

Towards Enhancing
the Capacity of the
**African
Union in
Mediation**

KRUSCHEN GOVENDER | Rapporteur
with YVETTE NGANDU

2010
MAKE PEACE HAPPEN



ACCORD
THE AFRICAN CENTRE FOR THE CONFLICT RESOLUTION REPORT

Towards Enhancing the Capacity of the

African Union in Mediation

A report based on a seminar organised by
the African Union (AU) Commission,
Addis Ababa, Ethiopia
15 – 16 October 2009



MINISTRY FOR FOREIGN
AFFAIRS OF FINLAND



ACCORD

The African Centre for the Constructive Resolution of Disputes (ACCORD) is a non-governmental institute working throughout Africa to bring creative solutions to the challenges posed by conflict on the continent. ACCORD's primary aim is to influence political developments by bringing conflict resolution, dialogue and institutional development to the forefront as an alternative to armed violence and protracted conflict.

Acknowledgements

A generous contribution by the Ministry for Foreign Affairs of Finland made the seminar organised by the African Union Commission (AUC) on 15 and 16 October 2009, and this report, possible. Additional support from the Swedish International Development Co-operation Agency (Sida) to ACCORD's Knowledge Production Department (KPD) also assisted in the writing, editing and production of this report.

The Rapporteurs

Kruschen Govender is a freelance researcher working in collaboration with the Knowledge Production Department (KPD) at ACCORD. He holds an M.A. in Development Studies from the School of Development Studies, University of KwaZulu-Natal (UKZN).

Yvette Ngandu, who contributed to this report, is currently the Coordinator of the UN-AU-RECs cooperation project in mediation, and of the Secretariat of the Panel of the Wise, with the African Union Commission's Peace and Security Directorate. She holds an M.A. in Public Administration and International Relations from Bowling Green State University, in Ohio. She has previously been a Senior Programme Officer with the New York-based International Peace Institute (IPI).

Disclaimer

Views expressed in this report are not necessarily those of ACCORD, the African Union (AU), the African Union Commission (AUC), regional economic communities (RECs), organisations involved in enhancing the AU's mediation capacity or the funders of the seminar and report. While every attempt was made to ensure that the information published here is accurate, no responsibility is accepted for any loss or damage that may arise out of the reliance of any person upon any of the information this report contains.

Copyright © 2010 ACCORD

This document may be downloaded at no charge from the ACCORD website: www.accord.org.za. All rights reserved. Apart from any fair dealing for the purpose of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the publisher.

ACCORD, Private Bag X018, Umhlanga Rocks 4320, Durban, South Africa
www.accord.org.za

Editor: Angela Ndinga-Muvumba

Language Editor: Ed Katz

Printer: Pro-Print, South Africa

Table of Contents

EXECUTIVE SUMMARY	4
INTRODUCTION	7
Background and Context	9
Defining International Peace Mediation	13
Developing a Strategic Approach to AU Mediation	17
Mediation Relationships between the AU, RECs and Partners	21
The role of Women in Mediation	27
Sharing Experiences from Mediation Processes in Africa	31
CONCLUSION	37
Bibliography	38
ANNEX I: List of Abbreviations	41
ANNEX II: Agenda	43
ANNEX III: List of Participants	47
ANNEX IV: Opening Remarks	51

Executive Summary

Executive summary

Armed conflict is one of the greatest threats to Africa's development. Today, many African countries are in the throes of civil conflict, several more face a heightened risk of experiencing armed violence, while others are recently emerging from protracted wars. The challenges ahead are sobering. The African Union (AU) organised a seminar entitled 'Towards Enhancing the Capacity of the African Union in Mediation', which was held at the Commission of the African Union, in Addis Ababa, Ethiopia on 15 and 16 October 2009. The seminar was the culmination of a series of consultations launched in late 2008, in collaboration with the United Nations (UN) and other stakeholders, to reflect on lessons learned from mediation experiences in Africa. The Addis Ababa seminar brought together policymakers, mediation experts and civil society actors to develop a more strategic approach in enhancing the AU's mediation capacity. In so doing the participants addressed the following themes:

- Improving the AU's performance in mediation
- Consolidating and integrating the approaches of the AU and the RECs in mediation
- Discussing collaboration with partners including the UN.

Collaboration between African and international actors is critical for strengthening the AU's role in conflict prevention and mediation in Africa. International mediation is a long-term process, thus it is necessary for relationships between external and internal actors to be one of equitable partnership, synergy and complementarity. There are a plethora of strategic challenges relating to international peace mediation in deep-rooted conflict. Arguably, it is not possible for the AU to design a generic 'mediation strategy'. Mediation practice should be highly flexible, utilising various strategies and responses to the circumstances of each case. Nonetheless, it is possible for the AU to define and adopt a 'strategic approach to mediation' – which is based on the principles of the organisation, the experience of peacemaking on the continent and the goal of forging sustainable peace agreements.

The key discussion themes were underpinned by the working paper, 'Plan of Action to build the AU's Mediation Capacity', prepared by Dr. Laurie Nathan. Most of the working paper themes were mentioned and some critically debated by participants at the Addis Ababa seminar. Different views were expressed, but in general participants affirmed many of Dr. Nathan's recommendations. A common thread throughout the two-day seminar was the nature of mediation relationships between the AU, UN and RECs – more specifically the sensitive question regarding 'who takes the lead in mediation?' In addition, other pertinent themes were raised, such as the importance of promoting gender equality and mainstreaming gender in the AU's mediation framework. Therefore, the 'role of women in mediation' and 'mediation relationships between the AU, RECs and partners' will be explored further in this report. The outcomes of the seminar were intended to initiate

the strengthening of the AU Commission's Peace and Security Department (PSD) by discussing lessons learned and best practice and by catalysing the process of defining a strategic approach to mediation. The AU and UN are undertaking the first Triennial Review of the 10 Year Capacity-Building programme for the AU. The outcomes of the Addis Ababa seminar should be used to inform the review.

This report provides a succinct contextual framework to capture the essence of the discussions and subsequent recommendations presented at the seminar. In many respects, this report is a follow up to ACCORD's 2009 research report 'Mediating Peace in Africa: Securing Conflict Prevention', which captures the issues discussed at a seminar held in Addis Ababa, Ethiopia on 4 March 2009. The meeting in March was also organised by ACCORD and the Ministry of Foreign Affairs of Finland, with the participation of the AU. This second report although focused on the October 2009 seminar, therefore also includes excerpts from 'Mediating Peace in Africa: Securing Conflict Prevention', as well as widely referencing Dr. Nathan's working paper.



Introduction

Introduction

The African Union (AU) organised a seminar entitled ‘Towards Enhancing the Capacity of the African Union in Mediation’, which was held at the AU Headquarters, in Addis Ababa, Ethiopia on 15 and 16 October 2009. The seminar was the culmination of a series of consultations launched in late 2008, in collaboration with the United Nations (UN) and other stakeholders, to reflect on lessons learned from mediation experiences in Africa.

In the prevailing volatile global economic climate, Africa’s development agenda is in addition arrested by widespread peace and security concerns. A high incidence of violent conflict has imposed a heavy toll in terms of human suffering and lost development opportunities in Africa. Today, many African countries continue to face a heightened risk of experiencing armed violence, while others are emerging from protracted conflicts. The challenges ahead are sobering.

Mediation is an integral component of peacemaking and has the potential to be instrumental in preventing, managing and ending conflicts. Thus, as Africa enters a new era of conflict resolution and peacebuilding, it is imperative for the AU in collaboration and coordination with strategic partners – namely the regional economic communities (RECs), the UN and the European Union (EU) – to develop specialist expertise and a systematic mediation practice. Mechanisms and processes for mediation at the AU need to be defined, institutionalised and consolidated.

It is critical to conduct research and analysis on the strategic challenges that arise when mediating in deep-rooted African conflicts. Research and seminars generate comparative knowledge and practical insights, consequently helping to inform the policy-making process. The working paper, ‘Plan of Action to build the AU’s Mediation Capacity’, prepared by Dr. Laurie Nathan which framed the discussions at the October 2009 Addis Ababa seminar was commissioned by the United Nations Department of Political Affairs (DPA) as one of the components of the ‘2008-2010 Work Programme to Enhance the AU’s Mediation Capacity’, which forms part of the ‘UN-AU Ten-Year Capacity-Building Programme for the AU’.

In 2009, the AU in partnership with the UN hosted two workshops in Nairobi, with the aim of consolidating and strengthening their working relationship on mediation in Africa. The workshops were organised as part of the Work Programme, which is supported by the UN, the African Centre for the Constructive Resolution of Disputes (ACCORD), the Centre for Humanitarian Dialogue (HD), the Crisis Management Initiative (CMI), and the Folke Bernadotte Academy (FBA). The Addis Ababa seminar brought together policymakers, mediation experts and civil society actors to develop a more strategic approach in enhancing the AU’s mediation capacity. In doing so, the participants addressed the following themes:

- Improving the AU’s performance in mediation.
- Consolidating and integrating the approaches of the AU and the RECs in mediation.
- Discussing collaboration with partners including the UN.

A defining feature of the seminar was the presentation of mediation practices in Africa. Examples of peace processes in Sudan, Guinea, Somalia, Burundi, Comoros, Madagascar and the Central Africa Republic, were highlighted to draw critical lessons to improve the AU's mediation capacity. In this regard, presentations were made by prominent AU mediators including: Ambassador Oluyemi Adeniji, Special Envoy for the Sudan Comprehensive Peace Agreement (CPA) Implementation; Ambassador Mahmoud Kane, UN Liaison Office in Sudan; Ambassador Nicolas Bwakira, former Special Representative, Liaison Office in Somalia; Ambassador Mamadou Bah, Special Representative of the Secretary General, Liaison Office Burundi; Ambassador Franceso Madeira, AU Special Envoy for Comoros; Ambassador Alasse Ouedraogo, AU Special Envoy for Madagascar; Ambassador Sadok Fayala, AU Special Envoy for Central African Republic; and Ambassador Ibrahima Fall, AU Special Envoy for Guinea.

Other distinguished seminar speakers and chairpersons included:

- Ambassador Ramtane Lamamra, Commissioner, Peace and Security, AU.
- Honorable Pekka Haavisto, Special Envoy of the Minister of Foreign Affairs of Finland
- Mr. Sam Ibok, Deputy Director of United Nations Department of Political Affairs (UNDP)
- Mr. Wane El Ghassim, Ag. Director, Peace and Security Department, AU
- General Henry Anyidoho, Ag. Joint Special Representative for UNAMID
- Ambassador Said Djinnit, Special Representative of the UN Secretary-General for West Africa, and former Commissioner for Peace and Security of the AU
- Ambassador Hiruy Amanuel, Director, Africa Programme, HD
- Mr. Vasu Gounden, Founder and Executive Director, ACCORD, Ambassador Ambriose Niyonsaba, Special Representative of the AU to Côte d'Ivoire
- Professor Abdoulaye Bathily, Envoye` Special sur la question des Mborors

The recommendations from the October 2009 Addis Ababa seminar will be submitted for decision making to the AU's Conflict Management Division (CMD).

