

AFRICA MEDIATORS' RETREAT 2013

19–21 November
Zanzibar, Tanzania



Authored by: Paul Dziatkowicz | Sabina Avasiloae | Till Papenfuss

Meeting
report

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Centre for
Humanitarian
Dialogue


NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS

**The Mwalimu Nyerere
FOUNDATION**

The Oslo Forum

Improving the mediation of armed conflict

A global series of mediation retreats

The Africa Mediators' Retreat is part of the Oslo Forum series. The Oslo Forum is the leading international network of conflict mediation practitioners. Co-hosted by the Centre for Humanitarian Dialogue and the Royal Norwegian Ministry of Foreign Affairs, the Oslo Forum regularly convenes conflict mediators, peacemakers, high level decision makers and key peace process actors in a series of informal and discreet retreats.

The Oslo Forum features an annual global event in Oslo and is complemented by regional retreats in Africa and Asia. The aim is to improve conflict mediation practice through facilitating open exchange and reflection across institutional and conceptual divides, providing informal networking opportunities that encourage coordination and cooperation when needed, and allowing space for conflict parties to advance their negotiations.

Sharing experiences and insights

Mediation is increasingly seen as an effective means of resolving armed conflicts and the growing number of actors involved testifies to its emergence as a distinct field of international diplomacy. The pressured working environment of mediation rarely provides opportunities for reflection. Given the immense challenges in bringing about sustainable negotiated solutions to violent conflict, mediators benefit from looking beyond their own particular experiences for inspiration, lessons and support.

The uniquely informal and discreet retreats of the Oslo Forum series facilitate a frank and open exchange of insights by those working at the highest level to bring warring parties together. By convening key actors from the United Nations, regional organisations and governments, as well as private organisations and prominent peacemakers, the retreats also provide a unique networking opportunity.

Where politics meets practice

Participation is by invitation only. Sessions take the form of closed-door discussions, and adhere to the Chatham house principle of non-attribution. Sessions are designed to stimulate informed exchanges with provocative inputs from a range of different speakers, including conflict party representatives, war correspondents, outstanding analysts, thinkers and experts on specific issues.

Participants have included **Kofi Annan**, former Secretary-General of the United Nations; **President Thabo Mbeki**, former President of South Africa; **President Olusegun Obasanjo**, former President of Nigeria; **Daw Aung San Suu Kyi**, General Secretary of the National League for Democracy in Myanmar; **Lakhdar Brahimi**, Joint Special Representative for Syria of the United Nations and the League of Arab States; **President Martti Ahtisaari**, former President of Finland; **President Mohammad Khatami**, former President of the Islamic Republic of Iran; **Gerry Adams**, President of Sinn Féin; **Dr Surin Pitsuwan**, former Secretary-General, Association of Southeast Asian Nations and former Foreign Minister of Thailand and **Dr Salim Ahmed Salim**, former Secretary general of the Organisation of African Unity and Special Envoy of the African Union. The Oslo Forum is proud to have hosted several Nobel Peace Prize laureates.

The retreats refrain from making public recommendations, aiming instead to advance conflict mediation practice.

AFRICA MEDIATORS' RETREAT 2013

osloFORUM

Authored by:
Paul Działkowiec
Sabina Avasiloae
Till Papenfuss

The Centre for Humanitarian Dialogue is a private diplomacy organisation founded on the principles of humanity, impartiality and independence. Its mission is to help prevent, mitigate, and resolve armed conflict through dialogue and mediation.

114, rue de Lausanne
CH-1202 Geneva, Switzerland
info@hdcentre.org
t: + 41 22 908 11 30
f: +41 22 908 11 40
www.hdcentre.org

Photo Credit:

- Female member of Liberian government armed forces/militias standing on guard: CICR /Teun Anthony Voeten, June 2003
- Ministerial-level Security Council debate on "The situation in the Great Lakes region: The Democratic Republic of the Congo and the Great Lakes": UN Photo/Devra Berkowitz, 25 July 2013
- Elections in Mali: MINUSMA/Marco Dormino, November 24th, 2013

Disclaimer

The views expressed in this document do not necessarily reflect the views of the Centre for Humanitarian Dialogue, the Mwalimu Nyerere Foundation, nor the Government of the Kingdom of Norway. Where the text refers to statements made by participants at the Africa Mediators' Retreat every effort has been made to provide a fair representation of their views and opinions, but the ultimate responsibility for the interpretation lies with the authors. The views presented in this report are not attributable to any specific participants.

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Overview

The fourth Africa Mediators' Retreat took place in Zanzibar, Tanzania on 19-21 November 2013. More than 40 senior conflict mediators and peace process actors attended, together with key decision-makers, eminent thinkers and government representatives with significant experience in peacemaking across the African continent. The event was co-hosted by the Centre for Humanitarian Dialogue, the Norwegian Ministry of Foreign Affairs and the Mwalimu Nyerere Foundation. Three days of lively discussions covered a broad range of complex issues and peacemaking challenges across the continent.

The Retreat opened with a robust exchange on **'African solutions to African problems'**, which explored the promise of home-grown approaches to the continent's security challenges. While some participants stressed the need for Africa to take charge of its own destiny, others cautioned that it could not do everything alone – the recent French military intervention in Mali had demonstrated that inter-continental partnership still has a crucial role to play in Africa's security. Participants observed the growing role of the African Union and regional organisations in conflict management, but noted that for the foreseeable future, Africa would continue to rely on considerable outside help to finance its peace operations, particularly in peacekeeping. Ultimately, not all problems should be solved by Africa alone; the UN Charter clearly stipulates that any region affected by conflict is entitled to international support; and besides, many of Africa's conflicts are fuelled by outsiders, and often affect the rest of the world.

During a discussion on the **conflicting visions of secularist and religious-inspired government**, participants explored recent clashes between these worldviews, particularly in North Africa. The examples of Tunisia, Turkey and the ASEAN region revealed some useful lessons in managing

these ideological tensions, though no model is entirely suitable for every context. Third parties (for example civil society) can play a key role in this debate by offering citizens a meaningful opportunity to articulate a vision of their future state.

