

A COMPARATIVE ANALYSIS OF SOUTH AFRICA'S MEDIATION IN THE BURUNDI AND CÔTE D'IVOIRE CONFLICTS

By

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Acknowledgements

As I complete this research project, I look back at the path I have traversed and realise I have not walked it alone.

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Abstract

This study compares and analyses South Africa's mediation efforts in Burundi from 1999-present, and Côte d'Ivoire from 2004-2006.

A thorough study of the two conflicts reveals that the conflict in Burundi was far more intractable than that in Côte d'Ivoire, with very unique factors contributing to the conflict: a high population density coupled with land scarcity, in a bifurcated dual community with a Hutu majority and a Tutsi minority. The Tutsi minority had ruled over the Hutu majority since pre-colonial times. The Arusha Agreement for the Reconciliation of Burundi (2000) attempted to redress these historical circumstances by introducing proportional ethnic quotas. While enabling majority rule, these however, ensured the former minority rulers retain substantial power through the agreed proportional formulae. A significant challenge with which the South African mediators were faced was that the major Hutu rebel groups, the CNDD-FDD and the Palipehutu-FNL remained outside the peace process until 2003 and 2008 respectively.

The conflict in Côte d'Ivoire was influenced more strongly by economic factors. Once Ivoirité was introduced in 1964, based on the patrimonialism of President Felix Houphouët-Boigny's one party rule, groups such as migrants, northerners and Muslims formed an alliance of the excluded and rebelled against the Ivoirité government. This continues to contribute significantly to the conflict in the country.

Although the Côte d'Ivoirian conflict was far more negotiable, bad faith between the government and the rebels, agreements that did not address the root causes of the conflict as well as a proliferation of external mediators resulted in a protracted peace process that has not been completely resolved. The most significant contribution by South Africa may have been President Mbeki's determination on Article 35 of the Côte d'Ivoirian constitution that excluded personalities who did not meet the requirements of Ivoirité from standing for public office.

South Africa had, as a newly democratized country prioritized conflict and post conflict resolution as a pre-cursor to promoting development on the continent, which it sees as twin pillars of the African agenda for African renewal. This study aims to investigate how it fared in particularly these two endeavours as it exported the South African model of conflict resolution based on its own transformation and which outcomes can be considered more successful.

In assessing how South Africa fared, the outcomes of its intervention in each of the case studies, is weighed against criteria for successful conflict resolution determined by John Stremmler and William Zartman.

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List of Abbreviations

| | |
|------------------|---|
| AMIB | African Union Mission in Burundi |
| Arusha Agreement | Arusha Peace and Reconciliation Agreement for Burundi (2000) |
| ASF | African Standby Force |
| AU | African Union |
| BINUB | United Nations Integrated Office in Burundi |
| CFA | Comprehensive Ceasefire Agreement between government of Burundi and Paliphehutu-FNL |
| CNDD-FDD | National Council for the Defence of Democracy- Democratic Defence Forces |
| CNDRR | National Commission for Demobilisation, Reinsertion and Reintegration |
| CODESA | Convention for a Democratic South Africa |
| Com'Zones | Military Zone Commanders |
| DDR | Demobilisation, disarmament, reinsertion and reintegration |
| DRC | Democratic Republic of Congo |
| ECOWAS | Economic Community of West African States |
| EU | European Union |
| FAFN | Forces Nouvelles Armed Forces |
| FANCI | Armed Forces of Côte d'Ivoire |
| FNL | Forces Nationales de Libération |
| FPI | Front Populaire Ivoirien |
| FRODEBU | Front for Democracy in Burundi |
| G-10 | Parties representing the Tutsi |
| G-7 | Parties representing the Hutu |
| GNU | Government of National Unity |
| IMC | Implementation Monitoring Committee for Burundi |
| INS | National Institute of Statistics |
| JCC | Joint Ceasefire Commission for Burundi |
| JVMM | Joint Verification and Monitoring Mechanism for Burundi |
| LMA | Linas Marcoussis Accord (2003) |
| MDRP | Multi-Country Demobilisation and Reintegration Programme for Burundi |
| MINUCI | United Nations Mission to Côte d'Ivoire |

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| MIPROBU | Mission for Protection and Restoration of Trust in Burundi |
| MJP | Mouvement Pour la Justice et la Paix |
| MPCI | Mouvement Patriotique de Côte d'Ivoire |
| MPIGO | Mouvement Populaire Ivoirien du Grand Ouest |
| NGO | Non governmental organisation |
| OAU | Organisation of African Unity |
| ONUB | United Nations Mission in Burundi |
| PALIPHEHUTU-FNL | Party for the Liberation of the Hutu People – Forces Nationales de Libération |
| PCDI-RDA | Parti Democratique de Côte d'Ivoire |
| PDC | Christian Democratic Party |
| RDR | Rassemblement des Républicains |
| RUF | Revolutionary United Front |
| SADC | Southern African Development Community |
| UN | United Nations |
| UNHCR | United Nations High Commissioner for Refugees |
| UNSG | United Nations Secretary General |
| UPRONA | Union for National Progress |
| US | United State of America |

Timeline: Burundi

| | |
|----------------------|---|
| 1856 | European explorers and missionaries visit Burundi |
| 1884-1885 | Berlin Conference – Scramble for Africa |
| 1899 | Burundi and Rwanda formally incorporated in German East Africa Due to a lack of manpower and resources the Germans retained all existing social and political structures and rule was exercised through the Monarchy and its existing state formations. The Germans attempted to bolster this system of indirect rule by modernising and centralising the existing state |
| 1914-1918 | World War I |
| 1920s | Belgium recognizes Tutsi-led monarchy Belgians in a combination of prejudice and desire for administrative simply elevate Tutsi to ruling status – given privileged access to state and economic opportunities |
| 1923 | League of Nations mandates Burundi to Belgium |
| 1945+ | Ruanda-Urundi becomes a United Nations Trust Territory under Belgian administrative authority |
| 1948 | Belgium permits emergence of two competing political parties – Union for National Progress (UPRONA) headed by Tutsi Prince Louis Rwagasore and Christian Democratic Party (PDC) supported by Belgium |
| 1950s | Hutus begin to mobilise against Tutsi dominance following greater access to state and economy in the wake of post-1945 decolonisation movements |
| 1959 | The Hutu uprising against minority Tutsi rule in neighbouring Rwanda inspired the Hutu of Burundi to do the same |
| 1961 | The age-old monarchy was abolished, paving the way for majority rule sometime in future Prince Rwagasore assassinated following UPRONA victory in legislative elections |
| 1 July 1962 | Burundi granted independence from Belgium. Tutsi King Mwambutsa establishes a constitutional monarchy comprising equal numbers of Tutsi and Hutu |
| 1965 | Captain Micombero (Tutsi) stages coup Hutu Prime Minister assassinated – series of destabilising Hutu revolts and subsequent governmental repression |
| 1966 | King Mwambutsa deposed by his son |
| November 1966 | Tutsi army officers abolish the monarchy depriving Burundi of a potentially stabilizing arbiter between competing ethnic factions |
| 1960s-1970s | Civil unrest |
| 1972 | Hutu led conflict – between 100000-200000 people killed |

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| 1976 | Col Jean-Baptiste Bagaza assumes power in bloodless coup Overthrows President Micombero. Sole political party is abolished Supreme Revolutionary Council under military control is established to rule the country President Bagaza ends system of Tutsi feudal landlords through land reform |
| 1980 | Formation of Paliphehutu-FNL as a direct response to the massacres of 1972 |
| 1981 | New Constitution |
| 1982 | Elections won by the Bagaza group with 99% of the vote |
| 1983 | Melchior Ndadeye (Hutu) founds Front for Democracy in Burundi (FRODEBU) |
| 1984 | General Bagaza elected Head of State |
| September 1987 | President Bagaza overthrown by Pierre Buyoya – continued unrest. Civilian constitution of 1981 is abrogated and a 31 member Military Committee for National Salvation is formed to rule the country |
| August 1988 | European Community calls on Burundi to allow international observers to investigate ethnic clashes |
| May 1989 | President Buyoya pledges to give Hutus more influence in governing Burundi but rejects Hutu domination based on their numerical strength |
| February 1991 | National Unity Charter endorsed by 89.1% of voters calling for end of military rule, restoration of the constitution and ensuring harmony between Hutu and Tutsi |
| May 1991 | National Unity Code pledging equal rights for Hutu, Tutsi and Twa and condemning political violence adopted |
| March 1992 | A new constitution which vests executive power in a directly-elected President who serves for 5 years adopted The official political monopoly enjoyed by UPRONA for 26 years ends Ethnically based political parties banned Parties must pledge support for the concept of national unity |
| 1993-2000 | Approximately 250000 people killed and 1 million displaced GDP fell by approximately 30% Agricultural production virtually collapsed, due to internal conflict, demobilization of the agricultural labor force, and economic sanctions that reduced input supplies In addition, the crisis derailed reforms to modernize the economy, and has left the government with very limited resources to combat poverty External and internal disequilibria, including a severe scarcity of foreign reserves, make macroeconomic and structural reforms a prerequisite for sustainable growth |
| 19 February 1993 | At OAU meeting in Addis Ababa, Burundian ministers seek agreement on the deployment of an OAU forces in Burundi to protect government officials |

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| 1 June 1993 | Democratic elections held Melchior Ndadaye (Hutu) wins 71% of the vote President Ndadaye attempts to transform political structures – appoints a female Tutsi Prime Minister and opens the government to all groups Nine of 23 cabinet seats held by Tutsis |
| 18 June 1993 | President Ndadaye’s FRODEBU sweeps legislative elections winning 65 of 81 seats in parliament |
| July 1993 | Attempted coup by supporters of former Tutsi President |
| October 1993 | Revolt by military forces First democratically elected Hutu President Melchior Ndadaye assassinated by Tutsi army officers after 100 days in office Clashes between Hutus and Tutsis including Tutsi dominated military unit UN refuses to send peacekeepers Coup is widely condemned and soon collapses |
| 1 November 1993 | Burundi asks for 1000 OAU troops as a protection force Small force of 180 dispatched to Burundi to protect the government and UN deploys fact-finding mission to clarify events surrounding the coup Burundian army calls foreign military force external intervention in Burundi’s affairs |
| 25 November 1993 | UNOB established at the request of the Security Council to facilitate the restoration of constitutional rule in Burundi |
| 27 November 1993 | Belgium decides to provide logistical support to OAU forces planned for Burundi |
| December 1993 | OAU Summit decides to send a protection force to Burundi |
| 25 January 1994 | Government backs away from supporting OAU intervention force following opposition from army and other groups |
| February 1994 | OAU sets aside plans for peacekeeping force for Burundi |
| April 1994 | The death of President Ntaryamira, who succeeded President Ndadaye, in a plane crash in Kigali contributed to increased tensions that were exacerbated by the outbreak of massive violence in neighboring Rwanda Burundi’s situation was also aggravated by political instability in the DRC (Rwandan President Habyarimana also on board aircraft and also dies) |
| September 1994 | Agreement reached on the appointment of Sylvestre Ntibantuganya (Hutu) as new president In Parliament FRODEBU (majority Hutu) controls 65 of 85 seats while UPRONA (majority Tutsi) has 16 delegates |
| 1995 | Extremely chaotic security situation prevails amid a low intensity ethnic war between Hutu rebels and Tutsi dominated army and security units |
| 27 June 1995 | EU calls for peace conference on Burundi under auspices of UN and OAU |

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| 11 July 1995 | UPRONA says it will not participate in peace talks |
| 17 July 1995 | UN Secretary-General Boutros Boutros-Ghali announces UN will conduct inquiry into violence in Burundi The UN Security Council passes Resolution 1012 mandating an international peace process |
| 27 October 1995 | President Ntibantunhanya requests former US President Jimmy Carter to convene a peace conference |
| May 1996 | UN notes that security situation in Burundi is deteriorating |
| 11 June 1996 | Tanzania's President Julius Nyerere mediating between rival Burundi ethnic factions calls on Tutsi minority to make political concessions to Hutus |
| 10 July 1996 | OAU Summit meeting endorses dispatch of peacekeeping force to Burundi composed of troops from neighbouring states |
| 25 July 1996 | Pierre Buyoya (Tutsi) overthrows President Sylvestre Ntibantunganya (Hutu) with assistance of military on the pretext of stabilizing the security situation Economic sanctions imposed on Burundi by other African countries FRODEBU splits into two factions Tanzanian President Julius Nyerere begins peace process with meetings (Arusha I) between FRODEBU (Hutu) and UPRONA (Tutsi) |
| 10 October 1996 | President Buyoya holds talks with Julius Nyerere in northern Tanzania Agrees to restore national assembly and lifts ban on political parties |
| 1996-1998 | Arusha I |
| April 1997 | Regional governments ease sanctions against Burundi and invited President Buyoya to their regional summit in Arusha |
| 17 May 1997 | Rome Accord following secret discussions between government and CNDD in Rome under the auspices of Catholic Peace group |
| 22 May 1997 | Foreign Minister Lud Rukingama announces Burundian factions will meet under the auspices of UNESCO in Geneva in June (CNDD declines invitation to participate in this conference) |
| 14 July 1997 | First clashes between Paliphehutu and CNDD (FDD) |
| 28 July 1997 | Burundian parties agree to peace talks to be chaired by President Julius Nyerere in mid-August (talks never happen because of refusal of Burundian government to participate after rising tensions between Burundi and Tanzania) |
| 26 September 1997 | President Buyoya convenes talks in Paris with Hutu rebel groups under auspices of UNESCO |
| 21 February 1998 | Regional governments renew sanctions against Burundian government |
| 20 May 1998 | President Buyoya and all rebel faction leaders agreed to attend Arusha peace talks scheduled for 15 June 1998 |

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| 9 June 1998 | In accordance with article 81 of the <i>Acte constitutionnel de Transition</i> (ACT) Major Pierre Buyoya was appointed President of the Republic by the consensus of the government and the Transitional National Assembly Two Vice Presidents appointed 10 June 1998 and 12 June 1998 22 member cabinet appointed |
| 15 June 1998 | Arusha Peace talks commence First all party peace talks since 1996 military coup and include the five main political parties, three rebel groups, civic and religious organizations and outside mediators At the end of the first session all groups attending agree to a ceasefire to begin by 21 July 1998 when second round of peace talks are to begin Agenda for meeting also agreed to |
| Mid June 1998 | President Buyoya names 22 member cabinet including 12 Hutus |
| October 1999 | President Nyerere dies |
| December 1999 | Former President Mandela nominated mediator at 8 th Great Lakes Regional Summit following death of Julius Nyerere |
| 1999-2000 | Former President Nelson Mandela insists on inclusion of excluded rebel groups The salience of ethnic quotas (Arusha III) |
| 27 March 2000 | President Nelson Mandela distributes draft copy of agreement during meeting of heads of delegations |
| 28 August 2000 | Arusha Peace and Reconciliation Agreement for Burundi concluded although it does not include a ceasefire agreement Agreement does not make provision for Joint Ceasefire Commission (JCC) Signed by 14 political parties |
| 28 November 2000 | Implementation Monitoring Committee (IMC) established in Arusha |
| 2001 | South African Deputy President increasingly assumes role of Facilitator in Burundi |
| 1 November 2001 | Government of national unity inauguration and transitional constitution adopted President Pierre Buyoya, a Tutsi, leads transitional government for 18 months |
| 7 October 2002 | Ceasefire Agreement signed between transitional government of Burundi and Jean Bosco's National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD) and Alain Mugabarabona's Forces for National Liberation (FNL) |
| April 2003 | African Mission in Burundi (AMIB) deploys African troops (Taken over by UN operation in Burundi ONUB in 2004) |
| 30 April 2003 | President Ndayizeye is inaugurated as president to lead the second half of a three-year transitional power-sharing government |
| 1 May 2003 | President Domitien Ndayizeye a Hutu leads transitional government for further 18 months |

- 23 June 2003** The UN Security Council, after a recent tour of Great Lakes region, recommends that the international community find ways to provide aid to ongoing peace efforts in Burundi and DRC
- 28 August 2003** National Commission for Demobilization, Reintegration and Relocation established by presidential decree
The demobilization of child soldiers is given priority
- October 2003** All troops committed to AMIB by South Africa, Ethiopia and Mozambique, some 3,000 troops, are deployed
- 8 October 2003** Burundian government signs a ceasefire implementation accord with the largest rebel faction, in Pretoria, South Africa (Protocol on Political, Defence and Security Power Sharing in Burundi)
- 2 November 2003** Signing of Pretoria Protocols on power sharing in the political, defense and security sector between Transitional Government of Burundi and Pierre Nkurunziza's CNDD-FDD (Protocol on Outstanding Political, Defence and Security Power Sharing Issues in Burundi)
- 16 November 2003** Negotiations between the Transitional Government of Burundi and the CNDD-FDD successfully culminates in the signing of the Comprehensive Cease-fire Agreement of Dar-es-Salaam
The Agreement finalises matters relating to participation by the CNDD-FDD in the transitional institutions and the JCC
- 19 November 2003** UN and its partners in the humanitarian field launch a global appeal for 2004 seeking US\$71m to meet Burundi's humanitarian needs
- 23 November 2003** President Ndayizeye forms a new Cabinet of 27 members, including four members of CNDDFDD
- 16 November 2003** Second Ceasefire Agreement signed between the transitional government of Burundi and Pierre Nkurunziza's CNDD-FDD
- 4 December 2003** CNDD-FDD joins the JCC bringing the body to full representation of all the parties excepting that of the Paliphehutu-FNL
- 10 December 2003** The Transitional Government of Burundi revokes the law in force since 1972 banning government officials in exile from holding office
- 15 December 2003** President Ndayizeye appoints Brigadier General Adolph Nshimirimana, head of CNDD-FDD's military branch, as Deputy Chief of Staff of the National Defense Forces (in the process of being integrated into a single body, as of Feb 04)
CNDD-FDD members are appointed to the Cabinet, including its leader Pierre Nkurunziza who became State Minister in charge of Good Governance and of State Inspection
- 1 January 2004** President Ndayizeye in New Year speech to the Burundian people calls on all concerned parties to accelerate the ongoing process and set a timetable for its implementation
- 6 January 2004** President Ndayizeye signs a decree appointing 33 members of Mixed High Military Command, of which 20 were from the Army and 13 from the CNDD-FDD
These appointments are in accordance with the FTA signed in Pretoria on 2 November 2003

On the same day the President signs another decree defining the mandate of the Mixed Command

This body is to provide the Transitional Government of Burundi with proposals on the size and structure of the new national defence forces, taking into account the percentages determined in the FTA

- 18-20 January 2004** President Ndayizeye meets with representatives of Paliphehutu-FNL the last rebel group refusing to negotiate with the Transitional Government of Burundi
Contents of talk remain secret, but they agree to meet again at an unspecified date
- 19-21 January 2004** Meeting of Tripartite Commission on the voluntary repatriation of Burundian refugees, is held in Arusha, Tanzania
- 2 February 2004** Opening of regular session of National Assembly
- 28 August 2004** Establishment of National Commission for Demobilisation, Reinsertion and Reintegration (NCDRR) responsible for implementing DDR process
- 31 August 2004** Parliament establishes National Independent Electoral Commission (CENI) responsible for organising elections
- 16 October 2004** CENI publishes new timetable for 2005 electoral process
- 2 December 2004** Commencement of DDR process (enables several former armed parties and movements to be registered officially as political parties)
- 27 December 2004** President Ndayizeye signs law allowing for creation of the National Truth and Reconciliation Commission
- 28 February 2005** Constitution ratified in referendum with 92% approval
- 19 August 2005** Burundi holds free and fair democratic elections
Won by Hutu-based CNDD with 93% of the vote. UPRONA wins 7% of the vote
President Pierre Nkurunziza elected by the parliament by a vote of 151 to 9 on 26 August 2005
- 11 March 2006** Agathon Rwasa announces in Dar-es-Salaam he is will to stop fighting and enter into unconditional negotiations with the government of Burundi
- 20-21 April 2006** Meeting of Tripartite Commission requested and obtained partners' support for international sanctions against Paliphehutu-FNL
Sets two conditions for opening of talks: participation of a dissident faction of the rebel movement and the appointment of South Africa as chief facilitator
- 7 May 2006** President Mbeki announces resumption of the Facilitation led by Minister of Safety and Security Charles Nqakula
- 2 June 2006** Formal talks mediated by Minister Nqakula begin in Dar-es-Salaam
Discussions held under two separate commissions: a military commission that tackled disarmament, demobilization and reintegration; a political commission that handled negotiations about provisional immunity for FNL leadership, refugee repatriation and settlement, as well as FNL's participation in national politics

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| 18 June 2006 | Burundian government and FNL leadership sign Agreement on Principles Towards Lasting Peace, Security and Stability in Burundi in Dar-es-Salaam |
| 7 September 2006 | Current government of Burundi signs Comprehensive Ceasefire Agreement with Agathon Rwasa's FNL Party, last remaining rebel group outside the peace process |
| 10 October 2006 | Government of Burundi announces the formation of a Joint Verification and Monitoring Mechanism; Paliphehutu-FNL refuses to participate pending release of their head of intelligence and operations detained in July Efforts by the Facilitator to encourage them to participate to enable movement forward prove futile |
| February 2007 | South Africa agrees to request from AU to retain 1100 troops in Burundi to protect Paliphehutu-FNL leaders and personnel |
| March 2007 | JVMM discussions resume; close after one week with Facilitator admitting to irreconcilable differences between government and FNL delegates |
| 17 June 2007 | President Nkurunziza holds discussions with Agathon Rwasa in Dar-es-Salaam in order to clear up outstanding issues and reactivate JVMM |
| 25 July 2007 | FNL delegation to JVMM walk out of talks accusing Facilitator of partiality towards government following his comments that the issues being raised fell outside the authority of the commission |
| 26 September 2007 | Facilitation and regional technical team meet in Pretoria to discuss latest hiatus in peace process Tanzania warns FNL it would be expelled from Dar-es-Salaam if it did not participate in political process |
| January 2008 | FNL withdraws objections to continued role of the Facilitator |
| 23 February 2008 | Minister Nqakula calls meeting in Cape Town, South Africa of special envoys to Burundi from Uganda, Tanzania and South Africa as well as representatives of the African Union, the European Union, the United States of America and the United Nations to draw up new roadmap designed to end standoff by the end of June 2008 |
| March 2008 | Spokesman for FNL announces it will return to JVMM only if new conditions are met |
| April 2008 | Escalation of FNL operations against military and civilian targets |
| 4 May 2008 | Foreign Ministers of Uganda and Tanzania issue ultimatum to Paliphehutu-FNL leadership to cease hostilities and return to Bujumbura within 10 days |
| 17 May 2008 | Entire movement leadership except Agathon Rwasa returns to Bujumbura to resume participation in JVMM |
| 26 May 2008 | Unconditional ceasefire signed |
| 30 May 2008 | Agathon Rwasa returns to Burundi with Facilitator Charles Nqakula |

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| 10 June 2008 | Magaliesberg Declaration signed in South Africa – Paliphehutu FNL commit themselves to renouncing violence and resolving further disputes through dialogue |
| 18 August 2008 | Discussions between facilitator Charles Nqakula, President Pierre Nkurunziza and Rwasa of Paliphehutu-FNL – agree to Ngozi Declaration detailing how both parties will deal with outstanding issues as defined in the Comprehensive Ceasefire Agreement |
| 29 August 2008 | Ngozi Declaration signed |
| October 2008 | Implementation of peace process again halted over timing of the assembly of FNL fighters and registration of Paliphehutu-FNL as political party |
| 6 November 2008 | Facilitator, supported by foreign ministers of Uganda and Tanzania suggest that Paliphehutu-FNL drop the first part of its name with its ethnic and therefore unconstitutional connotations paving the way for its registration as a political party |
| 4 December 2008 | Summit of Heads of State and Government of the Great Lakes Region on the Burundi Peace Process support and urge acceptance by Rwasa of suggestions by Facilitator to unblock impasse |
| 9 January 2009 | Paliphehutu-FNL changes name to Forces Nationales de Libération (FNL) with a view to honouring constitution and fully participating in Burundian governance structures |
| 13-14 March 2009 | Minister Nqakula calls stakeholders meeting under auspices of Burundi Facilitation Meeting establishes three-person High Level Task Team that gives added momentum to peace process |
| March 2009 | Paris Club of creditor nations cancels all of the US\$134.3m debt Burundi owed to its members |
| April 2009 | Burundi's last rebel group, the Forces for National Liberation (FNL), lays down arms and officially transforms into a political party in a ceremony supervised by the African Union Ex-rebel Godefroid Niyombare becomes first ever Hutu chief of general staff of the army |
| 2010 | Burundi to hold elections |

Timeline: Côte d'Ivoire

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| 1884-1885 | Berlin Conference – Scramble for Africa |
| 1880s | French arrive in Côte d'Ivoire |
| 1912 | Cocoa production born |
| August 1960 | Côte d'Ivoire granted independence from France Felix Houphouët-Boigny elected President and rules amidst economic prosperity and apparent political stability (1960-1993 rules Côte d'Ivoire as one party state under PDCI-RDA until his death) |
| 1980 | Henri Konan Bédié elected member of parliament and president of the national assembly; becomes the de facto constitutional heir to the Head of State in accordance with Article 11 of the constitution Remains President to the national parliament body for 14 years till the death of President Houphouët-Boigny |
| 28 October 1990 | First multiparty elections |
| November 1990 | Alassane Dramane Ouattara anointed by President Houphouët as Prime Minister in charge of the economy recovery |
| 1991 | Violent protests in Abidjan led by Laurent Gbagbo in response to austerity programme imposed by the World Bank and managed by Prime Minister Ouattara |
| 7 December 1993 | Death of President Houphouët-Boigny Bédié announces in a short declaration, that he is in charge of the state power in conformity to Article 11 of the constitution which grants the president of the national assembly the right to rule the country - as acting president - for an interim period covering the remaining ruling time of the deceased president |
| 1994 | Bédié passes new Citizenship Act in 1994 based on Ivoirité which excludes migrants, northerners and Muslims from citizenship that creates resentment |
| 1995 | Bédié wins Presidential election boycotted by the main opposition party Front Populaire Ivoirien - Ivorian Popular Front - (FPI) of socialist leader Laurent Gbagbo. Alassane Ouattara denied the right to run for the presidency on the grounds he is not a true Ivorian; ruling supported by France who argues that the constitution must be respected |
| 1998 | Rural land law enacted making citizenship a requirement to owning land; issue of citizenship gains prominence for inhabitants of Côte d'Ivoire |
| 1998-1999 | Economy begins to slow down Rock bottom cocoa prices spurred farmers to blockade the Abidjan harbor in protest in November 1998 |
| 24 December 1999 | President Henri Konan Bédié overthrown when rank members of the national army staged a mutiny on the pretext of non-payment of due salaries and incentives for service rendered within the United Nations peace keeping forces in the Republic of Centrafrique (MINURCA) General Robert Gueï chosen the lead the junta |

General Robert Gueï who is thought to have masterminded 1999 coup defeats Laurent Gbagbo in Presidential election
Results claimed to be fraudulent
Gueï flees the country to Benin and Laurent Gbagbo becomes President

- 2000-Sept 2002** Things deteriorate
- 19 September 2002** Group of 700 soldiers attempt coup d'état in Côte d'Ivoire simultaneously attacking cities of Abidjan, Bouaké and Korhogo; retreat to Bouaké failing to take Abidjan (President Gbagbo on official visit to Rome)
Rapid intervention by French troops based in Abidjan to evacuate French and US citizens block the rebels from moving south to Abidjan
- 23 September 2002** President Mbeki, as Chair of the African Union travels to Côte d'Ivoire
- 17 October 2002** Ceasefire Agreement signed by President Laurent Gbagbo and Mouvement Patriotique de Côte d'Ivoire (MPCI) rebels in Lomé, Togo
- 28 October 2002** Peace talks organised under leadership of President Gnassingbé Eyadéma of Togo in Lomé following West African and French diplomatic activity – agreement on rebels immediate demands
- 28 November 2002** Two new insurgent groups – Mouvement Populaire du Grand Quest (MPIGO) and Mouvement pour la Justice et la Paix (MJP) – appear in the west – express commitment to remove President Gbagbo
- Late 2002** French peacekeeping force deployed to Côte d'Ivoire
- 23 December 2002** Rebel movements - MPCI, MPIGO and MJP – unite under the umbrella of Forces Nouvelles
- 15-24 January 2003** French government brokers Linas-Marcoussis Agreement but country remains fragmented; UN Secretary General appoints Special Representative Albert Tévoedjré to head a Monitoring Committee mandated to supervise application of the Accords which created a transitional government that included political parties and insurgents (Power sharing agreement collapses in September 2003)

President Gbagbo appoints Seydou Diarra as consensus Prime Minister
- 4 February 2003** UN Security Council adopts Resolution 1464 which gives French and ECOWAS forces a Chapter VII mandate
- March 2003** Prime Minister Diarra forms government of national reconciliation of 41 ministers
- 7-8 March 2003** Ghanaian President John Kufuor organises Summit of Marcoussis parties to assist with implementation of the Linas Marcoussis Accords
MPCI renounces claims on defence and interior; 15 member National Security Council set up to identify ministers for highly sensitive posts (Ministers appointed by President Gbagbo only in September 2003; Forces Nouvelles walk out of inclusive government)

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| Mid April 2003 | Meeting of full government (UN peacekeepers in place to provide security for New Forces ministers) |
| 3 May 2003 | Comprehensive ceasefire signed |
| 13 May 2003 | UN Security Council Resolution 1479 establishes UN Mission to Côte d'Ivoire (MINUCI) to assist and monitor application of LMA, especially disarmament and the end of conflict in the west |
| 27 June 2003 | Security Council Mission MINUCI arrives in Côte d'Ivoire to assist the Special Representative of the UN Secretary General (also a signal of international commitment) |
| 4 July 2003 | Government and New Forces militaries sign "End of War" Declaration; recognise President Gbagbo's authority; vow to work for the implementation of the LMA and a programme of Demobilisation, Disarmament and Reintegration (DDR) |
| 17 July 2003 | Political signatories of Marcoussis, with the exception of FPI, meet in Bouaké to denounce obstacles created by the President and the FPI and the inadequacy of measures taken by President Gbagbo to implement the peace accords |
| 13 September 2003 | President Gbagbo names politically neutral Defence and Security Ministers. |
| December 2003 | Tensions increase, sparking civil war |
| 27 February 2004 | UN Security Council adopts Resolution 1528 establishing a peacekeeping mission in Côte d'Ivoire (UNOCI) under Chapter VII mandate |
| 4 April 2004 | MINUCI absorbed into UNOCI |
| 30 July 2004 | Accra III Agreement signed following violent flare-ups and political deadlocks; reaffirms goals of LMA with specific deadlines and benchmarks for progress |
| 2004 | United Nations passes resolutions endorsed by African Union and ECOWAS that mandates President Thabo Mbeki to become mediator Resolutions and framework of mediation based on Linas Marcoussis Agreement (2003) |
| 4 November 2004 | Government forces initiate a bombing campaign of rebel targets in the north |
| 6 November 2004 | Government aircraft bombs French military installation in Bouake (9 French soldiers and 1 American civilian killed); French airforce retaliates |
| 9 November 2004 | President Mbeki visits Côte d'Ivoire following request by the African Union in consultation with ECOWAS |
| 11 November 2004 | President Mbeki holds discussions with leaders of various Côte d'Ivoirian political formations in Pretoria |
| 15 November 2004 | UN Security Council adopts Resolution 1572 (2004) and issues immediate arms embargo against Côte d'Ivoire |

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| April 2005 | Leaders of all political parties meet in Pretoria for discussions with the South African mediation team |
| 6 April 2005 | Pretoria Agreement brokered by President Mbeki signed; aims to formally end country's state of war, addresses issues such as DDR, the return of New Forces Ministers to government, and the reorganization of the Independent Electoral Commission |
| 26 April 2005 | President Mbeki makes ruling on Article 35 of Côte d'Ivoirian constitution |
| June 2005 | Follow up agreement laying out another framework for disarmament, elections, and the adoption of legislation required under LMA |
| 21 October 2005 | UN Security Council Resolution 1633 recommends appointment of Prime Minister to govern the country |
| 30 October 2005 | Elections scheduled (postponed) |
| 4 December 2005 | Charles Konan Banny appointed Prime Minister in consultation with other African mediators |
| 7 December 2005 | Charles Konan Banny sworn in as Prime Minister |
| October 2006 | South Africa elected to non-permanent seat on United Nations Security Council Resigns from Côte d'Ivoirian mediation at AU Peace and Security Council meeting in Addis Ababa Succeeded by President of Burkina Faso Blaise Compoaré |
| 31 October 2006 | Elections scheduled (postponed) |
| 1 November 2006 | United Nations Security Council passes Resolution 1721 which extends mandates of President Laurent Gbagbo and Prime Minister Charles Konan Banny for 12 months as well as transferring some of the President's powers, especially those over security and electoral processes to the Prime Minister |
| 2 November 2006 | President Gbagbo indicates he will uphold the Constitution |
| 19 December 2006 | President Gbagbo announces his intention to engage directly in dialogue with the armed militia, with the government of Burkina Faso as the Facilitator South African President Thabo Mbeki assists in facilitating contact between Presidents Gbagbo and Compoaré |
| 23 January 2007 | President Gbagbo calls on the chairman of the Assembly of Heads of State of ECOWAS to facilitate direct talks between the government and the armed militia |
| 4 March 2007 | Ouagadougou Political Agreement brokered by Burkinabi President Blaise Compoare signed: President Gbagbo remains President; Guillaume Soro, leader of Forces Nouvelles appointed Prime Minister |
| 19 March 2007 | AU Peace and Security Council at 73 rd meeting endorses Ouagadougou Political Accord finalized earlier in the month |
| 26 March 2007 | Supplementary Agreement to Ouagadougou Political Accord finalized (endorsed by AU Peace and Security Council at 74 th meeting on 29 March 2009) |

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| 29 March 2007 | President Gbagbo signs Presidential decree appointing leader of Forces Nouvelles Guillaume Soro as Prime Minister |
| 7 April 2007 | President Gbagbo signs Presidential decree establishing new government comprising 33 members comprising parties to the Linas Marcoussis Agreement and civil society |
| 10-22 April 2007 | UN conducts technical assessment mission to Côte d'Ivoire to assess how to readjust UN's role to provide effect support to peace process |
| 12 April 2007 | President Gbagbo issues ordinance granting amnesty for offences and crimes against State security and national defence committed between September 2000 and 4 March 2008 (excluded war crimes, economic crimes and crimes against humanity) |
| 16 April 2007 | Establishment of Integrated Command Centre responsible for leading the implementation of the military and security aspects of the Ouagadougou Political Accord |
| May 2007 | African Union, through the Office of the High Commissioner for Refugees in Côte d'Ivoire, provided financial assistance of approximately US\$100000 |
| 12 May 2007 | First meeting of the Evaluation and Monitoring Committee (CEA) in Ouagadougou focusing on implementation of key aspects of Ouagadougou Political Accord |
| 5 June 2007 | Presidential Decree appoints 158 préfets and secretaries-general of prefectures, including 4 women Second Decree appoints magistrates for 45 jurisdictions for the planned mobile court operations |
| 18 June 2007 | Prime Minister Soro installs préfet for Bouake (majority of préfets deployed in other areas return to Abidjan almost immediately because of inadequate facilities and poor living conditions) |
| 18-19 June 2007 | Mission from UN Security Council visits Abidjan and holds talks with President Gbagbo, Prime Minister Soro and the Foreign Minister of Burkina Faso representing the Facilitator |
| 16 July 2007 | UN Security Council adopts Resolution 1765 with among other things, renews the mandate of UNOCI until 15 January 2008 |
| 18 July 2007 | Government hosts Donors' Round Table in Abidjan to mobilize the financial resources required to implement the Ouagadougou Political Accord |
| 30 July 2007 | Flame of Peace Ceremony to launch disarmament of Forces Nouvelles held in Bouaké |
| 15 August 2007 | 3 rd decree appoints 296 new sous-préfets including one woman |
| 4 September 2007 | Second CEA meeting in Ouagadougou attended by members of the international consultative organ established as agreed by the parties |
| 25 September 2007 | Minister for Justice launches mobile court operations |

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| September 2007 | Special Representative of the Facilitator Boureima Badini arrives in Abidjan; responsible for following up the Ouagadougou Political Accord |
| 25 October 2007 | Prime Minister Soro signs decree establishing the function and attributes of the working group on identification which modified article 3 of Decree № 147/PM/CAB of 29 June 2007 |
| October 2007 | Elections scheduled (postponed) |
| 17 November 2007 | EU Commissioner for Development of Humanitarian Assistance Louis Michel visits Côte d'Ivoire |
| November 2007 | Political parties adopt Electoral Code of Good Conduct following seminar organized by IEC in conjunction with Elections Division of the ONUCI and the National Democratic Institute (NDI) |
| 28 November 2007 | President Laurent Gbagbo and Guillaume Soro, under auspices of President Blaise Compaoré Facilitator of the Direct Dialogue on behalf of ECOWAS, sign Second and Third Supplementary Agreements to the Ouagadougou Political Accord |
| 20 December 2007 | Second and Third Agreements of the Ouagadougou Political Accord endorsed by the African Union Peace and Security Council at 104 th Meeting UN Security Council also invited to endorse these agreements Decree № 2007-645 provides for task group for restructuring of the Defence and Security Forces |
| 22 December 2007 | FDSCI begins encampment of former fighters and weapons storage |
| 28 December 2007 | Decree № 2007-678 signed fixing the pay for the encamped former FAFN fighters at a bloc sum of 90 000 CFA Francs per month per person |
| 15 January 2008 | UN Security Council adopts Resolution 1795 (2008) by which it, among other things, endorses the Supplementary Agreements to the Ouagadougou Political Accord signed on 28 November 2007; extends the mandate of the UN Operation in Côte d'Ivoire and the French forces which have been supporting it till 30 July 2008 |
| 24 January 2008 | On conclusion of 2 nd meeting held in Ouagadougou, the PCF presided by the Facilitator President Blaise Compaoré, comprising President Gbagbo, Prime Minister Soro, former President Henri Konan Bédié and former Prime Minister Alassane Ouattara decide to fast track the electoral process FDSCI announces 12000 soldiers from its army have gone into encampment centres |
| January 2008 | Elections scheduled (postponed) |
| 20 February 2008 | Task force for restructuring of the Defence and Security Forces mandated in Decree № 2007-645 established |
| 3-12 March 2008 | Multi-sectoral mission of the UN visits Côte d'Ivoire to assess the progress achieved and to come up with recommendations to align the role of UNOCI with the context engendered by the Ouagadougou Political Accord |

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| 1 April 2008 | Government announces intention to temporarily suspend taxes on rice, oil, flour, milk, sugar and fish in an attempt to curb food riots which threatens to derail fragile peace process |
| 14 April 2008 | <p>President Gbagbo, on conclusion of Extraordinary Council of Ministers Session signs a series of texts related to the electoral process:</p> <ul style="list-style-type: none"> • Decree № 2008-134 on the convening of elections of the President of the Republic on 30 November 2008 • Decree № 2008-135 defining the modalities for collaboration between National Institute of Statistics (INS) and SAGEM under the responsibility and authority of the Independent Electoral Commission (IEC) for preparation of the voters register and issuance of voters cards • Decree № 2008-136 defining the modalities for drawing up the new voters register • Edict 2008-133 on adjustments to the electoral code for the crisis exit elections • Decision № 2008-15/PR on special modalities for adjustments to the electoral code |
| 23-24 April 2008 | UN Secretary-General visits Côte d'Ivoire – holds discussions with signatories to the Ouagadougou Political Accord and other key Ivorian political stakeholders |
| 24 April 2008 | Electoral Code of Good Conduct signed by all parties in the presence of UN Secretary General |
| 9 May 2008 | PCF at 3 rd meeting in Yamoussoukro underscore, in addition to other things, need for a speedy start to the operation to reconstitute lost or destroyed civil registers which should be carried out in accordance with the set dates and deadlines taking into account the electoral calendar |
| September 2008 | Electoral registration and identification campaigns launched |
| 30 November 2008 | Elections scheduled (postponed) |
| January 2009 | UN Security Council demands Ivorian leaders provide a realistic electoral timetable following November 2008 postponement |
| 30 June 2009 | Electoral registration and identification campaign closes |
| 12 November 2009 | United Nations announces that elections scheduled for later in the month postponed |
| 29 November 2009 | Côte d'Ivoire to hold national presidential elections (postponed) |

Chapter 1: Introduction

1.1 Introduction

Ngombane (2009: 5-6) observes that the “1970s and 1980s were marked by a concerted regional effort in southern Africa to overturn foreign and minority rule” when many of the region’s post colonial leaders, Julius Nyerere, Kenneth Kaunda and Somora Machel, amongst others, argued that “Africa’s economic development could only start with the end of its liberation struggles.” South Africa post-1994 therefore, “turned outward, seeking to help other African states and regions find a way out of their own complex and lengthy conflicts¹,” recognizing it could not remain an island of prosperity in a sea of poverty and underdevelopment (Ajulu 2009: 253). And so, South Africa entered the peacemaking arena and forged its role as a peacekeeper (Lodge 1999: 4; Accord 2007: 13; Vogt 1999: 45).