Background and Context

The complex challenge of achieving peace, security and sustainable development in Africa has been shaped by sub-regional, global and continental events (Murithi and Ndinga-Muvumba, 2008). In the post-Cold War era violent conflicts have continued to plague the African continent, exacerbating socioeconomic challenges. In recent years intra-state (civil) conflict has been the most common type of conflict. Although conflicts and official deaths from conflicts in Africa have declined in recent years, these indicators constitute a relatively small part of the true human and economic cost of war. Indeed, armed conflict is one of the greatest threats to African development.

Between 1990 and 2005, Africa accounted for about half of the world's battle deaths, (African Development Bank, 2008). From 2002-2007, the combined total of inter-state and intra-state conflicts declined by 64% from 39 to 14, while the official battle-related deaths over the same period decreased by over 70% from 9,368 to 2,727. However, between 2006 and 2007, the number of recorded campaigns of 'one sided violence' against civilians increased from five to ten and the total number of official fatalities increased from 583 to 693 (Mack and Cooper, 2008 cited in Mottiar and van Jaarsveld, 2009). Moreover, in conflict countries far more people die from indirect causes such as disease, starvation, malnutrition, and breakdown of health services. Therefore, war deaths, which denote indirect causes of death in addition to battle deaths, tend to be much higher. It is estimated that the conflict in the Democratic Republic of Congo (DRC) has claimed more than five million lives. The tragic genocide in Rwanda in 1994 culminated in the death of nearly one million people. In early 2008, Kenya was divided by a disputed presidential election which triggered inter-communal conflicts, resulting in hundreds of fatalities and the displacement of many people. In Chad, in April 2008, intense fighting between rebels and government forces around the capital, N'Djamena, claimed several hundred lives. To date, it is estimated that the conflict in Sudan (Darfur) has already claimed almost 200,000 lives (African Development Bank, 2008).

In addition to the human tragedy, armed conflicts bear an immense economic cost. In 2008, nearly 78 conflicts cost the world US 18 billion dollars (Ahtisaari presentation, cited in Mottiar and van Jaarsveld, 2009). Between 1990 and 2005, it is 'under-estimated' that armed conflicts cost Africa \$284 billion, an amount equivalent to all the international aid received by sub-Saharan Africa in the same period (IANSAs, Oxfam, and Saferworld, 2007). The cumulative economic cost of conflict includes income loss, destruction of infrastructure, human¹ and financial capital flight. In addition, neighboring countries endure substantial economic costs due to reduced trade, political insecurity, pre-emptive defence expenditures, and an influx of refugees (African Development Bank, 2008). Conflict countries experience a decline in the value of their Human Development Index (HDI), in most cases shifting from medium to low development – which is illustrated by an

1 The Human Development Index (HDI), is a composite index combining indicators of life expectancy, educational attainment and income, to measure development and serve as a frame both social and economic development (UNDP).

average reduction in the GDP per capita of approximately 63 %. Furthermore, the costs of conflict are not borne equally across the population, with women and children facing acute vulnerability and inequalities often rise as many conflicts are fought along regional, social, religious, or ethnic lines (IANSA, Oxfam, and Saferworld, 2007).

From 1997 to 2002, about half of the world's armed conflicts took place in Africa (African Development Bank, 2008). Between 1990 and 2005, 23 African countries have been involved in violent conflict. The list includes Algeria, Angola, Burundi, Central Africa Republic, Chad, Democratic Republic of Congo, Republic of Comoros, Congo, Cote d'Ivoire, Djibouti, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Liberia, Madagascar, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Somalia, Sudan and Uganda.

Although the number of African countries facing violent conflict has declined in recent years, the complex challenges that remain include: consolidating the peace, rebuilding state institutions, and rejuvenating economic activity in countries emerging from conflict. Ultimately, the on-going legacy of violent conflicts in Africa and their destructive socio-economic effects call for concerted efforts on the part of the AU, RECs and their international development partners (i.e. UN and EU) to design sustainable strategies for conflict prevention and conflict resolution.

The AU's Mediation Mandate

Under the auspices of the AU, the continent's paramount Pan-African institution, Africa is entering a new era of conflict resolution and peacebuilding. The adoption of the Constitutive Act of the AU in July 2000 signified the dawn of a new era in Africa, driven by a vision to regenerate the continent (Juma, 2006:45, cited in Mottiar and van Jaarsveld, 2009). The evolutionary transition from the Organization of African Union (OAU) to the AU manifested a fundamental shift away from a governing principle of non-intervention, thus granting the AU the mandate to intervene in member countries in the event of war crimes, genocide and crimes against humanity (AU Constitutive Article, 2000: 23,2). This is in contrast to the OAU's emphasis on state sovereignty, which resulted in its non-interventionist approach towards conflict resolution.² The new peace and security architecture was contextualised within the principles of African leadership and ownership via the member states and RECs, while recognising the role of external partners such as the UN, the EU and internal actors such as African civil society (Mottiar and van Jaarsveld, 2009). Regional economic communities such as the Economic Community of Central African States (ECCAS), the East African Community (EAC), the Arab Magreb Union (AMU), the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS) and the Intergovernmental Authority on Development (IGAD) have in the last decades, taken on more responsibilities for conflict prevention, management and resolution, thus forming part of the overall security architecture of the AU. The AU's mediation endeavours are

2 Under the OAU, mediation was carried-out through the Commission on Mediation, Conciliation and Arbitration (CMCA) but, the practice was not institutionalised, and rather, implemented ad hoc peacemaking processes and procedures (Mottiar and van Jaarsveld, 2009:9).



(L to R) UN chief negotiator Taye Zerihoun, UN Special Envoy for Darfur Jan Eliasson, AU Special Envoy for Darfur Salim Ahmed Salim and AU chief negotiator Sam Ibok during the Darfur peace talks in Sirte, October 30, 2007.

often funded by external donor partners, foreign governments and multilateral institutions. Funds continue to be raised on a case-by-case basis. A shortage of funds has been a chronic problem for the AU.

The formulation of the AU in 2002, and the subsequent formation of the Peace and Security Council (PSC) in 2004, established concrete institutions dedicated to the promotion of peace, security and stability on the African continent (Mottiar and van Jaarsveld, 2009). The AU has a formal mandate to engage in mediation as a form of peacemaking, which is legislated in the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union. The primary role of the PSC is to promote sustainable peace, security and stability in Africa. The PSC is the AU's standing decision-making organ for the prevention, management and resolution of conflicts. The different elements of the said Protocol include the Continental Early Warning System (CEWS), the Panel of the Wise, the Peace Fund and the African Standby Force (ASF). The Protocol refers to mediation as one of the specific functions of the African Peace and Security Architecture (AU, 2002: Article 6, 3).

In spite of these recent positive developments of the AU, specific processes and mechanisms of mediation have yet to be consolidated. Furthermore, the lack of trained human capacity, financial resources and of adequate frameworks/mechanisms at the AU, often means that mediation processes have still taken an improvised or reactive approach, rather than an institutionalised approach. The deployment of special envoys in conflict areas, for example, have been characterised as ad hoc. In the interests of peace and security, it is critical to ensure that the AU possesses the capacity to fulfill its mediation mandate. In comparison to the human and economic costs associated with violent conflicts and the consequent financial costs of peacekeeping operations, developing the AU's mediation capacity and expertise would be an inexpensive venture (Nathan, 2009).



Defining International Peace Mediation

“International peace mediation” describes engagement both in inter-state and intra-state conflicts by an external actor, such as the AU, UN or EU (Herrberg, Gunduz and Davis, 2009). Mediation can be defined as an activity undertaken by a neutral third party with the objective of achieving a compromise or a settlement of issues between conflicting parties (Mitchell, 2002 cited in Mottiar and van Jaarsveld, 2009). Nathan (2009:2) defines mediation as “a process of dialogue and negotiation in which a third party assists two or more disputant parties, with their consent, to prevent, manage or resolve a conflict without resort to force.” Mediation is differentiated from other forms of third-party intervention, primarily due to the fact that it is not premised on force and that the parties maintain a certain degree of ownership over the outcome of the peacemaking process (Herrberg, Gunduz and Davis, 2009).

Mediation is most required when there is a high level of animosity and mistrust between disputant parties. As an intermediary peacemaker and an impartial third party, “the mediator serves as both a buffer and a bridge between the antagonists, ameliorating the anger and suspicion that prevent them from addressing in a cooperative manner the substantive issues in dispute” (Nathan, 2005:2). Thus, a core function of the mediator/mediation teams is to assuage mutual mistrust between warring parties and raise their confidence in negotiations, in turn enabling the parties to reach agreements they find satisfactory and are willing to implement.

Furthermore, Nathan (2009:11) states:

Peace is not attained when the parties sign an agreement. They must still implement the agreement and adhere to its provisions and to do this they invariably need the support of mediators and other actors for considerable period. Mediation should thus be regarded as an integral component of implementation and subsequent post-war reconstruction and state-building. It is also a valuable tool in observer missions and peace operations.

Mediation is not synonymous with peacemaking or power-based diplomacy; it is one strategy within the broader conceptual framework of peacemaking. Nathan (2009:11) elucidates that other peacemaking strategies include: “arbitration and adjudication; unilateral action by one of the disputant parties; domestic political reform by making governance more inclusive; confidence and security building measures; and the offer of inducements to, and application of pressure on, one or more of the parties by international organisations and foreign powers.”

In the case of the AU, UN, and the RECs, mediation is exercised in contexts where the primary goal is to prevent or end violence. Nathan (2009:2) contends that mediation should be regarded as a highly specialised endeavour, embodying a body of knowledge and a set of strategies, tactics, skills and techniques. In addition, mediation requires extensive experience and a high level of proficiency; “an experienced mediator is much more likely

to be successful than an inexperienced mediator; and a confidence-building approach to mediation is more likely to yield a positive outcome than coercive diplomacy” (Nathan, 2009:1). In the case of the AU, a specialised and systematic approach to mediation is required in order to improve mediation practice on the continent.

The potential of mediation should not be overstated, as “even the most accomplished mediator is unlikely to achieve anything if the disputant parties reject negotiations, are unwilling to forge a settlement or sign agreements that they later breach” (Nathan, 2009: 13).

Ceteris paribus, depending on their proficiency, experience and team – mediators can either heighten or reduce the likelihood of achieving a positive outcome. An intricate issue of concern is the mediator’s real and perceived impartiality. Although impartiality is considered a key guiding principle in the practice of international peace mediation, it is often found that mediators are biased towards one or the other of the primary parties at the epicentre of the conflict. Svensson (2007) argues that a significant portion of mediation efforts are done through biased mediators. Participants at the seminar highlighted that it is a challenge to ensure that the AU is an impartial and legitimate actor in mediation efforts. A case in point is the complex nature of coups d’état – in this regard how can the AU be impartial when an unconstitutional deposition of government has occurred?

