to lead a mediation initiative. This resulted in the Ouagadougou Agreement (OPA) in 2007 between the government of President Gbagbo and the Forces Nouvelles (FN) who had taken up arms to contest the marginalisation of the predominantly Muslim northern region. The key provisions of the agreement entailed the disarmament of rebel groups and the holding of elections that would be certified by the United Nations Operation in Côte d'Ivoire (UNOCI). For three years following the OPA, the government of President Gbagbo postponed holding elections until the first round of presidential elections were held in October 2010. These necessitated a presidential run-off between Laurent Gbagbo and Alassane Quattara in November¹³ which resulted in an electoral stalemate with both candidates separately inaugurating themselves with rival cabinets. The stand-off sparked violence and, to pressure Laurent Gbagbo to give up power, the international community employed various diplomatic initiatives, economic sanctions and threats of military action.¹⁴

In the initial mediation foray in early December 2010, the AU Commission Chair, Jean Ping, appointed former President Mbeki to intervene in finding a peaceful solution. In meetings with Laurent Gbagbo, Alassane Quattara and UN officials, former President Mbeki failed to change the positions of either party. In a subsequent critical essay, former President Mbeki blamed the UN for holding premature elections and precipitating the Ivorian crisis: "The objective reality is that the Ivorian presidential elections should not have been held when they were held. It was perfectly foreseeable that they would further entrench the very conflict it was suggested they would end."¹⁵ Furthermore, he argued that rather than recognising Alassane Quattara, the international community should have negotiated a power-sharing arrangement with Laurent Gbagbo. Soon after this intervention, ECOWAS recognised Alassane Quattara as President-Elect, called on Laurent Gbagbo to abide by the results, and suspended Côte d'Ivoire's participation in the organisation until further notice. Subsequently, the AU Peace and Security Council endorsed the ECOWAS decision and also suspended Côte d'Ivoire from the AU. The UN Security Council and the UN General Assembly subsequently also recognised Alassane Quattara as the legitimately elected president.

In mid-December, a mediation effort by Jean Ping, AU Peace and Security Council Chair Ramtane Lamamra and ECOWAS Commission President Victor Gbeho offered to help resettle Laurent Gbagbo outside the country if he relinquished power. Building on this intervention, ECOWAS dispatched two presidential delegations in late December and early January 2011 to issue an ultimatum to Laurent Gbagbo to step down or be forced out by military means. In a surprising move, in December 2010 the AU Commission also appointed Kenya's Prime Minister, Raila Odinga, to replace former President Mbeki. However, Odinga's attempts to mediate in January and February 2011 yielded no results, as both sides refused to accept his mediation.¹⁶

¹² As in Darfur, former President Mbeki also faced criticisms from some circles for colluding with the Khartoum Government in Abyei and South Kordofan. For instance, a former intelligence chief of the SPLM wrote a scathing letter to former President Mbeki in June 2011 claiming that he tried to give concessions to Khartoum on Abyei contrary to the 2009 Permanent Court of Arbitration (PCA) on Abyei. See "SPLM Figure Lambasts Mbeki over Abyei, South Kordofan", *Sudan Tribune*, 20 June 2011, <http://www.sudantribune.com/SPLM-figure-lambasts-Mbeki-over,39270>.

¹³ On this phase of the conflict see International Crisis Group, "Côte d'Ivoire: What is needed to End the Crisis", *International Crisis Group African Briefing no. 62*, (Brussels: July 2007); International Crisis Group, "Côte d'Ivoire: Can the Ouagadougou Process Bring Peace?" *International Crisis Group Africa Report no. 127*, (Brussels: June 27, 2007); and Arnim Langer, *Côte d'Ivoire's Elusive Quest for Peace*, (Dublin: Institute for British-Irish Studies, paper no. 4, 2010).

¹⁴ Nicolas Cook, *Côte d'Ivoire's Post-Election Crisis*, (Washington DC: Congressional Research Service paper, April 15, 2011).

¹⁵ Former President Thabo Mbeki "What the World Got Wrong in Côte D'Ivoire", *Foreign Policy Magazine*, April 29, 2011.

¹⁶ Nicolas Cook, *Côte d'Ivoire Post-Gbagbo: Crisis Recovery*, (Washington DC: Congressional Research Service paper, May 2011) pp. 34-37.

