

**' AD HOC NON INSTITUTIONAL CONFLICT MANAGEMENT:
A CASE STUDY OF BURUNDI AND ZAIRE'**

By

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DECLARATION

This dissertation is my original work and has not been presented for a degree in any other university.

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Date: OCTOBER 01, 1999

This dissertation has been submitted for examination with my approval as a University Supervisor.

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Date: 1-October 1999

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ABSTRACT

The study sets out to analyse and investigate the contributions of *ad hoc* non-institutional approaches to the management of internal conflicts. In process, the study examines the structures and problems of the institutional organisations in Africa which have the capacity to manage internal conflicts. The Organisation of African Unity (OAU), the Economic Community of West African States (ECOWAS), the Inter-Governmental Authority on Development (IGAD) and the Southern African Development Community (SADC) are examined in order to critically analyse their strengths and weaknesses in managing internal conflict.

The study analyses two case studies: the Nairobi peace process on the Zaire internal conflict (1996/1997) and the Arusha peace process on the Burundi internal conflict from July 1996 to January 1999. The study reaches a number of findings. First, the institutional organisations are reactive to conflicts because they lack an early warning capacity. Also, financial problems in institutional organisations highly incapacitate their ability to manage internal conflicts. Secondly, *ad hoc* non-institutional approaches to internal conflict management complement the institutional approaches. Therefore, *ad hoc* non-institutional approaches form part of the conflict management process as they provide a platform from which sub-regional and regional states may intervene in internal affairs of other states.

The study concludes that the internationalisation of internal conflicts must be considered in order to understand the application of *ad hoc* non-institutional conflict management approaches. The study finally recommends a conceptualisation and corporation of *ad hoc* non-institutional conflict management as part of conflict management endeavour, especially after the end of the Cold War.

LIST OF ABBREVIATIONS

ABASA	Alliance Burundo Africaine de Salut.
ADFL	Alliance of Democratic Forces for Liberation of Congo-Zaire.
CNDD	Council for the Defence of Democracy.
CIA	Central Intelligence Agency.
DRC	Democratic Republic of Congo.
EAC	East African Community/ Corporation.
ECOMOG	ECOWAS Cease-fire Monitoring Group.
EPLF	Eritrean Peoples Liberation Front.
(ex FAR)	Forces Armees Rwandese (Former Rwandan Government Troops).
FAZ	Forces Armees Zairoise.
FRODEBU	Front Pour la Democratie ou Burundi.
FROLINA	National Liberation Front of Liberia.
ICRC	International Committee of the Red Cross.
IGAD	Inter Governmental Authority on Development.
MPR	Popular Movement of the Revolution.
NPFL	National Patriotic Front.
OAU	Organization of African Unity.
PALIPEHUTU	Parti ou Liberation du People Hutu.
PARENA	Parti de Redressment National.
PDC	Parti Democratique Chretien.
RUF	Revolutionary United Front.
SADC	South African Development Corporation.
ULC	Unicameral Legislative Council.
ULIMO	United Liberated Movement for Democracy in Liberia.
UNITA	National Union for Total Independence of Angola.
UNHCR	United Nations High Commissioner For Refugees.
UPRONA	Union Pour Progress National.
USA	United States of America.
USSR	United Socialist Soviet Republics.
WFP	World Food Programme.
ZSP	Zaire Single Party.

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CHAPTER ONE

1.0. Introduction, Literature Review, the Theoretical Framework and Methodology.

1.1 Introduction and Overview

Principally, most of African states gained their independence in the 1960s. This period was the zenith of the Cold War. During the Cold War, which lasted until 1989, African states and other third world countries played off one superpower against the other in pursuit of their own agenda.¹ In this process, many conflicts that started as internal conflicts later became internationalised. Attempts to design a sound mechanism for conflict management in Africa was caught up inextricably within the polarised structure of the East-West geopolitical competition. Within the Horn of African region, this was more defined by protracted internal and international conflicts. The East-West competition for supremacy was well demonstrated in the disputes and conflicts within and between Somalia and Ethiopia.² The prevailing political environment in the Horn of Africa did not make it easy for conflict management efforts to flourish.

Apart from the Cold War background, many states in the Horn of African region, including Sudan, Uganda, Ethiopia and Somalia have since their independence been entrenched with serious internal structural conflicts. The Somalia conflict has

¹ See M. Mwagiru., 'Between a Rock and a Hard Place: Africa and the Changing United Nations. *Paradigms*, Vol.8: No.2, Winter 1994. pp 111-123: 111.

² See L. Lewis and J. Mayall, "Somalia" in James Mayall J. (ed) *The New Interventionism, 1991-1994. UN Experience in Cambodia, former Yugoslavia and Somalia*: (Cambridge: Cambridge University Press 1995) pp. 94 -101.

evolved in a special way. During the Cold War, the conflict was fuelled by the imperatives of the Cold War competition and further complicated by the direct involvement of former USSR and later, the US. Later, the Somalia conflict was engulfed in clanism, and attempts for its resolution have been left to regional organisations. In the same region, Ethiopia under former emperor Haille Selassie got support from US to ensure that for a long time, the secessionist conflict over Eritrea did not get international attention. The struggle later led to the independence of Eritrea. Moreover, in Ethiopia, the coming in of President Mengistu's regime and his support by the USSR suppressed any serious internal uprisings and kept the regime in power.³ The Greater Horn of Africa,⁴ was not spared by the continuous struggle for supremacy between the Cold War power competitors. In Zaire, presently the Democratic Republic of Congo (DRC), for instance, the United States of America and French support for former President Mobutu Sese Seko enabled him to remain in power for approximately thirty years. Both his subjects and the international community did not question the legitimacy of his regime because it served western and US strategic interests.⁵ The support that the government of president Mobutu got from the west made him resort to oppressive rule. The DRC citizens, even though oppressed and denied the basic human rights, could barely complain or raise issues of

³ See Mwangi M., 'Conflict Management in the Horn of Africa. Redefining an Emerging African-US Relationship' (Paper presented at *The 6th Kenya-American Studies Association Colloquium on "The Future of US-Africa Relations"* (Egerton University, Njoro 7-12 July 1997) P. 3.

⁴ The Greater Horn of Africa encamps Kenya, Tanzania, Somalia, Eritrea, Ethiopia, Djibouti, Sudan, Uganda, the Democratic Republic of Congo and Malawi.

⁵ Mwangi, M., 'Conflict Management in the Horn of Africa: Redefining an Emerging African-US Relationship.' op.cit. p.4.

good governance and democracy. This situation changed when the revolutionary movement led by Laurent Kabila started. The revolt was triggered by the then existing structural violence⁶ among other things. The end product of the Cold War legacy and the underlying structural violence has been complex internationalised conflicts⁷ which have engrossed the whole of the Great Lakes region.

The emergence of internal conflicts in many parts of Africa, just like in both DRC and Burundi, has provided a major test for institutional conflict management mechanisms. The continuation of such internal conflicts has revealed inadequacies in the institutional frameworks of conflict management especially under the auspices of the Organisation of African Unity (OAU). This is generally so since the OAU, whose primary roles include the management of conflicts in Africa, has been caught up within the doctrinal frameworks of the Cold War. The OAU still encourages its members to:

‘affirm and declare their adherence to the sovereign equality of all member states, non-interference in the internal affairs of states, respect for sovereignty and territorial integrity of each state. The OAU further articulates member states inalienable right to independent existence, peaceful settlement of disputes by negotiation, mediation, conciliation

⁶ This Study will adopt Keith Webb’s definition of Structural Violence which he regards as the damage that occurs to individuals or groups due to differential access to social resources. The damage is rendered to the subjects during the normal operation of the social systems. For further discussions see Webb, Keith., ‘Structural Violence and Definition of Conflict’ *World Encyclopedia of Peace* Vol. 2 (Oxford: Pergamon Press, 1986) pp 431-434: Also see Galtung who points out that, Structural Violence is present when human beings are being influenced so that their actual somatic and mental realizations are below that potential realization. Structural Violence may be legitimised by the prevailing political or social norms or sanctified by religious belief. (Galtung, J., ‘Violence, Peace and Peace Research’ *Journal of Peace Research*, 3 1969, pp 169-179.

⁷ Mwangi, M., ‘Conflict Management in the Horn of Africa: Redefining an Emerging African-US Relationship’ op. cit. p 4.

and arbitration.⁸

The OAU's dogmatic interpretation of these basic principles especially of non-interference in the internal affairs of states has led it to champion a dichotomy between internal and inter-state conflicts.⁹ Even though the OAU has attempted to relax this approach towards internal conflicts, it has been hesitant to play any major roles in managing intra-state conflicts. The consequences of the inadequacies of the OAU playing decisive roles in resolving internal conflicts has been worsened by the existence of a conflict management mechanism under the auspices of the OAU. This has always made it difficult for sub regional conflict management efforts, to emerge. The only functional regional institution that existed in the 1960s and 1970s was the East African Community (EAC). The EAC whose membership comprised Kenya, Uganda and Tanzania, had economic concerns, and lacked an effective conflict management mechanism. There have not been any major institutions with frameworks for conflict management. At times mediation initiatives to manage conflicts in the region have been steered by various leaders singly or jointly. Such individual attempts normally come up when the established institutional conflict management frameworks are not able to work fast enough to avert possible catastrophes.

At times, even individual states are predisposed to engage in conflict management outside the umbrella of the OAU. This may explain in part why Kenya was actively

⁸ Amate, C.O.C., *Inside OAU: Pan Africanism in Practice*. (London: Macmillan 1986) p 61.

⁹ See Mwagiru, M. "Who will Bell the Cat Article 3 (2) of OAU Charter and Crisis of OAU Conflict Management (*Kent, Papers in Politics and International Relations* Series 4, No.7, 1995)

involved in the mediation of the Ugandan conflict of 1985.¹⁰ Also the reluctance of the OAU to take responsibility for the management of internal conflicts in part may explain involvement of other institutional bodies including the World Council of Churches (WCC) and All Africa Conferences of Churches (AACC). The AACC, in particular was involved in mediating in the Sudan conflict in 1972.¹¹

Apart from the institutional frameworks in place, there is also the emergence of *ad hoc* non institutional approaches to management of internal conflicts. Such approaches are more often than not, non-institutional conflict management procedures. The emergence of non-institutional approaches has come up in the recent past to complement the existing conflict management mechanisms. *Ad-hoc* mechanisms have in this attempt played major role on conflict management in the continent to fill in the paucity of conflict managers. *Ad hoc* non-institutional conflict management frameworks have been prevalent in many cases in the Great Lakes region. In particular, the internal conflicts that occurred in Zaire and in Burundi provided an opportunity for *ad-hoc* conflict management mechanisms to prevail. In order to attempt to resolve the internal conflicts in Zaire, *ad-hoc* non institutional summits were called by President Moi of Kenya in November 1996. Two other summits in Nairobi followed before the peace process was officially handed over to the OAU in Lome, Togo in April 1997.

In the same region and at about the same period, there emerged an internal conflict in

¹⁰ See M. Mwagiru, *The International Management of Internal Conflict in Africa: The Uganda Mediation 1985* (Ph.D. Dissertation, University of Kent at Canterbury, 1994).

¹¹ See Assefa, H., *Mediation in Civil Wars: Approaches and Strategies - The Sudan Conflict*. (Boulder, Co.: Westview Press, 1987).

Burundi after a *coup d'etat* staged by the Tutsi dominated army. The then prevailing situation needed immediate resolution. An *ad-hoc* head of states summit comprising Tanzania, Kenya, Uganda, Rwanda, Zaire and Ethiopia was convened in Arusha in order to put up a framework for resolution of the political crisis in Burundi.

In both cases there seems to be an emerging conflict management pattern. The conceptual basis of the pattern is that conflicts are best, and most effectively managed, sub-regionally. In this endeavour, conflicts within sub-regions need not to be seen as individual conflicts concerning only the state where the conflict is centred but as a concern of all the other states within the region.¹² In conflict management terms, there exist distinct conflict systems and the search for their solution must involve all members of those conflict systems.¹³ Furthermore, the desire to make peace, even though intertwined with other motives, is glued in the notion that an existing conflict may upset the regional balance or provide opportunities for a rival power. The quest for solutions regionally makes the situation ripe for sub regional initiatives, and since there are few active umbrella institutional bodies in the Great Lakes region, individual heads of regional states take the initiative and summon *ad-hoc* summits. This was the major reason behind the Zaire peace process in Nairobi and the Burundi Peace process in Arusha. The Nairobi and the Arusha Summits demonstrate the emergence of non-institutional methods of conflict management. This study seeks to critically examine the factors surrounding non-institutional approaches to conflict management and in

¹² See M. Mwangiru., 'Conflict Management in the Horn Of Africa, Re-Defining an Emerging African-US Relationships.' op. cit. p. 9.

¹³ See M.Mwangiru., 'Peace and Conflict Management in the Horn of Africa' (*Paper presented at the IRG conference on Peace and Security in the Horn of Africa, Mombasa, 6-9, November, 1997*).

particular involvement in the internal conflicts DRC and Burundi.

1.2 The Problem

The Zaire and Burundi peace processes are exceptional in their conduct and the way they were convened. Both summits brought to light a sequence of events that need critical analysis. The hostile situations in both the countries were a result of internal struggles and disputes. The internal struggles and disputes were later internationalised.¹⁴ In the process, the quest for a resolution of the disputes necessitated intervention of mediators from other extra territorial organs. Within this background, the involvement of other states in the peace processes brings in various important aspects of conflict management in internal conflicts. The attempt by sub regional states to mediate in both the conflicts on an *ad hoc* basis create a new phenomenal in the region that calls for critical analysis.

Traditionally, mediation which is a tool of conflict management, operates within two diplomatic tracks. Track one is formal and is essentially conducted by, or under the auspices of, states and international organisations; track two diplomacy is non-official, non-state conflict management.¹⁵ Track one would fit this study for undeniably, the conflict management processes in the Great Lakes region was being

¹⁴ The factors related to internal conflicts that necessitate their internationalization in the African context include: existence of ethnic kin in other territories, ideological sympathy by outsiders for one group, and immigrations of ethnic communities to the other countries which alters the ethno-demographic balance. For further discussion of the internationalization of internal conflicts see Mwangi, M., *The International Management of Internal Conflicts in Africa: The Uganda Mediation 1985.*, op cit. pp 26-31:28. With the advent of technology, other factors may be added to this list to include: Media, globalization, human rights, environmental and interventionism-both humanitarian and military.

¹⁵ Bendahmane, D.B & McDonald, J.W.,(eds) *Conflict Resolution: Track Two Diplomacy* (Washington: The Foreign Service Institute 1987)

officiated by heads of the regional states. The Zaire conflict management initially involved heads of states of Kenya, Uganda, Tanzania, Cameroon, Ethiopia and Eritrea.¹⁶ These were the heads of states that felt that there was a need to look for a resolution of the then escalating Zairian internal conflict.

A critical assessment of the then prevailing condition also reveals that some of these states were neither within the immediate conflict system or otherwise affected. In the Burundi peace process, only five days after a military *coup d'etat* that brought Major Pierre Buyoya to power, the heads of states of the Great Lakes Region, (Tanzania, Rwanda, Uganda, Zaire, Ethiopia and Kenya) met in Arusha and condemned the *coup d'etat*. In that summit, they also imposed harsh economic sanctions on Burundi. The economic sanctions were meant to stay in place until the Burundi government made and showed progress of negotiations with all the interested parties in Burundi over the new constitutional order, the holding of free and fair elections and installation of a civilian regime in that country.¹⁷ These sanctions were immediately effected.¹⁸ Even though the sanctions were later relaxed, they played an impressive role towards achievement of their initial objectives.

Within Africa, there are a number of institutional bodies bestowed with the responsibility of conflict management. The main ones, as has been mentioned earlier, include the Organisation of African Unity (OAU), Inter-Governmental Authority on

¹⁶ M. Mwagiru., 'Conflict Management in the Horn of Africa: Re-Defining an Emerging African-US Relationships' op cit. p 13.

¹⁷ 'Burundi Under Siege, Lift the Sanctions, Re-Launch the Peace Process.', (International Crisis Group-ICG: Burundi Report No.1 28 April 1998.

¹⁸ Ibid p. 12.

Development (IGAD), the Economic Community of West African States (ECOWAS) and South African Development Committee (SADC).¹⁹

The problem arises because, if all these institutions exist, then what are the underlying factors for the emergence of regional *ad-hoc* non-institutional conflict management mechanisms? The emergence of regional *ad-hoc* non-institutional efforts to manage the internal conflicts involving both the case studies raises important questions. It is worthwhile to find out the factors that influence the emergence of *ad-hoc* heads of state conflict management mechanisms even though there are regional and continental institutional bodies. This study will therefore seek to examine whether there are short-comings in the conflict management ability of institutional mechanisms that necessitate involvement of non-institutional approaches. Further, the study will explore whether there are any limitations to such non-institutional approaches that were involved in attempts to manage these internal conflicts. The Nairobi peace processes on Zaire from November 1996 to April 1997 and the Arusha peace process on Burundi internal conflict from July 1996 to January 1999 offer the best opportunity to achieve this objective. Conflict management needs thorough and careful planning and framing of strategies. The study will examine the strategies, if any, that the Nairobi and the Arusha peace processes adopted in conflict management and whether such strategies were appropriate or inappropriate.

1.3 Objectives of Study

¹⁹ See Mwangiri, M. 'Beyond the OAU. Prospects for Conflict Management in the Horn of Africa.' *Paradigms* Vol. 8. No.2 Winter 1995, pp. 107-124.

The broad objective of this study is to analyse the contributions of *ad hoc* non-institutional approaches to the management of internal conflicts in the Great Lakes region. The above broad objective has been subdivided to include examining the factors that lead to involvement of *ad hoc* non-institutional approaches in internal conflict management in Burundi and Zaire. Secondly, the study will critically examine the role of *ad hoc* non-institutional approaches in the management of internal conflicts in Burundi and Zaire. In order to further achieve the broad objective there is a need to examine out the strategies employed by *ad hoc* non-institutional approaches towards the management of internal conflicts in Burundi and Zaire. Finally this study will attempt to identify the strengths and limitations of *ad hoc* non-institutional conflict management approaches in internal conflicts.

1.4 Justifications of Study

Apart from re-ordering international politics, the end of Cold War has had a great impact on African conflict management processes. There has emerged an emphasis on what Mwangiru calls "big power" approach to international conflict management.²⁰ The big power approach is characterised by "preventive diplomacy (action to prevent disputes from arising between parties), peacemaking (action to bring hostile parties to agreement, essentially through peaceful means).²¹ Also, the end of the Cold War has seen the African continent being neglected and marginalised, especially since the continent appeared to have lost the political, economic and strategic importance it had

²⁰ See M. Mwangiru., 'Between a Rock and a Hard Place: Africa and the Changing United Nations'. op. cit. pp. 114.

²¹ Boutros-Ghali, Boutros., *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace Keeping* (New York: United Nations 1992) pp. 11.

to the west.²² This implies that with respect to conflict management, the western policy of intervention in Africa to alleviate conflicts on geo-strategic grounds is no longer operational.²³ The end of the Cold War witnessed a proliferation of internationalised internal conflicts as opposed to interstate conflicts.

These developments in Africa have revealed the need to re-examine conflict management strategies and if possible, modify them. At the continental level, for instance, the OAU, acknowledging the implication of these changes, has attempted to reconsider its provisions and has come up with the OAU Mechanism for Conflict Prevention, Management and Resolution. This Mechanism has been criticised by some authors in several accounts for its inability to resolve internal conflicts.

The end of Cold War has also accelerated the regionalisation and sub-regionalisation of conflict management.²⁴ In this process management of conflict is considered regionally and sub regionally. At times though, the conflict management efforts can take an international perspective especially where the United Nations is involved. Notwithstanding, internal conflicts can have negative far-reaching social, political and economic implications sub regionally, regionally and even globally. In an attempt to resolve conflicts, the regional body, the OAU has been established. Sub regionally, institutions and at times individual heads of states have participated in endeavours to

²² Laidi, Z., *The Super Power and Africa: The Constraints of a Rivalry, 1960-1990*; (Chicago and London: University of Chicago Press 1990).

²³ See M. Mwagiru., 'Beyond the OAU: Prospects for Conflict Management in the Horn of Africa.' op cit. pp 107-124.

²⁴ Kemp, Godfrey., 'Regional, Security, Arms Control and the End of Cold War' in Brown J.S. & K.M. Schraub (eds) *Resolving The Third World Conflict: Challenges for New Era*, (Washington D.C.: United States Institute of Peace 1992), pp. 121-150:123.

manage conflicts with some success. In Africa, these sub regional institutional efforts include ECOWAS in Liberia and IGAD in Sudan. Individual efforts include Moi in Uganda and even Mugabe and Moi in Mozambique.²⁵ There have been numerous problems associated with these attempts. Among these is the internationalisation of internal conflicts. A conflict initially internal, eventually spreads over a large region culminating into an extended conflict system. This spread, at times results from third party involvement driven by power struggles where neighbouring countries believe in "my neighbour is my enemy and my neighbour's enemy is my friend,"²⁶ as a basic consideration for their relationships. Even though there exist institutions like OAU, IGAD, SADC and ECOWAS, there is also the emergence of *ad hoc* non-institutional approaches interested in resolution of internal conflicts.

This study will analyse the fact that such *ad hoc* non institutional frameworks of conflict management complement the existing institutional apparatus. Even though such *ad-hoc* heads of state summits have existed in practice, there is no thorough study that has been undertaken with regard to their conceptual contributions towards conflict management and resolution. The internal conflicts in DRC and Burundi during the period covered by the study provide the best opportunity to study these *ad hoc* non-institutional conflict management mechanisms.

Academically, there has been debate amongst scholars as to whether a single case

²⁵ See Adibe C. *Managing Arms in Peace Processes: Liberia*. (New York: United Nations 1996), p. Xi.

²⁶ Mayal, J., 'The Hopes and Fears of Independence: Africa and the World, 1960-1990.' In D. Rimmer (ed) *Africa 30 Years on: The Record and Outlook after of Independence* (London: Royal African Society/James Carrey/Heinemann 1991) pp. 22-38: 27.

study can enhance generalisation and theorising. This group of writers, lead by Bercovitch, have reiterated that even the findings from a single case study can be suggestive and give future pointers in practice and research.²⁷ This notwithstanding, this study takes the view that even though, several case studies, in this case two, may be different and eccentric,, they enable a comparative study and enhance theorising. This study takes the Zaire and Burundi as case studies because as Nafzinger and Richter argue,

“a comparative case study may help to distinguish the idiosyncratic and historically unique characteristics of major political phenomena from the regular general underlying conditions.”²⁸

This study agrees with this assertion and the author feels that an authoritative result may only come out if more than one case study is used.

1.5 Hypotheses

In order to achieve the objectives of the study, three hypotheses would be tested.

- (i) The first is that *ad-hoc* non-institutional approaches enhance the process of conflict management.
- (ii) The second hypothesis is that *ad hoc* non-institutional mechanisms engage in the management of internal conflicts because institutional organs are reactive to conflicts.
- (iii) And finally, that *ad hoc* non institutional approaches to conflict management

²⁷ Bercovitch, J., *et. al.* 'Some Conceptual Issues and Empirical Trends in the Study of Successful mediation in International Relations' *The Journal of Peace Research*, Vol. 28, pp 7-17.

²⁸ Nafzinger, E.W and Richter, W.L., 'Biafra and Bangladesh: The Political Economy of Secessionist Conflict, 13 *Journal of Peace Research* 1976, pp. 91-109:91.

increase the prospects of positive outcomes in management of internal conflicts.

1.6 Theoretical Framework

Conflict management borrows insights from different academic disciplines like psychology, economics, political science, international relations, strategic studies, mathematics and foreign policy analysis. Within all these disciplines, there is always a thread of ideas that run across them, that attempts to explain conflict management. Whichever approach is taken to the study of conflict management, there is general agreement that there is a need for a systematic assessment of observable phenomena that arise in the conflict process. There is also a need to try and discover the variables to explain behaviour, and to reveal the characteristics of types of relations that are at interplay among observed units within the conflict.²⁹ In other words, there is a general conscientious that there is a need for a theoretical framework to explain phenomena that occur in the field of conflict management just like in all other disciplines.

One broad conceptual framework will inform this study, namely, conflict research.³⁰

The conflict research paradigm is derived from the world society school of thought in international relations.³¹ The conflict research paradigm rejects the notion that

²⁹ For discussion on need to use theory to explain practices and occurrences see Stanley Hoffmann., *Theory and International Relations in International Politics and Foreign Policy* 2nd rev. (New York: Free Press 1969) p. 33.

³⁰ Groom, A.R.J., 'Paradigms in Conflict: The Strategist, the Conflict Researcher and the Peace Researcher' in J. Burton and F. Dukes (eds) *Conflict Readings in Management* (London: Macmillan, 1990), pp 71-98.

³¹ Mitchell, C., 'Conflict, War and Conflict Management' in Margot Light and A.J.R.Groom, (eds) *International Relations: A Handbook of Current Theory* (London: Pinter Publishers 1989), pp. 121-140:121-122.

conflicts result from the urge to dominate. The paradigm argues that conflictual behaviour in society results from the actors' perception of the environment in which they live. Conflictual behaviour as such is learned behaviour which, is conditioned and directed by the circumstances or the environment.

In the conflict research paradigm, threats are not the only way in which human beings can manipulate the environment; there exist other ways of social engineering. The paradigm also looks at conflict as being endemic in the society. Conflict is endemic because of the existence of many diverse decision making centres in the society. And because each decision making centre is different, it is normal that different points of view will emerge.³²

The conflict research paradigm contends that there are conflict management mechanisms that do not rely on power.³³ It is only when the management mechanisms break down that violence occurs and power is resorted to in managing the resulting conflict. In essence, conflict management mechanisms that do not use power are likely to succeed if utilised properly.

³² Burton, J.W., 'Word Society and Human Needs' in Margot Light & A.J.R. Groom (eds) *International Relations: A Handbook of Current Theory*. (London: Pinter Publishers 1989), pp. 46-59:51.

³³ For definition of political power see Morgenthau, Hans J., *Politics Among Nations, The Struggle for Power and Peace* 6th ed. (New York: Alfred.A.Knopf 1995), pp. 31-34. For the definition of power in mediation, see I.W. Zartman & S. Touval, 'Third-Party Diplomacy and Informal Peace Making' in S.J. Brown & K.M. Shraub (eds) *Resolving Third World Conflict: Challenges for a New Era* (Washington D.C.: United States Institute of Peace Press 1992), pp 241-261:154 who define power as the ability to move a party in an intended direction using a leverage. Four sources of leverage in mediation include:- the Mediator's ability to portray an alternative future as more favorable than the continuing conflict and the mediator's ability to produce an alternative position from each party's needs for a resolution. Also the availability of resources that the mediator can control and the availability of mediator can add to the outcome.

