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THE USEFULNESS OF NATIONAL MEDIATION IN INTRA-STATE CONFLICT IN AFRICA

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The Usefulness of National Mediation in Intra-State Conflict in Africa

Andries Odendaal*

In his 2012 report on mediation, the UN Secretary-General notes a growing trend to recognize the ability of national mediators to lead mediation in intra-state conflict. This article explores the feasibility of national mediation in Africa. It analyses the role of national mediation in South Africa (1985–1996) and Lesotho (2009–2012) and, taking Ghana as the primary example, the role of national peace councils, which have an institutionalized mandate to mediate in internal conflict. It discusses the complementarity of national and international roles in national mediation, the issue of leverage, the conditions for national mediation, the composition of mediation teams and their mediation capacity, and the benefits of national mediation. The article offers qualified support for the usefulness of national mediation since it can produce benefits such as enhanced self-reliance and social cohesion, has substantial ability to prevent conflict and can help to implement agreements. However, the specific conditions necessary for national mediation to be viable mean that success is rare.

Introduction

The UN Secretary-General's 2012 report on the role of mediation in preventing and resolving conflict highlights the importance of local or national mediation. According to the Secretary-General, there is 'growing recognition that mediation is not the exclusive purview of external mediation actors. Local mediators who come from the conflict country can usefully lead local mediation efforts or complement regional or international initiatives' (UNSG 2012, 6).

Few would disagree that in Africa local mediation efforts have complemented regional and international mediation processes in significant ways. In the Mozambican civil war, for example, local church leaders played a key role from the early 1980s to 1992 in initiating and supporting the peace process. The formal mediation was done by San Egidio, an Italian Catholic lay community, but the sustained involvement of the churches throughout the process and beyond was one of the reasons for its success (Paffenholz 2011, 122–4). Further examples where civil society actors provided important support to international mediators are Mali, 1990–1997 (Storholdt 2001), Sierra Leone, 1996–1999 (Turay 2000) and Kenya, 2008 (Wachira 2010).

It is, however, less evident that local mediators 'can usefully lead local mediation efforts'. There are not many cases where national actors have been the principal mediators in a major intra-state conflict in Africa. The dominant mediation model is to rely on external mediators mandated by a regional or international body such as SADC (Southern African Development Community), IGAD (Intergovernmental Authority on Development), ECOWAS (Economic Community of West African States), the AU or the UN. Nevertheless, national mediation promises benefits that, if realised, should ensure that it is an option worth considering and supporting: reliance on local knowledge and culture, enhancement of a

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country's self-reliance and social cohesion, a strong possibility of preventing conflict, and support for the implementation of agreements.

In this article I analyze actual experience with national mediation on the African continent in order to inform the debate on its feasibility. Even though the sample of cases is small, it supports the view that national mediation is a useful option under specific conditions and brings significant benefits when it succeeds. National mediation is, however, a complex undertaking. It is contingent on the political will of the protagonists and their desire for national self-reliance and on the disparate nature of mediation teams and processes. And it can be undermined by a lack of or insufficient reliance on mediation expertise and by failure to gain and sustain the confidence of all conflict parties in the impartiality and clout of the national mediators. Successful national mediation is therefore a rare achievement.

I first present two case studies: the South African transition to democracy (1985–1996) and the mediation by church leaders of Lesotho's electoral crisis (2009–2012). Next, taking Ghana as the primary example, I consider the growing trend in Africa to establish national peace councils with a standing mandate to mediate in intra-state conflict. I then analyze the complementarity of national and international roles in national mediation, the issue of leverage, the conditions for viable national mediation, the composition of mediation teams and their mediation capacity, and the benefits of national mediation.

Case study of South Africa (1985–1996)

In the 1980s the conflict in South Africa that resulted from over 300 years of colonialism and 40 years of apartheid approached boiling point. The country was steadily heading for civil war. Between 1985 and 1990 more than 6,000 people died because of political violence (Gastrow 1995). This was one of the most internationalized conflicts in the world. International pressure was considerable. The country featured constantly on the agendas of the OAU and the UN Security Council and General Assembly. Apartheid was declared a crime against humanity by the UN General Assembly in 1976. A voluntary arms embargo imposed on South Africa by the UN Security Council in 1963 was made mandatory in 1977. OPEC (Organization of the Petroleum Exporting Countries) imposed an oil embargo in 1973 and multi-lateral trade sanctions increased in volume especially after 1983. In 1986 the United States Congress enacted federal legislation on disinvestment in South Africa. In addition the country was subjected to extensive sport and cultural boycotts. Considering the intense international pressure, it was remarkable that the political solution to the conflict was almost entirely internally mediated.

National mediation in South Africa took three forms: confidence-building encounters, the National Peace Accord and agreements with the Afrikaner right-wing and the IFP (Inkatha Freedom Party), and the national negotiation process.

Building confidence

Between 1985 and 1990 initiatives were taken to engage the two main protagonists – the ANC (African National Congress), the dominant liberation movement, and the NP (National Party) government – in unofficial talks and confidence-building encounters. Most, though not all, of these engagements relied on third-party actors. They developed from three different initiatives (Du Toit 2001, 53–5). The first came from Nelson Mandela, then still in prison, whose letters to the government led to his 44 secret meetings

during the period 1985 to 1990 with Kobie Coetzee, the minister of justice. The second took the form of initially secret talks between the ANC-in-exile and the government, facilitated by Michael Young, a British citizen who was the public affairs director for Consolidated Gold Fields, an international mining company with large investments in South Africa. The government's participation in these talks was administered by the National Intelligence Service and attended by prominent academics associated with the ruling party. Eight meetings were held between October 1987 and 1990 (Esterhuysen 2012). Third, there were approximately 75 encounters between white opinion-makers and civil society leaders and the ANC-in-exile, arranged by civil society organizations, including IDASA (Institute for Democracy in South Africa), the Centre for Intergroup Studies, and the Mont Fleur scenario project (Du Toit 2001). These organizations also convened, at times in collaboration with international institutions, events to enhance understanding of and skill in mediation and negotiation.

The most important consequence of these initiatives was that the two sides came to realize that a negotiated settlement was achievable. Bouckaert (2000, 237) concludes that a remarkable level of mutual understanding and common purpose, albeit tenuous, was established through these encounters that stretched over more than five years.

Ending violence

The second form of national mediation consisted of agreements designed to end political violence, which in 1991 was threatening the prospect of constructive negotiations. Both the government and the ANC attempted to organize a national peace conference to address the issue of violence, each under its own auspices. When that failed, a coalition of religious and business leaders took the initiative and succeeded in mediating discussions that led to the signing of the National Peace Accord (Gastrow 1995), a code of conduct for political parties and the security forces during the period of negotiations. The Accord established the Goldstone Commission (named after its chairperson, Judge Richard Goldstone), whose independent investigations into the perpetration of political violence had a considerable impact. The Accord also established a system of inclusive regional and local peace committees, tasked to prevent violence and mediate in disputes that could disrupt the negotiations (Gastrow 1995; Collin Marks 2000; Odendaal 2012). The negotiation of the Accord was mediated by Archbishop Desmond Tutu on behalf of the churches and John Hall on behalf of the business community, with the CBM (Consultative Business Movement) in a supportive role.

The CBM was formed in 1989 by a group of 40 senior business leaders as a direct response to the challenge of achieving a peaceful transition from apartheid to democracy. It wanted to play a role in the transition, support key processes with finances and resources and act as a catalyst to enable constructive change. It therefore appointed staff who were experts in facilitation and mediation.

The National Peace Accord was drafted by five working groups, each co-chaired by a religious leader and a business leader. The peace committees, at the different levels, relied on civil society actors to mediate in local disputes that could disturb or disrupt the national process. Although these peace committees were not altogether successful in preventing political violence, they made a significant contribution to mediating local pacts and containing the rising tide of violence (Ball 1998; Odendaal 2012).

Civil society also helped to mediate the entry into the national negotiations of the IFP and a faction of the Afrikaner community led by General Constand Viljoen. Both organizations were threatening the peace process with ethnic-based violence.

