





Centre for Humanitarian Dialogue



African Mediators' Retreat 2009

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The Centre for Humanitarian Dialogue (HD Centre) is an independent Swiss Foundation dedicated to helping improve the global response to armed confilct. It attemps to achieve this by mediating between warring parties and providing support to the broader mediation community.

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Executive summary

The African Mediators' Retreat 2009 was co-hosted by the Centre for Humanitarian Dialogue (HD Centre) and the Mwalimu Nyerere Foundation on 24–27 March in Zanzibar. As part of the Oslo forum series – the endeavour of the HD Centre and the Norwegian government to work towards the strengthening of mediation practice – the African Mediators' Retreat 2009 was the second event taking place in Africa. As before, this African Mediators' Retreat convened more than 60 participants, including representatives from the United Nations, African regional organisations, and governments, as well as independent analysts. It offered participants an opportunity to share their experiences, identify challenges and reflect on their own and others' practice in a discreet setting and informal atmosphere.

Following a welcome address by President Abeid Karume of Zanzibar, former Presidents Thabo Mbeki and Olesegun Obasanjo shared their rich experience in conflict mediation across the continent before they engaged in a discussion with participants moderated by Dr Salim Ahmed Salim and Sir Kieran Prendergast. Highlights on the agenda included a panel on African conflict management structures, chaired by Dr Salim Ahmed Salim, featuring former Presidents Mbeki and Obasanjo and Ambassador Said Djinnit, discussing whether Africa is equipped to manage ongoing and future conflict on the continent. Yvonne Ndege from Al Jazeera English interviewed Mr Sydney Mufamadi on his experience on mediation in Zimbabwe in a special format known as the Mediators' Studio.

Participants shared their experiences in a number of focus discussions on the peace processes in Somalia, Sudan, the Democratic Republic of Congo, Madagascar and the Central African Republic, as well as in a session exploring the extent to which mediators should include economic issues in the talks, especially concerning natural resources. Other discussion topics included: the challenges for mediators in dealing with rebel groups, with a special focus on Chad/Darfur and Uganda; the impact of international justice on peace processes with a particular focus on the indictment of the Sudanese president; how to deal effectively with external actors in peace processes; the role of mediation in the post-agreement phase; and an assessment of the role of mediation in preventing and managing conflict in the wake of transferring power through elections.

Guest speakers and presenters included: Ambassador Haile Menkerios, UN Assistant Secretary-General for Political Affairs, Head of the UN Department of Political Affairs Africa; the Honourable Santa Okot, member of the Lord's Resistance Army delegation and former Member of Parliament in Uganda; Ambassador Dumisani Kumalo, Special Representative to the Great Lakes, Government of South Africa; Ambassador Ahmedou Ould Abdallah, Special Representative of the UN Secretary-General for Somalia; and the Africa Director of the International Center for Transitional Justice, Mr Suliman Baldo. The closing panel examined the risks and opportunities for conflict mediation in Africa.

Focus discussion on Somalia

This session explored the current situation in Somalia, focusing first on the Djibouti process and the role played by the facilitator or mediator. In the case of Somalia, the UN SRSG played a vital role in advancing the process by first gaining the respect of the Transitional Federal Government (TFG) and of the opposition, the Alliance for the Reliberation of Somalia (ARS). Many of the public statements made by the SRSG before the start of the Djibouti process showed a level of identification with the Somali people.

The facilitator also played a significant role in coordinating the efforts of the international community by exerting positive pressure towards resolving the conflict in Somalia. Other important factors discussed were his good relations with the West and Ethiopia, his ability to focus on the issues without bringing in his own agenda, and his ability to bring together myriad interests from many different stakeholders.

Further key factors which enabled the negotiations to move forward were the host country Djibouti – considered 'home' by many Somalis – and the Djiboutian leaders, who took an active role in bringing the parties together. Strong political commitment by key actors was also crucial: notably the willingness of then Prime Minister Nur Adde to give up his position for the sake of peace, and President Abdulahi Yusuf's resignation in the latter stages of the process. This contributed greatly to cementing progress and creating an environment conducive to further talks.

The role of the media was a recurrent theme, and acknowledged as important in both resolving and prolonging conflict. In contrast to the situation some years ago, the mass media are now means of communication from parties and mediators to the outside world. It was observed, for example, that the media have been used by parties deliberately leaking information to show that they are not giving up, and that Somali web pages seem to be more influential at times than the words of ambassadors.

The discussion then considered next steps. How can the peace agreements be transformed into positive and concrete agreements and long-lasting solutions? How can the new government be strengthened, and how can an environment be created to allow the government itself to be functional?

A common concern in the discussion was the inexperience and lack of capacity of the newly formed Government of National Unity (GNU). It was argued that the TFG stepped down too early in the process, when many issues were still unresolved. The new government is facing numerous priority issues, and the case was made that the tendency of the international community is to overload new institutions and tell the government what to do, rather than how to do it. It was suggested that the government should now build state institutions to focus on core functions of government – finance and justice.

Concerns were also voiced about the security situation, and it was argued that the major current challenge is to create an environment secure enough to allow the new government to function. A pragmatic, long-term approach was advocated, to address security and development at the same time, as the two issues are closely linked and one cannot exist without the other.

Participants expressed concern that the international community could again lose focus and coherence with respect to Somalia, and that this focus is vital to continue the process collectively. The fragmentation of interests of the different stakeholders was said to be among the major challenges in the coming year, with a key question being how to focus these interests again while smaller and regional conflicts start to resurface. It was further mentioned that the international community needs to show long-lasting commitment, and that effort will be needed to recreate confidence between Somalis and the international community.

Although Somalia is a non-functioning state, it was noted that it has a functioning private sector and civil society. Despite controversy over the presence of the AMISOM troops, many in the business community are supportive of the AMISOM forces remaining on the ground. This is key to create conditions enabling the Security Council to consider a peacekeeping mission in the future.