Opinion was divided on the prospects for meaningful **dialogue with Somalia's militant group Al Shabaab**. One view was that now – with the group's leadership divided and on the back foot after a series of military setbacks – some elements may be willing to engage politically. Others countered that any group that is so bent on carrying out 'God's work' - including through the creation of an Islamic caliphate – is unlikely to ever compromise on its core objectives.

In the session on the **eastern Democratic Republic of the Congo (DRC)**, participants discussed the complicity of various stakeholders in fuelling the conflict, and agreed that any lasting solution must address the country's serious internal problems as well as outside factors. Existing people-to-people links could be better exploited to strengthen regional relationships, but any serious peace process should hone in on the underlying drivers of conflict - including deep-seated poverty, and an unfair distribution of resources – as a priority.

There was an exchange on **whether the use of force could complement dialogue processes**. While it was acknowledged that some form of military leverage often improves the prospects of a fruitful peace process, utmost care has to be taken in employing force, as its effects are unpredictable and invariably expensive. In recent years, UN and AU peacekeeping mandates have increasingly embraced provisions sanctioning 'robust' peacekeeping and the protection of civilians, which allow for the use of force in certain circumstances.

Nigeria faces manifold security challenges, including the threat posed by Boko Haram. Several factors are conspiring against efforts to root out the group, including north-eastern Nigeria's weak economy (which attracts recruits from among the uneducated, jobless youth), and the movement's fundamentalist ideals, which appear to allow little room for compromise. In Plateau State, meanwhile, a dispute between the principal ethnic groups – largely over rights and access to land and power – has taken on religious overtones and continues to trigger cyclical violence. Across the continent, the situation in **Eritrea** continues to be bleak. The Isaias regime is working to strengthen its grip on power, and while some observers believed that its support is diminishing, they conceded that opposition is insufficiently strong to act against it. The presenters argued that while Isaias remains in office, there would be little prospect of real peace, but that the diaspora could usefully continue preparing the groundwork for an eventual democratic transition.

Throughout the retreat, speakers emphasised that governance deficits are at the heart of most conflicts. In a vigorous discussion on **the role of peacemakers in the negotiation of governance arrangements**, speakers advocated for governance issues to be addressed during peace negotiations, rather than left for later clarification. Mediators have to be careful, though, not to be seen to be meddling in local matters; rather than prescribing solutions, their most useful contribution may be to share their knowledge of analogous governance challenges in other peace processes, which could help conflict parties to anticipate problems and think through options for designing workable governance frameworks. On a related note, participants examined **the relationship between elections and violence** in Africa. While democratic, peaceful elections have become more common, election-related violence is still a serious

concern. The development of competitive multiparty systems remains elusive in much of the continent, and although some normative standards for democratic governance have been agreed, implementation is often sorely lacking.

The closing session focused on **the impact on peacemaking of the International Criminal Court**. Some speakers were critical of the ICC's modus operandi in Africa – particularly its indictment of heads of state and its alleged 'anti-Africa' bias. Others countered that, in fact, most African cases had been referred by States Parties themselves or by the UN Security Council. Overall, most contributors accepted that the ICC's mission – to prosecute those most responsible for serious crimes, and thereby to fight impunity – is worthy of support.

The retreat presented a unique opportunity for critical reflection among senior peacemakers engaged in Africa. Its rich and diverse discussions allowed participants to share best practices and learn from one another's successes and failures. In short, the overarching message emerging from these thought-provoking exchanges was that Africa still faces multifarious threats, both old and new, to its peace and security; but equally, that African governments, institutions and civil society have become better at preventing and resolving conflict, not least through their resolute efforts to strengthen the institutional architecture, mechanisms and skills required to manage complex challenges. Clearly, a continent that has suffered so greatly, yet responded so innovatively to some of the cruellest, most intractable conflicts, has precious wisdom to share with the world's peacemakers. The 2013 Mediators' Retreat was a timely occasion to tap into that formidable resource, and facilitate this important conversation.

Agenda

Africa Mediators' Retreat 2013

19

Tuesday
November 2013

12.30 – 15.00

Informal buffet lunch

16.00 – 16.20

High-level opening plenary

16.20 – 18.00

Opening Panel Discussion

African solutions to African conflicts: striking the right balance between ownership and outside involvement

19.00 – 21.30

Reception and formal opening dinner

20

Wednesday
November 2013

9.00 – 10.30

Two parallel
discussions for
participants to
choose from

Option 1

Balancing the Rule of Law
and the Rule of God

Option 2

Beyond the pale? Prospects for
dialogue with Al Shabaab in Somalia

10.30 – 11.00

Coffee break

11.00 – 12.30

Turmoil in the Great Lakes region: tackling the threat of extremist groups

12.30 – 14.30

Informal lunch

14.30 – 16.00

Pursuing peace with the tools of war: exploiting ceasefires and the use of force

16.15 – 17.30

Two parallel
discussions for
participants to
choose from:

Option 1

Nigeria: taking stock of the
conflict landscape

Option 2

Eritrea: making sense
of a reclusive state

18.00 – 19.00

Mediators' Studio

19.30

Informal dinner

21

Thursday
November 2013

8.30 – 9.30

Parallel informal
breakfast briefings on
'Forgotten conflicts'

Option 1

Mozambique

Option 2

Cabinda (Angola)

9.45 – 11.15

Two parallel
discussions for
participants to
choose from:

Option 1

Breaking the cycle between elections
and violence: the role of the mediator

Option 2

Thinking ahead: the role of
the mediator in helping parties
to negotiate governance issues

11.15 – 13.00

Closing plenary

The International Criminal Court and peacemakers in Africa:
an uneasy relationship?