The IFP's announcement that it would boycott the country's first democratic elections, scheduled for 27 April 1994, considerably heightened the tension between IFP and ANC supporters. The IFP was unhappy because it felt that its federalist ambitions and the statutory position of the Zulu king had not been sufficiently accommodated in the negotiations (Kotzé 1995) and that the party had been sidelined in the negotiation process. The tensions between the IFP (which was supported by elements in the government's security forces) and the ANC produced the most serious incidents of violence during the transition period (Sisk 1995; Yorke 1998, 116).

This stand-off led to the only international attempt at mediation, with Henry Kissinger, former Secretary of State of the US, and Lord Carrington, former British Foreign Minister, boarding planes to South Africa on 12 April 1994 to lead the mediation effort. The mediation was stillborn and Kissinger and Carrington left after only two days. With the ANC and NP on one side and the IFP on the other, the parties could not even agree on the terms of reference for the international mediation, particularly when the IFP insisted that the mediation must run its course before elections could take place, thereby effectively seeking to postpone the elections. However, a member of the mediation team, Kenyan Professor Washington Okumu, stayed behind and, because of a long-time friendship and shared religious convictions, was able to persuade the IFP leader, Mangosuthu Buthelezi, to reconsider his position. With help from the CBM, Okumu then mediated an 'agreement for reconciliation and peace' between the IFP, the ANC and the government. The agreement included the IFP's decision to participate in the elections, recognition of the Zulu kingdom and referral of all outstanding issues regarding the Zulu king to international mediation. Sisk (2009, 100) argues that this agreement was more face-saving than mediation, being intended to accommodate the IFP leader, who had taken the brinkmanship game too far. But face-saving is a key task of mediation, and in this case it had a huge impact on the success of the elections and the transition.

The agreement that all unresolved issues between the parties would be submitted to international mediation was, to the lasting exasperation of the IFP, never implemented. The IFP's wishes found very little support among other political parties and civil society: there was just no appetite for this option in South Africa (Kotzé 1995; Sisk 2009, 100). The two main drivers of the negotiation process, the ANC and the NP government, shared a strong commitment to an internal process. The government had, for many years, been at the receiving end of the international community's disapproval and sanctions. Its trust in the impartiality of the international community was weak. The ANC, whose ideological ally was the Soviet Union, was wary of a strong role for the US and Britain (Sisk 2009). In addition, the ANC had negative perceptions of the role of international mediation in the Lancaster House negotiations (1980) that had led to the independence of Zimbabwe and in the mediation of Namibian independence (1988–1990) (Esterhuysen 2012, 330). In both cases the ANC thought the international mediators had influenced the agreement to the detriment of the liberation movements.

The other ethnic-based threat of violence came from the white Afrikaner community. General Constand Viljoen, a retired Chief of the South African Defence Force, led a right-wing movement of resistance to the national talks because the option of an Afrikaner *volkstaat* (a separate state for Afrikaners) was not being considered. Some believed at the time that at least 50,000 well-trained and armed Afrikaner soldiers would heed his call to arms (Giliomee 2003, 646); and he did indeed seriously consider this course of action. A constellation of events and considerations prevented that scenario. His talks with the ANC, initiated and facilitated by an informal group headed by his twin brother, Professor Braam Viljoen, produced an agreement and led to his entry into the political process (Kotzé 1995). The agreement stipulated, among other things, that the ANC would allow the establishment of a *volkstaat* if the plan could

be proven to have sufficient support (which it never was). Braam Viljoen was at the time the coordinator of the Northern Transvaal Peace Committee. His relationship with his brother and his links to both the conservative farming community and progressive groups made his mediating role possible.

Negotiating the settlement

The third form of national mediation in South Africa was the official negotiation process that achieved a political settlement. There was no official mediator, but instead mechanisms were created that did what an official mediator would have done. Meetings were facilitated initially by three judges and at a later stage by members of the negotiation teams, who operated on a rotating basis. These individuals had to step out of their negotiation role in order to facilitate the meetings. The design and management of the negotiations, including processes to break deadlocks, was undertaken by joint planning committees. Members of these committees were representative of the parties, selected on the basis of their ability to plan the process soundly. They accepted the responsibility of being 'guardians' of the process (Eloff 1994).

The planning committees were assisted by the CBM, whose role during the negotiations came closest to the classic third-party mediation role. They served the negotiation process well. Officially they were appointed as the secretariat of the Convention for a Democratic South Africa (CODESA) – the first round of negotiations that stalled in 1992 – and as administrator of the Multi-Party Negotiation Forum, as the negotiations process came to be known, but their role extended well beyond bureaucratic matters. They had a substantial influence on the design of the process and managed to depoliticize many of the procedural issues (Eloff 1994, 2006; Sisk 2009, 99).

In summary, South Africa's negotiations succeeded primarily because of the strong resolve of the two main protagonists, the NP and the ANC, to find a negotiated solution. In addition, third-party actors, most of whom were South African, contributed substantially to the success of the process. While there was no formal mediator, the combined impact of the third-party interventions contributed to, supported and eased the difficult negotiations. South Africa's transition was indeed mediated not by a high-profile mediator sent from outside, but by the combined efforts of its own society.

Case study of Lesotho (2009–2012)

In Lesotho national mediation became an option in 2009 because of the failure of regional mediation and state institutions to deal with a crisis caused by contradictory interpretations of the electoral act. The crisis caused political instability following the elections of 2007.

The crisis was but the next phase of a struggle begun in 1998 to create an electoral system that would best suit Lesotho's conditions. The first-past-the-post system that the nation had inherited from Britain contributed to the catastrophic outcome of the 1998 election. Substantial sections of the business district of Maseru and two neighbouring towns were looted and burnt following days of street protests. The anger was informed by allegations of vote-rigging, but more seriously by discontent with a system that gave the opposition only one seat in parliament in spite of 40% electoral support across the country. Facing

the credible threat of a looming coup d'état, the Prime Minister appealed to SADC for support. SADC launched a military intervention to quell the unrest, and subsequently mediated between the political parties. The parties then agreed to establish an Interim Political Authority. This body, composed of two representatives of all the political parties, was mandated to negotiate a new electoral system and, in cooperation with the government, prepare the country for fresh elections (Makoa 2004). Meetings of the Interim Political Authority were co-facilitated by two of its members. Internal divisions and tensions with the government made this a difficult process and what was planned to be a two-year process lasted four years (Da Silva 2001). However, the negotiations eventually succeeded. Of note is the fact that while the international community, in particular SADC and the Commonwealth, remained supportive, the negotiation process was self-facilitated without further external mediation. The parties agreed on an MMP (mixed member proportional) model, aimed at compensating those parties who won fewer constituency seats than they would be entitled to under purely proportional representation. The objective was to ensure that the skewed representation caused by the first-past-the-post system was corrected. Two ballot papers would be used: one for the constituency candidate and one for the party of choice. The next election in 2002 was acclaimed by all observers as a success to be emulated by other countries in the SADC region and beyond (Kadima 2002).

In the 2007 elections both the ruling party and an opposition party (that had broken away from the ruling party) detected a loophole in the legislation. They established electoral alliances with small parties and registered their parties only for constituency elections (and therefore not for the proportional list). They then told their supporters to vote for their candidates on the constituency list, but for their alliance party on the proportional list. The result was that the ruling party effectively took control with a two-thirds majority, increasing its majority from 2002, while most of the smaller parties lost seats (EISA 2007, 2008).

The opposition cried foul and refused to accept the results. Several protest actions culminated in a national strike in March 2007, triggering memories of the rioting of 1998. The strike was suspended after two days when the Executive Secretary of SADC gave an assurance that SADC would intervene (EISA 2007). SADC subsequently appointed the former Botswana President, Sir Ketumile Masire, as mediator in the dispute. More than a year into the mediation, the process reached deadlock over an international resource person whom the mediator had invited to a seminar on the correct application of the MMP model. The government rejected this invitation. The mediator subsequently called a press conference and declared the government to be at fault on the most important agenda items (Masire 2009). The mediator thereby became an arbitrator. The government reacted angrily and Masire was obliged to withdraw, ending SADC's mediation.

