

**AFRICAN REGIONAL INITIATIVES IN CONFLICT MANAGEMENT: ICGLR  
MEDIATION IN THE DR CONGO-M23 REBELS CONFLICT IN NORTH KIVU IN**

**2012**

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## DECLARATION

This research project is my original work and has not been presented to any other institution or university.

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# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the Study

Mediation is a process of conflict management, which is related to but also distinct from the parties' own negotiations, where the parties and/or countries which are in conflict seek or rather look for the assistance of, or accept an offer of help from, an outsider or a third party. (whether an individual, a group, or a state) to change their perceptions or behavior under the current circumstances, and to do so without resorting to physical force such as fighting or invoking the authority of law which may lead to division among the parties.<sup>1</sup> Mediation is an extension of the parties' own efforts to manage their conflict. In a situation where the parties fail to agree, an external mediator is invited to help resolve the dispute. Thus, mediation involves the intervention of an outsider; an individual, a group or an organization into a conflict between two parties. This intervention is non-coercive, non-violent, and ultimately non-binding. Mediators enter a conflict, whether internal or international, in order to affect it, change it, resolve it, modify or influence it in some way.<sup>2</sup> Their overriding interest is to reduce violence and achieve a peaceful outcome, they bring with them, consciously or otherwise, ideas, knowledge, resources, and prestige. These are used throughout the process to advance the cause of conflict resolution.

The Democratic Republic of Congo has had a myriad of challenges as rebel groups have caused political instability in the country. Most recently, the *Mouvement du 23-Mar* (M23) rebels operates in North Kivu Eastern DRC. Its name is attributed from the peace deal that was signed

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<sup>1</sup> Anthony Wanis St. John, *The Mediating Role in Kashmir Dispute Between India & Pakistans*, 21-SPG Fletcher f. world aff. 173 (1997)

<sup>2</sup> Beardsley, Kyle, David Quinn, Bidisha Biswas and Jonathon Wilkenfeld. 2006. Mediation Style and Crisis Outcomes. *Journal of Conflict Resolution* 50 (1): 58-86.

by the National Congress for the Defence of the People (CNDP) and the Central government of DRC on the 23<sup>rd</sup> March 2009, which among many tasks integrated soldiers from the NCDP in the Armed Forces of the Democratic Republic of Congo (AFDRC)<sup>3</sup>.

The M23 is a protégée of the Disgruntled CNDP soldiers who alleged a violation of the 2009 peace deal that re-integrated them in the national Congolese Army FADRC. The RCD Goma faction was led by General Nkunda and was latter re-integrated to the FADRC as NCPD after a peace deal in 2009. However its leader General Nkunda was replaced by Boscho Ntaganda and at the time of the signing of the peace deal Ntaganda was its de-facto leader. However on April 4<sup>th</sup> 2012 the M23 was formed by disgruntled former NCPD soldiers and has Boscho Ntaganda as its de-facto leader; other top brass military officials are Sultani Makenga and Jean Marie as its president<sup>4</sup>.

The M23 rebels have extended their tentacles to include recruitments from the Police service which is further devastating. This is possibly as a result of the despicable amount of salary and incentives that the Central Government offers as opposed to the unlimited monetary benefits accrued and the social status that gratuitously befits the person of a policeman. A police man in DRC earns averagely 35 \$ USD a month; this makes him gullible and may defect to any military uprising that offers good salary perks for its soldiers<sup>5</sup>.

The average soldier of the Armed Forces of the Democratic republic of Congo earns about 70\$ USD a month while a soldier of the M23 rebel movement is paid 1000 \$ USD upon conscription subject to a heftier monthly pay and numerous loopholes for making more money in the form of extortion and taxation of either local businesses, foreign companies and local

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<sup>3</sup> Malcolm Webb (2012). "Clashes in eastern DR Congo claim lives". Al Jazeera

<sup>4</sup> Vlassenroot, Koen and Timothy Raeymaekeres (2004) "The politics of rebellion and intervention in Ituri: The emergence of a new political complex?", *African Affairs* 103(412):385-412.

<sup>5</sup> Ibid

communities in Eastern DRC. This has been and continues to be evident as scores of police officers and military men loyal to the Central government defected and joined the M23 rebel group or are in cahoots with M23 Rebels<sup>6</sup>. According to The Windsor Star Thursday November 22, 2012, nearly 3000 soldiers and policemen surrendered their weapons while defecting to the M23 rebel group in Goma. The ill disciplined and low remunerated policemen and soldiers of the Central Government of the DRC have continuously bulged into pressure to defect not only from the M23 rebels but also from other military uprisings in Eastern DRC.<sup>7</sup>

The abandonment of the vast army has also caused the FARDC Soldiers to lose their allegiance to the Central Government. The dilapidated and poor conditions that the soldiers have been subjected continue to be a cause of concern in as much as peace and stability are the ultimate goals we intend to achieve in the Democratic Republic of Congo. Reuters Press Monday 10<sup>th</sup> December 2012, In an Interview with Reuter's journalists, the M23 in Goma showed the abandoned ramshackle buildings heavily littered with garbage that among other things marijuana grew as crops in maize fields. This partly explains how the FARDC forces were knocked out quiet easily from their military bases and eventually out of the town in Goma in an eleven day occupation<sup>8</sup>.

## **1.2 Problem of the Research**

Different conflict management processes manifest themselves in their different outcomes with implications for the future sustainability of relationships between the conflicting parties. Every cycle of conflict produces emotional and physical reality while leaving more victims and

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<sup>6</sup> Colleta, Nat J., Markus Kostner, and Ingo Wiederhofer. 2004. "Disarmament, Demobilization and Reintegration." In *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg, 170–18. Princeton, NJ: Princeton University Press.

<sup>7</sup> Jeffrey Gettleman and Josh Kron (2012). "Congo Rebels Seize Provincial Capital". *The New York Times*.

<sup>8</sup> Joe Bavier (2012). "U.S. cuts military aid to Rwanda over Congo rebel support". Reuters.

hard feelings behind. Mwagiru postulates that those who experienced the conflict or took part in it carry the memory of it. As long as the parties in the conflict still live, conflict will never quite die or fade away.<sup>9</sup> Mediation in international relations also has a long history and, parallel to the development of the nation-state system, has become increasingly employed. Diplomatic practitioners have come to consider mediation as part of their stock-in-trade, and some of the early works on the practice are powerful testimonials to their personal experience and wisdom. The International Conference on Great Lakes Region (ICGLR) mediation in the conflict between the DR Congo government and the M23 rebels in North Kivu between April 2012 and December 6th 2012. This research aims to find out whether African countries can come up with solutions for the seemingly intractable conflicts that plague the continent, popularly known as "African solutions for African problems". This happens in the backdrop of massive failures by international organizations such as the UN and international actors in helping to prevent or even solve conflicts in Africa. A good example is the Rwandan genocide of 1994<sup>10</sup>. Many scholars and historians have argued that this genocide could have been avoided if the international had acted upon all the signs that were there prior to the assassination of president Juvenal Habyarimana on April 6th 1996. This complicity and indifferent attitude of the West compelled African countries to start looking for solutions to African problems.

### **1.3 Objectives of the Study**

The main objective of the study is to investigate African regional initiatives in conflict management of ICGLR mediation in the DR Congo-M23 rebels conflict in north HVU in 2012, while specific objective are

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<sup>9</sup> Makumi Mwagiru. *Conflict in Africa: Theory processes and institutions of management*. 2006. Nairobi. Center for conflict research.

<sup>10</sup> Vlassenroot, Koen and Timothy Raeymaekeres (2004) "The politics of rebellion and intervention in Ituri: The emergence of a new political complex?", *African Affairs* 103(412):385-412.



- i. To examine effectiveness of mediation in managing conflict in DR Congo
- ii. To determine the various types of mediation process used in management of of ICGLR mediation in the DR Congo-M23 rebels conflict in north HVU
- iii. To determine cultural and ethnic differences and degree of homogeneity that affects the success or failure of mediation in the effort of of ICGLR mediation in the DR Congo-M23 rebels conflict in north HVU

## **1.4 Literature Review**

The literature is reviewed according to the following broad themes: Literature on causes of conflict, history of DRC conflict, conflict management, discuss theories advanced and argued by scholars.

### **1.4.1 Causes of conflicts**

Mwagiru identifies the causes of conflict as underlying causes, proximate causes and triggers of conflict.<sup>11</sup> He explains underlying causes as being structural where this refers to those arrangements underlying relationships in society that act as the soil in which a conflict takes roots and grows. Identifying and understanding the underlying causes of conflict is important because it captures very neatly the structural causes of conflict and hence the structural basis of whichever conflict one is examining. He goes on to outline the underlying causes of conflict in Kenya as governance, poverty, culture, ethnicity and religion.