The discussion also covered further issues, including:

- On the margins it was mentioned that the situation in Somalia is benefiting from the issue of piracy because it draws international attention.
- Development assistance now requires greater accountability, not only financially but as a reflection of political will.
- The issue of impunity needs to be addressed by Somalis. It was suggested that this is necessary to complete the reconciliation process, engaging both armed opposition groups and spoilers.
- The issue of responsibility to protect was said to be fundamental, but absent from the Somali process so far.

Focus discussion on the Central African Republic

Examining the recent facilitation effort in the Central African Republic (CAR), this session identified this as an interesting example of facilitation and mediation efforts involving multiple actors. These included NGOs like the HD Centre, Presidents Omar Bongo of Gabon and Pierre Buyoya (sent by the Organisation Internationale de la Francophonie), and the UN. It was recognised that each of the actors had a chance to intervene when they were the best placed to do so.

President Bozizé had agreed to the All Inclusive Political Dialogue following internal and international pressure. A decree was published in November 2007 to establish the basis for the dialogue (through a Preparatory Committee). It was assumed that the dialogue was probably seen as a way for the President to pave the way for presidential elections in 2010 that could be internationally accepted.

The credibility of the whole process was initially doubtful because of the absence of two main rebel groups (some were insisting that the dialogue should take place outside of the country), and the various actors worked hard to convince them to sit at the table. In the end the Union of Democratic Forces for Unity (UFDR) and the People's Army for the Restoration of Democracy (APRD) agreed to join the dialogue process. The political dialogue took place in Bangui in December 2008, facilitated by President Buyoya. While it is still too early for a final judgement on the impact of the Dialogue, the peace agreement with APRD and the revamping of some of the other agreements, a direct result of the Dialogue process, remain vulnerable to the will and ambitions of the political actors.

The session asserted that the case of CAR has to be understood in its regional context, given the influence of nearby countries – such as Sudan, Chad, DRC, Cameroon and Uganda. For instance, it was felt that the Central African Republic will not settle while Chad remains unstable.

The discussants further underlined that the political dialogue should be followed by credible implementation of disarmament, demobilisation and reintegration (DDR), to ensure long-term effects. It was suggested that dialogue at the highest level should also seriously consider and devise credible ways of reintegrating combatants into civilian life, thus preventing them from turning to criminality.

Some participants questioned whether the dialogue was an elite exercise in power-sharing, rather than a genuine attempt at reconciliation in a fragmented country. The session debated how conflict-management processes should find ways to mitigate the consequences of the fight for political power. In most cases, it is necessary to find an agreeable division of power between actors. Precisely when actors are doubtful about the political will to respect agreements, mediators should insist on structural watchdogs to avoid disintegration.

Finally, participants touched on the issue of the next steps and the different roles to be taken. It was agreed that the UN should support the process and the African Union (AU) should contribute to devising political solutions. Agreements will be accepted by national stakeholders only if there is clear political will for implementation.

Focus discussion on mediators and economics

1 From Conflict to Peacebuilding: The Role of Natural Resources and the Environment, UNEP 2009 According to a recent UN report¹ some 40 per cent of intrastate conflicts are concerned in some way with natural resources, such as minerals, oil and timber. Such conflicts are twice as likely to reignite within five years following

the signing of peace agreements. However, only a quarter of the related peace processes to date address the economic aspects of these conflicts during negotiations. Against this background, participants discussed the many facets of resources in conflicts and debated the extent to which mediators should include economic, and especially resource-related, matters in peace talks.

The debate broadly distinguished between scenarios in which the conflict is caused by economic grievances over contested access to resources, and scenarios in which access to natural resources finances the operations of one or more of the conflict parties – as seen with minerals in Congo, timber in Liberia and conflict diamonds in Congo, Angola and Sierra Leone. It was noted that access to resources with an international market often presents opportunities to groups which otherwise would lack the necessary power base to continue their struggle.

The majority of participants agreed that it is important to address the links between conflict and resources. Some speakers referred to earlier debates that unfolded around the UN panels of experts on the illegal exploitation of natural resources of the DRC, and criticised the lack of progress in discussing these matters since. Some participants argued that economic issues should not necessarily feature in the negotiations, but were better raised after the resolution of political matters, as an area in which special cooperation is needed between the parties.

One enduring reason why mediators do not include economic issues on the peace agenda during talks is the difficulty of openly addressing vested interests, given the very real danger of losing the standing and support necessary to act as a mediator. It was noted that in some instances, particularly in Africa, regional mediation could be more effective than independent or UN mediation, as heads of state are often the only ones in a position to be sufficiently frank with one another to suggest that a given leader is not acting in a collaborative enough manner to the peace efforts. Also, contact groups or groups of friends could play a helpful role, particularly in addressing resource-related interests in a neighbouring conflict.

As one participant observed, politics by its very nature is about the allocation of resources. In order to tackle the root causes of conflict, issues concerning the allocation of resources should be put on the table, or else they will continue to overshadow all other issues. Among others, the negotiations on South Sudan were raised as an example. The redeployment of forces there was so intimately linked to the question of control, and therefore to wealth-sharing, that it had been essential to discuss wealth-sharing at the time.

Another participant stressed that even last year's crisis in Kenya was essentially about economics, and that a risk remains because the underlying causes of access to land and state resources remain unaddressed. Similarly, if an insurgent group or other conflict party emerges from negotiations with continued access to lootable resources to finance activities, the conflict is more likely to reignite after an agreement has been reached.

It was also pointed out that leaving economics for a later stage would frontload the implementation of an agreement with major unresolved issues. One participant compared situations in which economic issues feature in peace negotiations in the form of wealth-sharing, and noted that once the elites have agreed to share power, they then neglect to address the root causes of the dispute. Participants wondered how mediation could involve all stakeholders, either within the government set-up, or as outside watchdogs to oversee the implementation of an agreement.

Irrespective of when economic issues should be brought to the peace table, participants identified a number of options for mitigating some of the risks when dealing with resource-based conflict.

- Most importantly, mediators should have no vested interested in the conflict whatsoever, be it as an individual or representative of the sending institution or government.
- Mediators should understand the environment in which they are operating, including by mapping the economic agendas and means of all parties. Mediators should continually assess the power relations between parties, including economic dimensions of their support basis: mediators should not only know how many guns a party owns, but also what capacity it has to buy new ones.
- It is also important to ensure some continuity in the composition of mediation teams, to make best use of the expertise and intelligence gathered.