It is important to note that by that time (July 2009) all other constitutional avenues to address the crisis had been exhausted. Because its composition was the bone of contention, parliament could offer no solution. The Independent Electoral Commission declared that it had no option but to accept the disputed alliance arrangements as the law did not explicitly proscribe them, and the Supreme Court ruled that the matter was political and that it had no jurisdiction over it.

The political vacuum created by the departure of Masire was dangerous. With no process in place to deal with the matter, the prospect of renewed street violence arose. However, neither the ruling party nor the opposition would benefit from such a scenario. The ruling party was not as strong politically as its majority in parliament suggested. Internal splits meant that it would in fact have had only a two-seat majority in parliament had it not been for its alliance arrangement (EISA 2007). Furthermore, it had never

been sure of the loyalty of the security forces. In 1994 it was the victim of a coup attempt, in 1998 rumours of an imminent coup led the Prime Minister to appeal to SADC for intervention, and in 2009 there was a mysterious assault on the Prime Minister's house. The opposition parties, on the other hand, even though they threatened to go to the streets, had equally uncomfortable memories of 1998. In addition, following Sir Ketumile's pronouncement they were confident that a continuation of the mediation would work in their favour.

A group of civil society actors operating primarily under the auspices of the LCN (Lesotho Council of NGOs) decided to intervene. Civil society had some mediation capacity because local and external organizations had made concerted efforts since 1998 to provide training to potential mediators. In 2008 the LCN successfully mediated a conflict between the taxi associations and government. In the light of this, and mindful of the success of the Interim Political Authority, they decided that Lesotho could deal effectively with its own conflict (Odendaal 2011). They realized that they themselves would not be accepted as mediators in such a high-profile conflict because of their relative youth and lack of sufficient social status. They would have to approach persons of greater gravitas for this role. The church leaders of Lesotho, as a collective body, stood out as most appropriate because of their stature in society and the respect afforded them. They lobbied the politicians and, within a month, secured the consent of all political parties to participate in a mediation led by the heads of churches. In addition to acceptance by the parties, the mediation effort was endorsed by SADC, with the church mediators presenting a report to the SADC Summit in Windhoek in August 2010 (SADC, 2010; Ntaote 2010). SADC also seconded a team of three facilitators who assisted the church leaders and attended three plenary sessions. The facilitators played a quiet, non-assertive role, and their presence was considered helpful as an indication of SADC's continued interest and support (Odendaal 2011).

The mediation process lasted 18 months. It seemed to make little progress initially, particularly on the issue of re-allocating parliamentary seats as the opposition demanded. During these difficult months the greatest achievement of the mediation was the fact that it kept all parties talking. In March 2011 a breakthrough was achieved when the parties agreed on the central issue of reform of the electoral law. This followed after the mediators invited a UN specialist on electoral systems to meet the parties and address some of their concerns about the application of the MMP system. They agreed to preserve the MMP system, but to use only one ballot paper, counted twice – once for the constituency list and once for proportional purposes. By that time the elections of 2012 were looming and the issue of the composition of the current parliament had lost its salience.

Approval of legislation to reform the electoral law did not translate into cordial political relationships, though, especially not during the months prior to the May 2012 election. Given the precarious balance of power and the opposition parties' enduring sense of grievance, the election campaign was tense. On several occasions supporters from opposition parties rioted at rallies addressed by the Prime Minister. A dozen people were injured in stone-throwing in one such incident. In March the deputy leader of the largest opposition party was assassinated at his home by unknown assailants. During these months the church leaders continued their intervention by convening a series of meetings of political leaders. Archbishop Emeritus Desmond Tutu, who had been Bishop of Lesotho during the late 1970s, was invited to one of these meetings to condemn the escalating violence at political rallies. He oversaw the signing by the political parties of an electoral pledge prepared at previous meetings and the resulting statement was published in full-page newspaper advertisements (Kraybill 2012).

The election itself was declared free, fair and peaceful by all observers but no party had won sufficient

votes to form a government. There followed a period of uncertainty and apprehension. The church leaders intervened again, calling a meeting of all political leaders at UN House, the headquarters of the UN in Maseru. At this meeting the political leaders pledged to honour the electoral outcome. Subsequently an alliance of opposition parties succeeded in forming a majority, which the Prime Minister accepted. He duly resigned and declared himself willing to play the constructive role of loyal opposition. At the ceremony at the national stadium where the first voluntary, constitutional transfer of political power in the nation's history took place, the former and new Prime Ministers warmly shook hands and embraced, twice, while the crowd roared (Kraybill 2012).

The church-led mediation clearly made a substantial contribution to political stability and the deepening of democracy in the country. Three features of this process are noteworthy (Odendaal 2011; Kraybill 2012). First, the mediation team was a complex and disparate group. The church leaders enjoyed respect and broad acceptance as a collective and not as individuals. In the past religious denominations had sided with competing political parties. Although this history has largely been left behind with increased ecumenical cooperation taking place, these church leaders were not necessarily of one mind about the crisis and its resolution. They selected a retired and well-respected bishop as convener of the group but his role was not that of lead mediator. Much energy therefore went into reaching consensus on the best strategy. The members of the team also avoided meeting as individuals with the parties. This strategy – to operate at all times as a team – had the advantage of achieving a broad-based legitimacy for the team, but also complicated and in some respects hindered the effectiveness of the mediation because of its cumbersome nature. The civil society actors who constituted a 'technical team' to support the mediation were a similarly disparate group with no clear leadership structure and weakly defined roles and mandates. It is evidence of their collective resolve that they managed to achieve a positive outcome despite the far from ideal organization of the team as a whole.

Second, while the mediation was nationally initiated and owned, this did not mean the absence of an international contribution. SADC maintained its interest in and support of the mediation. The crisis in Lesotho remained an item on its agenda and in this way SADC continued to apply some pressure on the parties to work towards resolving the crisis (SADC 2010, 2011). The UNDP office in Maseru played a particularly important role in support of the process: it not only funded the mediation team's operations but also provided a neutral venue at its offices for all meetings. More importantly, its senior management interacted regularly with the mediation team, brainstormed strategy with them and provided advice. In addition, it deployed an international mediation specialist on its staff to support the mediation. UNDP's discreet support was an essential factor in the eventual success of the process. Put differently, while Lesotho is a case of successful national mediation, it is also an example of the way international organizations can provide discreet but indispensable support to national processes.

Third, the church leaders were chosen as mediators for their moral authority but they had little expertise in electoral or constitutional issues, nor were they mediation experts. Their mediation strategy consisted mostly of chairing plenary sessions that for many months made little progress. The success that was achieved can be linked directly to moments when their authority combined effectively with the professional advice of the experts. They were, for example, reluctant to make use of caucusing or shuttle diplomacy to deal with deadlocks. The breakthrough in negotiations on the reform of the electoral law came when the church leaders accepted advice to bring in an international expert on electoral systems and allow him to meet the parties in one-on-one sessions to address their fears and concerns.

There was, therefore, a high level of interdependence between the three main actors in the mediation: the church leaders, the civil society technical team and UNDP. Everyone relied on the leadership, stature and moral authority of the church leaders. But without the initiative and drive of the technical team there would have been no mediation, and without the financial support and strategic advice provided by UNDP the mediation would have floundered. Much depended therefore on the way that collaboration between these actors was achieved.

National Peace Council, Ghana

Any discussion of national mediation in Africa must take note of an emerging trend on the continent, namely the establishment of national peace councils (or committees or commissions) with a standing mandate to mediate in intra-state conflict. The country that is setting the trend is Ghana, whose National Peace Council was established in 2006 and formalized by a bill in 2011. Southern Sudan's Peace Commission has been in existence since 2006 and is tasked to 'promote peaceful co-existence amongst the people of Southern Sudan' (GoSS 2011). In Kenya policy to establish a national peace council has been finalized (Office of the President 2011), while in Togo (Kumar 2011) and in Malawi (UNDP 2012) processes are underway to establish such a body. The draft constitution of Zimbabwe of July 2012 also envisages a National Peace and Reconciliation Commission (Art. 12.20–12.22). Ethiopia has had a National Peace Committee since 2010, but its objective is to manage local community conflicts rather than national conflict (Ministry of Federal Affairs 2010).