He further goes on to explain proximate causes of conflict as those things which make underlying causes worse and which make it more likely that the underlying causes will lead to conflict. Understanding proximate causes is important because they help to capture the

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<sup>11</sup> Makumi M. Mwagiru, “*The International Management of Internal Conflict*,” Uganda Mediation 1985 op. pp36

relationship between structural and violent conflict. Some examples of proximate causes of conflict in Kenya include unemployment, scarcity of resources, drought, natural disasters and resource allocation. Finally triggers of are those incidents and happenings that directly ignite a conflict and particularly a violent conflict. The idea behind this is that although the proximate causes might point directly to the conflict that is developing, there needs to be something that sparks off the actual conflict behavior. Mwangiri identifies triggers to many conflicts in Kenya as incitement by politicians and others, the death of community members, injury to people and livestock and cattle rustling.<sup>12</sup>

Meanwhile, the Secretary to the United Nations noted that the analysis of causes of conflicts is based on the conviction that no genuine and durable solution to any conflict can be found without a full understanding of its causes. Because of failure to identify the root causes of conflict in Africa, some of those perceived resolved have been relapsing.<sup>13</sup> In his report to the Security Council titled: “The causes of conflicts and the promotion of durable peace and sustainable development in Africa,” the UN Secretary General categorized the sources of conflicts in Africa in a manner that appears to generally acceptable in the context of the East African countries and in so far as political conflicts are concerned. According to him, the major sources of conflicts are as follows:

Those attributable to the continent’s historical legacies traceable to the arbitrary partitioning of Africa at the congress of Berlin, in 1885: It should be recalled that the first generation of African leaders was well intentioned and was committed not only to liberating the continent, but also to promoting peace and security, as spelled out in the preamble of the OAU

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<sup>12</sup>Vlassenroot, Koen and Timothy Raeymaekers (2004) “The politics of rebellion and intervention in Ituri: The emergence of a new political complex?”, *African Affairs* 103(412):385-412.

<sup>13</sup> Bujra A and H Solomon: *Perspectives on the OAU/AU and Conflict and Management in Africa*. p 170.

Charter. By OAU resolution, AHG/Res 16(1) 1964, African leaders decided to respect colonial borders for fear that by repartitioning them, Africa would witness more conflicts than those which were already on the ground.

Those attributable to the heavy concentration of the political and economic power coupled with the suppression of political pluralism, as well as selective development policies of the former administrative colonial powers:<sup>14</sup> Both Rwanda and Burundi have fought civil wars largely caused by concentration of political and economic powers in the hands of one ethnic group, official neglect and marginalization of some segments of a society mainly as a result of fallacious policies of the colonial administrators, carried forward by the local administrators that inherited from the departing colonialist.

Those sources of conflict that the Secretary General attributes to abuse of political power manifested in gross violation of human rights and insufficient accountability procedures on the side of some leaders:<sup>15</sup> For East Africa, perhaps no leader has ever emerged to excel Idi Amin in terms of violation of human rights and lack of accountability. His regime has been associated with the death of about 400,000 people. During his reign, Amin never wasted time to ditch his hand into the national treasury to implement all sorts of useless projects (including sponsoring missions abroad for the image of his murderous regime).

Those associated with the promotion of external interests: Mobutu was ousted from power not only because of plundering his country's resources but also for having pauperized his population except his henchmen, in the promotion of the interests of the USA, by playing the role of CIA agent positioned to fight communist Lumumba and the communist Angolan regime.

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<sup>14</sup> A Bujra and H Solomon (eds), *Perspectives on the OAU/AU and conflict management in Africa*, African Books Collective, Oxford, 2004. P171.

<sup>15</sup> *Ibid*, p172.

It was this that caused his entrenched dictatorship to be driven into exile in 1997, where he subsequently died.

Those associated with the competition between protagonists in collusion with the foreign cooperation over resources exploited for purpose sustaining war:<sup>16</sup> Nowhere in Africa is the saying that “Wealth can be a blessing but also a curse” so true as in the case of DRC. The political turbulence that characterized the DRC for over 30 years came to center stage when, following the ouster of Mobutu, an insurgency mobilized by Rwanda and Uganda began to undermine Kabila’s government by first targeting the interahamwe that had fled Rwanda in the 1994 genocide and encamped along eastern DRC<sup>17</sup>.

Studies of conflict and violence stem from different disciplinary sources. Barron et al (2004) informs us that different studies have focused on different types of conflict and that ‘both theorists and polemicists of the subject not only ask different questions but ask and answer them in different tongues’. The multidisciplinary nature of the subject is reflected, for instance, in the report of the seminar on the demography of conflict and violence, which drew together scholars and practitioners from disciplines, among them demography, history, social anthropology and political science. Therefore any analyst has to prudently identify relevant issues without claiming to undertake an exhaustive treatment. While political scientist might take a strong claim in the subject, they cannot adequately analyse a political issues, which connive with social issues to cause election-related violence.

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<sup>16</sup> A Bujra and H Solomon (eds), *Perspectives on the OAU/AU and conflict management in Africa*, African Books Collective, Oxford, 2004. p173.

<sup>17</sup> Ibid pp 174

### 1.4.2 History of DR Congo conflict

When Leopold II of Belgium wins international recognition for the Congo Free State in 1885, it is as his own personal fief rather than a Belgian colony. The king is willing to fund the project from his own resources and from concessions to private Belgian companies. The Belgian government has no interest in what seems likely to be an expensive exercise. In the early years it proves so. In 1890, and again in 1895, the king has to appeal to his government in Brussels for help. He is granted large interest-free loans, in return for the right of the Belgian government to annexe the territory if it so wishes in 1901. In 1903 Roger Casement, living in Boma as the British consul to the Congo Free State, receives an encrypted telegram from the foreign office. It instructs him to travel into the interior to investigate the supposed abuses. He sets off up the Congo in a small steam launch, the *Henry Reed*, hired from some American Baptist missionaries. What he discovers is blood-curdling<sup>18</sup>. He finds villages depopulated, people terrified, gruesome tales of death and torture, and a strangely large number of victims whose hands have been amputated. The pattern which emerges is one of systematic and brutal exploitation by the concessionary companies, in all of which Leopold has a half share. Their system for boosting rubber production is simple. Villages are given an ever higher quota of latex to be collected as it oozes from the trees in their vicinity or further afield.

Elections take place in May. Lumumba's MNC emerges as the largest single party, with Kasavubu's Abako in second place. Neither succeeds independently in forming a coalition. As a compromise Kasavubu becomes president and head of state, with Lumumba as prime minister at

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<sup>18</sup> Stedman, Stephen John (2003), "Peace Processes and the Challenges of Violence" in John Darby and Roger Mac Ginty (eds.), *Contemporary Peacemaking. Conflict, Violence and Peace Processes*. Basingstoke: Palgrave MacMillan.

the head of a coalition including a dozen extremely diverse minor parties. Tshombe's party wins control of the provincial assembly in Katanga.

This arrangement seems a certain recipe for future trouble, but there turn out to be more immediate problems. The nation becomes independent on 30 June 1960 as the Democratic Republic of the Congo. Just four days later there are early signs of mutiny in the army.

The reason is the fury of the African soldiers that in spite of independence the officers in the Congolese army are without exception white. The fact is not surprising (in the colonial army Africans could not rise higher than the rank of sergeant-major, and in the rush to independence the first Congolese officer cadets have not yet completed their courses). But it is none the less profoundly displeasing<sup>19</sup>.

Lumumba gives in as the tension rises during the first week of July. He agrees to the dismissal of the Belgian officers and the appointment of Congolese in their place. The role of hastily issuing the new commissions falls to Joseph Mobutu, the minister for defence. This patronage later gives him a powerful role in the evolving army. In the short term no one can control the unfolding chaos. Without any effective chain of command, the army goes berserk in riots against the Belgian population. Priests and nuns in particular are singled out for violence and rape. Before the middle of July 25,000 Belgians flee the country. In the other direction nearly 10,000 Belgian troops fly in to protect European lives and property, particularly in wealthy Katanga.