13.00

Informal lunch

Opening Session

African solutions to African conflicts: striking the right balance between ownership and outside involvement

The opening discussion of the Africa Mediators' Retreat explored the promise of home-grown approaches to the continent's security challenges. It was acknowledged that, while Africa is growing rapidly, particularly economically, it also continues to record indicators that, if managed poorly, could presage instability. These include a fast-growing and relatively excluded urban class, illiteracy, child morbidity and chronic urban violence. Some 70% of Africa's population is young, and the youth expects positive change in the years ahead.

Meanwhile, as they have for centuries, outside forces continue to affect Africa's stability. For example, Europe's drug habits are helping to create large tracts of ungoverned territory in Africa controlled by organised crime. While some participants stressed the need for Africa to take charge of its own destiny, others cautioned that it could not do everything alone. The recent French military intervention in Mali, which had forestalled the fall of Bamako to Islamist extremists, demonstrated that inter-continental partnership still has a crucial role to play in Africa's security.

The African Union has in recent decades moved away from the principle of non-interference in others' internal affairs, to the point that internal problems in one state are increasingly seen as problems of the whole community. (However, one contributor claimed there had been some recent backsliding on this issue, with some states – for example Sudan – reasserting the primacy of state sovereignty.) The AU is increasingly playing a crucial role in conflict prevention, for example by taking the lead in most high-level mediation efforts on the continent.

There have been many other positive developments in recent years. African experts, officials, troops and statesmen are providing real leadership and expertise in many international conflicts. Regional groups, such as ECOWAS in West Africa, are implementing exciting mediation projects, while mechanisms such as the African Peer Review and the Panel of the Wise are pushing governments to improve their behaviour. Africans have also developed formidable expertise in electoral management, and as a result no longer have to rely on outsiders for this.

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It was noted that, while African governments and institutions have become strong in peacebuilding, in peacekeeping Africa needs to temper its ambitions, as it lacks capacity to undertake complex operations without significant outside help. Funding is a major problem. One participant considered it 'scandalous' that African governments are unwilling to contribute more towards the stability of their continent; many countries that make the 'maximum noise' are also the least generous. Continued dependence on outsiders' financial support would render 'African solutions to African problems' a mere slogan. For this reason, Africans would do well to focus more on further developing their mediation capabilities; if peacemakers could engage in conflicts sufficiently early, complex peacekeeping operations would not be needed.

Some participants argued that African elites are well aware of the underlying reasons for the continent's

security problems – the democratic deficit and deficiencies in governance, among others – but allowed themselves to be distracted by side issues, such as the International Criminal Court controversy, that had a limited impact on the security of average Africans. Governments need to become serious about good governance, democracy, and human rights, rather than only the 'security of states'. And reflexively rushing to elections was certainly not the 'cure' for everything – by itself, voting could not miraculously solve fundamental problems.

There was broad agreement that not all of Africa's problems could be solved by Africa alone. Nor should they be, noted one speaker; many of them are fuelled by outsiders, and often they affect the rest of the world. In any case, it is clear in the UN Charter that Africa, like any other region, is entitled to international support on matters of peace and security.

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Balancing the rule of law and the rule of God

In this session, participants considered tools and strategies that could help to bridge the divide between conflicting visions of secularist and religious-inspired government. Panellists recalled that European countries had for centuries bitterly debated the role of religion in politics and society. In Western Europe, that dispute had culminated in a formal separation between Church and state. African and Middle Eastern nations had historically not experienced similar structural conflicts on the same scale. However, in recent years, attempts to combine religious with political authority in the Muslim world, and counter-efforts to separate them, had come to a head.

In Egypt, Libya and Tunisia, this clash of ideas has complicated the transition to democratic rule. In Egypt, after ousting a democratically elected Islamist president, the military had attempted to root out the Muslim Brotherhood, exacerbating social polarisation and leaving little room for negotiation and compromise. In Tunisia, despite rising Islamist extremism, parties across the political spectrum had embarked on an inclusive dialogue process, mediated by civil society, in an effort to construct a moderate political

model. While acknowledging that each context is different, some participants argued that the Tunisian experience might offer some valuable lessons to other transitioning countries, in particular regarding the need for robust consultations on the nature of public institutions.

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Participants also considered the ASEAN countries, where Muslim constituencies account for roughly half the overall population. One contributor argued that several factors had ensured that religious fundamentalism and politics did not directly collide there as they had elsewhere. First, state-building had not evolved around the question of the state's religious character, which was dealt with by exploring ways to accommodate Islamic culture within secular states. Second, the debate on the role of Islam had taken place in an open political space, where the extremists remained fringe players while the main protagonists were less dogmatic and more willing to compromise. And finally, the entire region is committed to a prosperous future, so much so that the focus on economic growth overshadows other issues pertaining to identity.

The Turkish model, and its adaptability to North Africa and the Middle East, was also discussed. Some speakers considered that the apparent parallels with Turkey are deceptive, and were sceptical about promoting Turkish secularism, not least because of its historical association with imperialism. It was stressed that, in the last 200 years, authoritarian regimes have imposed secularism onto Muslim populations. Furthermore, due to the ensuing marginalisation and oppression of Islamists during the colonial and post-colonial period, secularism has negative connotations in parts of the Muslim world. One participant contended that the legacy of secularism would have been different had it been accompanied by economic transformation and social development. Indonesia was a case in point: while the Suharto regime had brutally suppressed Islamist

groups, it also presided over remarkable increases in per capita income and literacy rates. By contrast, Mubarak and Ben Ali had overseen decades of economic decay, and it was no accident that the Islamist alternative resonated strongly with disenfranchised citizens.