The major pillars of the conflict research paradigm that are of interest to this study are subjectivity of and perception about conflict. Conflict is subjective because the parties involved can change their goals or can always reassess their values. Secondly, the perception of the conflict, which is prone to change, determines the character of the conflict. Thus the ultimate goal of conflict management is to create a self-sustained peace where the values of the parties in the conflict can be achieved. The values are not in short supply since basic social needs in the society are abundant. Conflict management should therefore be viewed from the perspective of how the values of the actors in the conflict can be achieved satisfactorily.

Conflict research considers conflict resolution to be attainable only where post conflict relationships are legitimised and self-sustaining. Conflict resolution must be achieved without the imposition of certain behaviours on the conflicting parties. There must be situations where post-conflict behaviour is based on criteria and understanding which, are acceptable to the conflicting parties. In searching for a resolution of the conflict, all interested parties must be involved in the process, and the positions of all the parties to the conflict must be accommodated.³⁴

Conflict research is relevant to this research because it will help in the understanding of the circumstances that instigate internal conflicts. This study will examine the societal circumstances that were the root causes of the internal conflicts. The case studies are both internal conflicts that were later internationalised, the paradigm will

³⁴ Groom, A.J., 'Paradigms in Conflict: The Strategist, the Conflict Researcher and the Peace Researcher' in J. Burton & Dukes F. (eds) *Conflict: Readings in Management and Resolution* (London: Macmillan 1990) pp. 71-98.

then help to explain the subjective characteristic of the conflicts to the conflicting parties. The approach of conflict research towards conflict resolution is to provide a supportive framework for the parties in the conflict. This aspect will help in the analysis of the frameworks of *ad-hoc* non-institutional heads of states summits for both the case studies.

Other Paradigms of Conflict Management

As mentioned in the earlier part of this section, conflict management borrows insights from many academic disciplines. There are other paradigms that explain the practice of conflict management that need a general overview. These are the peace research and the strategist.

*The Peace Research*³⁵

Peace research paradigm is derived from the structuralist view of international relations.³⁶ Peace research is interested on structures that give rise to relationships and conflict in society. The paradigm has the notion of structural violence. It argues that it is the underlying structures that promote conflicts. But of concern to this study is that peace research further argues that people subject to structural violence may not know that they are under violence and that it is possible to change it. Secondly, in peace research, conflict is considered to be objective. And for a conflict to occur, there must be incompatible interests that are built into the structures of the society or

³⁵ Groom, A.J.R., 'Paradigms in Conflict: The Strategist, the Conflict Reseaercher and the Peace Reasearcher' in J. Burton and F. Dukes (eds) *Conflict Readings in Management* op cit. pp. 71-98.

³⁶ Little, Richard., 'Structuralism and Neo-Realism' in Margot Light and A.J.R. Groom(eds) *International Relations: A Handbook of Current Theory* op cit. pp. 74-89.

relationships. Here, conflicting behaviour can only be removed by structural change. It is in this quality of peace research that this study differs with the paradigm. Peace research is also revolutionary. Peace researchers are always taking sides in a conflict. In addition to being revolutionary, the peace research does not put up a framework to ensure that the incoming structure is calm and enduring. The job of peace researcher ends with bringing change through revolution and does not ensure that the resulting environment is non conflictual.³⁷

The Strategist

The strategist is another theoretical framework that can explain the management processes of conflict.³⁸ The strategist is a Realist thought of international relations. The strategist considers that the primacy of the state, states control of instruments of power and sovereign equality between states differentiates state power. The hierarchy of states is based on power and therefore powerful states define world order and guard it.³⁹

What could be of interest to this study is the role the strategist plays in conflict management. Here, strategic studies form the basis of conflict management. Strategy is all about manipulation in which powerful states use military technology to maintain existing international political order. It is the manner in which the strategist looks at

³⁷ See for example Adam, Curle., *Making Peace* (London: Tavistock Publications, 1971) in which there is extensive discussion on how peace researchers achieve revolutionary peace by power politics or use of force.

³⁸ Groom, A.J.R., 'Paradigms in Conflict: The Strategist, the Conflict Researcher and the Peace Researcher' in J. Burton and F. Dukes (eds) *Conflict Readings in Management* op cit pp. 71-

^{98.}
³⁹ Morgenthau, Hans, J., *Politics Among Nations: The Struggle for Power and Peace* op cit

conflict management that makes the paradigm unsuitable for the case studies under examination. The strategist's idea of creating stability is through arms control, deterrence, disarmament and nuclear proliferation among others. The resulting stability is a conflict settlement instead of a conflict resolution. What results is conflict settlement because stronger parties base the approach on deterrence and coercion. Thus the best that is expected under the strategist is a society in which non-violence is achieved only by power (armed power).⁴⁰ This was not the case for the Nairobi peace process on Zaire and the Arusha peace process on Burundi. In both cases, the ultimate aim was to ensure that enduring peace prevailed and conducive environment for development ensued.

1.7 Literature Review

Conflict management *per se* is a discipline which, has a wide range of literature. In broad terms, literature on conflict management as a discipline may be classified into definitions, conflicts, mediation, methodology and outcome. In this study, there is also a need to assess literature on the internal conflicts in the Great Lakes region internal conflicts.

Literature on the definitions on conflicts

The first set of literature relates to matters of definitions of conflicts. Zartman has defined conflict in reference to the underlying issues in dispute between parties. He adds that crisis refers to the active outbreak of armed conflicts.⁴¹ Mwangiri envisages

⁴⁰ See Groom, A.J.R., 'Strategy' in Margot Light and A.J.R. Groom (eds) *International Relations: A Hand book of Current Theory* op cit. pp 141-155.

⁴¹ Zartman, I.W. *Ripe for Resolution: Conflict and Intervention in Africa* (New York, Oxford

conflict to be about values, wants and interests which are negotiable, and are not susceptible to settlement.⁴² Mwangiru's line of thought correlates well with Burton's view that conflicts of interest can be negotiated, mediated, subjected to judicial determination and be bargained over. Burton further adds that at all levels there are conflicts involving needs and values, which, cannot be traded, compromised or repressed.⁴³ Indeed the literature under this definition agrees that conflict is a process, which, involves rational beings within nation-states or within their neighbourhoods clashing over values, wants, interests and needs. Ascertaining the existence of conflict has posed a problem to many scholars. Some look at conflict "subjectively". This group believes that for a conflict to exist, there has to be some perception of incompatible goals by the social actors. There are also those who view conflict to be "objective". To them, a conflict may exist without the awareness of the actors.⁴⁴ Peace researchers prefer to look at conflict as an objective phenomenon by focusing on underlying issues of structural violence. Galtung advocates that "conflict instigated by structural violence occurs when human beings are being influenced so that their actual somatic and natural realisations are below their potential realisation."⁴⁵ There seems to be a general agreement that for conflict to exist, there must be clashing of interests of some kind.

University Press 1985) p.8.

⁴² M. Mwangiru, *The International Management of Internal Conflict in Africa: The Uganda Mediation 1985* op.cit.

⁴³ Burton, J. W., "World Society and Human Needs" in Light and Groom (eds) *International Relations: A Handbook of Current Theory* op. cit p 50.

⁴⁴ Webb, Keith., 'Structural Violence and the Definition of Conflict.' *World Encyclopaedia of Peace* Vol.2 (Oxford Pergamon Press 1986) pp. 431-434.

⁴⁵ Galtung, J., 'Violence, Peace and Peace Research' *Journal of Peace Research* 3, 1969 pp 167- 197.

The origin of protracted conflicts is mostly attributed to conflicting social-cultural and ethnic relationships. Azar in his attempt to study protracted conflicts, has developed a theory that relates the causes of conflict to ethnicity. Therefore, where ethnicity exists, there are higher chances of continuation of conflict for a longer time than necessary. He however adds that apart from ethnicity, protracted conflicts are also caused by underdevelopment, class differences and problems that involve identity and distributive justice.⁴⁶ Indeed his assertion may explain the origins and existence of internal conflicts in the Great Lakes region. In this region, there are deep-seated ethnic identities which, contributed significantly to the escalation and protraction of the internal conflicts.

Said Abdul et al add an interesting perspective into the argument about conflicts. In their attempt to analyse conflicts, they bring in a different perspective to the study of conflict. The writers draw a dichotomy between armed and unarmed conflict. Armed conflict is where some type of military means is used, from low intensity or guerrilla tactics to full-scale international war. Unarmed conflict on the other hand may include involvement of diplomacy and pacific methods to pursue objectives in a climate of disagreement. The writers add that,

“un-armed conflict has the same rationale as war; purpose and conduct of the conflict are conceived using the same principles of strategy and tactics employed in the most violent warfare.”⁴⁷

⁴⁶ Azar, Edward E., 'The Theory of Protracted Social Conflict and The Challenge of Transforming conflict Situations' in Dina Zinnes (ed) *Conflict Processes and Breakdown of International Systems*. (Denver CO.: University of Denver, 1993), pp.81-99: 90.

⁴⁷ Said Abdul Aziz, Charles O. Lerche, Jr. & Charles O. Lerche III *Concepts of International Politics in Global Perspective* 4th ed (New Jersey Englewood Cliffs: Prentice-Hall International, 1995) pp 119-133:126.

This study agrees with Said Abdul Aziz *et al* description of unarmed conflict. In many approaches to settling disagreements, many methods are employed that are not necessarily violent but are silently coercive. These silently coercive methods which can justifiably be referred to as "arm twisting" are just as effective as violent means to achieve the required objectives in any disputes.

Literature on conflict management, resolution and settlement.

The second set of literature concentrates on conflict management, resolution and settlement. On conflict management, resolution and settlement, the literature is varied and wide. Mwangiri's standpoint is more relevant to this study. Conflict management in his definition refers to the process of introducing external actors into a conflict. Mwangiri's approach further entails bringing into play external factors into a conflict such as mediation and humanitarian assistance.⁴⁸ Many other scholars discuss the mediation process. Bercovitch, considers mediation as a peaceful form of conflict management between adversaries desiring some help with their dispute.⁴⁹ This view is also advanced by Touval and Zartman.⁵⁰ In most cases this involves an outsider willing to offer such help. Bercovitch further notes that mediation is where conflicting parties seek the assistance of, or accept, an offer of help from an

⁴⁸ M. Mwangiri, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* op.cit. p. 27.

⁴⁹ Bercovitch, J. *Social Conflict and Third Parties Strategies of Conflict Resolution.* (Boulder Co.: Westview Press, 1984) p. 11.

⁵⁰ Touval, S. and Zartman, I.W. 'International Mediation: Conflict Resolution and Power Politics' *Journal of Social Science Issues* Vol. 41, 1985 pp. 27-45.

individual, group, state, or organisation to settle their basic differences without resorting to physical force or invoking the authority of law.⁵¹ Bercovitch maintains that the entry of a mediator into a conflict transforms an originally dyadic structure into a triadic relationship.⁵² Sharing the same line of thought is Touval and Zartman, who note that a mediator transforms the bargaining structure from dyad into a triad.⁵³ Bercovitch, in support of this argument further adds that mediation is a voluntary process. This means that the mediators cannot function without the trust and co-operation of the adversaries. Thus trust, credibility and a high degree of personal skill and competence are necessary pre-conditions for effective mediation.⁵⁴ The literature also brings out two vital identities of mediators that are relevant to this study. An exogenous mediator is one from outside the conflict and an endogenous mediator is one from within the conflict.⁵⁵ Mwagiru strongly feels that this endogenous/exogenous classification of the mediator is unsatisfactory since it does not include all types of mediators. In his approach, he additionally classifies a third type of mediator as heterogeneous conflict managers. Such a mediator has the characteristics of both endogenous and exogenous mediators.⁵⁶ To illustrate his

⁵¹ Bercovitch, J., *International Mediation and Dispute Settlement: Evaluating Conditions for Successful Mediation: Negotiation Journal* Vol. 7. 1991 pp 1-27:3.

⁵² Bercovitch, J., 'International Mediation: A Study of the Incidence, Strategies and Conditions of Successful Outcomes' *Conflict and Cooperation*, Vol.21 1986. pp. 155-168:156.

⁵³ Touval S & I.W. Zartman 'Introduction: Mediation in Theory' in S. Touval & I.W. Zartman (eds) *International Mediation in Theory and Practice* (Boulder: Westview Press 1985) pp 7-8.

⁵⁴ Ibid pp. 163.

⁵⁵ Bercovitch, J., *Social Conflicts and Third Parties: Strategies of Conflict Resolution* (Boulder: CO.; Westview Press 1984).

⁵⁶ See Mwagiru, M., 'Internal Conflict and the process of Mediation: The 1985 Uganda Peace Process' *East African Journal of Peace & Human Rights* Vol. 3, No. 2, 1997 pp 171-187:177.

assertion, he uses the IGAD mediation of the Sudan conflict. In that mediation, the co-mediators (Uganda, Kenya, Ethiopia and Eritrea) are endogenous because they are part of same regional conflict system of the Horn of Africa but they are exogenous because they all come from territorially different states to the Sudan parties.⁵⁷ The need for such classification sits well with Mwagiru's standpoint on regional conflicts. The conflicts, by their nature, form conflict systems, for example, the Horn of Africa conflict system includes Sudan, Somalia, Ethiopia, Eritrea, Djibouti, Kenya and Uganda and must be looked at within that framework.⁵⁸

Literature on outcome of conflict Management

The third set of literature deals with out come of conflict management efforts. There is also literature on outcome of conflict management efforts as a result of third party involvement. The outcome of third party Conflict management involvement, is discussed at length by Bercovitch. He however notes that there is a problem of noting and gauging success levels outcomes. These problems, he notes include the temporal problem (i.e. when the examination of the outcomes should commence) and the problem of criteria to be used for determining outcomes.⁵⁹ Because of the difficulty

of assessing outcomes, a success index was suggested by Anagnoson *et al.*⁶⁰ Hence, a

⁵⁷ Ibid.

⁵⁸ M. Mwagiru, 'Conflict and Peace Management in Horn of Africa. Redefining an Emerging Africa-US Relations' op.cit p.10.

⁵⁹ See Bercovitch, J., '*Social Conflicts and Third Parties: Strategies of Conflict Resolution*' op cit. pp. 112-113.

⁶⁰ See Anagnoson J.T., Bercovitch, J. & Willie, D., 'Some Conceptual Issues and Empirical Trends in The Study of Successful Mediation in International Relations: *Journal of Peace Research*, Vol.28, 1991 pp 7-17.

fully successful third party involvement occurs when, credit for making great difference to or settling the disputes and it is partially successful when its efforts initiate negotiations and some dialogue between the parties. Also, third party achieves limited success when it attains only a temporary halt to hostilities or cease-fire and unsuccessful when it has no discernible impact on the conflict.⁶¹ The problem with this index is that it is difficult to know who gauges the efforts: whether it is the actors in the conflict, the mediators or the observers. This difficulty of knowing from which standpoint to assess the conflict makes the application of the success index difficult. For Burton, a successful outcome is one where a resolution rather than a settlement is achieved. Thus conflict settlement addresses negotiable interests while conflict resolution involves shared values such as identity and recognition which are not negotiable.⁶² Further, "resolution of a conflict assumes that given a full understanding of the shared goals, an appreciation of the environmental constraints, the parties would resolve the conflict."⁶³ Conflict settlement according to the literature, involves power bargaining and is likely to be short lived since it involves coercion and imposition.⁶⁴ It is when destructive behaviour has been reduced and hostile attitudes lessened. This may be achieved by use of force.⁶⁵ Burton contends that conflict resolution is based on the parties analysis of the causes of their conflict, leading to an

⁶¹ Ibid.

⁶² Burton J.W., 'Conflict Resolution as a Political Philosophy' in S.J.D. Sandole & H. Van der Merwe (eds) *Conflict Resolution Theory and Practice: Integration and Application* (Manchester & New York: Manchester University Press 1993). pp. 55-64.

⁶³ Burton, J.W., 'Unfinished Business in Conflict Resolution' in J.W. Burton & F. Dukes (eds) *Conflict: Readings in Management and Resolution* (London: Macmillan 1990) pp 328-335: 329.

⁶⁴ Banks M. and Mitchell C., *A "Note on Terminology" Hand book of Conflict Resolution: The Analytical Problem Approach* (London: Redwood Books, 1996) pp XVII-XIX.

⁶⁵ Mitchell, C and A. Banks, *Handbook of Conflict Resolution* op.cit. p. XVII.

outcome which is positive for all, and hence enduring.⁶⁶

Literature on ad hoc conflict management

Finally there is also literature that deals with the *ad-hoc* conflict management mechanisms. The literature on *ad hoc* methods of conflict settlement in Great Lakes region is limited. Mwangiru has mentioned this process. He explains how the Zaire and Burundi summits were conducted.⁶⁷ In his writings, he has discussed the Zaire⁶⁸ and Burundi peace processes at length. He however dwells on the peace process procedures. For example, in the Zaire peace processes, he attempts to analyse the effects the processes had on Kenyan foreign policy and diplomacy.⁶⁹ The literature does not critically and categorically assess the limitations and success of this emerging form of conflict management.

Under institutional frameworks, more so the OAU, Amate mentions that *ad-hoc* institutional mediation is not a new concept in African conflict management. The OAU 's first *ad-hoc* committee was immediately after its inception in 1964 and was convened to look at strained relationships between Algeria and Morocco.⁷⁰ In that mediation, the OAU appointed a ten-man fact-finding team on status of affairs in the

⁶⁶ See Burton, J.W., *Conflict: Resolution and Provention* (London: Macmillan 1990).

⁶⁷ M. Mwangiru, 'Conflict Management in the Horn of Africa: Re-defining an Emerging African-US Relationship'. op. cit p.10.

⁶⁸ To get a preview of those Parties and personalities in the DRC-Zairean conflict see: "Who is Who in Zaire" *The Economic Review* (Nairobi) 24-30 March 1997, pp 9-17.

⁶⁹ See M. Mwangiru., 'The Elusive Quest: Conflict, Diplomacy and Foreign Policy in Kenya' in P.G. Okoth (ed) *Conflict in Contemporary Africa* (Nairobi: Jomo Kenyatta Foundation 1999)

⁷⁰ See Amate, C.O.C., *Inside the OAU: Pan Africanism in Practice* op cit p. 167.

border between Algeria and Morocco. Since then, OAU has preferred informal mechanisms of dispute settlement. *Ad-hoc* committees have been institutionalised in order to proceed flexibly and discreetly to work out arrangements specifically tailored to the situation at hand. But Wolfers adds that the institutional *ad-hoc* arrangements are better suited for the realities of the African conflicts, which are diverse and have a few commonalities.⁷¹ Foltz argues that because of the OAU's preference of *ad-hoc* committees, its charter on elaborate judicial structure for dispute settlement, the commission of mediation, conciliation and arbitration has never been used.⁷²

1.7.1 Brief Assessment of the Literature.

A critical analysis of the literature in this area shows that many scholars are entangled in the definition of conflict. Many others have dealt with the processes such as mediation, negotiation and outcomes. This group of writers only attempt to assess the institutional frameworks of conflict management. Many have assessed the initiatives of conflict management under the auspices of UN, OAU or other official actors.⁷³ There is dire lack of literature that categorically and critically assesses the limitations and successes of *ad-hoc* non-institutional conflict management frameworks. This study will therefore attempt to fill this gap. The internal conflicts that occurred during the period of study in Zaire and Burundi and the peace processes that ensued will provide the case studies for this study.

⁷¹ Wolfers, M., 'The Organisation of African Unity as a Mediator' in Touval, S & I.W. Zartman (eds) *International Mediation Theory and Practice* (Boulder, CO.: Westview Press, 1983) pp 175-196: 175.

⁷² Foltz, William L., 'Organisation of African Unity' in Deng F.M & I.W. Zartman (eds) *Conflict Resolution in Africa* (Washington D.C.: The Brookings Institution 1991) pp 347-366:356.

⁷³ Rothchild, Donald., 'The United States and Conflict Management in Africa' in Deng F.M. & I.W. Zartman (eds) *Conflict Resolution in Africa* op cit. pp 209-232: 211.

1.8 Methodology

This study is organised in three major parts. The first part consists of Chapters One and Two which, introduce the study and examine the institutional aspects of mediation processes bearing directly on the case studies. This part of the study outlines the background to the study. This part draws sources from secondary materials. The second part, which consists of Chapters Three and Four, will centre on case studies namely Zaire and Burundi. It is expected that the case studies which, have not been investigated in context of *ad hoc* non-institutional mediation before, will yield interesting insights into the process and practice of conflict management in internal conflicts. The case studies are particularly attractive and worth studying because they are display many commonalities of the basic elements of internal conflicts in Africa. In assessing these, there were three main sources of data for the case studies: interviews with available participants and knowledgeable persons, original documents from the peace processes where accessible and secondary information. The press provided particularly useful source of contemporary commentaries on the background of the peace processes.

1.9 Definitions.

Institutional frameworks

In this dissertation, frameworks of norms or rules which, parties recognise and which in favourable circumstances result in the establishment of some accepted legal systems will be referred to as institutions. Such frameworks must have their own statute-prescribed and self determined regular schedules for meetings. Thus

organisations; international, regional or otherwise, like the United Nations (UN), Organisation of African Unity (OAU) and Inter-Governmental Authority on Development (IGAD) fit into this definition.

Non Institutional frameworks

Non-Institutional frameworks are those that do not display the above characteristics. They are those that in addition to lacking the above qualities do not have regulatory legal frameworks on membership (i.e. the number and size of membership), regional, continental orientation or financial support from any organisations. The non-institutional frameworks relevant to this study are those that draw their membership from a pre-defined conflict system. There is no regulatory pre-determined sequence of membership. The desire to join and to withdraw is purely an individualistic decision.

Ad hoc non institutional frameworks

In this study, *ad-hoc* non-institutional frameworks of conflict management will refer to impromptu heads of state summits. This type of summit only occurs when the need arises. It is normally held once but given that issues to be discussed may be lengthy, more meetings may be held and for prolonged periods of time. Thus *ad-hoc* frameworks by their nature may be bilateral or multilateral intended to resolve the problem at hand. On achieving the expected objectives, the summit is dismantled and may never meet again on the same subject and terms. At this stage it is worth

differentiating this type of *ad-hoc* frameworks from the ones that occur under different institutions. Those under institutions always act and perform their tasks under pre-determined statutory rules of the parent institution.

1.10 Structure of the Study.

This study has six chapters. This part forms Chapter One, in which the introduction, literature review, theoretical framework and study methodology has been put forward.

This Chapter has also put forward the justification of the study and the study objectives. Chapter Two, will examine the structures and problems of institutional conflict management in Africa. The institutions looked at include the Organisation of African unity (OAU), the Economic Community of West African States (ECOWAS), Inter-Governmental Authority on Development (IGAD) and South African Development Community (SADC). It is in the same Chapter where types and dynamics of conflict in Africa are looked at.

Chapter Three forms the basis of the first case study. It examines the *ad hoc* non-institutional management of internal conflict in Zaire 1996/1997. The examination goes through introduction and historical background, internationalisation of and strategic map of actors in the conflict and peace process. The Nairobi peace process on Zaire from Nairobi I through Nairobi III are examined. Ultimately, the Chapter looks at the efforts made by the OAU towards the management of the Zaire conflict.

In Chapter Four, the study looks at a second case study; the Arusha peace process on the management of internal conflicts in Burundi from July 1996 to January 1999. A historical perspective of the Burundi conflict is preferred. In addition, the impacts of sanctions towards the management of internal conflict in Burundi are looked at.

A critical analysis of institutional and *ad hoc* non-institutional conflict management approaches informs Chapter Five. This Chapter categorically analyses the institutional, and *ad hoc* non-institutional approaches to management of internal conflicts. Consequently, internationalisation of internal conflicts is assessed there in. In the same chapter, all emerging and contending issues across the study are put forth and finally, the findings of the study conclude this Chapter. Chapter Six forms the conclusions of the study. In Chapter Six, internal conflict management approaches during the Cold War are examined. Lastly away forward as relates to approaches towards management of internal conflicts is floated. A comprehensive bibliography of sources cited forms the last part of the study.

CHAPTER TWO

2.0 Structures and Problems of Institutional Conflict Management in Africa

The last Chapter has dealt with the introduction, theoretical framework and methodology of this study. A comprehensive literature review in the same chapter revealed a gap that justified this study. In this Chapter, a critical examination of the structures and problems of institutional organisations is done. The organisations under review include the Organisation of African Unity (OAU), the Economic Community of West African States (ECOWAS), the Inter-Governmental Authority on Development (IGAD) and the South African Development Community (SADC).

2.1 The Introduction and Overview

The majority of institutions in Africa, which currently engage in conflict management, were formed mainly after independence. The memberships were often drawn from the then newly independent states. These institutions in their attempt to mediate and manage conflicts have tried to put their roles within the frameworks that ensure that internal affairs of individual states are not interfered with. The institutions of conflict management have put up governing principles that define conflict management halfway between partisanship and impartiality. The institutions, which have conflict management capacity, are always in support of the incumbent leadership in the individual states. The states again try to be impartial to conform to the constituting principles that govern the regional and sub regional organisations. Furthermore, the institutions have provisions that protected the states from interference in

their internal affairs by other states. The factors explain in part why the majority of institutions in Africa find an important part of their *raison d'être* in the establishment of principles such as sovereign equality of all member states, sanctity of borders and non-interference in the internal affairs of member states. The institutions also ensure respect for the sovereignty and territorial integrity of each state and for each state's inalienable right to independent existence.¹ During the Cold War, the regional and sub-regional institutions had established their governing principles that distanced the organisations from internal affairs of sovereign states. This stand has changed drastically, after the end of the Cold War. These institutions have incorporated into their original principles parts that endear intervention into matters that could be otherwise considered internal. At the same time, the same institutions try to play their roles as conflict managers. Given the restrictive nature of the principles that governed the institutions during the Cold War, a majority of African states opted to refer to the principles to justify their positions in the existing conflicts.²

With the observations of the principles³ in mind, the majority of regional and sub-regional institutions have often veered off from playing major roles in conflict management. Those institutions that have attempted to take part in active conflict management have found their efforts hampered by their own constitutional principles.⁴ It is these principles of the

¹ Amoo Samuel G. & I.W. Zartman, 'Mediation by Regional Organisations: The Organisation of African Unity (OAU) in Chad' In Bercovitch J. & Rubin J.Z. (eds) *Mediation in International Relations: Multiple Approaches to Conflict Management* (London: Macmillan 1992) pp 131 - 148: 131.

² Foltz W. and J. Widner, 'The OAU and Southern African Liberation' in El Ayouty Y and I.W. Zartman (eds) *The OAU After Twenty Years* (New York: Praeger 1984).