On July 11 Moïse Tshombe takes advantage of the collapse of government control. He declares the independence of Katanga. With the help of Belgian troops he is able to expel all units of the Congolese army. The ingredients for the next stage of the Congo's agony are all in

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<sup>19</sup> Vlassenroot, Koen and Timothy Raeymaekers (2004) "The politics of rebellion and intervention in Ituri: The emergence of a new political complex?", *African Affairs* 103(412):385-412.

place. With many in the west showing signs of support for Tshombe (mindful of the wealth of his region), Lumumba raises the stakes by asking for Soviet help in recovering Katanga. During August there arrive from Russia aircraft, arms, technicians and military advisers. Within two months of independence the Congo has become a potential flashpoint of the Cold War. The issue dominates debate in the general assembly of the UN. Meanwhile UN forces are on the ground trying to hold the peace. In the event a local coup, still during the first three months of independence, proves a turning point<sup>20</sup>.

On September 4 President Kasavubu announces that he has dismissed Lumumba as prime minister. Lumumba, in response, hurries to the radio station to broadcast that he has dismissed Kasavubu as president. The resulting confusion is only resolved when the 29-year-old minister of defence, Mobutu Sese Seko, declares on September 14 that he is 'neutralizing' all politicians and is temporarily taking over the duties of government in the name of the army<sup>21</sup>.

Mobutu is secretly in Kasavubu's camp (both act with the encouragement of the CIA, alarmed by Lumumba's Soviet policy). One of his first actions is to close down the Soviet embassy. In February 1961 he returns the government to Kasavubu, who appoints him commander of the army. Meanwhile Lumumba has been murdered, in circumstances which remain mysterious. In November 1960 he unwisely leaves Léopoldville, where he has been living under UN protection. He is captured by forces loyal to Kasavubu and is sent in January 1961 - presumably with only one purpose in mind - to Katanga.

He is last seen on arrival in Katanga being transferred, blindfold and handcuffed, from the plane to a waiting car. No more is heard of him. He is believed to have been murdered either

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<sup>20</sup> Cammaert, Patrick." A Peacekeeping Commander's Perspective: From Headquarters and the Field: Royal United Services Institute for Defense Studies." *RUSI Journal*, Vol.153, No.4 (2008): 68–71.

<sup>21</sup> Walter and Jack Snyder (eds), *Civil Wars, Insecurity, and Intervention*. New York: Columbia University Press.

by Katangan police or Belgian mercenaries<sup>22</sup>. Evidence emerges years later to suggest that both President Eisenhower and the Belgian government were party to plans to eliminate this left-wing African leader. During 1961 and 1962 the urgent question in Congo is whether Tshombe can sustain an independent Katanga. He has the support of the powerful mining company, Union Minière, and his army is strengthened by the continuing presence of Belgian troops (by now removed again from the rest of the country) and by the addition of European mercenaries. But the UN and the majority of international opinion is against the secession of Katanga.

Outbreaks of warfare and bursts of urgent UN diplomacy alternate during this period (the UN secretary general Dag Hammarskjöld dies in a plane crash in 1961 when flying to negotiate with Tshombe). But Tshombe has a habit of renegeing on promises when it suits him.

The turning point comes late in 1962, when UN policy moves from a neutral peacekeeping role to active intervention against Katanga. After strong initial resistance, the Katangan army gives up the fight in January 1963<sup>23</sup>. Tshombe flees into exile in Spain. But this is not yet the end of Tshombe's involvement in the Congo. President Kasavubu, faced in 1964 by continuing unrest in the eastern provinces, attempts to resolve the issue by inviting Tshombe to return from exile as the nation's prime minister. New elections for the national assembly are held in April 1965. Tshombe's party seems to win a majority (the results may be unreliable), but in the aftermath of the election he is dismissed from his post by Kasavubu<sup>24</sup>.

Tshombe returns to Spain, leaving the Congo in continuing political chaos. But a new strong man is waiting to strike. Mobutu, now commander in chief, has been strengthening the

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<sup>22</sup> Koyama, Shukuko. 'Comparative Analysis of Evaluation Methodologies in Weapon Collection Programmes.' Geneva: United Nations Institute for Disarmament Research, 2006.

<sup>23</sup> Vlassenroot, Koen and Timothy Raeymaekeres (2004) "The politics of rebellion and intervention in Ituri: The emergence of a new political complex?", *African Affairs* 103(412):385-412.

<sup>24</sup> Koyama, Shukuko. 'Comparative Analysis of Evaluation Methodologies in Weapon Collection Programmes.' Geneva: United Nations Institute for Disarmament Research, 2006.



Congolese army and with it his own power. In October 1965 he stages a coup, dismisses Kasavubu, and takes on the role of president<sup>25</sup>. Mobutu: AD 1965-1997 Mobutu rapidly puts in place the apparatus of dictatorship, forming in 1966 the MPR (Mouvement Populaire de la Révolution) as the only permitted political party. He also sets about asserting the African identity of his nation. The colonial capital, Léopoldville, becomes in 1966 Kinshasa. Five years later the nation itself acquires an appealing new name, Zaire (relating to the Congo because it derives from an African word for river). An order is given for all citizens to adopt African names. The president himself, previously Joseph Mobutu, becomes Mobutu Sese Seko Koko Ngbendu Wa Za Banga ('the all-powerful warrior who, because of his endurance and inflexible will to win, sweeps from conquest to conquest, leaving fire in his wake'). There are frequent threats to Mobutu's rule, most of them centring on Katanga. In the early years they are widely assumed to be orchestrated by Tshombe. Tshombe is kidnapped in Spain in 1967 and is taken to Algeria, but Algerian officials refuse Mobutu's request to have him extradited to the Congo to stand trial for treason (he dies in Algeria in 1969).

In 1977 and 1978 there are major invasions of Katanga (now renamed Shaba) by an opposition group, the FLNC (Front de la Libération Nationale Congolaise), operating from Angola. Mobutu recovers control with help from Morocco and France, but only after thousands of casualties on both sides. While retaining the support of western nations, Mobutu presides over a massive decline in Zaire's economy (by 1994 it has shrivelled to the pre-independence level of

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<sup>25</sup> Cammaert, Patrick." A Peacekeeping Commander's Perspective: From Headquarters and the Field: Royal United Services Institute for Defense Studies." *RUSI Journal*, Vol.153, No.4 (2008): 68–71.

1958, even though the population has trebled in the same period). At the same time he salts away a vast personal fortune<sup>26</sup>.

By 1990 the mood of the times forces upon Mobutu at least the semblance of democracy (though the nature of his rule remains all too evident when protests at Lubumbashi university in this same year are suppressed with the deaths of between 50 and 150 students). A national conference in 1991 elects a government headed by an opposition leader, Etienne Tshisekedi. Mobutu accepts Tshisekedi in the role of prime minister, but during the next four years - to a background of strikes, riots and outbreaks of tribal warfare - there is a continuous struggle between president and prime minister for the reins of executive power. The economy comes to a standstill. In 1994 the World Bank closes its office in Kinshasa and declares the country bankrupt. The internal chaos is soon increased by an eruption of violence across the border. In 1994 a million Hutu refugees flee into Zaire from Rwanda. By 1995 their camps are controlled by the Hutu militia responsible for the massacre of Tutsi in Rwanda. Their presence leads to attacks on Tutsi resident for generations on the Zaire side of the border.

The sympathy of the Mobutu government is with the Hutu. A decree is passed expelling all ethnic Tutsi from the army and civil service. Tutsi property is looted in riots in Kinshasa. This ethnic conflict between Hutu and Tutsi, spilling over into Zaire, is the force which finally ends Mobutu's thirty-two years of self-serving dictatorship. In the eastern province of Kivu the Tutsi, fighting back against Hutu aggression, find a very effective leader in a local politician, Laurent Kabila. When Kabila and his men start winning a succession of local victories, Mobutu sends the Zairean army against him - to no avail. Kabila astonishes the world by announcing, early in 1997, that unless Mobutu resigns within two weeks his regime will be overthrown by force.

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<sup>26</sup> Cammaert, Patrick." A Peacekeeping Commander's Perspective: From Headquarters and the Field: Royal United Services Institute for Defense Studies." *RUSI Journal*, Vol.153, No.4 (2008): 68-71.

Kabila: AD 1997-2001 During the early months of 1997 Mobutu (suffering by now from cancer) takes panic-stricken measures in Kinshasa, appointing and dismissing ministers in a desperate attempt to avert the crisis. Meanwhile Laurent Kabila, with his army of Tutsi soldiers (most of them well trained in Rwanda and Uganda), advances west at an astonishing speed. He is helped by the defection to his side of Zairean troops and by offers of support from western commercial interests - two groups sensing an imminent transfer of power.