At the end of January 2011, to avoid the risk of multiplication of mediation initiatives, the AU Peace and Security Council opted for an AU High Level Panel consisting of the Presidents of Chad, Burkina Faso, Mauritania, Tanzania and South Africa plus the AU Commission Chairman and the President of the ECOWAS Commission.¹⁷ The Panel reaffirmed Alassane Quattara's election victory and called on Laurent Gbagbo to step down. However, the Panel recommended setting up a government of national unity and reconciliation including both Laurent Gbagbo supporters and members of other Ivorian political parties and civil society; the adoption of an amnesty law "covering all acts committed in relation with the post-electoral crisis"; and the establishment of a Truth and Reconciliation Commission to conduct genuine national reconciliation.¹⁸ Laurent Gbagbo strongly rejected the Panel's recommendations while Alassane Quattara cautiously welcomed them but insisted he would not accept a government of national unity with Gbagbo's allies. Instead, he promised to have an inclusive government that would promote peace and restore the economy. However, the implementation of the Panel's recommendations became moot when the conflict ended in April 2011 following Laurent Gbagbo's arrest by a combination of French, UN and pro-Quattara forces. President Quattara has taken into account some of the Panel's recommendations in his attempts to rebuild legitimacy and promote national reconciliation in Côte d'Ivoire.

Throughout the mediation, the AU and ECOWAS managed to galvanize a cohesive African voice to resolve the crisis. Initial mediation initiatives occurred in the context of broad international and regional unanimity about the electoral results. Although Angola, the Gambia, South Africa and Uganda later raised doubts about the legitimacy of the electoral results, this unanimity was critical in lending coherence to the mediation efforts. Given its proximity to the conflict, the unanimity within ECOWAS was especially significant in permitting it to play a leadership role in shaping the course of the mediation.¹⁹

3. Libya

The revolt against Muammar Gaddafi's 42-year rule began as a wave of protests in late February 2011 but soon escalated into a civil war. On February 23, the AU Peace and Security Council communiqué on Libya strongly "condemned the indiscriminate and excessive use of force and lethal weapons against the peaceful protestors."²⁰ Subsequently, on March 14, the AU set up the AU High-Level Ad-hoc Committee on Libya to negotiate an end to the crisis. The Committee was composed of five Presidents from the Republic of Congo, Mali, Mauritania, South Africa and Uganda.

The appointment of an AU High-Level Ad-Hoc Committee to mediate between Gaddafi and the Benghazi opposition, the National Transitional Council (NTC), signalled the determination to find a peaceful outcome to the civil war. However, the mediation efforts ran up against both the intransigence of the parties and the escalation of the Western military campaign that finally forced Gaddafi out of office in August 2011. The AU's failure to influence the final outcome in part contributed to the hesitation of the AU Peace and Security Council to recognise the NTC, a stance that caused rifts between the AU and member states.

On March 17, prospects for a negotiated settlement receded when the UN Security Council voted to endorse a no-fly zone over Libya to protect civilians and authorised military action to

¹⁷ One major advantage of the inclusion of South Africa on the Panel was that it prevented Pretoria from dissenting from, what was then, an African position on the election outcome, particularly at a time when some South African officials were beginning to question Quattara's victory.

¹⁸ African Union, *Report of the High Level Panel of the African Union for the Resolution of the Crisis in Côte d'Ivoire*, (Addis Ababa: The AU, March 10, 2011).

¹⁹ "Côte d'Ivoire: ECOWAS Searching for a Regional Solution", IRIN News, 7 January 2011. In February 2011 when it appeared that some AU members, particularly South Africa, were departing from the common position on the crisis, Victor Gbeho, ECOWAS Commission President warned: "African Union leaders publicly criticizing ECOWAS on Ivory Coast are breaking with a tradition of regional responsibility. West African leaders yielded to the Southern African Development Community on political crises in Zimbabwe and Madagascar. So why are others not prepared to respect this tradition when it comes to Ivory Coast? They are making statements openly disagreeing and calling for the marginalization of ECOWAS. The concern we have is that if we go on like this, we will destroy the solidarity that has always existed on our continent, the solidarity that has brought us this far." See "ECOWAS: South Africa Undermining Ivory Coast Mediation", *Voice of America*, February 9, 2011.