During the Cold War, conflict was waged between the East and the West of the globe with Africa often caught in the middle. Kaldor (2007) describes these as “new wars,” manifesting themselves as identity and resource conflicts with the increasing involvement of non-state actors. According to Collier (2000) greed and grievance also feature prominently in these conflicts although it is not always evident which is more prominent. These conflicts are also characterized by warring factions eg. child soldiers, mercenaries, war lords and militia men, who sow fear and hatred “in order to remove or marginalise elements of the population deemed to be different” (Patman 2006: 11).

Concurring with this, Scherrer (2003: 46; Mazrui 1998: 233) surmises “in Africa the civilian population suffered heavy losses by exterminatory mass violence, warfare and war-induced famine,” characterised by three macro trends since the mid 1990s, “Africa’s share of the world’s conflicts increased; inter-state conflicts increasingly mutated into subcomponents or extensions of intra-state conflicts; and the overall conflict situation in Africa has developed increasingly towards higher intensity conflicts.”

Walters (1997: 3), analyzing civil wars from 1940-1992 observes that 71% ended on the battlefield while a mere 29% ended in negotiated settlements, suggesting that “although civil wars have a particularly low rate of successful settlement, they have a remarkably high rate of attempted negotiation. Civil war adversaries did fight to the death in the vast majority of cases, but in 59% of these they initiated serious peace negotiations, and in 76% of these attempts they signed a peace agreement.”

¹ “Since 1960, 28-full-fledged civil wars have been fought in Africa; with eleven genocides and politicides [occurring] in Africa between 1960 and the late 1980s, compared with 24 elsewhere in the world” (Nhara 1996).

Kriesberg (2003) defines intractable conflicts as those that are protracted, persist for a long time; waged in ways that the adversaries or interested observers regard as destructive; and defy attempts by partisans and intermediaries to transform them. “Failed efforts at peacemaking often result in hardened antagonistic positions, increasing the difficulties of reaching a mutually acceptable accommodation,” while the conflict becomes more or less intractable as the character changes. Protracted conflicts focus on religious, cultural or ethnic communal identity which is “dependent upon the satisfaction of basic needs such as those for security, communal recognition and distributive justice.” Such conflicts create severe obstacles to any peacemaking process even when “for most of those involved, the economic costs of protracted conflict clearly outweigh any conceivable long-term economic benefit” (Richardson and Wang 1993: 184), and have multiple causes and many contributing factors. The common characteristic is they “defy settlement because leaders believe their objectives are fundamentally irreconcilable and parties have more interest in the hot war or cold stalemate than in any known alternative state of being” (Crocker, Hampson and Aall 2005: 5).

Intractable conflicts are characterised by the following phases: eruption of conflict episodes with high potentiality of generating intractability; escalation marked by destructive qualities; failed peacemaking efforts; institutionalisation of destructive conflict; de-escalation leading to transformation; and termination and recovery from intractable conflict. Social conflicts generally consist of four components: the identities or conceptions the adversaries have of themselves and of their adversaries; the grievances they hold against each other; the goals they set to change the other to reduce their grievance, and the means they use to achieve their goals (Kriesberg 2005: 68-69).

Despite consensus on the evolution and manifestation of conflict in the 1990s and although there are global norms and rules for dealing with inter-state wars, “no such norms and rules exist for internal civil wars” (Accord 2007: 14). Guehenno (2001: 87) argues that “civil wars have been the most vicious conflicts of recent years, yet the traditional great powers have been slow to appreciate their increasing strategic implications,” because of the unawareness that intra-state conflicts “eroded international standards and opened a black hole into which other countries would be sucked.” Domestic insecurity in Africa has had an “increasingly high propensity to spill over borders, resulting in new regional security dilemmas” (Keller 1995: 2). The Great Lakes Region and west Africa bear testimony to this.

1.1.1 Burundi

1.1.1.1 Overview

Explorers who first visited Rwanda and Burundi found a real nation state society that while being linguistically and culturally homogenous was divided into three groups, the Hutu, the Tutsi and the Twa. Although referred to as tribes, the groups exhibited none of the characteristics of tribes and lived side by side “without any ‘Hutuland’ or ‘Tutsiland’ often intermarrying, speaking the same language (Kirundi) and being governed by the same socio-political organisation headed by the supreme authority, the king (the Mwami). They were neither similar nor equal. Each group had an average dominant somatic type, even if not every one of its individual members automatically conformed to it.” Therefore “contrary to the image projected by the media, the patterns of exclusion brought to light during and after independence cannot be reduced to ‘deep seated ancestral enmities’” (Lemarchand 1994: 588; Prunier 1995: 5; Ntahombaye and Nduwayo 2007: 241, 245; Diamond 2005: 318).

Burundi was a German colony, passing under the League of Nations mandate to Belgium after World War I gaining independence in 1963. Lemarchand (1995: 2) observes that although the ethnic balance between Hutu and Tutsi and their respective historical roles were largely the same in each territory, the post-independence state of Burundi however retained a more complex distribution of power between the two ethnicities.

Burundi has always been ruled by the minority Tutsi, from pre-colonisation until the conclusion of the Arusha Peace and Reconciliation Agreement for Burundi. This was continued by the Belgian administration who “systematically employed a divide and rule strategy by favouring the minority Tutsi group over the majority Hutu group, and using the Tutsis to assist in administering the colony” (Hatungimana, Theron and Popic 2007: 19). Ntahombaye and Nduwayo (2007: 244) observe that the current prominence of identities was created by the colonial masters as a profitable tool used by politicians to conquer or retain power. This process of transforming ethnic groups into instruments was accompanied by all kinds of divisive phenomena, manipulation, fear of the other, fabrication or perceptions, clichés and stereotypes (Prunier 1995: 5).

The assassination of the first democratically elected Hutu President Melchior Ndadeye, who had been in office for 100 days, by Tutsi army officers in October 1993 precipitated the civil war that was to claim at least 350000 lives (Southall 2006: 105).

Lemarchand (1994: 585-586; Ajulu 2009: 262) argues that Rwanda and Burundi cannot be understood independently of each other since developments in one country have impacted on the other due to similarities in ethnic makeup and identity

construction. Ajulu (2009: 262) explains that “Burundi and its neighbouring states, the DRC, Rwanda and Uganda, have all experienced similar ethno-political violence, dictatorship and coups,” and the views of Hutu and Tutsi political leaders in Burundi were shaped by what happened in Rwanda. Jones (1999: 56) when describing the 1994 genocide in Rwanda observes that Rwanda and Burundi form a buffer between Zaire, Uganda, Kenya and Tanzania. “This insecurity creates a continuing struggle for pre-eminence among these four large states and intense personal antagonisms among their leaders. Highly porous borders between these states intersect ethnic groupings and have been penetrated by numerous refugee flows. Historically, conflict in one state has generated interference from others.” Lemarchand (2000: 331) surmises in the simplest terms that “the dynamics of violence in the Great Lakes involves the transformation of refugee-generating violence into violence-generating refugee flows.”

Burundi also has the second highest population density in Africa (after Rwanda). Its density of 237 people per km² (total area is 28000 km²) is even higher than Nigeria’s, Africa’s most populous state. This has sharpened significantly the edge of conflict between Hutu and Tutsi as the Tutsi cattle farmers compete for scarce land with the agriculturalist Hutu (Lemarchand 2000: 330).

1.1.1.2 Mediation

The former Presidents of Tanzania and South Africa, Julius Nyerere and Nelson Mandela respectively were lead negotiators in the process aimed at securing peace in Burundi. Mandela decisively shaped the initial South African approach to the conflict, and resulted in the finalisation of the Arusha Peace Accord (Accord 2007: 18, 25). Using the South African model of the Convention for a Democratic South Africa (CODESA) as a model for his facilitation, he insisted on an inclusive process including participation from the rebel groups. He displayed a flexibility to adopt a variety of strategies towards reaching an agreement. Krosiak (2009: 43) opines that “Mandela’s willingness to engage rapidly and with all possible means (politically, financially and even militarily) moved the process forward and displayed a dedication to peace in Burundi like no other actor.”

The Arusha Peace and Reconciliation Agreement for Burundi was signed on 28 August 2000 by 14 of 19 political parties. The absence of many of the main rebel movements as signatories to this Agreement resulted in the difficulty of maintaining a ceasefire or implementing the Agreement. “Mandela remained convinced that mounting international and regional support and pressure would eventually change the environment and serve to bring the rebel movements to the Arusha peace process” (Accord 2007: 18). Despite this optimism, it was only in 2008, under the

Facilitation of the then South African Minister of Defence Charles Nqakula that the last remaining rebel group, the Paliphehutu-FNL joined the peace process.

1.1.2 Côte d'Ivoire

1.1.2.1 Overview

Côte d'Ivoire, granted its independence from France on 7 August 1960, had since colonial times, been the "preferred and privileged constituency of France," as well as the richest of the Francophone West African territories at the time of its independence from France (Southall 2006: 181; MacQueen 2006: 208). President Houphouët-Boigny maintained close relations with France post-independence relying on "French aid, French personnel and above all French investment to ensure economic prosperity" (Meredith 2005: 285). Agriculture and fisheries were the source of its wealth and exports included coffee, wood, cocoa, bananas, cotton and pineapples and through good management Côte d'Ivoire soon replaced Ghana as the leading cocoa exporter (Arnold 2005: 225-226). Colonial rule turned the indigenous elite of royal families and high-status lineage heads into "official chiefs" who were able to grab "prime land and ploughed their new salaries and cash earnings into hiring labour to clear and plant their personal cocoa plantations," giving birth to a "weakening of all authority, producing social disorganisation and a 'semi-anarchic state of affairs'" (Boone 2003: 187). In Abidjan the new elite lived lavish lifestyles, the "platinum life." WaBenzi was used to describe the new tribe – rich politicians, officials and businessmen who drove about in expensive Mercedes Benz cars (Meredith 2005: 171). Owusu-Sekyere (2009: 18) observes that southern Côte d'Ivoire was greatly privileged at the expense of the north which was severely underdeveloped.

Despite economic success and the apparent stability, Côte d'Ivoire's first post-independence President Houphouët-Boigny's uninterrupted rule was followed by a military coup on 24 December 1999 that resulted in the overthrow of Henri Konan Bédié, Houphouët-Boigny's handpicked successor. Following much upheaval in the country, Laurent Gbagbo won new elections. "However the exclusion of Ouattara and his Rassemblement des Républicains (RDR) from political life threatened a breakdown of the country's political structure and split Côte d'Ivoire between north and south along ethnic and religious lines, with the north being predominantly Muslim and the south being predominantly Christian (Arnold 2005: 875). In addition, "the affluent and developed southern sector is dominated by Baoulé and Bété people, of whom Christians make up 25%, Muslims 40% and traditional religion adherents about 35%." While no religious group dominates, social differences have been "politicised along ethnic and nationality lines," Owusu-Sekyere (2009: 18-19).

The demand for migrant labour in Francophone West Africa served as a buffer for the region's weaker economies. The north therefore also played host to several million migrants from Burkina Faso and Mali who habitually worked the coffee and cocoa plantations" (Arnold 2005: 875). The influx of migrants was used by Houphouët-Boigny "to galvanise political loyalty and support in the face of crisis," and sometimes deployed foreigners to high offices for this purpose (Jaye 2005: 27-28). Jaye further asserts that due to these reasons, Ivoirité (Ivoirianness or Ivorian persona), instituted by Konan Bédié, became a major tool for political exclusion because the economic crisis was coupled with the "demand for political liberalisation in the form of multi-partyism and democratisation" which also brought to the forefront issues of "immigration and political representation." He surmises "the politics of Ivoirité can therefore be seen as a product of economic decline."

Owusu-Sekyere (2009: 18-19) asserts the "ethnic-economic connection is central to understanding the Ivorian civil war," concluding that the "Ivorian conflict is fundamentally the result of politicised ethno-economic and religious differences."

1.1.2.2 Mediation

On 17 October 2002, a ceasefire agreement brokered by Senegalese Foreign Minister Cheikh Tidiane Gadio was signed by President Laurent Gbagbo and the Mouvement Patriotique de Côte d'Ivoire (MPCI), as well as the two rebel movements Mouvement Populaire Ivoirien du Grand Ouest (MPIGO) and Mouvement Pour la Justice et la Paix (MJP) in Lomé, Togo setting the stage for the first peace agreement signed in Linas-Marcoussis at the end of a peace conference facilitated by France. "In late January 2003, the country's major political parties and the New Forces signed the French-brokered Linas-Marcoussis Accord (LMA), agreeing to a power-sharing national reconciliation government to include the rebel New Forces representatives. The parties agreed to work together on modifying national identity, eligibility for citizenship, and land tenure laws which many observers see as being among the root causes of the conflict." The LMA further "stipulated the formation of a government of national reconciliation and the disarmament and demobilization of all forces. An electoral timetable was also prepared to facilitate credible and transparent elections" (Mbugua 2007: 46). Jaye (2005: 28) in assessing the LMA observes that it was "based on the premise that the conflict was about the struggle for political power and citizenship. Consequently, it put into place a power-sharing government and urged that the issue of citizenship be resolved constitutionally."

Former South African President Thabo Mbeki participated in the Linas-Marcoussis process as Chair of the African Union (2002-2003). Following the violation of the ceasefire agreement in November 2004, the "African Union was forced to intervene

diplomatically and asked President Thabo Mbeki to mediate the conflict,” (Jaye 2005: 29) mandating him to secure the amendment of Article 35 of the Constitution which had been used by Gbagbo to exclude the eligibility of key rivals from running against him in elections, most notably Alassane Ouattara who had formed a key alliance with his own former opponent Konan Bédié (Southall 2006: 14). This observes Lamin (2008: 295) “immediately generated questions about Pretoria’s ability to broker an acceptable peace deal, particularly since more ‘experienced’ mediators had failed.”

Upon accepting the African Union mandate to mediate in Côte d’Ivoire, Mbeki interacted with the political parties in Côte d’Ivoire and visited both Abidjan and Bouake for discussions with role-players. From 3-6 April 2005 Mbeki hosted a Summit in Pretoria attended by the principal players in the crisis informing them that they would not be leaving Pretoria until an agreement was secured. The Pretoria Summit represented what “many observers saw as a final chance to avert a return to open conflict in Côte d’Ivoire’s slow civil war” and “appeared to reaffirm and strengthen commitments first made at Marcoussis in January 2003, and offer a way to overcome such obstacles as had been raised in the way of the implementation of the accord reached there” by committing the signatories to respect the undertakings made at Marcoussis and confirmed later at Summits in Accra (Cornwall 2005: 46).

In October 2006, at an African Union Peace and Security Council Summit in Addis Ababa, Mbeki announced South Africa’s withdrawal from the mediation in Côte d’Ivoire following the country’s election to the non-permanent seat on the United Nations Security Council. Lamin (2008: 296) observes this decision “came in the wake of fierce opposition by a number of French-speaking West African countries, led by Senegal,” as well as accusations by Forces Nouvelles against Mbeki for alleged bias towards President Gbagbo. The African Union then designated Congolese president Dennis Nguesso as mediator.

1.1.3 Mediation in African conflicts: the narrative

Khadiagala (2007: 57) observes African states “prefer settlements reached through mediation to the more costly forms of interventions” because of limited resources.² Conflicts are either “regionalist” (which aim at self-determination through secession or regional autonomy) or “centralist” (which tend to be over central authority or government, both of which have high stakes. Entry by the mediator is classified as

² In Africa, Barungi and Mbugua (2005: 31) have also identified the need to “broaden the intervention strategy from peacekeeping and securing peace agreements to post-conflict reconstruction activities that address the root causes of conflict, confidence-building measures between divided parties and people, and changing the pervasive culture of violence and conflict.” De Coning (2008: 46) elaborates by arguing that peace-building which is “aimed at consolidating the peace by addressing those conflict factors that may, in the short to medium term, threaten a lapse, or relapse into conflict, as well as addressing the root causes of conflicts,” is important in securing lasting and sustainable peace.

“mediator initiated” (entry by proposition) or “parties initiated” (entry by invitation) (Pillay 2007: 55).

Khadiagala (2007: 1) suggests that “growing African mediation of civil conflicts” is encouraged by “diminished engagement of external actors.” However, meddling as opposed to mediation occurs when regional powers jostle for power and position because as the costs of civil war escalate, so to do the stakes for regional powers “forcing competitive mediation bids by actors who may be unprepared for these roles.” Regional mediation rivalries are exacerbated when conflict resolution promises domestic and external gains. “Meddling by regional actors ultimately affects the integrity of the negotiations processes, postponing speedy outcomes” (Khadiagala 2007: 10).

Apart from regional actors, the “relationships between African mediators and foreign actors form a vital part of understanding conflict resolution. Probing whether international actors supplant, supplement, or subvert local efforts is relevant to the analyses of constraints and opportunities” while furnishing “insights into how the mediators and disputants in conflicts have mobilised broader international constituencies” (Khadiagala 2007: 11).

1.1.3.1 Conditions for mediation

Africa faces many more challenges than other regions when dealing with conflict resolution: negotiation of ethnic diversity, building state capacity, democratising political systems and liberalising economic institutions, all of which contribute to a recipe for “competition, heightened contestations and, if not well managed, violent confrontations” (Koko 2009: 55). Conflicts in Africa also have a high degree of intractability and are often characterised by the involvement of political entrepreneurs, inter alia, those who benefit positively from unresolved and ongoing conflicts in Africa.

Despite this, Zartman (1989: 255) believes “conflict resolution is enabled by a ‘ripe moment’, an escalation that can best be understood in the context of policy alternatives or ‘tracks’; and that the mediator needs both to find a formula that meets the parties’ demands and also to manipulate the conflict – verbally or materially – in order to mediate effectively.” Zartman (2000: 144-147; Pillay 2007: 56) further observes that a mutually hurting stalemate makes a mediator’s offer for a way out “welcome”. The stalemate makes the mediation possible; the mediator makes the stalemate fruitful.” He further notes that in “internal conflicts – increasingly the predominate type of African conflict – the key to effective mediation seems to be the mediator’s ability to guarantee fair treatment and a share in the new political system for all parties, rather than any tangible side payments.”

1.1.3.2 The mediator

Khadiagala identifies three categories of mediator: statesmen, elder statesmen and regional institutions, each of which, for successful mediation, should have muscle, clout and leverage, power and stature to reward or punish the disputants for cooperative or uncooperative behaviour, a deeper knowledge of the conflict as well as proximity to the disputants. A mediator's power³ rests in his invitation to participate in the conflict resolution process as well as his "innate personal qualities" among which, are his track record of successes, creativity, imagination and vision as well as power devolution (Ngwane 2008: 56). In addition, mediators with a "record of successful national integration, a reputation for orderly political processes, and a leadership that has domestic and regional credibility", as well as those who have long-term relationships "with the parties and understand the nuances of the conflict as well as the parties' visible and concealed concerns" are welcomed (Khadiagala 2007: 5, 70).

Zartman (1989: 255) surmises "any outside power trying to reduce conflict and help the parties channel their energies into more useful activities must not only look to its own interests but must also act in accord with the dynamics of the parties." He further argues that "in the African context mediation by third parties, usually other African states, has been quite effective in bringing disputing parties to negotiation. African mediators have operated mainly in the first two of the mediators three main roles – communication, formulation and manipulation – involving the reduction of the risk and uncertainty that impede reconciliation and agreement" (Busumtwi-Sam 1999: 279-280).

Zartman (2000: 142-143) further observes that "Africa does not lack mediators. Whether from a continental cultural tradition or from a conscious interest in maintaining the African state system," African heads are ready to assist "often competing to bring good and even better offices to the resolution of their colleagues' conflicts."

African mediators generally come from neighbouring states, "from within the same sub-region, if not from contiguous states," or states with the same colonial background "as the disputants when both of the conflicting parties are French- or English-speaking, illustrating the importance of both personal political ties and communications" Zartman (2000: 142-143). According to Khadiagala (2007: 70) belonging to the same region implies that mediators are connected to the peace-process in the long term, their work does not begin nor end, nor do they enter or

³ However, the debate rages about the mediator's power to affect the resolution process without the manipulation of conflict costs and benefits, his influence on the peace process upon the cessation of hostilities and is mediation positive in conflict management endeavours in terms of short-term outcomes? (Beardsley 2008: 724).

leave a conflict situation. They must live with the consequences of their work. “Geographic proximity endows mediators with enormous stakes in the de-escalation of conflicts.” Both Burundi and Côte d’Ivoire are French speaking countries, do not belong to the same region as South Africa and were not colonised by the Belgians or English. Did this impact on South Africa’s mediation of the conflicts?

What motivates the mediator? He is a player in a plot and therefore always has an interest in the outcome of the mediation process (Touval and Zartman 2001: 428). Zartman (2000: 143; Pillay 2007: 56) further observes that “mediators have their own interests in supporting their activities” including “an overriding interest in preserving the African state system and, hence, in maintaining acceptance of the status quo.”

1.1.3.3 The peace agreement

A peace agreement is a “formal document of understanding, signed under more or less public and formal conditions, that signals the intention to end hostilities and indicates how and when this should be done” (Bischoff 2007: 6).

Bischoff (2007: 5-6) opines that the first aim of resolving conflict politically is to “work towards an inclusive ceasefire that involves all parties to the conflict. A ceasefire halts all violence and is a necessary precondition for any sustainable peace process.” It must immediately be followed by further “pre-negotiation talks that lead to further political understandings or framework agreements. A forward-looking process of multilateral consultation, which leads to a comprehensive peace agreement, should be the major goal.” The peace agreement is critical to the resolution of the conflict and constitutes a “necessary step to any lasting peaceful arrangement and durable political order.”

Bischoff (2007:6) observes that “peace agreements must find the right balance regarding which group needs the most protection and which group is likely to derive the most benefit from an agreement: the elites or the masses.” In addition, peace agreements are most likely to endure “if they can deliver security to those groups and individuals most in need of it.”

Various constitutional processes follow the signing of a peace agreement. However, a constitutional model “cannot be transplanted from one country to another” because a constitution must be “home grown, reflecting the history, hopes and fears of the people that the constitution intends to serve.” Imposing a constitution on a country’s citizens “will certainly not evoke their respect and participation in upholding the constitution. Political stability is a long term objective but is conceived through public participation during the process of creating a constitution” (Wessels 2008: 48).

South Africa, in its mediation in Burundi and Côte d'Ivoire, attempted to bring the political role-players to the negotiating table to create dialogue that would facilitate an agreement on the conditions that would enable the cessation of hostilities by all parties to the conflict as a pre-cursor to a durable, viable and comprehensive peace agreement. However, the results of each initiative differed significantly. In Burundi, South Africa was able to work with the parties as well as to provide the benefit of its own experience in formulating a peace agreement with the various parties especially because an agreement had not yet been finalized. However, in Côte d'Ivoire, although South Africa brokered the Pretoria Agreement in April 2005, it was based on the Linas-Marcoussis Agreement brokered by France in January 2003 which recognized the root of the conflict as being about ethnicity and citizenship. Research into the conflict in Côte d'Ivoire has shown that the roots of the conflict were far deeper. So while Linas-Marcoussis did not holistically address the conflict, successive agreements also did not. It is important then to recognize that an agreement is not the end of the peace process, an agreement must be appropriate to the conflict for it to be successfully implemented and durable.

1.1.3.4 **Criteria for successful outcomes**

Richardson and Wang (1993: 177) surmise conditions favouring successful mediation as follows: the emergence of identifiable bargaining parties; evidence of a mutually hurting stalemate; the existence of leaders determined on a practical solution; external political actors supporting conflict resolution; and the presence of a mediator actively on the scene. The prevalence of cultural resources such as “trust, understanding and deep respect and persuasion” while predominating in African conflicts, helps facilitate successful resolutions.” Leverage obtained by “mobilising resources” and the “creative action of individual actors during the negotiations,” also assist in achieving success (Khadiagala 2007: 5, 70).

Successful mediation and conflict management requires the support of the region and indeed the continent, including “additional international donor support for logistics or finance, in order to facilitate the process towards peace.” A comprehensive approach to peace also includes the participation of non-state actors from the negotiation to the implementation phase of the peace process (Bischoff 2007: 4). This is supported by Stremlau (2008: 246) who in analysing South Africa’s mediation in the Democratic Republic of Congo, suggests that in addition to having an accomplished mediator committed to resolution of the conflict, successful mediation and conflict resolution is enabled by support from the United Nations, war weariness of the population, disinterest among the major powers in intervening, sufficient empathy among those who had colonial links with Africa to provide funds and troops when required. However, while all of the criteria for successful conflict resolution initiatives may be

present, these will only yield results if the conflict has reached a ripe moment followed by a mutually hurting stalemate. On their own, ripe moments do not contribute to the resolution of the conflict. Parties must also reach a mutually hurting stalemate where it becomes more beneficial to resolve the conflict than for it to continue (Zartman 1989: 255).

1.2 Problem statement

Ali and Matthews (1999: 4) reflect upon the issues of colonialism, the impact of domestic forces and the failure of governance by local elite as well as the extent to which socio-economic structures of post-colonial society such as ethnic/communal cleavages, ideological/political differences, differences in economic wealth, intra-elite rivalries, general weaknesses in national societies and environmental problems create or effect of forces, events and activities originating outside the country from the surrounding region or the world at large and impact upon civil wars? Khadiagala (2007: 3) surmises that despite their colouring, civil wars “signify deep-seated fissures over identity, legitimacy, and the principles of political organization.”

Similarly, Mazrui (1998: 238-239) defines a ‘dual society’ as “a country whose fundamental divide is between two groups or two geographical areas. The state in a dual society is vulnerable in a different way from the state in a plural society.” Both Burundi and Côte d’Ivoire can be considered dual societies: Burundi bifurcated between the majority Hutu and minority Tutsi although there is no regional duality and the “two groups are intermingled from village to village.” Ethnic duality “without regional separation can be a prescription for hate at close quarters. Rwanda and Burundi’s tragedies are a combination of ethnic duality, population density, geographic intermingling, and the legacies of colonial and pre-colonial relationships,” land scarcity and the spill-over effect of conflicts from other countries in the region. Côte d’Ivoire meanwhile is divided between the under-privileged predominantly Muslim and immigrant North and the economically developed predominantly Christian South and is therefore a regionally dual and ethnically plural society.

Keen (2000: 22) asks: why ancient ethnic hatreds are depicted as a root cause of civil conflicts when the same peoples were “able to live peacefully alongside each other for long periods,” without conflict? Lake and Rothchild (1996: 1, 3; Fearon and Laitin 2003: 75) attempt to answer this by explaining “ethnic conflict is not caused directly by inter-group differences, ‘ancient hatreds’ and centuries-old feuds, or the stresses of modern life within a global community. Nor were ethnic passions, long bottled up by repressive communist regimes, simply uncorked by the end of the Cold War.” They challenge commonly held views on conflict in ethnically plural societies observing that when “ethnicity is linked with acute social uncertainty, a history of

conflict, and fear of what the future might bring, it emerges as one of the major fault lines along with societies fracture,” that is, “ethnic conflict is caused by the ‘fear of the future, lived through the past’ further exacerbated by three “strategic dilemmas” – information failures, problems of credible commitment, and incentives to use force preemptively.

The conflicts in Burundi and Côte d’Ivoire are commonly described as ethnic and economic conflicts respectively. However, from the afore-mentioned analyses it is apparent that these emotional issues may be manipulated and serve as catalysts for larger ones. This study therefore aims to investigate the roots of the crises in Burundi and Côte d’Ivoire.

The mediation processes and resulting peace agreements were based on the mediator’s analyses of the conflicts as well as an understanding of the conflicts based on discussions with various parties, including the international community. However, should the conflict be regarded as one of ethnicity, the peace process and resulting agreement will be determined by that issue, as in the Linas Marcoussis Agreement in Côte d’Ivoire. On the other hand, although it became clear to the mediator that ethnicity merely clouded more intractable issues in Burundi, it had to be factored into the peace agreement, hence the solution based on ethnic quotas. The Arusha Agreement was however, more holistic than the Linas-Marcoussis Agreement of Côte d’Ivoire because it dealt with other issues, including refugees and access to land.

This study aims to evaluate how the peace processes were approached by the mediator and whether the assessments of the factors motivating the crises were accurate. Since South Africa entered into a peace processes that were already underway in both Burundi (to a lesser extent) and Côte d’Ivoire (to a larger extent) the study also assesses whether South Africa was able to definitely brand the peace process by bringing in new elements or did it have to continue to build on a foundation it found.

While assessing the chronology of the conflicts, the study also investigates the chronology of South Africa’s interventions in both instances. South Africa’s intervention in Burundi has lasted a decade while it mediated in Côte d’Ivoire for less than two years. Did the substantially different time spans affect the peace processes under South Africa and the legacy of the South African mediator?

Shillinger (2009: 20-21) reminds the reader that because South African negotiations were conducted by the parties to the conflict without an external mediator, when it exports its model, as it does do in its conflict resolution endeavours, it has to add this

element. It also has to acknowledge the political will of the parties to resolve their challenges. The model therefore changes significantly and is most appropriately reflected in the following formula: INCLUSIVENESS + POLITICAL WILL + IMPARTIAL FACILITATION + CONSENSUS = COMPROMISE. Is South Africa cognisant of these nuances?

All of these elements are tied together in an assessment of South Africa's mediation in either of the conflicts and which has been proven to be more successful, that in Burundi or Côte d'Ivoire?

1.3 Purpose and significance of study

The purpose of this dissertation is to describe and assess South Africa's mediation in Burundi and Côte d'Ivoire following brief analyses of the conflicts in the respective cases. A conceptual framework with regard to approaches to and strategies for conflict resolution, factors and actors in intractable intra-state conflicts as in the two cases including the role of the mediator, conditions for mediation and what can be considered appropriate as well as successful outcomes will be developed and applied to the conflicts in Burundi and Côte d'Ivoire.

The study will therefore compare the respective mediation attempts by South Africa and the outcomes of these processes as encapsulated in the Arusha and Pretoria Agreements of 2000 and 2005 respectively. The study will look specifically at the objective necessary and sufficient conditions in which the various agreements could be implemented to facilitate a viable resolution of the conflicts and place the respective countries incontrovertibly on the road to peace, stability and democracy.

The study will also, considering that the mediations were undertaken by President Mandela in Burundi and President Mbeki in Côte d'Ivoire, assess what effect the personalities of the mediator had on the peace processes? Did the agreements provide the necessary conditions through which the root causes could be addressed and the conflicts resolved? Or did they provide only the sufficient conditions so that movement and space could be created in which the way forward could be charted?

The study will, in attempting to answer these questions, draw lessons to be learnt for future mediation attempts.

Finally, the study aims to determine which of the two case studies had more successful outcomes and why.

1.4 Research methodology

The study will be a desk top study in which research methods will include the collection of relevant literature. Primary sources including policy documents of the African Union and the United Nations, the Arusha and Pretoria Agreements of 2000 and 2005 respectively, speeches and other official documents will be analysed and critiqued to determine which of the mediation processes were more successful and why. Secondary sources including newspaper reports, journal articles, and relevant books will be used to analyse the theme. Selective case studies will draw upon a variety of empirical research and for a measure of comparative analysis in terms of situations where South Africa assumes a mediatory role.

This methodology will allow for analysis and critique of South Africa's mediation in Burundi and Côte d'Ivoire with the aim of offering recommendations that will assist in policy making in future mediation endeavours. The research method will be inductive that will facilitate further research on the theme. Accordingly, it is foreseen that the research will add value to the existing body of knowledge in the field.

The research will be conducted in a scientific manner and therefore empirical data will be collected from available and verifiable sources. The information used in this study will be qualitative rather than quantitative. No ethical implications for the research are foreseen.

Chapter 2: Conceptual Framework

2.1 Peace and conflict

Is conflict negative? McCoy (2008: 108) referring to lessons from Africa cites Azarya who in 2003 wrote that conflict is natural and cannot be totally avoided. He further argues that conflict can therefore only be contained and moderated. “What the international community must aim to achieve is the elimination of violent conflict, not conflict in and of itself. Once this is understood the question then revolves around conflict management and violence prevention” (McCoy 2008: 108). Indeed Sama (2007: 214) concludes that, “peace and security must not be equated with the absence of internal and external armed conflict or war.”

When considering peace, various manifestations exist. Negative or cold peace is “peace based on the absence of violence” (Murithi 2006: 13). Durable or positive peace is defined by Ntahombaye and Nduwayo (2007: 256) as a “situation characterised not only by the absence of physical violence but also by calmness of spirit and a climate of concord and confidence between members of a national collective.” It further refers to “peace that promotes reconciliation and coexistence on the basis of human rights, social, economic and political justice” (Murithi 2006: 13).

Recognising that African approaches to peace and conflict are much broader than those of the western world, Mbugua (2009: 145-150) notes that conflict resolution and associated peacebuilding activities must therefore transcend traditional liberalist paradigms currently viewed as best practice.

2.2 Approaches to and strategies of conflict resolution

2.2.1 Peacemaking (Chapter VI), peacekeeping (Chapter VI½), peace-enforcement (Chapter VII)

Two main approaches to conflict resolution are informed by a number of correlations: firstly, that diplomacy, negotiations and facilitation are the keys to peace (Chapter VI formula); secondly, development leads to peace-building, which results in security; thirdly, state-building “depends on constitution-making which leads to an election, after which institutionalisation takes place” and a liberal peace is secured; and fourthly, “post-conflict reconstruction, understood as infrastructural development, is correlated to peace” (Kotzé 2008: 108).

Sanderson (1998: 152) asserts that “peacekeeping is based on international consent and that all the parties involved, including the peacekeepers,” require “for their own protection, an overt display of impartiality on the part of the peacekeepers to establish their credentials as ‘honest brokers’”, contrary to what is required “in enforcement, which is warlike and concentrated to establish seriousness of intent.”

Since 1956⁴ “the United Nations and the Organisation of African Unity were the only role-players in the African ‘peacekeeping’ scenario” (Breytenbach 2008: 249-250). He further observes that the “African system not only accepts the authority of the United Nations system but defers to mandates and has modelled its own institutions on the UN system”, typified by the establishment of the African Union Peace and Security Council in 2004 based on the UN Charter’s Chapter VIII (Regional Arrangements) institutions. In so doing, Africa has given expression to the view that “regional organisations are the pillars on which the United Nations must anchor its global peace agenda” (Salim 1998: 250). Breytenbach (2008: 250) notes with concern that the “UN has of late tended to make its commitments to Africa conditional to the African Union making ceasefires and putting peace agreements first,” following the 2000 Report of the United Nations Panel on Peace Operations (Brahimi Report) which recommended that the “UN would not enforce peace where there is no peace to keep.”

The Brahimi Report concurred “that consent of the local parties, impartiality and use of force only in self defence should remain the bedrock principles of peacekeeping. Experience shows, however, that in the context of intra-state/transnational conflicts, conflicts may be manipulated in many ways. Impartiality for United Nations operations must therefore mean adherence to the principles of the Charter: where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best case result in ineffectiveness and in the worst may amount to complicity with evil. No failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor.” This set the tone for the emergence of Chapter VI½ which made provision for more discretionary powers of the United Nations General Assembly although this was never captured in the UN Charter.

Modern peacekeeping operations in Africa have indicated that “it is simply not sufficient to pump resources into states to keep the peace in the short-term: efforts must be extended to include long-term assistance for sustainable political and economic development, to protect against regression and relapse” (Gambari 1995: 223). This was further evidenced by the Brahimi Report which identified that peacekeepers were often deployed “where conflict had not resulted in victory for any side, where a military stalemate or international pressure or both had brought fighting to a halt but at least some of the parties to the conflict were not seriously committed

⁴ Peacekeeping was born in Africa in 1956 when United Nations peacekeepers were deployed to the Suez Canal. This was followed by various other initiatives in Chad and between Morocco and Algeria.

to ending the confrontation.” United Nations peacekeepers were therefore not deployed into post-conflict situations but were trying to create it.