In May Kabila enters Kinshasa, meeting relatively little opposition. Mobutu flees to Morocco, where he dies a few months later. Kabila assumes the office of president, taking full executive and military powers. He changes the name of the country from Mobutu's favoured Zaire, reverting instead to the original Democratic Republic of Congo<sup>27</sup>. Ironically the new president inherits in the late 1990s the identical problem confronting his predecessor, Lumumba, when the Democratic Republic first became independent in 1960. The richest province in the nation, Katanga, is once again threatening to go its own way<sup>28</sup>. In 1993 the governor of Shaba has claimed total autonomy, changing the name of his province back to Katanga and running it exclusively for local benefit. In the political chaos of the time, no one has the power to gainsay him. Kabila's ability to do so is limited by more immediate problems in the neighbouring Kivu region, his own original power base (during the 1970s he has ruled a small semi-independent Marxist enclave here, surviving on the local trade in gold and ivory).

The Tutsi of Kivu, largely responsible for Kabila's rapid capture of power, are dissatisfied by his subsequent behaviour in office. In 1998 they launch a new rebellion. At first it is almost as successful as its 1997 predecessor, developing rapidly into the status of civil war. But Kabila,

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<sup>27</sup> Cammaert, Patrick." A Peacekeeping Commander's Perspective: From Headquarters and the Field: Royal United Services Institute for Defense Studies." *RUSI Journal*, Vol.153, No.4 (2008): 68-71.

<sup>28</sup> Georges Nzongola-Ntalaja, *The Politics Of Citizenship In The DRC*, presented at States, Borders And Nations: Negotiating Citizenship In Africa Annual International Conference (May 19-20 2004).

unlike Mobutu, is able to obtain assistance from neighbouring states. Zimbabwe, Angola and Namibia send troops, tanks and aircraft to support the Congo government in a crisis which shows no signs of abating. A cease-fire plan agreed in Lusaka in 1999 comes to nothing, while evidence begins to emerge of genocidal massacres in rebel-held areas in the northeast of the country. Support for the rebels by Uganda and Rwanda effectively transforms the civil war into an international conflict. The situation becomes even more chaotic when Kabila is assassinated in January 2001. His place at the head of his warring nation is taken by his son Joseph Kabila.

The First Congo war was largely the effect of the presence of large numbers of hostile ex-FAR soldiers and IntraHamwe in Kivu provinces paired with the decay of Mobutu's Zaire. Spearheaded by the former Tanzanian president Julius Nyerere, a coalition of heads of state from Rwanda, Uganda, Eritrea, Ethiopia, Zimbabwe, and Angola met to determine the downfall of Mobutu who they perceived as "the shame of Africa." Through largely Ugandan and Rwandan material, logistical, and training assistance, Laurent-Desire Kabila and his AFDL invaded eastern Zaire in late October of 1996. Assisted by armed militias and Rwandan and Ugandan soldiers, the AFDL fought their way to Kinshasa by May of 1997.<sup>29</sup>

But Kabila's tenure as president of the newly anointed DRC was to be short lived. Adopting many of the corrupt, authoritarian, and dynastic qualities of Mobutu's rule, Kabila lost popular support among Congolese and, more importantly, alienated his Rwandan backers and his Tutsi allies in the AFDL.<sup>30</sup> The subsequent fallout was to be catastrophic. Acting out of national interests ranging from providing border security to financial interests in the abundant resources

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<sup>29</sup> Cammaert, Patrick." A Peacekeeping Commander's Perspective: From Headquarters and the Field: Royal United Services Institute for Defense Studies." *RUSI Journal*, Vol.153, No.4 (2008): 68-71.

<sup>30</sup> Roessler and Prendergast, "Democratic Republic of the Congo," 236.

present in the DRC, a multitude of regional states, including state-backed rebel groups, flooded into the Congo basin in what has since been coined Africa's World War. Concerned with securing their borders, and arguably, interested in mineral deposits, Uganda and Rwanda, with their respective rebel allies the Movement for the Liberation of Congo (MLC) and the Congolese Rally for Democracy (RCD), invaded eastern DRC in late 1998 with the intention of securing the north and eastern regions of the DRC and disposing of Kabila's regime. Meanwhile, Zimbabwe, Namibia, and Angola entered the fray. Economically motivated, Zimbabwe's Robert Mugabe was principally concerned with securing timber and mineral concessions<sup>31</sup>.

What makes the DR Congo conflict extremely complex is the historical involvement and interwovenness of multiple political and military parties. For example, a report by the International Rescue Committee identifies three patterns of violence: Along the frontline a conventional war is fought between the foreign armies and their Congolese allies. Elsewhere, the national wars of DRC's neighbours are fought out on Congolese soil. And finally, under the destructive influence of violence, pre-existing tensions between different Congolese communities have erupted in horrific bouts of ethnic bloodletting.

In academic and policy research, the conflict in DR Congo is, almost without exception, described as an outcome of colonialism and the exploitation of natural resources. For example, Congolese scholar and activist Nzongola-Ntalaja argues that Congo's strategic position in the centre of Africa and its enormous natural wealth "have made it a prime candidate for imperial ambitions and the envy of adventurers, mercenaries and looters of all kinds".

One of the earliest and most notorious accounts on DR Congo's exploitation is Joseph

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<sup>31</sup> Willibald, Sigrid. "Does Money Work? Cash Transfers to Ex-Combatants in Disarmament, Demobilisation and Reintegration Processes." *Disasters*, Vol.30, No.3 (2006): 316.

Conrad's 1902 novel *Heart of Darkness*. The book is motivated by Conrad's encounter with the atrocities committed under Belgian colonial rule while commanding a steamship in Congo in 1890. According to the historian Adam Hochschild, Conrad's book is "one of the most scathing indictments of imperialism".

According to Nzongola-Ntalaja,<sup>32</sup> Congo's post-independence crisis largely relates to the power vacuum that exists between the poor masses and Congolese elitist leaders, which was most notoriously the case during the 1965-1997 presidency of Joseph-Désiré Mobutu. Nzongola-Ntalaja puts it like this: The state has revealed itself as being primarily a simple tool of repression and wealth extraction for top officials and their foreign allies. It has been incapable of assembling the essential means and capabilities with which to generate economic growth and improve the living conditions of the masses.

This view is supported by Kibasoma who describes Congo as an extremely vulnerable country that has, due to total political collapse, "lost the capacity to defend its people, its borders and its resources".<sup>33</sup> But more than just the result of a 'colonial legacy', as argued by Vlassenroot and Raeymaekers who studied the Ituri conflict in eastern Congo<sup>34</sup>, there is a deliberate strategy at play that aims to disconnect central state control from local power by exploiting ethnic differences. They say: Regional forces thrive on the continuing weakness of the Congolese state to create an open war economy. To be successful, and consolidate their hold on the ground, these military entrepreneurs have recruited ethnically embedded local militias. Rather than developing a shared ideological reference that focuses on a renewed process of state-building, the resulting

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<sup>32</sup> Georges Nzongola-Ntalaja, *The Politics Of Citizenship In The DRC*, presented at States, Borders And Nations: Negotiating Citizenship In Africa Annual International Conference (May 19-20 2004).

<sup>33</sup> Kibasoma, "Women and Peacekeeping in the Democratic Republic of Congo", p. 24.

<sup>34</sup> Vlassenroot, Koen and Timothy Raeymaekeres (2004) "The politics of rebellion and intervention in Ituri: The emergence of a new political complex?", *African Affairs* 103(412):385-412.

networks are guided by shifting ethnic and/or pecuniary considerations and are, as a consequence, constantly fragmenting.

Despite the Lusaka peace agreement, signed in 1999 by the Congolese state, oppositional rebel groups and Congo's neighbouring countries, many sources of violence remain unsolved. Human Rights Watch states that the peace process is doomed to fail "unless attention is focused on the underlying causes of the conflict and serious attempts made to cut the links between conflict and natural resources extraction". However, the successfulness of such attempts depends for a large part on the amount and nature of media coverage on the DR Congo conflict and, more generally, on Africa at large.

### **1.4.3 Methods of conflict management**

Conflict management according to Mwagiru refers to a process by which parties to the conflict are encouraged to come together and do something about their conflict.<sup>35</sup> Thus, parties to the conflict can negotiate about the issues of the conflict. Bercovitch argues that the negotiation process can only be conducted when parties to the conflict agree to manage their conflict jointly.<sup>36</sup> The structure of negotiation is dyadic if only two parties are involved and triadic when a third party is involved. The third party has its interest in the conflict and its outcome.