³ The principles governing the Regional and the Sub-regional bodies are discussed else where in this Chapter.

⁴ Mwangiru, M., 'The Organisation of African Unity (OAU) and Management of Internal Conflicts in Africa' *International Studies*, 33, 1 (1996) pp 3-20.

institutions that have at times been used as the rationale for not managing African conflicts in time or at all. For instance, the hesitance to get involved by the OAU was reflected in the 1960-70 Nigerian civil war. In that conflict, the OAU maintained from May 1967 when the Eastern Nigeria purported to secede from Nigeria to the capitulation of Biafra in 1970 that the OAU member states were to refrain from action prejudice to the peace of, unity, and territorial integrity of Nigeria.⁵ Notwithstanding the difficulty in having appropriate and timely conflict management frameworks, the majority of institutions have put in considerable efforts towards establishment of sub-regional conflict management frameworks. At the continental level, the Organisation of African Unity (OAU) acts as an umbrella body to manage conflicts. Under the OAU there exists the OAU Mechanism for Conflict Prevention, Management and Resolution.⁶ After the sub-regional level, there are three prominent organisations whose Charters carry provisions for conflict management. In Western Africa, the Economic Community of West African States (ECOWAS) has an arm to manage conflicts. At its inauguration on 28 May 1975, it was mandated to promote and enhance economic co-operation and integration in the entire West African region.⁷ ECOWAS later on expanded its mandate and embraced the role of conflict management. ECOWAS heads of states and government established the community's standing mediation committee, which in turn created the ECOWAS Cease-Fire Monitoring Group (ECOMOG).⁸ In the Horn of Africa, the Inter-Governmental Authority on Development (IGAD) is mandated to engage in

⁵ Naldi, J. Gino., *The Organisation of African Unity: An Analysis of its Role* (Mansell: London 1989) p. 37.

⁶ Mwagiru, M., *The International Management of Internal Conflicts in Africa: The Uganda Mediation 1985* (Ph D Dissertation, University of Kent at Canterbury, 1994).

⁷ Adibe, C., *Managing Arms in Peace Processes: Liberia* (New York and Geneva: United Nations, 1996) pp 4-6.

⁸ Berman Eric G. and Katie E. Sams, 'Western Efforts to Develop African Peace-Keeping: Constructive Disengagement.' *The Institute of Security Studies, 1999* (forth coming).

the management of conflicts between and within member states.⁹

The Southern African Development Community (SADC) is the sub-regional body in the southern part of Africa. SADC formed an organ on Politics, Defence and Security in June 1996. The organ is intended to monitor, prevent and manage any conflicts emanating from the region.¹⁰ This Chapter is concerned with these organisations, and critically analyses the structures and problems arising from their conflict management. The Chapter examines each of these organisations in turn. But before doing that, there is a need to understand the dynamics of conflicts in Africa that these institutions have to manage. The effort to understand the dynamics of conflicts in Africa is necessary in order to have a clear view of the situation on the ground. A clear understanding of the dynamics and types of conflicts enables one to know whether or not the mechanisms employed to manage them are relevant.

2.2 Types and Dynamics of Conflict in Africa

The statistics on conflict in Africa after independence are alarming. Evidence between 1960s and the 1990s show that 18 full blown civil wars have been fought in Africa. Nearly one third of all overt-military interventions between 1960 and 1995, (53 of 171) were targeted at African governments, and 55 out of 81 interventions were African states compared to only 16 by former colonial masters. Thirteen genocide and politicides occurred in Africa between

⁹ See Mwangi, M., 'Towards an Architecture of Peace in the Horn of Africa Conflict System.' Institute of Diplomacy and International Studies, University of Nairobi *Staff Seminar No. 1* 1996 pp 1-27: 20. See also *IGAD Draft Report: 14th Session of the IGAD Council of Ministers* Djibouti, 24 - 25 April 1996.

¹⁰ Berman Eric and Katie E. Sams, 'Western Efforts to Develop Africa Peace Keeping: A Constructive Disengagement.' op cit.

1960 and early 1990s compared to 24 elsewhere in the world. As a result, by the beginning of 1990s, more than 2.5 percent of all African populations were refugees fleeing from political violence which, interprets to 4.7 million Africans in need of assistance outside their home countries.¹¹ These figures are alarming and in part call for formulating frameworks to deal with any conflicts that may arise.

Since the early 1960s, three broad categories of conflict can be discerned in Africa. There are conflicts about self-determination through which many countries gained their independence. This type may be divided further into post-colonial self-determination, in which ethnic communities formerly divided by artificial international borders seek to merge and form new entities. The issues of self-determination are fundamental to the Charter of the OAU. Article 3(6) of the Charter advocates absolute dedication to the total emancipation of the African territories that were still dependent.¹² What article 3(6) falls short of saying is the method to be used to obtain self-determination. For as much as there is the wish to eradicate all forms of colonialism in Africa, there have also been conflicts arising from secessionist movements, which were considered internal affairs. The involvement in such affairs would contradict articles 3(1) and 3(2). This was the difficulty that the OAU got itself into when Eritreans were fighting for self-determination. In that struggle, the OAU was put in a difficult situation because pursuant to article 3(2), the occurrence was considered to be an internal affair of

¹¹ Gurr Ted, R., 'Theories of Political Violence and Revolution in the Third World.' in Deng Francis M. and I.W. Zartman (eds) *Conflict Resolution in Africa* (Washington D.C.: The Brookings Institutions, 1991) pp. 153-189:157.

¹² See explanations in Amate, C.O.C., *Inside the OAU: Pan Africanism in Practice* (London: MacMillan 1986) pp 166.

Ethiopia, but this struggle helped to create Eritrea as a state that was later to join the OAU.¹³

Secondly there are conflicts about territory in which forcible means were used to create the territorial boundaries inherited at independence - Western Sahara and Kenya-Somalia conflicts are examples of such type of conflicts. Thirdly, there are the conflicts about secession which have challenged regimes installed in power at independence and afterwards, through political and military forces. The conflicts arising under this category include the Eritrean conflict, the Biafran conflict of 1967-70, the southern Sudan (SPLA) and the Ogaden.¹⁴

Even though these categories of conflicts look distinct, there are many similar factors that are visible in a majority of them. Factors related to ethnic differences contribute highly to the causes of conflicts in Africa. Most conflicts last long periods of time because of the ethnic differences. The 1994 Rwanda genocide in which ethnic Hutus and Tutsis fought each other is a clear example where ethnicity played a major role in a conflict. Other factors that play fundamental roles in causing African conflicts are material scarcity and poor economic performance. A majority of African states are underdeveloped and experience hard economic conditions. The poor resources are never enough. Efforts to redistribute the economic resources often result in frictions leading to overt conflicts. In order to resolve such conflicts, capable governments having the authority to reallocate and deploy these resources must be

¹³ See Mwagiru, M., *The International Management of Internal Conflicts in Africa: The Uganda Mediation 1985* (Ph. D. dissertation, University of Kent at Canterbury, 1994).

¹⁴ Mwagiru, M. 'The OAU and Management of Internal Conflicts in Africa' op cit p 6.

put in place.¹⁵ The political institutions in Africa also exhibit weakness and domination by the personalistic rule by autocrats. The political institutions are limited in their ability to control society because they are constrained by the unavailability of enough human and fiscal resources.¹⁶ The resulting environment together with domestic and international demands on African leadership provides a breeding ground for conflicts.

2.3 Institutional Conflict Management in Africa: Structures and Problems

This part of the chapter deals with institutional frameworks that try to manage conflicts in the African continent.

2.3.1 *The Organisation of African Unity (OAU)*

The underlying reason for formation of the Organisation of African Unity (OAU) as a continental body was to design and enhance the maintenance of peaceful relations within the African region. The need for peaceful relationships was intended to protect each of the then newly independent states from each other.¹⁷ In the same context, immediately after independence, African leaders sought to eliminate dependence on foreign powers. In 1963, just as it is now, the African leaders insisted on 'African solutions to African problems.'¹⁸

The OAU has many institutions and organs. Article 7 enumerates the principal institutions of

¹⁵ Asiwaju A.I. (ed) *Partitioned Africans: Ethnic Relations Across Africa's International Boundaries, 1884 - 1984*. (Lagos: Lagos University Press 1984).

¹⁶ Gurr Ted, R., 'Theories of Political Violence and Revolution in the Third World' in Deng F.M. & I.W. Zartman (eds) *Conflict Resolution in Africa* op cit p 158.

¹⁷ Amate C.O.C., *Inside the OAU: Pan-Africanism in Practice*. Op. cit.

¹⁸ McWilliams Wayne C. & Harry Piotrowski, *The World Since 1945: A History of International Relations* (Boulder Co.: Lynne Rienner Publishers, 1993) p 257.

the OAU, which are; the Assembly of Heads of states and Government, the Council of Ministers, the General Secretariat and Commission of Mediation, Conciliation and Arbitration. In addition, article 20 of the OAU Charter makes provision for establishment of specialised commissions by the Assembly. All these are intended to help the OAU function better and efficiently.¹⁹

The OAU Charter has regulations for membership. Upon joining the organisation, each country has to adhere to the OAU Charter. Article 19 of the OAU Charter expects all its member states to observe and practice the principle of 'peaceful settlement of disputes by Negotiation, Mediation, Conciliation and Arbitration.' With time, the members have favoured *ad-hoc* mediation process, which is procedurally informal compared to the provisions of institutional methods of the Charter.²⁰ From the onset therefore, OAU was bestowed with explicit responsibility to monitor, reduce and control conflict among its members. The explicit authority to manage conflicts enshrined in the Charter is curtailed when it comes to regional and internal conflicts. Article 3 of the Charter introduces a difficult phenomena in the OAU conflict management efforts and ability. It is the interpretation of article 3 (2) that draws a dichotomy between internal and international conflicts. And because the line between the two is difficult to draw because of internationalisation of internal conflicts, article 3 therefore inhibits conflict management efforts within the OAU.

The OAU has tried very much to maintain to its initial objectives. In all its efforts to manage

¹⁹ In order to understand the different organs and departments of OAU, see Amate C.O.C. *Inside the OAU: Pan Africanism in Practice* op cit pp 83-126.

²⁰ Amoo Samuel G. & I. William Zartman, 'Mediation by regional organisations: the Organisation of African Unity (OAU) in Chad, op. cit.

conflicts, the OAU prefers mediation. In the mediation process, the OAU always opts for two channels. These channels are the extra ordinary session of heads of states and *ad hoc* committees. The *ad-hoc* committees often involve the heads of states.²¹ These extra ordinary sessions of heads of states and are institutionalised to the extent that they are mentioned in the Charter. The Charter allows for extra ordinary sessions of the Council of Ministers and General Assembly at the request of any member state. The *ad hoc* Committees have always been preferred because of the diverse nature of African conflicts. The *ad hoc* institutional method is more prevalent in the OAU processes of conflict management because the OAU's approach to conflicts is reactive. The OAU always waits for conflict to happen and then engage in *ad hoc* institutional or *ad hoc* unilateral initiatives. In the circumstances where, *ad hoc* unilateral initiatives are opted for, individual heads of states or governments resort to the management of conflicts. The OAU normally support such initiatives. The initiatives are typically aimed at the conflict at hand. Once peace has prevailed, there is not enough effort made to ensure that an established regional course of action is put in place to facilitate an environment where there are no further conflicts. The OAU also resorts to the initiatives because there is no engraved conceptual framework for resolving emerging conflicts in the continent. The only basis of conflict management, especially during the Cold War period, was the doctrine expressed in article 3 (2). This article has diverse effects in conflict management during the Cold War framework.²² In effect therefore, the OAU *ad hoc* committees, with clear cut instructions on dealing with specific conflicts, had always to work within the constitutional framework of the OAU. The out come of the *ad hoc* institutional

²¹ Wolfers Michael 'The Organization of African Unity as Mediator' in Touval Saadia and I. William Zartman (eds) *International Mediation in Theory and Practice: Conflict Management Institute*, (Boulder Co.: Westview Press, 1985) pp 175 - 197.

²² Mwangi, M., 'Towards an Architecture of peace in the Horn of Africa Conflict Systems' op cit.

mediation are then ratified by the OAU and then the conflicting parties are persuaded to adhere to the resolutions passed thereof. The OAU prefers the above approaches after realising that conflicts arising among its members are complex. Both the extra ordinary session of ministers and *ad-hoc* institutional mediation committees provide opportunities for the conflicting parties to at least engage in negotiation that can lead to peaceful settlements of their disputes.

The main problem with the *ad-hoc* institutional mediation committees is that upon completion of peace process, an inventory of conflict management repertoires for future similar conflict is not put in place. Rather, they extend assistance to the parties so that the conflicting parties may reach some form of bilateral agreement.²³ Noticeably, though, conflict management in Africa has changed a great deal especially in the late 1980s and after the end of the Cold War. In effect, the mediation role of the OAU has changed drastically to match the emerging types of conflicts. Wolfers observe that the role the OAU played in the 1980s was limited and was attributable to two factors²⁴ First, disputes amongst member states escalated rapidly to an extent that they were at times unmanageable. Such alliances were indeed complicated because they at most pitted the then superpowers against each other.

This was seen in the Eritrean struggle for self-determination in which Haille Selassie kept the Eritrean question outside the international agenda. He did this by maintaining that the Eritrean conflict was an act of banditry and therefore an internal affair. When the Haille

²³ Ibid. pp 180.

²⁴ Wolfers Michael, 'The Organisation of African Unity as a Mediator' in Touval and Saadia and I. W. Zartman (eds) *International Mediation in Theory and Practice: Conflict management Institute*. Op cit.

Salassie regime fell, movements in Eritrea especially the Eritrean People's Liberation Front (EPLF) raised international awareness of the Eritrean case. It was after this that the USSR and United States, yearning for control of the Horn of Africa polarised the Eritrean case by each supporting either EPLF or Eritrean Liberation Front (ELF).²⁵ Secondly, the OAU was progressively being paralysed by a series of crises in which action was immediately needed. The entry of the OAU was blocked because the conflicts touched on what were considered 'internal affairs.' The situations included Congo (Zaire) Biafra, Rwanda, Burundi, Uganda, Angola and Chad.²⁶ The result of these developments in Africa was to make the OAU members to question its proper role and direction of pursuing conflict management.

2.3.2 The Emergence of the OAU Mechanism for Conflict Prevention, Management and Resolution

Since the end of the Cold War, a number of events have occurred. Notable amongst these is the change in strategy by the OAU. And no where else have the implications and changes been more noted than in conflict management. Mwangiru notes a number of issues in this respect. He observes that with the end of the Cold War, many institutions in the world had to reassess themselves especially their conflict management mechanisms.²⁷ The OAU was not left behind in this endeavour. The attempt to enshrine a framework for conflict management within OAU started with adoption by the OAU Assembly of Heads of States and Governments of the Declaration on the Political and Socio-economic situation in Africa.

²⁵ Laidi, Z. *The Superpowers and Africa: The Constraints of a Rivalry 1960-1990* (Chicago: University of Chicago Press, 1990) pp 123-131.

²⁶ Zartman, William I. *Ripe for Resolution: Conflict and Intervention in Africa* op cit.

²⁷ Mwangiru, Makumi, 'The Organisation of African Unity (OAU) and the Management of Internal Conflict in Africa.' op cit p11.

Given the fundamental changes taking place in the world, the Heads of states and Governments agreed in principle to establish within the framework of the OAU and in keeping with the objectives and principles of the Charter, a mechanism for preventing, managing and resolving conflicts.²⁸ This framework is structurally centred around a Central Organ. The Central Organ is composed of the Bureau of the Assembly of Heads of States and Governments who are elected annually. The elections must bear in mind the principles of equitable geographical representation and rotation.

Secondly, the OAU Secretary General and the secretariat form part of the mechanism. The Mechanism can operate and function between sessions of Assembly of Heads of State, and Governments. The rationale is the need for continuity of operations of the mechanism and the OAU at large. For reasons of continuity the Mechanism operates at three levels, the head of states, the foreign ministers, which form the Council of Ministers and the ambassadors, accredited to the OAU. What these levels imply is that, the ambassadors accredited to the OAU and foreign ministers always meet and discuss the issues at hand. The agendas are then discussed at length before the heads of states and governments are invited to deliberate. The final decisions are often presided over by the heads of states and governments.

In cases where there are overt conflicts, the attention of the OAU is drawn by the Secretary General who, principally acts on authority of the OAU Assembly of Heads of States and Governments in consultation with the parties in a conflict. By the same token, the OAU mechanism has a broad spectrum of actions it can take. It may focus its efforts on conflict

²⁸ Ibid.

management, prevention, peace making and peace building. This has been difficult to achieve but there is evidence that a lot of effort has been made to towards this end. Noticeably missing in the structure of the Mechanism is a provision for peace keeping.²⁹ However, the OAU, can out of necessity deploy small-scale peacekeeping operations. Such operations may be limited to observer-missions. The most recent case of such was in Rwanda. In that mission, a contingent of neutral military observers as was sent in 1992³⁰ under the auspices of the OAU.³¹

2.3.3 The Problems of the OAU Mechanism

The Mechanism is a great leap forward in terms of conflict management by the OAU. The inauguration of the Mechanism was long overdue. The Mechanism has achieved considerable successes where the 'old' OAU had performed dismally. For instance, seven years into its operation, the Mechanism has been involved fourteen times. Of these twelve cases involved internal conflicts and two involved inter-state conflicts. Even though the Mechanism has been successful in performing its intended roles, there are major structural and constitutional problems that were evident in the 'old' OAU that still linger in this new framework. First, the Mechanism is held down by a religious interpretation of article 3 of the OAU Charter. Article 3 of the OAU Charter has an important basis for the OAU conflict management especially during the Cold War. As been mentioned elsewhere in this Chapter,

²⁹ See debates on The OAU peace keeping elsewhere in this Chapter.

³⁰ Op cit.

³¹ For further illustrative discussion on the mechanism, see Mwagiru, M. 'The Organisation of Africa Unity (OAU) and Management of Internal Conflicts in Africa' op. cit.

the first three principles of article 3 articulate the sovereign equality of all member states, non-interference in the internal affairs of states and respect for the sovereignty and territorial integrity of each state and their inalienable right to independent existence.³² Closely related to these principles is the principle of African solutions to African problems. This fourth 'principle' has been nurtured from the need for Africa to be independent and self supporting in solving its own problems especially those emanating from economics, politics and conflict. In the same context, disputes and conflicts between member states 'should be dealt with as a family quarrel that should not be taken to anybody outside the OAU to resolve.'³³ Thus therefore, in case of any disputes, disagreements or conflictual developments, before such a matter is taken to the UN or any other extra-continental body, the OAU efforts should be tried first. The first attempt by the African states to resort to management of conflicts emanating from their relationships was evident in the Chad conflict. In that conflict, the OAU resolved to send its own a peace-keeping force other than a United Nations one.

The first three principles of Article 3 reflect a number of concerns of the founding members of the OAU. Article 3(1) demonstrates in part that the founding fathers envisioned an organisation in which none of the members would lay claim to superiority over others. Article 3(1) envisaged an organisation that did not have certain countries playing hegemonic roles. Profoundly, article 3(2) of the OAU Charter was the crippling agent of the OAU conflict management effort especially during the Cold War. A number of issues arise from the interpretation of this article. The OAU has always adopted a short-sighted interpretation of the principle of non-interference in the internal affairs of states. It is unfortunate that the

³² The Charter of the OAU 1963 Article 3 (1), (2) and (3).

³³ Amate, C.O.C, *Inside the OAU: Pan Africanism in Practice* op cit, p 166.

OAU considers any involvement irrespective of motive, to be interpreted as interference in internal affairs. This kind of interpretation has hampered even genuine OAU involvement in conflict management.³⁴ Such an interpretation is not appropriate especially after the Cold War. Conflicts, in the African continent are never purely 'internal'; they get internationalised³⁵ as has been discussed elsewhere in this chapter.

The second major problem with the Mechanism is the inclusion of heads of states to form part of the Mechanism. The heads of states of most African states contribute heavily towards or are involved in conflicts. There is evidence that conflicts in Africa arise from the differences between the leaderships the most of African states. Thus, since conflicts occur under the leadership and within these states, it is difficult to have the same heads of states as mediators play other third party roles. In cases where the heads of states have been involved, they try as much as possible to ensure that no progress is made towards resolution of the conflicts.

The OAU Mechanism also has a mandate to prevent conflicts by monitoring their occurrence. The Mechanism has a research and evaluation process that helps to pre-empt conflicts before they become overt. Even though this Mechanism has not been able to prevent conflicts fully, it has been observed that it often responds to overt conflicts. The Mechanism is reactive because sometimes it is caught unawares. The reaction time and pattern of the Mechanism therefore makes it to play a 'fire fighter' role. This is especially the case where conflicts arise

³⁴ See Mwangi M., *The International Management of Internal Conflicts in Africa: The Uganda Mediation 1985*, (Ph.D. Dissertation, University of Kent at Canterbury, October 1994.)

³⁵ Ibid p 154.

and the Mechanism only goes in to quell the overt conflicts. Coupled with this problem is the issue of conflicting parties being unwilling to accept the mediation facility offered by the Mechanism. The Mechanism does not have the authority to ensure that what it comes out with is binding on the conflicting parties. It would reflect well on the OAU efforts if the protagonists accept its mediation, but the OAU Mechanism does not have the authority to enforce the resolutions. Such was the case when the OAU got involved in the mediation role in the conflict between Ethiopia and Eritrea in 1998/99. In that conflict, Eritrea initially refused to accept the OAU management process that required it to at least surrender the land it already occupied;³⁶ but later on it did accept after the United Nations intervened.³⁷

The emergence of the sub regional organs is notable in conflict management patterns in Africa. Even though the OAU Charter predates the sub regional organisations, the OAU has not made changes to accommodate the sub-regional bodies. This new phenomenon has not been accepted by the OAU because it still lacks the authority to delegate conflict management responsibilities to sub-regional institutions. There are many sub-regional bodies that have within their charters frameworks for conflict management.³⁸ The OAU Mechanism as a continental body should only provide a supervisory role. This is currently not the case. The OAU often fails to co-operate with sub-regional institutions and this results in duplication of tasks. This is because the OAU would get involved in managing conflicts that are already being managed by the sub-regional bodies. The failure to delegate by the OAU partly

³⁶ 'Horn of Africa Talks Resume' The Daily Nation (Nairobi) 9 November, 1998, p. 8.

³⁷ 'Asmara 'Downs Two' Addis MIG fighters' The *Daily Nation*, (Nairobi), 15 June, 1999, p. 8.

³⁸ The conflict management efforts by the sub-regional bodies in Africa are discussed elsewhere in this Chapter.

emanates from the fact that the OAU does not want to lose its continental prestige to sub regional and national efforts.

The OAU Mechanism fundamentally fails to consider basic issues arising from human rights that affect the processes of conflict management. This is reflected in the inability of the Mechanism to address issues of human rights.³⁹ Cases of human rights violations are rampant in Africa. The majority of conflicts that occur in Africa, result from serious human rights violations. The 1994 genocide and the refugee influx experienced in Rwanda and Burundi are examples of cases where there were extensive human rights violations. It is only when the OAU is able to address human rights abuses by its members that a framework like the Mechanism can work better. Human rights touch on interests, values and issues that are fundamental and must be considered when engaging in conflict management. Issues of human rights are never 'internal affairs' of any particular state.⁴⁰ Human rights are universal, and their violation anywhere need unilateral response from both internal and extra-territorial actors.

Peace-keeping is a strong instrument of peace making. The OAU conflict management Mechanism does not address this important apparatus of peace making. The issue of an OAU peacekeeping force dates back to the conflict in the Chad. That was the only time that peacekeeping operations were undertaken by the OAU. Since then, there have been major debates on African peace keeping force. The debate is generated by a number of issues.

³⁹

Mwagiru, M. *Conflict: Process, Theory and Institutions of Management*. (Nairobi: Watermark, 1999)-
Forthcoming. p. 71

First, there is the misunderstanding between some states as to whether the intended peacekeeping force is a standing army or not. The idea of a standing army sends shivers in the leadership of the majority of African states. The leaders fear a standing African army because, there could be a possibility of such a force interfering in the internal affairs of the OAU member states.

The second hindrance to the implementation of a peacekeeping force has been the need to have the possible peacekeeping force command structure streamlined. Indeed, even some of the African leaders who support the peacekeeping idea have been uncomfortable with the way in which the command structure would be shared. The debates have been so strong in the OAU that the idea of peace keeping has been shelved. With time and changes in the continent, the OAU has backslid and instead embarked on the low-key activities such as monitoring cease-fires. This was evident in Burundi, in 1994. This was the first time when the OAU attempted to put up an observer mission. This attempt by the OAU is a clear indication that there have been changes in the OAU conflict management approach. The changes have been noticed especially after the start of the OAU Mechanism for Conflict Management, Prevention and Resolution.

Apart from these arguments, there are other problems regarding OAU peacekeeping. Fundamentally, the problem here is that most of the political and socio-economic relationships in Africa are fragile and the states have young democracies. A standing peace keeping force is a threat to such states. The newly independent states have dire financial,

⁴⁰ O'Connell, D.P., *International Law* Volume Two (2nd ed.) (London: Stevens & Sons, 1970) pp. 747-761.

administrative and political problems. Thus a standing peacekeeping force may not be a feasible option. Such states may opt for economic development as opposed to putting up military endeavours to police the whole continent. Coupled with this is the possibility of some of the errant leadership misusing such a peacekeeping force. The misuse may arise as a result of a command structure that is not streamlined. But to avoid the fear of possible misuse of a standing peace keeping force, the African leaders should incorporate other options. The obvious option that has been floated by many leaders is the need to have a quick response force. Such a force of the size of a well-equipped battalion can be trained centrally but maintained by individual states. Such a force maintained by individual states but having regional and universal responsibility can suffice. It can be of use because as an individual state's force, it can not intervene in internal affairs of other states, but can only be called upon under the mandate of the continental body. Such approach will for example discourage what is happening in the ECOWAS. The structure of ECOMOG, the peace-making arm of ECOWAS, has command problems. Here, even though ECOMOG draws its membership from a larger number of West African countries, Nigeria has hijacked the leadership and indeed at times goes for command decision alone.⁴¹

The fact that the OAU Mechanism is flawed does not mean that it is completely not operational. Since its inception in 1993, the Mechanism now gives the OAU Secretary General the ability to use his good offices to enter conflicts in search of a negotiated solution. This was the case when OAU sent personnel to evaluate the situation in the recent Ethiopian and Eritrean conflict. But even though the Organisation of African Unity has made efforts towards conflict management, there still exist a number of fissures. The OAU conflict

⁴¹ See discussions on the structure of ECOWAS else where in this Chapter.

management Mechanism's inability to pre-empt conflicts and make decisions immediately has meant that, other organisations be involved in the management of conflicts. The inability to research and look for a possible methodology to resolve conflicts has seen the proliferation of sub regional institutions concerning themselves with conflict management in the sub-regions. These include IGAD, SADC and ECOWAS. Also evident is the emergence of *ad hoc* non-institutional mechanisms which try to manage conflicts. The *ad hoc* non-institutional conflict management mechanisms and their contributions towards conflict management will be discussed in Chapters Three and Four.