Chapter VI of the UN Charter provides for the peaceful settlement of disputes while Chapter VII mandates the use of force determined by the UN Security Council (Breytenbach 2008: 250). UN peacekeepers “who witness violence against civilians should be presumed to be authorised to stop it, within their means, in support of basic United Nations principles” (United Nations Panel on Peace Operations 2000).

When considering whether peacekeeping in Africa is distinct and unique from peacekeeping elsewhere due to objective conditions, MacQueen (2006: 181) notes that underlying conditions of African conflicts are similar to others experienced in other parts of the world. What is unique to Africa, however is perhaps the “frequency of conflict and its intensity rather than its intrinsic character.” He identifies three phenomena “none unique to Africa but particularly toxic in their effects,” that have contributed to “its disproportionate claim on the global peacekeeping effort since the 1990s”: the effect of the withdrawal of externally imposed order; the exceptionally high level of African dependency in terms of the global economy which has stifled economic development and contributed to domestic unrest and conflict; and the stress in a number of African polities between the idea of the sovereign territorial state and underlying political cultures that are rooted in older forms of social relations.

That the United Nations decreed there would be no peacekeeping unless there was peace to keep, necessitated African responsibility for creating the appropriate conditions so that UN peacekeepers could be deployed. This was enabled with the transformation of the Organisation of African Unity (OAU) into the “African Union in 2002 with its own Peace and Security Council which mandated the creation of an African Standby Force (ASF), a Continental Early Warning System and a Panel of the Wise” (Breytenbach 2008: 252).

When undertaking mediation activities in Burundi and Côte d’Ivoire, South Africa would have had to be mindful of the above. Peace and ceasefire agreements would have to take cognizance of relevant factors and actors in each of the conflicts. The necessary peacekeeping operations would also have had to be operationalised. Burundi is the first country in which an African Union Mission (AMIB) was deployed, under a Chapter VI mandate, as part of the UN’s requirement that there would be no peacekeeping unless there was peace to keep. While Africans had for some time been assuming greater responsibility for creating and managing peace and security in Africa, Burundi was the first such incident of African peacekeepers creating the peace to keep. South African troops were deployed in 2003, together with those from

Mozambique and Ethiopia, as part of an African contingent aiming at creating peace to be kept. AMIB was replaced by the United Nations Missions in Burundi (ONUB) in 2004. ONUB was deployed under a Chapter VII mandate. South African troops ended their tour of duty at the end of September 2009 and are expected to return to South Africa (Independent Online 2009).

Meanwhile it was becoming increasingly evident that humanitarian grounds should be considered grounds for intervention and that the almost sacrosanct principle of non-intervention based on respect for sovereignty and territoriality should be waived in humanitarian crises. This followed Rwanda (1994) and Kosovo (1998). Following a call from the UN Secretary-General Kofi Annan to the international community to respond to such situations, action by the Canadian government “led to the creation of the Independent International Commission on Intervention and State Sovereignty in September 2000.” However, the “right to intervene had to be balanced by the responsibility to protect,” which implied the protection of citizens. “Although these were UN- and Western- rather than AU initiatives, these trends were in line with new thinking in the Constitutive Act of the African Union, especially Article 4” (Breytenbach 2000: 253).

The South African approach focuses on “democracy, human rights and good governance” while the United Nations focuses on “security and development.” South Africa therefore emphasizes the “institutionalization of the peace agreement or interim constitution,” reconciliation and truth commissions and a power-sharing or government of national unity “as an interim arrangement” (Kotzé 2008: 108).

2.2.2 Third party intervention

Mediation is widely regarded as the most common form of peaceful intervention in conflicts. It is a “non-coercive and voluntary form of conflict management” (Bercovitch 2005: 106). It has also been described as a “reactive process of conflict management whereby parties seek the assistance of, or accept an offer of help from, an individual, group, or organisation to change their behaviour, settle their conflict, or resolve their problem without resorting to physical force or invoking the authority of the law” (Beardsley 2008: 724). Berridge (1995: 97-98) asserts it is “particularly necessary in extremely bitter disputes, especially those in which the parties have been engaged for long periods and are locked into public postures which appear to make compromise impossible without major loss of face. It is also appropriate where the parties have the most profound distrust of each other’s intentions.” Touval and Zartman (2001: 427) surmise that mediation is not aimed at helping one side to win, rather to bring the “conflict to a settlement that is acceptable to both sides and consistent with the third party’s interests.”

Khadiagala (2007:1) asserts that “African mediators constitute a vital component in the bids to manage conflicts and seek solutions to civil wars.” Characteristics of the mediator, criteria for success in conflict resolution as well as conditions for mediation are explored in chapter 1. As mentioned in chapter 1, a mediator is most powerful when he is invited to participate in conflict resolution processes, although his effectiveness is determined by the ripeness of a conflict for resolution where the parties perceive the costs and prospects of continued confrontation to be more burdensome than the costs and prospects of a settlement. African definitions of peace must also be considered when mediating an African conflict. It is also crucial that a mediator remains impartial as he attempts to navigate the nuances and intricacies of the conflict if he, as well as his findings and recommendations are to be credible.

South African mediation is characterised by getting all parties to compromise and agree on an “inclusive transitional political arrangement as part of a peace agreement which usually consists of establishing a broad-based government of national unity including all warring parties, drafting a new Constitution, reforming the security sector and holding democratic elections.” This has proven problematic because this approach is “based on the assumption that dynamics and complexities of various conflicts are similar and share a common framework. It also assumes that a common understanding exists between the actors and their desired outcomes” (Ajulu 2009: 255). This study will reflect and consider this framework for conflict resolution initiatives undertaken by South Africa.

2.3 Factors in African conflicts

African conflicts are usually considered intractable especially when one considers the multiplicity of factors and their intricate interconnectedness. At first glance there is no evident solution. Five internal characteristics are found in intractable conflicts: **protracted time, identity denigration, conflict profitability, absence of ripeness, and solution polarisation.**

Protraction is self-reinforcing as intractable conflicts feed on intractability and grow with time. Duration adds to the complexity of the conflict and therefore to the solution. Parties become insulated against the perception of stalemate and the costs attached to it, instead looking for opportunities to escalate the conflict.

Identities in intractable conflicts are not only polarised but are “actually dependent on the denigration of the Other.” Conflict becomes a fight for life, for the survival of the party itself because the identity of the party is threatened.

Profitability refers to the ability to profit from conflict. “Initially sought by rebel groups to keep their struggle alive, resources give rise to a dependency that is habit forming and become the end rather than the means to the conflict. Governments also value resources – especially oil – because they enable uncompromising pursuit of the conflict.”

Ripeness “as a pressure toward negotiation tends to be absent in intractable conflict. Instead of a mutually hurting stalemate pushing the parties into a search for solutions, there is only a stable, soft, self-serving stalemate (4-S) that is preferable to any attainable solutions and the uncertainties of a search for them. A 4-S stalemate is generally bearable to both parties, both in the absolute and relative to any likely solution on the table at the moment. It leaves each of the parties in control of some portion of the territory and population, able to claim that it has not been defeated, which is a victory of sorts.” The predominance of 4-S stalemates “instead of ripe moments in intractable conflicts means that there is no pressure on the parties to come to a resolution of the conflict on their own or even to listen to mediators.”

Solutions to intractable conflicts also tend to be polarised. “Whereas many conflicts are pulled toward one salient solution but experience difficulties in the process of getting there, intractable are generally characterised by the competing pulls of two salient solutions” where noncooperation, though “mutually hurtful, is the outcome logically preferred to unilateral attempts at co-operation. Each side wants its solution in its entirety and can accept neither the Other’s nor even a combination of or a compromise between the two solutions” (Zartman 2005: 48-53).

2.3.1 New wars

New wars occur when states disintegrate, are fought by networks of state and non-state actors, often without uniforms, sometimes with distinctive signs, like crosses, or Ray-Ban sunglasses as in the case of the Croatian military in Bosnia-Herzegovina. Battles are rare and most violence is often directed against civilians as a consequence of counter-insurgency tactics or ethnic cleansing; taxation is falling and war finance consists of loot and pillage, illegal trading and other war-generated revenue; and distinctions between combatant and non-combatant, legitimate violence and criminality break down. Above all, these wars construct new sectarian identities (religious, ethnic or tribal) that undermine a sense of shared political community and recreate the sense of political community along new divisive lines through the manufacture of fear and hate (Kaldor 2007: 4; Boutros-Ghali 1998: 21).

New wars know no distinction between combatants and non-combatants, nor are they fought for any definite goals or purposes, or have temporal or spatial limits on the use

of violence. Intra-state wars have a strong tendency to jump across the boundaries of the region in which they originated and to turn into transnational wars in the briefest space of time. Münkler (2005: 16, 28-29, 32, 35) observes that in new wars, the state generally loses monopoly of the military force and asymmetrical warfare is a glaring peculiarity of new wars. He has also observed great “structural affinities between the new wars in Central Asia and Black Africa and the wars in Europe before armies were absorbed into the central state power.” He cautions that the manifestations of new wars may indeed allude to the nature of warfare of the future.

2.3.2 Greed and grievance

Reno (2000 (a): 91) surmises that “a useful conceptual distinction in understanding the motivation for civil war is that between greed and grievance. At one extreme rebellion might arise because the rebels aspire to wealth by capturing resources extralegally. At the other extreme they might arise because rebels aspire to rid the nation, or the group of people with which they identify, or an unjust regime.” Conflict lurks somewhere in every intractable conflict “obscuring resolvable grievances for principal actors” (Zartman 2005: 52).

According to Collier (2000; Kaldor 2007: 4; Jackson 2006: 22-23) greed and grievance feature prominently in new wars although it is not always evident which is more prominent. The political and economic advantages attached to new wars make them difficult to end. War becomes a “smokescreen for the pursuit of economic as opposed to political agendas and that the conditions of war legitimises behaviour that in peace time would be considered purely criminal.” Du Rand (2008: 64) suggests that “political elites, and, increasingly, rebel movements as well, generally manage war economies: the former using national armies to advance business projects (often for private financial gain), while the latter take control of strategic locations with definite commercial profitability.”

Collier, Hoeffler and Rohner (2008) have observed that modern economic theory focuses on the feasibility of rebellion as well as its motivation. Indeed, Collier (2001: 151) links rebellion to three economic conditions: dependence upon primary commodity exports, low average income of the country, and slow growth.” However, Berdal and Malone (2000: 1) argue that the “presence of economic motives and commercial agendas in wars is not so much a new phenomenon as a familiar theme in the history of warfare,” going on to describe that “in the war-ravaged and politically fragmented German lands of the Thirty Years War, war itself became a vast ‘private and profit-making enterprise.’”

2.3.3 Criminality

Scholars are increasingly observing the links between criminality and intra-state conflicts. Indeed, in any continuing conflict, “profit-taking and parasitic industries are bound to rise” (Zartman 2005: 51). Following on greed and grievance as factors in the manifestation of intra-state conflicts, Kaldor (2007: 9) echoes Collier that new wars are very difficult to end because the “various warring parties have a vested interest in continuing violence for both political and economic reasons.” Lemke (2008: 774) has also observed that in both new and old wars belligerents who are often linked with criminal enterprises, target civilians.

When rulers have no particular interest in governing the state, William Reno observes the emergence of warlordism. Warlords are not concerned with achieving comprehensive political command of a ‘country’ but only in securing local power to enable them to exploit available economic resources” (MacQueen 2006: 212). New warlords derive their income directly from the fighting of wars, hence the phenomenon of resource wars, and thereby profit from the collapse of many states that can no longer maintain, or in any way enforce, their monopoly on violence, hence the phenomenon of weak or even failed states (Collier 2000). Reno (1999: 46-47) suggests that the end of the Cold War created the private arms industry where “cheap weapons gave strongmen new opportunities to arm themselves and to directly challenge vulnerable rulers” and rulers learned that they could also “afford these surplus weapons even as their revenues grew tighter.” In addition, Jackson (2006: 22-23) concludes that the re-distributive state maintains the elite hegemony representative of clientelistic political systems. Lemarchand (2000: 346) opines the Great Lakes region “has become a free trade area for arms merchants, drug traffickers, gold and diamond smugglers, and plan thugs, transforming the region into a prime example of the ‘criminalisation of the state’ syndrome.”

2.3.4 Ethnicity, identity and culture

Wright (2008: 83) observes that “ethnicity is not static and is shaped by circumstances, and not the other way around.” Lake (1995) describes ethnic conflict⁵ as “less like a common cold and more like AIDS – difficult to catch, but devastating once infected.” The ethnic and religious composition of the country in which civil war occurs is therefore very important. “If there is one dominant ethnic group that constitutes between 45% and 90% of the population – enough to give it control but

⁵ **Ethnic conflict** is defined by Brown (2001: 211; Green and Seher 2003: 511) as “a dispute about political, economic, social, cultural, or territorial issues between two or more ethnic communities.” Ethnic conflict is inherent in multi-ethnic societies where it is inevitable that groups will disagree about political, economic and social issues; and they are not necessarily violent conflicts. It can take various forms, including (a) intrastate collective action such as demonstrations, protests, strikes, and communal rioting; (b) internal wars such as secessionism and irredentism, civil wars, and coups; or (c) interstate wars, terrorism, annexation, and genocide.” **Ethnic violence** refers to “violence perpetrated across ethnic lines, in which at least one party is not a state (or representative of a state), and in which the putative ethnic difference is integral rather than incidental to that of violence, that is in which the violence is meaningfully oriented in some way to the different ethnicity of the target” (Green and Seher 2003: 511).

not enough to make discrimination against a minority pointless – the risk of conflict doubles” (Collier 2001: 149). Scherrer (2003: 27) notes “false nation-states and ethnocracies are ruled by dominant ethnic groups who have acquired ‘possession’ of the state.” Busumtwi-Sam (1999: 259-260) observes that while ethnic⁶ and community rivalries have existed in Africa long before colonialism, it has intensified these conflicts. Africa has “103 examples of borders that divide ethnic groups, are the subject of dispute between neighbouring states, or produce secessionist or irredentist conflicts.”

Münkler (2005: 8, 13, 15, 33, 92) has also observed that almost all the wars in Africa occur in former European colonies where ethnic conflicts were used by colonial powers to ensure their domination, “religious and cultural differences not infrequently play quite a considerable role,” and “in conflicts that often stretch over decades, these differences are so powerfully overlaid by power politics and economic rivalries that it is only rarely possible to decide what is a cause and what is a mere occasion.” He continues that “warring parties are only too happy to exploit these differences as an ideological resource for the recruitment of followers and the mobilization of support,” and even where people have co-existed for decades in “multicultural, multi-ethnic communities the outbreak of open violence turns ethnic and religious divisions into fault lines of a friend-enemy definition. In short, ethnic and religious oppositions are not usually the cause of a conflict, but merely reinforce it.”

2.3.5 Exclusion and oppression

Lemarchand (2006: 2) observes that exclusion⁷ rather than greed is a key factor in most African conflicts. He has observed that “exclusion, rather than a clash of culture or civilisation, is the key to an understanding of the crisis in the Great Lakes” (Lemarchand 2000: 326). McCoy (2008: 109-111) also observes that “the exclusion of people, often groups, from aspects of citizenship creates systemic exclusion,

⁶ Boutros-Ghali (1998: 29) considers that the application of ‘ethnic’ to many conflicts is slightly erroneous because it implies a “powerful belief of particular groups that they have a common ancestry distinct from that of their adversaries,” when in fact, “some conflicts occasionally labelled as ethnic, far from being between rival ethnic groups, are between people of common origin.” He therefore suggests a more appropriate term would be “communal conflict” as it describes “hostilities between peoples who live in close proximity but have different allegiances and strong mutual fears.

⁷ Exclusion can be linked to oppression and injustice. In this regard, Deutsch (2006: 43) differentiates between injustice and oppression as follows: “Oppression is the experience of repeated, widespread, systemic injustice,” which does not need to be extreme or involve the legal system. This oppression however can lead to conflict which “can lead to changes that reduce injustice, or it can increase injustice if it takes a destructive form, as in war.” He describes 6 types of injustice

- a) **Distributive injustice** (criteria that lead you to feel you receive a fair outcome);
- b) **Procedural injustice** (fair treatment in making and implementing the decisions that determine the outcome)
- c) **The sense of injustice** (what factors determine whether an injustice is experienced)
- d) **Retributive and reparative injustice** (how to respond to the violation of moral norms and how to repair the moral community that has been violated)
- e) **Moral exclusion** (who is included in the moral community and who is thought to be entitled to fair outcomes and fair treatments)
- f) **Cultural imperialism** (when a dominant group imposes its values, norms and customs upon subordinated groups so that members of these subordinated groups find themselves defined by the dominant others.

inequalities and animosities that foster group mobilisation and violent conflict. The control and exploitation of resources, is a major contributor to violent group mobilisation”. Cultural, linguistic, ethnic and religious differences will not create conflict unless there are extreme political or economic differences within a society. Communities that feel excluded from the state and discriminated against by the dominant group “often resort to violent tactics, especially when the stakes for survival are heightened by democratic competition diminishing economic opportunities, livelihoods and increasing poverty.” It is the inequalities between and within identities as well as patterns of identity-based deprivation that tend to create fertile ground for poverty as a source of conflict (Hagg and Kagwanja 2007: 17-19).

2.3.6 The weak state

Lodge (1999: 12; Brown 2001: 214-215; Jackson 2006:22-23) asserts that some of the most severe and protracted civil wars have occurred in countries in which the state has been especially weak with highly bounded decision making matrices. Weak states, a legacy of colonialism, are characterised by the lack of “political legitimacy, politically sensible borders, and political institutions capable of exercising meaningful control over the territory placed under their nominal supervision.” In some cases, “external developments such as reductions in foreign aid from major powers and international financial institutions and drops in commodity prices have played key roles in bringing about institutional decline. In other cases, states have been weakened by internal problems such as corruption, administrative incompetence, and an inability to promote economic development.” Sometimes, states experience all of these simultaneously. Violent conflict often follows weakened power structures (Brown 2001: 214). Scherrer (2003: 49) surmises that “failed states are dangerous states. State failure, protracted warfare and other forms of mass violence are inextricably linked.”

In both case studies, Burundi and Côte d'Ivoire, scholars and analysts consider ethnicity as a major factor of the conflict. Wright (2008: 81-82) however suggests, in the Great Lakes particularly, that “while ethnic conflict is a salient feature of Congolese identity, and an exacerbating characteristic of the conflict, the intensity of ethnic conflict and the ensuing violence has been highest when the strength of the state has been at its lowest. The failing state produces a fertile breeding ground not only for ethnic violence but also other debilitating social and economic breakdowns.”

Reno (2000 (a): 45, 47, 49, 54) describes a state ruler who seeks to make life “less secure and more materially impoverished for subjects,” by minimizing “the provision of public goods to a population,” including security or economic stability which encourages “individuals to seek the ruler’s personal favour to secure exemption from

these conditions” as governing a shadow state which is actually “the product of personal rule, usually constructed behind the façade of de jure state sovereignty.” State collapse theories contend that “incumbent elites deliberately and inadvertently abandon their political obligations to the maintenance of the state apparatus in favour of safeguarding their own economic fiefdoms” (Jackson 2006: 22-23).

The emergence of war economies is particularly interesting to the global economic environment because they “pose a unique challenge to the international community, as they demand an extensive reconstruction strategy in order to bring about transformation.” Transformation is never a smooth process because war economies “are often so entrenched in a state’s operational economy that the prospect of transforming to a peace economy often seems impossible” (du Rand 2008: 63).

2.4 Actors in African conflicts

Jackson (2006: 19) asserts that the “nature of actors in Africa’s wars rarely conforms to the conventional conception of organised, hierarchical and disciplined professional armies who fight in identifiable military uniforms. In contrast, African wars are characterised by the involvement of a multiplicity and diversity of military and non-military actors: government military formations (both internal and external), rebels, insurgents, private militias (government established or locally organised religious, tribal and community-based militias), warlords, criminal gangs, mercenaries and private security providers, multinational corporations, local entrepreneurs and business interests, nongovernmental organisations (local and international), peacekeepers (international, regional and ad hoc) and child soldiers – among many others. Quite a few of these actors have non-hierarchical structures, are prone to splintering and frequently engage in shifting and reflexive patterns of alliances. The diversification of active participants in contemporary warfare is both cause and consequence of the profound breakdown seen across the globe in recent years in the divisions between military and civilian actors and between combatants and non-combatants.”

2.4.1 Who benefits?

Schoeman (2000: 39, 43) reminds the reader of the question posed by Susan Strange, *who benefits?* Schoeman observes that “the prolonging of wars raging in Angola, Sierra Leone, the DRC, Sudan, Burundi and Rwanda all exhibit various forms of financial interest,” which include “a host of benefits to various groups, from local politicians and the military who grow rich on the war economy and black market trade, to drug lords, international arms dealers, mercenaries and other forms of privatized security firms, and exploiters of natural resources.” Transnational companies also benefit significantly from African conflicts doing “business in some of Africa’s most

politically unstable and bureaucratically weak states, including those that visible abjure a coherent process of policy and institutional reform” (Reno 2000 (b): 286).

2.4.2 The government

A feature of politics, especially in Africa is that they are “less restrained and more personalised than in places with formalised systems of rule.” Personal rule therefore remains prominent in Africa. Scholars have also acknowledged that “despite the disappearance of patrimonial systems of rule in Africa, the norms associated with such systems survived among the leaders of the new nation-states” who behaved like “medieval kings or sultans without carrying such titles.” This similarity has given birth to the concept of neo-patrimonialism. Both the traditional and contemporary systems “assume the presence of personal rule, in which the authority of the ruler, who is beyond question, is personally in control of running the affairs of the state.” Patrimonialism in Africa after independence does differ in “that it is backed by the resources of a modern state, including funds provided from external sources. Neo-patrimonialism, therefore, thrives on a resource base that gives the rulers plenty to work with.” However, neo-patrimonialism in “ruling circles in Africa is not only the creation of individual leaders, but also the response of members of the public who see the need for a powerful intermediary to help them solve their everyday problems.” In summary, “personal rule is a system of relations linking rulers not with the citizens but with patrons, clients, supporters, and rivals who constitute the system” (Hyden 2006: 94-98).

Brown (2001: 221) opines that “many conflicts are fundamentally power struggles between and among competing elites,” of which personal power struggles are the most common. Some are sustained government campaigns to “repress ethnic minorities and democratic activists.” The lack of elite legitimacy leads to elite vulnerability. This type of power struggle is “particularly prominent and particularly pernicious” accounting for much of the slaughter in, amongst others, Rwanda and Burundi. Weakening state structures, political transitions, pressures for political reform, and economic problems contribute to vulnerability motivating those in power to “fend off emerging political challengers and anxious to shift blame for whatever economic and political setbacks that countries may be experiencing.” When leaders need to devise new formulae for legitimizing their rule, “entrenched politicians and aspiring leaders alike have powerful incentives to play the ‘ethnic card’, embracing ethnic identities and proclaiming themselves the champions of ethnic groups.” When engaged in fierce power struggles, “politicians portray other ethnic groups in threatening terms and inflate these threats to bolster group solidarity and their own political positions.” Perceived threats are extremely powerful unifying devices.

Political leaders who are elected “and make their reputations on their pursuit of the enemy and their defence of the homeland” benefit from the intractability of conflicts (Zartman 2005: 51-52). Such states “learn to use and rely on, coercive measures to deal with their conflicts and differences.” It is difficult to break such a pattern once it is “institutionalized” (Bercovitch 2005: 119). Zartman (2005: 48-53) has also suggested that governments value natural resources because they enable the uncompromising pursuit of conflict.

2.4.3 The rebel groups

Rebel groups refer to all parties to a conflict who are not in government. On their participation in a conflict, Chigas (2005: 124) surmises: “intractable conflicts tend to involve basic human needs and values that the parties experience as critical to their survival and, as a consequence, as non-negotiable. In other words, the grievances driving intractable conflicts tend to involve experiences of gross injustice and threats to identity and security, thus making the conflict existential – the struggle for survival.”

Small, lightly armed bands practicing guerrilla warfare from rural base areas using technology of military conflict (insurgency) are most often instrumental in fuelling civil strife and conflict as a means of addressing “diverse political agendas, motivations and grievances” (Fearon and Laitin 2003: 75). Lemarchand (2000:326) has observed that exclusion leads to insurrection and insurrection to repression.

Ethnicity is another factor driving the cause of rebel movements. However, Hyden (2006: 189) suggests “conflict between ethnic groups is neither the result of modernisation nor the pursuit of economic advantage nor do they stem from irreconcilable primordial factors.” Such conflicts are however motivated by the “apprehension that members of a particular group experience as they interact and compare themselves with other groups” the comparisons providing a sense of worth, either inferior or superior, in relation to others. Competition in the marketplace has also helped drive conflict between ethnic groups. “With growing competition comes the possibility that groups become more aware of their relative worth and tensions among them increase. The insecurity that is often associated with enhanced competition easily translates into greater social consciousness.” Market competition may also spur greater social mobility which may also have consequences “for the effectiveness of the gatekeeper factors to maintain ethnic boundaries.”

Hyden (2006: 197, 233) when talking about ethnicity as a factor in motivating rebellion suggests that if “ethnic conflicts are evidence of vertical cleavages along cultural lines, the relationship between Tutsis and Hutus does not really match that description. A more appropriate characterisation is to describe it as evidence of a

horizontal cleavage based on social caste differences.” He surmises that African conflicts abound “not because of ethnicity, but because of the fluidity of social relations.” This will be dealt with in greater detail in Chapters 3 and 4.

Scholars of rebel organizations however argue that grievances are sometimes deliberately generated by rebel organizations with a view to fuelling the conflict. Collier (2001: 145) explains that “rebel organisations have to develop a discourse of grievance” if it is to receive international legitimacy and support, it “cannot afford to be regarded as criminal.” The justness of the struggle to all who support it – the rebel organisation, the population, foreign parties – is central to maintaining the legitimacy and justness of the conflict. Collier (2001: 144-145; Brown 2001: 222) further asserts that “economists who have studied rebellions tend to think of them not as the ultimate protest movement but as the ultimate manifestation of organized crime.” A rebel organization can be fighting to end perceived injustices, or simply to achieve power by becoming the next government but “it can only fight if it is financially viable during the conflict.” In either instance, whether the rebellion is motivated by greed or power, it can only occur when the “rebels can do well out of war.”

Mediation and conflict resolution initiatives may fail because the states in conflict have seen their capacity to govern, their legitimacy, or civil society collapse, or there are just too many ‘spoilers’ who have serious problems about making any concessions and are determined to keep an intractable conflict going (Bercovitch 2005: 119). In addition there are parties who attempt to prolong conflict. Lipschutz and Crawford (1996: 7) coin the term *political entrepreneur* referring to those who would be ready to grasp power when political power and authority crumble. Political entrepreneurs “try to mobilise populations in support of their struggles with other elites for political power, social status and economic resources.” They have also observed that many of the societies in which political entrepreneurs are active “are already characterised by class differences that parallel ethnic ones.”

2.4.4 External actors including former colonizers and regional role-players

Despite the case for mediation as a “low-risk, low-visibility, low-cost, and voluntary method of conflict management” ideally suited to the resolution of intractable conflicts, Bercovitch (2005: 119) surmises it is often “doomed to fail because major powers have competing interests in an intractable conflict, or neighbouring states may feel they have more to gain from a conflict’s continuance than from its termination.” External actors sometimes contribute to the intractability of conflicts because they benefit from the spoils of war more than they would from the spoils of peace. International NGOs may also have something to gain because despite how

commendable on humanitarian and moral grounds, “humanitarian assistance is never neutral” (Lemarchand 2000: 343).

“Secondary effects of intrastate conflicts including the refugee crises and regional economic instability also influences objectives and agendas of external role players, especially regional ones. In addition, states in conflict governed by ‘weak’ rulers enable other actors including former colonial powers to influence developments in these countries that are to their advantage including, amongst others, governance and resource acquisition.

The prime example of a former colonial power that interfered in the domestic affairs of former colonies is France in West Africa. Other superpowers that behaved accordingly were the USSR during the Cold War (eg. in Somalia and Ethiopia, Angola, Mozambique, etc.); and the United States of America since the Global War on Terror fighting radical Islam in places such as Sudan and Somalia. Stronger neighbours meddling in the affairs of their weaker neighbours were/are Libya in Chad and Liberia and Ethiopia in Somalia. Eritrea – being Islamist, and an old enemy of Ethiopia, supports the Islamist insurgents in Somalia.

In this study it becomes clear that Rwanda interfered in eastern DRC during Mobuto and Kabila’s days in order to deal with Rwandan Hutu insurgents who were refugees in Kivu. With regard to the Great Lakes region in general, Lemarchand (2000: 343) surmises, “no other part of the continent has been so thoroughly exposed to the penetration of so many international actors on so many occasions, and with so few positive results. International NGOs, UN agencies, Western powers, informal transnational networks – all have had a piece of the action at one point or another. And all bear some degree of responsibility for either doing too little too late, or too much at the wrong time on behalf of the wrong party.” France deserves much credit for the latter.

In Côte d’Ivoire, France intervened on behalf of the Ivorian government, as did Burkina Faso on behalf of the rebels. The same applies to transnational corporations that are often actors in African conflicts especially when scarce and profitable resources are at stake, mainly oil and diamonds.

Chapter 3: Burundi

3.1 Factors

3.1.1 Population density and land scarcity

Burundi is a small landlocked country in central Africa consisting of approximately 8 million people” (Theron 2009: 3). Together with Rwanda⁸ it is the most densely populated country in Africa and amongst the most densely populated in the world (Diamond 2005: 313; Bentley and Southall 2005: 21-22). In 2005 the World Bank estimated that only 8% of the population lives in towns, far lower than the sub-Saharan average of 40%. The average population density is over 264 per km, the second highest in Africa after Rwanda which increases to over 400 persons per km² in arable areas, while the population growth is 3.4%. A high population density in an agriculture-based economy results in the over-exploitation of land, soil, degradation and crop disease” (Institute of Security Studies 2005; Theron 2009: 5). Burundi also faces worsening problems of displacement and growing poverty. Ajulu (2009: 266) recalls former President Julius Nyerere arguing “that conflicts in Rwanda and Burundi arose from demographic pressures emanating from high demographic densities of nearly 300 people per square kilometre, nearly every bit of which is under cultivation.” Accordingly, the importance of land should never be underestimated because it is a socio-economic asset linked to wealth and survival (Theron 2009: 4). Accordingly, land is an “important source for conflict” and an “important resource for it as well” (Wright 2008: 93).

3.1.2 Ethnicity: the politics of exclusion

Burundian society consists of three ethnic groups, the Hutu (85%), the Tutsi (14%) and the Twa (1%) making up 100% of the population (Bentley and Southall 2005: 31). Since independence in 1962⁹ it has experienced waves of ethnic violence. The Tutsi minority (with the Ganwa clan and monarchy) have ruled since pre-colonial times until 2005 when the Tutsi party gained only 7% of the vote in Burundi’s 4th general

⁸ Rwanda’s average population density is triple even that of Africa’s third most densely populated country (Nigeria), and 10 times that of neighbouring Tanzania. Genocide in Rwanda produced the third largest body count among the world’s genocides since 1950. Burundi’s genocide was on a “smaller scale than Rwanda’s, yielding ‘only’ a few hundred thousand victims” placing it 7th in the world since 1950 in its number of victims of genocide, and “tied for 4th place in proportion of the population killed (Diamond 2005: 313). Although the ethnic map of Burundi is similar to that in Rwanda, relations between the Hutu and Tutsi were not as “conflict ridden as in Rwanda.” However, the “hardening of ethnic lines was the direct outcome of the presence in the country of tens of thousands of Tutsi refugees from Rwanda” (Lemarchand 2000: 331-332). Rwandan refugees to Burundi following the genocide precipitated by the deaths of Rwanda’s President Juvenal Habyarimana and Burundi’s President Ntayamira, increased to more than 200000, greatly increasing the pressure on Burundi’s economy and limited resources. This also heightened ethnic tensions while convincing the Burundian military to oppose negotiated settlements that would lead to majority rule (Khadiagala 2007: 113).

⁹ Two of the first three prime ministers were assassinated. Seven governments had come and gone in quick succession. In 1965 a mutiny by Hutu army and gendarmerie officers led to terrible reprisals against Hutu leaders. An army coup in 1966 brought to power a Tutsi officer, Captain Michel Micombero, who set out to remove the ‘Hutu threat’ once and for all. The army and government were purged of Hutu members. Leading Hutu politicians and scores of soldiers were executed. Faced with a Hutu uprising in 1972 Micombero exacted revenge on a scale never seen before in independent Africa. Hutus with any kind of education – teachers, church leaders, bank clerks, nurses, traders, civil servants – were rounded up by the army and killed. In a campaign subsequently described as ‘selective genocide’, the Hutu elite was virtually eliminated. Possibly as many as 200000 died. Another 200000 fled into Rwanda” (Maundi, Zartman, Khadiagala and Nuamah: 2006: 57; Meredith 2005: 488).

elections, effectively being outvoted by the Hutus. The Tutsi have also traditionally dominated the political, economic and military sectors (Khadiagala 2007: 108).

The civil war that begun in 1993, following the assassination of the first democratically elected Hutu President Melchior Ndadeye by Tutsi army officers, “combined new pressures for political participation and representation with the old ethnic animosities, land scarcity and the militarization of society” (Khadiagala 2007: 108). It claimed up to 350000 lives and defied numerous efforts to secure peace (Southall 2006: 105). Accordingly, Hatungimana, Theron and Popic (2007: 20; Bentley and Southall: 2005: 31-32) surmise that ethnicity has become a vehicle of conflict in Burundi because it became a tool for political competition in the pursuit of economic and political advantages: “Rather than being subjected to their own ‘native authorities’, ‘Hutus’ were ruled by ‘Tutsis’, who were cultivated as a political and chiefly class. The definitions of ‘Hutu’ and ‘Tutsi’ therefore became identified with the non-possession and possession of political power, a political identification which was reified by the Hamitic myth, which emphasised the origins of Tutsis as ‘strangers’, ‘aliens’ and ‘settlers’” (Bentley and Southall 2005: 165).

Wright (2008: 83) points out that “identity as a human need in the Great Lakes of Africa is complex, given the intricate ethnic web that is spun across the region” suggesting that the “most intense and complex ethno-political conflicts” occur in regions where ethnic groups straddle international boundaries.

3.1.3 Instability in the Great Lakes region

Lemarchand (2000: 324-326) argues that “no other crisis encapsulates more tellingly the perverse effects of the post-Cold War era than the brutal war sweeping across the Great Lakes region of Africa (Rwanda¹⁰, Burundi, Uganda and eastern Congo). Nowhere else in the continent are the destabilising side-effects of global disengagement from East-West issues more evident, the ‘criminalisation’ of the state more calamitous for the civil society, and endemic violence more savagely visited on innocent civilians. Nowhere else are the prospects for democracy more distant and the challenge faced by the international community more daunting.” The political situation is made all the more intractable “by the sheer number of political actors involved, the diversity of interests at stake, and the fluidity of domestic and international alliances.” The diversity of agendas, absence of effective leadership as well as the plurality of geopolitical fields in which insurgents and incumbents face each other further adds to the complexity of the crisis. Ould-Abdallah has argued that

¹⁰ Between 1962 when “Rwanda became an independent republic under Hutu rule, and the 1994 genocide, the entire region became the site of a chronic Hutu-Tutsi struggle, accompanied by massive bloodshed” (Lemarchand 2000: 331-332).

“the turmoil in the Great Lakes set a terrible precedent, the legacy of which has had long-term negative effects on the stability of the sub-region” (Ajulu 2009: 262).

Genocide is “deeply etched” into the social fabric of the Great Lakes region, the roots of which are “inscribed in the wider social context.” Three irreducible realities, together with volatile political forces, conspire to set the scene for subsequent confrontations. Hutu and Tutsi are found in Rwanda, Burundi, North and South Kivu, southern Uganda and Western Tanzania suggesting a lack of co-incidence between ethnic and geographical maps¹¹. Demographic data also indicates the “sheer density of population and resulting pressures on land throughout the region.” Although Rwanda dominates the list in this regard, similar patterns are found throughout the region. The existence of sizable refugee populations in the region is the third major contextual element in the current crisis. Refugees become vehicles for further violence in their countries of asylum. The effect of “refugee diasporas on the polarisation of the host societies are again inseparable from the presence in all these countries of indigenous communities (Hutu and Tutsi) with which they could readily identify.” In its simplest formulation, “the dynamics of violence in the Great Lakes involves the transformation of refugee-generating violence into violence-generating refugee flows” (Lemarchand 2000: 324-331; Van Eck 2005: 8).

3.1.4 Returned refugees reclaiming their land

Political violence in Burundi and Rwanda has reverberated through the political life of the other and has produced large Hutu and Tutsi refugee populations in Zaire, Tanzania and Uganda and in Burundi and Rwanda themselves¹² (Jones (1999: 57). Theron (2009: 4) suggests that “land-related challenges in post conflict environments often occur when returnees (former refugees and displaced people) find their properties and land occupied by individuals or groups.

The Arusha Protocol IV, Chapter 1, Article 8(b)¹³ states that returned refugees could reclaim their land. Spontaneous repatriation was noticeable in 2001 following the conclusion of the Arusha Agreement which introduced more political stability to the country. “From 2002 to 2008 the UNHCR, in collaboration with partner organisations,

¹¹ Samuel Huntington refers to this as the ‘kin country syndrome’ which refers to a “situation in which ethnic fault lines tend to replicate each other across national boundaries, creating a deadly potential for ethnic conflict to expand and escalate” (Lemarchand 2000: 327-331).

¹² Theron (2009: 4) observes that in Burundi, conflict resulted in refugees fleeing to neighbouring countries especially Tanzania. “More specifically, the 1972 crisis led to between 200000 and 300000 people fleeing the country, while the 1993 crisis led to approximately 400000 people fleeing Burundi.”

¹³ Arusha Agreement states “All refugees and/or sinestrés must be able to recover their property, especially land” (Theron 2009: 5).

repatriated 473865 refugees from Tanzania¹⁴ back to Burundi, with another 263496 remaining outside the country.” Once back in Burundi, “returnees have to deal with issues relating to reintegration and reconciliation, including for many, the challenge of reclaiming their land. Land in Burundi is a limited commodity and of extreme importance, given that approximately 90% of Burundians are dependent on land since they earn their living through either agriculture or livestock.” The Burundian government and international community have failed to recognise the scale of the problems that will face them with the return and resettlement of refugees and displaced persons, not least in terms of pressure on the land (International Crisis Group October 2003; Bentley and Southall 2005: 133-134; Southall 2006: 119).