The terms third party refer to a person or team of people who become involved in a conflict to help the disputing parties manage or resolve it. Mediation is gaining popularity all over the world and Kenya is not an exception. Third parties might act as consultants, helping one side or both sides analyze the conflict and plan an effective response. Alternatively, they act as

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<sup>35</sup> J. Bercovitch, "Social Conflict and Third Parties: Strategies of Conflict Resolution, Boulder, Westview Press, 1984, pp. 10-19

<sup>36</sup> Ibid.

facilitators, arranging meetings, setting agendas, and guiding productive discussions<sup>37</sup>. Conflict resolution may be accomplished with or without a mediation, which does not include *inter alia* mediation and arbitration. Its only when parties have difficulty negotiating directly that the presence of a third party (negotiator, mediator) is needed. Mediation is a form of third-party intervention in conflict<sup>38</sup>. It is voluntary and the third party (mediator) assists the parties in discussing, a solution to their problem. Since independence in the 1960's, Kenya has witnessed ever changing levels of openness and transparency in the democratic process. Hand in glove with the electoral process has been a cycle of violent conflict since 1992, with the most devastating uprising occurring in the wake of a disputed presidential election result in late 2007<sup>39</sup>.

Third parties are useful in the process of conflict abatement, and they can make positive and direct contributions by focusing the parties on a termination agreement, providing an agenda and/or manipulating the timing of the negotiation process.<sup>40</sup> They help to overcome constraints faced by the primary parties such as providing rationalizations for the disavowal of previous bargaining positions (face-saving), certifying the benefits of an agreement (guaranteeing), or providing insurance against the risks of the failure of an agreement. The study of third-party interventions in conflict management is inexorably linked to the study of negotiations, and there is a rich body of literature on negotiation techniques and the role of third parties in conflict management. This literature spans several academic fields including, but not limited to,

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<sup>37</sup> Louis Kriesberg, *Conflict Transformation, Encyclopedia of Violence, Peace, and Conflict*, Volume 1, p.413, Academic Press 1999.

<sup>38</sup> Christian P. Scherrer, *Structural Prevention and Conflict Management, Imperatives of, Encyclopedia of Violence, Peace and Conflict*, Volume 3, p.389-390, Academic Press, 1999.

<sup>39</sup> Netherland Institute for Multiparty Democracy (2008). The December 2007 Election. Accessed from <http://www.nimd.org/page/Kenya> on June 8<sup>th</sup> 2009.

<sup>40</sup> W. Zartman, *Ripe for Resolution: Conflict and intervention in Africa*, New York: Oxford University Press, 1985, page 8.



traditional political science and international relations, labor and industrial relations and management studies. It also spans various methodological approaches such as first-person accounts, case studies, and rational choice-based approaches.<sup>41</sup>

## **1.5 Justification of the Study**

The important of this study is to be able to gain insight African regional initiatives in conflict management of ICGLR mediation in the DR Congo-M23 rebels conflict in north HVU in 2012. The study will strive to answer objectives on the existing literature on the causes of the conflict and look into the African regional initiatives in conflict management of ICGLR mediation in the DR Congo-M23 rebels conflict in north HVU in 2012. In profiling the middle level, the mediator should determine how independent its members are from the top leadership and identify the relevant social networks to which they may be connected. The conflict has also cost Congo country dearly in terms of security due to post election violence and economically due to the internally displaced persons. This study therefore may be a useful reference on these effects and the security strategies that can be applied to end the conflict and avoid future recurrences. It will also strive to give recommendations on the best methods to apply on mediation as conflict resolution.

## **1.6 Theoretical Framework**

Analyzing mediation raises some basic questions about what mediation can do in a conflict, under what circumstances, and to what effect. Over-simplified, the debate over these issues can be classified into two major paradigms: the structuralist and the social-psychological.<sup>2</sup>

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<sup>41</sup> Karuti Kanyinga and Duncan Okello: Tensions and Reversals in Democratic Transitions, The Kenya 2007 General Elections, Nairobi University 2010, p494

These two paradigms involve alternative assessments about appropriate bargaining strategies and entry points, as well as about comparative advantage, coordination, and leadership of different kinds of mediators. Each paradigm also points to a different set of conclusions about the possibilities for effective mediation when there is more than one mediator and the kinds of bargaining strategies that are likely to be most effective in a multiparty setting<sup>42</sup>.

These paradigms are presented, however, with a lively awareness that in the real world, negotiators generally find themselves with a foot in each approach, and that choices are rarely as stark as suggested by each school's proponents. Furthermore, viewing the conflict in terms of a life cycle marked by different phases or stages opens up a wider range of possibilities for mediated interventions by a more inclusive set of actors and institutions than is contemplated by either school.

The structuralist paradigm is based on a belief that through the use of persuasion, incentives, and disincentives parties to a conflict can be led to and through a negotiated settlement. This paradigm, which is anchored in a rational choice view of the world, treats the causes of conflict as objective-as opposed to subjective-issues that can yield to negotiation. It is premised on the familiar notions of "ripeness" and "hurting stalemate" as advanced in the work of William Zartman, Richard Haass, and others<sup>43</sup>. As defined by Haass, ripeness is associated with "the prerequisites for diplomatic progress, that is particular circumstances . conducive for negotiated solution or even progress<sup>44</sup>. Such prerequisites may include characteristics of the parties to a dispute as well as considerations about the relationship between or among parties."<sup>3</sup> Of the

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<sup>42</sup> Richard N. Haass, *Conflicts Unending: The United States and Regional Disputes* (New Haven, Conn.: Yale University Press, 1990),232.

<sup>43</sup> I. William Zartman and Saadia Touval, "International Mediation: Conflict Resolution and Power Politics," *Journal of Social Issues* 41, no. 2 (1985): 27-45; and I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York. Oxford University Press, 1989).

<sup>44</sup> . Richard N. Haass, *Conflicts Unending: The United States and Regional Disputes* (New Haven, Conn.: Yale University Press, 1990),232.

various factors that may make resolution more attractive, thereby enhancing the prospects for successful third-party intervention, Zartman suggests that the prime “condition” is if neither side in a conflict feels it can win a conflict and the parties perceive the costs and prospects of continuing war to be more burdensome than the costs and prospects of settlement.<sup>4</sup> The prospects for a negotiated settlement to a dispute are thus greater when war weariness has set in among the parties and a conflict has reached a plateau or hurting stalemate in which unilateral solutions are no longer believed to be credible or achievable.

The second paradigm of mediation in conflict focuses on the processes of communication and exchange as a way to change perceptions and attitudes<sup>45</sup>. This approach to mediation centers on providing a forum in which parties can explore options and develop solutions, often outside the highly charged arena of a formal negotiating structure. The approach also involves appeals to superordinate goals and values. It plays on the parties’ aspiration for legitimacy and their desire to be part of the broader political community<sup>46</sup>. In this approach, the use of moral suasion and symbolic rewards or gestures is important. To this school, the establishment of a dialogue, of a pattern of exchanges and contacts between and among official parties or other influential representatives, helps set the stage for a lasting peace built on an agreement developed by the parties in a collaborative process.

## **1.7 Hypothesis**

- i. There is effectiveness of mediation in managing conflict in DR Congo

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<sup>45</sup> I. William Zartman and Saadia Touval, “International Mediation: Conflict Resolution and Power Politics,” *Journal of Social Issues* 41, no. 2 (1985): 27-45; and I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York. Oxford University Press, 1989).

<sup>46</sup> Richard N. Haass, *Conflicts Unending: The United States and Regional Disputes* (New Haven, Conn.: Yale University Press, 1990),232.

- ii. The various types of mediation process used in management of ICGLR mediation in the DR Congo-M23 rebels conflict in north HVU are effective
- iii. Cultural and ethnic differences and degree of homogeneity that affects the success or failure of mediation in the effort of of ICGLR mediation in the DR Congo-M23 rebels conflict in north HVU

## **1.8 Research Methodology**

This section will provide a discussion of the outline of the research methodology that will be used in this study. It focuses on the research design, population of study, data collection methods and makes conclusions based on the data analysis and data presentation methods that will be used in this study<sup>47</sup>.

### **1.8.1 Research Design**

The research study to be undertaken will examine African regional initiatives in conflict management of ICGLR mediation in the DR Congo-M23 rebels conflict in north HVU in 2012. The type of research design that will be used for this study will be the explanatory design. This will involve explanation of causes and effects of the independent and dependent variables associated with the problem. According to Denscombe, explanatory research is used when asking research questions that deal with causal process<sup>48</sup>. Statistical mean and standard deviation as well as percentages will be used to summarize the responses. In view of the fact that the study will mainly be exploratory in nature, the researcher will be of the opinion that it will be possible to

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<sup>47</sup> Mugenda, O.M and Mugenda A.G. (2003); Research Methods. *Act Press. Nairobi.*

<sup>48</sup> Denscombe, M. (1998), *The Good Research Guide for Small Scale Social Research Projects*. New Delhi: Viva Books Private Limited.

draw conclusions without the use of very complicated qualitative statistical tools that might jeopardize a very clear presentation of the findings of the research.