National peace councils in Africa and elsewhere have broader mandates than the mediation of conflict and have often been established to coordinate the pursuit of peacebuilding objectives in post-violence situations (Odendaal forthcoming). The Act that established Ghana's National Peace Council (GoG 2011) has broken new ground by providing much needed clarity regarding the role of such an institution and its position within the larger framework of a state's conflict management capacity. Ghana's experiment with a national peace council has attracted widespread interest. The Minister of Justice, Martin Amidu, states that 22 countries from across the world have shown keen interest in Ghana's institutionalization of mediation, not only in political conflict but also in civil litigation (Ziwu 2011).

The overarching mandate of Ghana's National Peace Council is 'to facilitate and develop mechanisms for conflict prevention, management [and] resolution and to build sustainable peace in the country' (Art. 2). Of note for our purposes is Art. 3(f), which requires the council to 'facilitate the amicable resolution of conflict through mediation'. The Act has thereby expanded the state's repertoire of conflict management options. It has not replaced the state's commitment to normal legal or security measures, but it has institutionalized the use of mediation as a primary response to social and political conflict. Peace councils are also established at the regional and local level with the same mandate and coordinated by the National Peace Council. The Act formally guarantees the Council's independence from political manipulation (Art. 30).

There is a specific history behind this development (Odendaal forthcoming). The northern region of Ghana in particular has been prone to violent communal conflict. Between 1980 and 2002 no fewer than 23 violent conflicts took place, mainly sparked by issues of succession to chieftaincy, inter and intra political party tensions, land rights, identity (religion and ethnicity) and access to mineral and economic resources (Ojielo 2007). These conflicts were often very destructive. The Konkomba-Nanumba conflict in 1994–1995, for example, led to almost 5,000 deaths, with 423 villages being burnt or destroyed (Assefa 2001). The Dagbon conflict of 2002 and following years – a conflict over succession to the Dagbon throne

– was deemed so serious that the government declared a state of emergency in the northern region of Ghana in 2003 (Bombande 2007). The conflict was deeply politicized, with the two main political parties, the then ruling NPP (New Patriotic Party) and the NDC (National Democratic Congress), taking opposite sides. The general elections of 2004 were threatened by the possibility of the conflict escalating into full-blown political violence.

The government's habitual reaction to these conflicts was a law and order response. The police or military would be sent in, order would be restored, a commission of inquiry would be appointed and its report would be largely ignored (Bombande 2007). A former Minister of the Interior declared: 'Our responses to these conflicts have at best been reactive. We have maintained a peacekeeping presence in the communities affected by violent conflict without being able to resolve the issues at stake' (Kan-Dapaah 2006). Since the mid 1990s, however, a new approach has been tried, driven largely by civil society, but with government support. Its focus has been on identifying the causes of the conflict and mediating agreements through inclusive processes, relying on the role of internal mediators. In the Dagbon conflict, for example, the primary mediators were traditional chiefs from neighbouring chiefdoms. The processes have enjoyed substantive support from mediation experts (Assefa 2001; Bombande 2007; Ojielo 2007; Odendaal forthcoming). With the declaration of a state of emergency in 2003, the government invited the UN country office to assist. Consequently a joint UNDP/UN Department of Political Affairs project was implemented that lent support to government and civil society in building capacity for mediation and its implementation. The new approach has delivered good results. The violence potential of the Dagbon conflict was largely defused and the elections of 2004 proceeded peacefully (Ojielo 2007). Success was also achieved in mediating other communal conflicts (NPC 2009, 2010).

The experience with mediation at the local level has inspired confidence in the approach among government actors, political parties, traditional leaders and civil society institutions in Ghana. The National Peace Council was formalized in 2011 with bi-partisan support: the legislative process was initiated in 2006 under the then NPP government but the bill was passed through a parliament under NDC control. The establishment of the Council was therefore the result of a growing confidence in mediation, a confidence that was rooted in experience and shared across the political spectrum, and the concomitant recognition of the limitations of a law-and-order approach.

The Council and its local structures have been relatively effective in dealing with local level conflicts, preventing their spread and defusing their politicization. It remains a question whether the Council will be effective in the context of serious national polarization. There has thus far been one opportunity for it to show its mettle in this regard. In 2008, when the election results that were coming in indicated that the race between the two main parties was neck and neck, tensions rose dramatically, particularly when radio broadcasts spread the news that the two parties were contesting the results of certain constituencies. Some banks closed early on 30 December 2008, the day the results were to be announced. Some airlines re-routed their flights, and in the capital the youth of both parties took turns to surround the headquarters of the electoral commission, threatening to resort to violence (Bombande 2011). Alerted by the sense of crisis, the Council engaged in shuttle diplomacy between the two presidential candidates of the NPP and NDC that went on right through the night while votes were being counted. The next morning the chairperson of the Council addressed a news conference where he announced the agreement reached between the two candidates. They both affirmed the mandate of the electoral commission to finalize and release results and committed themselves to non-violence, transparency and the need for ongoing dialogue. This press statement and the call for calm that was widely broadcast contributed to a general lowering of tension and anxiety. The dialogue that was facilitated between the two candidates that night

and in subsequent days contributed substantially to the eventual peaceful transfer of power (Bombande 2011). According to Minister Amidu: 'We nearly came to catastrophic elections in 2008. Members of the (National Peace) Council sat down with the presidential candidates and persuaded them to accept the election results, regardless of the outcome' (UNDP Newsroom 2010). The fact that a peaceful transfer of power took place in 2008 has strengthened Ghana's reputation as a stable, democratic country. The National Peace Council may rightfully claim to have made an important contribution to this achievement. Besides its ability to depoliticize local conflicts, a particularly noteworthy characteristic of the Council is its ability to intervene at short notice, which means it has considerable potential to prevent the escalation of tensions and the intensification of conflict and violence.

Analysis

The complementarity of international and national roles

National mediation does not preclude international engagement. The complex reality of peace processes, as Sisk (2009, 1) points out, is that peace is seldom achieved through a single event or agreement. Rather, peacemaking involves 'extended or iterative bargaining processes that unfold over time'. The church-led mediation in Lesotho was one component of the longer process of creating a suitable electoral system. It followed and was linked to SADC's mediation. Furthermore, the reliance on internal mediators in Lesotho derived confidence from the earlier experience with the Interim Political Authority, which was an outcome of the 1998 SADC mediation subsequent to the military intervention by SADC. Internal and external processes are therefore not mutually exclusive but potentially complementary.

Peace processes, as Sisk (2009) goes on to say, are also multilayered in that they take place at various levels, from community-level reconciliation to national elite negotiations to international engagement. Ghana's National Peace Council grew out of successful local level mediation, but at the same time drew strength from the UN's capacity-developing support. In South Africa regional and local level mediation under the auspices of the National Peace Accord supported the political transition, while at the same time international observers from the UN, the EU and the OAU demonstrated the international community's attention and support. National mediation, therefore, is not an insulated process. It invariably develops in interaction with other processes, including initiatives by external actors.

Leverage

A key issue in considering the value of national mediation is the mediator's 'leverage' to influence the decisions and behaviour of conflict parties. It is an issue that has divided scholarly opinion. The dominant position, not only in the literature but also in practice, is that a mediator is chosen on the basis of the mediator's ability to exercise decisive leverage (Touval & Zartman 1985; Bercovitch & Schneider 2000; Beardsley 2009; Sisk 2009). Leverage, defined as the 'resources of power, influence, and persuasion that can be brought to bear on the parties to move them to agreement', is seen as 'the ticket to mediation' (Touval & Zartman 1985, 12). In this view, mediators who lack the ability or hard leverage to dislodge the intransigent positions of parties, either by withholding or by promising significant financial or other support, are bound to fail. National mediators, however, are by their nature fairly powerless. They do not control substantial financial, military or diplomatic resources to use as carrots or sticks. They may

have considerable moral authority to use as soft leverage, but moral authority is but a lightweight tool for stopping civil wars. In reality national mediators' effectiveness depends almost entirely on their ability to instil confidence in their role as facilitators of negotiations.