Nathan (2009:25-26) highlights that mediation in civil conflicts should generally consist of the following actions:

- Analysing the conflict, diagnosing its causes and identifying the parties’ positions and interests.
- Pursuing shuttle diplomacy when the adversaries refuse to talk directly to each other.
- Employing methods to build the parties’ confidence in negotiations.
- Designing and convening mediation processes and preparing agendas in consultation with the parties.
- Facilitating dialogue, negotiations and co-operative problem-solving by the parties.
- Identifying common ground between the parties and generating options for overcoming deadlocks.
- Helping the parties to forge agreements.
- Creating opportunities for civil society to contribute to peace talks.
- Co-ordinating external actors that have an interest in the conflict but are not participants in the negotiations (e.g. international bodies, donors and neighbouring states).
- Providing information about the peace process to relevant actors, the public at large and communities in the country in conflict.



Getty Images

(L to R) Ramatane Lamamra, AU Commissioner for Peace and Security, Boubacar Gaoussou Diarra, Special Representative of the Chairperson of the AU Commission for Somalia, Ahmedou Ould Abdalla, Special Envoy for Somalia of the UN Secretary General are welcomed by Ugandan General Nathen Mugisha, the Force commander of AU Commission for Somalia on January 25, 2010.

According to Nathan there has been a failure to view international mediation as a specialised endeavour and to establish specialist mediation units in international multilateral organisations. In turn, he emphasises that this has led to a sub-optimal approach to peacemaking and has given rise to five specific problems (Nathan, 2009:12):

- The appointment of high-level mediators has not always taken account of their peacemaking ability and experience. Some of those appointed have been poor mediators and have created confusion and even exacerbated conflicts.
- International organisations have repeatedly deployed mediators in complex and protracted conflicts without adequate political, technical, administrative and financial support.
- Insufficient attention has been paid to training and nurturing international mediators and there are few opportunities to undergo such training. The pool of proficient mediators is therefore small and it is not growing. The further consequence is that it is difficult for diplomats to hone their mediation skills.
- There has been no systematic effort to evaluate mediation endeavours, identify positive and negative lessons, adapt methods and systems accordingly and establish a central repository of know-how. As a result, there has been no gradual accumulation of knowledge and improvement in mediation performance over time.
- In the context of peacemaking there is no coherent concept and doctrine of mediation. The style of mediation is largely dependent on the personality of the mediator and the habit of repeating what was done previously.



Developing a Strategic Approach to AU Mediation

There are a plethora of strategic challenges relating to international peace mediation in deep-rooted conflicts, such as: impartiality; relations with civil society; the issue of sanctions; implementation of peace agreements; funding of mediation processes; coordination; managing contact groups; engagement with parties; and the presence of adequate expert support on the ground.³ These challenges were highlighted in the seminar presentations of the AU Special Envoys, Representatives and Heads of Liaison Offices.

Due to the specific nature of conflict resolution, it is not possible for the AU to design a generic 'mediation strategy'. Participants agreed that it is imperative for mediation to be highly flexible and furthermore pursued through different strategies according to the circumstances of each case. Nonetheless, it is possible for the AU to define and adopt a 'strategic approach to mediation'⁴ – which is based on the principles of the organisation, the experience of peacemaking on the continent and the goal of forging sustainable peace agreements (Nathan, 2009:14).

The recommendations proposed by Nathan (2009:2) were derived from a needs driven approach. He proposes that the AU adopt a strategic approach to mediation based on the following principles:

- The parties must own the agreement.
- Mediation and negotiations should be inclusive of all significant political actors.
- Civil society must be involved in the mediation and negotiations.
- The mediator must help the parties develop a relationship of trust and co-operation.
- Mediation must be a non-threatening venture for the parties.
- Mediators must be impartial.
- There is no quick fix solution in deep-rooted conflict.
- The mediator must help the parties address the root causes of the conflict.
- Mediators must be flexible, creative, responsive and adaptive.
- The drafting and implementation of peace agreements should be properly linked.

3 Notes taken by Yvette Ngandu (AU), were used to inform this section.

4 According, to Nathan (2009:4) two mediation plans for the AU are required: 1) A strategic plan outlining goals, objectives and strategies, which also identifies key partners and allies; 2) An operational plan which translates the strategic plan into activities and tasks, assign responsibility for action and identify what is required in terms of posts, expertise, logistics and funds.

In his working paper, 'Plan of Action to build the AU's Mediation Capacity', Nathan (2009) presented practical proposals aimed at building the AU's mediation capacity. The proposal themes which he discussed included:

- Mediation Relationships between the AU, UN and Sub-Regional Organisations
- Mediation Plans
- Establishing Mediations Posts in the AU
- Establishing Rosters of AU Envoys and Technical Mediation Experts
- Supporting Envoys and Mediators in the Field
- Review and Evaluation
- Research and Analysis
- Training
- NGO Support for Mediation and Capacity-Building
- Funding

Most of these proposal themes were mentioned and some were critically debated by participants at the Addis Ababa seminar. Different views were expressed, but in general participants affirmed most of Nathan's recommendations. One of the main issues of contention highlighted by participants was the proposal to create a post of 'Mediation Coordinator' in the AU. A common thread throughout the two-day seminar was the nature of mediation relationships between the AU, UN and RECs – more specifically the sensitive question regarding 'who takes the lead in mediation?' In addition, other pertinent themes were raised, such as the importance of promoting gender equality and mainstreaming gender in the AU's mediation framework. Therefore, the 'role of women in mediation' and 'mediation relationships between the AU, RECs and partners' will be explored further in this report. Other recommendations and insights expressed by the participants during the two-day seminar will be considered for inclusion in the amended version of Nathan's working paper, submitted for decision making to the AU's CMD.



(L to R) Mohamed Ibn Chambas, then Head of the 15-nation regional economic bloc ECOWAS, Salou Djibo of Niger and UN Representative Said Djinnit after a meeting on February 21, 2010 at a military compound in Niamey.



Mediation Relationships between the AU, RECs and Partners

Collaboration between African and international actors is vital to the AU's role in conflict prevention and mediation in Africa. The new African peace and security architecture is evolving in an era where Africa's relationship with international and regional organisations emphasises partnerships drawing on different synergies. To this end, equal partnerships are imperative, first and foremost between African states, the AU and RECs such as SADC, ECCAS, EAC, ECOWAS, IGAD, AMU and the Common Market for Eastern and Southern Africa (COMESA). Secondly, partnerships between the AU, UN⁵ and EU⁶; and thirdly, partnerships between the AU and civil society organisations (CSO's)⁷ are important in order to ensure that there is cooperation, coordination, joint solutions and support between and within the actors in the field of conflict prevention and mediation.⁸ Mediation is a long-term process, thus it is necessary for the relationships between external and internal actors to be one of equitable partnership, synergy and complementarity.

5 The EU is a major aid donor to Africa and in recent years has sought to expand its exclusively developmental role to a more political one through a greater involvement in peace and security issues (Gibert, 2006). In 2003, the EU deployed its first military crisis management operation in Africa in the DRC, in cooperation with UN and AU troops. Since then the EU has undertaken several military and civilian crisis management operations in Africa. The EU has actively supported AU and UN peacekeeping efforts in Africa (Mottiar and van Jaarsveld, 2009).

6 Civil society should also support peace processes by providing specialisation, analyses of conflict situations and convening alternative platforms for dialogue (Mottiar and van Jaarsveld, 2009)

7 This paragraph is adaptation of an extract from Mottiar, S. & van Jaarsveld, S., 2009, 'Mediating Peace in Africa, Securing Conflict Prevention.' ACCORD, Durban. Page 13.

8 Notes taken by the Working Group rapporteurs, Ms Sharon O'Brien (UN) and Dr Kassim Khamiss (AU), were used to inform this section.

SEMINAR WORKING GROUP I

Building one continental approach in mediation: institutional arrangements to support mediation of AU/RECs and relationships with partners

One of the working groups at the seminar discussed issues of collaboration and coordination between the AU, UN and the RECs in mediation, and specifically addressed how to increase complementarity and build a more integrated approach.

The working group discussed three main questions that had arisen during the workshop:

- a) Who takes the lead in mediation?
- b) How to arrive at a common purpose and consensus?
- c) How can we bring the same level of assistance that we have with the AU to the RECs?

a) Who takes the lead in mediation?

In Africa, conflicts often fall simultaneously within the peacemaking mandates of the AU, the UN and one of the RECs. This complex and fragile nexus is sometimes characterised by tension as there is uncertainty and competition over which organisation should take the lead in a mediation endeavour. Some tension is perhaps unavoidable due to different political perspectives and agendas, but it is nevertheless necessary to improve coordination and cooperation between these organisations (Nathan, 2009). Furthermore, Nathan asserts that what is required is an agreed procedure for determining which body will be the lead mediator in a given case, as this would help to prevent confusion and competition.

The working group noted that although in the past RECs were established for economic cooperation, they now all have a role in peace and security, in the knowledge that there can be no economic development without peace. Participants discussed the complexity of how African actors can be most responsive to the continent's conflict challenges. The AU and Africa's RECs should continue to build strategic partnerships to act quickly in the face of new crises and establish medium and long-term conflict prevention and management processes.

In regard to the question of who should lead, participants took into consideration that there is often more than one REC with a mandate in a particular country, and stressed the need to demonstrate a concerted effort which will send a strong signal to the parties. It was further highlighted that dialogue should start as early as possible and should take advantage of the existing Continental Early Warning System.

Recommendations from the working group

Nathan (2009) contends that it would not be desirable to have a general rule that stipulates that the lead mediator should always be the AU, the UN or the REC. Participants agreed that the decision on who takes the lead should not be based on proscriptive rules, but rather guided by principles, the overarching standard being that whenever a REC acts, it is acting on behalf of the AU. Invariably, whichever of these organisations is deemed best suited to undertake the responsibility of the lead mediator (in any given case) will depend on the

circumstances, the resources available to the organisations, the views of their member states and, in some instances, the parties' preference for a mediator (Nathan, 2009: 19). In this regard, the working group identified the principle of comparative advantage as a key element. It was proposed that guidelines for considering who has the comparative advantage can include:

- Intimate knowledge of the conflict and history
- Personal relations with the parties that will ease contact
- Unity or cohesion of the organisation in relation to the conflict
- Acceptance from disputant parties.

A number of participants felt that RECs would generally have the advantage under those guidelines. There should also be a procedural rule in case the decision is contested. Hence it was proposed that whenever there is a crisis, there should be an immediate consultative meeting between the relevant REC/RECs and the AU to determine who will lead, including the possibility of a member state taking the lead.

b) How to coordinate to arrive at a common purpose and consensus?

The working group discussed the need to ensure the centrality of the mediator by supporting him/her and to avoid a multiplicity of actors. If organisations do not coordinate, disputant parties can take advantage of their differences to undermine the mediator. Participants proposed that one way to ensure the centrality of the mediator is through official endorsement. The decision should be endorsed at the continental level. The working group also felt that the decision should be taken to the UN Security Council if possible. But fear was expressed that the Security Council might act differently. It was also agreed that situations where RECs go directly to the UN without going through the AU should be avoided.