2.4 The Southern Africa Development Community (SADC)

The Southern African Development Community (SADC) initially drew its membership from nine southern African states. This body is mainly interested in economic development. On its inauguration, the member states shared the goal of liberating themselves from domination by white-rule in South Africa. Political and security issues are particularly contentious in the region. This is mainly because of the nature of relationships between some SADC members.

Noticeably, the relationship between South Africa and Zimbabwe provides for very competitive politics. Such competitive politics is always unhealthy to co-operations. For instance, the competitive politics has engulfed the majority of SADC member states in the war in the former Zaire. In that conflict, Angola, Zimbabwe and Namibia have been drawn against Uganda and Rwanda. In the same conflict, South Africa has tried unsuccessfully to outdo Zimbabwe and other major players. South Africa attempted a highly personalised, lone

adventure in managing that conflict.⁴² The Southern African attempt, just like the Zimbabwe's, Angola's and Namibia's efforts have failed miserably. If there was no competitive sub regional politics then the outcome of the former Zaire conflict might have been different.

In June 1996, SADC ventured into matters of security. It formed an Organ on Politics, Defence and Security. The body is yet to become operational.⁴³ As of August 1998, a presidential commission that was appointed to draft its operational constitution completed its preliminary draft proposals. The Commission consisting of the presidents of Malawi, Mozambique and Namibia was charged with the responsibility of drafting proposals on its implementation and operation.

Practically even if the Organ becomes operational, it is doubtful that it will make a difference as far as regional security and conflict management is concerned.⁴⁴ The organ is non-operational but there are already fissures at its seams. The trouble arises because of the command structure. The controversial issue is who should command the security organ.⁴⁵ Should it be under the direct command of the incumbent SADC chairman, or should it be an autonomous structure? Until issues like these are sorted out, it may be difficult to have strong standing organ on conflict management under SADC.

⁴² See Chan, Stephen., 'African Foreign Policies: Scientific Seriousness and Personal Politics' *African Review of Foreign Policy* Vol. 1, No. 1, 1999, pp. 89-92: 90.

⁴³ Berman Eric & Katie E. Sams, 'Western Efforts to Develop African Peace Keeping: A Constructive Disengagement' op cit.

⁴⁴ Ibid p 7.

⁴⁵ See Jalpa, Ratna., 'Conflict Resolution Essay: Africa Complex war, Complex Peace' *The East African Alternatives* March/April Issue No.3 1999, pp. 35-37.

Notwithstanding these emerging problems, the potential of the organ cannot be underrated. In the area of peace and security, some of its members - South Africa and Angola - possess considerable military hardware materiel. South Africa for instance has one of the best-equipped military forces in Africa. Thus the inclusion of South Africa in SADC conflict and security endeavours may bring a lot of authority to the force. South Africa has taken individual steps to act aggressively and intervened in conflict in Lesotho. In that intervention, even though South Africa later used the SADC flag, it abundantly reflected the disparity in decision-making.⁴⁶ Angola, having been engaged in many years of conflict with UNITA rebels has acquired a lot of superior equipment. In turn, the type of security operations projected by SADC by its Organ on Politics, Defence and Security reflect what the South African states need. It is forecast and goal oriented.

2.5 The Economic Community of West African States (ECOWAS)

The ECOWAS was established on 28 May 1975. It was formed with the intention of economic co-operation and integration embracing the entire West African region.⁴⁷ Upon its inauguration, ECOWAS established a number of technical and specialised institutions. Such institutions included: the Tribunal of the Community, the Fund for Co-operation, Compensation and Development, Trade, Customs, Immigration, Monetary and Payments Commissions, Industry, Agriculture and Natural Resources and Social and Cultural Affairs Commission. There was a conspicuous absence of a Commission dealing with peace and

⁴⁶ Ibid.

⁴⁷ Olatunde, J.G., 'Regional Co-operation and Integration' in Olatunde et al *African International Relations* op cit. pp. 142-183.

security. ECOWAS in its initial structure reflected a situation, which was typical of many African sub-regional organisations. The majority of the sub-regional institutions always made sure that they dealt with all aspects except matters of security. But the desire to have a security agenda was soon realised. In the period during which ECOWAS was being formed, the West African region was characterised by skirmishes, border clashes and subversions. So in order to contain the insecurity that interfered with the economic activities, it conceived the idea of having a regional collective security referendum was conceived. The regional body responded by undertaking two discourses. First, its member states signed a Protocol on Non-Aggression. The Protocol in part required the signatories to refrain from encouraging, committing or condoning acts of subversion, aggression and hostilities. Thus ECOWAS, just like the other sub-regional organisations, did not initially consider matters of security. But it did not take long before the member states realised the need to have a committee dealing with security matters. They established the Community Standing Mediation Committee that in turn established the ECOWAS Cease-fire Monitoring Group (ECOMOG).⁴⁸ The ECOMOG force was first deployed in Guinea-Bissau.

Even though ECOWAS lacked an institutional crisis prevention and management mechanism, it was later faced with situations in Liberia, Sierra Leone and Guinea-Bissau in which it had to act. It is in Liberia where ECOMOG displayed its abilities and weaknesses regarding conflict management. ECOMOG went into Liberia for a number of reasons. Primarily it was driven by four reasons. The ECOWAS member states intervened to protect the citizens of Liberia against their own government and various armed groups locked in struggle for power.

⁴⁸ Berman Eric and Katie Sams, 'Western Efforts to Develop African Peace-Keeping: Constructive Disengagement.' op cit.

Secondly, ECOWAS member states wanted to rescue their nationals caught up in the civil war. The continued escalation of violence in Liberia that threatened the stability of the sub region formed the third and most prominent reason for intervention. And lastly, ECOWAS intervened in Liberia because nobody else seemed willing to intervene.⁴⁹ ECOMOG was supposed to 'monitor' the situation in Liberia. At the end, ECOMOG was accused of meddling in the internal affairs of Liberia by taking sides in the conflict. Noticeable was where ECOMOG took sides in the conflict. In that process ECOMOG exacerbated the Liberian war at the same time undermining regional peace and security. Taking sides by ECOMOG force was evident when Sierra Leone, a member of ECOMOG had abandoned all pretence of impartiality and was now openly backing United Liberation Movement for Democracy in Liberia (ULIMO), because it did not want Taylor to take over Liberia.⁵⁰ The situation was further complicated by the outbreak of full-scale war between the ECOMOG and National Patriotic Front of Liberia (NPFL).

Apart from the operation in Liberia, the ECOMOG phenomenon has other problems. First, its domination in its decision-making by Nigeria has incited pre-existing Franco-phone and Anglophone tensions within ECOWAS. This has been noticeable in relationships

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See Diehl, P.F., *International Peace Keeping* (Baltimore: The John Hopkins University Press, 1994) pp 120-130. It is noticeable that the rest of the international community (The UN, the U.S, Russia and the West) were involved in the Persian Gulf where Iraq had annexed Kuwait. Also the US and UN declined to get involved, instead they pulled out their personnel from Monrovia due to deteriorating security situation then. See also Adibe, C.A., *Managing Arms in Peace: Liberia* (New York: United Nations) p 13.

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In 1991, Krahn elements –the Krahn is a major ethnic group in Liberia- of the former Liberian Army, who fled to Sierra Leone formed ULIMO. The main aim was to stop any alliance between Charles Taylor and Foday Sonkoh, the Sierra Leone rebel leader of Revolutionary United Front (RUF). This was enough evidence that Sierra Leone, even though a member of ECOMOG was impartial. See Mortimer, R.A., 'ECOMOG, Liberia and Regional Security in West Africa' in Keller, E.J. and D. Rothchild (eds) *Africa in the New International Order: Rethinking State Sovereignty and Regional Security* (Boulder CO.: Lenne Reinner, 1996) pp 149-164: 158.

between Nigeria and Cote d'Ivoire. Between these two countries, there are two main issues that have resulted. First, Nigeria as an anglophone country attempts to control the management and operations of ECOMOG. Also, since the Cote d'Ivoire's operational tactics are Franco-phone, it has been quite difficult to incorporate the tactics into the whole framework of ECOMOG. The Franco-phone countries, noticeably, Burkina Faso and Cote d'Ivoire initially opposed the establishment of ECOMOG, on the grounds that ECOWAS had no mandate to engage in peace keeping. These countries were resentful because of the presumed Nigeria's dominance in the regional politics.⁵¹

Secondly, ECOMOG lacks the authority to decide on who to ensure that ECOMOG forces are deployed in time to avert possible catastrophes. ECOMOG is one of the organs of ECOWAS but it takes time before heads of states and governments meet to decide to take on conflict management. This makes ECOWAS more retroactive in authorising the use of force because it takes a while before a decision is made. The faster methodology of acting may be changing because, more recently ECOMOG has acted much faster. This was evident in the conflict in Sierra Leone. In that conflict, ECOMOG, with the support of Nigeria intervened much faster than it had done happened before. Nonetheless this was a peculiar case. It is noteworthy again that the inability to make decisions relate to command and control. ECOMOG is only nominally accountable to ECOWAS, which exercises little oversight and provides minimal political and administrative guidance.⁵² Coupled with the above problem is the issue of "appropriation" of ECOMOG by Nigeria. Many of the members and observers feel that

⁵¹ See for example Chesoni, S., *The Role of Peace Keeping in Internal Conflict in Africa: A Comparative Analysis of Economic Community of West African States Peace Keeping Operations in Liberia and United Nations Operations in Somali* (M.A., Dissertation, University of Nairobi, September, 1997) pp. 83-84.

⁵² Ibid.

Nigeria uses ECOMOG to further its own foreign policy agenda. The desire by Nigeria to undertake its foreign policy through ECOMOG can not be disputed. It was evident from the inception of ECOMOG in which there was no consensus among ECOWAS members whether or not they could get involved in Liberia. As a fact, Nigeria spearheaded the initial operation individually. This action by Nigeria has since then created a lot of suspicion from amongst the ECOWAS member states. The ECOWAS members have always viewed Nigeria as a state attempting to create state hegemony in west Africa.

The deployment of ECOMOG force is also hindered by many problems. Apart from the lack of a proper framework for deployment, there are also serious financial constraints. This problem emanates from the lack of a sound financial base for ECOMOG operations. The countries that contribute most always have the opportunity to control ECOMOG operations more than those who play less. This in part explains why Nigeria, which contributes heavily, has an upper hand in controlling ECOMOG. For example, during the Liberian operation, Nigeria spent about US\$ 3 billion. The idea of a single entity (state) having an overriding financial control is a common phenomenon in international organisations. It is evident in the role the US plays in decision-making in the United Nations operations.

ECOMOG operations always lack effective and unified command. This results from the financial constraints that hinder troop-contributing states from providing the much-needed logistical support. Thus, from the observation standpoint, ECOMOG encounters a lot of problems. But as a sub-regional body, it has done well given that it was able to ultimately

oversee the July 1997⁵³ presidential elections in Liberia. The ECOMOG involvement in Liberia is a classic case where a sub regional institution became involved in internal conflict management. From ECOMOG's involvement, there is evidence that it contributed highly to the successful management of this conflict. Notwithstanding their initial mission, that was to evacuate their nationals who were trapped in the fighting, ECOMOG did well. It ensured that considerable effort was made towards ending the internal conflict. Its involvement made the conflict to have an international perspective which, ultimately helped to garner support from world bodies interested in peace.⁵⁴

2.6 The Inter-Governmental Authority on Development (IGAD)

The inauguration of IGAD in 1996 brought in a new participant into the management of sub-regional conflicts. As a sub-regional body IGAD draws its members from Ethiopia, Eritrea, Djibouti, Somalia, Sudan, Kenya and Uganda. From the geographical standpoint, this is the region referred to as the Horn of Africa. The body is broadly entrusted to deal with development. IGAD is a sub regional organisation that has gone through transformations after a very short time in operation. Unlike the OAU that was inaugurated in 1963 and has taken 36 years to propose a major overhaul in its Charter,⁵⁵ IGAD took only ten years to see a need for change in its structure. Initially, IGAD started out as an Inter-Governmental Authority on Drought and Desertification (IGADD). The IGADD was established after a United Nations

⁵³ Berman, Eric. G., 'The Security Council's Increasing Reliance on Burden-Sharing Collaboration or Abrogation?' *International Peace Keeping* Vol. 4, No. 1, 1998, pp 1-21: 9.

⁵⁴ For further discussions see Cohen, H., 'African Capabilities for Managing Conflict: The Role of United States' in Smock, D.R. and Crocker C. (ed) *African Conflict Resolution: The US Role in Peacemaking* (Washington D.C.: United States Institute of Peace Press, 1995) pp 77-94.

⁵⁵ See 'Gaddafi Call for African Unity' *The Daily Nation* (Nairobi) 8 September 1999, p 8. The Libyan President called a pan African summit. This was the second attempt by the OAU member states to draw and adopt an OAU Charter concerned with new realities and challenges facing Africa. The first attempt by the OAU was during Abuja treaty in which OAU Charter incorporated economic aims in the political and military spheres.

General Assembly resolution 35/90 of 5th December 1980, and of 20th December 1983 gave recommendations to the Eastern African sub regional states. The resolutions were geared towards forming an organisation to co-ordinate efforts on management of drought and development. Initially, IGADD had six member states, Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda. The IGADD had six objectives centring on management of drought and its related disasters, identifying projects of regional interests especially those geared towards combating drought and desertification.⁵⁶

With time, the member states of IGADD had to re-visit the initial objectives. The heads of states envisioned a need to combat drought and desertification through development. The need for change of objectives of IGADD to an organisation dealing with development prompted change of its name. Effectively, IGADD maintained its acronym but changed its title to read: the Inter Governmental Authority on drought and Development.⁵⁷ But further, the heads of states and governments, faced with contemporary challenges still felt the need to have a more encompassing organisation. An organisation that would address matters of economic, social, trade, communication, humanitarian, security and conflict management. The drive to have an all-inclusive organisation saw the creation of Inter-Governmental Authority on Development (IGAD). The 'new' IGAD, unlike the 'old' IGADD which had only five principal objectives, has seventeen project profiles with at least ten program areas. The new IGAD encompasses matters of security-especially conflict management, peace and stability.⁵⁸ Unlike the majority of other sub-regional organisations, IGAD directly mandated

⁵⁶ See Inter Governmental Authority on Drought and Development (IGADD) Executive Brief, 1993 pp 1-6.

⁵⁷ Ibid.

⁵⁸ See Inter-Governmental Authority on Drought and Development (IGAD): '*Information on IGAD programs and projects*' Nairobi February 1997, pp 1-7.

to engage in the management of conflicts between and within member states.⁵⁹

The major conflict management effort by IGAD is aimed at resolving the Sudan conflict. Unlike other conflict management bodies, IGAD has adopted a slightly different approach to the management of conflict. IGAD has adopted a systems approach to conflict management.⁶⁰ In systematic approaches to conflict management, there is need to realise that conflict systems arise from the inter-relatedness of the regional states. As Mwangi puts it, a conflict system is informed by a complex pattern of inter relationships that are quite visible to the discerning conflict analyst.⁶¹ The relationships that prevail within the IGAD members are characterised by a number of issues. Some of these issues include protracted civil wars like in Sudan and Somalia, shared ethnic communities between many of the countries in the conflict system such as Kenya and Somalia, and undemocratic and dictatorial regimes that are unstable. Within and between the member states are unpredictable diplomatic relationships as is displayed by the Kenya-Uganda⁶² relationship. Interfacing regional politics, competitive regional politics and diplomacy influence IGAD's role as a conflict manager. What comes out, in the view of a conflict analyst and manager is a "complex tessellation of relationships and interactions between actors and issues within the system."⁶³ It is important to add that a conflict system goes hand in hand with the process of the internationalisation of conflict.

⁵⁹ For a perusal of the mandate given to IGAD by its Council of Ministers, see *Inter-Governmental Authority on Development, Draft Report: 14th Session of IGAD Council of Ministers* Djibouti, 24-25 April 1996.

⁶⁰ Mwangi, M., 'Towards an Architecture of Peace in the Horn of Africa Conflict System' op cit.

⁶¹ Ibid, p. 9.

⁶² Okoth P.G. 'The Foreign Policy of Uganda Toward Kenya and Tanzania' in W.O. Oyugi (ed) *Politics and Administration in East Africa* (Nairobi: Konrad Adenauer Foundation 1992) pp 359-394.

⁶³ Mwangi, M., *Conflict: Theory, Processes and Institutions of Management* op cit. p 52.

Hence an occurrence in any part of a conflict system reflects its inherent connection to other parts of the same system.

The main problems with the IGAD conflict management arrangements are fundamental to its structure. There are no institutionalised frameworks to address intra-party conflicts, the continuation of which can sabotage mainstream conflict management efforts. This has been seen in the IGAD mediation of the Sudan conflict. In that mediation, the relationships between Uganda and Sudan have never been addressed fully. Uganda, Kenya and Ethiopia were charged with the responsibility of mediating the Sudan conflict. The mediation of the Sudan conflict has developed many fissures in the relationships between the members. For instance, Sudan had and still continues to have severe conflicts with Uganda. Sudan has accused Uganda of supporting the Sudanese Peoples Liberation Army (SPLA). It does not end there, Sudan also accuses Eritrea of harbouring and actively supporting anti-Sudanese groups. In the same area, Sudan has problems with Ethiopia. The two countries have had long running disagreements over the release of individuals who attempted to assassinate the Egyptian president in Addis Ababa *en route* to the OAU summit of 1995. In effect, the mediation process got affected. Like other sub-regional organisations, IGAD is facing financial problems. The contributions from members are always low and at times not forthcoming.

After examining the institutional conflict management structures and problems, in this chapter, the next two chapters will look at the *ad hoc* non-institutional approaches to conflict management. The next chapter will deal with the Zaire peace process in Nairobi 1996/7.

CHAPTER THREE

3.0 THE MANAGEMENT OF THE INTERNAL CONFLICT IN ZAIRE 1996/97: A CRITICAL ANALYSIS

The previous Chapter has examined the structures and problems of institutional conflict management in Africa. The structures and problems of the Organisation of African Unity (OAU), the Inter-Governmental Authority on Development (IGAD), the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) have been critically examined. This Chapter examines a case study where an *Ad hoc* non-institutional approach to management of internal conflicts has been practised—the Nairobi peace process on the Zaire conflict 1996/97. The Chapter starts with a historical perspective of Zaire¹ before ultimately analysing the Nairobi peace process.

3.1 Zaire: Introduction and Historical Background.

Zaire has been a potentially dominant power in the Great Lakes Region. Zaire's resources attract many outsiders either for trade or co-operation. Its leaders on the other hand have been very ambitious. They have always been ambitious because they felt that they had enough economic and political power back up derived from Zaire's size and resources. Zaire is the heartland of the African continent comprising; Africa's second

¹ The name Zaire has been used throughout this study because it had not changed then. When president Kabila took power in Zaire after the 1996/97 revolution, he changed the name of that state to Democratic Republic of Congo (DRC or DR-Congo)

largest country, Africa's fourth largest population and sixth largest army as of 1996. Even though Zaire looks naturally well endowed, Zartman² argues that, since its independence from Belgium in 1960, Zaire's power has only been potential. Its size has been a major strain on its resources and development. Post-colonial Zaire dominantly aligned itself to its former colonial master, Belgium, through the encouragement of private business and industries. As Zairian leadership encouraged Belgian connections, many young Zairians attempted to introduce political liberalism. The young 'elite', as they were referred to, viewed the west as moderates.³ The 'elite' perceived their interests as closely identifiable with the westerners. The other set of Zairians, the 'political nationalists' - doggedly resentful of foreign domination, favoured a policy of improving the social conditions of Zairian citizens. This latter group viewed Zaire's political and economic self-determination as an urgent goal.⁴ The difference in the desires and perception of Zairians of what was good for their country made the country vulnerable to Cold War competition. The two camps polarised Zairian politics. The polarity of the Zairian politics later played a major role in creating a rift amongst the leadership from which the Cold War competitors benefited.

The leadership in Zaire has never been diverse as would be expected of a country that has been independent for over thirty years. Upon gaining independence at the zenith of the Cold War in 1960, Zaire's first president Patrice Lumumba was assassinated with the

² Zartman I. W., *Ripe For Resolution: Conflict and Intervention in Africa* (updated edition)(New York: Oxford University Press 1989) p 143.

³ Tukendi Lumumba - Kasongo., 'Zaire Ties to Belgium: Persistence and Future in Political Economy" *Africa Today* 3rd Quarter 1992 pp. 22 - 34.

collaboration of the the American Central Intelligence Agency (CIA) and a later president of the country Mobutu, in January 17, 1961 in Katanga.⁵ Thereafter, a series of short leadership lapses by Prime Minister Cyrille Adoula, 1961-64, and Tshombe 1964 -65 followed. It is during Tshombe's term that Mobutu Sese Seko launched his political career through a military *coup d'etat*.

3.1.1 President Mobutu Sese Seko; Rise to Power and Rule.

President Mobutu, just like many third world leaders during the Cold War played the superpowers against each other while at the same time pursuing and fulfilling his personal agendas.⁶ For instance, during the Cold War, Mobutu managed to mould a culture that allowed him to enjoy support from western governments especially the USA and France. Particularly, President Mobutu tactically used the resources from the USA to avert of political radicalism in Zaire. Political radicalism in Zaire was considered by the USA as an exercise towards communist expansion. In time, what started as a limited objective by the west of pushing and containing communist advancement in central Africa turned out to be a prelude to protracted multilateral relationships between Washington, other western capitals and the Zairian dictator.⁷ Both Mobutu's survival instincts and his government's

⁴ Ibid.

⁵ Osita G. Afoaku 'The US and Mobutu Sese Sese Seko: Waiting on Disaster.' *Journal of Third World Studies* Volume XIV. No 1 Spring 1997 pp. 65 -91.

⁶ See Mwangiru M., 'Between a Rock and a Hard Place: Africa and the Changing United Nations' *Paradigms* Vol. 8. No. 2 Winter 1994, pp 111-123: 111.

⁷ Osita G. Afoaku 'The US and Mobutu Sese Seko: Waiting on Disaster.' op cit.

efforts to contain communist expansion in a region chronically regarded as unstable served as a critical resource for wooing US policy makers.⁸

As Mobutu thought that he was benefiting from the west wholesomely, the latter did not just sit and watch. The west also used Zaire as a conduit for transporting arms to Angola, and other central African countries. The west attempted to settle the disputes over Mobutu's nationalisation policy, and made arrangements for an IMF stabilisation plan towards a liberalised economy. The west further set up an investment code that would guarantee the security of especially American investors who were interested in mining and lumbering.⁹

That the West was supporting Mobutu did not imply that everything was running well in the domestic sphere. Mobutu's leadership was dictatorial but it survived partly due to Mobutu's diverse roles. President Mobutu ensured that his image internationally was portrayed as of a clean, upright and law abiding, president, while domestically, he practised bad governance and abused human rights. Public outrage at home and abroad concerning his dismal human rights record, economic mismanagement and corruption did not deter his brutal rule. Mobutu's attempt to balance his character both at home and abroad is described by David Gould as: "an informal framework for political interaction

During the Cold War, the Mobutu regime in Zaire served as a critical resource to western powers as was seen when the Zaire military intervened in the Central Africa Republic (1979), in Burundi and Angola (1975 -6) and in Chad 1981-83). Ibid pp 73.

Ibid.

among-elites-as a pyramid shaped structure of power based on patrimonial distribution.”¹⁰

This type of leadership described by Gould was noticed after Mobutu established what he called a ‘Government of National Unity’. In that process, Mobutu proceeded to centralise executive administration and political functions in the office of the president.

Only two years after he took power, Mobutu had consolidated his rule over the multi-ethnic state, turning Zaire into to a single party state. To further ensure centralised control, Mobutu placed himself at the head of the major institutions - Zaire Single Party, the Popular Movement of the Revolution (MPR) the Congress (the Party) the Unicameral Legislative Council, the Executive Council and the Council of the Judiciary. The way in which Mobutu was ruling turned out to be dictatorial but typical of African leadership. In Africa, the majority of leaders are known to centralise all leadership apparatus and organs into the office of the president. This is typical for example of Kenya and Malawi. Although the Zairian government’s ideology of “authenticity and Zairianisation” was purportedly geared towards nationalist ends, the underlying leadership structure continued to be centred, on Mobutu. The outcome of the centralisation of structures brewed a leadership structure of power centred on a repressive one-person Junta.¹¹ Sadly for the Zairian people, political independence meant replacing direct foreign rule with domestic tyranny. Mobutu’s regime manipulated all the structures such that even though there was

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Gould, David., ‘The Administration of Under Development’ in Gran Guy, (ed) *Zaire: The Political Economy of Underdevelopment* (New York: Praeger 1979). Pp. 179-192: 188.

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Osita, G. Afoaka. ‘The US and Mobutu Sese Seko Waiting on Disaster.’ op cit.

no violent conflict, the Zairians were hurting. The violence¹² visited on the citizen was legitimised by the inability of the West to ensure the emergence of a new regime in Zaire capable of holding the country together.

The Zairian situation changed drastically after the end of the Cold War. Even though Mobutu stayed in power long after official end of the Cold War, many fissures had started to appear in his leadership in the early 1990s. Laurent Kabila mounted the challenge against the Mobutu regime in September 1996. The uprising against President Mobutu was so strong that by March of the following year, the Alliance of Democratic Forces for Liberation of Congo-Zaire (ADFL) was controlling an area of about 1280 kilometres squared.¹³ The rebels, who were beefed up by former Rwandan government troops (ex-FAR) and *Interahamwe* Militia, could not be stopped by troops of the Forces Armées Zairoise (FAZ). The fundamental issue against which Kabila and his supporters mounted a revolutionary movement against Mobutu's government was the structural violence visited on the citizenry of Zaire.¹⁴ Such an action supported the premise that peace is more than

¹² The actions by Mobutu are all characteristics of structural violence as explained by Keith Webb; 'Structural Violence and the Definition of Conflict.' *World Encyclopaedia of Peace* Vol. 2. (Oxford: Pergamon Press, 1986) pp. 431-434.

¹³ United Nations *Consolidated Inter-Agency Appeal for the Great Lakes Emergency in Eastern Zaire, Burundi, Tanzania and Uganda*, January-December 1997, March 1997, UN Department of Humanitarian Affairs, pp 3.