²⁰ "Sudan and AU Break Silence on Libya as Death Toll Rises", *Sudan Tribune*, February 24, 2011, <http://www.sudantribune.com/Sudan-AU-break-silence-on-Libya-as-38090>

support the rebels. Although African members on the Security Council – Gabon, Nigeria and South Africa – voted for the resolution, a wide chasm emerged between the AU and Western countries as a result of African perceptions that the UN had overstepped its mandate in a bid to overthrow the Muammar Gaddafi regime. AU efforts were further undercut when more than 40 countries converged in London at the end of March 2011 to set the parameters for a settlement to the Libyan crisis. The meeting agreed that Muammar Gaddafi and his regime had lost legitimacy and they also agreed to continue military action until Muammar Gaddafi met all UN conditions and to ensure Muammar Gaddafi's departure from Libya.²¹

Following consultations in April 2011, the AU Ad-Hoc Committee unveiled a four-point Road Map that challenged the London consensus. It involved an immediate ceasefire; the unimpeded delivery of humanitarian aid; protection of foreign nationals (including African migrant workers); and an “inclusive transitional period” and political reforms which “meet the aspirations of the Libyan people.”²² South Africa's President Zuma led concerted diplomatic efforts to obtain the parties' consent to the AU Road Map in mid-April 2011, but while Muammar Gaddafi accepted it, the Road Map was rejected by rebels and ignored by Western powers. Accusing the AU of kowtowing to Muammar Gaddafi, the NTC noted that any initiative that did not demand Muammar Gaddafi's resignation was unacceptable.

The AU Ad-Hoc Committee straddled a precarious middle line on the contentious question of Muammar Gaddafi's future, proposing that Libyans would have to decide on the participants in the negotiations for a transitional government and the issue of political leadership. In a meeting with US Secretary of State Hillary Clinton on April 23, AU Chairman Jean Ping rejected demands that Muammar Gaddafi leave power and go into exile. The US, on the other hand, urged the AU to work jointly with the rest of the international community to resolve the deepening crisis and demanded that the exit of Muammar Gaddafi was a pre-condition for the start of political dialogue.

Following the defeat of Muammar Gaddafi's forces in August 2011, the AU stood firm on its commitment to the AU Road Map as a viable basis for a way out of the crisis in Libya. A meeting of the AU Peace and Security Council called for an immediate truce between the warring parties and the formation of an all-inclusive transitional government, including pro-Gaddafi ministers. The AU Ad-Hoc Committee meeting in Pretoria in September 2011 reiterated this position, noting that the AU would work with various stakeholders, including the NTC, to establish an all-inclusive national government. However, there were discordant voices and the AU was forced to acknowledge that individual member states had the sovereign right to back the NTC. To preempt further splits in Africa, the AU changed course at the end of September and recognised the NTC, vowing to work with all international actors to rebuild the country.

NATO's intervention in Libya and the marginalisation of the Road Map raised the perennial question of how to sequence local and international initiatives. The consensus that had steadily emerged about the co-ordination of African and international efforts to deal with African conflicts irrevocably broke down in Libya and will take years to restore.

4. Zimbabwe, Lesotho and Madagascar

High-Level Panels have become the dominant modes of mediation at the continental level, underscoring the importance of co-ordinating intermediary initiatives and collective pressures. At the level of RECs, the Southern African Development Community (SADC) has evolved incipient mediation mechanisms for resolving conflicts that have been tested in Zimbabwe, Lesotho and Madagascar. These mechanisms entail experimentation with a wide combination of mediation leadership including serving Heads of State (Thabo Mbeki/Jacob Zuma in Zimbabwe) and former Heads of State (Ketumile Masire in Lesotho and Joaquim Chissano in Madagascar) all operating under the institutional umbrella of SADC.

²¹ “Can Mediation Resolve the Libyan Crisis?” *Xinhuanet*, June 6, 2011; Daniel Finnan, “Africa: AU Mediators Want Libya Truce”, *AllAfrica.com*, April 10, 2011.

²² Jean-Jacques Cornish, “AU Leaders Push for Libya ‘Road Map’”, *Business Day*, April 20, 2011.

The mediation efforts of the SADC derive singularly from the experiences of Thabo Mbeki in Zimbabwe since the mid-2000s.²³ Given the intractability and divisive nature of the Zimbabwe conflict following the referendum and elections of 2002, SADC confronted the dilemma of responding to two critical pressures: the plight of opposition groups under siege from the autocratic government of Robert Mugabe and international actors demanding SADC ownership of the problem. Compounding SADC problems were membership obligations that forced the organisation to proceed cautiously towards a member that had played an important role in the liberation of Southern Africa. The compromise was the appointment of Thabo Mbeki, who could exert South Africa's political and economic power while drawing on the wider regional legitimacy provided by SADC.