Overall, there was a sense that civil society has a key role to play in this debate, as it can facilitate exchanges that incorporate the values and interests of ordinary people. Third parties are often better placed here than those (dictators, ruling parties, or Islamist groups) who claim exclusive religious or political authority on behalf of their people and tend to distort the issue and provoke opposing constituencies. What is needed is another actor who can provide citizens with a

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Beyond the pale? Prospects for dialogue with Al Shabaab in Somalia

This discussion explored the prospects of dialogue with the militant group Al Shabaab (AS). During 2011/12, AS had been weakened by internal divisions and military setbacks. However, it still controls over 80% of south central Somalia, largely due to the frailty of the central government. Its support derives from its image as a resistance force against foreign intervention and guarantor of local justice; after many years of lawless warlordism, AS had at least brought law and order to the areas it controls. Its predecessor, the less radical Islamic Courts Union, had functioned relatively well as an embryonic government; thus it had been an error by the West and Ethiopia to vanquish the Courts, not least because foreign interference drew recruits to AS. Accordingly, one speaker dubbed AS 'an American creation'. (It was also noted that new members are not drawn to AS for just its ideology – some simply want to defend Somalia, while others are attracted by the promise of better pay than government security forces can offer.)

On the question of a possible dialogue with AS, one speaker noted that various attempts had already been made, and that now – while the AS leadership

is divided – may be an opportune time to try again. This would, however, call for a smarter, more culturally appropriate strategy: unlike the West's typical top-

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down approach to 'fixing' Somalia, meaningful engagement would require respecting the structures of Somali society – utilising clan connections, and particularly elders, as conduits. AS has cleverly exploited divisions between clans in building up its credibility – thus, being sensitive to clan dynamics would be paramount. On the other hand, one participant noted that the clan is just one pillar of Somali identity; communities resort to clanism as a 'survival mechanism' to bring security and justice whenever national authority collapses.

Another presenter ruled out the possibility of dialogue with AS: its leadership believes that it is carrying out God's work (the establishment of an Islamic caliphate), and thus it can never compromise and has no interest in participating in government. Moreover, AS leaders, mindful of the

West's 'price on their heads', are wary of 'mediation tricks'. The government has in any case never shown a real willingness to engage; perhaps it feels that it does

not need to reach out to AS while the West continues to provide massive financial and other assistance to the government.

Some participants argued that force could weaken AS and create the conditions for negotiations. Others countered that, in Somalia, this approach typically only generates counter-force, and that, even if AS were destroyed, its replacement could be worse. Most agreed that any strategy that fails to provide security to communities would fail; and therefore, international actors should focus on strengthening home-grown security forces rather than investing in AMISOM to impose a military solution.

Contributors agreed that Somalia needs monumental improvements in governance. The West should abandon its fixation with top-down state-building, and start consulting properly with local people. Somalis have great self-organising potential (as evidenced by their entrepreneurialism), which should be properly exploited, rather than importing ready-made ‘medicine’ from outside. Somalis need to weigh the relative merits of federalism and centralism as preferred governance

systems. In this context, one expert argued that the idea of creating a strong central government should be shelved for 20 years, in favour of a ‘building-block approach’ – the establishment of seven or eight ‘statelets’ in the interim phase. Somaliland and Puntland are doing relatively well as semi-autonomous regions, and Jubaland could be the next test case. This strategy would require dealing with AS, which has already built some functioning systems of administration.

Above all, an arrangement must be found to restore trust in Somali society. One of Somalia’s most immediate needs is genuine societal reconciliation, and the elaboration of a new, inclusive constitution could present the next opportunity to pursue that important goal.

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Turmoil in the Great Lakes region: tackling the threat of extremist groups

This discussion focused on the conflict in the eastern Democratic Republic of the Congo (DRC). A wide range of views – many of them conflicting – was presented, reflecting the complexities at play in one of the world’s most devastating crises. It was apparent that, in the DRC, there are internal as well as regional/international factors fuelling the conflict, and that any lasting solution would need to address all of these dimensions. There have been several attempts to achieve peace (including the 1992 Sovereign National Conference, 2002 Sun City Agreement, and 2013 Addis Ababa Framework Agreement), but participants felt that these initiatives had never been properly implemented and, similarly, that reform efforts to address structural problems (including in the army, police and the electoral and judicial systems) had consistently stalled.

According to one presenter, the crisis is characterised by multiple layers of ‘hypocrisy’ that have rendered the conflict extremely complex. The Western hypocrisy includes the arbitrary imposition of borders in Africa, and ignorance of pre-colonial realities. Other actors have been guilty of hypocrisy too, namely the Congolese authorities themselves, Rwanda (which some accused of

having broader motives for its intervention, beyond the ‘official’ reason – to pursue the extremist Hutu *Forces démocratiques de libération du Rwanda*, or FDLR), and the African continent more broadly, which had failed to contain the conflict to manageable dimensions.

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There were differing opinions on the nature of Rwanda’s engagement in the eastern DRC. One speaker contended that the lack of functioning governance structures in the Congo, coupled with the presence of armed groups in the east, had destabilised the Rwanda–DRC border region and left Rwanda with no choice but to intervene to protect its people and territory. To achieve stability, a genuine partnership is needed between the two governments; both countries would benefit from good relations, particularly economically.

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Another contributor suggested that the M23 rebel group in the DRC served a primarily defensive purpose for the Rwandan government, which used it to protect its position in the face of a growing challenge from the Rwandan National Congress (RNC). (However, the M23 had been created ‘on the cheap’, and its effectiveness is limited.) The RNC, for its part, aims to build an alliance outside the country

(also including Hutu fighters) that could eventually return to overthrow the Rwandan government. For as long as this power struggle remains unresolved, the future of the region will hang in the balance.

Several participants referred to the plight of women, thousands of whom had fallen victim to sexual violence in the eastern DRC. Beyond the need to end this violence and bring perpetrators to justice, the potential role of women as peacemakers should also be properly exploited. Several participants cited the important contributions of women's networks that worked across borders, some of which had in 2010 achieved the signing of a declaration on sexual and gender-based violence by the Heads of State of the Great Lakes region.

Acknowledging the growing interconnectedness of people and markets across the region's borders, some contributors suggested that, rather than pursuing exclusively state-centric approaches, policy-makers could follow the lead of their people by focusing on economic integration projects. Others countered that, while this sentiment was sound, few large-scale ideas could bear fruit in the absence of selfless high-level political engagement, as well as genuine implementation of existing peace agreements in the region. For any peace process to succeed, the underlying drivers of conflict – including deep-seated poverty, and unfair distribution of resources – needed to be addressed as a priority.