The discussion concluded by noting that the number and potency of resource-based conflicts may increase in future, as migration and climate change are likely to exacerbate the scarcity of resources. While these developments are beyond individual mediators and will require the international community to think systematically, mediators will certainly have a role to play. Discussants also drew attention to a general bias in the current debate, of selective focus on the wrong-doings of rebel groups rather than those of governments and international companies. Inspired by the public campaign on the Kimberly Process, some called for a code of ethics to guide international conduct. Current international norms, such as the OECD guidelines on multinational enterprises, were felt to be inadequate for holding corporations to account.

African conflict management

This session addressed the architecture of African conflict management with a focus on the AU, beginning with an introduction to the development of the African Peace and Security Architecture. In the early 1990s, the need for sustained efforts and a comprehensive strategy to solve conflicts was recognised, and has since been addressed, mainly through the AU, in creating the African Peace and Security Council (PSC), the AU Panel of the Wise, the African Commission, and a continental early warning system. Furthermore, the AU is gradually putting forward the proposal for an Africa standby force (scheduled for 2010), and the right and capacity to intervene. The discussion explored the challenge for African security of operationalising these institutions and realising the normative intentions.

African solutions to African problems

Throughout this session, the idea of 'African solutions to African problems' was prominent. The argument was made that Africa should essentially be responsible for solving African problems, and that external actors generally complicate peace processes. An alternative view stressed the potential importance of mechanisms combining local ownership and international pressure and support. In the Comprehensive Peace Agreement in Sudan, for example, regional leadership in combination with the troika of the US, the UK and Norway was crucial. A need was identified to look at combinations of partnerships to see who is best placed to apply pressure at the right time.

There was an overall concern that the potential for Africa to offer its own solutions to the many challenges it faces ultimately depends on its capacity to develop adequate capabilities, institutional mechanisms and political engagement. A common concern throughout the discussion was the need for more concerted efforts. Building collective efforts on conflict prevention and management interventions entails serious political, financial and socio-economic difficulties for AU member states, however, many of which are among the poorest and least developed in the world.

Recent experiences have demonstrated that Africa still suffers from inadequate implementation of the mechanisms envisaged, and resource deficiency in terms of funding, staffing and logistics. Member states have difficulities honouring their financial obligations, jeopardising the effective work of AU institutions and leaving them heavily dependent on external funding. It was pointed out that, even if funds are readily available, the institutions are not sufficiently operational to spend the money, for both structural and managerial reasons. The case was made for a recognised way of financing the AU security structure, and that either Africa has to find ways to fund it or that there has to be secure international funding from the UN.

The case of Burundi was mentioned as a successful example of African peacemaking. In 2003, the newly-founded AU sent a peacekeeping mission to Burundi. There was no mandate from the UN Security Council, but a request from the government in Bujumbura to the AU. A year later, the troops were operating under a UN mandate. The South African government reacted quickly, sent troops immediately, and paid most of the bill. In addition, Nelson Mandela, then-president of South Africa, got personally involved and acted as a negotiator between the government and various rebel groups to pave the way for a peaceful solution.

Relationship between AU and UN

The relationship between the AU and the UN was discussed at some length. It was reported that during South Africa's first presidency of the Security Council, in January 2007, the country focused on strengthening the relationship between the UN and the African Union. South Africa was instrumental in revitalising Security Council discussions on this relationship, and it was at that country's request that UN Secretary-General Ban Ki-moon began to formulate a firm strategy for better UN cooperation with regional organisations such as the AU. This, for the first time, offered the opportunity to set up a structured relationship with the AU and UN in peacekeeping on the basis of Chapter 8 of the UN Charter.

One participant argued that the UN Security council is no longer the sole power for addressing issues of peace and security, and that a formal recognition and division of labour is needed in this area. It was suggested that there are political areas in which the AU can and should work together with the Security Council, expecially in the crafting of mandates, and that the AU can and should work closely with the UN peacebuilding commission.

Comments and recommendations

It was stressed that there remains a lot to be done to improve the involvement of women in peace processes. It was argued that women, being among the main victims of conflict, should be in the forefront of all efforts. The question was posed of how women can be involved more as mediators or within capacity building, and the importance of this was further stressed.

Participants saw areas of improvement concerning the Panel of the Wise and criticised its current ineffectiveness, particularly referring to the case of Guinea Bissau. One participant pointed out that the initial spirit of the Panel was not to be an auxiliary of the PSC, and that the Panel should play a more active role. The creation of a mediation unit was suggested, to increase mediation capacity, and possibly a 'mediators' corps' around the Panel of the Wise, to provide a readily deployable contingent of experienced mediators.

It was underlined that candidate countries of the PSC have to meet substantive criteria to be eligible for election. These include not only financial contributions to the AU but also recent contributions to peacekeeping and also, probably most importantly, the respect for constitutional governance, rule of law and human rights. In this regard, reservations were expressed that this results in the eligibility of only very few African countries. At the same time, the idea of permanent members was said to be not very popular in Africa.

Concern was voiced about the critical relations between the AU and regional groupings, and the reluctance of some regional groups to work closely together (e.g. ECOWAS), regional incoherence and overlap in terms of membership and structure. Much more can be done to improve communication, coordination and harmonisation between the AU and regional organisations and mechanisms.

It was argued that the AU could be more effectively used in the post-conflict implementation phase of peace agreements. Specifically, it was suggested that the AU should introduce a reporting requirement to make regional leaders accountable to the AU. It was also suggested that Africa should take the leadership on the 'responsibility to protect'. This concept is embedded in Article 4 of the AU Constitutive Act, which recognises the right of the AU to intervene in a member state 'in respect of grave circumstances, namely war crimes, genocide and crimes against humanity'.