National mediators, whether by conviction or necessity, must therefore employ a confidence-based approach to mediation (Assefa 1992; Nathan 1999, 2006). This approach, in contrast to the power-based approach that relies on leverage, assumes that violent conflict is caused by unresolved social tensions within a society, such as may be caused by the exclusion of or discrimination against certain sections of the society. The material causes of conflict give rise to and are exacerbated by psychological factors such as distrust, animosity, fear and frustrated needs in respect of identity, security, freedom and justice. These 'psycho-political dynamics' (Nathan 1999) affect the behaviour of the parties and are resistant to coercive measures. It is improbable that people will be coerced into giving up their hatred, fear and distrust. The task of mediation is therefore to create conditions where the material causes of conflict, as affected by the emotions and perceptions that have become entangled with them, can be addressed constructively by the parties involved. For this purpose the primary aim of the mediator is to inspire sufficient confidence in all parties that a fair process of negotiation is possible and that their interests and needs will be respected.

The only leverage available to the national mediators in South Africa, Lesotho and Ghana was the confidence that the parties had in their integrity and ability to facilitate talks. This did not mean that no pressure was exerted on the parties. In South Africa international pressure to encourage negotiations was considerable, but when the actual negotiations started the international community remained 'interested but largely unentangled observers in the negotiation process' (Bouckaert 2000, 237; see also Sisk 2009, 8, 83–112). This situation therefore exemplifies the view that Nathan (1999, 2005) has repeatedly advocated, namely that coercion, when necessary, should be exerted by actors other than the mediator. For the sake of productive negotiations, the mediator must enjoy the trust and voluntary collaboration of all the parties.

In the case of Lesotho the mere fact that the crisis had been placed on SADC's agenda constituted a form of external pressure on the conflict parties and the government in particular. The pressure was admittedly much milder than explicit international sanction, though Lesotho's history with SADC interventions has to be kept in mind. A repeat of the 1998 military intervention was not on the cards but Lesotho is not in a position to ignore its neighbours' opinion, especially not that of South Africa on which it depends economically. Even when its mediation effort failed, SADC continued to discuss the Lesotho crisis and appeal to all the parties to resolve the matter (SADC 2010). However, SADC did not interfere with the church-led process.

These two cases provide evidence of a form of complementarity between international pressure and a confidence-based national approach to mediation (see Bloomfield 1995; Svensson 2007). National mediation does not exclude international involvement. International actors apply pressure where necessary, freeing the national mediators from having to do this themselves. And when the parties start talking, international actors move into a supporting role, while not interfering with the national mediation process.

Conditions for viable national mediation

Under what conditions is national mediation feasible? Why would conflict parties prefer national mediation if they can call on the services of international mediators who presumably have greater clout? The case studies offer possible clues. National mediation is an option when the main protagonists distrust international mediation, when there is sufficient consensus that a negotiated outcome is desirable and achievable and when the conflict parties share confidence in the integrity and ability of the national mediators.

The first condition is strongly suggested by the South African case. The ANC and the NP government were both, for their own reasons, adamant that international mediation was not an option. They shared the perception that international mediation would allow external actors undue influence over the direction and substance of negotiations; in other words, they objected to the leverage that international mediators would exercise. Coupled with this perception was their shared confidence in their ability to reach a negotiated settlement – a confidence that had been built up over five years of discreet talks-about-talks. Beardsley (2009) has investigated the reasons why parties would choose 'weak' mediators rather than those with substantial leverage. He finds such a choice puzzling, since strong mediators can perform all the mediation functions better than weak ones. Apart from 'supply-side' dynamics (strong states do not necessarily want to mediate), he concludes that the choice of weak mediators is the result of 'actors hedging their commitments to the peace process when they suspect their opponents will use third-party involvement insincerely for ends other than peace' (Beardsley 2009, 274). In other words, they choose a weak mediator because they suspect that their opponents are insincere. It is therefore safer to choose a weak mediator in order to maintain some form of control. The South African case study suggests that an opposite explanation is possible: parties select weak mediation not primarily because they distrust their opponents, but rather because they distrust the agendas of strong mediators. They also choose weak mediators because of their confidence in an internally negotiated rather than externally forced solution and their commitment to such an end.

This last statement is important because it implies that national mediation is *not* an option when the conflict parties show no commitment to an inclusive solution. Madagascar provides an example in this respect. In early 2009 the UN sent a high-level delegation to explore how best to deal with the emerging political crisis that eventually saw President Marc Ravalomanana deposed through military intervention. The UN officials were met by members of the Malagasy Council of Churches (FFKM), who informed them of the FFKM's longstanding role as a mediator in the country and made a convincing case why the crisis resolution process should be nationally owned. They argued that the multi-party democratic system had a low level of credibility and that the Malagasy people generally distrusted politicians because of the persistence of neo-patrimonial politics (interview, C Spies, member of UN delegation to Madagascar, Stellenbosch, 21 September 2012; see also ICG 2010). This argument strengthened the case for internal mediation because it implied that a high level of local understanding and knowledge should inform the mediation. However, not much came of the FFKM's efforts. There was more than one reason for its failure but what is important for the present paper is the fact that the conflict parties were locked in a zero-sum game, with no political will to find inclusive solutions. National mediators cannot impose a mediation process on parties; they rely instead on the readiness of parties to pursue negotiations. SADC eventually assumed the role of mediator but, in spite of an agreement on a roadmap to peace, signed by the parties' leaders in 2011, the lack of progress is clearly demonstrated by the refusal of the current President, Andry Rajoelina, to allow his predecessor and political opponent to return to the country as the roadmap stipulates (AIIAfrica 2012).

National mediation also relies for its success on the availability of national actors or institutions with sufficient credibility as mediators. The National Peace Council in Ghana was the joint creation of the two political parties that were in conflict over election results in 2008. The persons serving on the Council were appointed, through bipartisan consensus, on the grounds of their stature in society. As a consequence the two presidential candidates respected the Council's intervention. The National Peace Council Act does not compel parties to collaborate in mediation; rather, their collaboration reflects the parties' confidence in an institution of their own creation. In Lesotho the choice of national mediators was to some extent a desperate measure in response to the political vacuum created by SADC's failure, but the church leaders inspired sufficient confidence to get all the parties to collaborate. It is also noteworthy that both Ghana and Lesotho had had previous positive experiences with internal mediation, pointing to a growing confidence not only in the capacity of local mediators to fulfil that role, but in mediation itself as a conflict resolution method. In all three countries discussed here civil society institutions, with support from international institutions, have promoted mediation and developed mediator capacity.

This level of trust in national mediators is, however, still exceptional. The more common situation is rather to rely on the leverage of international mediators. Nathan (2009, 15) mentions 11 countries in Africa where mediation took place under the auspices of the AU or regional organizations before 2009. In Kenya, for example, when the election crisis of 2007–8 broke out there were efforts to deal with it through national mediation. However, the leader of the main opposition party, Raila Odinga, made it clear that he would only consider mediation if it was under international auspices (Kathina Juma 2009). He therefore made the internationalization of mediation a precondition to his participation. His concern, by implication, was that national processes would not be able to withstand manipulation by the ruling party and would not have the leverage to ensure the ruling party's collaboration. In another example, in 2011 religious leaders in Malawi approached President Bingu wa Mutharika with an offer to mediate in a stand-off with civil society protesters that had led to 20 deaths, but he declined their offer and accepted the UN as facilitator of the talks.

In a strongly polarized context, therefore, conflict parties do not turn to national mediators as a matter of course. Successful national mediation relies on the comparatively rare combination of a political preference and will to be self-reliant and sufficient confidence in the credibility and ability of local mediators.

Composition and capacity of mediation teams

Wehr and Lederach (1991) have coined the term 'insider-partials' for local mediators. The 'insider-partial' is 'the "mediator from inside the conflict", whose acceptability to the conflictants is rooted not in distance from the conflict or objectivity regarding the issues, but rather in connectedness and trusted relationships with the conflict parties' (Wehr & Lederach 1991, 87). 'Insider-partials' are persons who belong to the society experiencing the conflict and who, therefore, are not impartial regarding the outcome of the conflict. They are trusted as mediators not because of their objectivity or lack of bias but rather because of the quality of their relationships with a wide spectrum of stakeholders. They are also trusted because they will have to live in the new dispensation that is being negotiated. They will not pack their bags and leave as soon as the agreement is signed. The term 'insider-mediators' is also used at times to denote this category of mediators (Mason 2009).