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Pursuing peace with the tools of war: exploiting ceasefires and the use of force

Participants discussed whether, and how, the use of force can support and complement peace processes. Although mediation is, in theory, traditionally seen as an alternative to armed force – rather than a complementary tool – it was broadly recognised that the two approaches often operate in tandem. Indeed, the option of employing force to reinforce dialogue processes was not criticised in principle; rather, participants contemplated how such force could be utilised responsibly and effectively in support of peace.

Some contributors argued that mediation is fundamentally about finding an arrangement that reflects the balance of interests and power on the ground, both military and economic. As such, a mediation process could be shaped by using force to influence this balance between the conflict parties. However, when used as a tool to advance a political process, force has to be employed with the utmost care, as it is invariably expensive, and its effects unpredictable. It could, for instance, lead to undesirable consequences and undermine neutrality. Policy-makers also ought to consider the

risk that, when external parties provide security, they can inadvertently replace the legitimate functions of domestic military and police forces, thereby allowing leaders in the host country to abdicate their responsibilities, which in turn could perpetuate poor governance.

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Another recurrent theme was the impact of using force on the perceived impartiality and neutrality of actors involved in peacebuilding and mediation. In some cases, a heavy-handed security approach has undermined the legitimacy and perceived neutrality of these actors, and contributed to the further radicalisation of armed groups. Underlying this tension surrounding the issue of neutrality has been a doctrinal shift in approaches to peacekeeping, most visibly in Africa. The UN, which traditionally favoured a stabilisation role, has recently adopted a more offensive military posture in some situations, including the Democratic Republic of the Congo.

Similarly, multilateral bodies such as the African Union have embraced a broader definition of ‘peace support’ missions to incorporate notions of peace enforcement – as seen for example in Somalia. In general, peacekeeping mandates have increasingly included provisions sanctioning ‘robust’ peacekeeping and the protection of civilians, which allow the use of force in certain circumstances. As always, though, the ability of missions to deliver on their respective mandates depends on the political will of troop-contributing countries (TCCs) to commit their forces to riskier operations. Paradoxically, actors willing to take risks often lack capabilities, whereas actors with greater capacity to act are often unwilling to ‘risk blood and treasure’ in a faraway theatre of little domestic significance. To add to the complexity, even when well-equipped actors are willing to engage in high-

risk operations, they often do so to pursue their narrow self-interests – which can also undermine the neutrality of a mission.

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A number of participants observed that, in the context of multilateral peacekeeping operations, some form of military leverage often improves the prospects of a fruitful peace process. The actual or threatened use of force can be useful in dissuading conflict protagonists from launching attacks or breaching interim agreements. Naturally, though, to complement dialogue efforts, mediation teams need the requisite technical expertise to understand the military strategy and how best to exploit it to advance a political dialogue. Absent these important synergies between different ‘tools’, there exists a significant risk that military activities can run counter to political efforts.

Nigeria: taking stock of the conflict landscape

This session addressed three major security challenges faced by Nigeria – the threat posed by Boko Haram, the conflict in the central part of the country, and instability in the Niger Delta.

Boko Haram represents the latest incarnation of a long-running problem in Nigeria – Islamist extremism. One participant suggested that the group had cynically benefited from democratisation in Nigeria; a military government would have been less willing to address the terrorist threat in a measured way, and would have cracked down earlier and more assertively than the central government has done. Boko Haram's violence had intensified since the killing of its former leader Mohammed Yusuf. The military's subsequent interventions, which pushed back Boko Haram in the northeast, led the group to adjust its tactics; for example, members now conduct cross-border attacks and flee to hideouts in Cameroon, Chad, and Niger. Worryingly, the group has recently established transcontinental links with Al Qaeda and Somalia's Al Shabaab.

Several factors render it difficult to root out Boko Haram. A weak economy, particularly in the northeast, has drawn uneducated, jobless men to Boko Haram to earn some income. The core leadership, on the other hand, is

motivated by religious fundamentalist ideals; it insists on an Islamic government and the introduction of Sharia law.

Given the deep religious convictions of the leaders, some participants felt that economic assistance, amnesties and other tools that proved useful in the Niger Delta are less likely to work against core adherents of Boko Haram.

Discussions turned to the conflict in Nigeria's middle belt, principally around Jos. At the forefront of that dispute are several ethnic groups: the Hausa and Fulani (mostly Muslim) on one side, and the predominately Christian Afisare, Anaguta, and Berom on the other. The conflict is driven, among other things, by disputes over land and traditional authority. Tensions are regularly inflamed by groups claiming 'indigenous rights' to specific lands and privileges. Access to jobs is a case in point: government employment is perceived as one of few viable economic activities, and the contest for political office is fierce. One speaker suggested that the situation could be improved by

paying more attention to women. Indeed, the ongoing Jos dialogue process has established a dedicated committee of women representatives from different communities, which has proven useful for finding common ground between communities.

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Participants also discussed the persistent instability in the Niger Delta region, which has recently experienced further unrest. As part of its effort to resolve the crisis, the Nigerian government agreed to an arrangement whereby militants who previously fought the government were invited to guard the oil pipelines. As a result, however, these militants have siphoned off revenues in order to acquire new arms. One sensible alternative, according to a member of the audience, might have been to instead strengthen the military to take on such a delicate task.

There was a sense that many conflicts in Nigeria are indicators of poor governance – if government effectively provided services and safeguarded rights, they could be avoided. Participants exchanged views on whether

further fragmentation or greater centralisation might bring about solutions. One speaker suggested that poor education levels prevent the average citizen from fully engaging in the democratic process and its problem-solving mechanisms. Finally, one speaker cautioned that now is an unlikely time for revolutionary solutions: Nigeria is gearing up for the 2015 elections, which could trigger further instability.