3.2 Actors

3.2.1 Emergence of political parties representing ethnic interests

In 1992 Major Pierre Buyoya adopted a new constitution¹⁵ that permitted the participation of other political parties. This was preceded by Belgium encouraging the same in 1948, resulting in the Union for National Progress (UPRONA) headed by Tutsi Prince Louis Rwagasore as well as the Christian Democratic Party (PDC). Despite attempts to discourage “party aggregation along ethnic lines, Hutu challengers to UPRONA (re-established in 1990) formed their own party, the Front for Democracy in Burundi (FRODEBU)¹⁶, led by Melchior Ndadaye (Khadiagala 2007: 108-109). Increased tensions and violence between Hutu and Tutsis in 1995 heightened the Hutu ethnic identity and gave birth to the National Council for the Defence of Democracy (Conseil National pour la Defense de la Démocratie, CNDD) with its armed wing, the Democratic Defence Forces (Forces de Défense de la Démocratie, FDD), led by Leonard Nyangoma, a former Interior Minister (Khadiagala 2007: 114).

3.2.2 The Tutsi as minority rulers: from UPRONA to the present

3.2.2.1 Entrenchment of Tutsi domination

The Tutsi were led by a monarchy in the form of the Mwami, abolished only after independence in 1962. Thereafter, the Tutsi relied less on the monarch for leadership and increasingly on UPRONA and Captain Micombero’s military rule¹⁷ to

¹⁴ It has been suggested that in view of the pressures placed on it from the refugee population, Tanzania has always favoured a conclusion that would lend itself to the repatriation and return of the 350000 refugees in its territory (Institute for Security Studies February 2009: 3).

¹⁵ In 1990 the Tutsi-dominated political party, the Union for National Progress Party (UPRONA), was rejuvenated by Buyoya “as the vehicle for organising the transition to civilian rule,” as part of Buyoya’s efforts at “economic and political reforms designed to correct political and economic imbalances, and overcome the legacy of ethnic violence and human rights abuses” (Khadiagala 2007: 108-109).

¹⁶ UPRONA was officialised in 1992 but Paliphehutu-FNL has always remained clandestine (until 2009) (International Crisis Group November 1999: 2).

¹⁷ In 1966 “an extremist faction of the Tutsi military overthrew the Tutsi monarchy heralding an era of ethnic violence and dictatorial rule by a military clique comprising Tutsi from the south” (Khadiagala 2007: 108). After initially serving

stay in power. The Tutsi thus dominated power from the earliest days until the 2005 elections, except for 1993-1996 when the Hutus were in power. Before 2000, the Hutus were the rebels and the Tutsi were the rulers (Bentley and Southall 2005: 36-38).

Under colonial rule, the Germans and then the Belgians, Tutsi domination was entrenched¹⁸. In the early 1900s, German officials identified Hutu and Tutsi as “distinct and separate ethnic groups,” relying on the Tutsi aristocracy (with their paler skins and therefore more European or Hamitic appearance) to enforce control, “enabling them to extend their hegemony over the Hutu,” while inaugurating a colonial policy of indirect rule. The Belgians, in addition to systematically employing a divide and rule strategy giving the Tutsis power of the majority Hutus, in the 1920s introduced identity cards which specified to which tribe a holder belonged. “In cases where appearance was indecisive or proof of ancestry was lacking, a simple formula was applied: those with ten cows or more were classified as Tutsi, those with fewer were Hutu.” The identity cards made it virtually impossible to change the classification (Bentley & Southall 2005: 36; Hatungimana, Theron & Popic 2007: 19; Meredith 2005: 158; Diamond 2005: 314).

3.2.2.2 Entrenchment of Tutsi power

Although Tutsis were only 14% of the population, the United Nations and the Arusha Agreement allocated to the Tutsi more power than ethnic demography would suggest. United Nations mediated internal power sharing negotiations started in May 1994 which culminated in September 1994 with “the political parties reached a power-sharing agreement that replaced the 1992 constitution with a Convention of Government. The agreement gave 55% of cabinet positions to Hutus and 45% to Tutsis and created the National Security Council (NSC), a body charged with approving all government decisions. In light of the military’s representation on the NSC, Tutsis in effect exercised veto power over any action by an elected government.” It has been suggested that the Convention allowed the military to call the shots and “achieved by political means precisely what planners of the attempted coup had failed to attain by military means: superseding the 1992 constitution and nullifying FRODEBU’s power.” The civilian government’s legitimacy “rested on disarming Tutsi militias and restoring security.” It was however, dependent on the Tutsi security forces to achieve this and simply defied President Ntibantunganya when ordered to suppress Tutsi militias (Khadiagala 2007: 113).

as Prime Minister, Micombero overthrew the monarchy in 1966 and appointed himself president and leader of UPRONA (Southall 2006: 108).

¹⁸ The Catholic Church was also very influential in promoting the Tutsi cause (Meredith 2005: 158).

The Arusha Agreement of 2000 also agreed that the political power between the Hutu and the Tutsi would be shared on a 60/40 basis (Bentley and Southall 2005: 75) although the Hutu amount to 85% of the population and the Tutsi only 14%. Van Eck (2004: 3-6) observes that most Hutus have always felt the Tutsi minority were given too large a slice of both military and political power in the accord. Was such a generous formula part of necessary rather sufficient conditions for conflict resolution in Burundi?

3.2.3 The Hutu as excluded majority: from FRODEBU to the present

FRODEBU was established in 1983 by Melchior Ndadaye¹⁹ and dominated Hutu politics until after the 2005 elections when it came second to Pierre Nkurunziza's CNDD-FDD. Following many political developments, elections in 1993 provided for a "peaceful transfer of political power from a Tutsi to a Hutu president. However, Tutsi dominance of the army remained intact" (Southall 2006: 109), with the election of Melchior Ndadaye leader of FRODEBU which had managed to mobilise the majority of Hutu followers including supporters of the outlawed PALIPHEHUTU. Pierre Buyoya representing UPRONA was defeated (Southall 2006: 204). Ndadaye, who became Burundi's first Hutu president, described his victory as marking the "start of an era of a culture of human rights, including political rights, the right to live, and economic and social rights." Although FRODEBU captured 65% of the presidential vote and 80% of parliamentary seats, Ndadaye "sought ethnic inclusiveness by having UPRONA's representation in cabinet." This did not weaken the Tutsi domination. While Ndadaye was congratulated for restoring democracy and national reconciliation, "the structures he had bequeathed continued to reflect minority dominance." The new government was therefore faced with Tutsis wanting to retain "military and economic power and Hutus clamouring for the benefits of majority rule." In October 1993, Ndadaye was assassinated in an attempted coup after 100 days in power. The violence that followed is estimated to have resulted in the deaths of between 30-50000 people and the displacement of at least 150000. Most Hutu refugees fled to Rwanda, Tanzania and Zaire (Khadiagala 2007: 109).

In January 1994, the National Assembly selected a Hutu President Cyprien Ntaryamira²⁰, who appointed a Tutsi Prime Minister to lead a multi-party government in which the Tutsi gained 40% of the seats following talks brokered by the Special Representative of the United Nations Secretary-General Ould-Abdallah. The military maintained its autonomy from government. FRODEBU's Sylvestre Ntibantunganya was chosen by the National Assembly as Nyaryamira's successor although his

¹⁹ 35 years after UPRONA

²⁰ Formerly Minister of Agriculture

administration was greatly disempowered by the finalisation of the September 1994 Convention of Government Discussions (Khadiagala 2007: 112-113).

3.3 African Mediation

3.3.1 Introduction

President Ndadeye's assassination in 1993 and "the reversal of the democratic experiment provided an opportunity for external intervention²¹ into the conflict to end instability". Developments in Burundi were followed by suggestions by UN Secretary-General Boutros Boutros-Ghali in October 1993 that an international military intervention force to restore stability be established. However, restricted by American reluctance to intervene in African conflicts he appealed to African countries to take responsibility for such an intervention force." UN Under Secretary-General James Jonah²² also called on "Africa to use the OAU's conflict prevention mechanisms to intervene in Burundi" (Khadiagala 2007: 109-110).

In late October 1993, Rwanda, Tanzania and Zaire, most affected by the influx of refugees, decided on a Mission for Protection and Restoration of Trust in Burundi (MIPROBU), comprising 180 soldiers and 20 civilian observers which sought to "restore order and mediate the selection of a new president and facilitate the military's withdrawal from power." It was fiercely resisted by the Tutsi military who accused the regional leadership of interfering in Burundi's internal affairs²³. In November 1993 the military agreed to a 70-man MIPROBU team. However, on the date of actual deployment in February 2004 only 18 men were deployed. Ahmedou Ould-Abdallah was appointed special envoy by the UN Secretary-General to facilitate dialogue between the parties to the conflict. Following unsuccessful attempts by the United Nations, including the Secretary-General's Special Representative Ould-Abdullah and the OAU to successfully solve Burundi's problems, Museveni, Mobutu and Mwinyi invited former US President Jimmy Carter to assist²⁴. His initiatives included African elder statesman²⁵: former Tanzanian President Julius Nyerere, former Malian

²¹ However it was not certain how external actors could "enter into the conflict to contribute to the restoration of constitutional order" (Khadiagala 2007: 109-110).

²² On a fact finding mission to Burundi

²³ This was to be used many times to block intervention, eventually becoming the defence of sovereignty and territorial integrity (Khadiagala 2007: 111-112).

²⁴ His first conference in Cairo in November 1995 ended with an agreement by Burundi, Rwanda, Tanzania, Uganda and Zaire to work on a framework for refugee repatriation as well as ending cross-border raids and arms trafficking. By the second Great Lakes Summit in Tunis in March 1996 "Carter's intervention had started a consultative relationship among the five core regional states without diminishing Burundi's chronic cycle of violence." The Burundian delegation committed itself to "starting a new national debate on a democratic constitution that would form the basis for 1998 elections," while promising to "redefine the army's mission to make it more responsible for the population's security" (Khadiagala 2007: 116-117).

²⁵ Khadiagala (2007: 107-108) argues that elder statesmen are "called upon to mediate intractable internal conflicts" because of their wisdom, empathy and "credibility derives from their previous prominent positions in their countries." In addition, they use their "charismatic authority to persuade conflicting parties to go the negotiating table and to keep

President Amoud Toumani Toure, and South African Archbishop Desmond Tutu. (Khadiagala 2007: 111-117).

In August 1995 the UN Security Council passed resolution 1012²⁶ which mandated an international commission to make recommendations for bringing “to justice persons guilty of offences against humanitarian law in Burundi and for promoting national reconciliation.” The crisis however deepened with supporters of FRODEBU and other Hutu militants arguing that the Tutsi military class had to be militarily defeated if Hutus were to enjoy democracy, a sentiment echoed by the Hutus of Rwanda. Through the Carter initiative, Julius Nyerere – who had retired from the Tanzanian Presidency in 1985 and whose contacts with Burundian politicians went back to the 1960s – emerged as the most acceptable candidate to lead a peace mission” (Southall 2006: 205-206).

3.3.2 **Arusha negotiations: mediation by Tanzanian President Julius Nyerere (1996-1999)**

Former Tanzanian President Julius Nyerere was motivated by humanitarian and regional security concerns strongly believing that conflict resolution in Burundi would bring peace and security not just to the country but to the region when he accepted the role of Facilitator. He also accepted the position because of expectations of the international community in his ability. Nyerere prioritised the restoration of security rather than political dialogue recognising that the conflict was advancing at the war front rather than the negotiating table (Maundi, Zartman, Khadiagala and Nuamah 2006: 75-84). Following extensive contacts with the Burundian government, parties, army and civil society, as well as key international actors, Nyerere convened early meetings between FRODEBU and UPRONA in Mwanza in April and May 1996 to begin negotiations²⁷. These made no progress, as the former declined UPRONA’S demands that it condemn the Hutu militias, and the latter refused Nyerere’s insistence that the government treat with the rebels. At his instigation however, regional heads of state called a summit on Burundi in Arusha (Bentley and Southall 2005: 56-57; Southall 2006: 206).

them engaged in the process once it has begun.” They are granted access to the process because of their personal stature and are therefore enabled with “potential authority over disputants”, but their “effectiveness ultimately rests on the mix of leverage from authoritative third parties found at national, regional and international levels.”

²⁶ Full text of resolution available: <http://www.unhcr.org/refworld/publisher,UNSC,,BDI,3b00f15c30,0.html>

²⁷ His mediation efforts have however received conflicting assessments: it has been suggested he was pro-Hutu as well as being encumbered by the regional aspirations of the Tanzanian government. The ongoing conflict between Tanzania and Burundi often lead to his impartiality being questioned, which was consistently exploited by the Burundian government led by President Buyoya. However, he was also considered to have the wisdom, intellect and commitment required to mediate a conflict of the intensity and intricacy as that of Burundi (Khadiagala 2007: 148).

3.3.3 The Arusha Agreement of 2000

3.3.3.1 Mediation by South African President Nelson Mandela (1999-2001)

In 1994 Nyerere had reminded South Africa of the debt it owed to the continent for its support during its liberation struggle and urged the country to “commit to resolving the tangled humanitarian crises of the Great Lakes region. Echoing the expectations of African leaders and academics across the continent, he dismissed all the excuses South Africa might make: its democracy was fragile, its military was undergoing a complex process of integration and transformation, its diplomatic understanding of African conflicts was under-developed” (Ngombane 2009: 7). Nyerere was succeeded by former South African President Nelson Mandela in 1999 as mediator in Burundi²⁸.

Mandela shaped the initial South African approach to the conflict, facilitating the peace process in his personal capacity, which resulted in the finalisation of the Arusha Peace Accord in August 2000 (Accord 2007: 25; Ajulu 2009: 263). He injected optimism into a process “weighed down with regional and international fatigue,” while also “refocusing international attention on Burundi, mobilising international pressures to lend legitimacy and financial backing to his efforts” intended to “give the peace process an international profile which it had previously lacked, and thereby raise the cost to Burundian politicians their being awkward and intractable” (Khadiagala 2007: 169).

Mandela’s nomination was welcomed by the Burundian government²⁹ (although rejected by the rebel Hutus) because he was viewed as not having any historical links with interventions in Burundi; supportive of the Tutsi minority³⁰; and South Africa was a potential source of economic assistance (Ajulu 2009: 263). The Buyoya government urged Mandela to “revisit the methodology, management and substance of the negotiations, with respect to the inclusion of the CNDD-FDD. Rebel participation was necessary to reverse the priorities of the negotiations toward a ceasefire because government argued. It suggested Nyerere’s mediation had

²⁸ Nominated at the 8th Great Lakes Regional Summit in December 1999. The Tanzanians initially attempted to have Judge Bomanzi as mediator; partly to secure the reputation of Nyerere, and partly to ensure their national interests (Bentley and Southall 2005: 72).

²⁹ Nyerere’s critics saw Mandela’s involvement in the process as an opportunity for the international community to assert more control over the mediation since, “previously, the international community unquestioningly allowed Nyerere to handle the Burundi peace process and disregarded the Burundi government’s reservations toward him” (Khadiagala 2007: 168).

³⁰ Tanzania, being host to thousands of Burundian refugees, became the breeding ground for the first organised Hutu armed groups, Paliphehutu-FNL and Frolina. It also became the launch pad for various insurgent attacks which threatened the security of the Burundi government. The spillover of the Rwandan, Burundian and Zairian conflicts into western Tanzania increased tensions within Tanzania as well. The government faced domestic pressure to address the instability, crime and environmental degradation caused by the immense refugee populations. It was therefore viewed as being partial to the peace process (International Crisis Group November 1999: 2, 4).

focused on a political settlement at the expense of a military ceasefire”³¹ (Khadiagala 2007: 168).

Mandela, although “cautious about using South Africa’s transition as a blueprint,” (Ajulu 2009: 264) borrowed from the South African model of the Convention for a Democratic South Africa (CODESA) “to drive the process forward without preventing all parties from having their say”. He believed that Burundians themselves should produce the content of the agreement and that they generally agreed on the causes of the conflict. Although he was harsh in his criticisms of the Burundians he displayed the flexibility to adopt a variety of strategies towards reaching an agreement” (Accord 2007: 18; Mottiar and Van Jaarsveld 2009: 31). His mediation was focused on the application of international pressure and the use of donors to give incentives to the conflicting parties; convincing the conflicting parties of the need for a negotiated settlement; and establishing a transitional government based on a power-sharing agreement,” while leaving space for regional involvement in critical decisions (Ajulu 2009: 264). He also introduced the concept of sufficient consensus which prevented the smaller parties from blocking progress in committees through voting (Southall 2006: 207-208). Mandela was far more prepared than Nyerere “to analyse the Burundian conflict in explicitly ethnic terms, and thereby to compel Burundians to face the issue of ethnicity more honestly. Importantly, too, this resulted in his advocating ethnic power-sharing solutions, such as the idea of the presidency revolving between Tutsi and Hutu” (Bentley and Southall 2005: 75).

Mandela, early on recognised the challenges and complexity he would face in his mediation saying, “there are going to be a lot of rough times ahead.” While retaining Arusha³² as a venue for the talks (which placated Tanzania) he stressed that the talks under his mediation would be inclusive, that the rebel groups would no longer be ignored³³ saying, “we cannot sideline anybody who can create instability in the country and so we must find ways of accomodating them in these discussions either by inviting them to join or by addressing them separately.” Unless there was inclusivity, there could be no “guarantee that the decision of the 18 parties, even if it is unanimous, will be respected by the armed groups on the ground.” He was

³¹ See footnote № 25.

³² Despite this various scholars and academics have noted differences in the styles of mediation of Presidents Nyerere and Mandela: the former being intrinsically intellectual, “urging the belligerents toward a given course of action through logic and reason”, while the latter “was more down to earth, even impatient, and more forceful in pushing the warring parties toward an agreement”. In addition, Mandela was “uncompromising on issues of justice and morality” enraging Tutsi parties, 8 of whom threatened to withdraw from the talks, by calling for an end to Tutsi control of politics, commerce and the military (Khadiagala 2007: 167-169).

³³ Bentley and Southall (2005: 63-64) suggest that Nyerere was also of the view that the negotiations should be inclusive and that participation from the smaller political parties was also necessary, not just those of UPRONA and FRODEBU. “The idea was to bring together Burundians from across the entire political spectrum so that they would mix freely and move beyond the dehumanising stereotypes they held of each other”. However this was not to be and this suggestion fell apart almost from the beginning.

adamant that peace and stability would not be achieved if 15% of the population continued to monopolise political, economic and military power (Khadiagala 2007: 167-169; Mottiar and Van Jaarsveld 2009: 30-31; Van Eck 2009: 169).

Mandela, at the first plenary session in Arusha suggested five priorities as a means to overcoming some of the blocs in the committee negotiations: security which had to be addressed if peace and reconciliation was to be achieved; Hutu rebel fighters should be integrated into the army rather than civil society so that the ethnic composition of the army could change; elections should not be held until everything has been discussed and settled in Arusha; a transitional regime should be in place for a maximum of five years; and the property rights of returning refugees must be seriously considered³⁴. At the end of the March 2000 negotiations, Mandela submitted a 200-page draft agreement that “synthesised the work of negotiating committees,” giving the delegates three weeks to analyse the document and propose comments and amendments which would be considered. By April 2000, all parties had made their suggestions to the draft proposals and the negotiating team could begin drafting the final agreement. The revised draft agreement was submitted in June 2000. Attention was turned towards obtaining the participation of rebel groups whose non-participation was holding up ceasefire negotiations and army integration. A meeting was therefore convened in Johannesburg on 23-25 May 2000 with government delegates, representatives of the rebel groups, the Burundi military and armed Hutu groups, PALIPHEHUTU-FNL and CNDD-FDD (Khadiagala 2007: 168-171).

3.3.3.2 Conclusion of the peace agreement: The Arusha Peace and Reconciliation Agreement for Burundi (2000)

Mandela invited the parties to a signing ceremony on 28 August 2000 although some had not accepted key provisions in the draft document nor was there agreement on who would lead the transitional government or a ceasefire with the rebels. With a tentative deal on the table “he invited world leaders, including President Bill Clinton, to attend the ceremony, judging that neither side would ignore the regional and international dignitaries.” It worked: 14 of the 19 parties signed the Arusha Accord for Peace and Reconciliation which locked parties into a framework from which peace would grow. The two main rebel Hutu parties, the Paliphehutu-FNL and the CNDD-FDD however remained outside the process by not signing. Van Eck (2009: 169) observes it was a “serious mistake” and “resulted in a bizarre situation where the

³⁴ This came within the historical context of accusations by the returning Burundian refugee population after the 1993 crisis who found no land for them to settle on or security. They complained they had been duped by the international community into believing it would be safe for them to return to Burundi (International Crisis Group November 1999: 3).

signing of a comprehensive peace accord was accompanied by an ongoing and escalating war inside the country.”

The Accord provided for a three-year transition period, during which the transition government was “mandated to oversee judicial and institutional reforms and to ensure ethnic balance in military and police.” The constitution would be put to a referendum before elections ending the transitional period would be held. In addition, the Accord proposed the deployment of international peacekeepers to assist in maintaining the transition (Khadiagala 2007: 171-172; Bentley and Southall 2005: 77-79).

Bentley and Southall (2005: 151-153) have suggested that the views of civil society³⁵ in Burundi were largely ignored by Burundian rulers and politicians resulting in their exclusion from participation in the negotiations process³⁶. “In the case of Burundi, the Arusha negotiations were brought about by regional and international pressure upon the then military government to return the country to civility. As a result, both the principal facilitators, Nyerere and Mandela, were engaged to bring the warring parties together, and were constrained by the norms of African and international diplomacy.” It has been further suggested that the exclusion of women from the process was “supremely unhelpful for, as Haysom (2005) suggests, if women are left out of negotiations, these become ‘more brittle.’”

The Arusha Accord and subsequent ceasefire agreements and protocols created several structures to help implement the agreements, the most important of which were the Implementation Monitoring Committee (IMC), the Joint Ceasefire Commission (JCC), the Multi-Country Demobilisation and Reintegration Programme (MDRP) and the National Commission for Demobilisation, Reinsertion and Reintegration (CNDRR). The IMC included representatives of the 19 Burundian signatories to the peace accord, six members of Burundian civil society, and one representative each from the OAU, the Great Lakes Region, and the EU. It helped “establish commissions on political prisoners, refugee repatriation and reintegration, and launched sensitisation campaigns to publicise the peace accord”. (Boshoff 2006: 138; Khadiagala 2007: 172).

³⁵ Bentley and Southall (2005: 151-152) have suggested this has been enabled by the breakdown of civil society structures in a conflict that has spanned so many years. What there is of civil society is also concentrated in towns, particularly Bujumbura. In addition, the governing class is made up almost entirely of politicians and soldiers who gain access primarily because of ethnicity.

³⁶ From a structural point of view, this can be explained as international relations as international relations being principally the activity of politicians (Bentley and Southall 2005: 151-153).

3.3.3.3 Ethnic redress in the Arusha Agreement: role of the Hutu and the Tutsi

In Arusha it was agreed that political power between Hutus and Tutsis would be shared on 60%/40% basis. Since that agreement, parties representing the Hutu (the so-called G7), filled the 60%, while parties representing the Tutsi (the so-called G10), filled the 40%. This political/ethnic power-sharing formula ended on conclusion of the transitional phase.

In addition, the Agreement provided for the reform of the security sector with a 50/50 ethnic balance (Boshoff and Frey 2006: 7; International Crisis Group December 2004: 3; Van Eck 2005: 2). While Mandela was of the view that the “demographic composition of the army should reflect that of the population, he urged pragmatically that, initially, integration of the army should be based on equal representation of Hutu and Tutsi in order to allay the latter’s fears of domination” hence the 50/50 representation (Bentley and Southall 2005: 75).

3.3.4 The implementation of the Arusha Peace Agreement: mediation by South African Deputy President Jacob Zuma (2001-2006)

Upon conclusion of the Arusha Accord, Mandela preoccupied with mediation for the transitional institutions, “ceded the responsibility for mediating the ceasefire talks to South African Deputy President Jacob Zuma” who brought new momentum to the process while Burundians were simultaneously calling for the President of Gabon Omar Bongo³⁷ to be appointed as co-mediator (Khadiagala 2007: 175).

Bongo, in January and April 2001, hosted the first face-to-face talks between Buyoya and the leader of the CNDD-FDD Ndayikengurikiye in Gabon during which the parties agreed to start ceasefire talks with the CNDD-FDD. Zuma and Bongo, in Pretoria in July 2001, mediated the establishment of technical committees between the CNDD-FDD and the Burundi government on key aspects of a ceasefire. In October 2001 in Pretoria, the CNDD-FDD and FNL met with the Burundi government and all signatories to the Arusha Accord. However, continuing rebel attacks and splits in the rebel movements eroded possible progress (Khadiagala 2007: 175).

In October 2003 Ndayizeye and Nkurunziza signed the Pretoria Protocol on Political, Defence and Security Power-Sharing in Burundi paving the way for the inclusion of the CNDD-FDD into the transitional institutions³⁸. In addition to symbolising the

³⁷ This was an attempt to reduce South Africa’s participation in the process playing off English and French-speaking mediators. Mandela however, cautioned against the alienation of Bongo because of his ability to impact negatively on the peace process (Khadiagala 2007: 175).

³⁸ It included the following provisions: CNDD-FDD was offered four ministerial positions including Minister of State for Good Governance (3rd in seniority to president and vice-president); 15 seats in parliament plus the position of vice-presidency and deputy secretary-general; three provincial governorships; two ambassadorial posts and 30 local government administrative posts; 40% of the officers in the new national army, although the allocation of command

culmination of very difficult discussions during which President Mbeki and Deputy President Zuma applied major pressure, on Nkurunziza particularly, who agreed to major concessions, the Pretoria Accord ushered in a period of relative stability (Khadiagala 2007:176-177). In May 2004 the CNDD-FDD withdrew from the positions they held in the transitional government claiming that the government was delaying the implementation of the agreement signed on 16 November 2003.

3.3.4.1 Implementation of Arusha Agreement: redress of ethnic power configurations?

The political and constitutional agreement agreed to before the 2005 elections preserved a large measure of protection for the political opposition and for minority rights, with a careful balancing of 'ethnic' interests and provisions that prevented the decisive use of simple majorities in the National Assembly and Senate to pass contested legislation. The Tutsi minority also retained a significant control of the country's security establishment in terms of the peace agreements of 2000 and 2003. The Paliphehutu-FNL has always argued that the peace accords constructed around the Arusha Agreement between 2000 to 2003 simply disguised the perpetuation of Tutsi power "which could continue to threaten a veto on political arrangements by virtue of continued domination of the security forces" (Institute for Security Studies February 2009: 2).

The post-election government is composed of 60% Hutus and 40% Tutsis without reference to a political party. The political provenance of the ministers will depend on the percentage obtained by each party in the legislative elections. The ministers of defence and the head of the police must come from different ethnic groups without reference to their political party. The national assembly will be composed of 60% Hutus and 40% Tutsis. This ethnic distribution will be incorporated into each list presented by the political parties. The senate will be composed of 50% Hutus and 50% Tutsis without reference to their political affiliation. The defence and security forces must also represent a 50/50 ethnic balance. The goal of this ethnic balance is to increase the representation of the Tutsi minority in the institutions as a guarantee of security (International Crisis Group December 2004: 3-4),

3.3.4.2 Transitional arrangements

In November 2000 Mandela announced the launch of the activities of the Arusha Accord Implementation and Monitoring Committee (IMC). However, it made little progress other than to hold meetings and discussions (International Crisis Group May 2001: 25). Leadership of the transitional institutions remained an outstanding issue.

posts would be shared equally between the Hutu and Tutsi; 40% of the positions in the new police force; and amnesty for its leaders and combatants (Khadiagala 2007:176-177).

On 23 July 2001 in Arusha, the Heads of State of the Regional Initiative for Burundi endorsed the formula proposed by Mandela regarding transitional leadership. Pierre Buyoya was named as President for the first 18 months of the transition and Domitien Ndayizeye the candidate of the group of seven parties representing the interests of the Hutu population (G7) Vice President. For the second 18 month period, the President would be chosen from the G7 and the Vice President from the 10 parties representing the interests of the Tutsi community (G10). The beginning of the transition period was set for 1 November 2001. Pierre Buyoya also committed himself to authorising the formation of a special Burundian protection unit by 1 November that would enable the return of exiled political leaders and the arrival of an international workforce to take part in the Agreement Implementation Monitoring Committee. Since the Arusha Agreement did not also specify the powers, the relationship between the government, President, Vice President, National Assembly and Senate or conflict resolution mechanisms for disputes between these institutions, a transitional constitution was also required by 1 November 2001 (International Crisis Group August 2001: 3; 7-8).

The establishment of the Transitional Government of Burundi presented a challenge for the South African mediation when it became clear that some of the politicians in exile would not be able to return to Burundi as part of the transitional government for security reasons³⁹. South Africa⁴⁰ deployed special protection forces which formed the basis of deployments that included the deployment of UN peacekeeping forces (Ajulu 2009: 264-265).

3.3.4.3 Demobilisation, disarmament, reinsertion and reintegration⁴¹

The Arusha Accord mandated that the DDR process would be guided by the Joint Operational Plan for Pre-Disarmament, Combatant Verification, Military Integration and Demobilisation of Armed Movements (JOP) (Boshoff 2006: 138). The process was launched on 2 December 2004 after a long delay with the disarmament and demobilisation of 216 combatants at the centre in Muramvya. Although subject to problems and challenges including accommodation and food, the process was

³⁹ Although the formation of a VIP protection unit had been agreed on, there was no agreement about its composition and the UN would not provide a unit because this was outside its mandate (Ajulu 2009: 264-265).

⁴⁰ The Transitional Government of Burundi came into being mainly because of South Africa's commitment to deploying protection units in 2001 (Ajulu 2009: 264-265).

⁴¹ DDR is defined as the "disarmament, demobilisation and reintegration (DDR) of ex-combatants is the first step in the transition from war to peace. While being used in conditions of peace as well, it is much more complicated in a post-conflict environment, when different fighting groups are divided by animosities and face a real security dilemma as they give up their weapons, when civil society structures have crumbled, and when the economy is stagnant. DDR supports the transition from war to peace by ensuring a safe environment, transferring ex-combatants back to civilian life, and enabling people to earn a livelihood through peaceful means instead of war" (Boshoff 2006: 136). DDR can however only be conducted in conditions of, inter alia, inclusion of all warring parties, political agreements, a comprehensive approach and sufficient funds, the long term objective of which is the sustained social and economic reintegration of ex-combatants into a peaceful society.

completed by the end of June 2005⁴². “The fact that it took such a short time bolstered faith in the transitional process and helped to ensure a stable situation in the run-up to the election” (Boshoff 2006: 135-136).

3.3.4.4 African peacekeeping: African Mission in Burundi (2003-2004)

Although the Rwandan crisis of 1994 provided the impetus for African peacemaking, the Burundian crises (violence in 1972, 1988 and 1993) only drew African intervention in 1996, the establishment and deployment of the African Mission in Burundi in 2003 and the UN Peacekeeping Mission in 2004. Furley and May (2001: 9) suggest that the 1994 Rwandan crisis encouraged “African regional organisations to take over, and for African states, not for the first time but now on an increasing scale, to intervene militarily for their own ends” and to experiment with the concept of African solutions for African problems. This was also necessitated by the unwillingness of UN to deploy peacekeeping or intervention forces but rather to send fact-finding missions⁴³.

Article 8 of Protocol V of the Arusha Agreement provided that immediately following the signature of the Agreement, the Burundian government would submit a request to the United Nations for an international peacekeeping force (Agoagye 2004: 9). It further called for security assurances in the form of international troop deployment⁴⁴. Failure to create the conditions for a ceasefire meant the UN would not deploy a peacekeeping force. This gave birth to the African Union Mission in Burundi (AMIB), an African Union one-year peace operation in April 2003 to which South Africa again contributed substantially⁴⁵. AMIB aimed to “disarm, demobilise and reintegrate all belligerent troops, as well as monitor governmental transition” that would enable the deployment of a UN peacekeeping force to, inter alia, create the peace to keep. In the meantime, AMIB essentially provided the security dimension of the UN’s political mission in Burundi, thus linking it to the UN system. South African troops were joined

⁴² In 2007, although political matters between the Facilitation, Burundian government and Paliphehutu-FNL were still unfinalised, growing numbers of dissidents belonging to Sindayigaya’s renegade FNL faction were presenting themselves for cantonment but, “as non-signatories of the August 2006 ceasefire, were not covered by its provisions or entitled to compensation” (Institute for Security Studies February 2009: 5).

⁴³ Indeed when General Pierre Buyoya staged a military coup and set up a Tutsi military regime, it was the heads of the neighbouring East African states that took action, and they did not send an intervening force but imposed trade sanctions on Burundi,” which was not to be lifted until Buyoya restored constitutional legality to the country (Furley and May 2001: 9).

⁴⁴ South Africa contributed substantially to this international force under its newly ratified White Paper on Peace Missions

⁴⁵ Mandela, recognising that the deployment of a peacekeeping force was one of the cornerstones ensuring the implementation of the accord, gained the agreement of President Mbeki to deploy South African troops to Burundi. South Africa was again a major troop contributing country. South Africa contributed substantially to the costs in terms of funds and resources for the mission. The budget for the deployment, operations and sustainment of AMIB amount to US\$ 134 million for a period of 14 months. Actual donations amounted to a mere US\$ 10 million although this includes in-kind assistance from the US (US\$ 6.1 million) and UK (US\$ 6 million) to support the deployment of the Ethiopian and Mozambican contingents respectively (Accord 2007: 19, 29; Agoagye 2004: 13; Khadiagala 2007: 174; Muriti 2008: 74-76).

by those from Ethiopia and Mozambique and supported by development partners like the United States and United Kingdom early in 2003 (Accord 2007: 19, 29; Agoagye 2004; 13; Barungi and Mbugua 2005:31; Khadiagala 2007: 174; Muriti 2008: 74-76; Mottiar and Van Jaarsveld 2009: 32).

It is apparent that the Burundi conflict was ripe for resolution when one considers some of the significant moments: Burundi has experienced waves of conflict in varying intensity from 1972; the United Nations became concerned with the situation following the last eruption in 1993 but was unable to assist while the conflict continued to spiral out of control; the Africans took over the processes of mediation and conflict resolution (with the assistance of the international community) in 1996 resulting in the conclusion of the Arusha Agreement in 2000; and that despite this agreement a ceasefire was not concluded until 2003 with the CNDD-FDD. Despite these ripe moments, there was no hurting stalemate. The view that the effectiveness of the mediator is facilitated by the readiness of the parties to engage in mediation is also given expression and credibility when analysing this conflict. Despite the years of conflict, the cost of lives, infrastructure, development, it is clear that the Burundians themselves were only ready to deal with this conflict from 2000 onwards. No mediator or situation would convince them otherwise.

This conflict also illustrates the reality of recommendations contained within the Brahimi Report that the UN would not enter a peacekeeping situation unless there was peace to keep. Although the African Mission in Burundi may have been a test case for the continent, it effectively demonstrates that Africans do have the political will to deal with conflicts on the continent. That the UN was able to deploy the UN Mission in Burundi (ONUB) in 2004 also illustrates the success of AMIB.

3.3.4.5 United Nations peacekeeping: United Nations Mission in Burundi (2004-2006)

The United Nations Mission in Burundi (ONUB)⁴⁶ with a Chapter VII mandate was born on 21 May 2004 under UN Security Council Resolution 1545 largely because of the unwillingness of the international community to fulfil their financial and technical commitments to AMIB. In June 2004 AMIB was re-hatted as ONUB which aimed to assist the implementation efforts by Burundians to “restore peace and bring about national reconciliation as envisioned in the Arusha Accord,” and was to consist “of up to 5650 troops, 200 observers and 125 staff members, 120 civilian police and an appropriate number of civilian personnel.” South Africa continued to be the largest troop contributing country and by January 2006, its contribution included 888 troops and five military observers. ONUB departed from Burundi in December 2006 as was

⁴⁶ ONUB was established on 25 October 1993 at the request of the Security Council to facilitate the restoration of constitutional rule in Burundi.

replaced by the United Nations Integrated Office in Burundi (BINUB) which is co-ordinating international assistance and providing technical assistance in developing a comprehensive security sector reform plan that includes the training of Burundi's national police and army (Accord 2007: 30-31; Khadiagala 2007: 177; International Crisis Group July 2004: 10; MacQueen 2006: 206; Murithi 2008: 76).

3.3.4.6 Elections (2005)

Following the deployment of ONUB, Zuma and regional leaders concentrated on mediations for a new constitution. A power-sharing compromise was reached in Pretoria in August 2004 which was endorsed by a regional summit later in the month. This was approved by a referendum in February 2005 approved by 92.02%⁴⁷ of the population; declined by 7.98% of the population (African Elections Database). "Building on the Arusha Accord and subsequent agreements, the constitution became a political compromise that combined democracy with guarantees for the Tutsi minority. The new constitution also offered guarantees to both ethnic groups by setting out the share of posts in parliament, government and the army." During this process, Zuma and other leaders opposed attempts by Tutsi parties to reject key aspects of the constitution in addition to attempts by President Ndayizeye to amend the constitution and postpone the electoral process (Khadiagala 2007: 178).

The three-year transitional government was, in April 2005, extended until August 2005 to ensure the completion of the election process⁴⁸ consisting of the referendum on the constitution in February, elections at the communal level in June, and elections for the National Assembly in July. All three contests were very successful with a high turnout of voters, between 70% and 75% of the estimated 3.2 million voters voting in each round (Boshoff 2006: 135). The CNDD-FDD⁴⁹ won the August 2005 elections securing 59% of the popular vote considering it "an overwhelming and definitive victory for the interests of the Hutu majority it claimed to represent." UPRONA won 7% of the popular vote. This resulted in the restructuring of the security sector with CNDD-FDD fighters making up 40% of the army (Institute for Security Studies February 2009: 2; International Crisis Group 2005). In addition, for the first time, Hutus were overwhelmingly mandated by the Burundian population to govern the

⁴⁷ 2.89 million of 3.1 million eligible voters participated in the referendum (Southall 2006: 123).

⁴⁸ The Paliphehutu-FNL remained outside the election process despite efforts by many African leaders to encourage them to join the peace process. At the African Union Regional Summit in Dar-es-Salaam on 16 November 2003, African leaders "issued an ultimatum to Agathon Rwasa and his group to join the process within the next three months or run the risk of being considered as an 'organisation against peace and stability in Burundi and be treated as such'. Those attending the Summit called on the United Nations, European Union and the international community in general 'to support this position of the Region and the AU regarding the Paliphehutu-FNL'" (Boshoff and Frey 2006: 4).