¹⁴ The type of violence visited on the people of Zaire is typical of what Webb Keith describes. It is where damage is rendered to subjects during normal operations of the social system. See Webb, K., 'Structural Violence and Definition of conflict' op cit. And also J. Galtung, 'Violence, Peace and Peace Research' *Journal of Peace Research*, Vol. 3 1969 pp 169-179, in which he regards structural violence to be present when human beings are being influenced so that their actual somatic and mental realisations are below that potential realisations. The Structural Violence can be legitimised by the prevailing political or social norms or sanctified by religious beliefs.

just the absence of overt violence. It was when the revolutionary movement was going on that Kenya decided to implement an *ad hoc* initiative to resolve the conflict.

3.2 The Zaire Conflict: Internationalisation and Strategic Map of Actors.

As the Kenyan President took the initiative of calling the first Zaire peace summit in Nairobi, he was faced with major extra-territorial factors. The strategic map of actors in the Zairian conflict had expanded beyond the borders of Zaire. The strategic map of those forces involved in the conflict and its management process included many internal actors. The actors evident in the Zairian conflict included individual personalities, states, regional bodies, and the citizens of Zaire.

3.2.1 Actors: States and Personalities

The individual personalities interested in the Zaire conflict included first of all, President Mobutu, who even though in poor health, had ruled Zaire for over thirty years. Mobutu's opponent for over three decades of Zaire's independence was Laurent Kabila. In the struggle, Kabila accused Mobutu of enriching himself from state coffers, corruption, nepotism, under-development and dictatorship.¹⁵ Within the region there were other personalities. These included, President Museveni of Uganda who is known for the protracted guerrilla war he waged against Obote government and later against Tito

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To wage his revolutionary movement, Kabila's Allied Democratic Forces for Liberation of Congo- Zaire (ADFL) were fighting against the government of Mobutu.

Okello.¹⁶ Allied to Museveni, was General Paul Kagame, who although not a head of state, exercised the real power in Rwanda. President Museveni and General Kagame are presumed sub-regional power brokers engaged in the strategic redrawing of the international and military politics of the Great Lakes region.¹⁷ Outside the immediate region, President Dos Santos of Angola supported the rebels against Mobutu. President Dos Santos overwhelmingly got interested in the Zaire conflict. He saw an opportunity to get even with Mobutu, whom he always accused of allowing arms to pass through Zaire. As he supported the insurgents during the conflict, President Dos-Santos therefore hoped that a change in regime in Zaire would stop the assistance Mobutu was giving to the Total Liberation of Angola (UNITA) rebels. In the south, President Mandela, was involved personally, first as a continental statesman and secondly as an interested party in businesses in Zaire. South Africa is known for advancement in mining and lumbering. As such, Mandela wanted to ensure that the situation in Zaire remained calm and conducive to business. Also, Mandela tried to portray an impartial¹⁸ role so that the incoming regime in Zaire could still accommodate South African trade interests.

¹⁶ For a chronological and procedural account of the Uganda protracted conflict see, Museveni, Yoweri Kaguta, *Sowing the Mustard Seed: The Struggle for Freedom and Democracy in Uganda*, (London: Macmillan Publishers Ltd 1997).

¹⁷ Mwangi, M., 'Conflict Management in the Horn of Africa: Re-defining an Emerging African-US Relationship,' (Paper presented at the Sixth American Studies Colloquium on 'The Future of US - Africa Relations' Egerton University, Njoro, 7-12, July 1997).

¹⁸ Impartiality and conflict management are discussed in Chapter five.

3.2.2 Actors: International, Regional and Sub-regional Organisations

Apart from these personalities, international organisations involved included the United Nations and the Organisation of African Unity (OAU). The OAU was interested here because as a regional body, it felt that it had the responsibility to intervene. This mandate to intervene in internal conflicts is enshrined in the OAU Mechanism for Conflict Prevention, Management and Resolution.¹⁹ From continental Europe, the European Union got involved in this conflict to an extent that it appointed a special envoy to the Great Lakes. Apart from the institutional diplomatic approaches, there were a large number of non-governmental organisations and relief agencies involved in resolution efforts.²⁰ Noticeably, the major agencies included the United Nations High Commissioner for Refugees (UNHCR), World Food Programme (WFP) and the International Committee of the Red Cross (ICRC).²¹ The UNHCR and WFP were prominently involved with refugee matters. The conflict in Zaire triggered major refugee movements. The refugees had to be fed and therefore needed to have the WFP co-ordinate the food operations. The ICRC on the other hand, was involved in their typical tasks, trying to minimize the brutality of war by encouraging the parties to abide by the rules of international law. As the myriad of agencies, criss-crossed the Eastern Zaire region, the international media kept a running

¹⁹ See Mwangi, M., "The Organisation of African Unity (OAU) and Management of internal Conflicts in Africa' *International Studies* Vol. 33 No. 1 1996 pp 3-30.

²⁰ For list of agencies and non - governmental organisations involved in Zaire see: United Nations Document: United Nations Consolidated Inter - agency Appeal for Great Lakes Emergency in Eastern Zaire, Burundi, Tanzania and Uganda January - Dec 1997; *United Nations Department of Human in Affairs*. March 1997.

²¹ United Nations *Consolidated Inter-Agency Appeal for the Great Lakes in Eastern Zaire, Burundi, Tanzania and Uganda*, op. cit, p. 4.

commentary of the revolution as it unfolded. Indeed the Zaire conflict was extremely complex²² and highly internationalised.

States, which in most cases are regarded as major players in international relations were involved in the conflict. The state actors within the region bordering Zaire included Rwanda, which confirmed during the conflict that it was assisting the insurgents,²³ Uganda and Tanzania. Even though Uganda's role was at first not officially acknowledged, towards the end of the conflict, Uganda came out openly to admit its role in the conflict.²⁴ Rwanda and Uganda confessed their involvement in the Zaire conflict for a number of reasons. The overriding explanation though was the desire to maintain peace and security along their borders with Zaire. These two states justified their involvement by claiming that Zaire was supporting the *Forces Armees Rwandese* (ex-FAR) and *Intarahamwes* who were operating from Zaire. They further claimed that after the defeat of the Rwanda Hutu reactionaries in 1994, about a million Hutu refugees fled to Goma in Zaire. Along with them was a substantial part of the former army of Rwanda (ex-FAR) and criminal Hutu militias-famously known as *Intarahamwes* believed to have executed the 1994 Rwanda genocide. Also, Uganda and Rwanda justified their stay in Zaire by accusing Zaire of accommodating the combination of ex-FAR and *Intarahamwes* along their borders contrary to the United Nations regulations. This act by Zaire posed permanent danger to

²² 'Great Lakes Region - Complex Issue: Too Many factors at Play for Peace to Prevail' *The Economic Review* (Nairobi) 22 - 29. December 1996 pp. 28 - 29.

²³ 'Rwanda Confirms Assistance to Kabila: *The Daily Nation* (Nairobi) 11 July 1997, p 8.

²⁴ See Gitau Warigi, 'Uganda Aids Zaire rebels, says papers' *The East African* (Nairobi) 10 -16 March 1997 p, 1, 36.

the population of Rwanda and Uganda.²⁵ Interest in the conflict did not stop at Zaire's neighbours, but spread over a wider spectrum to include other states such as Kenya, Eritrea, Ethiopia and Congo Brazzaville.

All these states did not get involved in the conflict for altruistic reasons. Kenya, for instance, had a variety of interests in Zaire. First, Kenya is known for its diplomacy of conflict management, through which it always attempts to intervene as a third party. But more profound is the Kenyan urge to maintain trade corridors within the Great Lakes region.²⁶ As for Ethiopia and Eritrea, the reasons for their involvement were two fold. First, the leadership in these states are among the 'New African' leaders who are considered peaceful and democratic.²⁷ And secondly, both these states form part of the Greater Horn of Africa in which conflicts emanating from a single member may not be seen as individual conflict but as a problem for the whole region. Congo Brazzaville shares a long and porous border with Zaire. Like the other states neighbouring Zaire, it was faced with the problem of refugees flooding the country across the common border. Thus, an effort to manage the conflict meant that problems arising from the overflow of refugees would have been dealt with up front. Evidently, the internationalisation of the conflict was also noticed as far as Zimbabwe, which was often accused of sending arms to

²⁴ See 'The Great Lakes Crisis: Museveni Explains' *The East African Alternatives* (Nairobi) March/April Issue No. 3, 1999, pp 38-42:39.

²⁶ See Opiyo, Ododa., 'Kenya Can Lend a Hand in Solving Congo Conflict' *The Kenya Times* (Nairobi) 8 January 1999, p. 6,30.

²⁷ See Chan, S., 'African Foreign Policies: Scientific Seriousness and Personal Politics' *African Review of Foreign Policy* Vol. 1 No. 1 March 1999 pp 89-92, in which he describes the leadership in Ethiopia, Eritrea, Uganda and Rwanda as technocratically informed.

Zaire,²⁸ Angola and South Africa. Zambia equally showed interest in the conflict and in fact had played a major role from the background by assisting Kabila.²⁹

The Zaire conflict was a typical example of a conflict that started as an internal one and became internationalised. The conflict is a clear demonstration of circumstances where the agents of internationalisation of conflicts are at play. The main agents of internationalisation that were at play included interdependence, human rights, problem of ethnicity and operations of the media.³⁰ It is important to mention at this stage that what seemed initially an internal conflict become internationalised especially when attempts were made to manage it. The introduction of external actors with the intention of managing a conflict imports their interests into the conflict. Such interests of the actors make the conflict more complex than ever before. The external (exogenous) actors, bring into the conflict their personal interests and the desires of their constituencies, and indeed expand the scope of the whole conflict.³¹ Such was the situational strategic map of actors when Kenya as a third party intervened through the Zaire peace process. Kenya intended

²⁸ Erasmus, Chris., 'Diplomats say Zimbabwe Sent Arms to Kabila' *The East African* (Nairobi) 14 April 1997 p. 5.

²⁹ Mckinky Jr, James; 'Foreign Hands Behind Congo Rebels Triumph' *The East African* (Nairobi) 26 May - 1 June 1997, p. 2.

³⁰ The agents of Internationalisation of internal conflicts is critically discussed in Chapter Five. Also see on matters of ethnicity. Mwangi, M., *The International Management of Internal Conflicts in Africa: The Uganda Mediation, 1985*, (Ph. D. Dissertation, University of Kent at Canterbury, October 1994 in which ethnic conflicts in Africa is discussed at length, pp-116-131.

³¹ Mwangi M; *Conflict; Theory, Process and Institutions of Management* (Nairobi: Watermark, 1999)-forthcoming p. 45.

to provide a framework for conflict management in order to avert a further catastrophe in Zaire.

3.3. The Zaire Conflict: Analysis of the Peace Process

The Zaire peace process occurred in Nairobi between November 1996 and March 1997. The process in itself was *ad hoc* and non-institutional. The conceptual basis of *ad hoc* non-institutional mediation is judged by periodicity, which serves as character of summits. The set time in which a summit re-sits forms a frequency that forms a pattern referred to as a frequency.³² Normally a conference or a meeting for example that is held once or twice a year would have stipulated period of time when the next meeting is due. Institutional summits and conferences sequences arise fundamentally in two ways. First, the timings can be statute prescribed or self determined. In such circumstances, existing institutional procedures determine the time and place of the next summit, meeting or conference. This is the type of meeting typically noticeable of the United Nations and the Organisation of African Unity summits.

Secondly, and which is of interest to this study, is where a situation that arises may not be prescribed by any institution or other international instruments. Such conferences and summits happen out of necessity and they are convened and re-convened depending on the agreements by the powers that be during the meeting. These are the ones referred to as *ad hoc* non-institutional approaches in this study. The *ad hoc* non-institutional summits may

³²

Kaufmann Johan, *Conference Diplomacy: An Introductory Analysis* (2nd Revised ed) (Dordrecht: Martinus Nijhoff Publishers 1988) p. 50.

meet once with no follow up of the meeting depending on the issues to be negotiated. At times, where the matters discussed are not dealt with in one sitting, other meetings, conferences or summits may be scheduled as necessary. This was the case with conferences on the Law of the Sea, which had symposiums in 1958, 1960, 1973, 1982 and 1992.³³ The *ad hoc* non-institutional conferences are distinguished from the institutional ones by the difference in timings of meetings. While institutional summits have a definite period in which there has to be a meeting, *ad hoc* non-institutional ones do not. Also, institutions normally meet under the auspices of the 'mother institution' while *ad hoc* non-institutional summits create their own frameworks of operation which are considered to be suitable for the circumstances. The descriptions of *ad hoc* non-institutional summits conform to the type of summits on the Nairobi peace process on Zaire in 1996/97. There were three summits during the Nairobi peace process with the first one in November 1996. The consequent two summits were not re-scheduled with equal periods of recess but were called only as was necessary. In the Zaire situation, the Nairobi peace process was launched immediately after the hostilities had started. The summit was meant to deal with the Zaire conflict and see to it that a resolution was reached. Even though the peace process was *ad hoc* in nature, it is worth mentioning at this time that the peace summit did not meet under any institutional organs.

3.3.1 The Zaire Conflict: The First Nairobi Peace Process –Nairobi I

The first summit intended to resolve the Zaire conflict was held in Nairobi. This summit, dubbed Nairobi 1, was attended by heads of states of Kenya (hosts), Rwanda, Uganda,

³³

Ibid.

Tanzania, Ethiopia, Eritrea and Cameroon,-the President of Cameroon attended as the chairman of OAU. The process as has been described above was *ad hoc* and was basically intended to put up a framework for resolving the Zaire conflict as soon as possible to arrest any possibilities of further catastrophes. Noticeably missing at the summit were the representatives from both the Zaire government and the insurgents even though they were invited to attend. The reason for non-attendance by the Zaire government was that, in the absence of Mobutu who was then ailing in France, Zaire's legislature had to sanction the attendance of any of its members. The legislature could only give authority after all foreign troops³⁴ had departed Zairian territory.³⁵ At the end of the peace process a joint communiqué was issued. It preoccupied itself with reiterating the official institutional framework about integrity of territorial borders and non-interference in internal affairs of other states.³⁶

Nairobi I may be seen as the initial process that triggered what was later to follow in process of attempting to resolve the Zaire conflict. From the beginning, Nairobi 1 started on wrong diplomatic footing. It set a wrong diplomatic procedure because as has been mentioned, Zaire as a state was not in attendance in a conflict that was centrally affecting it. The peace process did not give all the affected parties an opportunity to talk about the

³⁴ Foreign troops in Zaire were the *Banyamulenges* who Zaire claimed were supported by Rwanda and Burundi. Uganda also helped in financing troops that were against the Zaire government. See also 'The Great Lakes Crisis: Museveni Explains' *The East African Alternatives* (Nairobi), op cit.

³⁵ Zaire; 'Why We Skipped Talks' *The Daily Nation* (Nairobi) 8. November 1996 p 1,2.

³⁶ The joint communiqué issued after Nairobi 1 generally reiterates the general agreement of the summit, and closely correlates with Art 3 (2) of the OAU.

conflict. The entrance of the *ad hoc* heads of states summit into the Zaire conflict meant that the number of participants in the conflict had greatly increased. This also implied that as a third party intervenor, the *ad hoc* non-institutional forum had to exercise some influence³⁷ over the conflicting parties. To do so, the summit had to create good environment for interaction of both the conflicting parties.³⁸ This was the only way that the *ad hoc* non-institutional process could provide for an opportunity to facilitate negotiations, communication and information exchange between the conflicting parties. The Zairian government and the insurgents had to be put in an environment to shape and negotiate about their interests and values about the conflict.³⁹

3.3.2 The Zaire Conflict: The Second Nairobi Peace Process-Nairobi II

Many more states expressed the wish to mediate in the Zaire conflict. The second summit dubbed Nairobi II had more actors who were not in attendance in the Nairobi I summit. The additional actors in this process included Zimbabwe, South Africa, Zambia and Congo-Brazzaville. The peace process proceeded in a more organised way compared to Nairobi I. In the process, the Nairobi II was well organised and proceeded in a diplomatic way. In that summit a group of 'wise men'-presidents Moi, Mandela, Mugabe and Biya-were appointed by the summit to investigate measures that could be taken in order to resolve the Zaire conflict. The 'wise men' later appointed a group of foreign ministers to

³⁷ See Chapter Five for the exposition of influence as a tool for third party intervention.

³⁸ Bercovitch, Jacob, 'International Mediation' *Journal of Peace Research* Vol. 28, No. 1, 1991 pp 3-6: 4.

³⁹ Ibid

facilitate the peace process by investigating the conflict and coming up with recommendations towards its resolution.⁴⁰ On the other hand as the conflict was diplomatically managed in Nairobi, Kabila's men were gaining more ground. In fact, on the day of the summit, 16 December 1996, there was evidence in Kinshasa that the Zairian citizens were ready to accept Kabila. There was no one left in Kinshasa who was strong enough to stop a rebel take-over.⁴¹

As the whole process unfolded, there were pertinent issues that were not addressed but which had a real impact on the outcome of Nairobi II. The factor of the power interplay between Moi of Kenya and Museveni of Uganda was not addressed. The inclusion of Moi, even though he was the chairman, as a member of the 'wise men' was indeed a political triumph over Museveni. But issues did not end there for the selection raised a lot of diplomatic eyebrows.⁴² First, the non-inclusion of Uganda and Rwanda who were directly involved in the conflict was a flaw. The decision was erroneous because it was impossible to reach a lasting solution without directly involving the main financiers of the conflict. As is discussed in Chapter Five, Uganda and Rwanda just like Mobutu and Kabila were at the centre stage of the conflict. If the cases of Uganda and Rwanda were considered, to the extent of including their presidents in the group of 'wise men', a number of things in the Nairobi peace process would change. Of importance, was the realisation that the two

⁴⁰ 'South Africa Pushes New Zaire Peace Plan' *The Daily Nation* (Nairobi) 20 February 1997. P 8.

⁴¹ 'Zaire Capital Tense as Mobutu Support Wanes' *The East African Standard* (Nairobi) 17 December 1996, p 21.

⁴² The choice of the members of the wise men raised eyebrows from many quarters. See *The Weekly Review* (Nairobi) 20 December 1996, pp 24-26.

countries were directly involved, and that thus there was a need to ensure that they were fully included in the management process. It was vital for the *ad hoc* summit to assess the then prevailing relationships between the states that were playing dual roles in the conflict. The two-fold roles of Uganda and Rwanda were that they were acting as managers and at the same time as parties to the conflict. These sets of actors are referred to as heterogeneous managers.⁴³ Thus it was only after the *ad hoc* summit's assessment of the relationships arising from the core participants in the management processes that a framework desirable to all parties could emerge.⁴⁴ It was recommended that the *ad hoc* non-institutional summit on Zaire had to include, in its assessment, the relationship between the core conflicting parties themselves, the interaction between the managers and the conflicting parties, and also the relationship between the managers themselves. These considerations are important because if issues affecting any of these relationships are not considered and ironed out in good time, then the peace process would be destined to fail.⁴⁵ Further, it was futile for Kenya to continue with the Nairobi peace process even though there was evidence that the efforts were bound to go wrong. The rebels in Zaire had noticed in inability of the Nairobi Peace process and issued a statement to the effect that "we [the rebels] have always said clearly that nothing could come out of such a summit in Nairobi."⁴⁶

⁴³ See Chapter One.

⁴⁴ Bercovitch Jacob., 'International Mediation: A Study of the Incidence, Strategies and Conditions of Successful Outcomes,' *Co-operation and Conflict* Vol. 211986, pp 155-168: 157.

⁴⁵ Ibid.

⁴⁶ See "Rebels Dismiss Talks" *The East African Standard* (Nairobi) 8 March, 1997, p. 21. This statement was given in Kindu, Zaire by the rebel Justice Minister; Mwenze Kongolo.

The exclusion of the key actors-president Museveni and General Kagame-is a major factor which contributed to the subsequent breakdown of the Nairobi peace process. The Nairobi effort started to fall asunder. The majority of the participants started to lose confidence in the whole effort. It was noticeable in general terms that Museveni of Uganda, upon realising that he had been sidelined, decided to try a South African peace process involving South Africa itself, Botswana, and Zimbabwe.⁴⁷ The South African attempt was seen as a brainchild of Museveni. He featured prominently in the South African efforts. Also, the South African approach was then seen as an effort by Museveni to out-play Moi in regional politics.

3.3.3. The Zaire Conflict: The South African Management Effort

The opening of South African attempt brought to bear three main issues in the peace process. For the first time, the *ad hoc* heads of states summit gave a chance for Kabila and his rebel groups to be heard.⁴⁸ Kabila as a revolutionary leader needed such a forum on which to negotiate at the same level as the Zairian government. For an insurgent group, such recognition was indeed important to their morale. Recognising Kabila meant that he was looked at as an equal with Mobutu. This move motivated him to argue and bargain from an equal stand-point with all other interested groups and the interlocutors. The South African effort gave the Kabila insurgents legitimacy that they much craved for, but which

⁴⁷ The plan to open the South African front was Museveni's brainchild. For further discussion see 'South Africa pushes New Zaire Peace plan' *The Daily Nation* (Nairobi) 20 February 1997 p 8.

⁴⁸ 'Kabila in South Africa' *The Daily Nation*, (Nairobi) 26 February 1997 p. 8.

the Nairobi peace process offered. Secondly, in Kinshasa, the other conflicting party, the Zaire government, was being given audience by the foreign ministers who had been appointed by the 'wise men'. The foreign ministers were discussing the conflict with the Zaire government in Kinshasa. These two developments, even though far apart, reflected the positive attempt of managing the Zaire conflict, because at least both conflicting parties were becoming involved. Lastly, as for the Nairobi *ad hoc* peace process, it meant reassessment of the efforts. The opening of the South African process revealed that there was a lack of trust and confidence in the whole Nairobi peace process. President Moi's grip on the peace process was fading fast. Partly, it may be argued that President Moi could not control the course of the drift in the peace process because in the whole development he lacked leverage to augment the peace process.⁴⁹ Moreover as a third party intervenor, the Nairobi *ad hoc* heads of states summit could only be accepted if it was likely to produce agreement or help the conflicting and interested parties to resolve their differences. A majority of the participants realised at this stage that the Nairobi peace process was bound to fail, and as such they concentrated on the South African attempt. This can in part explain why the third summit (Nairobi III) was over shadowed by events in South Africa.

3.3.4. The Zaire Conflict: The Third Nairobi Peace Process-Nairobi-III

The Third summit in Nairobi (Nairobi III) was over shadowed by major developments in the South African peace process. This March 1997 summit generated great debates. The

⁴⁹ Zartman William I, 'International Mediation: Conflict Resolution and Power Politics.' *Journal of Social Issues* Vol. 41 1985, pp 27 - 45: 40.

debates were about whether the Nairobi peace process was at that stage able to deliver the management process results which were required dearly by the conflicting and interested parties. From the beginning, Nairobi III did not invite the insurgents' leader, Kabila. By then, Kabila had emerged as a major player in the conflict. The rebels under Kabila were already controlling about 1280,000 square kilometres of Zaire and had driven as deep as 400 kilometres westwards into Zaire and northwards to Kasangani, Zaire's third largest city and headquarters of its military.⁵⁰ The Zairian government was invited to the third summit and was represented by prime minister Kengo wa Dondo. The situation of invitees got more complicated because as the Prime Minister was *en route* to Nairobi, he was dismissed on the eve of the summit.⁵¹ Of the other key players, President Mandela of South Africa, did not attend and was represented instead by his deputy Thabo Mbeki. The Tanzanian president declined to attend on the basis that his attendance would create unnecessary conflicts with Uganda.⁵² Tanzania's action was indeed a proper move. Tanzania was affected directly mostly by the influx of refugees from eastern Zaire. Additionally, the Tanzanian President must have realised the power struggles at play in the East African region. In that region, President Yoweri Museveni has always attempted to emerge as the regional leader. This attempt by the Ugandan president mostly impacted on the role played by Presidents Moi of Kenya and Benjamin Mkapa of Tanzania. Noticeably, President Moi has played the role of regional statesman. But President Museveni has never accepted the relegated role and has always attempted to out-play

⁵⁰ United Nations *Department of Humanitarian Affairs* op.cit, p. 3.

⁵¹ 'Kengo sacked by MPs' *The Daily Nation* (Nairobi) 19 March 1997 p. 1,8.

⁵² See 'Why Tanzania said No to Moi Zaire Summit' *The East African* (Nairobi) 24 - 30 March 1997 pp. 1,7.

President Moi. Finally, in this particular meeting, Nairobi did not invite Uganda and Rwanda. This omission showed yet another in-ability of President Moi to read the Zaire conflict properly and carefully. The non-inclusion of the two states was a major conflict management oversight. As has been said elsewhere in this chapter, these two states had major roles to play in the conflict.

It did not take the hosts long to come to terms with the diplomatic omissions. On realising the diplomatic mistakes, Kenya's Minister for Foreign Affairs, Kalonzo Musyoka, tried to rationalise why the key players and movers of the conflict were not invited. Musyoka decided to take a dual approach to covering up the diplomatic oversight. First, the minister pleaded for the US support in the peace process. He argued that without the US leadership, then there was no possibility of resolving the problems in the Great Lakes.⁵³ The second attempt to cover up by Kalonzo at a press conference was that Kabila could not attend because he (Kabila) was not a head of state. As pertains to Uganda's absence, he argued that the Nairobi summit was merely one where the committee appointed during Nairobi II would report on progress, and since Uganda had been part of Nairobi II, so it was effectively presented.⁵⁴ What Musyoka did not notice was that, the rebels were capturing towns in eastern Zaire sequentially; Kisangani, Kindu, Kivu and Goma were already under the rebels.⁵⁵ Also at that time, about fifty-seven foreign UN and non-

⁵³ 'Minister Pleads with US over Zaire Crisis,' *The East African Standard* (Nairobi) 14 March 1997, p 11.

⁵⁴ 'Kenya tells why Kabila is not invited' *The Daily Nation* (Nairobi) 8 March 1997, p. 8.

⁵⁵ 'Mobutu's Health Worrying' *The East African Standard* (Nairobi), 18 March 1997, p. 21.

governmental organisation relief workers had departed Zaire.⁵⁶ Surprisingly he concluded his press conference by emphasising that the summit was not actually Nairobi III because Nairobi III would take place in Lome, Togo. The press conference was just but a cosmetic cover up of the mistakes the Nairobi peace process had made. Because surely, even to amateurs in diplomacy and geography, Nairobi has never been Lome Togo and shall never be. From the on set, the Nairobi III, clearly

‘showed that not much progress could have come out of the summit surrounded by so many diplomatic intrigues, rationalised by such convoluted reasoning and based on faulty logic. Not surprisingly the whole process gave way to the OAU One during Lome summit a week later.’⁵⁷

The summit thus brought to an end the Nairobi peace process on Zaire conflict.