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Eritrea: making sense of a reclusive state

Twenty years after winning independence, Eritrea can today best be described as being in a state of ‘no war, no peace’. In the eyes of those who had fought for independence, the goals of the liberation movement have been betrayed. An unaccountable regime, led since independence by President Isaias Afwerki, seems interested in little other than strengthening its grip on power, centralising decision-making, and perpetuating the image of a nation surrounded by enemies and therefore reliant on the absolute loyalty of its citizens. To achieve these goals, the regime has taken a number of draconian measures, including freezing the membership of the national assembly, running a crippling ‘coupon economy’, and turning conscription into ‘indefinite servitude’. The ‘rule of men’ – through presidential decrees – has effectively replaced the rule of law. Any attempt to question or criticise the government typically leads to incarceration or enforced disappearance. Essentially, in order to exercise one’s political rights and civil liberties, the only real option is to flee the country.

Under these circumstances, some observers believe that Afwerki’s support is diminishing, as evidenced by the

exodus of Eritrean youth, recent military defections and last year’s short-lived army mutiny. Some sources even claim that the generals surrounding the president can barely tolerate him; however, they are not in a position to act against him, and have little financial incentive to do so. In addition, despite mounting public dissatisfaction with the regime, domestic pressure has yet to build up to the point where it could reverse the political trajectory of the country. The presenters believed that for as long as Afwerki remains in office, there would be no room for change or real peace.

With no apparent channel for reform or dialogue within Eritrea, a possible way forward can be explored only outside the country. Political and civic groups in the Eritrean diaspora have initiated a conversation on how the country might eventually transition from autocracy to multiparty

democracy, while avoiding a power vacuum. In their effort to develop a common vision and a working roadmap for Eritrea, members of this broad coalition have sought to enlist the support of the few pro-democracy groups ‘surviving’ in the country. But the coalition’s ability to affect real change appears limited, particularly while political opposition groups hosted

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by neighbouring states continue to follow foreign political agendas. Divided, discredited and practically irrelevant in Eritrea, exiled opposition groups seem unable to build a common front and to plan coherently for a viable political and socio-economic transition. In this situation, even if the regime were willing to enter into dialogue, it would be difficult to identify a suitable counterpart.

A democratic transition also remains unlikely for as long as Ethiopia continues to play Eritrean opposition groups against each other. For the past decade, the two countries have continually denounced each other for subversive tactics and efforts aimed at mutual destabilisation. While some observers detect signs

of rapprochement, the long list of grievances on both sides and the mistrust accumulated over the years have left relations significantly strained, to the extent that neither country is willing to take the first meaningful step towards reconciliation. In brief, the current political conditions in Eritrea, and the regional dynamics, offer little hope for a resumption of national or international dialogue, let alone the prospect of a shift in Eritrea's political or economic fortunes in the near future.

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Breaking the cycle between elections and violence: the role of the mediator

This session examined the relationship between elections and violence in Africa, explored the challenges of organising peaceful and credible elections, and offered practical recommendations on how to address some of the risks associated with managing electoral processes.

Participants highlighted various positive developments of the past few years, including the fact that democratic elections have become more common in African politics, and nowadays often produce peaceful results. Ghana's recent experiences, for example, demonstrate that violent contestation over power can be avoided if political parties and civil society actively participate in electoral management.

However, despite promising progress in some countries, election-related violence remains a serious concern, and the development of genuinely competitive multiparty systems remains elusive in much of the continent. One problem is that African countries tend to adopt 'foreign' electoral systems; in nations with large populations,

porous boundaries and high levels of illiteracy, Western electoral models do not necessarily provide a magic formula for democratic consolidation. Also, the 'winner-takes-all' mentality and abuse of the powers of incumbency increase the potential for violence.

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One contributor pointed out that, while leaders might publicly embrace the rhetoric of political pluralism, in reality the legal framework is usually drawn up in parliament, which allows the ruling party to set the ground rules in ways that do not promote a level playing field. In some instances, electoral management bodies have tried to redress the balance. But they themselves rely on the apparatus of the state to carry out their mandate, which often renders them weak or biased. Other factors also exacerbate socio-economic cleavages and thus increase the risk of electoral violence (e.g. the politicisation of ethnicity, and non-disclosure of the sources of political party funding).

Under such conditions, opposition parties are unable to challenge the domination of ruling parties, and are thus likely to boycott elections or contest their results.

While many organisations, both African and international, are trying to strengthen the technical capacity of electoral commissions and mobilise civil society, there are few actors actively engaged with opposition parties, which could help promote more inclusive political processes. In addition, according to some observers, the international community has been all too anxious to maintain stability at the expense of holding genuinely competitive and fair elections.

African regional bodies have introduced protocols to promote democratic governance, for example the African Union's Charter on Democracy, Elections, and Governance, and similar protocols agreed by ECOWAS and SADC aiming to preserve the integrity of elections. The international community needs to support these bodies in upholding the standards they have set for themselves. One panellist pointed out that, in practice, the electoral observation units in these

organisations remain understaffed and poorly funded. To prevent electoral violence, regional bodies have to insist on transparency and inclusion, rather than merely denouncing unconstitutional manoeuvres. It is also important to strengthen electoral observation by establishing independent missions that are resistant to political pressure, deploy early, and avoid validating flawed elections in a short-sighted attempt to preserve stability.

During the discussion, participants exchanged views on a wide range of democratic experiences on the continent, and agreed that elections remain the most suitable mechanism through which political contestants can obtain credible mandates to govern. Mediating electoral violence is just one part of a much broader, long-

term effort required to instil a democratic culture and to ensure that electoral processes broadly reflect the will of the people.

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Thinking ahead: assisting conflict parties to negotiate governance issues

During this session, participants explored the role of third-party peacemakers in the negotiation of governance arrangements during peace processes. Among other questions, the discussion examined whether mediators pay due attention to the long-term importance of these issues, and whether they could (or should) seek to influence the parties on sensitive questions of governance.