⁴⁹ The International Crisis Group (2006) has however observed that the CNDD-FDD government has arrested critics, repressed the media, committed human rights abuses and tightened its control over the economy. Indeed for the first time since independence, violent disputes among Hutu parties is eclipsing the traditional Hutu-Tutsi interethnic conflict (International Crisis Group 2005).

country, in conjunction with the Tutsis. While Arusha had put in place mechanisms for power-sharing the electoral results would mean that Burundian society would be totally overwrought politically, socially, economically and militarily. How would the 60/40 Arusha formula work?

The inauguration on 26 August 2005 of Pierre Nkurunziza as Burundi's second Hutu president marked the end of the transition phase that was ushered in by the Arusha Accord of 2000 (Kagwanja 2006: 45).

Manirakiza (2005: 47) has argued that elections are a "necessary but not a sufficient condition to solve all the challenges in any country in the world," Burundi being no exception. After all, Burundi's previous three general elections in 1961, 1965 and 1993 were all followed by upsetting events simply because, "most of the political actors were not mature enough to accept the democratic culture." Although Burundi is currently preparing for its second democratic elections under a new constitution and electoral system, is the country really on the path to security and stability?

3.3.5 Bringing the Arusha Agreement to a close: mediation by South African Minister of Safety and Security Charles Nqakula (2006-2009)

3.3.5.1 Negotiations between government of Burundi⁵⁰ and Agathon Rwasa's Paliphehutu-FNL

In May 2006 President Mbeki announced the resumption of the Facilitation under South Africa's Minister of Safety and Security Charles Nqakula, who began preparations for formal talks in Dar-es-Salaam on 2 June 2006. Negotiations were undertaken under two commissions: the military commission which looked at disarming or demobilising the Paliphehutu-FNL or their reintegration into the security forces; and the political commission which handled negotiations about provisional immunity for the FNL leadership, refugee repatriation and resettlement, and the FNL's eventual participation in national politics (Institute for Security Studies February 2009: 3-4).

On 18 June 2006 the Burundian government and FNL leadership signed the Agreement on Principles towards Lasting Peace, Security and Stability in Burundi which offered the Paliphehutu-FNL provisional immunity from persecution should a ceasefire be concluded, and permission in principle to organise itself as a political party. The Agreement did not mention any intention to alter the army's ethnic composition. It however removed certain psychological obstacles to the continuation

⁵⁰ Despite calling for talks, the government led by President Pierre Nkurunziza opted for a military solution and sought the unconditional surrender of the Paliphehutu-FNL (International Crisis Group 2007: 2).

of the discussions and satisfied several demands of the Paliphehutu-FNL and created a minimal climate of trust for subsequent negotiations.

On 7 September 2006 the government of Burundi signed a Comprehensive Ceasefire Agreement (CFA)⁵¹ with the Paliphehutu-FNL in Dar-es-Salaam where Agathon Rwasa⁵² pledged to end rebel activities. A Joint Verification and Monitoring Mechanism (JVMM) was formed by the government on 10 October 2006 (Institute for Security Studies February 2009: 4; International Crisis Group 2007: 4; Institute for Security Studies February 2009: 4).

In February 2007 South Africa agreed to a request from the AU that it retain 1100 troops in Burundi to protect Paliphehutu-FNL leaders and personnel. On 17 June 2007 President Nkurunziza met Rwasa in Dar-es-Salaam to clear up outstanding issues and reactivate the JVMM. By 25 July 2007, the FNL delegation to the JVMM left Bujumbura accusing the South African Facilitation of partiality towards the government and refused to continue to participate in the implementation of the ceasefire. On 26 September 2007, the Facilitation and regional technical team met in Pretoria to review the situation. A political directorate was established in Bujumbura to be chaired by the South African Special Envoy for the Great Lakes Region Kingsley Mamabolo, and to include the AU special representative, the UNSG's Executive Representative and the South African and Tanzanian ambassadors to Burundi (Institute for Security Studies February 2009: 4-7; Institute for Security Studies April 2008; International Crisis Group 2009).

Tanzania was the only international player with the leverage to encourage the FNL back to negotiations before the security situation relapsed into full-scale hostilities. President Kikwete warned the FNL leadership it would be expelled from Dar-es-Salaam unless it resumed co-operation, followed at the end of 2007 by a threat it would expel approximately 120000 Burundian refugees by mid-2008 (Institute for Security Studies February 2009: 4-7; Institute for Security Studies April 2008; International Crisis Group 2009).

In January 2008 the FNL rescinded its objections to Nqakula as the Facilitator. In February 2008, at a meeting in Cape Town, South Africa, convened to revive the stalled peace process, the mandate of the Facilitation of the Burundi Peace Process was extended to 31 December 2008. In March 2008 the Paliphehutu-FNL

⁵¹ Van Eck (2007) at the time suggested the CFA is extremely fragile since it was signed under massive pressure and the threat of severe regional and international sanctions.

⁵² While it seemed surprising that Rwasa signed this agreement having not obtained any significant compromises for the Paliphehutu-FNL, international observers consider the FNL position as reflecting an "awareness of the movement's relative military weakness, its growing diplomatic isolation, and the dangers of a permanent exclusion from political power" (Institute for Security Studies February 2009: 4).

announced it would only return to the JVMM if new conditions were met, including immunity from prosecution for members once they returned to civilian life, permission for the militia to register as a political party and the payment of the US\$ 700000 debt the FNL had incurred in providing for its forces since the ceasefire agreement (Institute for Security Studies February 2009: 4-7; Institute for Security Studies April 2008; International Crisis Group 2009).

The Burundian government refused to meet these conditions and the talks, once again, collapsed. April 2008 saw an escalation of FNL operations. On 4 May 2008, the foreign ministers of Uganda and Tanzania issued an ultimatum to the Paliphehutu-FNL to cease hostilities and return to Bujumbura within 10 days⁵³. On 17 May the entire leadership except Rwaswa returned to Bujumbura to resume participation in the JVMM. An unconditional ceasefire was signed on 26 May 2008 (Institute for Security Studies February 2009: 4-7; Institute for Security Studies April 2008; International Crisis Group 2009).

The Burundian government announced it was prepared to provide for the FNL fighters in Assembly camps. On 30 May 2008 the Facilitator Charles Nqakula accompanied Rwaswa back to Bujumbura. On 11 June 2008 at a meeting in Magaliesberg, South Africa the Burundian government and the Paliphehutu-FNL committed themselves to resolving further disputes through dialogue and respecting the timelines that would see the peace process concluded by the end of 2008, followed by an agreement to dismantle obstacles to the peace process (Institute for Security Studies February 2009: 4-7; Institute for Security Studies April 2008; International Crisis Group 2009).

By October 2008 implementation had ground to a halt over the timing of the assembly of FNL fighters (in addition to a dispute about their numbers) and the registration of the Paliphehutu-FNL as a political party. At a meeting in Uganda, the Facilitator, supported by the Foreign Ministers of Tanzania and Uganda, suggested to Rwaswa that the Paliphehutu-FNL drop the first part of its name with the ethnic connotation which would pave the way for its registration as a political party. Rwaswa initially rejected this proposal but agreed at a regional summit in Bujumbura on 4 December 2008. On 9 January 2009 the Paliphehutu-FNL formally became the FNL. Following the meeting, Paliphehutu-FNL combatants moved into government-prepared camps and Bujumbura freed 247 rebel prisoners (Institute for Security Studies February 2009: 4-7; Institute for Security Studies April 2008; International Crisis Group 2009).

⁵³ Minister Dlamini Zuma also warned that the Paliphehutu-FNL had to return to Bujumbura and participate in political processes if it was to retain legitimacy (South African Department of Foreign Affairs 2008).

Nqakula and Mamabolo met with a Group of Special Envoys on Burundi in Bujumbura on 16-17 January 2009⁵⁴. On 13-14 March 2009 Nqakula called a stakeholders meeting which established a three-person High Level Task Team comprising Major-General Derrick Mgwebi of South Africa, Major-General Evariste Ndayshimiye of Burundi and Jonas Nshimirimana of the FNL. This team had to complete the process of disarming, assembling and verifying FNL combatants for either reintegration or demobilisation (Institute for Security Studies May 2009).

3.3.5.2 Participation of FNL in political processes in Burundi

The newly named FNL has renounced the use of arms and registered as a political party removing the last obstacle to the implementation of the 7 September 2006 ceasefire agreement (International Crisis Group 2009).⁵⁵

The political directorate of the international facilitation decided on 8 April 2009 in Pretoria that 3500 FNL combatants would be integrated into the security forces, 390 to be trained as part of a Joint Protection Unit for FNL leadership and 5000 to be demobilised. The Burundian government agreed to take responsibility for children that had been separated from FNL in Gitega Demobilisation Centre; and convert the Rubira and Randa sites into demobilisation centres leaving Gitega open for processing children. The government also agreed that as soon as the facilitation confirmed the rebels' disarmament, the government would accelerate the release of their prisoners of war, immediately register the FNL as a political party and name 33 of its own to public positions. Although a number of government posts have been allocated to the FNL, these are at a much junior rank than Rwasa had wanted (Institute for Security Studies February 2009: 7; Institute for Security Studies May 2009; International Crisis Group 2009).

After the Pretoria meeting, the rebels began to demobilise and join the security forces, beginning with Agathon Rwasa⁵⁶ on 18 April 2009. A month later the Senate approved the appointment of a number of FNL officials as ambassadors and provincial governors, and the government freed 113 additional FNL prisoners. On 4

⁵⁴ The meeting reviewed progress in the peace process and challenges to the implementation of the Agreement of Principles on 18 June 2006, the Comprehensive Ceasefire Agreement of 7 September 2006, the Magaliesberg Declaration on 10 June 2008, the Ngozi Declaration of 29 August 2008 (which looked at expediting the implementation of both agreements signed in 2006 and the release of political prisoners and prisoners of war) and the Declaration of the Summit of Heads of State and Government of the Great Lakes Region on the Burundi Peace Process of 4 December 2008.

⁵⁵ The international community has welcomed developments with regard to the FNL. This is reflected in the agreement reached with the World Bank and International Monetary Fund on 28-29 January 2009 to cancel 92% of Burundi's debt which amounts to US\$ 1.4 billion giving the Burundian government approximately US\$ 40 million over the next two years to allocate towards social and economic development (Institute for Security Studies February 2009).

⁵⁶ Rwasa described this moment as officially signaling "the end of the war in Burundi. It is a sign that the country's peace process is progressing" (Institute for Security Studies May 2009).

June 2009 President Nkurunziza signed decrees appointing FNL officials to various positions (International Crisis Group 2009).

3.3.6 Beyond the Arusha Agreement?

Burundi is currently preparing for its second democratic elections scheduled for 2010, in which all political parties will participate including the newly named FNL. The International Crisis Group (2009) has noted with concern that it seems that the FNL, like the CNDD-FDD, is not above using violence to win these elections. In addition, the CNDD-FDD which is predominantly Hutu, like the FNL, is concerned by the FNL's sudden emergence on the political scene. In this climate, the Institute for Security Studies (February 2009: 7) suggests that it may be some time before an administration that is secure enough in itself to give undivided attention to the massive problems of economic and social reconstruction that would otherwise continue to threaten stability and security in Burundi comes to power.

3.4 Assessment

The Burundian conflict was long in the ripening. Despite the loss of countless lives as well as the cost of the civil war to the overall development of the country, the 'mutually hurting stalemate' that accompanies the ripening of a conflict was not experienced simultaneously or unanimously. This is evidenced by the fact that at first only 14 of 19 political parties signed the Arusha Agreement for Peace and Reconciliation in Burundi in August 2000 with the two largest Hutu parties, the CNDD-FDD and Paliphehutu-FNL remaining outside the process. It has been suggested that this was a fundamental flaw in Mandela's mediation of the Burundi conflict, described by Van Eck (2009: 169) as the most "serious structural weakness in the Arusha Process."

In November 2003 the CNDD-FDD entered into a ceasefire agreement with the Transitional Government of Burundi. Despite tireless efforts by the Facilitation (South Africa), regional players, the international community and the Paliphehutu-FNL, although signing a Ceasefire Agreement with the government of Burundi in 2006, has only in 2009 joined the peace process by relinquishing arms, removing the ethnic connotations attached to its name and registering as a political party.

The conflict in Burundi stemmed from a complex interaction of various factors and actors: high and increasing population density on very finite land resources and all the related socio-economic challenges including accommodation for returning refugees; exclusion based on ethnicity and the resultant minority rule of the Tutsis for generations; and the general instability in the Great Lakes region. This last factor, in addition to the possibility of conflict spilling over borders, had the ability to generate

massive refugee volumes which impacted directly on other countries in the region. In addition to these factors, the conflict was supported by various actors including Tutsi leaders intent on preserving minority rule, Hutu leaders who wanted equality and democracy and others who wanted Hutu rule, as well as various political entrepreneurs who benefited from the ongoing conflict.

The existence and interaction of these factors, contributed to intractability of the conflict. All of the factors contributing to the intractability of conflicts⁵⁷ were present in Burundi - protracted time, identity denigration, conflict profitability, absence of ripeness, and solution polarisation. Did the Arusha Agreement adequately address these? Can any agreement adequately negotiate scarce land resources and increasing population density?

Bentley and Southall (2005: 22) have suggested that the “willingness of peasant populations to engage in genocidal violence is clearly promoted by the sense that there are simply too many people living on the land, and that with a reduction in their numbers there would be more space for the survivors. Who should continue to live, and who should not, if of course, determined by a host of cultural, ethnic and historical factors.” While finite land resources could not be addressed short of annexing neighbouring territories, the Arusha Agreement however, provided for returning refugees to claim their land. Despite provisions for returning refugees to reclaim their land as well as ethnic redress in the country, considering the population density and finite resources, will Burundi ever be free of the spectre of mass killings, even if these are not related to ethnic configurations?

Mandela, as the mediator, believed that parties who could make a difference to the implementation of any agreement had to be included in the negotiations. In addition, the implementation of an agreement reached in the absence of consensus could not be guaranteed. In the face of recalcitrance from some of the parties, Mandela proceeded without the participation of some of the largest Hutu rebel groups, clearly illustrating his ability to be flexible and creative.

The Arusha Agreement provided for a three year transitional power-sharing government based on ethnic quotas that aimed to redress the decades of minority rule the country had experienced. While this formula has received criticism for its generosity in allocating to the Tutsi more power than ethnic demography warrants, it ensured progress in the negotiations rather than a deadlock. It also served as a platform on which the country could build as it progressed in its attempts to achieve peace, stability and democratisation.

⁵⁷ Contained in chapter 2.

Each of the South African mediators – Mandela, Zuma and Nqakula – had the support of the then South African head of state Thabo Mbeki. Indeed, when protectors were required to provide security to returning Paliphehutu-FNL members in 2001 President Mbeki authorised such a deployment; he further conceded to the reality that the UN would not deploy a peacekeeping force unless there was peace to keep and took the lead in deploying South African troops who formed the largest contingent of AMIB deployed in 2003⁵⁸. President Mbeki further joined Zuma in negotiations in Pretoria that yielded the ceasefire agreement between the CNDD-FDD and the Burundian Transitional Government. In May 2006 President Mbeki appointed Minister of Safety and Security Charles Nqakula as Facilitator. Southall (2006: 115) has suggested that Mbeki recognised that the “peace process in Burundi was a vital accompaniment of South Africa’s concurrent initiative to mediate peace in the Democratic Republic of Congo.” In addition, peace in Burundi and the “neutralisation of its domestic politics was seen as a significant contribution to the cause of stability throughout the Great Lakes.” It is evident that the mediator as well as the Head of State of the country charged with the facilitation was committed to achieving peace and stability in Burundi. The personality of the mediator and the political will of the country must have formed a powerful combination in creating momentum in the Burundi Peace Process.

Lemarchand (2006) however observes that the Arusha Accord “had too many flaws to be called a success.” Ajulu (2009: 266) concurs with this observing that the “power-sharing model became an important tool for placating rebel leaders, rather than a mechanism for ensuring wider participation. As a result, the end of the transition in Burundi ushered in a new political dispensation based on ethnic quotas, but did not holistically address some of the underlying causes of the conflict.” Population density challenges, struggle for scarce resources and the historical marginalisation of the Hutu cannot be solved by the formation of a government of national unity, power sharing or the holding of democratic elections. Indeed while it seems that Burundi is firmly on the path to inclusive governance with the participation of the FNL in the country’s political processes, there has been no movement on the convening of a truth and reconciliation commission⁵⁹ and a special tribunal, both of which are essential to addressing a climate of impunity (Ajulu 2008; Institute for Security Studies February 2009: 7; Jooma 2005: 51).

Ajulu (2009: 265; 271) further recognises that Burundi continues to face a number of challenges especially with the new fault lines around human rights violations,

⁵⁸ In October 2001, it was announced that South Africa would despatch approximately 1500 troops in two batches to Burundi (Southall 2005: 115).

⁵⁹ Van Eck (2005: 7) observes that the absence of a truth, justice and reconciliation process keeps ethnicity alive and prevents the development of a common vision and destination.

divisions within the ruling party and the ongoing tensions between political parties, emerging. The Arusha Peace and Reconciliation Accord, while catering for ethnic minorities and establishing a power-sharing government based on a constitution has not encouraged the political culture to change and tendencies towards authoritarian rule are still reflected.

Bentley and Southall (2005: 130, 165) surmise that even if peace is to come to Burundi as a result of the Arusha process and if it is sustained by Rwanda's post-genocide regime, "the political salience of Hutu-ness or Tutsi-ness has clearly to be overcome." Southall (2006: 130) meanwhile observes that despite challenges, the Arusha Accord "established a frame of reference that, because it was so difficult to hammer out, and because there was no obvious replacement for or improvement upon it, earned the support of regional governments as well as the parties acceding to it."

When considering the mediation process, Haysom (2005) has suggested that "the mediator must possess knowledge of creative process options and the capacity to move from one form of negotiations to another: formal to informal, committee to sub-committee, bilateral to multilateral, one-on-one or side talks. In order to do this the mediator should, with the parties' consent, establish some responsibility for the orchestration of the negotiations including facilitating the preparation of an agenda. The failures to do so in the Burundi peace talks became a significant complication." Could this have been the legacy of a peace process that was already 3 years in the making before South Africa's entry? However, when one looks at the personalities of Mandela, Zuma and Nqakula, it is apparent that flexibility was exercised. It also seems that although accused of partiality at some point or another, they were dealing with parties who had not reached that ripe moment that enables a 'mutually hurting stalemate' which encourages conflict resolution.

Haysom (2005) further suggests three important barriers to achieving willingness to enter a peace process: the legacy of previous bad faith negotiations; the belief that the adversary is unable to meet its bottom line demands; or the current imbalance in power between the two parties. Again it is apparent that the mediators in Burundi were faced with such conditions. Despite the presence of these conditions and the inability to move beyond them, the unwillingness of parties to enter into negotiations seriously and consistently has posed "major limitations on the peace process" and delayed progress in reaching and implementing agreements (Southall 2006: 129-130).

Van Eck (2007) has suggested that Mandela did not adhere to the African principles of conflict resolution defined at a UN conference in Addis Ababa in 1999 – inclusivity, consensus, compromise, ownership of the process and solutions by the parties, dealing with the root causes of the conflict and reconciliation (although these were followed very strictly in the South African transition). He inevitably concludes that this lateral and creative thinking is perhaps why Mandela was able to conclude the Arusha Peace and Reconciliation Agreement for Burundi. However, he maintains that both the failure to apply these principles “and the violation of them by belligerents and mediators alike explain why so many African peace agreements are so fragile. Conversely, when these principles are strictly observed, as they were during South Africa’s democratic transition in the early 1990s, durable peace is possible” (Van Eck 2009: 168).

Despite challenges in the formulation of the Arusha Agreement, Frey and Boshoff (2005: 45) have suggested that the key to the success of the transition in Burundi was that the role-players “were allowed to make their own decisions, rather than being forced to accept externally-imposed judgements that they did not understand.” While negotiations may have been time consuming (the Arusha Process took 13 years to conclude) it is “worth it in the long term.” They surmise the role of international bodies is to “guide, advise and assist the government concerned, and not to impose decisions whose implementation will be short-lived because they do not carry the wholehearted consent of the local authorities.” This has also been evidenced in each stage of the peace process. Although support may have been sought from the region and the international community, each of the mediators also engaged in unilateral and other forms of discussions to encourage all parties to join the processes, recognising that any gains towards peace and security would not be sustainable if they did not lay down arms nor indeed join the negotiating table, however late. Van Eck (2004: 3-6) meanwhile suggests that while the Arusha Peace Accord remains a highly contested document amongst Burundians mainly because the parties who signed the accord did so because of the immense pressure exerted on them by the international community. Since their participation was not necessarily voluntary it is unlikely that a sustainable and durable peace can be built upon the principles of the Arusha Agreement.

Finally, in assessing the criteria for success in conflict resolution, Stremlau (2008: 246) suggests that in addition to having an accomplished mediator committed to resolution of the conflict, successful mediation and conflict resolution is enabled by support from the United Nations, war weariness of the population, disinterest among the major powers in intervening and sufficient empathy among those who had colonial links with Africa to provide funds and troops when required.

Looking at the trajectory of the Burundi peace process one realises that four were met – accomplished mediators in the persons of Julius Nyerere, Nelson Mandela, Jacob Zuma and Charles Nqakula; disinterest of the major powers in intervening namely the United States of America especially following its experience in Somalia, which also constrained the assistance the United Nations could offer; and certainly war weariness of the population. The former coloniser, Belgium, was only willing to contribute financial assistance to the mediation process through the European Union.

Despite the presence of only four criteria for success and despite the many criticisms of the mediation, Arusha Agreement and implementation process, Burundi has managed to sustain its momentum towards achieving peace and stability. To this end, the country will hold elections in 2010 in which even the FNL will, for the first time, participate.

However, the International Crisis Group (2008: 14) has suggested that since the principles of Arusha have so far failed to create a new political culture, “their revision should not be excluded a priori.” Is this an option that should be investigated in Burundi, or can the gains of the last decade be further consolidated and strengthened?

Chapter 4: Côte d'Ivoire

4.1 Factors

4.1.1 Personalised rule and post-regime instability

President Felix Houphouët-Boigny, an ardent admirer of de Gaulle, “took control at independence in 1960 under a constitution which he himself had designed to ensure that one-man rule prevailed.” He created a small army for various political and development activities, known the Armed Forces of Côte d'Ivoire, (FANCI)⁶⁰, in May 1960. Their activities included the administration of the civil service serving in other capacities as Ministers, Ambassadors and Directors in hospitals (Institute of Security Studies 2004: 15). Adebayo (2006) reflects that “though operating an autocratic, patrimonial political system, Houphouët-Boigny, the Ivorian leader from 1960 and 1993, managed the political system with great dexterity, and adopted an enlightened policy towards the country’s many immigrants, estimated at a quarter of the population. His heirs – Henri Konan Bédié, General Robert Gueï, and Laurent Gbagbo – showed less political skill and foresight.”

In 1988 President Houphouët-Boigny, at 84 years old, remained firmly in charge declaring that, “there is no number two, three or four. There is only number one, that’s me and I don’t share my decisions.” Since taking office “he had won all six presidential elections with a reported average of 99.7% of the vote” (Meredith 2005: 165, 379). The International Crisis Group (November 2003: 5) suggests that until his death in 1993, Houphouët-Boigny “kept virtually complete control over Côte d'Ivoire, and his political party, the PDCI-RDA, was until 1990, the mainstay of the one-party system.”

Houphouët-Boigny employed repression as a means of dealing with protest strikes and demonstrations in February 1990. Laurent Gbagbo entered the fray calling for a multi-party political system. While Houphouët-Boigny initially rejected such calls, he soon realised the wave of discontent could not be denied and in April 1990 announced that opposition parties would be officially recognised followed by elections. In November 1990, at the age of 85, Houphouët-Boigny won a 7th presidential term with 82% of the vote (163 of 175 seats), defeating Gbagbo. The outcome was “more Big Man rule, but with a parliamentary opposition for the first time in the country’s history.” Upon his death in 1993, Houphouët-Boigny had been president for 33 years relying to a large extent on corruption, personal relationships and support from France to maintain stability (Meredith 2005: 390; Balint-Kurti 2007: 9). Indeed Houphouët-Boigny personified a state where politics, as in most African

⁶⁰ FANCI’s capacity as a fighting force was severely limited. Before the ongoing crisis, 80% of the FANCI budget was devoted to paying salaries of soldiers. This obviously had broad implications with respect to the capacity of the state to equip and defend itself, as has been glaringly manifested during the current crisis (Institute of Security Studies 2004: 15).

states is rather like “politics in the international arena where the unsanctioned use of co-ercion and violence takes place in the absence of agreed-upon rule” (Hyden 2006: 94).

4.1.1.1 Houphouët-Boigny’s neo-patrimonialism

Hyden (2006: 72, 74, 79) refers to the “economy of affection” which differs from capitalism and socialism in that “money is not an end in itself, nor is the state the primary redistributive mechanism.” It is an invisible economy that relies on the “handshake rather than the contract, on personal discretion rather than official policy to allocate resources.” Such activities result in the accumulation of dependents and followers since “status and wealth in African societies” depends on this phenomenon. Participating in the “economy of affection” generates “clientelism among leaders and other important people in society,” while also engendering “an expectation on the part of the less well endowed that seeking a favour from someone with resources is quite legitimate.” Clientelism therefore refers to one of the “most prolific informal institutions around the world” where a “political patron [is] brought to the political centre in a large following that facilitated national integration.” The ultimate form of clientelism is neo-patrimonialism “which has become the principal concept in Africanist political science,” and refers to a situation where “political rulers treat the exercise of power as an extension of the private realm.”

In line with this, Boone (2003: 208) suggests that Houphouët-Boigny adopted an administrative occupation institution building strategy, building a “ruthlessly centralized and highly concentrated party-state that gave rural interests few sites of access to the state and state power, and few sites that would-be political entrepreneurs at the local level could use as a scaffolding to advance their own political ambitions and/or the interests of rural Ivoirians. In the 1960s and 1970s he presided over a progressive deinstitutionalization of the territorially structured political apparatus, that is, of the ruling party and of the (meager) structures of local government inherited from colonialism.” Under his leadership, the agricultural sector grew rapidly. “Partnerships with foreign companies, particularly French ones, brought an influx of capital to the agricultural sector as well as privileged access to European markets and agreements on coffee and cocoa which guaranteed planters high prices for their exports.” His policy of “inviting mass immigration of plantation workers from neighbouring⁶¹ countries provided planters with a steady labour supply, resulting in his famous statement, ‘the land belongs to those that cultivate it’” justifying the massive acquisition of land by populations foreign to the rich cocoa and coffee belt, be they Ivorians (Baoulé from the centre or Malinké or Senoufo from the north) or

⁶¹ The new immigrants were smoothly integrated into Ivorian society, with some of them holding important governmental positions, and the majority were employed in the country’s booming agricultural sector (Institute for Security Studies 2004: 18).

foreigners from Burkina Faso and Mali. His power was “underpinned by the extraction of significant rents⁶² from planters, which he redistributed to allies as patronage. Meanwhile, the grievances of the country’s many ethnic groups were headed off by dividing government appointments among them” (International Crisis Group November 2003: 5).

Boone (2003: 243) argues the “Houphouët-Boigny regime’s institutional choices came largely in response to demands from political elites for political incorporation and power-sharing.” He managed to contain xenophobia “even in the midst of the arrival of thousands of foreign plantation workers. Although his enthusiasm for the immigration of ‘strangers’ sparked significant resistance from the native populations, notably the Bété and Kroumen in the southwest. Houphouët-Boigny appeased these groups by offering them posts in the administration, the private sector, and the army, as well as educational advantages for their children” (International Crisis Group November 2003: 5-6; Institute for Security Studies 2004: 18).

After his death, a French investigation revealed that Houphouët-Boigny “kept at least one-tenth of the country’s cocoa export revenues in his personal bank account for distribution to his cronies and supporters” while ensuring that “members of his family and clan⁶³ benefited from tax and tariff exemptions, high-level state jobs, and subsidised credit for their businesses⁶⁴” (Meredith 2005: 288).

The Ivorian miracle was shattered by falling cocoa and coffee prices⁶⁵. Côte d’Ivoire declared insolvency in 1987 and entered a financial crisis exacerbated by government corruption and mismanagement (Meredith 2005: 289; International Crisis Group November 2003: 6). Faced with the inability of the state to “absorb the increasing numbers of educated youth, rising demand for social services by the middle class, and calls for pay increases by the civil service, the army and the educational sector, the government was forced to break its compact with the planters. In 1989-1990, prices paid to the planters were cut in half resulting in mass protest. Feeling that things were slipping from his grasp, and faced with growing dissension in party ranks, Houphouët-Boigny finally introduced multiparty politics” (International Crisis Group November 2003: 6; Institute for Security Studies 2004: 18).

⁶² Rent seeking is described by Hyden (2006: 217) as being the effect of “distorted markets in which competition is absent or ineffective.”

⁶³ President Houphouët’s special project was to transform his home village Yamoussoukro into a new capital city which received more than one-third of total urban investment outside Abidjan during the 1960s-1970s (Meredith 2005: 288).

⁶⁴ For most of the 1960s-1980s, Côte d’Ivoire’s peasant farmers were paid about 25% of the world market price of Ivorian coffee and cocoa, about 10%-12% went to commercial intermediaries, and all the rest went to the state (International Crisis Group July 2004: 5).

⁶⁵ By the end of the 1980s, cocoa prices were at the same level in real terms as in 1945 (International Crisis Group November 2003: 6).

4.1.1.2 The politics of succession

The first multiparty elections were held on 28 October 1990 although they did not result in democracy, even until Houphouët-Boigny died in 1993. After his death Ivoirians were able to assess the legacy of the man who had ruled them since 1960⁶⁶. His death “opened the way for a power struggle between prominent political and military figures” each representing “different regional constituencies and ethnic chauvinism – camouflaged as patriotism – became a weapon of choice” (Balint-Kurti 2007: 9). Houphouët-Boigny’s “failure to map out a clearly defined succession plan overshadowed terrible things to come for a country that was once the oasis of peace and economic development in West Africa.” The succession battle turned out to be a fierce one between competing political elites in the ruling Parti Democratique de Côte d’Ivoire “ultimately ending in a two-way contest between Henri Konan Bédié, the President of the National Assembly, and Allasane Dramane Ouattara⁶⁷, who had been prime minister since 1990. With both candidates sure of their support within the ruling party, Ouattara’s camp protested when Bédié⁶⁸ eventually won the contest” accusing him of fraud⁶⁹ (Lamin 2008: 296-297).

When in office, Bédié prioritised the implementation of a strategy to help him consolidate power⁷⁰. “The enactment by the National Assembly of stringent and controversial citizenship laws, widely referred to as ‘Ivoirité⁷¹’” could be viewed as his first attempt at taking control of the state⁷². A key provision of the law “restricted the eligibility requirements for candidates seeking the presidency of the country, on grounds of citizenship⁷³.” Ivoirité turned out to be “highly polarising” and counterproductive which excluded a large segment of the population resulting in the

⁶⁶ His influence was judged to be largely positive.

⁶⁷ Ouattara accepted his defeat and in September 1994 assumed the post of Deputy Managing Director at the International Monetary Fund. The Ouattara-Bédié struggle continued (International Crisis Group November 2003: 6).

⁶⁸ The role of FANCI changed under the leadership of Bédié who used it as a political tool to suppress popular protests - resulting in serious tensions within the army’s officer corps and rank and file, and leading to the sacking of the then armed forces commander General Guei. This prompted an attempted coup d’état in 1996, and a successful one in 1999. The current crisis has its genesis in these events (Institute of Security Studies 2004: 15).

⁶⁹ The International Crisis Group (November 2003: 6) however suggests that Bédié “outmanoeuvred Ouattara and assumed the presidency.”

⁷⁰ Particularly in response to the potential challenge posed by Ouattara as a candidate for the newly-created Rassemblement des Républicains (RDR) in the upcoming elections, and looking to appeal to nationalist elements in a population increasingly angry over the economic crisis (international Crisis Group November 2003: 6).

⁷¹ President Houphouët-Boigny’s successors instituted amongst others, the “xenophobic policy of Ivoirité that discriminated against Ivoirians of mixed parentage and ‘foreigners’, many of whom had been born in Côte d’Ivoire or lived in the country for a long time” (Adebajo 2006).

⁷² Bédié used Ivoirité “as a political tool, knowing full well that the economic hardship in the country would make Ivoirité appealing and attractive to the vast majority of those who see themselves as real Ivoirians.” In times of economic prosperity Ivoirité was “never an issue but when the country was gripped by economic crisis and an associated high unemployment rate, it became relevant” (Jaye 2005: 28; Institute for Security Studies 2004: 18).

⁷³ The policy of Ivoirité included the promulgation of a new electoral code which essentially created two types of citizens: those of “pure” Ivorian origin, and those of “mixed heritage” (International Crisis Group November 2003: 6).

ignition of a political crisis which is still far from being resolved⁷⁴. Ouattara was effectively disqualified from running for president because his father was allegedly a Burkinabé. In addition, a number of Muslim northerners “lost their government positions, sowing the seeds of a north-south, Muslim-Christian divide, and many immigrants were forced to leave the country” (Lamin 2008: 297; International Crisis Group November 2003: 2, 6).

Following a bloodless coup⁷⁵ on 24 December 1999, a group of young non-commissioned officers took power, and asked Robert Gueï⁷⁶ to replace Bédié. “However, with intense pressure both from within and outside Africa, the military quickly announced a transition to civilian rule, culminating in multiparty polls in 2000. These elections were won by Gbagbo amidst controversy surrounding the disqualification of key candidates, including Ouattara and Bédié⁷⁷” (Lamin 2008: 297; International Crisis Group November 2003: 2, 6-7).

4.1.2 The Citizenship Act of 1964: excluding migrants, northerners, Muslims from citizenship

Ivoirité aims to distinguish between Ivorians of “authentic native origin, and those whose heritage is mixed” and simultaneously “accuses immigrants from northern bordering countries (Burkina Faso, Mali, Guinea) of trying to take over the economy. From this has developed an amalgam of northern immigrants, who make up some 26% of the total Ivorian origin, who together are relegated to the position of second-class citizens⁷⁸.” Former Prime Minister and leader of the main opposition party the RDR Alassane Dramane Ouattara has been the main target of this policy, being accused of being Burkinabé by successive governments and so excluded from running for elected office (International Crisis Group November 2003: 2-3).

The political issue at the heart of the conflict is a constitutional one: in terms of the constitution, the President should be a ‘pure’ Ivorian – that is, the parentage of the presidential candidate should be a full-blooded Ivorian, without a mix from other

⁷⁴ The Institute for Security Studies (2004: 18) describes this as being the beginning of the toxicity of ethnic politics being smuggled into the debate about non-native Ivoirians.

⁷⁵ After five years of rule by Bédié the country appeared to be slipping inexorably towards violent authoritarianism and economic ruin (International Crisis Group November 2003: 6).

⁷⁶ A retired general and former chief of staff of the Ivorian military. He quickly became known as Father Christmas (Balint-Kurite 2007: 10).

⁷⁷ The Institute for Security Studies (2004: 18) suggests the Bédié and Ouattara were disqualified from the elections based on constitutional issues as well as identity, citizenship and nationality.

⁷⁸ Owusu-Sekyere (2009: 17-19) observes the government is regarded as strongly southern-ethnocentric, representative of the Baoule and Bete ethnic groups of whom Christians make up 25%, Muslims 40% and traditional religion adherents about 35%, with a strong emphasis on what is popularly known as ‘Ivoirité’ or ‘pure Ivorian-ness.’ Muslims are generally groups who have migrated to Côte d’Ivoire from various parts of West Africa especially Burkina Faso and Mali.

countries, such as Burkina Faso or Mali. Ouattara, a presidential candidate from the north, challenged this in 1993 claiming “this constitutional requirement was not an original provision but an insertion orchestrated to bar him from contesting the presidential elections and to favour Bédié, a presidential candidate from the South (Owusu-Sekyere 2009: 17). The International Crisis Group (July 2004: 2) surmises that the “stakes in Ivorian politics are largely economic, although the debate is predominantly phrased in ethno-nationalist terms. Violence or the threat thereof facilitates economic gain at many levels simultaneously. The self-serving pursuit of money and power is one side of a dual dynamic. The other side is a profound disagreement about who is, or should be, an Ivorian citizen.”

Following Gueï’s accession to the Presidency, the central political question became the new constitution and the electoral code. Attention was also focused on the conditions of presidential eligibility. The FPI campaigned for the requirement that “a candidate must be born in Côte d’Ivoire to mother and father of Ivorian origin, rather than to mother or father of Ivorian origin, which the RDR wanted.” Following extensive debate and negotiation, the “or” clause was retained, “but a clause was added specifying that the candidate must never have claimed another nationality.” However, shortly before the referendum on the new constitution, “Robert Gueï unilaterally changed the ‘or’ clause to ‘and’” leading to the disqualification of Ouattara and protests by RDR. It had become clear that Gueï was determined to hold onto power. Only 37% of the electorate voted in the October 2000 elections after the Supreme Court announced that most candidates, including Ouattara⁷⁹ and Bédié⁸⁰, would be excluded from running in the elections⁸¹ (International Crisis Group November 2003: 7).

Gueï declared himself the winner despite results in favour of Gbagbo. Massive protests were held by FPI supporters following which Gueï fled to exile in Benin and Gbagbo was declared President. Violence again ensued when Gbagbo refused Ouattara’s request for a new election. “The targeting of populations thought to support the RDR, notably immigrants and northerners, reached unprecedented levels, reinforcing the air of impunity of the security forces that had begun under the junta and widening the political and ethnic cleavages created by Bédié’s Ivoirité (International Crisis Group November 2003: 7).

⁷⁹ Ouattara was disqualified because he had not demonstrated conclusively that he was of Ivorian descent

⁸⁰ Bédié was disqualified because he had not submitted the required medical certificate.

⁸¹ The politics of disqualification in Côte d’Ivoire is well documented and such attempts underlie the basic political strategies of both Henri Konan Bédié (President from 1993-1999) and Robert Gueï (President from 1999-2000) (International Crisis Group July 2004: 1).

4.1.3 Bédié's citizenship laws (Ivoirité) continued by Gbagbo

Lamin (2008: 297) recalls that it was hoped that Gbagbo would “provide leadership in resolving [the problem of Ivoirité] once and for all” following “his outspoken condemnation of it when it was first enacted in 1994 and in view of his own controversial rise to power⁸².” Gbagbo, however, “soon embarked on the same politics” initiated by Bédié, excluding opponents to entrench his grip on power. It was therefore not surprising when the military intervened again and attempted to overthrow him while he was travelling abroad in December 2002. While the coup was unsuccessful, it succeeded in “transforming what was essentially low-intensity warfare into a full-blown conflict, dividing the country into two.”