The working group emphasised that all member states should respect the centrality of the mediator. Only the body which appointed a mediator can end his/her engagement. Furthermore, the working group discussed the need to distinguish between envoys and the lead mediator. In this regard, the appointment of an International Contact Group (ICG) is important to provide advice and complement the mediator's role without undermining its effectiveness. In many instances, the UN would be the appropriate organisation to convene an ICG as it will often include actors from outside the region. Other issues that were raised included the use of MoUs between organisations to specify the relationship in mediation and the need to name and shame countries that are undermining mediation.

c) How can we bring the same level of assistance that we have with the AU to the RECs?

The working group heard the views of COMESA, EAC, ECCAS, ECOWAS, IGAD and Community of Sahel-Saharan States (CEN-SAD). Most of the RECs are also establishing mediation support capacity and this is a timely opportunity to support them. All of the RECs stressed the need for capacity building in the following activities:

- Exchange of information and strengthening the Continental Early Warning Systems at all levels.
- Support for the establishment of mediation units where they do not yet exist, and strengthening the existing ones.
- Cooperation in the development of rosters.
- Extending training opportunities offered to or developed with the AU to the RECs. This should also include monitoring and fostering a new generation of African mediators.
- Ensuring funding for mediation activities through the establishment of special funds to support mediation programmes, including in post-conflict situations.
- Strengthening of cooperation vertically between the AU and the RECs and horizontally among the RECs to avoid duplication, including through the establishment of AU liaison offices at the RECs' headquarters.
- The AU should support and give legitimacy to the RECs mediation activities.

The working group noted that the AU and the RECs have already signed an MoU and are in early stages of implementation. The MoU emanates from the PSC Protocol and includes many of the above issues, which should be reflected in the AU's mediation strategy. The RECS are also covered in the UN-AU Ten Year Capacity-Building Programme. Nathan (2009: 20) emphasises that what is required now is the development of a work programme⁹. The process of strengthening the mediation relationship between the UN and the AU should be broadened to include the RECs, and the UN should offer support for building the mediation capacity of the sub-regional organisations. According to Nathan (2009: 19), the relationship between the AU, the UN and the RECs regarding mediation should be strengthened through the following:

- On-going desk-to-desk contact.
- Sharing information and early warning.
- Developing a system for jointly identifying emerging conflict issues and designing strategies and plans for conflict prevention.
- Collaborating in the preparation of briefing papers.
- Joint training, retreats and workshops.
- Joint evaluations, which should focus not only on the politics of mediation but also on logistical, operational and financial matters.
- Raising awareness of the strategic relationship in all sections of the organisations (i.e. political, administrative and financial).

9 Consultations between the AU and the RECs have taken place in March 2010 in Addis Ababa to identify their respective visions and needs in mediation. A work programme between the said parties is being developed.

SEMINAR WORKING GROUP II

Other political considerations in mediation: managing strategic relations

Some of the issues addressed in the second working group included:

- Relationships with member states and external influences.
- Criteria and guidelines to determine the level at which mediation is initiated by the Chairperson, the PSC or the Panel of the Wise.
- The implications for AU mediation in cases where parties are condemned by the PSC/the Assembly.
- The role of civil society in peace processes.

During the discussions that touched on the above-mentioned issues, participants came to a number of conclusions related to the mandate of mediators, the AU's mediation and the relationships of different actors:

- The mandate of the mediator should specify to whom, how and when to report. Equally, if a country is nominated as the lead mediator, the AU must be clear on what is expected from the country concerned. The existing practice where a mediator can be nominated by virtue of their qualities and not by virtue of their nationality should be retained.
- As far as the relations between member states, the AU Commission and the PSC are concerned, participants agreed that the relationship should be governed by the AU Constitutive Act and should retain flexibility. However, before approaching a country to take a lead role, the AU should clearly indicate its mandate as well as distinguish between situations where the AU engages the assets of a particular country during the process and cases where a lead country plays a guarantor role in the implementation phase. In principle, the indivisibility of the AU as a unitary actor should be respected; initiation of a mediation should occur in line with the framework set out in the Constitutive Act and according to the specified roles of the instruments of the APSA, including the early warning function of the Commission.
- The seminar participants agreed that parties should be told that they are not allowed to choose or seek mediation by EU or UN instead of the AU.
- Participants also agreed that civil society should be as involved as much as possible, depending on the situation, in favor of influencing the parties to cooperate. Additionally, civil society organisations should be included in any training on mediation techniques.
- Regarding relations with member states and external actors, it was suggested that concerted effort should be deployed systematically by the Chairperson of the Commission and the Chair of the AU to remind actors to foster the collective interest of the people of the continent. Additionally, since the diaspora may play a positive, negative or neutral role in the continent's conflicts, these communities should be considered in the conceptualisation phase of mediation. Also, it was noted that mediators should use the leverage that can be gained by consultation with mediation support and external actors. As concerns sanctions, the mediator should not be implicated in the sanctions but could use these to incentivise the parties. This was former President of South Africa, Nelson Mandela's approach in Burundi.

HESSISCHER
LANDTAG

The Role of Women in Mediation

Women are central actors and ‘right holders’ in any process that addresses peace, security, human rights and sustainable development (Women’s Organisations, 2008). Due to the gender-specific consequences of war, women have a vested interest in participating in processes. There is an urgent need to increase the participation of women in formal peacemaking processes in Africa.¹⁰ In this regard it is imperative to address the marginalisation of women in formal decision-making processes. Participants at the Addis Ababa seminar unequivocally called for a move to address the acute gender imbalance in the field of mediation. It was expressed that as far as the AU is concerned, in the selection of mediators there are very few cases of gender equality – a matter which requires immediate attention¹¹.

The gender dimensions of violent conflict

During periods of intense conflict, existing inequality between women and men are exacerbated. As a result of violent conflict, women and girls are often forced to migrate and are subjected to heinous gender-based crimes such as rape and other violations of their human rights and dignity (UNESCO, 2003). Rape is a brutal weapon of war, widely used across Asia and Africa. On average 36 women are raped each day in the Democratic Republic of Congo (PeaceWomen, 2009). The moral and social fabric of society is painfully corroded when women are callously attacked as part of a deliberate and coordinated offensive strategy, as they are in Sudan, the DRC, and Burma, and as they have been in Bosnia, Sri Lanka, and elsewhere around the world (PeaceWomen, 2009). Furthermore, in societies affected by violent conflict, it is proven that high levels of poverty and landlessness affect women disproportionately. Hence, it is not surprising that women and children account for more than three-quarters of persons displaced as a result of conflicts throughout the world.

Women organise for peace in their communities and possess a wealth of experience and knowledge, but in general they are still marginalised from formal decision-making structures. Globally, in post-conflict countries, “after the fighting and conflicts have ended, and despite their active participation in bringing the conflict to a halt, women are often relegated to the background and marginalised both in formal peace negotiations and in the rebuilding of war-torn societies” (UNESCO, 2003). Yet, when women have been included in formal peacemaking processes they have made a substantive contribution. For example

10 “At the Pan African Women’s Conference for Peace and Non-violence organised by UNESCO (Zanzibar, 1999), women from 53 African countries issued the Zanzibar Declaration, regretting the fact that peace negotiations were male-dominated, regardless of women’s efforts and initiatives to resolve conflicts and promote peace on the continent, notably through consensus-building and dialogue” (UNESCO, 2003).

11 In the context of its work programme for 2010, the AU Panel of the Wise has commissioned a study on the issue of “Women and Children in Armed Conflicts”, which will make practical recommendations to African Heads of States on how to mitigate the vulnerabilities of women and children.

in Northern Ireland, women's groups and organisations were instrumental in building and nurturing the trust between Protestants and Roman Catholics, which proved to be the foundation for the ultimate agreements. In Bosnia, women bridged the ethnic divide to rebuild working coalitions in parliament (Hasina, 2000).

The important role of women's participation in conflict prevention and resolution is endorsed in: the Constitutive Act of the African Union, the AU's Solemn Declaration on Gender Equality, the Protocol to the African Charter on the Rights of women in Africa, the African Charter on the Rights and Welfare of the Child, and by UN Security Council Resolutions 1325, 1820, 1888 and 1889. The resolutions emphasise the importance of women's equal participation and involvement in every faculty of peace and security, and the need to increase their role in decision-making with regard to conflict prevention (Women's Organisations, 2008).

United Nations Resolution 1325 further requests on all actors (external and internal) involved to adopt an inherent gender perspective in mediation endeavours, which encompasses the following:

- The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post conflict reconstruction.
- Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace process.
- Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.

Kenya: women protest against exclusion from mediation talks

The dispute over the presidential election results announced on 30 December 2007 submerged Kenya into a political crisis ensued by violent conflict. As a direct result of the conflict, rape and gender-based violence had reportedly increased. Statistics from the Nairobi Women's Hospital illustrated a sharp increase in admission and treatment for rape since the onset of the violence, culminating in increased exposure to HIV/AIDS, sexually transmitted diseases, and unwanted pregnancies. Furthermore, security in camps for displaced persons was inadequate, as women faced the increased threat of gender-based violence.

In Kenya, women as a group constitute 52% of the population. They comprise the majority of voters and are those most affected by political instability and consequent violent conflict, yet they were excluded from mediation talks in 2008. In response, Kenyan women vowed to assert their rights as citizens to participate in all political processes that sought to find a solution to the conflict and social unrest (Women's Organisations, 2008).

On 25 January 2008, a Committee nominated by the Women's Organisations¹² presented a memorandum to the international mediation team in Nairobi. They argued that the institutionalised discrimination against women even before the current violence broke out had informed the expression of gender-based violence. The memorandum stressed the following recommendations for the inclusion of Kenyan women in the process of mediation (Women's Organisations, 2008):

- That there should be a mechanism for accountability by the mediation team to Kenyan women on the progress of the mediation. Such mechanism could be spelt out in a public mediation agreement.
- That there should be continued engagement with women as key stakeholders in all stages of the mediation.
- That a local gender advisor be appointed to provide the necessary expertise to the team of mediators. There is sufficient expertise within the women's movement in Kenya in the fields of gender, children's rights, women's rights, and peace and conflict transformation.
- Political parties should have women represented on their teams in keeping with the enabling instruments.
- That the mediation continues until such time as peace is restored in Kenya.

Advocates argue that women are better equipped to mediate because they are most affected and are more likely to possess key skills such as patience and empathy. In addition, women mediators are more likely to be attuned to the needs of the most vulnerable groups in societies affected by protracted conflicts. However, critics contest that these very same qualities could inadvertently also work against them because perceived masculine characteristics, such as assertiveness, are more respected or effective within patriarchal settings. Nevertheless, there was general consensus among the delegates at the Addis Ababa seminar regarding the need to promote gender equality in mediation. In sum, women need to be adequately represented in mediation teams. It is vital for multilateral institutions (i.e. AU, UN, EU and RECs) to provide comprehensive support for women's involvement in peace processes in Africa. Participants at the Addis Ababa seminar agreed that it is essential to take gender into consideration when selecting future mediation teams. Arguably, it is a strategic imperative for the AU to practically mainstream gender and promote gender equality in the official plan to build its mediation capacity.