3.4 The Zaire Conflict: The Lome Peace Process

In Lome, Togo, as the heads of states and governments gathered, a number of issues came to bear. First, the United Nations Secretary General was in attendance.⁵⁸ His attendance was important for the peace meeting spearheaded by the OAU. It reflected well on the support the UN as an international body was giving to the OAU. Also in attendance were top French and American officials. The officials from these countries meant that their

⁵⁶ The precipitous departure of the humanitarian workers from Tingi Tingi camp and Kasangani was considered by observers to be directly responsible for the slaughter which took place less than 48 hours of 25,000 displaced persons and refugees. See ‘Departure of 57 Foreign UN and Non-Governmental organisations relief workers’ *The East African Standard* (Nairobi) 6 March, 1997, p. 15.

⁵⁷ M Mwangiru; ‘Conflict Management in the Horn of Africa: Re-Defining an Emerging African-US Relationship.’ (Paper Presented at Sixth American Studies Colloquium on ‘*The Future of US-Africa Relations*’ Egerton University, Njoro, 7-12 July 1997) p. 16.

⁵⁸ ‘Zaire Discussed: Leaders Press for end to fighting’ *The East African Standard* (Nairobi) March, 27, 1997 p. 21.

interests examined earlier were taken care of. A second issue that did not reflect well on the OAU, is that the principal protagonists, Kabila and Mobutu did not attend. This gesture implied that any decisions made during that summit could not effectively be implemented without further scrutiny from the leaders of the key conflicting parties. This was critical for implementation of any decisions reached.

Also, there emerged many fissures from the Lome OAU summit. The OAU recognised the insurgents by giving them audience, a factor that Zaire contested bitterly. The Zairians contested because they felt that it was not right to have the rebels being recognised as equals.⁵⁹ The Lome summit also accommodated views from leaders who were principally involved in the Nairobi peace process. President Moi of Kenya, for example adamantly advocated for implementation of the UN brokered peace plan. This approach was emphatic even after every one could see that Kabila was winning.⁶⁰ Kenya was still not comfortable with Rwanda and Uganda who were accused of being partisan in favour of Kabila in the conflict.⁶¹ But it did not take long for Kenya and the OAU to realise that the Kabila faction was winning. Indeed the Kabila faction expressed to the summit that they did not go to Lome to negotiate. The Kabila faction emphasised that it was in Togo to draw a framework of how it could take over the leadership of Zaire. Its stand was a sign of victory for the rebels. The faction refused to negotiate in forum that included the UN, which was effectively represented by the Secretary General and the OAU represented by the Secretary

⁵⁹ 'Symbolic Handshake by Bitter foes signals hope' *The East African Standard* (Nairobi) March, 28 1997 p. 12.

⁶⁰ Maina, Muiruri., 'Kabilas Guns evoke echoes from the Past' *The East African Standard* (Nairobi) March 31, 1997 p. 6.

⁶¹ Ibid.

general, Salim Ahmed Salim. So even as Kofi Annan attempted to have fighting stop and dialogue commencing, the Kabila faction had already known that it was destined for success.

CHAPTER FOUR

4.0 The Management of Internal Conflict in Burundi 1996-1999: A Critical Analysis of the Arusha Peace Process

The previous Chapter has examined the Nairobi peace process on the Zaire conflict of 1996/97. The adduced evidence from the Chapter is that the Nairobi peace process was an *ad hoc* non-institutional response to manage the internal conflicts in Zaire. To follow in this Chapter, will be examination of the Arusha peace process on the Burundi internal conflict. The Arusha peace process on the Burundi internal conflict from July 1996 to January 1999 was also an *ad hoc* non-institutional response which ultimately made great efforts towards the management the internal conflict. The Arusha peace process is examined after a procedural overview of the historical perspective of the Burundi conflict. This chapter also gives a critical analysis of the economic sanctions and their impact on Burundi towards achievement of the initial objectives of the peace process.

4.1 Introduction and Overview of the Burundi Conflict

Conflict is an endemic feature of human society. Conflict is engraved in human society and there is general agreement that conflict is a permanent companion of mankind not only in Africa but all over the world.¹ Because conflict is endemic in human society, its elimination is just as impossible as eliminating human beings themselves. Thus man has to learn of ways in which to accommodate conflict to acceptable and controllable proportions. The inevitable state of conflict has necessitated the conception of many frameworks for its management. The majority

¹ Northedge, F.S., *The International Political System* (London: Faber & Faber, 1976) p. 299.

of methodologies used especially in Africa provide for circumstances in which conflicts are settled and not resolved.² A typical response, which has gained prominence in Africa in the last three decades, is the *ad-hoc* non-institutional approach.³

In as much as the concept of *ad hoc* non-institutional conflict management gains momentum in Africa, this chapter takes a case study of the appeal of this kind of response. The Arusha peace process that oversaw the attempts to resolve the Burundi conflicts from July 1996 to January 1999, provides a suitable case to analyze and assess the applicability of *ad hoc* non-institutional mechanisms as a response to conflict management. In July 1996, only five days after a successful *coup d'etat* by major Piere Buyoya, a regional heads of states summit was convened in Arusha to establish a framework for the restoration of peace in the then besieged country. The sub-regional heads of states decided to impose economic sanctions on Burundi in an effort to resolve the conflict.⁴ Surprisingly, this was not the first time *ad hoc* process as a response to conflict management had been applied to Burundi. A historical overview of the Burundi conflicts prior to the period in scrutiny illustrates this.

4.2 The Burundi Conflict: A Historical Perspective

Burundi has experienced various conflicts at different times since its independence. Burundi gained internal autonomy which, led to communal and legislative elections in 1961. The first elections in Burundi were comfortably won by *Union Pour Progress National* (UPRONA),

² The discussions dealing with issues of settlement of and resolution of conflicts are discussed in Chapter One.

³ Amate C.O.C., *Inside the OAU: Pan Africanism in Practice*. (Macmillan Publishers Ltd. London 1986, p. 167.

⁴ Gachie John., 'Burundi now faces Economic Blockage' *The Daily Nation*, (Nairobi), August 1 1996, p.1, 8.

under the leadership of Rwagasore, who was unfortunately assassinated in the same year by agents of the *Parti Democratique Chretien* (PDC). The assassination caused deep-rooted anger, outrage and fear in that country. The charged atmosphere in Burundi did not change even after it attained its independence in 1962.⁵ Since this initial conflict, there has been paucity of peace in Burundi.

The killings and counter killings in Burundi effectively began in 1972. The killings started from a military coup attempt in 1969 by Hutu army officers, which fortunately was defeated by the rest of the army. Consequently, the army attempted to strengthen its grip on the state. A massacre of Hutu villagers in two communities in 1972 made the army to initiate a revenge mission characterised by massacres that resulted in at least 80,000 and possibly 200,000 casualties. The massacres of 1972, in which Hutu intellectuals were particularly targeted, have always remained a thorny issue. These massacres pitted Hutus against Tutsis, who from time immemorial had lived together. The wish to exterminate each other has since then run high in each of the communities ethnic agendas. Each tribe has endeavored to consolidate both military and political power in order to control the country.

A constitutional established in 1974, which automatically made the leader of UPRONA the president and head of the government, did not help solve the problem. In 1976, Colonel Jean Baptiste Bagaza staged a successful military *coup d'etat*. He ruled Burundi until 1987 when he was disposed by the then Army Commander-in-Chief, Major Pierre Buyoya.⁶ Following the *coup d'etat*. Major Buyoya suspended the Constitution, dissolved parliament and government

⁵ Burundi: Basic Data: A Country Profile: Rwanda and Burundi *The Economist Intelligence Unit* 1998/999,

p. 43.

⁶ Burundi 'Country Profile, Rwanda, Burundi' *The Economist Intelligence Unit*. 1st Quarter 1999 p. 27.

and ruled through a military committee of 'National Salvation.'⁷ Major Buyoya in an effort to prove that there were a good political opportunities for the Hutu elite, brought loyal Hutu members of UPRONA into the government. He appointed Adrien Sibomana, a Hutu, as Prime Minister. In 1990 Major Buyoya launched a 'Charter of National Unity' and supplemented the ruling military committee with an enlarged central committee with Nicholas Mayangi, a Hutu, as first Secretary. Major Buyoya was typically trying to make sure that both the Hutus and Tutsis intermingled in places of power sharing. As he did this, the resulting situation on the ground still provided for ranked and stratified inter-ethnic cleavages characterized by a scale of power prestige and wealth. The cleavages were generally placed in super-ordinate/subordinate position in relations to each other.⁸ More importantly for Buyoya, the centres of power and the state apparatus were still controlled by his tribesmen, the dominant Tutsis, leaving the subordinate ethnic group, the Hutus, in a marginal position. The conditions on the ground still left the Hutus skeptical of the Tutsi dominated army and government.

Major Buyoya helped to endorse a new Constitution in 1992 that legalised a multiparty political system. The inaugural multi-party system required the political parties to be 'ethnically balanced.' Raising an ethnically balanced party in Burundi is however difficult. Given that joining political parties and participating in politics involves individual choices, it was very difficult for UPRONA, dominated by Hutus, to win over members of the Tutsi community. The ethnic formula was hard to achieve. This notwithstanding, a general election was held in 1993, following which Melchior Ndadaye became the president. The achievement of any ethnically

⁷ This is very typical of military *coups d'etats*. The leaders always start by suspending legitimately elected governments, and thus promising to ensure that democracy prevails.

⁸ For a discussion of stratification in an ethnic environment, see Stavenhagen, R., 'Ethnic Conflicts and their Impact on International Society' *International Social Science Journal*, Vol. 43, 1991 pp 117-141: 120.

balanced party was difficult because of Burundi's violent past, which even by African standards were brutal. The past created deep seated suspicions encouraging the ethnic groups⁹ to align themselves to one of their own. Not surprisingly, the elected president Melchior Ndadaye was gunned down only after three years of being in office.

Army officers assassinated Melchior Ndadaye, on 21 October 1993. He was assassinated together with some members of his government who had been elected in June the same year.¹⁰ Upon the assassination of the president, serious violence broke out in the country. The immediate reaction was by Hutus. There was large-scale Hutu massacres of the minority Tutsis. To counter these atrocities by the Hutus, the Tutsi-dominated army retaliated by a bloody massacre of the Hutu population. An effort was made in January 1994 to put up a power sharing structure that led to the election of Cyprien Ntanyamira by Parliament. Unfortunately, Ntanyamira was killed the same year in a plane crash together with the Rwandan President Juvenal Habyarimana. The flurry in Burundi increased in leaps and bounds. In an effort to stop the massacres, new negotiations were put in place that produced the Government of Convention signed by twelve political parties in September 1994. The resulting agreement gave the presidency to the Hutu-dominated FRODEBU party (*Front Point le Democrate du Burundi*) and the prime ministership to the Tutsi dominated UPRONA Party (*Union de progres National*). The placement of Hutu and Tutsi leadership together was a way of attempting to diffuse the apprehensions which, were arising from ethnic tensions. This attempt would show that at least

⁹ Murray, Kieran., 'The Great Burundi Ethnic Divide.' *The Daily Nation*, (Nairobi) 12 February 1999 p.8.

¹⁰ The Vice-President of the National Assembly, the Minister of Interior, and the General Administrator of Documentation Services were killed with the President.

the social sources of power were equally shared.¹¹

The Government of Convention that emerged was completely paralysed because it did not have parliamentary power and control of the army. What emerged is that many civilians, discouraged by the impotence of the civilian government in the face of Tutsi parties and the army, opted to rejoin the armed rebel groups. The active rebel groups included the Council for the Defence of Democracy (CNDD), the National Liberation Front, (FROLINA) and the Hutu Peoples' Liberation Front (PALIPEHUTU). In the face of growing hostility, and possible guerrilla infiltration in the country, the army responded by terror campaigns against the population and ethnic cleansing in certain areas.¹² And because of the barbaric nature of ethnic cleansing and circumstances arising, the Burundi government sought to have a sub-regional military intervention. This was the situation by 25 of July 1996 when Major Pierre Buyoya, who had been in power between 1987 and 1993 staged a *coup d'etat* that overthrew the then President Sylvester Ntibantanganya. The coup was not taken lightly by the regional leaders and within five days, they were in Arusha deliberating on a possible course of action to ensure that peace prevailed in Burundi.

4.3 The Burundi Internal Conflict: A Critical Analysis of the Arusha Peace Process

The prevailing situation in Burundi if not checked could lead to a worse state of affairs than the Rwandan genocide of 1994. The initiative to forge a regional approach to the management of the Burundi conflict was a brainchild of former Tanzanian president, Julius Nyerere. He did this for

¹¹ See Stavenhagen, Rodolfo, 'Ethnic conflicts and their impact on international society' op cit p. 124.

¹² For a discussion on the implications of the barbaric nature of ethnic cleansing. See James E. Goodby (ed) *Regional Conflicts: The Challenge to US-Russian Co-operation*. SIPRI: Oxford University Press 1995) pp. 180-112.

basically three reasons. First he was outraged by the turn of events in Burundi.¹³ Secondly Nyerere felt there was a need to have a regional platform from which to condemn the *coup d'etat*. And thirdly which seemed to outweigh the other two reasons, Nyerere was already brokering a peace effort in Burundi. The *coup d'etat* in Burundi was making his work very difficult.¹⁴ The Burundi conflict management process was already in place as early as November 1995. In 1995, regional leaders met in Cairo, Egypt, under auspices of the former United States President Jimmy Carter, along with Bishop Desmond Tutu, Amodou Toumani Toure, (former President of Mali) and former president of Tanzania Julius Nyerere. Later, another summit was held in Tunis, Tunisia, in which the former Tanzanian president was unanimously appointed as a principal mediator of the Burundi conflict. Under normal circumstances, all conflicting parties must accept an aspiring mediator.¹⁵ And in this case, the Burundian government and all the internally interested parties accepted Nyerere's role as a mediator. Thus as the regional heads of states assembled in Arusha, they thought it wise to bank on the glamour of Nyerere, given his wide acceptability and experience in Burundi. It is under the same flag that Nyerere opted to take an active role in quickly coordinating a regional and OAU condemnation of the *coup d'etat*.

4.3.1 The Arusha Peace Process: The Participants and Their Interests

The *ad-hoc* regional summit in Arusha was attended by regional leaders including Tanzania president Benjamin Mkapa as the host, President Yoweri Museveni of Uganda, Pasteur

¹³ Burundi, 'Country Profile, Rwanda Burundi' *Economist Intelligence Unit* 1st Quarter 1994 p. 37.

¹⁴ Nyerere had started a peace process in Burundi in 1995 under the auspices of OAU, see 'Burundi Under Siege: Lift Sanctions, Re-Launch the Peace Process' *International Crisis Group-ICG*. Burundi Report No.1, 28 April, 1998.

¹⁵ Touval, S. and I. W. Zartman, *International Mediation in Theory and Practice*; (Boulder CO.: Westview Press, 1985), p. 254.

Bizimungu of Rwanda, Zairian Prime Minister Kengo wa Dondo, the Ethiopian Prime Minister Meles Zenawi and the Secretary General of the OAU Salim Ahmed Salim. Also in attendance were the mediator, Mwalimu Julius Nyerere and Foreign Minister of Cameroon, Ferdinand Oyono, representing the then chairman of the OAU, President Biya of Cameroon.¹⁶

The concern of regional leaders in ensuring that peace prevailed in Burundi could not be prompted by the single desire to create regional peace. Indeed no conflict manager undertakes the task of conflict management for purely altruistic reasons. More often than not, there is always a large and sometimes dominating element of self-interest.¹⁷ It is important to locate the interests of the states which were involved in the Arusha peace process on Burundi. All the participants at first supported the framework for parties involved in Burundi to move towards management of the then raging conflict.¹⁸ The regional leaders realised that un-peaceful relationships in Burundi would spill over to other states. Thus they felt that such internationalization of the internal conflict in Burundi would have diverse effects generally in the whole region¹⁹ and in particular on neighbouring states.

Individually, each state brought its interests to the Arusha peace process. Starting with the hosts, Tanzania, the *coup d'etat* in Burundi stood to affect trade between the two neighbouring

¹⁶ See Gachie John., 'Burundi Now faces Economic Blockade' *The Daily Nation* (Nairobi) 1 August 1996, p. 1.

¹⁷ See Mitchell C.R. 'The Motives for Mediation' in C.R. Mitchell and K. Webb (eds) *New Approaches to International Mediation*. (Westpoint, Cl.: Green Wood Press, 1988) pp. 29-51.

¹⁸ Thus the theoretical basis of acting in unison to attempt to bring in a framework of maintain status quo. See A.J. Groom 'Paradigms in Conflict: the Strategist, the Conflict Researcher and Peace Researcher' in J. Burton and F. Dukes (ed) *Conflict: Readings in Management and Resolution* (London: Macmillan 1990) pp 71-98: 20.

¹⁹ Internationalisation of Conflict is discussed in Chapters One, Three and Five.

states. Burundi uses the ports of Dar-es-Salaam and Kigoma.²⁰ Apart from the trade factor, both the states share a common border and any conflict could adversely affect the kith and kin along the border. Zaire shared these same interests. Zaire and Burundi share a long and volatile border which if not policed, may destabilise the region. Thus the attendance at the peace process by the Zairean Prime Minister Kengo wa Dondo was a sign that Zaire's interests needed to be taken care of.

Kenya had a number of interests in the region. First is Kenya's vast economic and trade interest in the region. Uganda, Rwanda, Burundi and Sudan all use the port of Mombasa. Indeed in 1996 the year of the Burundi *coup d'etat* alone, imports amounting to 252,113 metric tonnes destined for Congo were handled at the port of Mombasa.²¹ Kenya therefore did not underrate the impact that trade with Burundi had. This was reflected by the high powered delegation sent to Burundi after lifting of economic sanctions on Burundi. The delegation was to persuade the Burundi government to use the port of Mombasa.²² Additionally Kenya has conflict management as a fundamental objective in its foreign policy,²³ thus venturing into the Burundi peace process was another way to enhance its foreign policy.

Uganda and Rwanda have great interest in Burundi. That explains why Presidents' Museveni

²⁰ See Mohammed, T. 'Burundi Cargo Bank at Kigoma' *The East African*, (Nairobi), February 8-14, 1999 p.1.

²¹ See Opiyo Ododa, 'Kenya Can Lend a Hand in Solving Conflict in Congo' *The Kenya Times*, (Nairobi), 8 January, 1999 p. 6,30.

²² Ayebare Adonia, 'Post-Sanctions Era Gives Burundi Time to Recover.' *The East African*, (Nairobi), March 1-7, 1999, p.8.

²³ For an Analysis of Kenya's Foreign Policy of Conflict Management, see M. Mwagiru, 'Foreign Policy and the Diplomacy of Conflict Management in Kenya: A Review and Assessment', *African Review of Foreign Policy*. Vol. 1, No. 1, 1999, pp 44-64.

and Bizimungu had to attend. The region is known for its perpetual unrest. The un-rests are always affecting the region. Uganda and Rwanda also have always attempted to have aggressive foreign policies informed by military interventionism. The leaderships in Rwanda and Uganda always ensures that expansionist traits are manifested in their foreign policy. These interests go together with the trade interests that Uganda has in Burundi.²⁴

The presence of the Ethiopian Prime Minister had a dual explanation. First, Ethiopia is a part of the Horn of African conflict system.²⁵ Therefore any conflict in Burundi could equally affect Ethiopia. Secondly, Prime Minister Meles Zenawi forms a part of the 'new African' leaders whose basic objective is to ensure that peace prevails in Africa.²⁶

4.3.2 The Burundi Internal Conflict: The Peace Process

The regional heads of states faced with the Burundi conflict had to look for a way to intervene. They had two options. First was what the then Burundi government wanted, military intervention, and secondly, imposition of economic sanctions. They opted for the latter.²⁷ This was because Burundi is a small land-locked country. The leadership in Burundi could easily be choked by economic sanctions.²⁸ The regional leaders imposed a total economic blockage and

²⁴ Ayebare Adonia, 'Post-Sanctions Era Give Burundi Time to Recover.' op. cit.

²⁵ See Mwangi, M. 'Towards an Architecture of Peace in the Horn of Africa Conflict System' *IDIS Staff Seminar*, No. 1, May 1996.

²⁶ The 'New Africans' Include the leadership in Ethiopia, Eritrea, Uganda and Rwanda amongst others whose policies are technocratically informed see Chan Stephen, 'African Foreign Policies: Scientific Seriousness and Personal Politics' *African Review of Foreign Policy* Vol. 1, No. 1, 1999, pp. 89-92.

²⁷ See Achiando Albert. 'Only Military Intervention Can Save Burundi.' *The Sunday Times* (Nairobi), 18 August, 1996 p. 5.

²⁸ See 'Land Locked Burundi Easy 'Target'' *The Daily Nation*, (Nairobi), 1 August, 1996 p.8.

gave three fundamental conditions that had to be met. These were, restoration of all political parties, restoration of the national assembly, and the immediate and unconditional negotiations with all interested parties.²⁹ Conspicuously missing in the Communiqué was the requirement for Major Buyoya to step down. This action by regional leaders raised the question whether the regional leaders supported the military regime or not. It was noticed that initially after the sanctions³⁰ were imposed, the Arusha peace process had been very slow and tedious. The negotiations involved all the conflicting parties. These parties tried to make sure that their interests were considered. As an attempt was made to make sure that the conditions outlined in the Communiqué were achieved, the methodology of the negotiations changed. It changed from that of mediation in which Nyerere was regarded as a mediator to a situation where committees were formed to discuss the matters at stake.³¹ These committees were given the responsibility of discussing the nature of the Burundi conflict, the problems of genocide, exclusion, good governance and democracy. The committees, whose members were drawn from the conflicting parties, always got involved in heated debates to ensure that pertinent issues were put at centre stage. Mwalimu Nyerere at all the times acted as a mediator,³² a role he played well. He ensured that all the parties to the conflict were made aware that the negotiations were not zero-sum.³³ Each of the participating parties could ultimately be a winner.

The Committees reported back to Arusha from time to time to make sure that the issues at stake

²⁹ See Communiqué on Burundi Peace Process, Arusha, July 29, 1996.

³⁰ An assessment of sanctions as a method of intervention is discussed in the later part of this Chapter.
³¹ See Kibanga Premy, 'New Date for Burundi Talks as Committees Inch Ahead.' *The East Africa*, (Nairobi), February 1-7, 1999 p.3.

³² Here it may be argued that, Nyerere was mediating in a way veering into facilitation in general but not as exemplified by the Problem Solving Workshops. See A.J. Groom 'No Compromise: Problem-Solving in a Theoretical Perspective' *International Social Science Journal* Vol. 43, 1991, pp.77-86.

³³ Ibid p.83.

were discussed and adhered to. That is how the decision to partially lift the sanctions was reached in 1997. This involved lifting sanctions on essentials like medicine, building materials, seeds, fertilisers and education materials.³⁴

The Arusha peace process on the Burundi conflict reflected on fundamental tenets of any mediation process. Just as the different states brought in their interests, the individual conflicting parties were also involved in introducing their issues and interests. In the Burundi peace process, there are at least eighteen interested parties³⁵ and even though at a later stage there were signs that smaller groups were trying to merge so that they could have more bargaining power, many of the groups still remained independent. The interests considered during the peace process were as many as were the parties themselves. As the parties got involved, they also had to consider relationships with their constituents. The constituents of each party in the conflict are important because they are the ones to whom the negotiating parties are answerable. It is also the constituents who determine whether or not the solutions reached during the Arusha peace process would be acceptable or not. Thus the parties must be able to sell their agreements to their own constituents.³⁶ For example, during the peace negotiations in Arusha Ambrose Niyo Nzaba of UPRONA, aware of the need to consult and please constituents, argued in in Arusha that:

'If a hundred of us come here [Arusha] to discuss peace and then Burundi people back home tell us that what we agreed upon was not right, the whole exercise will be useless...the peace process in Arusha is one thing and the task in Burundi

³⁴ See Sharmaarke Yusuf 'Times have changed for the better, but the blockade really hurts.' *The East African Standard* (Nairobi) 12 October 1997 p.12.

³⁵ See Kibanga, Premy, Burundi. 'No Place to talk peace.' *The East African* (Nairobi), March 22-28, 1999 p.1,2.

³⁶ Mwagiru, M. 'Conflict, Processes and Institutions of Management' (Nairobi: Watermark Publishers, 1999) - forthcoming.

is another. I cannot take a position here [in Arusha] without being sure that I am being understood at home.³⁷

What Ambrose Niyi Nsaba was lamenting about is a very important issue that must be considered when dealing with issues of conflict management. An agreement negotiated, and signed by representatives, must be acceptable to their constituents. Hence the issue of re-entry into the conflict environment must be considered because if issues at hand are not considered, then it would be very difficult to effect and to implement the agreement on return; this may partly contribute to derailment of peace process and further bloodshed.³⁸ An example of mediation in which the constituents were not contacted was the mediation of the Uganda internal conflict in 1985 by President Moi. In that mediation, although the parties to the conflict - Yoweri Museveni and Tito Okello - had reached an agreement which they signed in Nairobi, they were not able to sell their agreement to their constituents upon their return. The inability to sell the agreement to the constituents made it impossible to implement it, and this partly contributed to the decision later to end the conflict militarily.³⁹

Just as the issues of constituents was important, the parties also brought with them different concerns that were later to be reflected in the peace process. For instance during the negotiations the *Partie de Redressment National* (PARENA) blamed armed groups for the chaos in Burundi and additionally considered the problem of refugee resettlement to be an important issue. PALIPEHUTU on the other hand called for the immediate release of all political prisoners. It

³⁷ See Kibanga, Premy, Burundi 'No Place to Talk Peace'. *The East African* (Nairobi), March 22-, 1999 p. 12.

³⁸ The issues related to re-entry into the Conflict environment are discussed at length in Mwagiru, M. '*Conflict Processes and Institutions of Management* op cit.

³⁹ Mwagiru, M. *The International Management of Internal Conflicts in Africa: The Uganda Mediation 1985* (Ph.D. Dissertation, University of Kent at Canterbury, 1994).

also called for the establishment of a fund to rehabilitate refugees. The *Alliance Burundo Africaine de Salut* (ABASA), another political party, demanded for the creation of a federation with neighbouring states. ABASA added that the problems in Burundi were more economic than ethnic.