The issue of national identification gained prominence under Gbagbo⁸³ with the enactment of a new rural land law in 1998 that made citizenship a condition of owning land. After the mid-1990s and particularly after the fall of the military junta in 2000 “holders of resident’s cards and Ivoirians with northern names were often the victims of systematic police harassment and humiliation.” It was very difficult for northerners to establish citizenship and applications were met with suspicion from officials (International Crisis Group November 2003: 7).

The government introduced a programme of national identification in November 2001, designed to address the question of “who is who” once and for all. However, it was based on an extremely onerous method of identification “based on establishing the village of origin of each Ivorian, going back to ‘before the urban phenomenon’”. It was also suggested that foreign resident’s cards be made prohibitively expensive and work permits be introduced for non-Ivoirians (International Crisis Group November 2003: 7).

4.1.4 Forces Nouvelles vs Gbagbo’s government: from coups to civil war

Since 2002 Côte d’Ivoire has “de facto been divided into two parts, with the predominantly Muslim north being controlled by a number of armed groups, while the predominantly Christian south is largely controlled by forces loyal to the government of President Laurent Gbagbo.”⁸⁴ The unsuccessful coup attempt in 2002 saw the emergence of Forces Nouvelles which has since resulted in a bitter power struggle between the group allied with other opponents of President Gbagbo and the government of Abidjan (Lamin 2008: 295, 297). The “physical north-south division of

⁸² Gbagbo, described the electoral code as “liberticide, racist, xenophobic and dangerous” (Institute for Security Studies 2004: 17).

⁸³ Citizens had seen little need to be formally declared citizens under President Houphouët-Boigny (International Crisis Group November 2003: 7).

⁸⁴ This conflict has been a major source of concern for the West African region especially considering the history of conflict and instability in the region (Lamin 2008: 295).

the country has cemented the growing political divide between populations that predated the war” (International Crisis Group November 2003: 4).

4.2 Actors

4.2.1 The Ivoirité governments of Bédié and Gbagbo

The introduction of the policy of Ivoirité by Bédié and its perpetuation by Gbagbo⁸⁵ has been explored earlier. This “ethnic-economic connection is central to understanding the Ivorian civil war.” Northern Côte d’Ivoire is underdeveloped and “its people live in abject poverty and have limited income-earning opportunities and access to social services.” This aspect of “structurally induced inequality of opportunities has continually drawn the ire of the educated Ivorian northerners, mostly from the army and academic institutions.” The Ivorian conflict is “fundamentally the result of politicised ethno-economic and religious differences” Owusu-Sekyere (2009: 17-19).

4.2.2 The military and the coups of 1999 and 2002

The International Crisis Group (July 2004: 6, 9) surmises that to capture and keep power “often requires allies at all levels of society” since each group seeks to advance its “financial and political interests within the limitations dictated by the system.” Since the 1999 coup that put the country on its downward path, “the armed forces have played an increasingly central role alongside (or in place of) politicians. The bad faith of most political actors is complemented by the casual brutality of some members of the armed forces and their unofficial or ‘parallel’ comrades.” In addition, “political violence, impunity, and breakdown of command and control within the military are the pre-eminent problems” in the country’s crisis and were the “key elements of the December 1999 coup and the September 2002 coup attempt.”

The coup of 1999 and attempted coup of 2002 created the conditions for the long standing social and economic tensions in the country to explode into civil war which despite ongoing involvement by the international community including the United Nations, the former coloniser and the region, as well as various peace agreements, has created a lull in the civil war. The country is however far from stable despite the civil war ending in 2005 on conclusion of the Pretoria Agreement⁸⁶ which called for

⁸⁵ Laurent Gbagbo, a history professor fled Côte d’Ivoire in 1982, fearing imprisonment, returning to Côte d’Ivoire in 1988 when President Houphouët-Boigny offered a general amnesty to political opponents and exiles. He found himself in trouble for promoting an opposition party he founded in exile. In 1989 he was summoned before President Houphouët-Boigny and his cabinet to be asked why he wanted to change the system. He responded that President Houphouët-Boigny was his inspiration because he did everything one ought not to do (Meredith 2005: 379).

⁸⁶ The Pretoria Agreement which formally ended the country’s state of war, addressed issues such as disarmament, demobilization, and reintegration, the return of New Forces Ministers to government, and the reorganization of the Independent Electoral Commission. A follow-up agreement in June 2005 laid out another framework for disarmament, elections, and the adoption of legislation required under the Linas-Marcoussis Accord.

the immediate and final cessation of hostilities and the end of war throughout the national territory.

Ivoirité is credited as the reason behind the country's first bloodless military coup⁸⁷ on 24 December 1999 when a group of young non-commissioned officers took power, protesting against Bédié's refusal to pay them overdue wages, severely degraded material conditions in the army, and the corruption and authoritarianism of the government. Robert Gueï⁸⁸ was chosen by the military to replace Bédié "However, with intense pressure both from within and outside Africa, the military quickly announced a transition to civilian rule, culminating in multiparty polls in 2000." Gueï was forced to organise elections in October 2000 which he contested. The elections were won by Gbagbo "amidst controversy surrounding the disqualification of key candidates, including Ouattara⁸⁹ and Bédié" (Lamin 2008: 297; International Crisis Group November 2003: 2, 6-7; IRIN 2002; Institute for Security Studies 2004: 19).

In January 2002 Minister of Defence Moïse Lida Kouassi "announced a reform of the armed forces. The same divisions that ran through society – political, ethnic, religious and generational – were also present in the army. Recruitment and promotion favoured Gbagbo's clients and political base" (International Crisis Group November 2003: 8).

On 19 September 2002⁹⁰ a group of approximately 700 soldiers led by Staff Sergeant Ibrahim Coulibaly, attempted a coup d'état in Côte d'Ivoire simultaneously attacking the cities of Abidjan, Bouaké and Korhogo. "Having failed to take the commercial capital, Abidjan, they retreated to Bouaké⁹¹. The failed coup soon degenerated into a war between loyalist government forces and breakaway army troops." The latter, the

⁸⁷ After five years of rule by Bédié the country appeared to be slipping inexorably towards violent authoritarianism and economic ruin (International Crisis Group November 2003: 6).

⁸⁸ A retired general and former chief of staff of the Ivorian military.

⁸⁹ Ouattara, fearing for his life upon the outbreak of the violence sought refuge in the home of the French Ambassador following which he travelled to Gabon (IRIN 2002).

⁹⁰ It has been suggested that the Gbagbo government, through its non-recognition of the requests of the army, has mainly responsible for the September 2002 attempted coup. The International Crisis Group (November 2003: 9) argues that "before 19 September 2002, contingents facing demobilisation under the army reform programme wrote on several occasions to the government, pleading to be retained or at least be given a demobilisation package." The Defence Minister Lida Kouassi told them in a meeting their only recourse was to take to the streets. The government had purchased most of the arms required to replenish its arsenal in 2002 in Bouaké "for fear of a coup in Abidjan. These were to provide a large part of the armament for the September uprising."

⁹¹ The Mouvement Patriotique de Côte d'Ivoire (MPCI) also realised their strategy had to be revised following their failure to take Abidjan and the French intervention which closed off access to the city. On 15 October 2002, Staff Sergeant Tuo Fozié revealed the existence of a political leadership, and Guillaume Soro, ex-leader of the student organisation FESCI, one-time FPI sympathiser and recent RDR collaborator declared himself the group's General Secretary. While few took him seriously at 31 years of age, it soon became evident he was a force to be reckoned with (International Crisis Group November 2003: 8).

MPCI⁹², a week later seized towns and cities in the northern and central regions. “Rapid intervention by French troops based in Abidjan⁹³, ostensibly to evacuate French and US citizens in Bouaké blocked the rebels from moving south to Abidjan” (International Crisis Group November 2003: 1).

The coup plotters⁹⁴ expressed their determination to remove Gbagbo, demanding revenge for the killing by government forces on 19 September 2002 of General Robert Gueï, leader of the military junta who had ruled Côte d’Ivoire from 1999-2000.

On 6 November 2002 Guillaume Soro and Louis Dacoury-Tabley⁹⁵ presented political claims that went beyond simply taking power. The “ceasefire⁹⁶ and negotiation process were not only due to the French military and diplomatic interventions, but also the apparent inability or unwillingness of Gbagbo’s official armed forces to recover conquered territory.” It was obvious “until the end of April 2003, and despite the peace accords, Gbagbo was still determined to defeat the rebellion militarily” since while he showed signs of being engaged in the process of national reconciliation, “his civilian and paramilitary forces⁹⁷ mobilised against the rebellion continued to take radical positions against the reconciliation government, the French, the rebellion and the political opposition” (International Crisis Group November 2003: 1, 8-9).

4.2.3 The roles of France and other regional players including Burkina Faso and Liberia

For four decades, France “behaved like a pyromaniac fireman in its former colonies” (Adebajo 2006). However, the conflict in Côte d’Ivoire was initially treated by the international press and diplomats, particularly France, as an internal affair. It however became increasingly clear that Côte d’Ivoire’s troubles were part of a

⁹² The International Crisis Group (November 2003: 4) has observed that “in the north, the MPCl has substituted itself for the state, organising not only a parallel army, but also a parallel administration, media network and economic structure. The main reconciliation challenge will be not only to re-establish state authority and demobilise and reintegrate fighters, but also to overcome the political divisions between northerners and southerners, wherever they may currently be living.”

⁹³ MacQueen (2006: 206) suggests the relationship between former colonizer France and its former colonies has frequently involved direct military intervention by France, often in support of regimes that have proved friendly to Paris whose legitimacy has been challenged by opposition groups.” Young (1991: 29) concurs observing “French willingness to occasionally intervene militarily to protect clients is of crucial importance.”

⁹⁴ Former soldiers who, having been associated with Gueï’s junta in 1999 had subsequently lost influence and sought refuge in Burkina Faso (International Crisis Group November 2003: 8).

⁹⁵ Former FPI heavy-weight – the № 2 in the FPI and President Gbagbo’s right hand man and friend until they split in 1999

⁹⁶ The International Crisis Group (November 2003: 9) has observed that the ceasefire “enabled Gbagbo to replenish FANCI’s arsenal as well as recruit and arm forces willing to fight his war, while undertaking terror and propaganda campaign’s against his internal political enemies and mobilising in the process, thousands of southern youths via youth and student organisations he controlled.”

⁹⁷ The Liberians fighting for Gbagbo are not simply extras, “working for money or pillaging rights. They now straddle the Ivorian-Liberian border and have their own agenda” in Liberia (International Crisis Group November 2003: 21).

“regional conflict that has been growing in complexity since the late 1980s” with the involvement of Liberia and Burkina Faso becoming evident. The International Crisis Group (November 2003: 18) has observed that “Taylor and Burkina Faso’s Compaoré had been close allies in many previous coups, wars and destabilization campaigns.”

MacQueen (2006: 206) observes that France⁹⁸ has always prided itself on its “‘special relationship’ with its former sub-Saharan colonies and other French-speaking African countries that constitute the semi-formal Francophonie (French language) grouping.” Therefore, while France⁹⁹ can be praised for containing the conflict in Côte d’Ivoire, its “brokering of the peace talks and the naming of the Ivorian government on French soil contained an inevitable contradiction – amounting to the reconstitution of a protectorate to resolve a conflict whose origins lie in the failure and the rejection of the first protectorate, that between Houphouët-Boigny and France” (November 2003: 28, 30).

The International Crisis Group (November 2003: 1) further opines that the “rebellion had its origins in the extreme frustration of Ivorian soldiers in exile in Burkina Faso and some members of the army, the FANCI” with its leaders being many of the same young non-commissioned officers who led the coup against the government of Bédié in 1999. “Their exile in Ouagadougou as government guests enabled them to launch the revolt and hold out during the long months of ceasefire and negotiation.” The leaders of the main rebel group, the MPC¹⁰⁰ received support from Burkinabi President Blaise Compaoré¹⁰¹ “who was aware of at least the outlines of their plans¹⁰².” The MPC planned their rebellion during their exile in Burkina Faso and

⁹⁸ Bourmaud (2000: 29) suggests that “Africa is the guarantor of France’s standing in the world. Through it, France has at its disposal a sure resource, even when all others are disputed.” He further asserts that through the relationship, Africa has shown its fidelity to France and where decolonization should have facilitated a break with the colonial master, the “African elite remained attached to France.”

⁹⁹ Côte d’Ivoire had 30 years of friendly post-colonial relations with France that benefited elites in both countries in addition to many ordinary Ivoirians, especially those involved in the cocoa and coffee sectors. As France became less protective of and involved in Ivorian affairs, a love-hate relationship has emerged. France however remains as an important donor although other international partners have withdrawn their support for the country (International Crisis Group July 2004: 3, 11).

¹⁰⁰ The MPC was a military operation designed to remove President Gbagbo (International Crisis Group November 2003: 8).

¹⁰¹ Burkina Faso’s president, “though he has been much more careful since his implication in earlier wars in Liberia and Sierra Leone has become public knowledge, has a long record of involvement in West African destabilisation activities over the past decade.” With regard to Côte d’Ivoire particularly, Compaoré had financed Gbagbo and the FPI from 1989-1999. However, relations between the two had never been pleasant since Gbagbo entered the Presidency. It has been suggested that Compaoré may have expected a different attitude from his protégé towards the Burkinabé immigrants in Côte d’Ivoire. However, the “increasing vulnerability of the Burkinabé community in Côte d’Ivoire over the past decade created a problem for Burkina Faso, including the need to reintegrate returning immigrants who were no longer sending home badly needed remittances” (International Crisis Group November 2003: 13-14).

¹⁰² It has been suggested by sources close to President Compaoré that although he was aware of preparations for the coup, he tried to maintain as much distance between himself and the plotters in order to avoid embarrassment (International Crisis Group November 2003: 11).

were trained in logistics, communication and clandestine operations by the Burkinabé army¹⁰³ (International Crisis Group November 2003: 10).

Former Liberian¹⁰⁴ President Charles Taylor¹⁰⁵ was also “directly implicated in the creation of two rebel groups in the west of the country largely composed on Liberians and Sierra Leoneans.” On 28 November 2002, the MPIGO¹⁰⁶ appeared in the west, below the ceasefire line. This group also contains insurgents from neighbouring Liberia and former Revolutionary United Front (RUF) Sierra Leonean rebels. The second rebel group is the MJP which occupies the northern part of Côte d’Ivoire. Members of this group identify themselves as former soldiers and ‘young Ivoirians’ (former student leaders) who aim to “liberate the North from discrimination. They are mainly northern Ivorian citizens. Guillaume Soro, a radical former student leader, is a key figure in the MJP.” (Owusu-Sekyere 2009: 17).

While no concrete evidence exists as yet, it has been suggested by sources in Ouagadougou that “wealthy Dioula businessmen and transporters close to the RDR and/or political-financial networks close to the Burkinabé Presidency” may have provided financial support to the rebellion. In addition, Gabon’s President Omar Bongo and Libyan Colonel Khadafi may also have endorsed it¹⁰⁷. It has further been suggested that France together with Burkina Faso¹⁰⁸ are the “most avid of the nations that allegedly seek to control Côte d’Ivoire’s wealth and potential” (International Crisis Group November 2003: 12, 30).

When reflecting upon these inter-continental and regional dynamics in Côte d’Ivoire it becomes clear that interventions were not based on impartiality or considered the consent of local parties. Interventions in the country were skilfully considered with the agenda of the intervenor in mind. The Brahimi Report (2000) observed that

¹⁰³ International Crisis Group (November 2003: 13) suggests that Burkinabé mercenaries as well as other mercenaries from around the Mano River Union region (Guinea, Liberia, Sierra Leone) eventually joined the rebellion in the west of Côte d’Ivoire.

¹⁰⁴ The situation in Liberia, still consolidating its peace processes, would “be important in determining whether Côte d’Ivoire regains stability.” Peace in Liberia¹⁰⁴ will not be sustainable unless Côte d’Ivoire resolves its challenges (International Crisis Group November 2003).

¹⁰⁵ The International Crisis Group (November 2003: 18) surmises that “Gbagbo not only gave Taylor a motive to support the rebellion, but together with the MPC, opened the door for Liberia’s war to move onto Ivorian territory.”

¹⁰⁶ MPIGO was from the outset organised by some of Taylor’s most senior commanders. Ivoirians in MPIGO included many of the late General Guei’s men, the majority of who were Liberian and Sierra Leonean fighters. It was designed to appear as an operation led by Guei’s men (International Crisis Group November 2003: 18, 20).

¹⁰⁷ International Crisis Group (November 2003: 12) has established that some funds came from the spectacular hold-up of the BCEAO bank in Abidjan on 27 August 2002 when more than 2 billion FCFA (€3 million) were taken.

¹⁰⁸ On 10 September 2003 the government reopened the border between Côte d’Ivoire and Burkina Faso followed by the adoption of an amnesty law by the National Assembly through which trade relations were normalised with Burkina Faso and Mali¹⁰⁸ as part of provisions of the Accord (International Crisis Group November 2003).

“experience shows, however, that in the context of intra-state/transnational conflicts, conflicts may be manipulated in many ways.”

4.2.4 Forces Nouvelles: an alliance of the excluded

Owusu-Sekyere (2009: 17) surmises the key actors in the Ivorian conflict (from September 2002-April 2005) are the government and rebel parties, the MPCCI, the MJP and the MPIGO.

These three rebel groups met in Bouaké on 23 December 2002 to discuss the possibility of an alliance which was “publicly consecrated at the Marcoussis peace talks as the “Forces Nouvelles” who demanded “increased participation in the political processes.” Linas Marcoussis called for the establishment of a Government of National Reconciliation with wide executive powers, and was to be composed of ministers from the main political parties and the rebel groups on a roughly equal basis, although the current government of Gbagbo was given primacy in the arrangement. Gbagbo was to remain President, but a Prime Minister with wide ranging powers was to be appointed in agreement with the other groups (Lamin 2008: 297; International Crisis Group November 2003: 21; United Nations Mission in Côte d’Ivoire 2004; Institute for Security Studies 2004: 22).

Following their signing of the Marcoussis Peace Agreement in Accra on 8 March 2003, the Forces Nouvelles had every interest in turning to politics. However, “violent dissension broke out with some commanders refusing what they considered a capitulation” which resulted in a split – Soro, Gueï, Fozie and Ousmane – against Coulibaly and his military allies (International Crisis Group November 2003: 24).

On 23 September 2003, Forces Nouvelles resigned from the government in protest¹⁰⁹ against obstacles created by Gbagbo in the implementation of the January 2003 Linas-Marcoussis peace accords, particularly his appointment of ministers to the defence and interior portfolios in the government of national reconciliation in contravention of “agreed procedures and his unwillingness to delegate executive powers to the prime minister and government as stipulated by the accords” (International Crisis Group November 2003: 2).

On 22 December 2003, Forces Nouvelles announced it would end the boycott of the government and on 6 January 2004 participated in the meeting of the Côte d’Ivoire Council of Ministers, a development welcomed by the United Nations Secretary General (United Nations Mission in Côte d’Ivoire 2004). However, despite these

¹⁰⁹ President Gbagbo referred to his opponents as “kids with pistols” and “houseboys turned rebels” (International Crisis Group November 2003).

developments, it was only in 2005, following the finalisation of the Pretoria Agreement that the civil war in the country ended.

4.3 Pre-South African mediation

4.3.1 Lomé Accords (October 2002)

On 17 October 2002, Senegalese President Abdoulaye Wade brokered a ceasefire signed by the MPCl¹¹⁰. “The ceasefire line ran east to west, dividing the country in half. France reinforced its 700-man force in Abidjan (Opération Licorne) and agreed to supervise the ceasefire until troops from ECOWAS¹¹¹ could take over.” Intense diplomatic activity by West African leaders and the French was followed by peace talks organized at Lomé on 28 October 2002 under the leadership of President Gnassingbé Eyadéma of Togo. ECOWAS played such a prominent role in handling this crisis because of the threat to regional and international peace and security the conflict in Côte d’Ivoire posed (International Crisis Group November 2003: 1; IRIN 2002; Institute for Security Studies 2004: 26).

These negotiations led to a rapid agreement on the rebels immediate demands, while stalling on the MPCl’s larger political agenda – the removal of President Gbagbo and a “new political order.” President Eyadéma maintained that an “armed rebellion could make military claims, but not political demands.” With potential failure at Lomé and other West African mediation initiatives, the French proposed peace talks in France at Linas-Marcoussis from 15-24 January 2003 (International Crisis Group November 2003: 2).

4.3.2 French peacekeeping

A French peacekeeping force has played a leading role in Côte d’Ivoire since late 2002. Endorsed by UN Security Council Resolution 1464, it was to assist in the implementation of the Linas Marcoussis Agreement in January 2003. In 2003 it consisted of 4000 troops, having increased its original deployment of 700. Operation Licorne, mandated to control the ceasefire line until an ECOWAS force¹¹² could be deployed, was essentially alone for five months (International Crisis Group November 2003: 27). The Licorne troops maintained a neutral buffer zone, the zone de confiance, keeping government and former rebel forces apart while perpetuating the

¹¹⁰ The declaration of a unilateral ceasefire by MPCl on 17 October 2002 presented a strategic threat to Taylor: firstly, he lost his closest Ivorian ally when General Gueï was murdered on 19 September 2002; he then received information that MPCl was recruiting Liberian combat veterans from refugee camps in Ghana, including some of whom he considered enemies. “Alarmed not least by the number of Liberian opponents that MPCl had under arms, Taylor established the MPIGO to protect him from MPCl intrusion (International Crisis Group November 2003: 19).

¹¹¹ Nigeria, considered the “backbone of ECOWAS missions in Liberia and Sierra Leone, would contribute just five troops to a UN Mission in Côte d’Ivoire, underlining its historical rivalry for leadership of West Africa with both Paris and Abidjan” (Adebajo 2006).

¹¹² The first 172 ECOWAS soldiers arrived on 18 January 2003, followed by 1100 on 6 March. These forces, under General Khalil Fall (Senegal) officially took over the ceasefire line in late April (International Crisis Group November 2003: 27).

north-south division of the country while complex political manoeuvring continued in Abidjan. The inability of the Licorne troops to protect civilians during indiscriminate attacks by the rebels has been a source of bitter accusations against the French (International Crisis Group July 2004: 2, 20; Institute for Security Studies 2004: 24).

4.3.3 The Linas Marcoussis-Agreement (2003)

The first peace agreement was signed in Linas-Marcoussis at the end of a peace conference facilitated by France¹¹³ (Southall 2006: 181). “In late January 2003, the country’s major political parties, and rebellion delegations including the New Forces signed the French-brokered LMA¹¹⁴, agreeing to a power-sharing national reconciliation government to include the rebel New Forces representatives. The parties agreed to work together on modifying national identity, eligibility for citizenship, and land tenure laws which many observers see as among the root causes of the conflict.” The LMA also requested that a UN Monitoring Committee report on the implementation of the accord (US Department of State 2008; International Crisis Group November 2003: 31).

As the product of compromise, containing elements displeasing to every party, the Agreement however “established a reconciliation government with wide executive powers, comprised of ministers for the main political parties and the insurgent groups” while outlining a nine-point programme on “disarmament, security sector reform, human rights, violations and media incitement to xenophobia and violence, the organization and supervision of elections, and measures to end divisive policies on national identification, citizenship, foreign nationals, land tenure and eligibility for the presidency.” The Accords also outline “procedures for naturalizing immigrants present in the country before 1972, revision of rural land tenure laws, the conditions for presidential eligibility, elimination of the requirement for ECOWAS nationals to hold a resident’s card, and modification of the national identification process.” The UN Secretary-General appointed a Special Representative Albert Tévoedjré to head a Monitoring Committee mandated to supervise application of the accords which created a transitional government that included parties and insurgents and had wide-ranging executive powers to lead the country to elections, originally scheduled in 2005 (International Crisis Group November 2003: 2-3).

¹¹³ It is commonly held that President Gbagbo sought the assistance of France before adequately assessing the capacity of ECOWAS to “resolve the crisis of the rebellion by mostly northern elements of the armed forces and gendarmerie in September 2002” (Southall 2006: 181).

¹¹⁴ The Agreement was anchored on three main pillars: the need to maintain the territorial integrity of Côte d’Ivoire; the creation of a Government of National Reconciliation, with a new Prime Minister; and the need to conduct transparent and free elections in which people would not be excluded by means of churlish legislation. The Agreement further The Marcoussis Accords placed the rebels on an equal footing with the political parties but disavowed Gbagbo’s political programme since coming to power (International Crisis Group November 2003: 31; Institute for Security Studies 2004: 23).

Cornwall (2005: 46-47) observes that the LMA “could make no attempt” to address the underlying causes of the conflict but aimed to “end the fighting, [re-establish] state authority throughout a national territory essentially divided by a ceasefire line; outline a programme leading to free and fair elections and the formation of an interim administration composed of both parties; and initiate steps to do away with the disastrous exclusionist policies instituted by President Konan Bédié after 1993 and reinforced since by his successors, General Gueï and President Laurent Gbagbo.”

Academics and scholars are doubtful about whether the Agreement was ever able to achieve success, being the “source of discontent among hardliners in Gbagbo’s FPI ruling party [and] also among rebel leaders, who distrusted the president’s commitment.” The “slow, incomplete and sometimes flawed implementation created considerable frustration among Forces Nouvelles.” In addition, President Gbagbo and his party “lost little time in creating numerous and sometimes violent obstacles to implementation” calculating that adherence to the Agreement could possible result in their “electoral defeat” at the polls. They also sought to “buy time, playing on the rebellion’s internal divisions and hoping for its disintegration” for the Forces Nouvelles was indeed splintering. The accords also “fuelled anti-French sentiment, not least because they were seen to have legitimated an armed rebellion.” For many Ivoirians, the conflict represented a “struggle for a fuller independence, expressed in particular through the mobilisation of young people who, on both sides of the conflict, have become major players, attempting to wrest the nation’s political destiny from the hands of their elders and patrons.” The Accords also failed to “address the conflict’s regional aspect¹¹⁵” (International Crisis Group November 2003).

4.3.4 UN Peacekeeping Force (May 2003)

Security Council Resolution 1479 established a UN Mission to Côte d’Ivoire (MINUCI)¹¹⁶ under a Chapter VI mandate¹¹⁷ which provides for the peaceful settlement of disputes. International commitment to supporting the peace process in Côte d’Ivoire was consolidated with the arrival of MINUCI’s 34 officers on 27 June 2003 to assist the Special Representative of the United Nations Secretary General with monitoring the application of the accords, especially disarmament and the end of the conflict in the west (International Crisis Group November 2003). On 27 February 2004 in response to conditions in the country and a request from President Gbagbo, the UN Security Council, adopted under a Chapter VII mandate Resolution 1528¹¹⁸

¹¹⁵ Explored in 4.2.3 and 4.3.6

¹¹⁶ Full text of resolution available at: [http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1479\(2003\)](http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1479(2003))

¹¹⁷ In such a volatile situation and one where peace had certainly not been established, MINUCI was not mandated to use force.

¹¹⁸ Full text of resolution available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N04/253/20/PDF/N0425320.pdf?OpenElement>

establishing the UN Operation in Côte d'Ivoire (ONUCI) at an annual cost of US\$ 400 million. MINUCI was transferred to ONUCI on 4 April 2004.

In line with the Brahimi Report (2000) that the UN would not deploy peacekeepers until there was peace to keep, MINUCI was deployed following the three ceasefires – that signed unilaterally by the MPCJ and the government in October 2002 following interventions by Senegalese President Wade; one signed on 3 May 2003 between the government and the Forces Nouvelles; and one on 4 May 2003 when the rebels declared the war over. Although necessitated by circumstances indicating ripe moments upon which peace initiatives could be built, these ceasefires were also supported by multilateral and regional peacekeeping initiatives as well as political goodwill from the international community. It must therefore be asked why these ceasefires did not hold nor were they followed by the mutually hurting stalemates which would have laid the basis for definitive moves towards peace and reconciliation?

4.3.5 Accra I, II and III (2002-2004)

ECOWAS attempted to deal with the situation in Côte d'Ivoire when Senegalese President and ECOWAS chairman Abdoulaye Wade hosted a Summit in Accra, Ghana on 29 September 2002. The Summit concluded with the Accra I Accord, which called upon the armed groups to cease hostilities and to engage in a dialogue that would bring about peaceful resolution to the Ivorian crisis. The accord also condemned the use of force as well as the violation of human rights (United Nations Disarmament, Demobilisation and Reintegration Resource Centre).

Violent flare-ups and political deadlock following the conclusion of the LMA in January 2003 led to further attempts to move the peace process forward by the regional grouping, through the Accra II and Accra III agreements signed on 7 March 2003 and 30 July 2004 respectively. The principle objective of both these agreements was to further consolidate the peace process that began with the signing of the LMA. Among the crucial issues they attempted to address was the disarmament of the Forces Nouvelles. The Accra III Agreement also reaffirmed the goals of the LMA with specific deadlines and benchmarks for progress which have however not been met (United Nations Disarmament, Demobilisation and Reintegration Resource Centre). It also expressed the desire of world leaders to end the ECOWAS monopoly over Côte d'Ivoire and to “extend the circle of deliberation to other African regions and even give a sense of responsibility to proven jurisdiction on the continent” (Akindès 2009: 127).

4.3.6 External actors: meddlers or mediators

France has been the central political and military mediator in Côte d'Ivoire. Its intervention has however been "handicapped from the outset, accused by both sides of complicity and partiality. Not wanting to be alone in the cross-fire, Paris encouraged ECOWAS to create a contact group on 29 September 2002, brokered the 17 October ceasefire, organized the first round of peace talks in Lomé and prepared a military operation to supervise the ceasefire line" (International Crisis Group November 2003: 27).

ECOWAS, following a crisis in the implementation of the LMA, in October 2003, increased its diplomatic intervention in Côte d'Ivoire although this proved unhelpful with neither President Gbagbo nor the Forces Nouvelles wanting to stop the escalation towards violence. Although unsuccessful in this regard, ECOWAS deployed a 1400-strong force known as MICECI to police the ceasefire (International Crisis Group November 2003).

The International Crisis Group (November 2003: 27) has observed that the LMA was also "problematic in that it appeared too many Ivoirians to frustrate their aspirations to reduce the pervasive influence of the former colonial power, France." The Accords were seen as an attack on Côte d'Ivoire's sovereignty by the former colonial power. The FPI and its supporters were particularly suspicious "accusing Paris of siding with the rebellion." Since the Marcoussis accords and the violent anti-French demonstrations orchestrated by the presidency that followed, the French have redoubled efforts to act under the cover of multilateral organizations, notably the UN Security Council and the Monitoring Committee led by UN Special Representative Albert Tévoédjré, as well as ECOWAS."

The involvement of other actors in the region has also been clearly outlined. France would eventually play a rather low-key role in the peace process while the role of ECOWAS would be elevated to the point where Burkina Faso, initially supporting the rebellion and standing to gain the most from a destabilized Côte d'Ivoire¹¹⁹, would broker the Ouagadougou Peace Agreement. South Africa, not from the Francophonie stable of countries or from the region would join the peace process and eventually, voluntarily withdraw. What impact did these influences have on the peace process?

¹¹⁹ Explored in 4.2.3.

4.4 The South African Mediation

4.4.1 Appointment of South Africa as mediator for Côte d'Ivoire (November 2004)

In 2004, after many unsuccessful attempts at conflict resolution by various third parties, including the regional body ECOWAS and France¹²⁰, South Africa was “mandated by the African Union to take up the role of mediator.” President Mbeki had participated in the Linas Marcoussis discussions in January 2003 and the Accra III Summit in July 2004. Mbeki’s mediation in Côte d'Ivoire “was one of the first mediations handled by an English-speaking African in a crisis occurring in the French-speaking area of the continent” and represented the “first direct AU mediation in the Côte d'Ivoire peace process” (Lecoutre 2009: 154, 156).

Mbeki’s role during the Accra III discussions logically assigned him to mediate the Côte d'Ivoire crisis. Presidents Mbeki and Gbagbo held discussions at the Accra III Summit. It is suggested that Gbagbo considered Mbeki the “only head of state present at Accra to have a history worth noting: the only one to not have committed any democratic sin and also the only one who could defend his position by a career as a freedom fighter as Gbagbo believed himself to be.” He also saw Mbeki as an ideological ally (Akindès 2009: 127-129).

South Africa therefore entered the “diplomatic minefield of Côte d'Ivoire when that country’s peace process was on the verge of collapse.” By November 2004, “all attempts to implement the provisions of Linas-Marcoussis and its successors Accra I and II, had failed, raising serious concern in a sub-region where two other countries – Sierra Leone and Liberia – were just emerging from bitter armed conflicts,” raising fears that the unresolved conflict in the country could impact negatively on positive developments in each of these countries (Lamin 2008: 295-299).

Lamin (2008: 300) suggests that in light of the seeming inability of ECOWAS to resolve the conflict, South Africa’s intervention was welcomed¹²¹ by all parties, highlighting “their frustration with previous mediators”. South Africa’s greatest asset was the trust bestowed upon its mediators by all Ivorian parties, strengthened by “Mbeki’s personal commitment to the peace process and his willingness to accommodate the grievances of all sides.” Two years later however, “South Africa became a target of criticism by the leadership of the New Forces, which accused Mbeki of backing Gbagbo and called for the former’s replacement as mediator.”

¹²⁰ Many commentators were beginning to suggest Côte d'Ivoire may be the continent's next Rwanda with its many parallels: “deep-seated interethnic hatred, politicians ready to use such divisions to their own ends, irresponsible media that fuelled violence with inflammatory portrayals of ‘enemies’.” Warnings were issued that if the continent did not take the country seriously, it could find itself standing by while “large-scale ethnic cleansing took place” (International Crisis Group July 2004: 4).

¹²¹ South Africa’s track record in mediation and conflict resolution in countries like the Democratic Republic of Congo and Burundi, “enhanced its credibility” when considered as a mediator in Côte d'Ivoire” (Lamin 2008: 299).

Krosiak (2009: 44) suggests these criticisms of partiality may have been valid because South Africa had displayed a tendency to favour movements “it perceives to be anti-imperialists or related to sister liberation movements, regardless of their responsibilities in the conflict.”

Early on in South Africa's mediation, Jaye (2005: 30) observed that regional actors in peace processes are double-edged swords – their proximity being a simultaneous curse and blessing. Was this the very reason that South Africa, so distanced from the region, was asked to mediate. He also identified that South Africa's participation would be determined largely by the co-operation of ECOWAS and indeed Nigeria, the regional hegemon. Lamin (2008: 299) concurs suggesting that South Africa was brought into the Côte d'Ivoirian mediation because “being far removed from the theatre of conflict geographically and historically, it was felt that South African mediators would bring to the table the kind of independence and impartiality that had been the source of complaints by various parties.”

Why did South Africa agree to this mediation? Lamin (2008: 299-300) suggests that while South Africa is motivated by a “genuine commitment to promote peace, security and good governance in Africa, South African officials are not ignorant of their country's national interest.” In this regard, South African economic diplomacy in Côte d'Ivoire would have been advanced significantly if the country resolved its political challenges seeing as how Côte d'Ivoire would require massive amounts of foreign investment to rebuild its severely depleted economy. Secondly, although the structure of a reformed United Nations has by no means been confirmed by the UN Secretariat, “had South Africa succeeded in brokering peace in Côte d'Ivoire, that would have helped strengthen its case in the General Assembly debate on UN reform, particularly if the expansion of the Security Council were ever seriously considered.”

4.4.2 The peace agreement: The Pretoria Agreement (April 2005)

The Pretoria Agreement “committed the signatories to respect the undertakings made at Marcoussis and confirmed later at summits in Accra. It bound them to abide by the roadmap elaborated by President Mbeki as mediator, and to all UN resolutions on the crisis. It confirmed the unity of the country. It expressed a determination to organise presidential elections in October 2005 and legislative polls shortly afterwards. All signatories also pledged themselves to create a political climate conducive to lasting peace.” The Pretoria Agreement further called for the “dissolution of all militias and the beginning of the process of demobilisation, disarmament and reintegration of other armed forces. Changes were to be made to the national electoral commission and provision was made for a major UN role in the organisation and conduct of the

next polls. A new special parliamentary session would be convened to pass the legislation required to implement the undertakings of Marcoussis, and the role of Seydou Diarra as prime minister was confirmed” (Cornwall 2005: 47-48). The Pretoria Agreement effectively brought the civil war to a close.

The Pretoria Agreement like its predecessors, Linas-Marcoussis and Accra I and II prioritised the disarmament and demobilisation of all armed combatants and their reintegration into a national force. Considering that previous agreements had not been able to achieve this, there were concerns that the “Pretoria Agreement too might unravel, since there were no provisions on how to sanction or punish parties that failed to co-operate.” The failure to institutionalise a mechanism through which “spoilers” will be held accountable “made the agreement vulnerable to failure.” The agreement did spell out timeframes for implementation but the Pretoria negotiators took the Ivorian parties on good faith, ie. South Africa “chose to rely merely on the goodwill of the parties, and was unwilling to wave the ‘big stick’ that could potentially dissuade spoilers from undermining the process.” South Africa hosted a second round of talks in Pretoria a day after the deadline had elapsed for the disarmament process to commence to deal with the issue of disarmament. The two-day Summit concluded with a joint communiqué “reaffirming the commitments of all parties to immediately restarting the disarmament process and to finishing that process on 20 August 2005”. Coming against the backdrop of various ceasefire violations which claimed the lives of innocent civilians in various parts of the country, it should have been obvious that the parties would only fulfil their commitments if it were “accompanied by a robust and hands-on approach by the moral guarantors of the peace process” (Lamin 2008: 301-302).

Akindès (2009: 130-131) suggests that despite the inherent deficiencies of the Pretoria Agreement, it was significant because it took into account the specific problems of the roleplayers and offered solutions. The Pretoria Agreement completed and clarified the “Marcoussis Agreement to which it brought new instruments, each adapted to the sectors of the activities concerned by the reforms. Two years after the end of the mediation, the Pretoria Agreement remained a reference for all peace initiatives in Côte d’Ivoire.”

4.4.2.1 Implications of the Linas Marcoussis Agreement of 2003

The International Crisis Group (July 2004) suggested that the Linas Marcoussis Accords had been “badly compromised by a lack of good faith and political will” with the key issues – nationality, eligibility for elections, and disarmament – not being addressed. No political actor has shown the will to break the impasse, opposition parties have withdrawn from the government of National Reconciliation and the

Forces Nouvelles, having taken control of the north of the country have failed to disarm and are “flirting with secession”.