12 The memorandum was presented on behalf of Kenyan women. Action Aid International, Vital Voices, UNIFEM, Nairobi Peace Initiative and Urgent Action Fund Africa facilitated the preceding consultations (Women's Organisations, 2008).

Burundi



Burundi

Since its independence in 1961 Burundi has been plagued by ethnic tensions between the dominant Tutsi minority and the Hutu majority. The country is emerging from a 12-year, civil war which was ignited in 1993, when the first president, Melchior Ndadaye was assassinated. The ensuing civil war claimed the lives of over 300,000 people and displaced hundreds of thousands of civilians. Subsequent to long-running talks and negotiations, mediated by South Africa, a power-sharing government was set up in 2001 and most of the rebel groups agreed to a ceasefire. In 2005 Burundians voted in the first parliamentary elections since the start of the civil war. Despite a number of political crises and outbreaks of sporadic violence, the peace agreement has held, and Burundians will vote again in the 2010 election. Twelve years after the end of civil war, Burundians will vote a second time. Communal, presidential and legislative elections are expected to take place between May and September 2010.

Sharing Experiences from Mediation Processes in Africa

A central feature of the Addis Ababa seminar was the presentation of mediation practices in Africa. Participants explored cases of the mediation processes launched during the time of the Union's predecessor, the Organisation of African Unity but which also took place recently, since the continental body's incarnation as the African Union. Examples of peacemaking processes in Sudan, Guinea, Somalia, Burundi, Comoros, Madagascar and the Central Africa Republic, were briefly highlighted to draw critical lessons to improve the AU's mediation capacity. The case studies featured in this report are: a) Burundi, b) Comoros and c) Guinea. These case studies were selected based on the frequency of their citation during the plenary discussion.

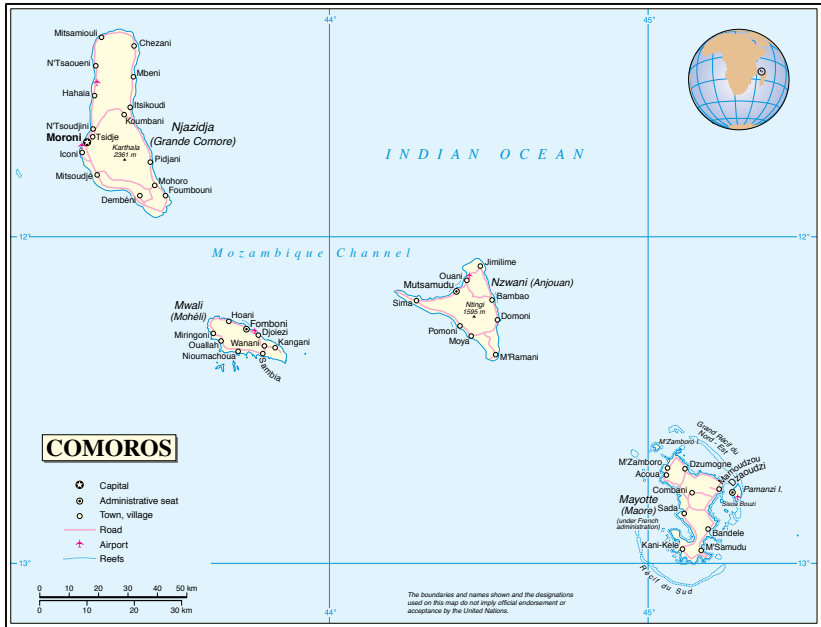
Burundi

The OAU/AU has played a leading role in mediation and peacekeeping in Burundi. The OAU first intervened in Burundi in 1993 and the conflict constituted a testing ground for the organisation to prove its commitment to conflict resolution and management on the continent (Lehmann-Larsen, 2009). In May 2001 the OAU was replaced by the AU, but the AU maintained the established peacemaking structures. Since 1993 the OAU/AU faced a number of challenges in its peacemaking efforts in Burundi, explicitly: inadequate planning¹³, the failure to develop a strategic course of action for the Burundi mission; reliance on ad hoc and informal mechanisms; inadequate logistical and technical support; and over-reliance on donor financial support (Lehmann-Larsen, 2009:5). However, some of the challenges were fundamentally out of the OAU/AU's ambit of control, such as the deep distrust some of the Burundian parties had for President Nyerere and his facilitation team.

With 2010 parliamentary elections pending, the threat of armed violence still exists. The former rebels, Forces Nationales pour la Libération (FNL) and the alliance party in power, the Conseil National pour la Défense de la Démocratie and the Forces pour la Défense de la Démocratie (CNDD-FDD) must vociferously renounce violence and promote the rules of democratic political participation if the country is to have successful 2010 elections (International Crisis Group, 2009). The most recent positive peacekeeping developments are typified by the involvement of regional states and the broader international community. The Partnership for Peace in Burundi, a new mechanism, chaired by South Africa and including the UN, AU, Uganda and Tanzania, is an appropriate mechanism to help the Burundian parties consolidate the peacemaking process (International Crisis Group, 2009).

13 Lehmann-Larsen (2009:5) highlights that "weaknesses in deployment, communication, command, control, reporting and financial management were a consequence of inadequate planning and the OAU/AU's inexperience in managing a major peace process."

Comoros



Comoros

As one of the poorest nations in Africa, Comoros is heavily dependant on foreign aid and remittances from the diaspora. The political history of the Comoros islands has been characterised by coups and secession bids. Since independence the Comorian state has been plagued by chronic political instability and a number of coup attempts (UCDP, 2009). In 1997, the islands of Anjouan and Moheli declared unilateral independence in a violent conflict. Comoros gained some stability under a 2001 constitution granting the islands of Grande Comore, Anjouan and Moheli greater autonomy within a federation. However, in 2007, a standoff once again developed between the central government and the island of Anjouan (BBC News, 2009).

Comoros

The first phase of OAU/AU involvement in Comoros was from 1995 to 2007; it was aimed at denouncing the illegal regime, the restoration of constitutional rule and the reinstatement of deposed President Said Mohamed Djohar. The OAU/AU succeeded in reinstating the president, but was forced to become more deeply involved following various island secessionist demands, starting in Anjouan (Lehmann-Larsen, 2009). In the second phase (2007-2009) the AU took a more forceful approach as a reaction to the worsening secessionist crisis in Anjouan and the failure of previous diplomatic efforts. The AU eventually resorted to military action following the failure of economic sanctions imposed against President Mohamad Bacar's regime in Anjouan. Succeeding the restoration of the central authority on the island of Anjouan, the AU in partnership with the international community (including France) has led the efforts to facilitate the process of national reconciliation in Comoros (Lehmann-Larsen, 2009:6).

The long and complex peace process in Comoros highlighted how the OAU/AU embarked on a peacemaking endeavour without fully considering its institutional capacity to deliver. Hence, the OAU/AU faced obvious capacity constraints. Furthermore, the multi-party nature of the context meant that the overall process lacked coherence. "Third parties such as France and the La Francophonie Organisation (OIF) applied different strategies from the OAU/AU, offering opportunities to the parties to forum shop when unhappy with the OAU/AU-led process" (Lehmann-Larsen, 2009:6). While some have criticised the OIF for attempting to sideline the OAU/AU's previous efforts, others consider the OIF's involvement successful in adding renewed impetus to a stagnating peace process. Lehmann-Larsen (2009:6) emphasises that in the case of Comoros the OAU/AU's involvement "was framed by the pursuit of the OAU Charter principles of respect for territorial integrity and the inviolability of African states' borders and aimed at avoiding the secession of any of the islands, ensuring the territorial integrity of the country and providing the platform to engage with the grievances of the Anjouan and Moheli separatists." The OAU's disposition naturally created tension with some of the Comorian parties, and thus by implication the OAU did not conduct the process as an impartial third-party but rather as an actor with a clear standpoint on the question of territorial integrity.

Guinea



Map No. 4164 Rev. 3 UNITED NATIONS June 2004

Department of Peacekeeping Operations Cartographic Section

Guinea

In a region where three fragile countries are only just recovering from civil wars, Guinea's military junta took control of the country via a military coup d'état – militarizing the public administration. In the 1990s and early 2000s there were several unsuccessful attempts at overthrowing the semi-military regime under General Lansana Conté (UCDP, 2009). In December 2008, the military junta, the National Council for Democracy and Development (Conseil national pour la démocratie et le développement; CNDD) annexed power following the death of General Conté, who himself seized power in a coup 24 years earlier. In response, the US, the AU and the EU imposed sanctions. At a peaceful demonstration in Conakry on 28 September 2009, violence resulted in the killing of 160 people, rape of women protesters and the military junta arrested political leaders. President of the military junta/CNDD, Dadis Camara's apparent determination to seek the national presidency led to a functional breakdown in dialogue over the democratic transition process. His successor, Brigadier-General Sékouba Konaté, established the current transitional government. Nearly 124 political parties were expected to participate in a June 2010 poll, which in turn, will depend on a newly-adopted constitution.

Guinea

During the October 2009 seminar, the case of Guinea highlighted the collaborative potential between the UN, the AU and a regional economic community, in this case, ECOWAS. The body has been involved in regional mediation and peacekeeping in West Africa since the 1990s. Although the crisis in Guinea is still evolving, potential for collaboration between the international community, the AU and ECOWAS in mediation should thus be a feature for designing any mediation strategy. The international community quickly condemned the Conakry killings and insisted on an immediate investigation. The atrocities perpetrated against the protesters occurred just ten days after the AU had stated its intention to impose sanctions on the junta if its leader, Dadis Camara, did not confirm that neither he nor any member of the CNDD will stand in the January 2010 presidential elections. On 2 October 2009, ECOWAS mandated President Blaise Compaoré of Burkina Faso to mediate the crisis.

A well coordinated and collaborative international effort remains critical if Guinea should advance through a fragile transition process. The ECOWAS/AU/UN together with an International Contact Group on Guinea (ICG-G) are faced with a complex peace process. In April 2010 the Group urged Sékouba Konaté to ensure that all conditions were met for the organisation of the presidential election scheduled for 27 June 2010. Ultimately, if joint international pressure fails to bring compliance with the AU call for violence-free elections, a tougher approach may be required. With a wide range of actors on board, the peace process in Guinea has taken on several dimensions which go beyond mediation and include support for establishing peaceful governance processes and strengthening democracy within the country's security institutions. The International Contact Group is co-chaired by ECOWAS, and through its efforts actors such as the UN, the European Union, the Mano-River Union, CEN-SAD, the OIC, OIF, World Bank, the UN Security Council, and other countries such as Germany, Spain, Japan, Morocco, Ghana, Côte d'Ivoire, Mali, Sénégal and Sierra Leone are part of the peacemaking process, with varying levels of engagement. A Joint Mission of a group of experts from ECOWAS, the AU and the UN - expanded to incorporate the EU, the OIF and the US - have been supporting security sector reform in Guinea. This collective undertaking to secure Guinea's peace requires coordination and resources.