The Democratic Republic of Congo

This session explored some key challenges for conflict mediation in the Democratic Republic of Congo (DRC). The DRC conflict was presented as a multiplicity of different conflicts, and it has been stressed that it is difficult to address everything in a single mediation exercise. Participants felt that the conflict in Eastern DRC is in fact decisive in solving all other issues in the country. The Lusaka agreement of 1999 tackled the regional facet of the conflict, and the inter-Congolese dialogue in 2003 looked at the national dimension, but it was felt that the local aspect has never really been addressed. The mediation team led by President Obasanjo now is taking over what was not resolved during the last processes.

The session offered a variety of analyses of the needs to be addressed in the DRC conflict. Some participants perceived an urgent need for a synergy between actors to improve understanding of its root causes, rather than considering the conflict only 'piece by piece'. Political commitment was presented as key to proper implementation, and the presence of high-level representation at the negotiation table was considered prerequisite for a functioning agreement. Participants also identified other priority issues: disarmament, restoration of state authority and security-sector reform, justice and reconciliation, governance and regional stabilisation. It was also felt that the mediation exercise should try to work on relationships before addressing divisive issues.

Participants emphasised that there is no shortage of agreements dealing with the DRC conflict; the biggest challenge is to battle for commitments for better implementation. Any future agreement will be credible for the population only if at least some first steps are gradually implemented. It was recommended that international partners work together on a joint strategy to rally international interests. The discussions identified a need for a better coordination between partners, to have them engaged collectively with the government authorities. It was felt that President Obasanjo and President Mkapa should be the guarantors and drivers of the implementation of this joint strategy.

The role and added value of the UN Organization Mission in the DRC (MONUC) was also briefly debated during the session. Some participants recognised that MONUC performed well in logistics arrangements during the elections for example, but questioned the effectiveness and credibility of the system in peacekeeping.

Participants discussed the issue of a critical mass for a national movement of Congolese people, for them to be the owners and drivers of the process of national rebuilding. The discussions also clearly highlighted the issue of corruption at the highest level undermining every process, and that institutions are required to ensure accountability and justice. Exchanging ideas on how to address these challenging issues, some participants cited a crisis of leadership at the national level. Others argued the need for economic development, in order to create multiple routes to power and therefore decreasing the pressure on politics as the only current route. The creation of diverse poles of power, taken from the South African experience, was presented as a way to normalise political space in DRC.

Finally, participants briefly debated the economic dimension of the conflict. It was stressed that the international community could use some leverage through neighbouring countries. As Eastern DRC does not have a sea border or proper international airstrips, it needs the support of these transit countries to enable its minerals to leave the continent.

Challenges for mediators dealing with rebel groups (Chad, Darfur and Uganda)

Some of the most protracted conflicts in Africa feature not just one rebel group pitched against an often fragile government, but numerous and at times competing rebel groups. This discussion aimed to explore the challenges facing mediators dealing with rebel groups by looking at Darfur and Uganda, two as yet unsuccessful examples of peace processes, and the case of Chad where no actual peace process has yet taken root.

The mediation in Darfur – arguably one of the most difficult – has been asked to create a comprehensive process including all relevant actors. Such an inclusive process is a formidable challenge, given the degree of fragmentation among the various rebel groups and the refusal of original founding members to recognise new splinters and accept their place at the table. If a core group could be agreed to begin talks, and include others (including IDPs and civil society representatives) at a later stage, the process may gain some traction and overcome the current deadlock.

On a substantive level, the widespread perception that all essential spoils have already been allocated by previous agreements in Sudan, especially the Comprehensive Peace Agreement (CPA), might prove another hurdle for the Darfur process. Looking back on the lengthy and painful process of negotiating the CPA, many doubt that the relevant actors would be prepared to undo any of it to satisfy Darfurian demands. Also, the Darfur Peace Agreement (DPA) that formed the basis of the peacekeeping mission has to be taken into account, if as a juridical rather than political factor.

Some of the approximately 20 armed groups in Darfur were discussed in more detail. In particular, the prominent position of the Justice and Equality Movement (JEM) in the recent Doha talks was discussed as a remarkable demonstration of the group's political agility and communication strategy. JEM has proved skilled at garnering support and capitalising on the scarcity of information about events on the ground.

Following the in-depth account of the situation in Darfur, the discussion turned to the absence of a peace process in Chad. It was stressed that the conflicts in Darfur and in Chad are intimately linked as both governments – and also that of Libya – have an interest in maintaining a degree of instability. However, Darfur has a peace process, albeit deadlocked, while no viable process has emerged to date in Chad that would involve the rebels. Participants criticised the limited attention given to Chad, with only reaction to incidents and little room to think about the wider linkages in a more structured way. This was felt to be a more general pattern, as mediators are often called upon to manage crisis rather than resolve problems.

After the series of attacks in Chad in February 2008, many were concerned with the question of how to bring the rebels together with the government for talks and what would be the basis for negotiations. Watching the Dakar process which aimed to improve relations between Khartoum and Ndjamena, some had hoped that there was also room for a process within Chad. However, efforts to date are inter-state and have not included the Chadian rebels; the government has continued to oppose talks and reiterated calls for unilateral disarmament. The situation is being further complicated by the fluidity of allegiance and loyalty within Chad, as actors seem to move from government to opposition, to armed resistance, and back into government positions.

Following a brief overview of the origins of the Lord's Resistance Army (LRA) and its role in the conflict in Uganda, the session looked at reasons for the failure of previous initiatives and the halt in current efforts. Previous initiatives largely failed because they were conducted within Uganda and rebels lacked the confidence to travel to the designated area for fear of government attacks. The latest initiative of the government of South Sudan on the other hand allowed the LRA to leave the country and join Joseph Kony in Congo to facilitate talks. And yet, as the government of Southern Sudan allegedly came into power with the help of the Ugandan government, the LRA feared that Southern Sudan would be biased and insisted that subsequent negotiations take place outside the country.

Later, the government was accused of entertaining parallel talks with external actors, including monitors and observers. As a result, Kony increasingly questioned the chief mediator's impartiality and gradually limited the opportunities for direct contact. Eventually, the signing was postponed indefinitely as Kony and some of his commanders had been indicted by the International Criminal Court; they again cited fears of being arrested while travelling to the negotiations.