### **1.8.2 Population**

The targeted population for the study will be Democratic Republic of the Congo east conflict. According to Cooper and Schindler, the sampled population is that part of the target population that is accessible and available for sampling<sup>49</sup>. The study makes use of the random sampling method which is suitable in this context. According to Jankowicz, surveys are particularly useful when you want to contact relatively large numbers of people to obtain data on the same issue or issues, often by posing the same questions to all.<sup>50</sup>

### **1.8.3 Sampling Design**

The sampling design is a fundamental part of data collection for scientifically or socially based decision making. A well-developed sampling design plays a critical role in ensuring that data is sufficient to draw the right conclusions. A sound, socially or scientific based decision must be based on accurate information. The handling method and the representation of the data should correspond to the objective of the study. The sampling design will indicate the number of samples taken and will also identify the particular samples (for example, the ministries where particular views of the samples were collected). Along with this information, the sampling design will also include an explanation and justification for the number and responses of the samples.

### **1.8.4 Data Collection Methods**

The study will use both primary and secondary data will be collected from key informants. To achieve this, an interview guide will be used to collect primary data. The

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<sup>49</sup> D. R. Cooper and P. S. Schindler, *Research Methods* (7th ed. New York: Irwin/McGraw-Hill, 2000) p 112

<sup>50</sup>A. D. Jankowicz, *Research Projects* (6th ed. London: Thomson Learning, 2002) p 87

interview will be conducted by the Researcher personally. The interview guide has unstructured questions which will be used so as to encourage the respondent to give an in-depth response without feeling held back in revealing of any information. With unstructured questions, a respondent's response may give an insight to his feelings, background, hidden motivation, interests and decisions and give as much information as possible without holding back.

Secondary data will be collected on attitudes and perception and the importance of the study and cannot be over-emphasized also be collected to augment the studies. The study will also rely on secondary data such as text books, journals, and academic papers that are to be found in the University of Nairobi and other libraries. This instrument of data collection enables the researcher to control the setting; it is flexible as one can probe and in the process get in-depth information<sup>51</sup>. The study will also rely on secondary data such as text books, journals and academic papers that are in various libraries in Nairobi as well as government printers.

### **1.8.5 Data analysis**

The data will be analysed in two fold<sup>52</sup>, one general approach will be applying content analysis. Content analysis as a technique for making inferences by systematically and objectively identifying specified characteristics of messages and using the same to relate trends. The data will be qualitative in nature, due to this fact, content analysis will be used to analyse the data.

## **1.9 Chapter Outline**

This chapter one presents the introduction and layout of the study as well as the methodology that will used to carry data presentation.

This chapter two will Chapter two will look at the Nature of the conflict, causes and the trend of conflict in the world.

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<sup>51</sup> Mugenda, O.M and Mugenda A.G. (2003); Research Methods. *Act Press. Nairobi*.

<sup>52</sup> Jankowicz A. D., *Research methods in social science* (6th ed. London: Thomson Learning, 2002) p 87

This chapter three will outline the mediation process in conflict management

This chapter four will present a detailed critical analysis of Chapter four will critically look at ICGLR mediation in the DR Congo-M23 rebels conflict in north Kivu in 2012.

This chapter five will present the research findings from the sample population and present analysis. It will look at whether this research approves or disapproves the hypothesis.

## CHAPTER TWO

### THE NATURE OF THE CONFLICT

#### 2.1 Introduction

The conflict remained latent since independence until late 1980s when it became manifest with the emergence of confrontations between the regime, politicians and activists<sup>53</sup>. Grievances coupled with continued social and economic tensions culminated into political power struggles characterized by military coups and eventually a civil war erupted in the country. Another contributory factor to the origins of the conflict is the overall security situation of where common intra-state conflicts spread across the national borders thus affecting neighboring countries' security. This chapter will discuss the trend of the conflict, the causes of the conflict, how the media affects the conflict, the challenges encountered by peacekeepers and the effects of the conflict<sup>54</sup>.

#### 2.2 The Trend of Conflict

The trends of conflicts for instance in Africa where they are common are twofold. Firstly, some conflicts have become protracted thus within the world conceptualized by the liberals theorists, are becoming the biggest challenge to the international peace and order and eventually calling for the international community intervention. Examples of such conflicts include the Sudan (SPLA) conflict, the Democratic Republic of Congo conflict, and the conflict in Uganda, Somalia, Eritrea, Ethiopia, Chad, and Central African Republic. The second characteristic of conflict ethnic clashes that have been seen in place like Ivory Coast. Ethnical problems are in many countries in Africa and need to be adequately addressed.

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<sup>53</sup> Nnoli, O. (ed.) *Ethnic Conflict in Africa* (Dakar: CODESRIA Book Series, 1998) pp. 49.

<sup>54</sup> Oyugi, Walter O. "Ethnicity in the Electoral Process," in *African Journal of Political Science*, Vol. 2, No. 1, 1997, pp. 41-69.



Kenya and the Greater Horn of Africa are also affected with the turmoil, characterized by animosity, violence, ethnic prejudice, suspicion and genocide. An explication of realistic management strategies may divert the culture of genocide, which unfortunately visited countries like Rwanda, Burundi and Somalia (civil wars) to a culture of peace, whose benefits we are only just beginning to sense<sup>55</sup>. It seems that Kenya, and other countries of Africa face real threats from their past, but look helpless when confronted with ethnicity. Although in countries like Angola, Mozambique, Namibia, Sierra Leone and Liberia, ethnic conflicts have been resolved other were those in Darfur Sudan and Ivory Coast, Nigeria and so continue to show signs of increased high level of intolerance between different ethnicities. This trend affirms Christopher Moore's views that conflict seems to be present in all human relationships and in all societies.<sup>56</sup> The intra-state conflicts not only retard development but are the biggest root causes of human suffering.

The root causes of these intermittent conflicts are many and complex, which can be attributed to a number of factors including: Colonial legacy, poverty, competition for inadequate resources, inadequate governance structures and institutions, ethnic politicization, geopolitical machinations and regional conflict scenarios which do not respect national borders<sup>57</sup>

Land grievances have been a major cause of small scale conflicts, and have mainly found manifestation in ethnic violence. The land issue dates back to the colonial era, where the British colonists seized prime land and pushed the locals in settlement camps.

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<sup>55</sup> Laue, J. 1990: The emergence and institutionalisation of third-party roles in conflict. In Burton and Dukes (eds), 256-72.

<sup>56</sup> Moore, Christopher. Non-official mediation in disputes: reflections on Quaker experience. *International Affairs*, 61(2), 205-222.

<sup>57</sup> Bercovitch, J. (ed.) 1996: *Resolving International Conflicts: The Theory and Practice of Mediation*. Boulder, Colo.: Lynne Rienner.

Regional conflicts also play a role both as the cause and aggravating factor of pastoral fighting especially in the northern parts of the country. These include civil strife in Sudan, insurgency in Somalia and armed rebellion in Uganda and Ethiopia. Given that the communities that border these countries share ethnicity with those in the neighbouring countries, conflicts occurring in such regions have spilled over into Kenya itself<sup>58</sup>.

### **2.2.1 Natural Resources Conflict in Africa**

The sources of conflict in Africa reflect its diversity and complexity. Some sources of conflict are purely internal; some reflect the dynamics of a particular sub-region, while others have important international dimensions. Despite these differences the sources of conflict in Africa are predominately resources based.

Natural resources have always been linked to conflicts both directly or indirectly. The control over valuable renewable and non-renewable natural resources has induced acute conflicts.<sup>59</sup> The underlying causes of this resources conflict are poverty, the policy choice that states have pursued over the years and the inefficiency of institutional frameworks for management of the resources, and where they exist, and the lack of conflict resolution and prevention mechanisms.<sup>60</sup> Resource based conflicts have always been explained in terms of scarcity which views the conflicts as borne out of struggle for the scarce resources, often induced by population pressure.

According to Klare, the past decade has seen scholars and policy makers focus on the economic dimensions of contemporary armed conflict and have made a prompt consideration on

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<sup>58</sup> International Crisis Group (ICG), ), *Conflict History: Sudan*, ICG, 25.11.08,

<sup>59</sup> L.K.Jackson and P Pradubraj, Introduction, *Environmental conflict in the Asia-Pacific*, op cit, pp. 1 -11.