The moderator noted that ‘governance’ was a broad term that could encompass all of the major activities of government, including legal, constitutional, administrative, electoral and economic matters. Governance is closely linked to conflict; where it fails, conflict is likely to break out. Arguably, mediators are well placed to help correct underlying governance deficiencies, as part of the search for a lasting resolution of conflict. But they have to be careful not to be seen to be meddling in delicate local matters; rather than providing answers or prescribing solutions, their most useful contribution may be to share their expertise and knowledge of similar experiences of addressing (successfully or not) governance challenges in peace processes. Mediators could thereby help conflict parties to anticipate the governance

challenges that may emerge post-peace agreement, and to think through options for designing workable governance frameworks.

Participants shared examples of how governance issues could become drivers of conflict, as well as how the implementation of governance reforms – or lack thereof – could determine the fate of the post-conflict peacebuilding phase. In Jos, Nigeria, the poor delivery of public services and denial of cultural rights has led to prolonged conflict. Thus, any sustainable agreement to end the conflict there would need to include governance arrangements that recognise Jos’s diverse cultural identity and protect cultural rights. Mediators could draw lessons from the 1992 Cambodia peace agreement, which contained only one sentence addressing the future – thus an important opportunity to deal with vast governance problems was missed. Similarly, in Bougainville, Papua New Guinea, a singular focus on high-level goals like autonomy and possible independence has come at the expense of addressing urgent governance challenges – the island has no functioning institutions and very little capacity. These important lessons could

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Mediators could help conflict parties to anticipate the governance challenges that may emerge post-peace agreement”

be adopted elsewhere, for example in Myanmar, whose future national dialogue could avoid similar mistakes by anticipating governance challenges.

Justice represents a central pillar of good governance; speakers agreed that it should be considered a priority in the context of developing post-conflict governance arrangements. For example, following the post-election violence in Kenya in 2007/8, there was an agreement to institute a vetting process of the judiciary and to select its top leadership via a transparent public process. Zimbabwe, on the other hand, also experienced an electoral crisis, but the status of the judiciary had not been reviewed, which undermined the prospects for political stability.

Participants observed that the African Union had in recent years developed a range of normative standards in the area of governance, for example the African Charter on Democracy, Elections,

and Governance. However, the rhetoric was typically not matched by real implementation – governments are, unsurprisingly, reluctant to make themselves more accountable. One speaker suggested that the introduction of a compliance monitoring mechanism might elicit better results.

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The session also explored whether the fixation with seemingly ‘Western’ models of democracy and governance risked overlooking the potential value of traditional African approaches. A range of views were expressed, with one contributor suggesting that, in many contexts, there no longer exists a strict dichotomy between Western and African models of governance. Rather, a tailor-made combination of different governance customs – traditional, ‘Western’, modern, and local – often produces the most popularly acceptable and sustainable formula.

Closing Session

The International Criminal Court and peacemakers in Africa: an uneasy relationship?

This discussion focused on the role of the ICC in Africa, and its impact on peacemaking. This issue has been the subject of much debate in recent years, especially since the indictment of Sudanese President Bashir in 2009. The ICC's investigations in Kenya and indictments against key leaders there, especially Uhuru Kenyatta and William Ruto (who were subsequently elected President and Vice-President), have further sharpened divisions on this issue.

In a discussion that reflected the sometimes tense interplay between the pursuit of peace and justice, participants recalled the efforts of Kenya and the African Union to halt the ICC's investigations into the case of Kenya's post-election violence (2007/8). In 2010, Kenya contested the ICC's jurisdiction, arguing that its judiciary had undergone reform since the crisis and that the cases could be prosecuted domestically – but this late attempt to stop the proceedings was rejected by the ICC judges. Later, Kenya and the AU unsuccessfully lobbied the UN Security Council to defer the ICC case.

The main criticisms of the Court centred on its alleged bias and politicisation of its work. Interestingly, substantive concerns about interference with peace processes received less attention. A number of participants were concerned that no leader outside Africa had yet faced an ICC investigation. One participant suggested that the ICC's office of the prosecutor (OTP) applied the Rome Statute in a selective manner. In the Kenya situation in particular, insistence by the ICC that both the President and Vice-President be present in The Hague for the entirety of their hearings was strongly criticised by some participants.

However, even the critics recognised the significant support the ICC enjoys in Africa and the contributions African leaders had made to create the Court. Most in the audience supported the ICC's efforts to help fight impunity among African elites. One participant, addressing accusations of uneven application of the Rome Statute, stressed that, when criticising the Court's actions, it is important to

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distinguish between the different actors: the content of the Statute had been decided upon by the ICC's States Parties; the investigative strategy and related decisions were made by the OTP; and, finally, the Judges adjudicate cases based on the law contained in the Statute. Further, these activities take place in isolation from the politics of the UN Security Council.

The perception of the Court's alleged anti-Africa bias was also strongly challenged. The vast majority of cases in Africa were actually self-referrals by affected States Parties, which had invited the ICC to investigate crimes committed on their territory. Libya and Darfur had been referred to the ICC by the UNSC and, finally, only the investigations in Kenya were initiated by the Prosecutor, though he had done so pursuant to an explicit deal between the election's disputants (and only after the Kenyan Parliament had twice rejected the option of prosecuting the relevant cases locally). The strongest criticism had emerged when the Court decided to indict

a sitting Head of State (Bashir), though defenders of this move argued that directly prosecuting the leaders most responsible for atrocity crimes is the core purpose for which the ICC was created.

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It was clear during the discussion that much is at stake for Africa in resolving the tensions surrounding the ICC's activities. Overburdening the AU in politicised disputes with the ICC not only hampers the latter's judicial processes, but also risks undermining the AU and distracting its attention from issues directly affecting the lives of Africans. Most speakers recognised

that the ICC's core mission of prosecuting those who are most responsible for serious crimes is an important one. No doubt, the ICC's procedures could be improved, and its global scope perhaps widened if there are relevant cases that warrant attention elsewhere. But, to some extent, the fact that its work could be inconveniencing some African leaders was perceived by many participants as a sure sign that it was doing the job with which it had been entrusted.