A major challenge for the mediation was finding negotiators to represent the LRA in the talks. Many within Uganda feared repercussions from the government, and few had good knowledge of English or detailed knowledge of the conflict. Members of the diaspora on the other hand lacked cohesion and were often too disconnected from the developments in-country. Also, the chief mediator had difficulties guaranteeing the welfare of the parties from the resources allocated to the process. In the end, negotiators used their private resources to provide medication, food and other basic necessities to the troops.

Participants agreed that the LRA is no longer only a Ugandan problem. As its activities have spread to Congo, and repercussions are beginning to be felt in the Central African Republic, the current situation may require a far more robust regional initiative. The challenge of regional coherence and continued support to various rebel factions was further elaborated in the general discussion, as this was felt to be a strong factor in further complicating the situation in Darfur.

Identifying which groups are most important in terms of their control and following remains a key question for identifying groups to include in talks, while also keeping inclusion meaningful and to a manageable size. However, as illustrated by the example of Darfur, the composition and importance of groups is not static: their role and capacity to deliver on agreements may change as the process unfolds, and their sources of support may waver. When dealing with military groups in particular, mediators should establish good relations with those backing them, and hamper the groups' ability to translate whatever support they continue to receive into new recruits. The example of the LRA, which recruits through abductions, shows that preventing recruitment can be extremely difficult. Finally, participants repeatedly stressed the ambivalent nature of external deadlines, and the need for political will and commitment from all those involved.

Focus discussion on Sudan's North–South issue

After a short summary of the process that led to the Comprehensive Peace Agreement (CPA) in Sudan, and its characteristics, this discussion centred on the challenges of implementation of the CPA. In particular, participants focused on what can and should be done before the referendum in the South, scheduled for 2011. The CPA is the single most important judicial document in the history of Sudan, with a bill of rights fulfilling internationally recognised standards and progressive treatment of human rights and democratisation. A concern recurring throughout the session, however, was that the international community has focused on Darfur in the last two years, to the exclusion of the CPA implementation. It was underlined that the CPA was comprehensive in its intent, but not in terms of participation during the talks. Although the roadmap specified a sequential process, extending from two to more parties, this was not achieved. The fact that the CPA was an agreement between only two parties – the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) – was regarded as both a virtue and a limitation.

There was general consensus that the CPA concerns Sudan as a whole, and is not only a North–South agreement, and that the failed implementation of the CPA would have devastating effects on the whole region. In this context it was argued that the failure to include Darfur in the CPA was a major missed opportunity. It was stressed that the most fundamental issues and the real intent of the CPA was the peaceful transformation of the country and society, and that this transformation stopped after the death of John Garang, seen as the main driving force behind the implementation of the CPA. The current question is whether it is possible to pursue that transformation now.

Reservations were expressed on the political will of the NCP regarding the transformation of the country. It was argued that the sole power-holder in Sudan is now the NCP, which is unwilling to give up that power. The concern was raised that the CPA and its lack of implementation is being politicised and used by the NCP to block any kind of self-determination for the south. The NCP, it was argued, could ensure that the referendum is delayed because the benchmarks of the CPA have not been met. The options are either to accept this, or to find a way to change the mindset of the NCP.

Regarding the referendum in 2011, participants overall felt that whatever happens is going to be problematic. Just as the Southerners are unlikely to vote for unity, the NCP will likely not allow self-determination of the South. It was stressed that there seems to be very little political will on either side to enter into renegotiations. Both parties will always push for preserving the CPA, as it is vital for their wider interest (i.e. self-determination of the South, and the only source of legitimacy for the NCP). How can we get both parties to recognise that it is in their interests to engage in renegotiations and prevent failure?

One participant suggested crafting a realistic and simple policy which would identify the biggest threats and come up with one to three achievable goals the international community can work towards, rather than theorising academically about the complexities of Sudan. Concrete recommendations for fundamental steps to be taken now and within the next two years included the following:

- Restore the credibility of the CPA in its original terminology.
- Actively work against the secessionist agenda of the SPLM, and the NCP's path of disintegration, and try to bring both parties back to the table.
- Draw a clear roadmap with a timetable now, involving the international community and key regional players.
- Keep everyone accountable to that roadmap, ensure it is followed, and that the referendum happens in time.

- The international community should identify pressure points, also specifying who is to put pressure, how and when.
- Be prepared for a difficult negotiation process, following the referendum, and make provisions for secession (including negotiations on oil, for example).

Finally, the discussion examined the worst-case scenario, in which any delay of the agreed points on the timetable would lead to eruption of at least one of the country's multiple latent conflicts (in the Nuba Mountains, Abyei or Darfur) and that this would inevitably lead to severe fighting and eventually to full fragmentation of the country. As the elections planned for 2009 are already delayed, this scenario seems increasingly likely to happen.

Focus discussion on Madagascar

Giving an overview of recent developments in Madagascar, this discussion covered the mediation strategy established in early 2009, and its progress. The discussants briefly set out the conditions for the coming into power of Andry Rajoelina, former mayor of the capital Antananarivo, who ousted President Marc Ravalomanana. It was noted that the shooting of some of Rajoelina's supporters by the presidential guard in early February caused a public uproar and turned the situation against the president.

The arrival of the mediation team was seen as timely: both sides were ready for dialogue and accepted the good offices from the UN Secretary-General. The feedback from this experience highlighted the value of ongoing meetings between the various envoys and engaged diplomats to improve coordination, and the effectiveness of approaching the parties with one voice. The Church, as a powerful institution in the country, presented itself as a facilitator of the talks which was welcomed by the UN and the parties; the UN thus played the role of assistant to the facilitation.

The discussants briefly mentioned the confusion regarding the constitutionality of the recent seizing of power. Rajoelina had indeed received authority from the Navy Admiral to whom then-President Ravalomanana had previously transferred his power. However, this process took place under duress, and Rajoelina's takeover was neither constitutional nor consensual. The international community is now characterising the situation as a coup. Rajoelina's first decision to dissolve the parliament and senate led to absolute disapproval, especially from the African Union. Following these unanimous condemnations, it was felt that Rajoelina is now aware that recognition of his leadership will be linked to an independent national conference, which should be responsible for defining a transitional agenda including the architecture and leadership of the transitional authority.