There is, however, an obvious difficulty. National mediators, as we have noted, are not impartial. How then can they be trusted by all conflict parties? Archbishop Tutu, for example, who co-chaired the negotiation

of the South African National Peace Accord, was an outspoken critic of the apartheid regime. While he commanded respect for his personal integrity, he was not at the time sufficiently trusted by government to be the sole mediator of such an important process. The problem was solved by opting for co-mediation: John Hall, a respected white businessman who was acceptable to the government, mediated the process jointly with Archbishop Tutu. In numerous regional and local level mediations in South Africa the same recipe was followed: joint mediation by black and white insider-partials (Odendaal & Spies 1996). The logic of this arrangement is that the credibility of the mediation effort is achieved by the composition of the team of mediators. Within the team are individuals who enjoy the trust and confidence of one side in the conflict, but as a team they provide balance and equity (Lederach 1997, 50).

This arrangement undoubtedly contributes to the credibility of national mediation. In Lesotho it was the collective of church leaders that was acceptable, not the individuals on their own. The composition of the National Peace Council in Ghana similarly aims at achieving broad acceptability (GoG 2011, Art. 4.1). The planning committee of the multi-party negotiation forum in South Africa was a group of representative insider-partials who had to ensure procedural fairness and productive negotiations. In contrast, in Malawi in 2007 an agreement that was mediated by a group of religious leaders to break an impasse in parliament regarding the passing of the budget was not signed by the President apparently because all the mediators happened to come from the same region (interview, Dr Lazarus Chakwera, Assemblies of God church leader and mediator, Blantyre, Malawi, 15 February 2012). Regional political rivalries dominated the political culture at the time, and none of the mediators came from the President's region.

A team of mediators who, by proxy, represent the major parties in conflict does not, however, necessarily ensure efficiency. As the Lesotho example shows, the task of achieving team consensus on the best strategy is arduous and time-consuming, and because of the lack of strong leadership in such a situation the implementation of strategy can be clumsy. Furthermore, in such an arrangement mediators are appointed not because of their skill in mediation but rather because of their stature in society and their relationships with specific actors. Yet mediation is a specialized activity that requires a high level of expertise (Nathan 2012). This presents a problem: how to ensure that the mediation team operates at a sufficient level of competence and skill. This is perhaps one of the most daunting challenges of national mediation: how to ensure that there is productive interaction between the national mediation team, who have stature and convening clout, and the skilled mediators, who have knowledge and experience.

In South Africa the best example of such a productive interaction was displayed by the CBM, which provided expert advice and support to the co-mediators of the National Peace Accord and to the planning committee of the multi-party negotiations. Its success was due to its low-key and discreet profile, yet high level of professionalism. This approach earned them the trust of the mediators and ensured productive cooperation. The critical breakthrough in the church-led mediation in Lesotho was achieved when the advice of the mediation experts was successfully implemented by the local mediating team. It is therefore important that national mediation receives professional support and advice from mediation experts, but in such a manner that the stature and credibility of the mediators is not undermined.

Benefits of national mediation

National mediation undoubtedly presents challenges. First it requires shared political commitment to self-reliance. Then organizing a team of insider-partials is complex. And mediation is time-consuming:

mediators have to devote days on end, without any release from the pressure of their other commitments and often without compensation, to a taxing and sometimes thankless task.

However, national mediation has significant benefits. In his report the UN Secretary-General (2012, 6) identifies three advantages of using national mediators: their legitimacy, their relationships with conflict parties, and their in-depth knowledge of their society, its history and local conflict resolution approaches. Additional benefits include the enhancement of self-reliance and social cohesion, the violence prevention potential and the positive impact on implementation.

Regarding the *legitimacy* of national mediators I have noted that much depends on the political interests of conflict parties and the stature of national mediators. It is therefore not a given that national mediators have greater legitimacy than international mediators.

The *relationship of national mediators with the conflict parties* can contribute significantly to the success of mediation. An established relationship of trust enhances confidence in the mediation process and enables constructive communication. The success of the church leaders in Lesotho, the National Peace Council in Ghana and South African mediators such as Braam Viljoen relied on established relationships of trust with the parties .

The benefit of *local knowledge* is significant. Intimate local knowledge strengthens mediation because it enables a more nuanced understanding of the conflict. Kalyvas (2006, 42) mentions the impact of the 'urban bias' on our understanding of conflict and violence: the way information and conceptualizations of intra-state conflict are distorted by an over-reliance on written sources, top-down perspectives, ideological or normative motivations of participants, and fixed, unchanging identities and choices. Oral sources, bottom-up perspectives, non-ideological motivations of participants and fluid identities and choices are ignored. National mediators are less susceptible than external actors to urban bias and are more in tune with what is really driving the conflict and what the potential is for feasible and sustainable solutions. Gurses et al. (2008, 150–1) conclude their study on the impact of mediation on the duration of peace agreements by saying that much more attention needs to be paid to the quality of an agreement. This is determined by intangible aspects such as 'the complex interaction patterns between adversaries and mediators, whether information barriers are overcome, whether procedural justice is achieved or whether the underlying conflict issues are resolved'. Intimate local knowledge enables an appreciation of these factors.

Notwithstanding these benefits, precisely because of their immersion in local knowledge and understanding, national mediators may share the society's blind spots. They may lack the necessary distance and objectivity to move beyond stagnated analyses of the conflict and discredited options for resolution. The experience in Lesotho demonstrates the benefit of constructive interaction between national mediators and international actors. At times, therefore, relying solely on local knowledge may deprive the mediation process of the benefit of fresh perspectives.

Perhaps the strongest benefit of internal mediation is its potential to *enhance social cohesion and self-reliance*. In an article that captures some of the lessons from South Africa's experience, Nicholas Haysom (2002), a constitutional expert who served on the ANC negotiation team, comments: 'Constitutional negotiations (negotiations concerning the causes of bitter division) should be approached as an opportunity for nation-building and promoting a common culture of national self-reliance.' The negotiation

of an agreement, in other words, should not be the sole objective. Strengthening social cohesion and self-reliance through the manner in which the process is conducted is equally important. This objective is more likely to be achieved through national than international mediation, especially if the latter is experienced by at least a section of the population as an imposed process. The negotiations in South Africa gave the vast majority of South Africans a sense of national identity and purpose (Bouckaert 2000, 256). Of course such social cohesion was relative, tentative and not equally valued by all (Lloyd 2001), but compared to the pre-negotiation situation overall progress was remarkable. Ron Kraybill (2012, 3), who was the UN's Peace and Development Adviser in Lesotho at the time of the church-led mediation, mentions a remark by one of the mediators at the conclusion of the process: 'We never thought we could take it so far', he said, 'We never thought we would see this happen in Lesotho'. Kraybill concludes: 'This renewed sense of confidence in local capacity may in the end be the most important outcome of the experience.' Eziakonwa-Onochie (2011), UN Resident Coordinator at the time, emphasizes the importance that the mediation process has had for deepening democratic values and concludes: 'The dialogue and quiet mediation that has served the nation well in recent months can serve as a model for addressing future challenges.'

A further benefit of national mediation capacity is its *conflict prevention* potential. In Ghana the standing mediation mandate of the National Peace Council enabled it to intervene at very short notice during the election crisis of 2008 and to ease the tension. It also contributed, through its local structures, to the resolution of local conflicts, thereby defusing their potential to cause national instability. In Lesotho the church leaders realized that the mediation of an agreement on the electoral law was not sufficient; they had to prevent the violence potential that the elections posed. Their subsequent actions helped to ensure not only relatively peaceful elections but also a successful transfer of power. In South Africa the peace committees under the National Peace Accord also helped to prevent violence. To appreciate the benefits of national mediation, what national mediators can do should be weighed against the elaborate processes required to get an international mediation on the road. International mediation is reactive, whereas national mediation is potentially preventive. A further benefit is that internal mediation capacity remains available in the country to monitor the implementation of agreements and assist when complications arise. The mediators do not leave as soon as the agreement is signed.