Conclusion

Drawing from the proceedings of the seminar it is clear that there are a host of capacity constraints and other strategic challenges which inhibit effective peacemaking practices in Africa. Undertaking well-supported and well-managed mediation ventures is a difficult undertaking for all key mediation actors. It is only recently that the international community has taken the initiative to professionalise mediation practices. There is a need for the AU to pursue more advanced mediation strategies and tactics in order to prevent, manage and resolve conflicts on the continent. Furthermore, it is important to create a greater diversity of peacekeeping perspectives within the organisation. In sum, it is imperative for the AU to adopt a specialised and systematic approach to mediation. In addition, there is a need for further research and in-depth discussion to inform the development of a comprehensive mediation strategy for the AU. Finally, the first Triennial Review of the UN-AU 10-Year Capacity-Building programme is a good opportunity to take into consideration the outcomes of the Addis Ababa seminar.

Bibliography

Adebajo, A. (ed). 2009, *From global apartheid to global village: Africa and the United Nations*. University of KwaZulu-Natal Press, South Africa.

Adebajo, A. 2008, The peace keeping travails of the AU and the regional economic communities. In: Akokpari, J., Ndinga-Muvumba, A. & Murthi, T. eds. *The African Union and its institutions*. Auckland and Cape Town, Jacana Media and the Centre for Conflict Resolution (CCR).

Afolabi, B.T. 2009, Peacemaking in the ECOWAS region: challenges and prospects. *Conflict Trends*, 2, ACCORD, Durban.

African Development Bank. 2008, African development report 2008/2009: conflict resolution, peace and reconstruction in Africa. Oxford University Press Inc., New York.

African Union, 2000, Constitutive act of the African union 2000/2001. Addis Ababa, Available at < www.africa-union.org/root/au/aboutau/constitutive_act_en.htm > accessed on 25 October 2009.

African Union, 2002, Protocol relating to the establishment of the peace and security council of the African Union 2002/2003. Addis Ababa. Available at <www.africa-union.org/root/au/Documents/Treaties/text/Protocol-peace%20and%20security.pdf > accessed on 25 October 2009.

Akokpari, J., 2008, Building a unified Africa. In: Akokpari, J., Ndinga-Muvumba, A. & Murthi, T. eds. *The African Union and its institutions*. Auckland and Cape Town, Jacana Media and the Centre for Conflict Resolution (CCR).

BBC News, 2009, Country profile: Burundi. Available at <http://news.bbc.co.uk/2/hi/africa/country_profiles/1068873.stm> accessed on 29 October 2009.

Davis, M., 2009, Why should mediators consider the economic dimensions of conflicts? Centre for Humanitarian Dialogue, Geneva.

Gomes, S., 2008, The peacemaking role of the OAU and the AU: a comparative analysis. In: Akokpari, J., Ndinga-Muvumba, A. & Murthi, T. eds. *The African Union and its institutions*. Auckland and Cape Town, Jacana Media, and the Centre for Conflict Resolution (CCR).

Gibert, M., 2006, 'The European Union in the IGAD-subregion: insights from Sudan and Somalia.' *Review of African Political Economy*, 107:142-149.

Goodfriend, L. & Pillay, A., 2009, Evaluating women's participation in transitional justice and governance: a community dialogue process in Liberia. *Conflict Trends*, 2, ACCORD, Durban.

Hasina, H.E., 2000, Put women at the peace table. Global Policy Forum. Available at <<http://www.globalpolicy.org/component/content/article/190/34274.html>>, accessed on 29 October 2000.

Herrberg, A., Gunduz & Davis, L., 2009, 'Engaging the EU mediation and dialogue, reflections and recommendations.' Initiative for Peacebuilding (IfP).

International Crisis Group, 2009, Guinea: military rule must end. Policy Briefing, *Africa Briefing*, 66. Dakar, Brussels.

Juma, M., (ed). 2006, *Compendium of key documents relating to peace and security in Africa*. Pretoria University Law Press, Pretoria.

Kirchhoff, L. 2008, *Constructive interventions: paradigms, process and practice of international mediation*. The Hague, Netherlands: Kluwer Law International.

Lehmann-Larsen, S., 2009, *Building the African Union's mediation capacity: lessons learned from the AU's peacemaking efforts in Burundi and Comoros*. Centre for Humanitarian Dialogue, Geneva, Switzerland.

Mack, A. & Cooper, T., 2008, A new peace in Africa? *Conflict Trends*, 4, ACCORD, Durban.

Mottiar, S. & Van Jaarsveld, S., 2009, *Mediating peace in Africa, securing conflict prevention*. ACCORD. Durban.

Murithi, T. & Hudson, J., 2006, *United Nations mediation experience in Africa*. Policy Advisory Group Seminar, Centre for Conflict Resolution, Cape Town.

Murithi, T., 2007, Between paternalism and hybrid partnership: the emerging UN and Africa relationship in peace operations. *Dialogue on Globalisation*, Briefing Paper, New York.

Murthi, T. & Ndinga-Muvumba, A., 2008, Building an African Union for the

21st century. In: Akokpari, J., Ndinga-Muvumba, A. & Murthi, T. eds. *The African Union and its institutions*. Auckland and Cape Town, Jacana Media, and the Centre for Conflict Resolution (CCR).

Mwai, E., 2008, Kenya: women decry exclusion from mediation talks. The Standard, Kenya. Available at <<http://www.afrika.no/Detailed/15899.html>> accessed on 29 October 2009.

Mwanasali, M., 2008, From non-interference to non-indifference: the emerging doctrine of conflict prevention in Africa. In: Akokpari, J., Ndinga-Muvumba, A. & Murthi, T. eds. *The African Union and its institutions*. Auckland and Cape Town, Jacana Media, and the Centre for Conflict Resolution (CCR).

Nathan, L., 1999, When push comes to shove: the failure of international mediation in African civil wars. *Track Two*, Vol 8 No 2, Centre for Conflict Resolution, Cape Town.

Nathan, L., 2005, Mediation and the African Union's Panel of the Wise. In: 'Discussion Paper No 10: A Submission to the Commission for Africa', 2005, Crisis States Research Centre, London School of Economics, London.

Nathan, L., 2007, Mediation in African conflicts; the gap between mandate and capacity. Africa Mediators Retreat.

Nathan, L., 2009, Plan of action to build the African Union's mediation capacity. Presented at the seminar 'Towards enhancing the capacity of the African Union (AU) in mediation', AU Commission, Addis Ababa, Ethiopia. 15-16 October.

PeaceWomen, 2009, A new era for global women's rights? The United Nations and the U.S. Senate are starting to move toward doing something about gender-based violence abroad, but will they follow through? Available at <<http://www.peacewomen.org/news/International/Oct09/GlobalWomenNewEra.html>> accessed on 28 October 2009.

Svensson, I., 2007, Bargaining, bias and peace brokers: How rebels commit to peace. *Journal of Peace Research*, 44 (2), 177-194.

United Nations Development Programme (UNDP), Human Development Index. Available at < <http://hdr.undp.org/en/statistics/indices/hdi/>> accessed on 28 October 2009.

UN Security Council, 2009, Report of the Secretary-General on enhancing mediation and its support activities. UN document S/2009/189, 8 April. Available at <<http://peacemaker.unlb.org/index1.php>> accessed on 26 October 2009.

United Nations Educational, Scientific and Cultural Organisation (UNESCO), 2003, Women and peace in Africa, case studies on traditional conflict resolution practices. UNESCO, Paris. Available at <<http://unesdoc.unesco.org/images/0013/001332/133274e.pdf>> accessed on 1 November 2009.

Uppsala Conflict Data Programme (UCDP), 2009, Comoros country profile. Available at <http://www.pcr.uu.se/gpdatabase/gpcountry.php?id=36®ionSelect=2-Southern_Africa> accessed on 20 January 2010.

Uppsala Conflict Data Programme (UCDP), 2009, Guinea country profile. Available at <http://www.pcr.uu.se/gpdatabase/gpcountry.php?id=67®ionSelect=2-Southern_Africa> accessed on 20 January 2010.

Uppsala Conflict Data Programme (UCDP), 2009, Burundi country profile. Available at <http://www.pcr.uu.se/gpdatabase/gpcountry.php?id=26®ionSelect=2-Southern_Africa> accessed on 20 January 2010.

Women's Organisations, 2008, Women's memorandum to the mediation team. Serena Hotel, Nairobi. Available at <<http://womenandglobalsecurity.org/docs/Women%27s%20Mediation%20Statement-Jan%20%2026%2020083.pdf>> accessed on 29 October 2009.

ANNEX I: List of Abbreviations

ACCORD	African Centre for the Constructive Resolution of Disputes
ASF	African Standby Force
APSA	African Peace and Security Architecture
AU	African Union
AMU	Arab Magreb Union
CEN-SAD	Community of Sahel-Saharan States
COMESA	Common Market for Eastern and Southern Africa
CSO(s)	Civil Society Organisation(s)
CMCA	Commission on Mediation, Conciliation and Arbitration
CMD	Conflict Management Division, AU
CNDD	<i>Conseil National pour la Défense de la Démocratie</i>
CPMR	Conflict Prevention Management and Resolution
DDRR	Disarmament, Demobilisation, Rehabilitation and Reconstruction
ECCAS	Economic Community for Central African States
ECOWAS	Economic Community of West African States
ECOSOCC	Economic Social and Cultural Council
EU	European Union
FAB	Armed Forces of Burundi
FDD	<i>Forces pour la Défense de la Démocratie</i>
FNL	<i>Forces Nationales pour la Libération</i>
IGAD	Intergovernmental Authority on Development
MoU	Memorandum of Understanding
OAU	Organization of African Unity

REC(s)	Regional Economic Community/ies
SADC	South African Development Community
TFG	Transitional Federal Government
UCDP	Uppsala Conflict Data Programme
UN	United Nations
UN DPA	UN Department of Political Affairs
UNOB	United Nations Operation in Burundi
WG	Working Group

ANNEX II: Agenda

Towards a More Strategic Approach in Enhancing the AU Mediation Capacity

15-16 October 2009, Addis Ababa, Ethiopia

Thursday, 15 October

- 9:00-9:30 **SESSION I: Opening and Welcome**
- Amb Ramtane Lamamra**, Commissioner for Peace and Security, AU “Reflections on AU’s Challenges in Mediation, as well as motivation for developing an AU mediation approach”
- 9:30-10:45 **SESSION II: Towards a More Strategic Approach in Enhancing the AU Mediation Capacity (Proposals)**
- Chair: **Amb Said Djinnit**, Special Representative of the UN Secretary- General for West Africa, and Former Commissioner for Peace and Security of the AU
- Presentation of AU Concept Paper
- Discussions/Questions and Answers
- 10:45-11:00 Coffee Break
- 11:00- 13:00 **SESSION III: Sharing Experiences from Mediation processes in Darfur, Somalia, Guinea Bissau, Central African Republic**
- Chair: **Mr Wane El Ghassim**, Ag. Director, Peace and Security Department, AU
- Speakers:
- **Amb Oluyemi Adeniji** and **Amb Mahmoud Kane** for Sudan
 - **Amb Nicolas Bwakira** for Somalia
 - **Amb Joao Bernardo de Miranda** for Guinea Bissau
 - **Mr Sadok Fayala** for Central African Republic
- Open Discussions
- 13:00- 14:30 Group Lunch