Gbagbo has been able to neatly step aside with “seeming neutrality, while allowing the National Assembly¹²² to do the dirty work of opposing the Linas-Marcoussis Accords.” In this vein, politicians have tried to turn the operation of “national politics to their personal and factional advantage.” “Quiet diplomacy has failed. Gbagbo has shown himself a masterful tactician, able to pit the constitution against Linas-Marcoussis, the National Assembly against the Government of National Reconciliation, and the militias against anyone identified as an enemy” (International Crisis Group July 2004: 1, 12).

While the relevant problems “surrounding Ivorian citizenship, and its ramifications for electoral eligibility, land ownership, and human and civil rights are all addressed by the Linas-Marcoussis Accords” many observers have concluded that some, if not all, the political actors have allowed the accords to wither (International Crisis Group July 2004: 3).

Lamin (2008: 302) also suggests that a shortcoming of the South African mediation was the absence of a designated “high profile individual directly involved in trying to unlock all the obstacles that cropped up between the signing of the Pretoria Agreements and the deadline set for the completion of the disarmament process.” This criticism must be further interrogated. Surely President Mbeki was aware that he could not do all the work by himself seeing as how he had a country to run?

4.4.2.2 Consultations with all role-players

The International Crisis Group (November 2003: 2) warned that to ignore the “involvement of Burkina Faso and Liberia in the preparation and support of the rebellion would only hinder a lasting solution. It is misleading to portray the participation of Liberians and Sierra Leoneans as largely a matter of marauding armed bands, whose main interest has been looting, raping and killing. State powers with political interests and regional alliances and networks were at work.”

Lamin (2008: 303) has suggested that South Africa, being a non-regional member, did not consult enough with the regional leadership which may have been informed by the fact that some regional members were involved in the conflict or perhaps that they did not have much to contribute because previous regional efforts did not yield any success in resolving the Côte d’Ivoire crisis. He further asserts that it is

¹²² Assembly President Mamadou Koulibaly and the Assembly’s FPI Head, Simone Gbagbo (the President’s senior wife) have been at the forefront of attacking the Accords and attempting to eviscerate them (International Crisis Group July 2004: 1).

therefore not surprising that “opposition to South Africa’s continued involvement in the conflict came not only from the New Forces, but also from countries within West Africa. In fact, while the opposition was largely led by Francophone countries, it also had the blessing of some of their Anglophone counterparts.” South Africa could also have better co-ordinated activities with other role-players, particularly international organisations. Did South Africa, well-experienced in conflict resolution by 2004, not consult with the regional leadership and other role-players?

4.4.2.3 Ruling on Article 35

The parties to the Pretoria Agreement¹²³ mandated Mbeki as the mediator to make a determination on Article 35, indicating the “faith and confidence the Ivorian parties had in the Africa-led process”. On 11 April 2005, in a letter to Gbagbo, Mbeki decreed the Constitutional Council should accept the eligibility of the candidates who might be presented by the political parties that signed the Linas Marcoussis Agreement¹²⁴ and requested Gbagbo to use the powers granted to the President in terms of Article 48 of the country’s Constitution to give the necessary legal force to this determination. On 26 April 2005 Gbagbo complied and agreed to Mbeki’s recommendation (Akindès 2009: 138; Lamin 2008: 301; United Nations April 2005; United Nations May 2005).

Lamin (2008: 301) suggests the diffusion of the controversy around the Ivoirité issue may have been the most critical contribution made by South Africa to the peace process, because the “goal of having an all-inclusive election seemed to be winning and the spectre of candidate exclusion was disappearing.” The South African mediation had ensured that “the participation of candidates from the parties that had signed the Marcoussis Agreement was secure” (Akindès 2009: 138).

4.4.2.4 Return of Forces Nouvelles to Côte d’Ivoire to prepare for elections

In March 2003, Prime Minister Diarra formed a government of national reconciliation of 41 ministers in line with the Linas-Marcoussis Agreement of January 2003. The full government did not meet until mid-April 2003, when international peacekeepers were in place to provide security for the Force Nouvelles ministers in the capital, Abidjan. On July 4, 2003, the government and the Forces Nouvelles armed forces (FAFN) signed an "End of the War" declaration. They also agreed to recognize the authority of the elected President of Côte d’Ivoire, and vowed to work for the implementation of the LMA and to participate in a Disarmament, Demobilization and Reintegration (DDR) programme (United Nations Disarmament, Demobilisation and Reintegration Resource Centre).

¹²³ Full text of agreement available as follows: <http://www.undemocracy.com/S-2005-270.pdf>

¹²⁴ Full text available as follows: <http://www.undemocracy.com/S-2005-270.pdf>

4.4.2.5 Implications of UN Security Council Resolutions 1479, 1633 and 1721 on the peace process

UN Security Council Resolution 1479 of May 2003¹²⁵ while reiterating the full support of the Council for ECOWAS and France to promote a peaceful settlement of the conflict established, for an initial period of six months, a United Nations Mission in Côte d'Ivoire (MINUCI), mandated to facilitate the implementation by the Ivorian parties of the Linas-Marcoussis Agreement. MINUCI was to complement the operations of the French and ECOWAS forces. It also approved the establishment of a small staff to support the Special Representative of the Secretary-General on political, legal, civil affairs, civilian police, elections, media and public relations, humanitarian and human rights issues, and the establishment of a military liaison group

Resolution 1633 of October 2005¹²⁶ called for the designation of a Prime Minister with all the necessary powers and resources, acceptable to all signatories of the Linas-Marcoussis Agreement. It also called for the immediate implementation of the Linas Marcoussis and Pretoria Agreements while demanding that the Forces Nouvelles proceed with the disarmament and demilitarisation processes, the country begin its reunification process and preparations for elections begin in earnest. It also called for the immediate cessation of hostilities by all parties (UN Security Council November 2005).

Resolution 1721¹²⁷ of November 2006 aimed to incorporate the objectives of resolution 1633 and extended the mandates of President Gbagbo and Prime Minister Banny by 12 months, “but at the same time, transferred some of the president’s powers – especially those over security and the electoral process – to the prime minister, as a measure to ensure the implementation of previously agreed accords” (Ayangafac 2007: 26-27).

The country’s troubles began escalating in 2002, although the first United Nations resolution¹²⁸ was adopted in 2002, then 2005 and 2006 respectively. Why did the United Nations respond only in 2003? Did these resolutions have the ability to impact positively on the peace processes underway the continent?

¹²⁵ Full text of resolution available as follows: [http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1479\(2003\)](http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1479(2003))

¹²⁶ Full text of resolution available as follows: <http://www.un.org/News/Press/docs/2005/sc8532.doc.htm>

¹²⁷ Full text of resolution available as follows: <http://www.un.org/News/Press/docs/2006/sc8904.doc.htm>

¹²⁸ A perusal of the United Nations website shows the adoption of many more Presidential Statements on Côte d'Ivoire rather than resolutions. It is practice in the Security Council that Presidential Statements are adopted when there is no consensus of the P-5 on suggested resolutions.

4.4.2.6 South Africa's resignation from mediation following accession to non-permanent United Nations Security Council seat

In October 2006, during an African Union Peace and Security Council meeting in Addis Ababa, President Mbeki announced the country's intention to withdraw from the mediation in Côte d'Ivoire because once it assumed the non-permanent seat on the United Nations Security Council, "it would unavoidably have to deal with issues relating to the Ivorian conflict and hence wanted to avoid a conflict of interest." While this announcement was interpreted by some as a failure by South Africa to resolve the crisis, the withdrawal from the mediation by South Africa "came in the wake of fierce opposition to Pretoria's continued involvement in Côte d'Ivoire by a number of French-speaking West African countries, led by Senegal¹²⁹." It also came amidst criticisms by Forces Nouvelles that South Africa was partial to President Gbagbo and "vowed never to participate in further talks with the Ivorian government as long as Pretoria remained the lead mediator" (Lamin 2008: 295-296).

4.5 Post-South African mediation

4.5.1 President Mbeki's successor

Following President Mbeki's announcement of his resignation from the Ivorian peace process, the African Union "designated its newly elected chairperson, Congolese President Dennis Sassou Nguesso, to take the lead in mediating a solution to the Ivorian conflict. The organisation further endorsed an extension of Gbagbo's mandate by another year in office, with the powers of an 'independent' prime minister who had been appointed as part of an agreement reached among the warring parties, strengthened. The AU's decision was subsequently endorsed by UN Security Council Resolution 1721" (Lamin 2008: 296).

4.5.2 The Ouagadougou Peace Agreement (March 2007)

The Ouagadougou Peace Agreement, for which Burkinabé President Blaise Compaoré has a specific responsibility, can be considered the "direct result of the non-implementation of previously negotiated agreements and international pronouncements in the conflict, the latest being the UN Security Council Resolution 1721" (Ayangafac 2007: 26). The Political Accord which can be seen as a "strategic package of political manoeuvres, times and opportunities presented by the changing dynamics in Côte d'Ivoire and the international arena," the heart of which was an attempt by the New Forces and the government to secure their political survival in an uncertain environment. It has also been suggested that President Gbagbo seized the opportunities presented by the Ouagadougou Peace Agreement in an attempt "to

¹²⁹ While Cohen (2001: 469) admits it is difficult to "gauge the precise influence of cultural factors on international negotiators," Williams (2006: 181) observes that former President Mbeki "did not lack expertise and experience in dealing with conflicts in francophone Africa," despite the fact that Côte d'Ivoire fell outside the borders of SADC (Southall 2006: 181).

seize control of a peace process that had been effectively ‘hijacked’ and controlled by the international community” (Ayangafac 2007: 27; Institute for Security Studies July 2008; International Crisis Group April 2008).

A direct consequence of the Accord, suggests the Institute for Security Studies (2007: 1) has been the nomination of Guillaume Soro as prime minister, “thus engendering cohabitation in the executive between the principal belligerents in the crisis.”

The international community and the United Nations are however almost excluded entirely from the negotiations of the Ouagadougou Peace Agreement, which has been signed exclusively by African leaders. The leverage remains through financial support. In addition, “France has already begun to repatriate a significant part of the troops it deployed under ‘Operation Licorne’. The Burkinabé facilitation is almost alone to arbitrate disputes and create new momentum” (International Crisis Group July 2009).

It has been suggested that the main reason for the slow implementation of the Ouagadougou Peace Agreement¹³⁰ “is the lack of political will,” since its implementation will certainly affect the “composition, influence and control of the security apparatus of the state. It will also create new social cleavages, create new elite coalition and, most importantly, determine who has access to the principal institutions and avenues of accumulation in the country.” Those who control and “shape the transitional process are most likely to have considerable influence on the political economy of the country for years to come.” Therefore, issues critical to the Accord such as identification, disarmament, demobilisation, the civil register, and the electoral list, have become highly contested issues (Institute of Security Studies December 2007: 2-3, 8; International Crisis Group June 2007: 3).

4.5.3 Preparations for elections

Electoral registration and identification officially closed on 30 June 2009. The International Crisis Group (July 2009) observes the operation launched in September 2008 was ill conceived and mismanaged, intentionally suffering financial hampering by President Gbagbo who “has a vested interest in delaying the elections as much as possible.” It continues that in order for the 29 November 2009 electoral deadline to be met, the “institutions in charge of organising the vote still have a great deal to do and must dramatically improve their procedures.” However, “agreements have been reached regarding the compilation of a new voters’ register and the issuing of national

¹³⁰ In order to counter Burkina Faso’s influence in the Ivorian crisis, Gbagbo has offered “lucrative oil deals to China because Burkina Faso is one of the few African countries to recognise Taiwan rather than China.” For President Gbagbo, everything is negotiable “except the extent of his powers and anything that could affect his chances of remaining President” (Institute of Security Studies December 2007: 2-3, 8; International Crisis Group June 2007: 3).

identity cards for the December 2009 elections, and reports indicate that so far 6081625 people out of a total of 8600000 voters have registered. Refugee returnees are currently being settled as the situation is gradually improving in some parts of the country.”

Zounmenou (2008: 67) suggests the “electoral process has become highly contentious because of the high political stakes” which is the “main reason for the considerable delay in the planning of the elections, rather than the lack of funding and absence of clarity about the role of the various electoral monitoring institutions that have frequently been held out as factors impeding respect for deadlines.” The mutual distrust between the parties has facilitated the planning delays particularly that “political parties opposed to the ruling party do not have confidence in the state-controlled institutions such as the National Institute of Statistics (INS) and also fear the government might attempt to control the electoral process to its own advantage.”

The International Crisis Group (April 2008) suggests that all parties, including those who do not want the forthcoming elections, should endeavour to create the conditions for transparent democratic polls. In addition, in order to avoid a situation more disastrous than the October 2000 polls, it will be imperative to ensure three things: strict adherence to the Ouagadougou Peace Agreement by the signatories, implementation of a consensual security plan for the identification operations and the elections, and a conflict prevention strategy with the facilitation of President Compaoré and the UN Mission.

The Institute for Security Studies (July 2008) expects the elections to be “more of a conflict resolution process that legitimises and entrenches the present Gbagbo-Soro partnership, rather than being a robust attempt at democratisation.” It further suggests these elections in Côte d’Ivoire, like those in post-conflict elections in the Democratic Republic of Congo and Liberia have suggested, are nothing more than a “reflection of the military asymmetric of a conflict” illustrating that “elections cannot solve a military conflict that negotiations or victory have failed to end.” Indeed, the Institute for Security Studies (July 2008) surmises that “if the partnership is to last, it is in need of some sort of legitimacy engendered by the popular vote to deflate the argument that it was a partnership designed to share the spoils of war.”

In assessing preparations for elections it becomes apparent that there has been only partial unification of the government administration in the country. The relinquishing of authority from the com’zones to the prefects is of concern because it is only the administrative responsibilities that have been ceded. They continue to retain their security powers, particularly because they no longer take orders from their former

insurgent leader Guillaume Soro who is now Prime Minister (International Crisis Group July 2009).

Successful elections will allow the international community to “rally around the eventual winner and in the process provide much needed resources for post-conflict reconstruction and development. Moreover, developmental aid from international financial institutions is contingent on some form of political stability in the country. Also, support for the electoral process might provide a window of opportunity for countries like France that have seen their influence in the country wane over time to re-engage and sustain their interest” (Institute for Security Studies July 2008).

4.5.4 Disarmament, demilitarisation, and reintegration (DDR)?

The International Crisis Group (July 2009) observes that disarmament “has been limited to a few instances of small arms destruction.” Both sides threaten the electoral processes by continuing to maintain significant forces as well as importing military equipment, in violation of a United Nations arms embargo. In addition, 5000 Forces Nouvelles ex-rebel combatants are still awaiting integration into the new army and the military zone commanders (com’zones) in the formerly insurgent north retain personal protection units with hundreds of fighters. A further 20000 strong militia of Gbagbo loyalists awaits dismantling and his ‘young patriots’ networks in Abidjan have not been dissolved.

Zounmenou (2008: 66) suggests that while “officially all government-dominated armed forces have been demobilised and demilitarised, the reluctance of Forces Nouvelles to participate in the process continues to raise serious concerns¹³¹.” This has resulted in supporters of President Gbagbo calling for the resignation of Prime Minister Soro as prime minister and leader of Forces Nouvelles.

Zounmenou (2008: 68) however suggests that because of improvements on security, “the United Nations peacekeeping mission has dismantled most of its military observation posts in the former zone of confidence that separated the government-held and rebel controlled areas of the country. In fact, 15 of the original 17 observation posts have been dismantled and only two have been left for emergency assistance.”

4.6 Assessment

Why have all the mediation endeavours in Côte d’Ivoire not yielded the desired outcome for the country: the cessation of hostilities, holding of democratic elections

¹³¹ Forces Nouvelles however renewed their willingness to speed up the demobilisation process from 10 April 2008 at a meeting between Guillaume Soro and key political players in Côte d’Ivoire (Zounmenou 2008: 68).

and all-inclusive governance for the people of the country? Many explanations have been proposed – the unacceptability of the mediator, the unsuitability of the peace agreement, the ignorance of conditions that would make the agreement impossible to implement ... the list continues. Adebajo (2006) observes that part of the complication of the Ivorian case “lay in the proliferation of external mediators, which raised obvious questions about too many cooks spoiling the broth. Ghana’s John Kufuor, Nigeria’s Olusegan Obasanjo, Gabon’s Omar Bongo, Sierra Leone’s Ahmed Kabbah, Togo’s Gnassingbé Eyadéma, and Niger’s Mamadou Tandja have all been involved in peacemaking efforts, and South Africa, ECOWAS, the AU and the UN all nominated their own special envoys to Côte d’Ivoire.” Aning (2009: 54) concurs by observing “part of the challenge of mediation faced by South Africa, especially in Côte d’Ivoire, is reflected in the possible overlaps of interests and mandates in the mediation-authorising institutions, namely ECOWAS and the AU.”

Stremlau (2008: 246) suggests that in addition to having an accomplished mediator committed to resolution of the conflict, successful mediation and conflict resolution is enabled by support from the United Nations, war weariness of the population, disinterest among the major powers in intervening and sufficient empathy among those who had colonial links with Africa to provide funds and troops when required. When we consider these factors, do they exist in Côte d’Ivoire? Four of the five criteria do exist: an accomplished mediator in the person of Mbeki, constant support from the United Nations, war weariness of the population and support from the former coloniser to provide funds and troops when required, including the ability to further mobilise international assistance.

The conflict in Côte d’Ivoire has been almost a decade in the resolution phase and despite some hopeful signs along the way no initiative has achieved a durable and sustainable resolution to the conflict. Why?

Despite a history of strong one-party rule enabled by Houphouët-Boigny and his successors, Côte d’Ivoire has known relative political and economic stability. However, a reliance on commodities has contributed negatively to the country’s development. Migrants who initially sought employment opportunities in Côte d’Ivoire soon settled permanently and gave rise to the Ivoirité population. Falling commodity prices in the late 1980s which resulted in a recession, coupled with the lack of a succession plan in 1993 upon the death of Houphouët-Boigny created the impetus for the policy Ivoirité which distinguished between citizens who shared Ivorian parents and those of mixed birth. The economic crisis served as a catalyst for xenophobia in the country, which can be directly attributed to this policy. The roots of the long-contested Article 35 of the Constitution can also be found in this context.

Why have the various agreements in the country not yielded progress because the factors outlined above are negotiable, rather than intractable? The declining economic climate would not have continued indefinitely. Article 35 enabling particularly Ouattara to participate in elections was easily amended. This would have gone a long way towards addressing the xenophobic tendencies in the country. All that would have been required is the political will to implement these agreements.

Is it perhaps that while the conflict was ripe for resolution, a mutually hurting stalemate which would have encouraged commitment to the peace process did not exist. In the absence of a mutually hurting stalemate the mediator will never be acceptable and his suggestions will always be unwelcome. A peace agreement will never yield results.

It must be asked why the numerous peace agreements and equally varied selection of mediators in the country, was necessary. It is unanimously suggested that all agreements signed after January 2003 were based on the Linas-Marcoussis Agreement. Haysom's (2005) suggestion that there are three important barriers to achieving willingness to enter a peace process comes to mind. These are: the legacy of previous bad faith negotiations, the belief that the adversary is unable to meet its bottom line demands; or the current imbalance in the power between the two parties. While these conditions certainly existed in Burundi, it is clear they also existed in Côte d'Ivoire. Although the factors in the conflict were not intractable as in Burundi, these barriers certainly prevented the implementation of any of the signed peace agreements.

In addition to the lack of trust and commitment to implement the agreements between the parties, the agreements themselves did not address root causes. Implementing such agreements would therefore have resulted in only superficial, unsustainable amendments of the political and socio-economic conditions in the country. The lack of commitment to the peace process by the parties is again evident in that they continued to sign agreements they knew would not serve to substantially redress the challenges the country faced.

The International Crisis Group (April 2008), tracking the evolution of the crisis for many years, observes that what threatens the entire peace process in the country are "the political manoeuvres of Ivorian leaders." Indeed, "if all the steps of the electoral process are followed in a transparent manner, none of the main candidates – Gbagbo, former Prime Minister Alassane Ouattara of the RDR and former President Henri Konan Bédié of the PDCI – can be certain of victory." Has this situation changed? These political figures have featured in the country's political landscape since Houphouët-Boigny's rule. Will elections resolve the country's problems?

Hyden (2006: 114) surmises that “the continued presence of Big Man Rule” will mean that the government will be more interested in accumulating resources for patronage than in designing good policy.”

When South Africa assumed the role of mediator, Pretoria’s ability to broker an acceptable deal especially when more experienced mediators had failed in their attempts to secure peace was questioned by regional actors and the international community. It has been suggested that Gbagbo has been able to “manipulate Mbeki framing the conflict along anti-colonialist and anti-imperialist lines and resulting in Mbeki coming out strongly in favour of Gbagbo” (Kroslak 2009: 44). “In fact, French president Jacques Chirac went to far as to suggest that South African president Thabo Mbeki did not ‘understand the psychology and soul of West Africa’¹³², implying that mediators in Pretoria did not have the wherewithal to deal with a complex problem such as the one in Côte d’Ivoire” (Lamin 2008: 295).

South Africa has been accused of relying too much “on its moral clout,” assuming that “respect for its role as a non-partisan mediator was enough to secure full implementation of the Pretoria Agreement.” Lamin (2008: 302) further suggests that although there was reference to punitive measures, these were not supported with concrete actions. “While the imposition of sanctions in itself does not necessarily guarantee compliance by parties to a conflict, it is no doubt a very useful tool for any mediator to invoke” for the leverage it could provide. That South Africa eventually “endorsed the imposition of sanctions against potential spoilers, included in UN Security Council resolution 1721, underscores Pretoria’s recognition of the impact this may have had on moving Côte d’Ivoire’s peace process forward.”

Kroslak (2009: 41) further suggests that there is a discrepancy in South Africa’s “rhetoric and practice, between its policy and strategy in peace processes, between highly qualified and renowned negotiators and facilitators and the lack of capacity at the middle level of implementation.” Could this also have impacted negatively on South Africa’s mediation in Côte d’Ivoire?

In addition, Akindès (2009: 136) suggests that Mbeki favoured legality over legitimacy. He focused on “restoring a legal and constitutional order at any cost, even

¹³² During State Visit to Senegal in February 2005, President Chirac said of President Mbeki’s mediation in Côte d’Ivoire, he said, “West Africa is West Africa. It has its own characteristics. You have to know it well. I very much hope that President Mbeki, whose work we support, will now immerse himself in West Africa so as to understand its psychology and soul.” President Wade seemed to support President Chirac although in more muted terms. He suggested African leaders meeting at the AU summit in the Nigerian capital Abuja recently had been disappointed that Mbeki’s report to them on Ivory Coast had been “rather small and that it was overly optimistic in predicting that disarmament would begin soon and that the New Forces ministers would return to government” (Independent Online 2005).

without treating the injustice at the heart of the demands by which the rebel movements justify their use of arms.”

The initial peace agreement, Linas Marcoussis, Cornwall (2005: 46-47) observes “could make no attempt” to address the underlying causes of the conflict but aimed to “end the fighting, [re-establish] state authority throughout a national territory essentially divided by a ceasefire line; outline a programme leading to free and fair elections and the formation of an interim administration composed of both parties; and initiate steps to do away with the disastrous exclusionist policies instituted by President Konan Bédié after 1993 and reinforced since by his successors, General Gueï and President Laurent Gbagbo.” In addition, the International Crisis Group (November 2003: 4) has observed that President Gbagbo viewed both the Linas Marcoussis Agreement and the rebellion by Forces Nouvelles and others as an attack on the nation’s sovereignty¹³³ therefore illustrating his “reticence to bow to international pressure.” Aning (2002: 337) surmises that the Linas Marcoussis Agreement legitimised the leadership of the rebel movements that were represented in Paris by offering them key ministerial posts. In addition, “the nature of the accord will not enable it to deal with the xenophobia that underlies the Ivorian crisis. Rather, it potentially creates a constitutional crisis by establishing an ad hoc prime ministerial position.”

Further peace agreements were based on the Linas Marcoussis formula. The Pretoria Agreement, therefore, according to Lamin (2008: 300-302) did not significantly differ from the Linas-Marcoussis and Accra Agreements addressing both political and security issues while providing for the “reunification of the country by securing commitments from the New Forces to rejoin¹³⁴ the power-sharing government provided for under Linas-Marcousis.”

Jaye (2005: 28) opines that “Marcoussis was based on the premise that the conflict was about the struggle for political power and citizenship” and “consequently put in place a power-sharing government and urged that the issue of citizenship be resolved constitutionally.” He further suggests that it “embodies a typical example of a generic conflict management model¹³⁵.” In critiquing general conflict management models, he

¹³³ This sentiment was shared by a significant section of the population “for whom the peace accords represent the continuation of French domination” (International Crisis Group November 2003: 4).

¹³⁴ South Africa’s involvement in the peace process came in the wake of the withdrawal of New Forces ministers from the coalition government on the grounds that President Gbagbo had failed to delegate executive authority to the prime minister as stipulated by both Linas Marcousis and Accra. South Africa had to get the Ivorian parties to compromise considering the mandate of the UN Mission in Côte d’Ivoire was set to expire on the eve of the Pretoria Talks (Lamin 2008: 300-301).

¹³⁵ While similar models were used in Sierra Leone and Liberia and therefore was an automatic choice in Côte d’Ivoire, they were successfully applied in Sierra Leone and Liberia because of the heavy support of UN troops and personnel, which was lacking in Côte d’Ivoire (Jaye 2005: 28).

observes that they “place the emphasis on appeasement and are highly influenced by the whims, caprices, demands and qualms of the belligerent forces rather than a sober and balanced analysis of the conflict by experts who are well versed in the issues.”

Lecoutre (2009: 160-161) further speculates on the AU mandate noting that “linked to the Linas Marcoussis and Accra III agreements, it failed to address more fundamental issues, such as the contestation among rival parties for control of the country’s economic resources.” Therefore, as the AU-appointed mediator, “Mbeki could not redefine or reach beyond the mandate given to him. As a result, Mbeki was required to secure adherence to agreements the belligerents had already shown a ready willingness to violate.” She concedes “it is likely that, in the prevailing Ivorian atmosphere, Mbeki would not have succeeded under any circumstance. None of the parties acted in a manner reflecting a recognition that they had more to gain through negotiations than conflict.”

Indeed even now Owusu-Sekyere (2009: 19) observes that the situation in Côte d’Ivoire seems to be “unstable.” He suggests that this is partly because “in spite of the ceasefire, the peace process has not been completely successful and this state of affairs is likely to continue until the comprehensive demobilisation and reintegration of combatants of some of the rebel groups has taken place.” The Special Representative of the United Nations Secretary-General 2005-2007, Pierre Schorri (IRIN 2007) has described the situation as “schizophrenic” with an apparent peace holding and former rivals Gbagbo and Soro working together although beneath this lies a very different situation where very little progress has been made on the most important issues.

The country’s political woes continue in the face of the continued deterioration of the economy, partly because of poor governance and partly because of the global financial crisis. “As poverty increases, thousands of young men are inclined to keep their weapons or even tempted to start a new insurgency” (International Crisis Group July 2009). Zounmenou (2008: 67) suggests that “social tension is on the rise not only because of the difficulties in the political process, but also because of the global phenomenon of basic commodities price hikes. The increase in the price of basic foods was the final straw in the deterioration in living conditions, sparking riots in Abidjan that claimed the life of at least one person and left many people injured.”

The international community and especially ECOWAS needs to take on the spoilers more assertively and openly (International Crisis Group July 2004) because in the final analysis, with regard to Côte d’Ivoire in particular and other conflict situations in

general, “reconciliation is not an occurrence and can be achieved only within an appropriate reconciliatory framework which seeks to transform hostilities into positive coexistence (Owusu-Sekyere Sekyere 2009: 19-20).

Chapter 5: Comparative Analysis

While the crises in Burundi and Côte d'Ivoire are both African intra-state conflicts, there exist between the two cases various similarities and differences in terms of the factors and actors that contributed to the conflicts, mediation processes, outcomes thereof, and the implementation of the peace agreements.

5.1 Similarities

Both intra-state conflicts in Côte d'Ivoire and Burundi were influenced by grievances, ethnicity and identity issues and the exclusion of ethnic groups. In Burundi, the majority Hutu were dominated and discriminated against by the minority Tutsi throughout the country, while in Côte d'Ivoire those living in the south benefitted more from the country's economic prosperity than those in the north. President Houphouët-Boigny had welcomed migrants from neighbouring countries to support Côte d'Ivoire's agricultural efforts. After some time, migrants intermarried and became part of the fabric of Côte d'Ivoirian society, settling predominantly in the north. Falling cocoa prices resulted in Côte d'Ivoire's economic recession soon followed the death of Houphouët-Boigny. His hand-picked successor Konan Bédié then propagated the policy of Ivoirité which discriminated against migrants as well as off-spring of these mixed marriages in economically dire circumstances. Ivoirians of mixed heritage were excluded from the prosperity bestowed upon full blooded Ivoirians, which had a particularly divisive effect on society. Akindès (2009: 188) surmises that Ivoirité reflected "a dangerous attempt to define the circles of civilians claiming statutory entitlement to the favours of the nation."

A comparison of the criteria determining the intractability¹³⁶ of a conflict reveals that both case studies were protracted with the existence of identity denigration. Resource extraction based on greed did not play a role in these conflicts although parties benefited from the crises to the extent that the maintenance of the conflict maintained desirable power structures and other forms of emotional and psychological gain.

Although scholars consider the conflict in Burundi to be primarily an ethnic one and that in Côte d'Ivoire an economic one, it would seem that in both case studies, the conflicts were motivated primarily by the sense of exclusion experienced by some members of the society in declining socio-economic conditions. Ethnicity and economic opportunities were used as tools to create divisions in the respective societies. Until the communities in each country are fully integrated with equal access to resources and services, both countries are at risk of a return to armed conflict. Even in such ideal conditions, as Wright (2008: 101) writes of the

¹³⁶ Contained in Chapter 2 (2.3)

Democratic Republic of Congo, it would however be “unrealistic to think that ethnicity will cease to be a salient feature of Congolese life. It will continue to be an important part of people’s identity and a legitimate base for mobilisation.”

Violence featured prominently in both case studies, perpetrated by both the government and rebels. In both countries, the military played a role in supporting the conflict by intervening on behalf of the government to contain domestic insurgencies. The history of Burundi is littered with examples of coups, mostly successful. Successful coups have also been perpetrated in Côte d’Ivoire, although the last one, an attempt to remove Gbagbo from power in September 2002 proved unsuccessful. It did however succeed in turning a simmering conflict into a low-grade war. To date though, Gbagbo remains President of the country, governing with the leader of the Forces Nouvelles, Guillaume Soro at his side. In Burundi violence was employed indiscriminately, often targeted at civilians while in Côte d’Ivoire the violence resembled low-intensity warfare which targeted soldiers as well as civilians.

The most recent, in a series of conflicts in Burundi lasted from 1993 until 2000 when the Arusha Agreement was signed. Despite this, the conflict still continued intermittently because the main rebel movements remained outside the formal framework of the reconciliation and nation-building processes. The cessation of hostilities of all armed parties could be dated at 26 May 2008 when the Paliphehutu-FNL signed an unconditional ceasefire. The conflict in Côte d’Ivoire lasted from 2002 until 2007 when the government and Forces Nouvelles signed the Ouagadougou Peace Agreement, the most recent in a series of agreements and as a result of which the leader of the Forces Nouvelles Guillaume Soro was appointed Ivorian Prime Minister, eliminating the need for armed conflict between the rebels and government.

The protracted duration of these conflicts made it more difficult to conceptualise solutions acceptable to all parties, because factors and the emotions of actors mutate in intensity when prolonged. This may explain why in Côte d’Ivoire parties are still unable to move decisively towards democratisation and conflict resolution despite the factors contributing to that conflict being more negotiable than intractable. It would, for instance, have been relatively easy for the parties to agree on the inclusion of Ouattara as a contestant to presidential elections had the political will existed.

Protraction may also be the reason why, despite the generations of minority rule and discrimination of Hutus, Burundi has now been able to enter into a power-sharing government based on ethnic quotas and move towards elections. The length of the conflict resulted in a stalemate where the costs of the conflict outweighed the benefits to be derived from its conclusion encouraging parties to accede to mediation

initiatives. A war weary population could also have encouraged this. Prolonged duration, when dealing with intractable conflicts could therefore contribute positively or negatively when attempting conflict resolution.

In Burundi the Tutsi government and rebel Hutus can be considered the main actors in the conflict, while a similar situation existed in Côte d'Ivoire where the government was at war with Forces Nouvelles (an amalgamation of the rebel parties in the country).

Political entrepreneurs, who sought to benefit from the instability, existed in both case studies. In Côte d'Ivoire, regional actors, namely Liberia and Burkina Faso, played significant roles in supporting and indeed fuelling the conflict in the country by, amongst others, hosting and supporting the rebels. Interestingly, Burkina Faso moved from fuelling the conflict and hosting rebels to brokering the most recent peace agreement, the Ouagadougou Peace Agreement.

Scholars and analysts are also of the view that President Gbagbo has actively sabotaged processes aimed at achieving peace in the country. It is now also suggested that Prime Minister Guillaume Soro may be party to this since the two have formalised their alliance through the Ouagadougou Peace Agreement. Despite this seemingly mutually advantageous situation, it is also unanimously felt that the Presidency of Gbagbo, although extended through United Nations and regional processes, lacks legitimacy because elections that should have been held in 2005 have not yet taken place.

In Burundi, regional actors, namely Tanzania, complicated the process to the extent that achieving a solution under their leadership would contribute to their status within the region and indeed the continent. Tanzania did not support the appointment of Mandela as a mediator preferring a Tanzanian successor who would bring continuity to the process that had already begun under Nyerere. However, Tanzania became pivotal in supporting the mediator's endeavours to bring the Paliphehutu-FNL to the negotiating table because it was the only country able to apply pressure to the rebels by threatening to expel the thousands it hosted on its soil should they not accede to the peace process. It is therefore apparent that regional actors can be both a blessing and a hindrance in conflicts of great complexity.

South Africa did not belong to the regional groupings of either of the countries in the study: Burundi belonged to east Africa's COMESA and Côte d'Ivoire to west Africa's ECOWAS while South Africa belongs to southern Africa's SADC. Both the countries

in this study also belonged to the Francophonie group of African countries while South Africa belonged to the Anglophone stable.

South Africa exported to both countries its model of multi-party negotiations and a power-sharing transitional government. In both case studies the rebel groups criticised South African mediators for being partial to the government in power or the ruling party, particularly in Côte d'Ivoire where it has been suggested that Forces Nouvelles even distrusted Mbeki's mediation. It has also been suggested that he was forced to withdraw from the mediation by pressure from internal and external parties.

The South African mediators, Nelson Mandela in Burundi and Thabo Mbeki in Côte d'Ivoire, elder statesman and statesman respectively had credible track records with regard to conflict resolution, creativity, imagination and vision, as well as power devolution. In this last instance, both Mandela and Mbeki appointed special envoys in either of the countries to interact with the parties and facilitate the mediation. Both were of significant standing in the region, continent and indeed the global community of nations.

In both case studies, the South African mediators insisted that the process be inclusive and all parties be involved. Even where parties were unwilling to engage in negotiations, the mediator pursued them tirelessly, bilaterally or sometimes using third parties. The mediators also believed in assessing the realities on the ground and visited each of the countries where they held discussions with the relevant parties. In the case of Côte d'Ivoire, Mbeki has been commended for being the only mediator who investigated conditions in both the strongholds of the government and the rebels as a means of assessing objective conditions on the ground. During the two years he was mediator, he visited both Abidjan and Yamassoukro on various occasions.

Both conflicts are centralist (which tend to be over central authority or government), motivated by political and economic factors. Finally, in either case, the mediator, South Africa entered through invitation by the region and/or continental body.

5.2 Differences

Despite the similarities of factors in Burundi and Côte d'Ivoire there were also various differences.

Population density, land scarcity and the pressure of returning refugees wanting to claim their land, in addition to a weak state, played a great role in determining the conflict in Burundi. However, in Côte d'Ivoire, personalised rule, neo-patrimonialism,

the politics of succession and citizenship laws promulgated because of the high migrant population, fuelled the conflict. Houphouët-Boigny's patrimonialism, a very powerful tool of his administration was also supported by the economic prosperity of the country. This together with his reliance upon the former coloniser and his personality enabled a strong one-party state. A strong one-party state with a booming economy may not have been more democratic than a weak state, but was certainly more stable and prosperous.

When civil war broke out in Côte d'Ivoire, it had a relatively developed infrastructure and had experienced economic prosperity. It also belonged to a relatively politically stable region. Those living in the south were however the main beneficiaries of this prosperity.

Burundi meanwhile had never known economic prosperity and its infrastructure was always severely underdeveloped. Attacks against the Hutus or the Tutsis were not specific to any region because both groups existed throughout the country with no particular concentration. In addition, although also present in Rwanda and Tanzania, the Tutsis and Hutus were indigenous to Burundi. The Great Lakes region in which Burundi is located, has been notoriously unstable and conflict prone, mainly due to the existence of great mineral and resource wealth in neighbouring Democratic Republic of Congo as well as political ambitions of regional leaders and their alliances with foreign parties.

While the actors in each of the respective conflicts were largely the same, Côte d'Ivoire's troubles were further complicated by the ever present spectre of the former colonial power, France which interacted with the conflict in Africa through other Francophonie countries in the region and on a larger multilateral stage, including through the United Nations Security Council of which it is a permanent member. Burundi's former colonial power Belgium, did not however interact much with the situation in Burundi outside of contributing financial support, through the European Union, to the peace process. Burundi also never found itself a champion amongst the permanent five members of the United Nations Security Council.

It would seem that in Côte d'Ivoire while ripeness existed, a mutually hurting stalemate that made continuing the conflict unfeasible did not. This, in addition to ineffective agreements that did not address the root causes of conflict while institutionalising power sharing arrangements have contributed to solution polarisation. It would however seem that Gbagbo agreeing to appoint Soro as Prime Minister upon finalisation of the Ouagadougou Peace Agreement was a generosity moment. Was this a genuine concession or another instance of Gbagbo

manipulating the international community into believing he was committed to the peace process?