<sup>60</sup> <sup>60</sup> L.K.Jackson and P Pradubraj, Introduction, *Environmental conflict in the Asia-Pacific*, op cit, pp. 1 -11.

conflict promoting aspects of resource abundance.<sup>61</sup> Klare further argues that civil wars in Africa have been identified with an emerging economic resource based model of armed conflict. The conceptual framework used not only examines the interrelationship between economic and political causes but also integrated complementary state - centric and rebel centric theories regarding economic predation, kleptocracy, political protest and weak states.

Naylor argues that in most parts of Africa, natural resource based conflicts are characterized by violence and like other social activities, wars require financial and other resources to proceed, a fact that has been used to explain many intrastate conflicts in Africa.<sup>62</sup>

Botha states that the underlying historical causes for conflict attributed to domestic grievances or circumstances that may prompt warfare are conflict over natural resources which cause instability as in the DRC, Angola, Sudan and Liberia and religion as a political tool in mobilizing warfare as in Sudan where Muslims and Christians are involved in conflict.<sup>63</sup>

### **2.2.2 International Legal Perspectives on shared water resources.**

The various uses to which the shared waters of international river basins are put create problems of both technical and juridical nature<sup>64</sup>. Traditionally, international water law recognizes five main theories that attempt to define and delineate the rights of basin states to use water from a shared river system<sup>65</sup>. These are:

*The theory of absolute territorial sovereignty.* According to this theory, a state, as ‘master of its territory’, may adopt in regard to watercourse within its national territory all measures

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<sup>61</sup> M. Klare, *Resource Wars, The New Landscape of Global*. New York,(Metropolitan Books, 2001), p. 43.

<sup>62</sup> R.T. Naylor, *Economic Warfare, Sanctions, Embargo Busting and their Human Cost*. (Boston: Northern University Press, 2000), p. 18.

<sup>63</sup> A. Botha, *Relationship between Africa and International Terrorist, Causes and Linkages* (Tswalu:

<sup>64</sup> Godana, Bonaya, Adhie, 1985. *Africa's Shared Water Resources: Legal and Institutional Aspects of the Nile, Niger and Senegal River Systems*. London : Pinter : Boulder : Rienner. p.11, 21.

<sup>65</sup> Markakis, John, 1998. *Resource Conflict in the Horn of Africa*. PRI International Peace Research Institute, Oslo. SAGE Publications. p. 33, 36, 69, 72, 73.

deemed suitable to its national interest, irrespective of their effects beyond its borders (Menon, 1975). In other words, a state can do as it pleases and is entitled to do as it chooses with its waters within boundaries ignoring the effects of its actions on neighboring states. Obviously, this theory is favorable to upper basin state. Downstream states have always opposed the absolute territorial sovereignty doctrine, which is never implemented in any water treaty.

*The theory of absolute territorial integrity.* This theory, which is also known as the theory of natural flow of river, is the direct opposite of that of absolute territorial sovereignty. It espouses the old common law doctrine of water rights whereby a lower riparian (basin state) claims the right to the continued, uninterrupted (or natural) flow and unaltered condition of the water from the territory of the upper riparian state Godana<sup>66</sup>. According to this theory, a riparian state may not proceed with the harnessing of a section of an international waterway traversing its territory if it is of a nature to cause injury to the interests of other basin States. This theory is thus favourable to the lower-basin state(s) and awards ‘a veritable right of veto to downstream states’.

*The theory of limited territorial sovereignty and of limited territorial integrity* in practice complementary and even identical. Therefore they can be considered together. They consist in the assertion that every state is free to use the waters flowing on its territory, on condition that such utilization in no way prejudices the territory or interests of other states. Permitting use of rivers as far as no harm is done to other riparian States; these theories are where the concept of reasonable use originated<sup>67</sup>. In an attempt to advance and improve on the doctrine of limited territorial sovereignty and integrity, this theory insists on a ‘community approach’. This approach suggests that all basin states have a common interest in developing the basin. Under

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<sup>66</sup> Godana, Bonaya, Adhie, 1985. Africa's Shared Water Resources: Legal and Institutional Aspects of the Nile, Niger and Senegal River Systems. London : Pinter : Boulder : Rienner. p.11, 21.

<sup>67</sup> Falkenmark, Malin, 1997. Meeting Water Requirement of an Expanding World. Philosophical Transactions of the Royal Society Biological Sciences. vol 352. The Royal Society, London. pp.929.

this theory, state boundaries should be ignored and drainage basin is regarded as an economic and geographic unit. This doctrine represents a more balanced approach that seeks to contribute to the joint development of riparian states within a shared basin through equitable division and sharing of benefits<sup>68</sup>.

Each of these theories reflect different historical and judicial approaches to solving the problems experienced by riparian States and also reflect an important change from rights to ownership of water, to one which strives to ensure that the interests of all parties are met equitably and effeciently. As international law as an instrument of regulations on the transboundary freshwater issues is at present inconclusive and weak<sup>69</sup>. Management of international river basins might be possible only if the affected and concerned countries accept the limitation to their sovereignty over the common water resources. It requires mutual agreement to define this limitation<sup>70</sup>. This is, of course, the obstacle, which can hinder the development of a partnership between the riparian states.

Law is an instrument that can be used to smooth out conflicts of interest generated, for instance, in the sharing of water resources. However, the utilization and management of shared river is subject not only to man-made laws but also the natural laws, which does not recognize the political and geographical boundaries. In order to form a framework for cooperation, States sharing water need first to settle their inter-State dispute over the water in question on a legal basis. The absence of formal political agreements contributes to this problem. On the other hand,

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<sup>68</sup> Ong'or, D. O., Ogwae, T.A., Omondi, M.O and Kapiyo, R. J (2001). Community conservation initiatives towards livelihood security in the lake Victoria Basin: Issues, problems and opportunities. *A proceedings report*; Uhai Lake Forum

<sup>69</sup> Delli Priscoli, Jerome, (1998). Water and civilization: Conflict, cooperation and the roots of a new eco-realism. Proceedings of the Eighth Stockholm World Water Symposium, 10-13 August 1998, Stockholm, Sweden. 17 pp 88

<sup>70</sup> Ong'or, D. O., Ogwae, T.A., Omondi, M.O and Kapiyo, R. J (2001). Community conservation initiatives towards livelihood security in the lake Victoria Basin: Issues, problems and opportunities. *A proceedings report*; Uhai Lake Forum

since each river basin is unique, with its own economic, geographical, ecological and political variables, no comprehensive system of rigid rules can anticipate adequately the variations from one basin to another.

Conflict can be violent or non-violent, the former being associated with the use of force as a means to an end while the latter involves peaceful negotiation between conflicting groups.<sup>71</sup> Galtung argues that conflict occurs where there is injustice in the structural system and because one party has organizational structures in place while the other party does not making it weaker and more vulnerable to violence and conflict. It is the deep rooted structural anomalies that are responsible for conflict rather than the subjective elements in the nature of the relationship.<sup>72</sup>

Keen explains that in Africa, countries that are faced by specific environmental circumstances, scarcity or abundance are often unable to address the problem of resource management without using violence<sup>73</sup>. He states that violent distributional struggle over the abundant resource results from a debilitating effect on economies and governing institutions. This violence can therefore be viewed as a means through which groups create and sustain profitable patterns of resource exploitation and wealth distribution. He opines that the nature of violence will change if resources involve production or extraction of subterranean minerals where violence will take the form of a battle for territorial or state control.

Wallerstein states that apart from depending on the actions of actors, conflict depends on incompatibilities and is formed in three parts namely ,incompatibility, actions and actors.<sup>83</sup>

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<sup>71</sup> Peace, Conflict and Governance, Taking it Global, 2008

<sup>72</sup> J. Galtung, Violence, Peace and Peace Research, *Journal of Peace Research*, Volume 3, 2003), p. 68.

<sup>73</sup> D. Keen, The Economic Functions of Violence in Civil Wars (Adelphi Papers, No 320, Routledge,

Conflict is therefore a social situation in which a minimum of two actors or parties strive to acquire at the same moment in time an available set of scarce resources<sup>74</sup>.

## 2.3 Conflict Management

Mwagiru argues that there is a difference between conflict resolution, settlement and management.<sup>75</sup> He observes that settlement is anchored on the notion of power, while resolution rejects power as the dominant approach for managing a conflict. He adds that settlement does not address the causes of the conflict but readjusts and regulates conflict relationships. The outcome of conflict settlement is determined by the power relationships of the parties. Conflict resolution stresses the importance of addressing needs, which are neither negotiable nor in short supply. The parties can therefore redefine their needs. Conflict management according to Mwagiru refers to a process by which parties to the conflict are encouraged to come together and do something about their conflict.<sup>76</sup> Thus, parties to the conflict can negotiate about the issues of the conflict.