Lastly, the potential importance of national mediation for the successful *implementation* of agreements is a matter that deserves further monitoring and research. One of mediation's biggest difficulties is implementing agreements. Implementation failures are a major cause of the recurrence of violence and can destroy the public's confidence in those responsible for implementation, in the peace agreement and in the value of political dialogue (IDPS 2011). In fact, the implementation rather than the signing of an agreement should be the ultimate measure of success. While no generalized conclusions can be drawn from this paper, it is noteworthy that in all three cases I examine here the agreements reached by the parties were implemented. The satisfaction of South African citizens with implementation was tested through a questionnaire in 1999. The great majority expressed satisfaction, the IFP's disappointment with the broken promise regarding international mediation being the most serious complaint (Lloyd 2001, 311).

Does national mediation contribute to the successful implementation of an agreement because, by opting for national mediation, the conflict parties demonstrate substantial commitment to owning the process and securing a successful outcome? Does the reliance on a confidence-based approach to mediation play a role? In other words, does national mediation improve the chance of successful implementation

because it relies on the voluntary participation of protagonists, respects the needs, interests and fears of the parties, and seeks an inclusive, mutually agreeable solution? Does the local knowledge that underpins national mediation ensure that agreements are implementable? These are intriguing questions that the case studies do not answer conclusively but that require further research.

Conclusion

Are national mediators able to usefully lead mediation in intra-state conflict? The answer, as far as experience in Africa is concerned, is a qualified yes. When the protagonists share a common distrust of international mediation, or when sufficient consensus exists that a negotiated outcome is achievable without international intervention, and when the conflict parties share confidence in the integrity and ability of the national mediators, national mediation is a credible option.

Is national mediation a desirable option? Is it, in other words, an option that should be promoted? Given the small sample of cases examined here it is not possible to give a definitive answer, but if national mediation consistently demonstrated the benefits described above it would certainly be an option worth promoting. In particular, if national mediation as a rule enhances social cohesion and self-reliance, contributes to conflict prevention and supports the successful implementation of agreements, its value is indisputable.

Two sub-themes that run through the case studies are important when considering the promotion of national mediation. First, successful national mediation builds on previous successes with mediation, even if at sub-national level. When a political culture develops that has confidence in mediation as a conflict resolution option, it encourages increasing reliance on mediation. Second, successful national mediation relies on the existence of mediation skill and capacity. It is wrong to assume that social stature is a sufficient qualification for mediation. Investing in mediation capacity in a society is therefore a worthwhile proactive strategy.

The National Peace Council of Ghana is a significant development in this respect because of the way mediation has been institutionalized. It has proven its value. When considering the replication of this model, however, note has to be taken of the specific history of the Council, the legitimacy of which is rooted in the bipartisan confidence in mediation that has been built up over years. If a council is artificially imported and therefore less legitimate, it will have less likelihood of success.

Lastly, national mediation does not assume the absence of international engagement. National mediation has succeeded *inter alia* because of the various kinds of support offered by international actors: exerting pressure on conflict parties, building the mediation capacity of local institutions and individuals and providing financial, logistic and substantive support. The way the support is provided is important, though. National mediation has succeeded when international actors have supported without interfering. The essence of feasible national mediation is a society's confidence in the ability of its own members to resolve the conflict. If the international community undermines this confidence, it will negate some of the benefits that make national mediation a worthwhile option.

References

- AllAfrica, 2012. Pressure on Madagascar strongman to allow ex-leader's return. 26 January. <http://allafrica.com/stories/201201270950.html> (accessed 13 September 2012).
- Assefa, H, 1992. The challenge of mediation in internal wars: Reflections on the INN experience in the Ethiopian/Eritrean conflict. *Security Dialogue* 23, 101–6.
- Assefa, H, 2001. Coexistence and reconciliation in the northern region of Ghana. In Abu-Nimer, M (ed.), *Reconciliation, Justice, and Coexistence: Theory and Practice*, Lexington, Lanham, MD, 165–86.
- Ball, N, 1998. Managing conflict: Lessons from the South African Peace Committees. USAID Evaluation Special Study Report, Center for Development Information and Evaluation, Washington, DC.
- Beardsley, K, 2009. Intervention without leverage: Explaining the prevalence of weak mediators. *International Interactions: Empirical and Theoretical Research in International Relations* 35 (3), 272–97.
- Bercovitch, J & Schneider, G, 2000. Who mediates? The political economy of international conflict management. *Journal of Peace Research* 37, 145–65.
- Bloomfield, D, 1995. Towards complementarity in conflict management: Resolution and settlement in Northern Ireland. *Journal of Peace Research* 32 (2), 151–64.
- Bombande, E, 2007. Ghana: Developing an institutional framework for sustainable peace. In Van Tongeren, P & Empel, CV (eds), *UN, Government and Civil Society Collaboration for Conflict Prevention*. European Centre for Conflict Prevention, Den Haag.
- Bombande, E, 2011. Building peace through inter-party dialogue and strengthening the democratic state: The Ghana experience. Report submitted to the Working Group on Political Dialogue of the International Dialogue on Peacebuilding and Statebuilding. Unpublished document, available from the author.
- Bouckaert, P, 2000. South Africa: The negotiated transition from apartheid to nonracial democracy. In Greenberg, MC, Barton, JH & McGuinness, ME (eds), *Words over War: Mediation and Arbitration to Prevent Deadly Conflict*. Carnegie Corporation, New York.
- Collin Marks, S, 2000. *Watching the Wind: Conflict Resolution during South Africa's Transition to Democracy*. United States Institute of Peace, Washington, DC.
- Da Silva, V, 2001. Lesotho: Electoral reform in Lesotho. EISA (Electoral Institute for the Sustainability of Democracy in Africa). www.eisa.org.za/WEP/les2001elect1.htm (accessed 30 August 2012).
- Du Toit, P, 2001. *South Africa's Brittle Peace: The Problem of Post-Settlement Violence*. Palgrave, London.
- EISA (Electoral Institute for the Sustainability of Democracy in Africa), 2007. Conflict over National Assembly seat allocation in 2007. www.eisa.org.za/WEP/les2007results1.htm (accessed 31 August 2012).
- EISA (Electoral Institute for the Sustainability of Democracy in Africa), 2008. Election Observer Mission Report, Lesotho National Assembly Elections, 17 February 2007. EISA, Johannesburg.
- Eloff, T, 1994. Multi-party negotiation process leading to constitution: The process of giving. Website of O'Malley, P, The Heart of Hope. www.nelsonmandela.org/omalley/index.php/site/q/03lv02039/04lv02046/05lv02097/06lv02099.htm (accessed 20 September 2012).
- Eloff, T, 2006. The business community ten years after apartheid. An analysis of business' engagement with (part of) the old and new South Africa. The First 'After Apartheid' Conference, Yale MacMillan Center for International and Area Studies, Cape Town, 11–12 August.
- Esterhuysen, W, 2012. *Eindstryd: Geheime Gesprekke en die Einde van Apartheid*. Tafelberg, Cape Town.
- Eziakonwa-Onochie, A, 2011. Quiet mediation deepening democratic values in Lesotho. <http://maseru.unic.org/2011/09/27/op-ed-on-quiet-mediation-deepening-democratic-values-in-lesotho/#more-47> (accessed 31 August 2012).
- Gastrow, P, 1995. *Bargaining for Peace. South Africa and the National Peace Accord*. United States Institute of Peace, Washington, DC.
- Giliomee, H, 2003. *The Afrikaners. Biography of a People*. Tafelberg, Cape Town.
- GoG (Government of Ghana), 2011. National Peace Council Act (Act 818). Accra.
- GoSS (Government of South Sudan), 2011. Southern Sudan Peace Commission. www.goss-online.org/magnoliaPublic/en/Independent-Commissions-and-Chambers/Peace-Commission.html (accessed 10 September 2012).
- Gurses, M, Rost, N & McLeod, P, 2008. Mediating civil war settlements and the duration of peace. *International Interactions: Empirical and Theoretical Research in International Relations* 34 (2), 129–55.
- Haysom, N, 2002. Negotiating the political settlement in South Africa. Are there lessons for other countries? *Track Two* 11 (3). ICG (International Crisis Group), 2010. Madagascar: Ending the crisis. *Africa Report* 156.
- IDPS (International Dialogue on Peacebuilding and Statebuilding), 2011. The role of political dialogue in peacebuilding and statebuilding: An interpretation of current experience. *Working Paper* 1. IDPS, Paris.
- Kadima, D, 2002. What can the region learn from the 2002 Lesotho National Assembly elections? EISA (Electoral Institute for the Sustainability of Democracy in Africa). www.eisa.org.za/WEP/les2002ud26.htm (accessed 31 August 2012).
- Kalyvas, S, 2006. *The Logic of Violence in Civil War*. Cambridge University Press, Cambridge.
- Kan-Dapaah, A, 2006. A national architecture for peace in Ghana. Concept Paper. Ministry of the Interior, Accra. Unpublished document, available from the author.
- Kathina Juma, M, 2009. African mediation of the Kenyan post-2007 election crisis. *Journal of Contemporary African Studies* 27, 407–30.
- Kotzé, D, 1995. Mediation during the transition in South Africa. Second Pan-European Conference on International Relations, European Consortium on Political Research, 13–16 September, Paris.
- Kraybill, R, 2012. Conversation, risk, and transformation: Managing the political transition in Lesotho. Personal reflections of Ron Kraybill, Peace and Development Adviser of UNDP Lesotho since December 2009. Unpublished document, available from the author.