The need for institutions to continue the democratic process and address the root causes of violence was strongly advocated during the session. Participants stressed that local elections should take place rapidly to ensure both the delivery of services, at least at local level, and a control of local affairs that could help to check the centralisation of power. The future role of the UN was examined, and it has been stressed that the UN will remain engaged, and will participate in an independently organised national conference, to push in the direction of at least a consensual transitional arrangement leading to quick elections.

Finally, participants emphasised that the root causes of unrest and violence should be discussed within a wider forum representing all stakeholders in the country. This group could form a council that would act as a watchdog and a pressure group to oversee the transition process, presenting suggestions on what should be changed in the governance of the country.

Managing external actors in peace processes

This session examined the direct and indirect involvement of external actors in peace processes. Participants discussed the roles of different stakeholders, who are sometimes pursuing different agendas. It was noted that mediation can be run in closed-shop manner (with only the belligerents) or as a 'vanity fair' (extreme inclusiveness). The actual leverage of external actors was debated and it was stressed that local interests sometimes easily override international interests. However, institutions and conflict parties usually have little leeway to reject (financial) support from external actors, who often require a seat at the negotiation table in return. Participants regarded the presence of external actors in or around most African peace processes as largely inevitable.

Some participants cautioned that weaker conflict parties may want to involve an external third party to be a guarantor of fair play and an implementation witness of what was agreed. In such cases, participants insisted that external third parties need to listen, respect and be impartial (not neutral, as they also have to be able to criticise). The discussions also stressed that it is sometimes useful to have 'remotely involved' actors, whereas in other cases neighbours can have more influence. The Diaspora was regarded as an external actor offering key leverage and resources, and mobilising international actors, that usually claims a seat at table. At times however, it was felt that this leads to processes overloaded with too many items that do not reflect priorities on ground.

Participants elaborated on the risk of 'forum shopping', when too many uncoordinated external actors are around a peace process. One debated solution was the creation of a group of friends with ground rules of operation between mediation teams, imposing some discipline to prevent uncoordinated initiatives that would cut across the action of the lead mediator. The discussions further reflected on the role of external economic actors, as some big companies sometimes lobby peace processes, following (or not) their government's position.

The debate briefly considered Western interference during mediation exercises, and discussed African mediation capacity. In Liberia for example, it was considered unhealthy that talking points were passed to mediators by partners; these attitudes were seen as colonial and jeopardising the ownership of the process. The recurrent issue of providing African solutions to Africa's problems was a key part of the discussions. Some participants emphasised that the issue is not so much a lack of capacity, as African mediation capacity is well developed, but a lack of African funds. Participants largely agreed that mediators' appointments should be made on a case-by-case basis, to select the best placed and most well-equipped team at the time. The process should be seen as a partnership, involving and requiring different roles at different times.

Mediating in the post-agreement phase

During this session, panellists examined the challenges of the post-agreement phase of peace processes, with a special focus on implementation and on the situation in Kenya. It was suggested that implementation mechanisms need to be part of agreements and that such deliberate integration would make implementation easier. In the Ouagadougou Agreement, for example, the parties agreed to establish a permanent consultation mechanism, to strengthen national unity, and an evaluation and monitoring committee responsible for periodic evaluation of the implementation of the agreement. It was argued that the disadvantage of this built-in dialogue mechanism is that it tends to makes the implementation process very slow.

Much of the discussion focused on the situation in Kenya following last year's crisis. Participants noted that the 41 days of the Kenyan National Dialogue and Reconciliation (KNDR) process have drawn a 'picture perfect' mediation process, but that actual implementation of the accord is very different. Kenya today has not seen adequate implementation of the agreements, nor have reforms been pursued. Fundamental issues of youth unemployment, land, poverty reduction, food security and displacement have not been addressed. The first real test of the implementation of agreements will be the 2012 elections. Also, the issues of impunity and accountability were not dealt with as extensively as they could have been during the mediation, which makes implementation more difficult on these critical issues.

The slow pace of reform was interpreted as mismanagement and lack of political will on the part of the politicians. It was assumed that the political elite are putting their own interests above the interests of the nation as a whole, and that the two parties seemed to have signed the agreement for purposes other than a serious desire for change. High levels of corruption and bribery are reported within the parliament and government, which also indicates weak political will.

Concern was raised about the Electoral Commission of Kenya. The recommendations of the Independent Review Commission (IREC) for an independent elections management body remain unrealised three months after the disbandment of the Electoral Commission. The laws and regulations around elections remain unchanged. There are critical tasks ahead, including the preparation of a new voters' register, a national census and the redrawing of electoral boundaries. The reputation, capacity, integrity and competence of the Commission must be restored, or the next elections will be the occasion for renewed violence and ethnic discord rather than a means of legitimising authority.

More generally, discussants noted an increasing level of civil society involvement in mediation/peace processes, which brought up the question of how Track 1 and Track 2 efforts can be linked. It was argued that the more people are involved in a process, the more important becomes the issue of accountability, and that increased involvement of civil society and other stakeholders can potentially strengthen implementation. The more people own the process, the more likely it is that they will provide active support to the implementation. At the same time, it was stressed that the involvement of women in peace negotiations and subsequent implementation is crucial but still inadequate.

Indicting for peace – Sudan

This session explored the impacts on the peace process of the decision of the International Criminal Court (ICC) Prosecutor-General, Luis Moreno-Ocampo to file an arrest warrant for Sudan's current President, Omar Hassan Al-Bashir. The discussion centred on the politicising of the crisis and on the question of how to deal with justice issues in a peace process, with a particular focus on mediation.