In the absence of ripeness, a hurting stalemate or generosity moments, any solutions offered by the mediator are simply ignored. Despite parties to the conflict signing numerous agreements, the absence of a mutually hurting stalemate hampered the various mediation attempts to find a formula that would sufficiently meet the demands of the various parties to enable a solution. In addition to this, besides Lomé and Accra I, the peace agreements that followed were based on the Linas Marcoussis Formula. The creativity of the mediator and his ability to bring innovation to the process was also as a result, severely restricted.

In contrast though, in Burundi, although ripeness did not occur unanimously or simultaneously amongst the political role-players, it existed sufficiently for parties to sign the Arusha Agreement and cease hostilities in varying measure in addition to working towards the creation of a climate conducive to democratisation and nation building. Generosity moments therefore existed. The mediator also had the opportunity to exercise leadership and creativity in getting the ripeness and hurting stalemate to translate into positive developments for the peace process.

The only party, not affected by the generosity moments, who remained steadfastly outside of the peace process was the Paliphehutu-FNL, although they too have now (2009) joined the process and are preparing to contest the 2010 elections. Agathon Rwasa, the former rebel leader has been appointed by the party as its presidential candidate. When threatened with eviction from Tanzania for its recalcitrance in not honouring the September 2006 ceasefire agreement, the party reached a hurting stalemate and was forced to accede to the peace process.

Again, while there are various similarities in the mediation processes including that both conflicts are classified as intra-state and entry of the South African mediator was initiated by the parties to the conflict, it would seem that a significant difference between the two case studies is the involvement and presence of the international community, particularly the former coloniser and the United Nations, in the mediation processes in Côte d'Ivoire. In contrast to this, the peace process in Burundi was firmly guided by the regional leadership together with the mediator and governed by African principles.

While the South African position with regard to conflict resolution initiatives remains that the parties to the conflict themselves can be the only parties to agree to and implement durable and sustainable solutions, the South African mediator was very

restricted in its use of creativity and innovation in facilitating such an agreement with such overt involvement from the international community in Côte d'Ivoire. In addition, the mediator was not able to conclude its work in the country or oversee the implementation of the Pretoria Agreement.

The peace agreement is usually preceded by a ceasefire which contributes to the cessation of hostilities, thereby creating an enabling environment in which negotiations can begin. In Burundi the Arusha Agreement was signed in the absence of a ceasefire agreement giving expression to the South African mediator's distinction between necessary and sufficient conditions. It was clearly more necessary to sign the Arusha Agreement and work towards a ceasefire rather than waiting for all the sufficient conditions to be in place before signing the agreement. This is again evidence of the mediator exercising initiative and creativity in order to create momentum in a process that may otherwise have remained deadlocked.

In Côte d'Ivoire however, the Linas Marcoussis Agreement was signed following a ceasefire between the government and the MPCJ in October 2002 which did not hold. A comprehensive ceasefire between the government and the Forces Nouvelles was agreed to in May 2003 and formally signed in July 2003. However, these too did not hold. In this environment, Accra III was finalised in July 2003, the Pretoria Agreement in April 2005 and the Ouagadougou Peace Agreement in March 2007. While the signing of agreements in the absence of a comprehensive ceasefire may bear some similarity to the situation in Burundi, it must be remembered that these agreements were concluded under different mediators and each was based on the framework of the Linas Marcoussis Agreement. While it may seem that this formula applied in Côte d'Ivoire mirrored that in Burundi, why did the outcome not mirror that in Burundi? And if the Linas Marcoussis was a good enough model for successive agreements, why was it not implemented?

When considering the peace agreement in each of the case studies: in Burundi the Arusha Agreement remained the only peace agreement and overarching frame of reference for conflict resolution in the country over the last decade. This agreement has now been fully implemented with the inclusion of the FNL into the peace process. Côte d'Ivoire was glaringly different. In the five years from 2002-2007 seven agreements were signed: Accra I (September 2002), the Lomé Accords (October 2002), the Linas Marcoussis Agreement (January 2003), Accra II (March 2003), Accra III (July 2004), the Pretoria Agreement (April 2005), and finally the Ouagadougou Peace Agreement (March 2007). None of these agreements have been fully implemented, prompting scholars and academics to ask what the

fundamental differences between them are and why a new agreement was required if the one preceding it was not implemented?

The Arusha Agreement was signed by only 14 of the 19 possible parties and did not include the provisions for a ceasefire. Tireless efforts and negotiations however led to two separate ceasefires with the two largest Hutu parties, the CNDD-FDD in October 2003 and the Paliphehutu-FNL in September 2006 respectively. With the inclusion of the Paliphehutu-FNL, now named the FNL, into the peace processes of the country, the Arusha Peace and Reconciliation Agreement for Burundi has been concluded.

It has been suggested that the Burundian parties have not once signed any agreement voluntarily (Arusha or any of the ceasefires) but were pressurised to do so by the regional community. When considering the many agreements signed in Côte d'Ivoire one has to wonder if this view is also relevant to Côte d'Ivoire. It has also been suggested that Gbagbo has over the years manipulated the international community, including Mbeki, by signing agreements, while using his allies in the government and National Assembly to scupper any potential gains along the way.

Meanwhile, when considering military support for the peace processes in each of the case studies, the 2000 Brahimi Report recommended that UN peacekeepers not be deployed until a comprehensive ceasefire was being implemented and there was peace to keep.

In this context, United Nations Peacekeepers (MINUCI) were deployed to Côte d'Ivoire in May 2003 under a Chapter VI mandate in terms of UN Security Council Resolution 1479, following the signing of a comprehensive ceasefire between the government and Forces Nouvelles earlier in the month. The international community, namely the former coloniser, had however always rendered military support to the country. A French peacekeeping force, Operation Licorné, was deployed to the country in late 2002 following the outbreak of civil war. Operation Licorné was supported by the United Nations, especially when granted a Chapter VII mandate by the UN Security Council in February 2003 under Resolution 1464. In February 2004 the UN Security Council adopted under a Chapter VII mandate Resolution 1528 which established the UN Peacekeeping Mission in Côte d'Ivoire. MINUCI was transferred to UNOCI on 4 April 2004. Adebajo (2006) suggests that France used "its permanent seat on the UN Security Council to secure a substantial UN peacekeeping force in Côte d'Ivoire." The Security Council was therefore actively involved in the situation as is evidenced by Resolution 1464. Was this support enticed by France, as a permanent member of the Council?

This differs significantly with developments in Burundi where the international community allowed Africa to take the lead in dealing with the situation. Following the assassination of President Ndadeye in October 1993, Rwanda, Tanzania and Zaire decided to deploy the Mission of Protection and Restoration of Trust in Burundi (MIPROBU) which would comprise 180 soldiers and 20 civilian observers, which was fiercely resisted by the Burundi government who accused the region of compromising its sovereignty and interfering in its internal affairs. In February 1994 only 18 men were deployed. Belgium, the former colonial power only offered to provide logistical support to this mission.

Many internal developments followed including the death of President Ndadeye's successor while external support from the region was hindered being viewed by the government as interference. In this climate the regional leadership including Museveni, Mobutu and Mwinyi invited former United States President Jimmy Carter to assist when it became apparent the situation in Burundi was not improving.

However, the United Nations stepped in only in July 1995 when the Secretary General announced the organisation would establish an enquiry into the 1993 massacres and assassination of President Ndadeye as well as to recommend measures to eradicate impunity and promote national reconciliation in Burundi¹³⁷. In the meantime, the Carter initiative resulted in Nyerere emerging as the most suitable candidate to lead the peace mission in Burundi. This set the stage for the Arusha negotiations to be led by him.

The OAU had deployed a small peacekeeping force to Burundi from 1993-1996. However, besides this, no international or regional peacekeeping support was rendered to the country until April 2003 when the African Union established and deployed the first continental peacekeeping force AMIB, which aimed to create the conditions for the UN to deploy a peacekeeping force. The Arusha Agreement was not accompanied by a ceasefire. Although one was signed in October 2002 between the government of Burundi and the CNDD-FDD and the Paliphehutu-FNL it did not hold. A unilateral ceasefire agreement was signed in Pretoria between the government of Burundi and the CNDD-FDD in October 2003. Together with the efforts of AMIB to create the conditions of peace and security in the country and the unceasing work of the regional leadership to implement a political solution, the United Nations in May 2004 adopted Security Council Resolution 1545 establishing the UN Mission in Burundi with a chapter VII mandate. In June 2004 AMIB was transferred to ONUB, which was still largely staffed by African troops, mainly South African. The

¹³⁷ Full text and further information available in chapter 3 (3.3.1)

leadership of the African Union and the mediator had convincingly demonstrated to the United Nations that there was peace to keep in Burundi.

International support to Burundi was significantly different when compared to that in Côte d'Ivoire. Firstly, there was very little contribution from the United Nations mainly because of the reluctance of the United States to intervene following its experience in Somalia and the former colonizer did not actively participate in these conflict resolution initiatives. Secondly, the conflict in Burundi occurred in close proximity to that in Rwanda where it is largely accepted that the international community failed in preventing the catastrophe of such gigantic proportions as Rwanda has come to be known. Perhaps the international community felt it best to leave the Africans to deal with Africa.

It was therefore left to the Africans to create the political and security conditions that would encourage international support of the conflict resolution initiatives hence the deployment of AMIB in 2003. South Africa has also been actively involved and ever-present in its mediation efforts since 1999. While the mediator has changed in the last decade, the country's commitment to the peace process has been constant and unwavering with South Africa even employed members of the South African National Defence Force as peacekeepers, supporting its political mandate. This did not occur in Côte d'Ivoire. Until recently South African troops monitored the DDR process in Burundi, albeit under the AMIB and ONUB mandates.

Another unavoidable difference between the two case studies is that South Africa was only engaged in Côte d'Ivoire's peace processes for two years and was not able to oversee the implementation of the Pretoria Agreement following its resignation as mediator in October 2006. There had obviously not been much progress in the implementation of the Pretoria Agreement because in March 2007 the parties signed yet another peace agreement, the Ouagadougou Peace Agreement brokered by Burkina Faso.

Despite the ripeness and mutually hurting stalemate in Burundi, when one assesses the factors that enabled this conflict it would seem that the conflict in Burundi was more intractable than that in Côte d'Ivoire. It must then be asked why there was only one major agreement signed in Burundi, why the country has been able to hold its first elections with an all-inclusive government and is currently preparing to hold its second one in 2010. In Côte d'Ivoire however, numerous agreements and ceasefires have been signed while elections have been postponed on six occasions between 2005 and 2009. There is currently no confirmed date on which Côte d'Ivoirians will go to the polls. Although elections by themselves do not guarantee democracy, they

are unanimously regarded as a stepping stone in pursuit of this by the international community in general and supported by the AU Declaration on Elections, Democracy and Governance in Africa.

Why has Burundi been able to take firm steps towards improving its political climate as a pre-cursor to addressing its socio-economic conditions while Côte d'Ivoire seems to remain unyielding despite numerous agreements signed and very overt international support including that of the United Nations Security Council?

The mediator has had to be very creative, innovative and patient in ensuring the implementation of this Agreement. It has taken unwavering commitment and unceasing efforts by the mediator to maintain the momentum, sometimes in the face of recalcitrance from the parties themselves, to bring the peace agreement to fulfillment. To this end, Africa in general and South Africa in particular supported AMIB with a view to creating stability in the country to enable further international support for and confidence in the peace process.

While the will of the mediator when dealing with Côte d'Ivoire may have been no less determined, the involvement of the former colonizer and the international community severely restricted the mediator's creativity and innovation. Not only was the Pretoria Agreement not implemented, it was soon followed by yet another agreement, the Ouagadougou Peace Agreement, which is also yet to be implemented. The main provisions of all of the agreements in Côte d'Ivoire, DDR as well as the holding of free and fair, all inclusive elections have never been implemented.

The only matter that seems to have been definitively addressed through all the years of mediation by various mediators has been the determination on Article 35 by President Mbeki during his tenure as mediator. While his recommendation was accepted by Gbagbo and although Ouattara can contest the forthcoming elections, the application of his determination remains untested because the country has not had elections yet.

5.3 Summary

Stremlau (2008: 246) in analysing South Africa's mediation in the Democratic Republic of Congo, suggests that in addition to having an accomplished mediator committed to resolution of the conflict, successful mediation and conflict resolution is enabled by support from the United Nations, war weariness of the population, disinterest among the major powers in intervening, sufficient empathy among those who had colonial links with Africa to provide funds and troops when required.

When the conflict in Burundi is analysed one realises the following criteria were present: an accomplished mediator committed to resolution of the conflict, war weariness of the population, disinterest among the major powers from intervening and some empathy from the former coloniser to provide funding, if not military support, through the European Union for the peace process. United Nations support for the process was severely hampered by the reluctance from the United States to engage in the process. However, the intractability of the factors, made the conflict far more complicated.

When one considers South Africa's mediation in Côte d'Ivoire, there existed an accomplished mediator committed to resolution of the conflict, constant support from the United Nations, war weariness of the population and support from the former coloniser to provide funds and troops when required. However, the conflict in Côte d'Ivoire should have been easier to resolve because the factors were more negotiable than intractable.

In Burundi four criteria were present in more difficult circumstances while in Côte d'Ivoire four were apparent in a less complex environment. Why is Burundi further along the road towards peace and security? Is it because in Burundi the conflict had reached a point of ripeness where both the Hutus and the Tutsis found themselves in a stalemate. While this was not a hurting one because both parties saw the threats in agreeing to a power-sharing government, a stalemate had nonetheless been reached and both parties realised room to compromise had to be found.

Meanwhile the crisis in Côte d'Ivoire was also ripe for resolution, the ceasefire and various other agreements acceded to by the parties confirms this. However, the ripeness did not translate into a stalemate that forced the parties to actively resolve the crisis. It is still doubtful whether a mutually hurting stalemate will ever be reached because both the government and Forces Nouvelles have entered into a mutually advantageous situation. In Burundi, the stalemate served as a catalyst to force the parties to resolve their conflict. Without a stalemate in Côte d'Ivoire, will the Ouagadougou Peace Agreement yield much more progress than its predecessors?

In the final analysis, while Burundi lacked international support for its conflict resolution process and while the conflict itself was far more complex it has been better resolved by South Africa as the mediator. Côte d'Ivoire however, although having more in its favour to support a successful and speedy resolution to its conflict remains much further away from a solution.

Chapter 6: Conclusion

6.1 Outcomes of mediation in Burundi and Côte d'Ivoire

The conflicts in Burundi and Côte d'Ivoire were both classified as internal, intrastate conflicts, although driven by different sets of factors and actors. Based on the analyses of each of the conflict, in chapter 3 and chapter 4 respectively, it can be concluded that the conflict in Burundi was intractable while that in Côte d'Ivoire was more negotiable than intractable.

According to theories on how a mediator is chosen (Chapter 1), it was unusual for South Africa to be chosen to mediate in each of these conflicts. South Africa did not belong to either of the sub-regions – east or west Africa; did not share a similar history in terms of coloniser (Burundi was colonised by the Germans and the Belgians; Côte d'Ivoire the French and South Africa the British); nor did the mediator share the primary language of each of the countries – French was the primary language of communication in both Burundi and Côte d'Ivoire.

However, South Africa was invited to mediate in Côte d'Ivoire by the African Union, later endorsed by the United Nations while in Burundi, South Africa was invited to be involved by the leaders of the Great Lakes Region while the late President Nyerere was still the mediator. Upon his death, South Africa was chosen as mediator by a Summit of the Great Lakes Region. This was later endorsed by the African Union and United Nations.

Shillinger (2009: 19-21) observes that South African officials regard their model of conflict resolution to be suitable to other conflicts, described in very simplistic terms, “talking leads to peace or dialogue = agreement.” He continues that South Africa seems “almost blind by enthusiasm for its own model”, including an awareness that the South African negotiations did not involve a mediator. He further recognises that in each of the conflicts “in which South Africa has or offered to act as mediator has lacked one or more factors critical to the success of its model – the most important being the mutual recognition of all parties that continued conflict is no longer a viable alternative to resolution,” concurring with Zartman’s observation that conflict resolution is enabled by a ripe moment followed by a mutually hurting stalemate. Kroslak (2009: 41-42) meanwhile concedes the country’s “peacemaking model is laudable, not only because it follows from its own peaceful transition but because it adheres to the A to Z of good peacemaking: inclusiveness and integration of all parties, political non-violent solutions, compromise solutions acceptable to all and national ownership.” However, it has sought to export its model for conflict resolution elsewhere without seeming to recognise some of the fundamental differences between its own process and other conflict situations. The most appropriate formula

for exportation would therefore resemble the following: INCLUSIVENESS + POLITICAL WILL + IMPARTIAL FACILITATION + CONSENSUS = COMPROMISE.

Indeed, the application of the South African conflict resolution model has yielded very different results in both Burundi and Côte d'Ivoire.

The South African mediation under elder statesman Nelson Mandela resulted in the 2000 Arusha Agreement in Burundi. South Africa has after a decade, fully implemented this agreement. All parties have joined the peace process and are working towards consolidating peace and security in the country. Democratic elections won by the CNDD-FDD, were held in August 2005. These resulted in the installation of a Hutu, Pierre Nkurunziza as President and an all-inclusive government. For the first time in Burundi's history, a Hutu President representing the majority, elected by popular vote, has been able to govern the country for the mandated term. In 2010, the FNL, formerly the Paliphehutu-FNL will for the first time, participate in the country's elections since 1993. Under the South African mediation majority rule has been returned to the people of Burundi.

South African troops, who have been in the country since 2001, first as VIP protectors, then under the auspices of AMIB and finally ONUB, have begun to return home. As an African initiative implemented to fill the gap left by the absence of an international peacekeeping force led by the UN, AMIB has illustrated that Africa can create the conditions for the intervention of the UN and the international community as recommended in the Brahimi Report. AMIB also proven that although Africa still requires financial support from the international community, its leaders and institutions are able to implement creative solutions which directly respond to the conditions and challenges experienced in Africa.

During his tenure as mediator in Côte d'Ivoire, Mbeki brokered the Pretoria Agreement in April 2005 although he did not oversee its implementation. It was also soon followed by the Ouagadougou Peace Agreement. Despite this, it would seem that Mbeki's most enduring and significant contribution to the mediation process in Côte d'Ivoire may have been his determination on article 35 that would ultimately allow Ouattara (and other previously excluded candidates) to participate in the country's electoral processes. However, it is to date uncertain when elections will be held following the recent postponement of elections scheduled for 29 November 2009 by the United Nations. The viability and applicability of Mbeki's determination therefore remains untested.

Many reasons have been advanced for South Africa's acceptance of these invitations to mediate in these conflicts especially considering the various regional dynamics and historical contexts of which South Africa was not part. The South African government has detailed its intervention as being part of its vision to see "a better Africa in a better world for all who lived in it," acknowledging that it could not remain an island of prosperity in a sea of poverty and underdevelopment. It sees peace and security as a precursor to socio-economic development on the continent. As the strongest economy on the continent, a legacy of its apartheid past, South Africa has also constantly reiterated that its intervention was an expression of its gratitude to the people and leaders of Africa who had stood at the forefront of its liberation struggle. It sees its mediation efforts as a means of repaying its debt to the continent also for the destabilisation, particularly in the region, that it suffered at the hands of the apartheid regime.

It has also often been suggested by the South African government that in the absence of support and leadership from the international community and the United Nations in particular, African leaders had the responsibility and obligation to address the continent's own challenge. Although these are numerous, they can be summed up in terms of the twin pillars of underdevelopment and absence of political security. Hence the slogan, "African solutions by Africans for African problems" has gained popularity since the transformation of the Organisation for African Unity into the African Union in 2002.

The magnanimous South African vision is often contrasted against views from scholars who criticise the country for promoting a self-serving agenda through its mediation efforts. Critics suggest that South Africa, being the largest economy on the continent, with the most developed infrastructure and some of the most sophisticated technology (a legacy from apartheid) seeks to advance its economic diplomacy on the continent once peace and security have been achieved under its mediation. In other words, South Africa's political efforts are a pre-cursor to, and are intended to ensure, that its economic interests are secured following a political settlement.

It has also been suggested that South Africa is not unaware of its global political ambitions when it accepts the mandate to secure peace and security in any one country. South Africa has been one of a number of countries at the forefront of debates encouraging the reformation, of which enlargement is a core component, of the United Nations Security Council. Should this occur, South Africa would be a strong contender from Africa should it notch up successes it in efforts to bring peace, security and prosperity to the continent.

The government has however, in its endeavours to secure national interest, also suffered the unintended consequences of the South African public losing faith in the leadership because its continental forays created the perception that it spent more time and resources solving the woes of the continent than that of its people. Could this have been mitigated by more vociferous communication from both the Department of International Relations and Co-operation and the Presidency? Indeed, whether the South African government's efforts to secure peace and stability in Africa have yielded the desired outcomes, will be the subject of investigation for future generations.

What has certainly been achieved though, is that its interventions in Africa, along with its sometimes revolutionary tactics like signing an agreement without the signatures of some of the most significant majority parties or recommending the way forward on legislation that has remained the stumbling block of a country's election processes or digging into its own coffers to find the financial resources to fund African processes in the absence of such support from the international community or the former coloniser, South Africa has, together with its like-minded continental partners, given legitimacy and expression to the vision of the continent to take control of its destiny and development. South Africa has ensured the implementation of the Arusha Agreement and to this end has prioritised Burundi in its foreign policy for the last decade, devoting large amounts of financial and human resources to it. AMIB has, despite some of its challenges, proven to the international community that its lack of support will not hinder African progress towards achieving its goals unnecessarily. African leaders do have the capacity and vision to drive an agenda that is of benefit to the continent and its people.

Having analysed the two case studies as well as compared their differences and similarities, it appears that South Africa's intervention in Burundi was more successful than its intervention in Côte d'Ivoire. South Africa was able to continually play a leadership role in Burundi from negotiations in 1999 that led to the Arusha Agreement in 2000 to the present time. While spoilers and meddlers were active in the process, as in Côte d'Ivoire, South Africa's leadership of the Burundi process, supported by the African Union and the United Nations, enabled it to exert influence and authority when required to deal with such dynamics. That Burundi is now preparing to hold its second elections since the conclusion of the Arusha Agreement and that all rebel movements have now transformed into political parties preparing to contest these elections is also a significant success when compared to Côte d'Ivoire which has had its elections postponed for the sixth time since 2005.

6.2 Lessons to be learnt

Both case studies have shown that despite the best mediators, the most sophisticated mediation initiatives and agreements, conflicts will only be resolved once the parties themselves commit to their resolution, giving expression to the South African view of conflict resolution. Oftentimes opposing political protagonists must, in addition, remain seized with achieving an outcome that is in the interests of the country's peace and stability, one that will ensure the security and prosperity of the people it houses. With this focus it will not be difficult to withstand pressure and interference from external parties, the former coloniser, regional actors or others with an agenda that is contrary to that held by the political actors. While South African mediators have learnt this lesson through their own conflict resolution processes, this lesson is constantly given expression through its mediation in other conflict situations.

Although the conflict in Côte d'Ivoire may be ripe for resolution, its political actors, the government or the Forces Nouvelles have not yet reached a mutually hurting stalemate. On 12 November 2009, the United Nations announced that elections scheduled for 29 November 2009 in Côte d'Ivoire had been postponed for the sixth time since 2005.

While various mediation processes may have yielded bad agreements, it is also apparent that the parties themselves are not committed to the resolution of the country's political challenges through the implementation of the agreements they sign. Despite the years of instability and the ripeness for resolution of the country's conflict, Côte d'Ivoire's political actors have not yet reached a stalemate that is essential to convince them to resolve their challenges through dialogue and consensus.

However, it must also be acknowledged that since Guillaume Soro has been appointed Prime Minister, the political situation in the country could more accurately be described as a cold or negative peace than a full blown conflict. The parties may disagree that there is anything to resolve since both are perpetuating a political stalemate. Would South Africa, had it not withdrawn itself from the mediation, have been able to convince the parties to implement the Pretoria Agreement as a precursor to resolving the country's political and socio-economic challenges?

While the conflict in Burundi had also reached the point of ripeness for resolution, it was not accompanied by a mutually hurting stalemate that would have expedited the resolution of the conflict. The conclusion of the Arusha Agreement in 2000 in the absence of a comprehensive ceasefire and indeed in the continuation of hostilities for at least a further three years attests to this. While both Hutu and Tutsi parties may

have agreed that the conflict had to be resolved, the intractable nature of the factors contributing to the conflict made it difficult to agree on how this could be achieved for mutual benefit. A minority party that was intent on retaining its control over the majority Hutu as well as the population growth coupled with very finite land resources could not simply be negotiated away.

While the mediator, Mandela, maintained a firm hand during the negotiation process and eventually resorted to almost strong-arming the parties into signing the agreement, with a view to resolving deadlocks in the mediation processes, it is still uncertain whether the Arusha Agreement that guaranteed minority rights was the most effective solution to the country's challenges. This said, the Arusha Agreement in the absence of greater international support and financial resources for the peace process, at the time presented the most appropriate and viable solution for the country's future.

South Africa's mediation in Burundi has therefore also illustrated that while necessary conditions can be sought to advance the peace process, their existence does not always yield the best peace agreement. A decade after the conclusion of the Arusha Agreement, analysts are asking if the Agreement that guaranteed and safeguarded the rights of the minority Tutsi should be relegated to history and the process started all over again.

South Africa's leadership of the Burundi Peace Process has illustrated the value of remaining seized with a peace process rather than withdrawing upon the signing of a peace agreement. It is also evident that the root causes as well as the complexity of the conflict should not be under-estimated especially in an intractable conflict such as Burundi. Within this context South Africa has learnt that peace processes should not be entered into lightly, or in anticipation of rapid solutions or quick exits.

It is also apparent that mediation processes, especially when undertaken by a mediator who does not belong to the regional grouping of the country concerned, cannot succeed without the support of the region and the wider international community for goodwill, financial and human resources. To encourage such support, South Africa had convened bilateral discussions with some of the most prominent role-players including Tanzania, Uganda in the case of Burundi, Burkina Faso and Chad in the case of Côte d'Ivoire.

South Africa, as a newly emerging democracy and middle power, has also contributed to its resources to the peace processes devoting significant resources to the Burundi Peace Process although the international community had pledged

financial resources to the process. To date though, South Africa has not managed to recoup all the resources it has committed to the process.

While international goodwill and financial resources for political processes are vital, the conflict in Burundi has illustrated that political successes will soon be eroded without sufficient or adequate military support for the political processes. In the absence of such support from the United Nations and the broader international community because a comprehensive ceasefire agreement had not been finalised, birth was given to AMIB which was staffed and funded by the African Union. South African National Defence Force troops played a significant role in this operation including as monitors of the DDR process under the transferred ONUB mandate. As it is, AMIB was deployed in 2003, a ceasefire signed with the CNDD-FDD in October of that year and one with the Paliphehutu-FNL in September 2006. This ceasefire though only began yielding significant results in May 2008. It is certainly not very heartening to think that if the African processes were not as innovative and persistent, Burundi may only now, or even sometime in the future be commencing its peace process, pending the existence of ideal conditions for international and United Nations support.

It is also evident that the installation of a government of national unity and a President representing the majority of the country is not sufficient to address the country's political and socio-economic challenges. While Burundi has traditionally experienced conflicts between Hutu and Tutsi, since the finalisation of the Arusha Agreement and efforts towards democratisation, the country has for the first time experienced conflicts among Hutus. Scholars are watching preparations for the 2010 elections very closely because they anticipate conflict between the present ruling Hutu party the CNDD-FDD and the new participants, the oldest Hutu party, the FNL.

Analysts are also of the view that Burundi could still return to conflict because, while the political institutions have been restructured, the social cleavages amongst the nation have not been healed. In addition, factors that contributed to the conflict in Burundi, land shortages and high population density could never be addressed by a government of national unity or democratic elections. The mediator can never negotiate away such realities.

Meanwhile, in its mediation in Côte d'Ivoire South Africa realised that the influence and interests of a former colonial power in an African peace process should not be underestimated. South Africa has also learnt that regional influences and dynamics are not benign or constructive. Regional actors must be factored into peace processes, if not for the most obvious reason that internal parties to the conflict will

effectively exploit regional alliances and sympathies to maintain unwavering positions. To this end South Africa did hold discussions with regional actors including Burkina Faso and Chad. South Africa also raised the issue of Côte d'Ivoire with the former coloniser in both bilateral and multilateral fora.

Having analysed both case studies, it is apparent that the commitment of South Africa as the mediator went beyond using its conflict resolution experience to convene meetings between the conflicting groups. South Africa, in each of these instances, funded peace processes, in the instance of Burundi funding even its troops deployed as part of AMIB, as well as committed human resources to the peace processes through special envoys deployed to both countries. Although Mandela was a former President when he began mediating in Burundi, both he and Mbeki committed time to the respective mediation processes. Mbeki, although not the primary mediator in Burundi, also spent many hours supporting Deputy President Zuma during his discussions with the CNDD-FDD hosted by Pretoria in October 2003. This illustrates that political support from all levels, from the country tasked with the mediation, is crucial to the process.

In its mediation in Côte d'Ivoire, South Africa also went beyond merely convening meetings between the various political role-players. President Mbeki has been described by Côte d'Ivoirian parties as being the only mediator to visit both Abidjan and Yamoussoukro, the strongholds of the government and Forces Nouvelles respectively. This did at first contribute to the confidence the parties had in President Mbeki as the mediator. In addition, President Mbeki was able to convene a historic meeting in Pretoria at the end of 2004 which was attended by the Gbagbo, Soro, Bédié and Ouattara.

It is also apparent that while it is important for the regional grouping to facilitate peace processes, the United Nations, as the custodian of world governance, ought to be involved in the process and lend support where appropriate. Again, while this can ensure a successful mediation process, it does not guarantee success, as is evident with Côte d'Ivoire.

South Africa's mediation in each of these case studies has also confirmed that while these conflicts have loosely been classified as ethnic clashes, ethnicity was merely manipulated for other political motives. This may therefore be similar to many other conflicts in Africa in particular and the global community at large.

How did Stremlau's criteria for successful mediation feature in each of the case studies?

| Criteria for successful conflict resolution | Burundi | Côte d'Ivoire |
|--|----------------|----------------------|
| Accomplished mediator | Yes | Yes |
| Support from the United Nations | Partial | Yes |
| Disinterest of major powers from intervening | Yes | No |
| Support from former coloniser to provide funds & troops | Partial | Yes |
| War weariness amongst populations | Yes | Yes |

Having analysed the two case studies and South Africa's mediation of both, it is evident that despite Stremmlau's identification of ideal conditions that would contribute to successful conflict resolution processes, these must be preceded by the ripening of the conflict followed by a mutually hurting stalemate between the political protagonists in the conflict. Mediation in the absence of a mutually hurting stalemate, despite the prevalence of ideal (or almost ideal) conditions, as in Côte d'Ivoire, will yield no progress. Burundi may have been able to advance towards peace, security and stability despite having fewer conditions that would determine successful mediation as well as being intractable rather than Côte d'Ivoire's negotiable because the conflict was ripe for resolution and there existed a hurting stalemate between the parties.

Did interference from major powers contribute to the lack of progress in Côte d'Ivoire's various mediation attempts? However, did the lack of support from the international community, the UN and the former coloniser in particular, in Burundi, prolong the peace process?

However, adversity being the mother of invention, the lack of support from the former coloniser and the United Nations provided the impetus for African role-players to test their own capacity to fill the gaps left by the international community. These initiatives, like AMIB, have proven to be groundbreaking in African conflict interventions and now form the blueprint of and give credibility to the concept of African solutions by Africans for African problems.

The South African government while fiercely resisting a one-size-fits-all approach to conflict resolution initiatives may have been guilty precisely this in thinking that because its negotiation process had yielded positive results in South Africa it would work elsewhere. Mediators did not seem to recognise that the South African process was primarily an internal one without the involvement of a mediator. That South Africa itself was mediating in a conflict substantially changed the conflict resolution formula as well as the expected results. The South African government has also realised that it should not under-estimate the commitment of the political protagonists to not achieve a political solution to their country's challenges.

Finally, the South African government has learnt that the right start, determines the correct end, “to be successful, intervention must be credible from the beginning. This point cannot be over-emphasized. What happens right at the beginning determines the outcome” (Ngombane 2009: 10).

6.3 Unresolved issues of further research by future investigations

One of the reasons provided for Côte d’Ivoire’s numerous postponements in the holding of elections and therefore an ongoing, almost “illegitimate” Gbagbo Presidency is that the President has formalised an alliance with Forces Nouvelles head Guillaume Soro by appointing him Prime Minister, effectively co-opting him. In this instance the situation in Côte d’Ivoire proves advantageous for their mutual political ambitions. What will encourage the parties to go to the polls to enable the people to select a leader of choice? Is President Gbagbo as masterful a strategist as this? Was he able to convince every mediator of his intention to commit to conflict resolution, including Mbeki, without having any such intention? Future research must be conducted on this as well as the effect of co-opting the political opposition on the peace process in general and prospects for democratisation in particular for the country in question.

Should Burundian parties decide to re-negotiate a peace agreement that is more representative of the demographics in the country, what shape will this take? The intractable factors of land shortages and population density still retain their prominence as factors in the conflict between the Hutus and the Tutsis. It would now however seem that in changing climatic conditions, resource challenges and a rapidly expanding population, minority rule is no longer as great a threat to peace between the two groups, when compared with potential resource scarcity including food and water. Would it ever have been possible for the mediator to negotiate these challenges away?

It has been suggested earlier in this chapter that the firm resolve of the mediator may have played a role in forcing the Burundian parties to commit themselves to the peace processes despite the fact they had not reached a mutually hurting stalemate. Mandela, realising the conflict was ripe for resolution, spared no effort in expediting the peace process albeit in the face of recalcitrant political protagonists. Had Mbeki been given the opportunity, would he have been able to achieve a similar result in Côte d’Ivoire?

Although the United Nations had in April 2008, during South Africa’s Presidency of the Security Council, adopted a chapter VIII resolution on the relationship between the United Nations and other regional organisations towards the preservation of

global peace, security and stability, does the international community and former colonisers consider it worthwhile to support African initiatives? Africa may have been liberated in 1994 with the democratisation of South Africa, but do the leaders and peoples of this continent enjoy an emotional and spiritual independence? Considering its vast mineral and human resources, is a stable and secure Africa of any interest to the international community?

To this end it would be insightful to investigate the impact of the involvement of the former coloniser in encouraging conflicts and the reasons why. It would also be helpful to assess the impact of the former coloniser on the mediation processes undertaken by the region. What is the role of meddling neighbours in encouraging conflicts? How can these parties be encouraged to support mediation processes? The carrot and stick approach is often suggested as a viable one to coerce warring parties to enter into negotiations, followed by contractual obligations to work towards peace and security in the country. Is this sufficient?

Further research could yield explanations on why conflicts which are influenced by much deeper social and economic issues are classified as ethnic ones, particularly in Africa. The classification of conflicts as such impacts on conflict resolution and mediation attempts because mediators seek responses to the ethnic issue which is merely a manipulation of a much larger picture.

While the Arusha Agreement may have guaranteed the Tutsi minority rights, it also made significant efforts to address root causes in Burundi. For instance, it dealt with the right of return of refugees and their entitlement to land. However, despite this laudable acknowledgement of the rights of refugees, how will Burundi effectively deal with insufficient land resources, for the inhabitants of the country and the returning refugees? This is another apparent flaw in political agreements. Agreements must take cognisance of the objective conditions the country must deal with and they should be realistic.

What about agreements that do not address the root causes of conflict? Much time, effort and resources are devoted to processes that do not yield positive developments towards peace, security and socio-economic improvements for the country and its peoples. Côte d'Ivoire is a classical example of this. Although Mbeki may have been desirous of re-considering the root causes of the conflict, he was constrained by the model of Linas Marcoussis to which he was obliged to adhere. Was the Pretoria Agreement almost pre-destined to go the same way of Linas Marcoussis? It would therefore not be a surprise to anyone that signatories to the Ouagadougou Agreement have also not honoured their commitment to hold elections within a year

of the signing. Indeed, elections that were to have been held on 29 November 2009 have also been postponed.

This presents a further challenge: the UN has been involved in Côte d'Ivoire since 2005, constantly preparing for elections that fail to materialise. These operations are funded by contributions of member states. How do member states feel about supporting processes that do not yield results?

Despite a plethora of international relations theory on the inter-state theory, it is commonly accepted that no such rules and norms exist for internal civil wars. Since the establishment of the United Nations sixty-nine years ago, the world has not witnessed another world war although the instances of intra-state conflict have increased, sometimes with dire and devastating intensity like Rwanda and former Yugoslavia. Why has international relations theory not kept pace with developments in the international environment? Although conflicts may be intra-state ones, for instance Rwanda, the Democratic Republic of Congo or Afghanistan, the consequences conflicts reverberate far beyond the borders of the country in conflict. Should international relations theory not be revisited to become more relevant when dealing with intra-state conflicts and their consequences for the region in which they occur?

South Africa, according to Aning (2009: 55) seems to be displaying a worrying trend in its mediation activities: its approach seems to be statist, that it will usually "support a state party in a conflict with combatants." He suggests its approach in the Ivorian, Burundian and Sudanese crises seems to provide evidence for this. It has also been suggested that Mbeki favours legality over legitimacy. Is South African mediation driven by such principles? Did Mbeki ignore the illegitimacy of the Gbagbo Presidency as recognised by the international community actively supporting his Presidency since he was the *de jure* head of state?

South Africa has done much in the 15 years "since the fall of apartheid to establish its leadership on the continent. It has been a constant architect of Africa's new peace and security architecture, an advocate of new diplomatic norms, and a tireless contrarian voice in the international community on behalf of the world's least developed regions. It ways large and small, it has worked to proclaim and project an African identity, sew closed the seam between itself and the neighbouring states against which it once warred, and pay back its debt to those African countries that sacrificed much to help overthrow its repressive minority rule" (Shillinger 2009: 17).

Research by future generations could also illustrate whether South Africa's efforts to reform the continental peace and security architecture as well as its conflict resolution endeavours were really motivated by its desire to "create a better Africa, in a better world for all who live in it" or were they smokescreens for some other more self-serving agenda? It would also be worthwhile to investigate whether the human and financial resources the country has invested in its mediation attempts have been justified by the returns on investment.

Since it is suggested that neither of the two case studies were resolved completely during the Mbeki Presidency, it is recommended that developments in each of the case studies be monitored to assess the role South Africa's mediation played the country's political and socio-economic future.

Finally, future research could also be conducted on whether the vision and aims of the African Union will be attested to by the future of the continent. Will 2002, the year in which the African Union was born, prove to be definitive in the future of the world's darkest continent? Would it have yielded the renaissance of Africa? Will countries like South Africa prove to be worthy actors in the drama of the renewal and rebirth of the African continent?

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