- Kumar, C, 2011. Building national 'infrastructures for peace': UN assistance for internally negotiated solutions to violent conflict. In Allen Nan, S, Mampilly, ZC & Bartoli, A (eds), *Peacemaking: From Practice to Theory*. Praeger, Santa Barbara, CA.
- Lederach, JP, 1997. *Building Peace: Sustainable Reconciliation in Divided Societies*. United States Institute of Peace, Washington, DC.
- Lloyd, RB, 2001. Conflict resolution or transformation? An analysis of the South African and Mozambican political settlements. *International Negotiation* 6, 303–29.
- Makoa, FK, 2004. Electoral reform and political stability in Lesotho. *African Journal on Conflict Resolution*, 4(2), 79–96.
- Masire, K, 2009. Talking notes: Closing of Lesotho dialogue, 9 July. Press statement. Unpublished document, available from the author.
- Mason, S, 2009. Insider mediators: Exploring their role in informal peace processes. Berghof Foundation for Peace Support, Berlin.
- Ministry of Federal Affairs, 2010. Conflict prevention and resolution directorate: A culture of peace director. Addis Ababa, Ethiopia. Unpublished document, available from the author.
- Nathan, L, 1999. When push comes to shove: The failure of international mediation in African civil wars. *Track Two* 8 (2), 1–27.
- Nathan, L, 2005. Mediation and the African Union's Panel of the Wise. *Discussion Paper* 10, Crisis States Development Research Centre, London School of Economics.
- Nathan, L, 2006. No ownership, no peace: The Darfur Peace Agreement. *Working Paper* (2) 5, Crisis States Research Centre, London School of Economics.
- Nathan, L, 2009. The challenges facing mediation in Africa. Center for Humanitarian Dialogue. Africa Mediators' Retreat, 24–27 March, Zanzibar.
- Nathan, L, 2012. A revolution in mediation affairs? Pamphlet issued by the Centre for Mediation in Africa, University of Pretoria.
- NPC (National Peace Council), 2009. National Peace Council Report, August 2006 – December 2008, Accra, Ghana. Unpublished document, available from the author.
- NPC (National Peace Council), 2010. Commitments and statements of the stakeholders' round table consultations in the search for lasting peace in Bawku. Report to the NPC, Accra, Ghana. Unpublished document, available from the author.
- Ntaote, B, 2010. Opposition slams CCL report to SADC. *Public Eye Online*, 23 August. www.publiceyenews.com/2010/08/30/opposition-slams-ccl-report-to-sadc/ (accessed 1 September 2012).
- Odenaal, A, 2011. The church-led mediation in Lesotho's electoral crisis, 2009–2011. A report for the United Nations Development Programme, Lesotho. Unpublished document, available from the author.
- Odenaal, A, 2012. South Africa's infrastructure for peace. In Mitchell, CR & Hancock, LE (eds), *Local Peacebuilding and National Peace: Interaction between Grassroots and Elite Processes*. Continuum, London.
- Odenaal, A, forthcoming. *Rebuilding Intra-Community Ruins. A Study of Local Peace Committees*. United States Institute of Peace, Washington, DC.
- Odenaal, A & Spies, C, 1996. Local peace committees in the rural areas of the Western Cape: Their significance for South Africa's transition to democracy. *Track Two, Occasional Paper*.
- Office of the President, 2011. National policy on peacebuilding and conflict management. Nairobi, Kenya.
- Ojielo, O, 2007. Designing an architecture for peace: A framework of conflict transformation in Ghana. Notes by Ozonnia Ojielo, UN Peace and Development Adviser in Ghana, 2004–2008. Unpublished document, available from the author.
- Paffenholz, T, 2001. Thirteen characteristics of successful mediation in Mozambique. In Reyhler, L & Paffenholz, T (eds), *Peacebuilding: A Field Guide*, Lynne Reiner, Boulder, CO, 121–7.
- SADC (Southern African Development Community), 2010. Communiqué of the 30th Jubilee Summit of SADC Heads of State and Government, August 16–17, Windhoek. www.sadc.int/index/browse/page/782 (accessed 23 August 2012).
- SADC (Southern African Development Community), 2011. Communiqué of the 31st SADC Heads of State and Government Summit, 17–18 August, Luanda. www.sadc.int/english/current-affairs/news/communiqué-of-the-31st-sadc-heads-of-state-and-government-summit/ (accessed 11 September 2011).
- Sisk, TD, 1995. *Democratization in South Africa. The Elusive Social Contract*. Princeton University Press, Princeton, NJ.
- Sisk, TD, 2009. *International Mediation in Civil Wars. Bargaining with Bullets*. Routledge, London.
- Storholdt, KH, 2001. Lessons learned from the 1990–1997 peace process in the north of Mali. *International Negotiation* 6, 331–6.
- Svensson, I, 2007. Mediation with muscles or minds? Exploring power mediators and pure mediators in civil wars. *International Negotiation* 12, 229–48.
- Touval, S & Zartman, IW (eds), 1985. International mediation in theory and practice. *SAIS Papers in International Affairs* 6. Westview Press, Boulder, CO.
- Turay, TM, 2000. Civil society and peacebuilding: The role of the Inter-Religious Council of Sierra Leone. In Lord, D (ed.), *Paying the Price: The Sierra Leone Peace Process*. Accord Series 9, 50–3.
- UNDP (United Nations Development Programme), 2012. Consultation on an infrastructure for dialogue and collaborative problem-solving for Malawi, 12–13 March, Club Makokola, Mangochi, Malawi.
- UNDP Newsroom, 2010. Ghana peace architecture to get boost from lawmakers. 21 December 2010. <http://content.undp.org/go/newsroom/2010/december/ghanas-peace-architecture-gets-new-boost-from-lawmakers.en> (accessed 5 September 2012).
- UNSG (United Nations Secretary-General), 2012. Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution. A/66/811, 25 June 2012. New York.
- Wachira, G, 2010. *Citizens in Action. Making Peace in the Post-Election Crisis in Kenya – 2008*. NPI-Africa, Nairobi.
- Wehr, P & Lederach, JP, 1991. Mediating conflict in Central America. *Journal of Peace Research* 28(1), 85–98.
- Yorke, E, 1998. The Inkatha Freedom Party perspective: Warlords to peacelords? In Toase, FH & Yorke, EJ (eds), *The New South Africa: Prospects for domestic and international security*. St Martin's Press, New York.
- Ziwu, L, 2011. Third International Africa Peace and Conflict Resolution Conference opens. <http://ghana.gov.gh/index.php/news/general-news/6753-3rd-international-africa-peace-and-conflict-resolution-conference-opens> (accessed 13 September 2012).