- 14:30-16:30 **SESSION IV: Sharing Experiences from Burundi, Comoros, Guinea and Madagascar**
- Chair: Sir Kieran Prendergast, Senior Advisor and Mediator, Centre for Humanitarian Dialogue
- Speakers:
- **Amb Mamadou Bah for Burundi**
 - **Amb Francesco Madeira for Comoros**
 - **Amb Ibrahima Fall for Guinea**
 - **Amb Ablasse Ouedraogo for Madagascar**
- Discussions
- 16:30-16:45 Coffee Break
- 16:45-17:45 **SESSION V: Overview of RECs’ experiences in Mediation: mediation mechanisms, institutional arrangements, funding, and challenges**
- Guinea
- Chair: **Amb Joao Bernardo de Miranda**, AU Special Envoy for Bissau
- Speakers: “Experience-sharing: ECOWAS, ECCAS, SADC, IGAD”
- 17:45-18:45 **SESSION VI: Overview of RECs experiences in Mediation: mediation mechanisms, institutional arrangements, funding and challenges**
- Chair: **Amb Ibrahima Fall**, AU Special Envoy for Guinea
- Speakers: “Experience-sharing: EAC, COMESA, CENSAD”
- 19:30 **Reception hosted by the European Delegation to the African Union**
- EU Residence

Friday, 16 October

9:00-10:00

SESSION VII: Overview of EU & UN experiences in Mediation: mediation mechanisms, institutional arrangements, funding and challenges

Chair: **Maj. Gen. Henry Anyidoho**

Speaker: **Honorable Pekka Haavisto**, former EUSR

Speaker: **Mr Sam Ibok**, Deputy Director, UNDPA

10:00-13:00

SESSION VIII: WORKING GROUPS

“BUILDING ONE CONTINENTAL APPROACH IN MEDIATION”: INSTITUTIONAL ARRANGEMENTS TO SUPPORT MEDIATION OF AU/RECS & RELATIONSHIPS WITH PARTNERS” (*Committee Rm 3*)

Chair: **Mr Vasu Gounden** (ACCORD)

Rapporteurs: **Dr Kassim Khamis** (AU) and **Ms Sharon O’Brien** (UN)

This Group will discuss issues of collaboration and coordination between the AU and the RECs in mediation, and specifically discuss how to increase complementarity between them? How can they move closer to building a more integrated approach in mediation? This discussion should include an assessment of the comparative advantages of the RECs and institutionalising the collaboration with them. The group will also discuss collaboration with the UN and other potential partners in mediation. It will also look at the nexus between mediation and implementation of the outcome of mediation processes. Finally, the group will propose systems and structures, policies, funding arrangements, personnel, roster and training needs to support mediation. This will also include identifying who does what, how and when?

ISSUES IN MEDIATION AND FOR MEDIATORS:
(Committee Rm 1)

Chair: **Amb Ambroise Niyonsaba**

Rapporteurs: **Mr Rodney Kiwa** (AU) and **Mr Guy Banim** (CMI)

Interrogations should include: should (or when should) the AU request a member state to be the lead mediator? What should be the relationship between the member state, the Commission and the PSC? What criteria and guidelines should determine whether

mediation is initiated by the Chairperson, the PSC or the Panel of the Wise? What are the implications for AU mediation where the PSC or the Assembly has condemned one of the parties (e.g. as in the case of a coup)? What are the different ways of involving civil society in peace processes? How should the AU deal with member states and external influences? Should the AU establish regional forums of states to support peace processes and how should these forums be managed? What are the best means of getting the parties to engage in serious negotiations? How should the Commission deal with international pressure from ICC or national criminal trials that might retard peace efforts? What should the mediator do when a party is deeply divided and when a party splits into smaller entities? What are the best ways of ensuring that the parties adhere to agreements they have signed and what role should third-party guarantors play? What is the relationship between mediation, observer missions and peace operations?

13:00 -14:00 Group Lunch

14:00- 15:00 **SESSION IX: Reports from Working Groups (PLENARY)**

Chair: **Amb Francesco Madeira**, AU Special Envoy for Comoros

Working Group 1: rapporteurs: **Dr Kassim Khamis** and **Ms Sharon O'brien**

Working Group 2: rapporteurs: **Mr Rodney Kiwa** and **Mr Guy**

Banim

Comments

15:00-15:15 Coffee Break

15:15- 16:30 **SESSION X: Wrap-Up**

Chair: **Prof Abdoulaye Bathily**, Envoyé Spécial Sur la question des Mbororos

Preliminary summary of final sets of recommendations which will be included in the concept paper, and which should form the basis of the AU's strategic approach in mediation (by the author of the Concept Paper)

16:30-17:30 **SESSION XI: Closing Session and Way Forward**

Closing Remarks: **Amb Ramtane Lamamra**, Commissioner for Peace and Security, AU

ANNEX III: List of Participants

AU Commission

- Amb Ramtane Lamamra**, Commissioner, Peace and Security
- Mr Wane El Ghassim**, Acting Director, Peace and Security
- Mr Braham Khelaf**, Special Assistant to Commissioner for Peace and Security
- Ms Yvette Ngandu**, Coordinator, UN-AU Capacity Building Programme
- Amb Rodney Kiwa**, Political Analyst
- Dr Kassim Khamis**, Political Analyst
- Ms Elisabeth Choge**, Expert on Regional Mechanisms
- Mr Charles Mwaura**, Continental Early-Warning Mechanism
- Mr Pascal Yao Konan**, Focal Point, CAR, Chad
- Mr Mathieu Kinouani**, Political Analyst
- Mr Nadir Fath Elalim**, Focal Point
- Mr Olabisi Dare**, Political Analyst
- Dr Dawit Toga**, Political Analyst
- Mr Salvator Nkeshimana**, Focal Point
- Ms Nissa Roguiai**, Expert, Secretariat of the Peace and Security Council
- Mr Chrysantus Ayangafac**, Governance and Democracy Project Officer
- Mr Mourad Ben Dhiab**, Senior Legal Officer of the Legal Counsel
- Mr Fafre Camara**, **Legal Officer**, Office of the Legal Counsel

AU Special Envoys

- Amb Ibrahima Fall**, AU Special Envoy for Guinea
- Amb Sadok Fayala**, AU Special Envoy for Central African Republic
- Amb Ablasse Ouedraogo**, AU Special Envoy for Madagascar
- Amb Francesco Madeira**, AU Special Envoy for Comoros
- Amb Oluyemi Adeniji**, Special Envoy for the Sudan CPA Implementation
- Professeur Abdoulaye Bathily**, Envoye Special Sur la question des Mbororos, Dakar, Senegal

AU Liaison Offices

Amb Mamadou Bah, Liaison Office in Burundi

Amb Martin Bongo, Liaison Office in the Democratic Republic of Congo (DRC)

Amb Pierre Yere, Head, Office in Goma, DRC

Amb Mourad Taiati, Liaison Office in the Comoros

Amb Ambroise Niyonsaba, Special Representative in Cote D'Ivoire

Amb Akin Fayomi, Liaison Office in Liberia

Amb Mahmoud Kane, Liaison Office in Sudan

Amb Samaki, Head, Liaison Office in Juba

Amb Corentin Ki-Doulaye, Liaison Office in Chad

Amb Yilma Tadesse, Senior Representative, Liaison Office in Western Sahara

Amb Nicolas Bwakira, Liaison Office in Somalia

Amb Boubacar Diarra, Liaison Office in Algeria (CAERT)

Regional Economic Communities (RECs)

Amb Anund P Neewoor, Committee of Elders, COMESA, Secretary of Foreign Affairs, Mauritius

Amb Ateem Garang Deng Dekuek, Committee of Elders, COMESA

Ms Elisabeth Mutunga, COMESA Secretariat

Mr Babatunde Tolu Afolabi, Research Officer, Conflict Prevention Unit, ECOWAS, Abuja, Nigeria

Mr Benoit Bihamiriza, EAC, Arusha, Tanzania

Mr Yufnalis Okubo, Legal Advisor & Ag Director for Peace and Security IGAD, Djibouti

Mr Kizito Sabala, Political Officer, IGAD Liaison Office in Nairobi, Kenya

Mr Salem Shwiehdi, Political Advisor to Secretary-General, CEN-SAD Tripoli, Libya

Mr Issa Goffa adberhamane, Head of Division, CEN-SAD Tripoli, Libya

Mr Sebastien Ntahuga, MARAC, CEEAC (ECCAS) Libreville, Gabon

Partners

Amb Said Djinnit, Special Representative for West Africa, UNOWA Dakar, Senegal

General Henry Anyidoho, A g Joint Special Representative for UNAMID EI Fasher (Darfur), Sudan

Mr Sam Ibok, Deputy Director, Africa II, UNDPA New York

Mr Ahmed Rufai Abubakar, UNAMID Darfur

Mr Baboucarr Jagne, Head, UN Liaison Office with the AU

Mr Sherwin Das, Political Officer, Mediation Support Unit UNDPA

Mr Jean-Luc Ndizeye, Political Affairs Officer UN Liaison Office with the AU

Mr Valerio Bosco, Associate Expert UN Liaison Office with the AU

Mr Peter Sampson, Mediation Advisor, UNOWA Dakar, Senegal

Ms Sharon O'Brien, Analyst, Policy Planning and Mediation Support Unit (PPMSU) UN, New York

Mr Pekka Haavisto, Member of Parliament of Finland

Amb Leo Olasvirta, Ambassador of Finland to Ethiopia and Djibouti Addis Ababa, Ethiopia

Amb Koen Vervaeke, EU Special Representative to AU, Head of EU Delegation to the AU Addis Ababa, Ethiopia

Ms Sofia Sousa, EU Delegation to the AU Addis Ababa, Ethiopia

Mr Johannes Schachinger, Expert, EU Mediation strategy project, European Council Secretariat Brussels, Belgium EU

H.E. Mr Samir Hussini, Special Envoy of Secretary General to Africa

H.E. Mr A. S.E. Noah, Ambassador & Perm. Rep of LAS

Mr Zeid Al-Sabban, League of Arab States

Non-Governmental Organisations (NGOs)

Mr Vasu Gounden, Executive Director, ACCORD, Durban, South Africa

Mr Kruschen Govender, Freelance Researcher with the Knowledge Production Department, ACCORD, Durban, South Africa

Ms Pravina Makan-Lakha, General Manager Operations and Business Development, ACCORD, Durban South Africa

Amb Hiruy Amanuel, Director of the Africa Programme, Centre for Humanitarian Dialogue, Switzerland

Dr Katia Papagianni, Head, Mediation Support Programme, Centre for Humanitarian Dialogue, Geneva, Switzerland

Ms Stine Lehmann-Larsen, Programme Manager, Centre for Humanitarian Dialogue, Geneva, Switzerland

Mr David Gorman, Mediation Expert, Centre for Humanitarian Dialogue, Regional Office in Manila

Amb Ragnar Angeby, Programme Director, Conflict Prevention in Practice Programme, Folke Bernadotte Academy, Sweden

Ms Sofie Karlsson, Programme Officer, Conflict Prevention in Practice Programme, Folke Bernadotte Academy, Sweden

Prof Gaudens Mpangala, University of Dar es Salaam, Tanzania

Florence Mpayeei, Executive Director, NPI Nairobi, Kenya

Amb Adonia Ayebare, Director, International Peace Institute, New York

Dr Laurie Nathan, Consultant and Research Fellow, University of Cape Town, South Africa

Ms Antje Herrber, Director and Senior Mediation Advisor, Crisis Management Initiative Brussels, Belgium

Mr Guy Banim, Project Coordinator, Crisis Management Initiative, Addis Ababa, Ethiopia

Mr Rauli Virtanen, Media Advisor, Crisis Management Initiative Geneva, Switzerland

ANNEX IV: Opening Remarks

Presented by **Amb Ramtane Lamara**, Commissioner, Peace and Security, at the occasion of ‘Towards a More Strategic Approach in Enhancing the AU Mediation Capacity’

15-16 October 2009, Addis Ababa, Ethiopia

Reflections on the AU’s Challenges in Mediation, as well as Motivation for Developing an AU Mediation Approach

Excellencies,

Distinguished Mediators,

Dear Participants,

Let me, at the outset, welcome you all to the African Union (AU) Commission. For those of you who have come from outside Ethiopia, I hope you have had a nice trip and that you will enjoy your stay in Addis Ababa.