The government on the other hand believed those important matters such as the rehabilitation of refugees and reconstruction lay on their timing. This argument led the other parties to be skeptical of the Buyoya regime. The parties accused the Buyoya government of pretending to negotiate in order to veil the implementation of his program to impose by force, a new dictatorial regime in the form of a partnership between the government and parliament.⁴⁰

The introduction of such fundamental issues in the conflict setting is important for its management. The opportunity for the parties to talk about the history of their conflict, accept responsibility for any harm they have caused each other, and mourn about the losses they have suffered from the conflict provides an opportunity to foster future relationships.⁴¹ The type of environment that arises is one of a healing process, which may in the end result in resolution of the conflict rather than settlement.

The Burundi peace process set out to fundamentally ensure that peace prevailed in Burundi. It is difficult to say that there is complete peace in Burundi, though a lot of water has passed under the bridge. By January 1999, when sanctions were suspended, the three requirements the

⁴⁰ See 'Major Buyoya Pledges to Restore Peace by Year's End', A Joint report *The East Africa*, (Nairobi), January 25-31, p.3, 28.

⁴¹ Mwangiri M., 'Participatory Conflict Management: Problem Solving Workshops (PSW)' in M. Mwangiri, M. Munene and N. Karuru, *Understanding Conflict and its Management* (Nairobi: CCR-WLEA Publications, 1998) pp. 52-57.

Buyoya government was required to meet had already been achieved. Indeed, as early as September 1998, Major Buyoya on a trip to Nairobi said that his government had fulfilled all conditions required by the Arusha peace process. He further added that he was not aware of any conditions for lifting the sanctions that Burundi had not fulfilled, unless there were new ones which his government was not aware of.⁴²

In addition to the demand on the Burundi government by the Arusha peace process, many other aspects of the conflict had now been brought in. These included issues pertaining to the nature of the Burundi conflict, democracy and good governance, peace and security and economic development. Further, the Burundi leadership had pledged to participate in peace talks 'until a final peace convention was signed.'⁴³ That this peace process is successful is not questionable. To fully pin point the real portion of success contributed by the sanctions may be difficult to do though. This is fundamentally due to three factors. The first is the Buyoya factor. As has been mentioned elsewhere in this chapter, he is a reformist known to have acted in a democratic way before. During his leadership, Burundi for the first time had democratic elections. As such, the efforts seen could still be an extension of his long-range plan for Burundi.

Secondly the role Burundians have played towards the peace process has been significant. It is possible that the Burundi conflict had reached a ripe moment for mediation and thus the Arusha peace process was an opportune time to launch it. And thirdly and probably most important is

⁴² See 'Lift Sanctions, Pleads Major Buyoya' *The Daily Nation*, (Nairobi), Wednesday September 2, 1998, p.8.

⁴³ See Kithama Joseph, Latest Round of Burundi peace talks moving slowly' *The East Africa* (Nairobi) March 15-21 1999, p.5.

the role sanctions played.⁴⁴ Could it be that Major Buyoya yielded to the demands of Arusha because of the pressure on him resulting from the economic sanctions? The existence of a ripe moment can equally explain the resulting cooperation by Buyoya in the Arusha peace process.

4.4 The Internal Burundi Conflict: Sanctions and their Implications Towards the Arusha Peace Process

Only five days after Major Buyoya acquired power in Burundi, the regional leaders unanimously slapped a total economic blockade on the Burundi government.⁴⁵ The economic sanctions were intended for the Burundi leadership. Economic sanctions generally are limitations on trade or access to markets that are imposed to encourage a target state to behave in a way preferred by the sanctioning nations.⁴⁶ Typically, economic sanctions would cover restrictions on flow of services and money, sanctions on flow of goods, and control of markets for the goods in order to reduce or nullify the target state's chance of gaining access to them. For instance trade embargoes often inhibit and restrain the importation of metals, petroleum, goods and commodities, freezing of foreign assets, terms of credit or development aid to targeted state.⁴⁷

The object of economic sanctions can be considered remote and inconsiderate. Economic sanctions are intended to cause economic 'harm' to another state. The sanctions are supposed to help in managing a conflict by imparting an economic burden and hardship to an extent that it

⁴⁴ Sanctions and their role are discussed later in this Chapter.

⁴⁵ See Gachie John, 'Burundi Now Faces Economic Blockade' *The Daily Nation*, (Nairobi), August 1, 1996, p.1.

⁴⁶ The sub-regional sanctions required Major Buyoya to restore political parties, restore parliament and negotiation with all involved parties.

⁴⁷ Lossman, Donald L., *International Economic Sanctions: The Case of Cuba, Israel and Rhodesia*. (Albuquerque: University of New Mexico Press, 1979) pp. 1-6.

becomes intolerable to the citizens of the target state, who in turn will pressure their leaders to change their undesirable policies. Thus the fundamental aim of sanctions is to harm the targeted state. In Burundi, within only one week, the economy of Burundi was hurting. The then Burundi Prime Minister had started to appeal to East African ministers meeting in Tanzania to lift the sanctions.⁴⁸ As the leadership of Burundi mounted a campaign on lifting the sanctions, the citizens of Burundi were being adversely affected. The impact of sanctions on Burundi was worsened because its economy had already been eroded by an economic crisis. The health and medical infrastructure had already been destroyed by the war with the Hutu rebels. For instance, in the central province of Burundi, a hospital in Gitega, reported shortage of not only drugs but also of food for patients. The drugs, which were there, could not suffice because there were many patients as a result of poverty and war.⁴⁹ Unfortunately, stocks on drugs could not be renewed because of the sanctions.

Given the injury sanctions create on the targeted state, they may be equated to war. The two are similar because they inflict misfortune, injury and damage intentionally to the targeted state in order to make it change its policies and conduct. The regional states opted for sanctions and not military intervention basically because of three reasons. First there is a popular awareness of the human cost of modern warfare which extends far beyond the battlefields. Secondly economic sanctions were preferred because of developments and growth in the international economy, which have exposed new vulnerabilities of states. Lastly and more profound in the Burundi case was the end of Cold War.⁵⁰ During the Cold War, it was very difficult to obtain an

⁴⁸ See 'Burundi Pleads over Sanctions' *The Sunday Nation*, (Nairobi), September 8, 1996. p.8.

⁴⁹ See Kayigamba. Jean Baptiste 'Burundi Faces Health Crisis, *The Daily Nation*, (Nairobi), 9 September 1996, p.11.

⁵⁰ See Winkler, Adam; "Just Sanctions" *Human Rights Quarterly* Volume 21, Number 1, February 1999, pp. 133-135.

international consensus to impose sanctions. During the same period even if sanctions were imposed, the targeted states were often able to obtain restricted goods from one of the two blocks. This has since changed since the end of Cold War. It is much easier to get an agreement to enforce sanctions. Even so, there are still major ways in which sanctions are busted. For instance, in Burundi there were still 'dare-devil' businessmen who would risk anything to make quick profits by violating sanctions and smuggling in goods.⁵¹ Closely related to this is the lack of a united front from the rest of the world especially from countries, which were supposed to effect the blockade. Indeed, the Burundian government acknowledged that "there are some states who even if they do not tell it so loudly, understand our position; we can survive without killing ourselves."⁵² In this statement, the Prime Minister was suggesting that there were states that would not abandon Burundi at their time of need. Ultimately, not all the states that assigned themselves to the sanctions enforced them.

The other aspect which economic sanctions in Burundi brought to the fore is the issue of to whom the economic sanctions are directed: the leadership in Burundi or the common citizens. In this regard Major Buyoya, reasoning on issues of sanctions described them as equivalent to a declaration of war. He went further to say that "the workers of my trade unions, think that the embargo is no better than death."⁵³ Certainly economic sanctions can cause serious economic disruption, such as hyper-inflation and unemployment, which may in turn lead to impoverishment, malnutrition and even death. As the economic blockade started to bite, the UN representative on Humanitarian Affairs in Burundi, Kathleen Cravero, said that sanctions

⁵¹ See 'Kayigamba, Jean Baptiste, 'Burundi Faces Health Crisis' op cit.

⁵² 'Sanctions may not work.' Commentary, *The Daily Nation*, (Nairobi), August 2, 1996, p.6.

⁵³ See 'Major Buyoya May Seek 'War Funds' Bujumbura Saturday', *The Sunday Nation*, (Nairobi) 6 October 1996, p. 10.

were having a 'devastating' effect on Burundi's poor.⁵⁴ The sanctions had brought Burundi's fragile economic development to a near collapse and many factories had closed down, as they had no access to imported raw materials. Consequently many of the factories and companies were forced to lay off the majority of the workers 'hence worsening the employment problem in the country.' Also noticeable were the rising death rates because the sanctions did not allow the importation of medicine.

In January 1999, the regional heads of states suspended the sanctions on Burundi. Again the presidents of Kenya, Uganda, Tanzania, Rwanda and Ethiopia were able to discuss the issues at hand and decide on lifting of the economic sanctions. The move to lift sanctions came as a blessing to Burundi judging from the appreciation with which Major Buyoya received the suspension.⁵⁵

The level of the effectiveness of the sanctions towards achieving desired objectives of the sub-regional heads of states *ad hoc* non-institutional summit is difficult to measure. This is because it is difficult to determine the precise impact of sanctions on Burundi as compared to other factors as Burundi was already undergoing the turmoil of war. In addition, the targeted population was inappropriate. From the onset, instead of having a blanket and total embargo on Burundi, it was important for the regional heads of states to have specific goals which, were to be achieved. Having specific goals would help to make sure that there were ways of monitoring the sanctions so that the right targets could be made to suffer. In Burundi, the target of the

⁵⁴ See 'UN Happy With Burundi's Position' *The Daily Nation*, (Nairobi), October, 22 1996, p 8.

⁵⁵ See Shimoli, Eric., 'Leaders Suspend Burundi Sanctions' *The Daily Nation*, (Nairobi) January, 29 1999, p. 1,8.

sanctions was Major Buyoya and his military junta. The regional leadership could easily have taken measures to ensure that only the regime suffered. This was not the case in Burundi. The Sanctions hurt the populace more than the intended target. Actions aimed at the leadership could for example include denying of the government personalities international cordialities. They could also include denying the leadership the right ability to travel abroad, recalling ambassadors and even availing them no access to regional and international forums. Secondly, the regional *ad-hoc* non-institutional heads of states summit could have worked a framework to ensure that there was an international freeze on the leadership's assets abroad. A freeze in foreign-held assets of government leaders could have directly targeted the Burundi officials. In general though, during the summit in which the sanctions were suspended, the delegates expressed satisfaction at the positive progress that had been achieved until then. The next Chapter will analyse critically the issues that have been raised so far in this study.

CHAPTER FIVE

5.0 A CRITICAL ANALYSIS OF INSTITUTIONAL AND *AD HOC* NON-INSTITUTIONAL CONFLICT MANAGEMENT APPROACHES

5.1 Introduction

Institutional frameworks of conflict management in Africa were examined in Chapter Two as were the contributions of these institutions towards the management of internal conflict. These institutions include the Organization of African Unity (OAU), The Inter-Governmental Authority on Development (IGAD), The Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC). The Nairobi peace on Zaire in 1996/7 was examined in Chapter Three. This chapter will also assess the Arusha peace process that attempted to manage the Burundi conflict from July 1996 to January 1999. The Arusha peace process on Burundi from July 1996 to January of 1999 explored in Chapter Four. This chapter will raise critical issues relating to these institutions in so far as conflict management is concerned. This chapter will also critically assess the Zaire peace process, 1996/7.

The point of departure for the analysis of all the chapters is founded on the theoretical frameworks that can help in explaining conflict management phenomena. It is only by means of an indepth understanding of theoretical frameworks that an all-embracing analysis can help to link theory and practice. It is by way of a theoretical approach that this study also assesses systematically all observable phenomena that ensue in all institutional and *ad hoc* non-

institutional approaches to conflict management. A strong theoretical analytical base can help to reveal the relations at interplay among observed units within the conflict management processes.¹ Bearing this in mind, this analysis will originate from that standpoint by examining each of the three chapters progressively.

5.2 The Institutional Frameworks of Internal Conflict Management: A Critical Analysis.

The end of the Cold War brought in many changes to the approaches to conflict management. The end of the Cold War has also witnessed the proliferation of internal conflicts. These conflicts in turn get internationalized. As the internal conflicts get internationalized, many players are brought into the scene, either as actors, conflict managers, or as affected people for example citizens of the conflicting states. Because of the complexity of conflicts, there is also a need to depart from the traditional Realist paradigm to explain the involvement of all parties in conflict.² This is because states, which Realism considers to be main actors in international politics are no longer the major players. There exist other actors like individuals, and Multi-National Corporations. Prominently noticeable in regional international relations are regional and sub-regional organizations. Indeed the roles played by Organization of African Unity, IGAD, ECOWAS and SADC in affairs concerning African International relations cannot be swept under the carpet. These organizations play vital roles, especially in giving up to date data on conflict situations in the regions and sub-regions in which they operate.

¹ Hoffman, Stanley., *The State of War: Essays on the Theory and Practice of International Politics*. (New York: Fredrick A. Praeger Publishers, 1968).

² See illustrative description of the Realist paradigm in Morgenthau Hans, J., *Politics Among Nations. The Struggle for Power and Peace* 6th edition (New Delhi: Ludhiana Publishers, 1995).

The conflict management role played by for example, ECOWAS in the ultimate management of the Liberian conflict can not be underrated.³ Thus if one intends to understand the underlying texture that forms West African International relations and politics, then one must depart from the Realist paradigm and accommodate the actions arising from such involvement. The same is also true for one intending to understand the relations resulting from the management of the conflict in Sudan. The Sudan conflict management attempt is presently spear headed by IGAD. The role IGAD plays may not be separated from the Horn of Africa conflict system from which IGAD acts.⁴ It is therefore difficult to separate the actions of the regional and sub-regional organizations from those of states.

5.2.1 The Internationalization of Internal Conflicts.

Also noticeable in contemporary international relations is the lack of a clear dichotomy between internal and international politics. There is an almost total blurring of the distinction between domestic and international relations – intermesticity.⁵ Intermesticity is caused by a number of factors, which include the internationalization of internal conflicts.⁶ And because internal conflicts became internationalized, the process of conflict management must take into account

³ Chesoni, Soita., *The Role of Peace Keeping in Internal Conflict in Africa: A Comparative Analysis of Economic Community of West African States Peace-Keeping Operations in Liberia and the United Nations Operations in Somalia*. (M.A. Dissertation, Institute of Diplomacy and International Studies, University of Nairobi September 19970.

⁴ Mwagiru, M., 'Towards an Architecture of Peace in the Horn of Africa Conflict Systems'. *Institute of Diplomacy and International Studies Staff Seminar No 1* IDIS, University of Nairobi 1996.

⁵ Ibid.

⁶ For a thorough discussion of agents of Internationalization of conflicts see Mwagiru, Makumi *Conflict: Processes, Theory, Processes and Institutions Management* (Nairobi: Watermark Publishers, 1999) forthcoming Chapter 5, pp 43-49.

all factors that contribute to the process of internationalization. Some of the factors of internationalization of conflict discernible in African conflicts include the idea of the interdependence of states and actors in the international system. The interdependence of the international society and all actors makes it very difficult to dichotomize between domestic and international affairs.⁷ States have to coordinate regional efforts by making sure that the agendas of regional and sub-regional organizations are mutually understandable. Recognizing the functions of both states and sub regional organizations as relates to international affairs is very important. For instance, collaboration in the conduct of international affairs was reflected when South Africa acted in harmony with SADC in the Lesotho intervention.⁸ In that intervention, South Africa acted to avert the possibility of a catastrophe in Lesotho. After intervening, the South African government acknowledged their presence in Lesotho by using the SADC authority and flag. In this way South Africa had to accept that as much as international affairs involve only states, there are other actors that must be considered.

Further human rights issues are perhaps the most clear internationalizing agents of internal conflicts. With time, issues pertaining to the violation of human rights have been universalized. The universalization began with the Universal Declaration of Human Rights which set the trend for dealing with matters of genocide, the treatment of civilians in times of armed conflict, and refugees.⁹ Accordingly, matters of human rights violation that arise within the domestic jurisdiction of a state can call for intervention by third parties in conformity with the

⁷ Deutsch, Karl W., *The Analysis of International Relations* 3rd ed (Englewood Cliffs: Prince-Hall International, Inc, 1988) pp 285-298.

⁸ See Chapter Two.

⁹ O'Connell, D. P., *International Law* Volume two 2nd edition (London: Stevens & Sons Publishers 1970).

international law of human rights. More recently, it is noticeable that unlike during the Cold War, the majority of regional and sub-regional organizations have adopted an active role in intervening in the affairs of individual states where there are human rights violations. The major step towards achieving this role has been reflected in the structure of the OAU. Under the OAU Charter, Article 3(2) prohibits intervention in matters considered within domestic domain of member States.¹⁰ The OAU religiously interpreted this article during the Cold War. This phenomenon has changed for the better after the end of the Cold War. The OAU can now intervene in matters of individual states especially those concerning genocide and human rights violations. The interventionist role of the OAU has been more noticeable after formation of the OAU Mechanism for Conflict Prevention, Management and Resolution.¹¹ The Mechanism, as has been articulated, has been very successful in the management of internal conflicts.¹²

Analysis must consider the media as a fundamental agent of the internationalization of internal conflicts.¹³ Internal conflicts in any part of the world get international attention faster than ever before. Events happening in small villages in say Sierra-Leone,¹⁴ Rwanda or Southern Sudan attract attention faster than is imaginable. The world has become a global

¹⁰ See discussion of Article 3 (2) of the OAU Charter Chapter Two.

¹¹ Ibid.

¹² Ibid.

¹³ Some writers have for example advocated for censorship the media during times of conflict. But even if this is so, the presence of the media is ubiquitous. See for example Opiyo, Ododa., 'Censorship in War a Necessary Evil' *The Kenya Times* (Nairobi) 25 May 1999, p.7.

¹⁴ Akol, Jacob; 'Savage face of a Heartless Rebel Force' *The Daily Nation*, (Nairobi) March 22, 1999, pp 20-21. In this article, the author describes how internal fighters in Sierra-Leone against President Kabaah are causing de humanising atrocities. The rebels chop off arms of their victims. Indeed this 'internal conflict' has been Internationalized by the role that the media has played. Even small villages in Kenya, or Bangladesh may know about the savage acts and do something about it if they can.

village because of the ubiquity of the modern electronic media. This can explain why when ECOMOG forces act as a sub-regional force to help settle the Sierra Leone conflict, many individuals, states, regional and sub-regional organizations must know about it. It is the role played by the media that even at times reveals circumstances on the ground that prompt third parties to intervene. The refugees that result from conflicts always attempt to seek safe sanctuaries across borders. In that process, they interact with communities in those states. The interaction results into two factors that require for consideration in the management of internal conflicts. First, there is friction between the people themselves and secondly there is strain and pressure on the economic resources of the host country. These factors are important because, if resources are scarce, there must be ways of dealing with the refugee issue. It is in these circumstances that international organizations like UNHCR and ICRC come in to assist. The involvement of the international agencies in the presumed internal conflict would already internationalize the conflict.¹⁵

5.2.2 The Management of Internationalized Conflicts under Institutional Frameworks

The internationalization of conflict makes the management of conflicts more complex than ever before. The management becomes complex because conflict managers, who come into the conflict environment as exogenous, endogenous or heterogeneous managers bring in other issues into the management process.¹⁶ The managers bring in new interests, values and loyalties

¹⁵ Mwangi, M., *The International Management of Internal Conflicts in Africa: The Uganda Mediation, 1985* (Ph.D Dissertation, University of Kent at Canterbury, 1994) pp 29-32.

¹⁶ See Chapter One for discussions on exogenous, endogenous and heterogeneous mediators.

to constituents, which in turn influence the management processes. And because of the complex nature of internationalized conflicts, the theoretical framework for their explanation and management must reflect the complexities. The theory must discern the relationships of the actors and issues in the conflict and its environment. The actors and issues must be considered as in the context of internal relationships, those between internal and external actors and the relationships between actors. Therefore, where it is difficult to make a distinction between levels at which to apply the theoretical approaches, what comes out clearly among actors in international society is typical of what the world society paradigm stands for as is argued below.¹⁷

The world society paradigm is appropriate here because it takes into account all players at all levels of society. The paradigm helps the analyst to understand that there is a valuable relationship between all players in international affairs. Accordingly, when one is looking at the roles played by states, multi-national co-operations and individuals, the functions played by the relationships between these parties must be considered. Because there is a thread of relationships running through all actors in the international sphere, a conflict emanating from internal factors will affect all these people within that society and beyond. Thus the management processes of such conflicts must reflect on strategies that ensure that the outcome of efforts are enduring and lasting. That is why for example most of the institutions of conflict management have changed their tactics and strategies of managing internal conflicts. The OAU, for example, has created a Mechanism that is more flexible in tackling matters formerly

¹⁷ Burton, J.W., 'World Society and Human Needs' in Light M. and A.J.R. Groom (ed) *International Relations. A Hand Book of Current Theory* (London: Pinter Publishers 1985) pp. 46-49.

considered internal affairs of states.¹⁸ This change in approach by the OAU and other sub-regional organizations makes it easier to assess and intervene in conflicts as they occur within the region. That is why sub-regional organizations such as ECOWAS have been able to deal decisively with some of the internal conflicts in Western Africa.¹⁹ By the same token, the internal conflict management process must encompass matters related to values and interests, which if looked into can help to build an enduring peace.

The regional and sub-regional conflict management mechanisms also display another characteristic that is explainable by the conflict research paradigm. These institutions have a typical habit of being reactive in response to management of conflicts. All these institutions only come into the conflict environment after conflicts have flared up. The normal reaction is to wait for a conflict to occur, then the regional institutions intervene and attempt to bring the conflicting parties together under existing institutional arrangements. The intervention is always geared towards having the parties concerned change their goals or re-assess their values. This preference for instance can explain the present OAU involvement in international conflict between Ethiopia and Eritrea. In that conflict, it was evident beyond reasonable doubt that an overt conflict would result if no preventive steps were taken²⁰ But the OAU did not take any noticeable preventive action to stop that conflict. The OAU only came into the scene after the two countries, both are OAU member states had become engulfed in overt conflict.

¹⁸ For a discussion on the OAU Mechanism for Conflict Prevention Management and Resolution see Chapter Two and also M. Mwangi, 'The Organisation of African Unity (OAU) and management of Internal Conflict in Africa.' *International Studies*, vol.33 pp 3-20.

¹⁹ Chesoni, Soita; *The Role of Peace-Keeping in Internal Conflict in Africa: A Comparative Analysis of the Economic Community of West African States Peace-keeping Operation in Liberia and United Nations Operations in Somalia*. op cit.

²⁰ Opiyo, Ododa, 'OAU Should Solve Border Dispute' *The Daily Nation* (Nairobi), June 2, 1998 p 7.

In the same conflict, it is noticed that both the conflicting states are members of IGAD. As they prepared to go to war, IGAD was not able to act in good time to stop the war. The inability of IGAD to act can be explained by the existing relationships between its member states.²¹ But notwithstanding the relationships, IGAD could have acted to ensure that the dispute was resolved amicably by its member states. Predictably, both OAU and IGAD have attempted to bring Ethiopia and Eritrea together to stop that conflict. The OAU and IGAD have done this under their existing institutional arrangements so that the two states can change their goals or re-assess their values towards the conflict. The institutions, on intervening in the conflict, would wish to have a situation on which each conflicting party must attempt to change their perception of the situation. In that process, the perceptions of all the parties involved are open to change. On the same basis, the institutions realize that the best way to ensure a resolution is to involve all interested parties in the conflict management processes. Unfortunately, the management by institutions results in conflict settlement rather than resolution. This is because these institutions do not ensure that the relationships that result after the management process are enduring. The enduring relationships can only occur if these institutional frameworks prepare a pre-management framework in which matters critical and essential to the conflict are brought to the attention of conflict managers. Also, ensuring that the management process is inclusive and involving all affected parties is important for institutional conflict management. Lastly and most important are post management frameworks that ensure resolution, passed during the conflict management process are followed and adhered to by all the parties.

²¹ The relationship of IGAD members is discussed in Chapter Two, also see Mwagiru M., 'Towards an Architecture of Peace in the Horn of Africa Conflict System.' op. Cit

5.3 The *Ad hoc* Non Institutional Conflict Management Approach and Zaire Peace Process

Here again, the analysis of the Zaire peace process must have a broad base from which to weigh all factors that were at play. The Zaire conflict peace process brought into play a variety of actors. Most of the actors that contributed prominently were discussed earlier in Chapter Three. But it is worth mentioning that the Zaire conflict became internationalized to an extent that the majority of participants were actors other than states. The involvement of many actors and the context of internationalization therefore require a better understanding of the factors at play. It requires a departure from the Realist paradigm to a conceptual framework that encompasses all the players in the conflict environment and those who attempted to resolve it. This is necessary because Realism, among other issues, articulates a framework of law and order. But it was noticeable that at the time of analysis, the situation in Zaire implied that law and order had already been non-existent. There was already a clear emergence of control by the insurgents and by pockets of the late President Mobutu's men. Apart from those who were acting internally, there were many other exogenous participants that in one way or the other contributed to the ultimate situation. In such conflictual circumstances, the Realist paradigm is no longer adequate to explain the behaviour of all the parties who were interacting at all levels.

In the Zaire conflict the actors' interactions were at different levels.²² The interactions of the several players in the Zaire conflict were intertwined into cobweb like relationships. The participation in such relationships is driven by the values and interests that the actors bring into the conflict environment. It is therefore very important to look at the values and interests which

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See Chapter Three.

individuals identify with and to which they give their loyalties.²³ For example in the Zaire conflict as Kabila launched his revolutionary movement against Mobutu, he brought in matters of values and needs. He accused Mobutu of abusing human rights, under development, corruption and nepotism.²⁴ In this case therefore, for a precise understanding of the situation in its entirety, there is a need to employ a paradigm that encompasses and explains the diverse nature of the conflict and its subsequent management attempt. The world Society paradigm offers this explanation.²⁵

5.3.1 The Supporting Paradigm

The World Society approach to the study of such a conflict that brings to bear all issues that relate to domestic influences on internationalized conflicts. Thus the unit of analysis of conflict in World Society and the locus of power is the identity group within the state, which sometimes extends across state boundaries.²⁶ In Zaire, the underlying groups that identified with either the Mobutu government or Kabila were many. The diverse nature of actors can explain in part the type of relations that prevail in a conflict. It follows that when Mobutu was accused of dictatorial tendencies resulting in underdevelopment and poor governance, those issues touched on values that individuals believed in. The values which were at stake in Zaire included needs

²³ Burton, J.W., 'World Society and Human Needs' in Margot Light and A.J.R. Groom (ed) *International Relations. A Hand Book of Current Theory* (London: Pinter Publishers, 1989) pp. 46-59:51.

²⁴ See Chapter Three.