There was a general concern among participants that the indictment of President Bashir jeopardises and complicates the peace process. However, participants seemed more concerned about the timing and sequencing of ICC indictments rather than questioning the role of the ICC and the validity of the indictment in general. Also, the question was raised of whether the Darfur negotiations were side-tracked by political issues and whether the ICC referral can be seen as 'changing of the subject', distracting attention from other, more pressing issues. Participants largely agreed that the prosecutor has now taken on the role of diplomat or politician, and that the court itself has been marginalised and its credibility damaged. A recurrent concern was the confusion about the role of international justice in the context of national peace processes, and a general lack of sufficient and clear information on available policy options. The role and procedures of the ICC, as well as the implications of an indictment, are widely misunderstood by the international community, governments, rebels and other stakeholders of conflicts. Rumours are spread that complicate the work of the ICC but also jeopardise the peace process in general. It was mentioned that the Government of Sudan for example did not seem to have fully understood the implications of the indictment, believing that it may eventually escape accountability. One participant pointed out that many people confuse the ICC and the principle of universal jurisdiction.

Another participant asked why some people get indicted and others don't, given that other leaders have committed crimes against humanity. One participant felt that only Africans are being indicted by the ICC. The issue arose that many countries, including the US, India, and China are non-signatories, which renders the ICC able to pursue cases only selectively, undermining its credibility as an objective and impartial body. In addition, the ICC's jurisdiction is confined to its 106 member states that have ratified the Rome statute. Sudan is not one of these, and would not have fallen under the jurisdiction of the court if the Security Council had not acted to refer Darfur to it.

Concern was also voiced about the effectiveness of Article 16 of the UN Charter, which allows the Security Council to require the court to defer investigating a case for a period of 12 months. One participant mentioned that he fails to see the point of Article 16, given the veto power of the permanent members of the Security Council.

Unchallenged by participants was the view that the issue of justice needs to be at the heart of any peace agreement, and that it is no longer possible to have agreements that do not address these issues. It is crucial therefore for mediators to know and understand the principles and procedures of international justice. In this context, it was suggested that in any peace process there should be an investment in understanding security and that mediators have to understand the law (national as well as international) and the politics of it. Mediators, in any case, have to factor in the dissatisfaction of the victims. Mediators should be able to explain the legal and political implications of arrest warrants and to inform those concerned of what they can expect.

Mediating election-related conflict

By looking at the lessons to be learnt from past elections on the continent, this session addressed election-related conflicts in Africa. It was agreed that elections are crucial moments in a country's democratic life, testing the strength of the democracy, the impartiality of various institutions (such as the military), and the reality of the freedom of expression in the media. Participants expressed concerns that elections in Africa carry an inherent risk of leading to violence. In the case of Kenya in early 2008, it was clear from the rhetoric used by some politicians that there would be violence but it was felt that nobody had anticipated its magnitude. Discussants stressed that Malawi could face similar problems during the next election in the coming months.

Panellists used the case of the last presidential election in Ghana to argue that a more holistic approach to elections should be considered, and that an election process is a continuum of political events. In the case of Ghana, the electoral commission was respected for its integrity, the presence of the international community also helped, and the role played by the Inter-Party Advisory Committee (IPAC) was crucial. The session agreed that the role of councils of the wise or elders should be developed in this context, as the positive influence of such moral authority is widely recognised.

It was argued that elections should be moved into the political realm, with access to all conflict-mediation tools, rather than being treated as regular democratic exercises. Indicators and prerequisites were identified to improve management of the risk of violent conflict during elections. The legal frameworks of election processes should be examined in advance, to identify who is responsible for running the elections. This does affect the election process and should not be ignored as it can indicate a risk of conflict. A strong framework of judicial settlement is also considered an asset. Participants discussed the issue of equal access for all candidates to the media and to unlimited travel within the country.

Transparency in the flow of information between the electoral commission and the parties, leaving no space for rumours, has proved to be a very efficient way of preventing violence. In Zambia, the chair of the electoral commission announced the exact timing for official announcements of the results to prevent rumours and to meet popular expectations. Some participants also briefly mentioned the need for public funding of political parties. Major religious leaders and traditional leaders with high moral authority were presented as being able to help build confidence. It was also felt that civil society groups are increasingly reliable in helping to ensure peaceful elections. Participants underlined the need for management of the immediate postelection phase. In Ghana for example, there was a good management of the interface between the winner and the loser.

Participants then debated power-sharing agreements that arise after elections, and agreed that this approach should be used only as an exceptional measure and a short-term solution. Some participants also stated that alternatives need to be found to the 'winner takes all' system. The session then briefly examined the issue of the potential tension between the roles of election observers and of mediators, questioning the pronouncement on the outcome of an election that observers are asked to make, with regard to their ability also to act as a 'behind the scenes' mediator.

Some participants explored the dilemma facing countries after conflict, highlighting in particular the sequencing of elections. Countries have to decide whether to organise elections first in order to legitimise genuine reform (e.g. of the security sector), or to focus on implementing the necessary reforms as soon as possible, but risking a lack of legitimacy. Finally, participants felt strongly that some time is needed before any president is sworn into power after an election. Democracy should be seen not as a destination but as a process, and the session highlighted that results recognised prematurely usually spark grievances. It was argued that countries deprive themselves of any future leverage over potential negotiations on the election's outcome by giving away recognition too early.

Looking ahead: Risks and opportunities for conflict mediation in Africa

The closing plenary aimed to summarise the key issues and impressions of the retreat's debates, and sought to provide an overview of the current and future drivers of conflict in Africa. Animated by two days of intense discussion between as well as during sessions, participants engaged in a lively exchange identifying risks and key issues for future debate.

Among the situations identified as requiring a close watching brief was the increased drug trade through West Africa with its dire consequences beyond Guinea and the potential to threaten even comparatively stable Nigeria. Nigeria in particular, and also South Africa, were acknowledged as important drivers of change on the continent, and it was seen as especially important to maintain stability in these countries. Looking at the African continent more generally, participants expressed serious concern about the shrinking of state authority and the sliding trend towards disintegration of past peace agreements.