It gives me great pleasure to see that you have accepted our invitation to participate in this important seminar whose objectives are three- fold: i) to deliberate on how to improve the AU performance in one of its key areas of activities, mediation and; ii) to brainstorm on how to consolidate the approaches of the AU and regional economic communities (RECs) in mediation, and; iii) discuss relations and collaboration with partners, including the United Nations.

In that connection, I would also like to take this opportunity to register, on my own behalf and on behalf of the Commission, our sincere appreciation to our partners who have been immensely assisting the African Union improve its mediation capacity. In particular, I would like to thank the United Nations (UN) for its support provided under the “UN-AU Ten Year Capacity-Building Programme Framework” signed in December 2006, from which a joint work-programme on mediation has been developed, namely the “2008-2010 Work Programme to Enhance the AU’s Mediation Capacity.” Today’s seminar falls within this long-term project. Other organisations whom my mind cannot skip are the Government of Finland, the African Centre for the Constructive Resolution of Conflicts (ACCORD), the Crisis Management Initiative (CMI), the Folke Bernadotte Academy and the Centre for Humanitarian Dialogue (HD Centre). They have made invaluable contributions, both in terms of funding and organisation of this seminar but also supporting the overall AU’s efforts to enhance its capacity in mediation.

Indeed, a number of activities have been ongoing towards attaining the three goals enumerated earlier. For example, in the course of implementing the joint UN-AU 2008-

2010 Work Programme on Mediation, a series of Lessons Learned workshops have taken place with the view of developing a set of common strategic and operational guidelines between the AU and the UN. The first of such meetings took place from 17 to 18 April 2009 in Nairobi and focused on Kenya and Darfur mediation processes; and the other on lessons learned from the Somalia and Guinea Bissau mediation processes held from 19 to 20 August also in Nairobi.

Secondly, other Lessons Learned projects, facilitated by the Centre for Humanitarian Dialogue on Burundi and Comoros mediation experiences, have also contributed to prepare for today's event.

Lastly, a study undertaken by Dr. Laurie Nathan, author of the report entitled "Plan of Action to Build the AU's Mediation Capacity", which will be used as a basis for the seminar's deliberations, captures the most important challenges faced by the AU in mediation, and provides insightful and practical recommendations to strengthen its mediation capacity. His report raises a number of important issues which we submit for consideration to this eminent group.

Turning to the subject matter, the importance of mediation to end the scourge of conflicts for socio-economic development and prosperity of our continent cannot be overemphasised. The African Union's predecessor, the Organization of African Unity (OAU), right from its establishment in 1963, laid down a foundation for mediation mechanisms to prevent, resolve and manage conflicts in Africa. Article II of the OAU Charter confirmed member states' agreement on coordination and harmonisation of policies for cooperation in, *inter alia*, political and diplomatic, defence and security areas. Article III (4) of the same stressed on "peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration" while its Article VII established, as one of the OAU's organs, the Commission of Mediation, Conciliation and Arbitration. Subsequently, the OAU was involved in mediation on a number of occasions in various peace initiatives. However, it confronted many challenges; including the failure to establish that crucial Commission for Mediation, leaving the Organization not well organised in handling a mediation programme, hence achieving little advances. In an attempt to improve the situation, the initial efforts finally culminated in the creation, in 1993, of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution, with a fresh hope to pursue the agenda effectively. The leaders confirmed in the "Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution" that "We saw in the establishment of such a mechanism the opportunity to bring the processes of dealing with conflicts in our continent a new institutional dynamism, enabling speedy action to prevent or manage and ultimately resolve conflicts when and where they occur." This was to include, amongst new features in the OAU structure, Conflict Management Centre and some limited civilian and military observations missions. Still, there was no much progress and our Organization continued to experience a lot of challenges which retarded its mediation efforts. It just turned out that instead of reducing conflicts their number increased with new dimension of more intra-state conflicts than inter-state ones.

There were many constraints that hindered OAU's performance. Among them, major ones included the "stiff" nature of its Charter, which was drafted in the context of a turbulent and sensitive political environment characterised by a strong sense of nationalism, independence euphoria, and a low level of administrative and managerial experience as well as continued external influence. For instance, although the Charter had articles on advancing mediation activities to resolve conflicts peacefully, it also proclaimed under its Article III "Non-interference in the internal affairs of States." This means the OAU had a limited mediation role on inter-state conflicts, and no role at all on the intra-state conflicts, since the Organization had to wait for an invitation—which rarely came—before it could render assistance. In this situation, it is hardly astonishing that the Commission of Mediation could not be put in place. Moreover, there was no political cooperation between the Organization and Regional Economic Groupings because the latter were not allowed to pursue political agenda even in the conflict management and resolution amongst their own members. These were in addition to other challenges of technical nature, such as inadequate institutional structures as well as resources both financial and human. Consequently, even under the Central Organ and its Mechanism for Conflict Prevention, Management and Resolution our continental Organization did not make remarkable progress because the Mechanism continued to be held back by the same obstacles—operating under the same Charter that had not been amended, therefore with more or less same weak policies and resource strength. It is worth noting here that the Declaration that established the Mechanism went on to insist that "The Mechanism will be guided by the objectives and principles of the OAU Charter; in particular, the sovereign equality of Member States, non-interference in the internal affairs of States, the respect of the sovereignty and territorial integrity of Member States, their inalienable right to independent existence, the peaceful settlement of disputes as well as the inviolability of borders inherited from colonialism. It will also function on the basis of the consent and the co-operation of the parties to a conflict." In such circumstances, the Declaration did not command a consensus and during its adoption two member states entered their reservations. The continued unimpressive operation of the OAU in general disappointed our leaders who decided to seek improvements by establishing the African Union under new arrangements altogether.

The AU faced the challenges by trying to introduce a better-organised structures and systems of operation. First, the Sirte Declaration, which established the Union as well as the Constitutive Act, recognised the role of Regional Economic Communities in undertaking political agenda, including mediation and conflict management and resolution, and confirmed their consolidation within the African Union. It is this move that led us to contemplate a Continental Peace Architecture on which we are now seriously working. Second, the Act has emphasised the promotion of peace, security and stability, on one hand, and democratic principles and institutions, popular participation and good governance in a wider sense, on the other, as among its main objectives. It has gone a long way to authorising the AU to intervene in any member state in cases of grave circumstances; giving member states' governments the right to request assistance from the AU in order to restore peace and security in their countries; and underpinning resolution of conflicts peacefully as

appropriately as would be determined by the Assembly of Heads of State and Government. This is in addition to condemning and rejecting unconstitutional changes of government; all of which have now expanded the mediation mandate of the African Union. Additionally, and in order to ensure the realisation of the objectives, in the AU Commission, unlike before, there was created the Directorate of Peace and Security for proper handling of the associated activities, while the AU policy organs established the Peace and Security Council (PSC) in place of the Central Organ and its Mechanism. The Protocol establishing this Council has strengthened relations with RECs to facilitate the construction of the Continental Peace Architecture and has put in place supporting pillars among which are the Early Warning System, the African Standby Force and the Panel of the Wise.

The Panel, which was established in 2007 under Article 11 of the PSC Protocol, is mandated to provide support to the workings of the Peace and Security Council and the Chairperson of the AU Commission particularly in the area of conflict prevention in which mediation is a core component. As the challenges are huge due to varying nature of the conflicts—from the difficult inter-state ones, such as that between Ethiopia and Eritrea, to intra-state conflicts prompted by ethnic and religious considerations or mere fight for political power and socio-economic resources—all have increased the urge for advanced mediation techniques within our system. The Panel also sought to assist the Union as whole by attempting to improve our institutional mediation capacity by advising the PSC and the Chairperson of the AUC on thematic issues relevant to conflict prevention; undertaking fact-finding missions to member states and; undertaking electoral assessment and observation missions.

The AU's enhanced role in mediating intra-state situations (such as unconstitutional changes of government) has enabled putting together and leading International Contact Groups which form support to AU policies and harmonise the international communities' activities in terms of incentives and pressure. Mediation is an efficient tool for preventive tool for preventive diplomacy (expertise, commitment, dedication and prestige).

Your Excellencies,

Dear Participants,

As I have expressed previously, I hope this seminar will brainstorm all those issues and help us develop pertinent recommendations for a viable policy framework and a more strategic approach in enhancing the AU mediation capacity, and commence a new dawn for Africa.

Finally, I would like to renew our appreciation to all of you for accepting our invitation to join and help us in this important gathering; and I wish the deliberations of this seminar all successes.

Thank you.

Towards Enhancing the Capacity of the African Union in Mediation

A report based on a seminar organised by the African Union Commission on 15 and 16 October 2009. The seminar and report are part of the ongoing collaboration among a range of actors to strengthen the mediation capacity of the AU. Partners in the initiative include the African Centre for the Constructive Resolution of Disputes (ACCORD), the Crisis Management Initiative (CMI), the Centre for Humanitarian Dialogue (HD), the Folke Bernadotte Academy (FBA) and the Mediation Support Unit of the UN's Department of Political Affairs (UN MSU).

The participation of ACCORD and CMI, in this initiative, is supported by the Ministry for Foreign Affairs of Finland. The Ministry also supported the organisation of the seminar and the publishing of this report. Additional support from the Swedish International Development Co-operation Agency (Sida) to ACCORD's Knowledge Production Department assisted in the finalisation and distribution of this report.



FOLKE BERNADOTTE ACADEMY



2010
MAKE PEACE HAPPEN



MINISTRY FOR FOREIGN
AFFAIRS OF FINLAND



SWEDISH INTERNATIONAL DEVELOPMENT
COOPERATION AGENCY