²⁵ op. cit.,

²⁶ Ibid., p. 52.

associated with development, identity, recognition and security.²⁷ The Zairian citizens accused the Mobutu regime of contributing to underdevelopment, poor security and of being unwilling to recognize the majority of the people in north eastern Zaire. An individual in these circumstances will, separately or in association with identity groups, use all possible means and all conceivable power to control the ensuing environment for the purpose of pursuing their needs.

5.3.2 The Zaire Peace Process: Mediation and Good Offices.

The intervention of the regional Head of States to resolve the Zaire conflict reflects a number of matters that need to be considered. The first concern that needs clarification is that the Nairobi peace process on Zaire conflict was *ad hoc* in nature.²⁸ Also the sub-regional heads of states efforts incorporated acts of good offices fading into mediation. This analogy is essential for a proper understanding of the undertakings during the Nairobi Peace process. The distinction between good offices and mediation comes out clearly if the role of an intervening third party is looked at. The role of good offices is differentiated according to initiatives a third party takes and the degree of its involvement in the negotiations. The distinction arises when third parties confine their activities mainly to technical aspects of assisting the parties to the conflict to communicate with each other and in providing a meeting place. Good offices also assist by transmitting messages. But if in addition to using their good offices, the third parties also make

²⁷ Ibid. p. 53.

²⁸ See Chapter Three for discussions on Nairobi peace process on Zaire conflict

suggestions on the substance of the conflict, then such parties become mediators.²⁹

The distinction between good offices and mediation is important because it is difficult to establish when the third party involvement transforms from a provider of good offices into a mediator. The circumstances are always blurred. This was reflected in the Zaire peace process when Kenya initially started by calling an *ad hoc* peace process. During Nairobi I, Kenya did not have restrictions on who was to attend. Kenya came out to provide for an environment where the conflicting parties could discuss and evaluate the matters at stake in the conflict environment. Kenya played the role of providing a meeting place.

The situation changed as Kenya convened Nairobi II and III. In these subsequent summits, Kenya started to be assertive and began to talk on matters relating to the conflict. Kenya, for example, started to explain why Kabila was not invited to the summits. Also during the same period Kenya started to express its position by calling press conferences to ensure that the whole world knew its progress and stand. Even though the issues brought to bear during the press conferences by the then Minister for Foreign Affairs and International Cooperation, Kalonzo Musyoka, were not competently thought out, they nonetheless articulated the Kenyan position.³⁰

But even as the Kenyan position changed from that of good offices to that of mediator there were other factors that made it difficult for Kenya to perform the new responsibility. The most visible role that Kenya was expected to play was the task of facilitating communications

²⁹ Touval, Saadia., 'Biased Intermediaries: Theoretical and Historical Considerations.' *The Jerusalem Journal of International Relations* Vol. 1 No. 1, 1975, pp. 51-69:52.

³⁰ See Chapter Three.

between the conflicting parties. Kenya needed to realize that information is very important for parties to a conflict. Kenya had therefore to ensure that any information by the Heads of State Summit was passed to both parties in time. Unfortunately Kenya shot itself on the foot by trying to mix issues during the summit. First, Kenya was willing to communicate to the Mobutu side and not the Kabila side.³¹ This stand by Kenya showed that there was no way the decisions made during the *ad-hoc* summit were transmitted to all who needed to get it.

Another character that the Zaire peace process found difficult to achieve was the task of facilitating concessions.³² As the Nairobi peace process started, Kenya ought to have recognized that as third parties get involved in management of a conflict, there is the possibility of conflicting parties being rigid to accepting resolution passed. The rigidities can arise because conflicts are always accompanied by high emotions, which often affect the management processes. The rigidity also arises because each side to the conflict faces the risk that the adversary will interpret a desire for a settlement or possible concessions as an indication of weakness. Such rigidity was evident when the Mobutu government started to be pre-occupied with conditionalities for attending the summit. Notably, the Mobutu government failed to sanction attendance of Nairobi Peace process by any of its members. The Zaire legislature decided that they could only give authority for attendance after foreign troops had departed from Zairien territory.³³

³¹ Op cit.

³² Touval, Saadia, *'Biased Intermediaries: Theoretical and Historical Considerations'* op. cit.

³³ See Chapter Three.

This rigidity arising from one of the principal parties made Kenya's role more complicated. Kenya could not ensure that its facilitating of concessions was working well because it was not reaching everybody with information. Kenya became defensive calling a press conference to spell out its position. In that press conference too, nothing of substance came out as Kalonzo tried to defend Kenya's position. Kalonzo was hard pressed to explain why key actors in the conflict were not in attendance. Kalonzo, showing his inability as a conflict manager fumbled around with issues.³⁴ He could instead have made constructive suggestions and proposals. Such effort would have helped re-direct the peace process by suggesting rationalizations and justifications that could help and ensure that both Mobutu and Kabila benefited. For example, he could have made efforts to ensure that the Mobutu government abandoned issues relating to the removal of foreign troops from Zaire. Further, he could have tried to make sure that the Zaire Legislature realized that the only way forward was to accept a peace process in which all the conflicting parties could discuss their differences.

5.3.3 The Zaire Peace Process and Impartiality

Another important aspect of conflict management that the Nairobi peace process on Zaire brought to bear is the issue of impartiality. As discussed earlier, the Nairobi peace process kept on supporting Mobutu's government to the extent that it refused to acknowledge Kabila. In fact at one stage, Minister Musyoka reiterated that Kabila could not attend the peace process because he was not a head of state.³⁵ At the same time Kenya persistently supported President Mobutu. For Kenya the Mobutu government was in this case regarded as the only legitimate authority in

³⁴ The contents of the press conference by Mr Kalonzo Musyoka were discussed in Chapter Three.

³⁵ Ibid.

Zaire. Such backing is typical of the institutional frameworks discussed earlier. Kenya maintained that it was improper for foreign troops to be stationed in Zaire and that Zaire was the only one which could resolve its problems. Such a stand by Kenya made the Kabila faction feel that they were not getting an equitable audience in the Nairobi peace process. This may in part explain why the peace process offered by South Africa, flourished. The Kabila faction felt that the whole Nairobi Peace process was partial because it was openly supporting Mobutu regime.

The term impartiality is normally employed to refer to the subjective perceptions of the parties in the conflict.³⁶ In this case if one party to the conflict feels that a fair hearing is not given, then there is already a problem of partiality. This circumstance can however change. The change in such a situation can arise when the conflicting parties gain confidence in the peace process. This confidence gained may imply a general attitude and disposition of the conflicting parties towards the peace process.

Nonetheless, empirical evidence shows that for a successful mediation to occur, the mediator does not have to be impartial. This is partly because matters of impartiality can be related specifically to the conflicting parties' perceptions of the third party's interests. The third party may see the need of being able to control any feelings of favoritism in the eyes of the principal protagonists. But if the idea of being impartial is not possible then all a third party needs to do is to ensure that he/she carries some influence with the parties to the conflict. As such, if a third party has some form of influence, he can afford to be partial and still help to bring the conflicting parties together.

This sets the stage from which to look at the Zaire peace process. The whole peace process required some form of leverage to ensure that concessions reached could be followed to the letter. This is how for example, the air bombing in Kosovo has helped to bring a temporary settlement to the situation in Kosovo. In that conflict, NATO, acting as a third party interventionist, was partial from the beginning. The NATO machinery supported Kosovo Liberation Movement out rightly at the same time attempting to act as a conduit for a settlement of that conflict. Evidently, NATO did not have to be impartial because it had the firepower and leverage to stand by it. Drawing a parallel between the Nairobi peace process, and the Kosovo case, it is evident that, leverage and impartiality do not have to be achieved only by coercive force, but can be achieved by other methods. Strategizing and studying the conflict properly may help a good mediator to perform his role well.

Also, a third party intervener who emphasizes impartiality fails to recognize mediation or good offices as a structural extension of bilateral bargaining and negotiations. Such a third party in a peace process should sieve information and exercise influence. To exercise any degree of influence, the Nairobi peace process needed leverage, as has been mentioned elsewhere in this Chapter. For instance, the peace process would have been more purposeful if it had the resources that either Kabila or Mobutu valued.

5.4 Important Observations on the Nairobi Peace Process

There are many more other observations arising from the Nairobi peace process. The Nairobi peace process had to be effective in achieving the expected results by ensuring that the key

participants had the appropriate knowledge and skills about conflict management. Also, the peace process required prestige and authority, originality of ideas, access to resource and ability to act unobtrusively.³⁷ The Nairobi peace process, for instance, lacked in the majority of these qualities. It was unable to resolve the conflict. The inability of the Nairobi peace process to include the Presidents of Uganda and Rwanda in the group of 'wise men' reflected clearly the lack of the mediator's knowledge of the conflicting parties and the underlying forces. Uganda and Rwanda were principal players in the Zaire conflict and failing to include their Presidents in the core part of its management was a serious omission. Closely related to this was the reconvening of Nairobi III. In Nairobi III, the importance of the peace process was already dwindling as many of the key personalities had started to delegate their responsibility to lesser important people. This was reflected when President Mandela sent his deputy, Mr Mbeki instead of attending in person.

Also, it was evident from the Nairobi peace process that the conduct of conflict management needs a well-executed strategy. The *ad hoc* non-institutional response could be more effective in conflict management if applied to dispute and conflicts involving parties that require help, political support or tangible resources from it as a third party actor.³⁸ The Nairobi peace process clearly lacked in these and that may explain in part why the South African approach emerged. It can strongly be argued that the Mandela effort could give Kabila a better deal than the Nairobi group. This is because from the start, the South African effort was already giving the insurgents their recognition that they craved for. Thus the rebels saw no gains to be derived from

³⁷ For discussions on qualities of a good mediator see Bercovitch, Jacob., 'International Mediation and Dispute Settlement: Evaluating the Conditions for Successful Mediation' *Negotiation Journal* vol. 7, 1991 pp 1-27.

participating in the Nairobi peace process.

5.5 The *Ad hoc* Non-Institutional Peace Process on Burundi July 1996 –January 1999

The Arusha Peace Process on the Burundi conflict provided the best application of the *ad hoc* non-institutional approach to conflict management. The *coup d'etat* of 25th July 1996 that saw the convening of the *ad hoc* non-institutional heads of states meeting in Arusha was important in terms of a management strategy. The Arusha peace process took place only five days after the *coup d'etat*. This was indeed fast.³⁹ Even institutional bodies like the United Nations, OAU, IGAD and SADC do not react that fast. The summit formed the basis of what was to follow for the management of the Burundi conflict.

Once again, the involvement of regional leaders in the management of the Burundi internal conflict reflects the level of analysis from which to examine at the Burundi peace process. The fact that Presidents of regional states intervened in Burundi's internal affairs is typical of the concept of internationalization of conflicts.⁴⁰ It is on the same basis that the analysis will reveal that what happens in any part of the region affects the entire region. A conflict in Burundi, if unchecked could destabilize the whole of the Great Lakes region. This is because the countries and entities in this region are interconnected through many intertwined relationships.

5.5.1 Some Fundamental Issues on the Burundi Peace Process

Apart from the constituent members of the peace process, it is also important to look at the

³⁸ Ibid.

³⁹ Matters and qualities of *ad-hoc* non-institutional summits and approaches are discussed in Chapter One.

⁴⁰ Internationalization of Internal conflicts forms a fundamental part of management of conflicts so much that it has to be considered at all times when an analysis is required.

objectives the peace process. The regional leaders set out to ensure that all political parties in Burundi were restored, the restoration of the Burundi national assembly, and the commencement of immediate and unconditional negotiations involving all interested parties.⁴¹ The *ad-hoc* non-institutional summit ensured that the economic sanctions were imposed to ensure that their objectives were achieved.

A number of issues are worth noting as concerns sanctions.⁴² The first of these is the speed with which the Arusha peace process was convened. The speed reflected the concern that regional leaders had in achieving an ultimate arrest of the unfavorable conditions in Burundi. This effort was fast notwithstanding the interests of individual states bearing on the peace process.⁴³ Secondly the Arusha peace process, reflected how an *ad hoc* non institutional summit could act in unison to avert a possible catastrophe in the region. The participants enforced the sanctions with the ultimate aim of bringing the Burundi government to its knees so that the objectives required could be achieved. As such, even though the *ad hoc* summit had new and different agendas to deal with, the heads of states were able to act in unison.⁴⁴

Also, although the participating parties in the management process brought into the conflict environment their interests, they were able to unite towards a common goal. Conflict management needs a sound support that sends signals to the conflicting parties that the conflict

⁴¹ See Chapter Four.

⁴² The uses of sanctions as a response of conflict management were discussed in Chapter Four.

⁴³ Interests of the actors were discussed in Chapter Four.

⁴⁴ See Chapter Four.

managers are focussed. Also noticeable in this *ad hoc* process is the fact that the ultimate objectives were achieved.⁴⁵

The Arusha peace process was a case where *ad hoc* non-institutional approach to conflict management achieved its objectives. Also arising from the Arusha peace process is the intervening role that it played. When all institutions were not able to act in good time, the *ad hoc* non-institutional process was convened and commenced the management process. Later on, as has been discussed in Chapter Four, the process was formalized to ensure that fundamental issues related to the Burundi conflict were taken care of before the heads of states decided to lift sanctions in January 1999.

5.6. Tying Up the Emerging and Contending Issues Across the Study

From the beginning, the study set out to analyze the contributions of the *ad-hoc* non-institutional approaches to the management of internal conflicts. The focus was on their contributions towards the management of internal conflicts. The study has investigated the factors that lead to the involvement of *ad hoc* non-institutional approaches in internal conflict management. To this end, the study critically analyzed the existing institutional frameworks. From the study, a number of issues arise.

5.6.1 Institutional Management of Conflict: The Organization of African Unity (OAU).

Firstly, the regional body, OAU, is wanting in its reaction to conflicts. The OAU plays a more

⁴⁵ Indeed by the time the sanctions were lifted, the initial objectives had been achieved and even Major Buyoya emphasized this achievement when he came to Nairobi to campaign against the sanctions. See 'Lift Sanctions: Pleads Major Buyoya' *The Daily Nation* (Nairobi) September 2, 1998 p 8.

reactive role in the management of conflicts. This has meant that the OAU in most cases frantically attempts to offer assistance after the conflicts have occurred. Once the conflict has been settled, then the OAU does not always follow it up. This is evident in the current Eritrean-Ethiopia conflict. In that conflict, the OAU waited until there was a flare up.⁴⁶ After that the OAU tried desperately to manage it. The underlying threads and issues that inform the current conflict have their origins in the earlier Ethiopian conflict. If after the Eritrean independence, the OAU had ensured that the underlying values and matters were resolved the current conflict may have been averted.

Secondly and more important is the interpretation of the OAU Charter. The Charter especially article 3(2) has affected the working of OAU at all levels especially in matters involving the management of internal conflicts.⁴⁷ The dogmatic interpretation of article 3(2) has for a long time hindered conflict management, especially during the Cold War. The end of the Cold War and the inauguration of the OAU Mechanism for Conflict Management Prevention and Resolution has changed that thinking. Also, it is noticeable that the OAU is in dire financial problems and this inhibits its functions. Because of these financial problems, the OAU has not been able to institute research and an early warning system. An appropriate mechanism for management of conflicts derived from research is still lacking in the framework of the OAU.

5.6.2 The Institutional Conflict Management: The Sub-Regional Organizations.

The emergence of sub-regional organisations is also notable. The majority of the sub-regional

⁴⁶ The conflict has been mentioned elsewhere in this Chapter. Also See chapter Five and also see 'Ethiopia says Eritrea must pull out troops.' *The Daily Nation* (Nairobi), July 5, 1999 p 8.

⁴⁷ The OAU Charter article 3(2) was discussed in Chapter Two.

organizations always start as economic bodies but ultimately they resort to conflict management. The sub-regional institutions studied all started with economic agendas except for IGAD. After some time, they ventured into matters of conflict management. The institutions with economic agendas include ECOWAS, SADC and the East Africa Community (EAC). This characteristic arises from the fact that economic activities cannot prosper in an environment that is conflictual; economic development needs peace.

The sub-regional management of conflict is another more that has emerged. Here, conflicts are looked at not as individual conflicts but as concerns for the sub-regions. Hence a conflict arising in one region is presided over by the concerned actors in the sub region. That can explain in part why the management of conflicts in Sierra Leone⁴⁸ is tackled better by ECOMOG and not by SADC. It is also apparent that these sub-regional organisations are reactive to conflict management. The sub-regional organizations only come into the picture after the conflicts have begun. This 'fire fighting' role has been a hindrance to effective conflict management. The sub-regional organizations have ventured into matters of conflict management often after conflicts have flared up and become destructive. So, as much as they act a little faster than the OAU in the management of conflicts, they all employ similar strategies and tactics. The methods are slow and, as has been said before, end up reaching settlements rather than resolution.⁴⁹ This is because the organizations do not go into the fundamental issues, interests and values that contribute to the management of conflict.

⁴⁸ See Akol Jacob. 'Savage Face of a Heartless Force' *The Daily Nation*, (Nairobi) 22 March 1999, pp. 20-21.

⁴⁹ The difference between conflict resolutions and settlement are discussed in Chapter One.

5.6.3 The Roles of *Ad hoc* Non-Institutional Approaches in the Management of Internal Conflicts.

The second part of this study had set out to examine the role of *ad-hoc* non-institutional approaches in management of internal conflicts in Burundi and Zaire. To achieve this objective, a critical analysis of the Nairobi peace process⁵⁰ and Arusha's peace process was undertaken.⁵¹ From the critical analysis a number of issues are discernible.

5.6.4 Fundamental Findings of the Study.

Firstly, the *ad hoc* non-institutional approach to conflict management is similar to that of institutional in one major way – it is reactive. As has been discussed elsewhere in this chapter, it is difficult to manage an existing conflict, because the third parties get involved after tempers have exploded and it is difficult to cool the tempers.

A second finding is that *ad hoc* non-institutional approaches to internal conflict management complement the institutional approaches. The non-institutional approaches act as emergency efforts in the management of conflicts. They provide the space for conflicting parties to start to talk. As they do this, they provide for an opportunity for institutional frameworks to intervene. In both the case studies, there is ample evidence that the *ad hoc* non-institutional approaches played a complementary role to the existing institutional frameworks. The roles *ad-hoc* non-institutional played were interwoven with the institutional efforts.

⁵⁰ See Chapter Three.

⁵¹ See Chapter Four.

In the Nairobi peace process, Kenya and the regional leaders frantically tried to bring Kabila and Mobutu together to round table talks. This was attempted over a period longer than six months. As this *ad hoc* non-institutional response tried to work hard to manage the conflict, the OAU organized a summit in Lome, Togo.⁵² From then on, the peace process was handed over to the OAU. Again, nowhere else was the complementary role more evident than in the Burundi peace process in Arusha.⁵³ In that peace process, only five days after a *coup d etat*, there was an *ad hoc* non-institutional summit in Arusha, to discuss the conflict. The summit went ahead and imposed economic sanctions that helped to enforce the peace process. As the proceedings got formalized, the management gradually resembled the framework supported by the OAU mechanism.⁵⁴ In this case again, the *ad hoc* non-institutional approach was able to complement the institutional framework.

A third finding of this study is that the *ad hoc* non-institutional approaches provide a suitable platform from which to intervene. The *ad hoc* non-institutional forum permits intervention in internal conflicts. When conflicts occur, individual states find it difficult to intervene especially in internal affairs of other states.⁵⁵ It is difficult for states to intervene individually because of their respect for international law. *Ad hoc* non-institutional frameworks have the authority from which to bargain. The forum and influence created provide for an environment to intervene and hence the ability to coordinate and collaborate with the institutional approaches.

⁵² Ibid.

⁵³ See Chapter Four.

⁵⁴ Before the *ad hoc* non-institutional summit, Nyerere was already in Burundi conflict Management attempts. See Chapter Four.

⁵⁵ The Southern African case where it intervened in Lesotho was a special case but it was latter noticed

This was also evident in the Zaire peace process. As has been mentioned before, the regional heads of states intervened and were able to coordinate the management process with the OAU.

5.6.5 Internationalization of Internal Conflicts and *Ad hoc* Non-Institutional Approaches to Conflict Management.

A final finding of this study is the role of internationalization of internal conflicts.⁵⁶ A critical examination of sub-regional organizations and *ad hoc* non-institutional approaches reveals the general emergence of management patterns that suggest that conflicts are best and most effectively managed sub-regionally. The desire to do so arises from the need to see conflicts within a region or sub-region not as individual conflicts concerning only individual states where the conflict is initiated, but as a concern of all the other states within that region. This realization results from the rate at which internal conflicts get internationalized. The realization of the need for a united management approach acts as a precautionary rejoinder to internationalized conflicts. In essence therefore, a clear grasp of the urge for intervention by non-institutional approach is driven by the need to understand the effects of internationalization of internal conflicts.

Furthermore, an appreciation of the role-played by the internationalization of internal conflicts assists in coming up with a conceptual framework that can help in dealing with conflicts arising from internal sources. The diverse nature of conflicts in Africa requires a conceptual framework that can deal with them as they arise. What emerges is the need to understand the

⁵⁶ that South Africa used the SADC flag to legitimize its intervention.

See Chapters, One, Three and Four. The idea of internationalization has run across this study. It can not be detached from elements of internal conflict management.

effect of internationalization of conflict.

5.6.6 Findings and Hypotheses.

From the findings, it can authoritatively be asserted that, indeed *ad hoc* non-institutional approaches enhance the process of conflict management. At the same time, the *ad hoc* non-institutional mechanisms participate in the management of internal conflicts. The complementary role played by the *ad hoc* non-institutional approaches is an important part of the conflict management as the ultimate process itself. As has been argued, it is the *ad hoc* non-institutional approaches that helped to put up a functional structure for conflict management in the cases studied. They are indeed a part of the management strategy. As they perform this role, they enhance the management process. Both the case studies support this assertion. As for the Nairobi peace process, it would be improper to say that it was a total failure. This is because the peace process was able to bring in at least some of the players to negotiate. These included Rwanda and Uganda who by then were key players into the conflict.⁵⁷ Furthermore, the Nairobi peace process provided for vital information that was later used in Lome, Togo.⁵⁸ This effort was a very important contribution that cannot be overlooked. As for the Arusha peace process on Burundi, the management process was able to ensure that the fundamental objectives of the summit were met. The three initial requirements paved way for the continuing peace process on Burundi.⁵⁹ Thus, it can be argued that the process was a success. The process contributed towards creating an environment in which the two states have changed for the better.

⁵⁷ See 'The Great Lakes Crisis: Museveni Explains' *The East African Alternatives* March/April Issue No. 3 1999, pp. 38-42.

⁵⁸ Chapter Three discusses Zaire Peace Process at length.

⁵⁹ See Chapter Four for the requirements.

CHAPTER SIX

6.0 Conclusions

6.1 Internal Conflict management in Africa: Approach During the Cold War

Africa is a troubled continent. There is evidence of famine, natural and man-made disasters and economic problems. Coupled with these many problems is the existence of endemic conflicts that have littered Africa. The proliferation of conflicts has meant that Africans have shifted their efforts from issues of economic development to acquisition of military means. This means that the scarce resources in Africa get wasted. This resource wastage makes it impossible for Africa to concentrate on matters of economic development, population control, food production, food security and health. These are basic things that must be considered elementary to the development of the continent.

The gloomy state of Africa has seen the heads of states and governments searching for frameworks that can at least manage the many conflicts. Their efforts have been thwarted by a number of issues. Prominent amongst these were the politics of the Cold War. The politics of the Cold War meant that the attempt to manage conflicts in Africa was polarised. Hence, any conflict starting in any region at any time was normally supported by one of the superpowers. In that process, the internal conflicts became proxy wars in which the superpowers tested their military inventions. The Cold War competitions thus encouraged arms races. The arms races did not make the situation in Africa any better. The increase in accessibility of small arms also meant that sound conflict management had to consider the

arms race. The attempt to manage conflicts arising has thus been very difficult.

For Africa the Cold War also meant that the regional body, the OAU, had to manage conflicts in away that conformed to the Cold War framework. In that process, the OAU, at the height of the Cold War ensured that its guiding principles on conflict management were non-aggressive. This was evident in article 3(2) of the OAU Charter. The interpretation of Article 3(2), as has been argued in this study, has been a hindrance to conflict management. But notwithstanding article 3(2), the majority of African leaders have been an impediment to the management of conflicts. The majority of statesmen justified their involvement in conflict by perceiving all conflicts generated internally as internal affairs. This was evident during the Biafra war in Nigeria, the Eritrean liberation war and the UNITA war in Angola.

6.2 Internal Conflict Management in Africa: Towards and End of the Cold War Period

Towards the end of the Cold War, a lot of changes in approaches to conflict management have been observed. The end of the Cold War has seen the sub-regionalisation of conflict management. In this approach, internal conflicts are not seen as individual conflicts but as concerns of the whole sub region. The sub regional economic organisations that have emerged in Africa exemplify this approach. There are many sub regional bodies that have emerged after the end of the Cold War. These include IGAD, ECOWAS, SADC, EAC, and more recently COMESA. The advent of these sub-regional bodies has meant that their member states must get in to some form of collective security that ensures the smooth running of economic activities. The sub regional security arrangements are at times slow in

their management of conflicts. Even though they are reactive, they have made great efforts towards putting down frameworks able to manage conflicts. This is the case with ECOWAS, which has made great efforts in managing many conflicts in western Africa. IGAD has also a sub-regional management framework. These initiatives should be encouraged at all levels. But additionally, the initiatives should be supported with transparent, research studies geared towards conflict management.

6.3 Internal Conflict Management in Africa: The Way forward

Conflict management in Africa has changed drastically especially after the end of the Cold War. Thus the way forward should incorporate the major efforts that have been put in place by regional and sub-regional initiatives. Conflict management will form a central part in ensuring that economic development and democratic activities go un-hindered. In this attempt, active frameworks must be put in place to deter conflict. The desire to have an early warning system must be developed and incorporated into regional conflict management efforts. An early warning approach will ensure that the organisations do not play 'fire fighter' roles but the role of 'watchmen'. The early warning systems will also ensure that potential conflictual situations are defused before they occur.

Also, because conflicts are endemic, there should be a conceptual base on which to incorporate *ad hoc* non-institutional approaches to conflict management. The incorporation and conceptualisation of *ad hoc* non-institutional conflict management will ensure that the complimentary role it plays is accepted and recognised. Doing this will enable the sub-regional organisations to take initiatives to avert conflicts. Recognising *ad hoc* non-

institutional approaches to the management of conflict should be matched with a reward process that encourages leadership in Africa to take the initiative to mediate.

Lastly, a majority of conflicts that start as internally later get internationalised. This implies that a conflict originating from one point should not be considered as individual conflict but as a concern for everybody. A framework for management must be derived from the desire to have a peaceful environment. A peaceful environment would imply that economic, social infrastructures and political activities are created for the advancement of the continent.

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