Despite international and local criticisms for his quiet diplomacy, Thabo Mbeki finally mediated the Global Political Agreement (GPA) of September 2008 between Robert Mugabe's Zimbabwe African National Congress-Patriotic Front (ZANU-PF) and two factions of the Movement of Democratic Change (MDC). The GPA inaugurated an Inclusive Government in February 2009 involving the three parties but deep mistrust within the Inclusive Government guaranteed that it would move slowly on the key issues of constitutional revisions and economic and administrative reforms. As a result of the continued stalemate over questions such as the appointment of the cabinet, provincial governors, diplomats and senior civil servants, SADC was forced to remain as a quasi-permanent interlocutor in the implementation of the GPA. The conclusion of the constitution-making process, the organisation of a referendum and elections at the end of 2012, as SADC has demanded, will eventually extricate South Africa and the SADC from the Zimbabwe crisis.

Lesotho has had a history of post-election violence that came to a head in the 2007 election after the ruling party manipulated the electoral system to gain a parliamentary majority. The opposition launched violent clashes demanding electoral reforms and more credible polls. It was in this context that SADC deployed former Botswana President Ketumile Masire to bring together the key protagonists – the ruling Lesotho Congress for Democracy (LCD) and the main opposition party, All Basotho Convention (ABC) – to reach a peaceful settlement to the crisis. Masire pursued a two-pronged strategy: first engaging the parties under the umbrella of the SADC mediation; and second, building a local mediation initiative under the auspices of the Christian Council of Lesotho (CCL) that would sustain the peacemaking even in the absence of SADC.²⁴ Since 2009, SADC has worked in tandem with the CCL and in May 2011 the mediators announced the successful conclusion of the dialogue which led to a major overhaul of Lesotho's electoral legislation. The law reforms provide for a better proportional representation system in parliament and strengthen the role and credibility of the Independent Electoral Commission (IEC).²⁵

The constitutional crisis in Madagascar following the March 2009 ousting of elected President Marc Ravalomanana by Andry Rajoelina proved much more difficult to mediate. Soon after Rajoelina took power and constituted a High Transitional Authority (HTA) government, SADC and the AU suspended Madagascar and the EU also suspended 878 million dollars a year in aid to Madagascar. As political tensions led to widespread violence, SADC appointed former President of Mozambique, Joaquim Chissano, to lead a Joint Mediation Team comprising the UN, the AU and the International Organisation of La Francophonie (IOF). In September 2009, the parties signed the Maputo Political Agreement which proposed the establishment of a Government of National Unity (GNU) that would pave the way for the return to constitutional order through credible elections.²⁶

²³ Dale T. Kiney, "South African Foreign Policy toward Zimbabwe under Mbeki", *Review of African Political Economy*, 31(100), (London: Taylor and Francis, 2004), pp.357-64; and David Moore, "A Decade of Disquieting Diplomacy: South Africa, Zimbabwe, and the Ideology of National Democratic Revolution", *History Compass*, 8(2010), pp. 752-67.

²⁴ Khabele Matlosa, "A Comparative Analysis of the Role of SADC Mediation in Post-Election Conflicts in Lesotho and Zimbabwe," in Matlosa, Khabele Matlosa and Victor Shale (Eds.), *When Elephants Fight: Preventing and Resolving Election-Related Conflicts in Africa*, (Johannesburg: EISA, 2010).

²⁵ "Lesotho finds key to avoid electoral violence", *Afrol News*, 5 May, 2011, <http://www.afrol.com/articles/37691>. UN Secretary-General Ban Ki-moon hailed the process, saying that "through dialogue, the Basotho stakeholders have resolved these grievances and agreed on the reforms needed to pave the way for the holding of peaceful and credible elections in 2012". See "Lesotho: Ban Lauds Successful Conclusion of Mediation Following Disputed Polls", *UN News*, May 4, 2011, <http://www.un.org/apps/news/story.asp/story.asp?NewsID=38271&Cr=lesotho&Cr1=>.

²⁶ Institute for Security Studies, *Madagascar: Addressing the Crisis*, (Pretoria: ISS Briefing Paper, 2009).