Sudan and the DRC were felt to be in need of a concerted and sustained mediation effort to halt further disintegration. Mediation is all too often left to leaders with little time to address the actual causes of conflict – as currently seen in Zimbabwe, and also Madagascar. While there is a need for top-level politicians and heads of state to come in and talk politics, the value of additional efforts was also emphasised. The situation within Ethiopia caused concern, as participants wondered about the durability of the stand-off between Ethiopia and Eritrea. There was general optimism about the prospects for Côte d'Ivoire, even though the upcoming elections caused concern as some key issues remained unaddressed and could not be resolved by private deals. A recurrent theme cutting across sessions was the call for African solutions to African problems. It was also argued that demanding African sovereignty was not possible without accepting the responsibility for actions – and for funding. Nigeria, South Africa and Algeria, and also Cameroon and Ghana, could be expected to contribute more in future. However, a number of participants stressed that it was time to abandon these concepts. Rather than refusing support from outside Africa, they advocated working towards reciprocity. Generalisations that Africans (or African women) would be better mediators were misguided and counterproductive. While Europeans and Americans could talk very knowledgeably about conflict in Africa, Africans would have to learn, and be exposed to opportunities, to do the same at home and in non-African conflicts. The test was to do the right things at the right time, and different actors may have different contributions to make throughout the process.

Participants generally felt that the frequent criticism of the UN Security Council was only partially justified, as it remains the primary organ for peace and security matters, and no provision existed to exclude Africa or its concerns. However, Africa should begin to pull its weight accordingly. Similarly, it was felt that there was little use in condemning the ICC, which had originally been set up with strong support from African countries. The priority should be to contribute to making its rules apply consistently across the world.

Generally, the challenge of financial, military and diplomatic disengagement should not be underestimated in times of global crisis. Instead of competing and at times obstructing each others' efforts, mediators and others should agree a division of labour and identify who is best placed for each task at each time. Decisions should be guided equally by the question of added value and by the question of ownership. Conflict mediation is highly complex and yet could be reduced to a surprisingly simple formula by combining the right timing with the right sort of access and the right message.

Participants agreed that Africa should stop dwelling on the past and start developing a cross- continental checklist for moving forward. One participant added that such a checklist should include tackling the all-pervasive problem of undue deference, to maximise the support available and reduce the very real risk of donor fatigue. All too often the straight talk was left to the heads of states, as envoys and advisers feared being disciplined for speaking up or criticising their superiors, and much necessary truth was lost in overly careful formulations.

Participants showed a keen interest in discussing the role and purpose of mediation. Are mediators helping to resolve conflicts, or are they saving lives in the short term but in fact postponing or even perpetuating conflict in the long term? While there was much agreement that African capacity to manage crisis had improved considerably, this does not always lead to the resolution of conflict.

Can the root causes really be addressed by replacing one elite with another? This point was strengthened by another participant questioning the assumption that national elites had an interest in developing their home countries for the benefit of all, as the elites already enjoy access to prime education, medical care, jobs and other amenities elsewhere.

Throughout the closing plenary, participants identified important issues for advancing discussions in future debates:

- whether mediation as a mechanism for crisis response and the short term focus on prevention or ending of violence – may undermine the necessary longer terms objective of a mediation process to act as a catalyst for social transformation and hence for durable peace
- the kind of partnership and support that is needed and can be offered to mediation in Africa
- an examination of how the degree and direction of democratisation in Africa affects conflict and efforts to resolve it
- a more structured discussion of the root causes of conflict (e.g. poverty and the link between climate change and conflict, already an issue in Darfur)
- the structural linkages between conflict and the role of the military
- the role of women in mediation, including traditional dispute-resolution.

Participants largely agreed that Africa has produced many mediators in the past fifty years, and it was felt that the African Mediators' Retreat 2009 had made an important contribution to growing mediators and turning them into assets for the continent. It is time to use this capacity.

African Mediators' Retreat 2009 Agenda

24	Tuesday March 2009			
17.00-19.30	Zamani Conference room			
	Opening address by President Karume of Zanzibar with an introduction by co-hosts Salim Ahmed Salim & Sir Kieran Prendergast			
	Keynote addresses by Presidents Mbeki and Ok Salim & Sir Kieran Prenderg		by a discussion mo	derated by Salim Ahmed
19.45	Cloves Restaurant			
	Reception and form	nal opening o	dinner	
25	Wednesday March 2009			
9.00-10.30	Villa	Kiwengwa (Conference room	Zanzi-Bar
Three parallel focus discussions to choose from	Somalia	The Central African Republic		Mediators and economics
11.00-13.00	Zamani Conference room			
	African conflict management		Chair Salim Ahmed Salim Speakers Said Djinnit, Presidents Mbeki & Obasanjo	
13.00-15.00	Cloves Restaurant			
	Lunch			
15.00-16.30	Zamani Conference room		Kiwengwa Conference room	
Two parallel discussions to choose from	The Democratic Republic of Congo Chair Haile Menkerios Speakers François Grignon, Michel Kassa & Francesca Bomboko		Challenges for mediators dealing with rebel groups: Chad/Darfur and Uganda Chair John Ryle Speakers Santa Okot, Karl Wycoff, Theo Murphy	
17.30-19.00	Zanzi-Bar			
	Mediators' Studio with Yvonne Ndege & Sydne	ey Mufamadi		
19.30	Red snapper Restaurant			
	Informal dinner			

Sudan's North-South issue			
	Madagascar		
Zamani Conference room	Kiwengwa Conference room		
Managing external actors in peace processes Moderator Stephen Smith	Mediation in the post-agreement phase Chair Said Djinnit Speakers Mutula Kilonzo, Emmanuel Bom- bande		
Zamani Conference room	Kiwengwa Conference room		
Mediating election related conflict Chair Thelma Ekiyor Speakers Chris Fomunyoh, Ayodele Oke	Indicting for peace: Sudan Chair Barney Afako Speakers Suliman Baldo		
Cloves Restaurant			
Lunch			
Zamani Conference room			
Risks and opportunities for con mediation in Africa			
	Managing external actors in peace processes Moderator Stephen Smith Zamani Conference room Mediating election related conflict Chair Thelma Ekiyor Speakers Chris Fomunyoh, Ayodele Oke Cloves Restaurant Lunch Zamani Conference room Risks and opportunities for con		

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