The Africa Mediators' Retreat

List of participants

Mr Gallus N. Abedi

Special Assistant to the Executive Director, Mwalimu Nyerere Foundation

Mr Saïd Abass Ahamed

Project Manager, Centre for Humanitarian Dialogue

Mr Mohamed Yusuf Abshir

Senior Consultant, Centre for Humanitarian Dialogue

Ms Sabina Avasiloae

Project Officer, Centre for Humanitarian Dialogue

Mr Yohannes Azzazi

Responsible for International Relations of Eritrean Opposition; former Director of Information and International Relations, Eritrean Liberation Front

Dr Brigalia Ntombemhlope Bam

Chancellor, Walter Sisulu University; Former Chairperson, Independent Electoral Commission, Republic of South Africa

Mr Jeremy J. Brickhill

Executive Director, Zimbabwe Peace and Security Programme (ZPSP)

Mr Joseph Waryoba Butiku

Executive Director, Mwalimu Nyerere Foundation

Sir Robin Christopher

Projects Director, Global Leadership Foundation

Dr Jakkie Cilliers

Executive Director, Institute for Security Studies

General Lamine Cissé

United Nations Coordinator for Security Sector Reform in Guinea; Former Special Representative of the United Nations Secretary-General and Head of the United Nations Peace-building Office in the Central African Republic

H.E. Said Djinnit

Special Representative of the United Nations Secretary General and Head of the United Nations Office for West Africa

Mr Paul Dziatkowicz

Project Manager, Centre for Humanitarian Dialogue

Dr Comfort Ero

Africa Program Director, International Crisis Group

Mr Mohamed Husein Gaas

Guest lecturer/PhD Fellow, Noragric, Norwegian University of Life Sciences

H.E. Seif Sharif Hamad

First Vice President of Zanzibar

Dr David Harland

Executive Director, Centre for Humanitarian Dialogue

Ms Khadijah Hawaja

Chair, Plateau State Muslim Women Peace Forum, Jos, Nigeria

Ambassador Hege Hertzberg

Ambassador of Norway to Ghana

Mr Omary Ilyas

Assistant to Dr Salim Ahmed Salim

Mr Pascal Kambale

Deputy Director, Africa Governance, Monitoring and Advocacy Project (AfriMAP), Open Society Initiative for West Africa (OSIWA)

Ambassador Odd-Inge Kvalheim

Ambassador of Norway to the African Union and Ethiopia

Dr Andrew Ladley

Adjunct Professor, School of Government, Victoria University of Wellington, New Zealand

Mr David Lambo

Senior Adviser, Centre for Humanitarian Dialogue

Ambassador Layiwola Laseinde

Director, Policy and Strategy, Office of the National Security Adviser, Federal Republic of Nigeria

Mr Alexandre Liebeskind

Acting Africa Regional Director, Centre for Humanitarian Dialogue

Ms Fiona Lortan

Senior Political Officer for Strategic Issues (Disarmament), Department of Peace and Security, African Union Commission

Mr Miraji Magai

Programme Officer, Mwalimu Nyerere Foundation

Mr Phakiso Mochochoko

Head of the Jurisdiction, Complementarity and Cooperation Division, International Criminal Court

Dr Eric Morier-Genoud

Lecturer in African History, School of History and Anthropology, Queen's University, Belfast

Mr Joseph Mutaboba

African Union and United Nations Deputy Joint Special Representative, Deputy Head, African Union-United Nations Hybrid Operation in Darfur (UNAMID)

Dr Musifiky Mwanasali

Special Advisor, Bureau of the Chairperson of the African Union Commission

Mrs Gladness Ngusaru Mziray

Secretary of Dr Salim Ahmed Salim

Ms Alice Nderitu

Co-Chair, Uwiano Platform for Peace; Former Commissioner, National Cohesion and Integration Commission, Kenya

Judge Daniel Nsereko

Appeals Chamber Judge, Special Tribunal for Lebanon; Former Appeals Judge, International Criminal Court

Ms Victoria Odhiambo

Logistics Officer, Centre for Humanitarian Dialogue

Ms Diana Ofwona

Regional Programme Director, Central Africa Sub-Regional Office, UN Women

General Daniel Opande

Former Force Commander, UN Mission in Sierra Leone (UNAMSIL) and UN Mission in Liberia (UNMIL)

Dr René Otayek

Research Director, Centre national de la recherche scientifique (CNRS)

Mr Till Papenfuss

Project Assistant, Centre for Humanitarian Dialogue

H.E. Dr Surin Pitsuwan

Member of the Board, Centre for Humanitarian Dialogue; Former Secretary General, Association of Southeast Asian Nations (ASEAN); Former Foreign Minister of Thailand

Ambassador Jacques Pitteloud

Ambassador of Switzerland to Kenya, Burundi, Rwanda, Uganda, Somalia and the Seychelles

Ms Meredith Preston McGhie

Africa Regional Director, Centre for Humanitarian Dialogue

Dr Gerard Prunier

Independent Consultant on Eastern and Central African Affairs; former Director of the French Center for Ethiopian Studies in Addis Ababa

Ms Paula Roque

PhD candidate, Department of International Development, University of Oxford

H.E. Dr Salim Ahmed Salim

Chairman of the Mwalimu Nyerere Foundation; former Secretary-General of the Organization of African Unity; former Prime Minister of Tanzania; former Foreign Minister of Tanzania

Dr Yakubu Sankey

Adviser, Jos Peace Process, Centre for Humanitarian Dialogue

Mr Patrick Smith

Editor, Africa Confidential

Mrs Betty Tulliy

Personal Secretary to the Executive Director, Mwalimu Nyerere Foundation

Mr El-Ghassim Wane

Director, Peace and Security Department, African Union Commission

Ambassador Andebrhan Welde Giorgis

Former Ambassador of Eritrea to the European Union; Research Fellow, Vrije Universiteit Brussel (VUB), Belgium

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