A year into the Maputo Political Agreement, the parties remained divided on the implementation of key provisions. Rajoelina was unwilling to meet conditions such as the return of Ravalomanana from exile in South Africa and revised the constitution to extend his hold on power. The SADC and the international community rejected these changes and the SADC launched new negotiations, unveiling a proposal dubbed, the “Roadmap out of the Crisis.”²⁷ This faced immediate difficulties because it granted Rajoelina more powers as the head of the transitional government and contained a clause that prevented Ravalomanana from returning to Madagascar until “after the establishment of a favourable political and security environment.”²⁸ Parties linked to Rajoelina signed the Roadmap in March 2011, but the leaders of all the major opposition parties rejected the Roadmap.

Facing a stalemate, an extraordinary SADC summit meeting in June 2011 reversed the mediators’ Roadmap, amending it to address the concern of opposition leaders. The summit urged Rajoelina’s HTA to allow the return of Ravalomanana and other government opponents. This volte-face produced additional problems for the SADC as Rajoelina rejected the amendments and threatened to withdraw from the SADC if the original Roadmap was not respected. In September 2011, SADC dispatched a high level team of South African, Tanzanian, and Zambian ministers to put pressure on Rajoelina to change his opposition to the amended Roadmap. As a result, all the parties signed it on September 17, 2011, granting the return of Ravalomanana, the passage of an amnesty law, and an inclusive transitional government to prepare for elections in 2012.²⁹

In the aftermath of the signing of the Roadmap, SADC and foreign donors indicated that a consensus government and a road map to credible elections are essential conditions for ending economic sanctions. The stick of sanctions coupled with fatigue among the main parties may be the means to end the two-year crisis. If Madagascar did hold credible elections in 2012 which returned the country to constitutional legality and stability, this would be a victory for the SADC mediation which went through various setbacks over two years. A successful outcome would also demonstrate the importance of co-ordinating international and local pressures in the search for peaceful outcomes to African conflicts.

Conclusion : Opportunities and obstacles facing African mediators

High-level panels and road maps epitomise the mediation of African conflicts and the prescriptions about how to get out of these conflicts. African mediators have learnt considerably from past cases of mediation, innovating in institutional and organisational terms. The key roles of the AU Commission and RECs in these case studies reveal the conscious attempt to provide leadership on mediation and to reduce the competitiveness that marred previous efforts. In addition, as mediation has become more institutionalised in these organisations, African mediators have gained more legitimacy and stature. However, there are still opportunities that have not been explored in mediation efforts and continuing challenges facing African mediators.

Opportunities :

- 1 The AU’s Panel of the Wise has been sporadically used in mediation. Its role in the mediation of current and emerging conflicts needs to be effectively scaled up ;
- 2 RECs such as ECOWAS, SADC and the East African Community (EAC) have established mediation institutions such as elder statesmen and councils of elders which are still underutilised in mediation ;
- 3 SADC is moving toward establishing a mediation architecture in recognition of the significance of training and professionalisation within mediation. All African institutions have opportunities to move decisively toward the establishment of training institutes for mediators to fill the existing shortfalls. Such institutes would be at the forefront of training the next generation of mediators.

²⁷ “SADC Mediators Propose ‘Roadmap’ for Madagascar Crisis”, *Reuters*, February 4, 2011.

²⁸ Hannah MacNeish, “Madagascar’s Rajoelina Rejects SADC Plan to Let Rival Ravalomanana Return”, *Bloomberg News*, June 13, 2011, <http://www.bloomberg.com/news/2011-06-13/madagascar-s-rajoelina-rejects-sadc-plan-to-let-rival-ravalomanana-return.html>

²⁹ “Madagascar parties sign SADC-brokered deal”, *Reuters*, September 17, 2011.

Challenges:

- 1 The Libyan case demonstrates that African mediators face problems in resolving conflicts that involve powerful external actors. Power asymmetries between Africa and the rest of the world will not go away and need to be managed carefully to pre-empt the resurgence of additional strains that could potentially impede conflict resolution in Africa.
- 2 Inordinate reliance on a few mediators is counter-productive. Africa should move away from the practice of appointing the same mediators in different kinds of conflicts, particularly if their credibility is on the line. The longer mediators and special envoys are recycled in various conflicts, the more they lose their intermediary value. Elder statesmen should not be overstretched in mediation initiatives and it may be prudent for some of them to reject mediation initiatives for which they do not feel adequately prepared.