Bercovitch argues that the negotiation process can only be conducted when parties to the conflict agree to manage their conflict jointly.<sup>77</sup> The structure of negotiation is dyadic if only two parties are involved and triadic when a third party is involved. The third party has its interest in the conflict and its outcome. The proliferation of conflicts within the domestic realms of the member states in some sub-regions has increased at a fast rate and thus can no longer be avoided by all those concerned within those sub-regions. These kinds of conflicts, particularly in Africa, have a tendency to affect domestic relations of other states within the sub-region. This cascading

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<sup>74</sup> P. Wallerstein, *Understanding Conflict Resolution*, (London: Sage, 2007), p. 34.

<sup>75</sup> Mwagiru, M. "Conflict: Theory, Processes and Institutions of Management. Op. cit. 38-42.

<sup>76</sup> Ibid.

<sup>77</sup> Bercovitch, J. "Social Conflict and Third Parties: Strategies of Conflict Resolution, Boulder, Westview Press, 1984, pp. 10-11.

effect ultimately may lead to disruption and dislocation of all states and people's relations within the sub-region.

Initiatives to deal with this type of carnage required all the member states to recognize that civil war in one state means trouble for other states in the sub-region thus to contemplate of conducting a peacemaking mechanism dedicated to ending such conflicts. However, this kind of mission needs a substantial contribution of resources from the member states themselves rather than from the external actors, who are not directly impacted by the conflicts. Nevertheless, there is a mood of introspection in Africa today and a growing resolve to find effective African solutions to African problems, including achieving peace and stability through conflict resolution.

Zartman identify three phases of negotiation process: the pre-negotiation, negotiation and implementation phases<sup>78</sup>. He observes that in the pre-negotiation phase the parties reach a consensus or differ before the actual negotiation. Therefore, the pre-negotiation is the phase that determines the negotiation and implementation phases. With regards to the mediation, he considers it as a peaceful process of conflict management which also introduces a third party in the conflict.<sup>79</sup> Bercovitch observes further that in the mediation process, the parties to the conflict seek assistance of or accept an offer for help from a third party in order to facilitate the settlement of the conflict without using force and it is a voluntary process<sup>80</sup>.

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<sup>78</sup> Zartman, I. W. "Pre-negotiation and Negotiation in Ethnic Conflict: The Beginning, the Middle and the Ends"; in J. V. Montville (ed.) *Conflict and Peace Making in Multi-Ethnic Societies*, Lexington: DC Health; 1991, pp. 511-533.

<sup>79</sup> Zartman I.W., "International Mediation: Conflict Resolution and Power Politics", op.cit.pp. 39.

<sup>80</sup> Bercovitch, J. "Social Conflict and Third Parties: Strategies of Conflict Resolution, Boulder, Westview Press, 1984, pp. 10-19



Furthermore, Mwagiru classifies the mediation process in to two tracks. Track one is formal, involving governmental officials while track two is informal<sup>81</sup>. In his involving non-state officials a new dual diplomatic approach where the two tracks of diplomacy complement, stands a better chance than where only is used.<sup>82</sup>Regarding mediators, Mwagiru identifies two types of mediators, the exogenous mediator who comes from outside the conflict and is able to keep a distance from the stresses of the conflict and the endogenous mediator who comes from within and suffers the consequences. Exogenous mediator is better because in most cases, biases are never experienced. Mwagiru discriminates several methods of conflict management. According to him settlement (or litigation), Arbitration and Negotiation/Mediation are some of the common ones. The method used is determined by actors and issues.

Mwagiru continues to argue that all these methods of conflict management are peaceful methods of management<sup>83</sup>. They are said to be peaceful because they are non-coercive hence do not involve the mob. Peaceful methods of conflict management rely on communication between the parties. This means that they encourage dialogue among parties. Our concern as conflict managers is with peaceful methods of conflict management. Throughout the years, it has been found that peaceful methods of conflict management are preferable to, and more effective than, non peaceful methods of conflict management<sup>84</sup>.

Another variant of conflict prevention is the concept of cooperative security. Cooperative security relies on information exchange, transparency and communication by means of collaboration in international organizations. It is usually applied when there is no concrete threat to address. There might be latent risks of conflict, for example due to long-standing rivalry

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<sup>81</sup> Mwagiru, M. "The International Management of Internal Conflict the Uganda Mediation 1985 op. cit.

<sup>82</sup> *ibid* 1985 pp 77

<sup>83</sup> M. Mwagiru, "The International Management of Internal Conflict the Uganda Mediation 1985 op. cit.

<sup>84</sup> Stoetzer, O. Carlos 1993: *The Organization of American States*. Second ed., Westport/ London: Praeger.

relationships between states (fueled by the quest for a predominant position in the region, ideological differences, territorial issues or access to resources) that, however, in themselves do not suffice to trigger war. Cooperative security encompasses confidence-building measures to mitigate latent tensions and rivalries. Confidence and security-building measures are agreed military or non-military measures to enhance mutual understanding, convey non-hostile intentions, define acceptable norms and behavior and allay excessive fears and suspicions. Hence, they are “reciprocated measures that reduce the potential for military surprise”<sup>85</sup>. The instability of political regimes constitutes another risk that might be addressed by a cooperative security strategy. This approach therefore also includes instruments that promote democracy and the respect for human rights and contribute to state-building, the establishment of the rule of law and the reorganization of civil-military relations in former dictatorships.

The subject of limiting, controlling, and reducing the weapons for waging war has been established permanently on the agendas of the UN as well as regional security organizations<sup>86</sup>. The main tasks in this area are limiting proliferation of nuclear weapon capability, the prohibition of chemical and biological weapons, banning landmines, and the monitoring and controlling of conventional weapons acquisitions and military expenditure. IGOs not only produce treaties and conventions, but also establish safeguard systems of inspections and collect information on military spending and armament of their member states<sup>87</sup>.

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<sup>85</sup> Gottwald, Eva, Hasenclever, Andreas & Kamis, Ben 2009: Confidence-Building Measures, Joint Democracy and Disputes among (Former) Rivals. International Studies Association Annual Meeting, New York, February 15-18, 2009.

<sup>86</sup> Karns, Margaret P. & Mingst, Karen A. 2004: International Organizations: The Politics and Processes of Global Governance. Boulder: Lynne Rienner.

<sup>87</sup> Legler, Thomas "The Inter-American Democratic Charter: Rhetoric or Reality?", in: Mace, Gordon, Thérien, Jean-Philippe & Haslam, Paul (ed.): Governing the Americas. Assessing Multilateral Institutions. Boulder, CO: Lynne Rienner, 2007, 113-130.

In addition to challenges to international security, such as territorial and boundary disputes, international organizations in the security realm increasingly have to deal with new challenges, such as terrorism, organized crime (drugs, arms trade, contraband, human smuggling etc.), guerrillas and insurgencies, illegal migration and natural and manmade disasters. Although terrorism is an old threat to individual and state security, the emergence of transnational terrorist networks such as Al-Qaeda and the potential scenario of terrorist groups obtaining control of weapons of mass destruction has converted it more than before into a threat to international peace and security<sup>88</sup>. These threats are “intermestic”, which means that they challenge international and domestic security at the same time and cannot clearly be assigned to either the military or the internal security forces.

The "democratic peace hypothesis" has been widely accepted by OSCE participating states, namely the belief that democratic states seldom or never engage in violent conflict with other democratic states. Therefore, it is assumed that the long-term foundations for peace may be constructed through encouraging the widespread development of democratic regimes throughout Eurasia. Following in the tradition of Immanuel Kant and Woodrow Wilson, this hypothesis then predicts that the universal development of liberal democracy throughout the region will make inter-state war extremely unlikely. Therefore, the OSCE has devoted considerable effort to the promotion of democratization<sup>89</sup>. This has included the work of the Office of Democratic Institutions and Human Rights, which assists all transitional democracies with establishing procedures for holding democratic elections, supervises the conduct of those elections to assure that democratic procedures are followed, and then certifies the outcomes of elections. OSCE

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<sup>88</sup> Mares, David R. 2001: *Violent Peace. Militarized Interstate Bargaining in Latin America*. New York: Columbia University Press.

<sup>89</sup> Michael Doyle, "Kant, Liberal Legacies and Foreign Affairs," in *Philosophy and Public Affairs*, Vol. 12, No. 3 (Summer 1983), pp. 205-235

missions and the High Commissioner on National Minorities have worked to increase the capacity of minorities, often disenfranchised or in other ways hindered from participating fully in the political process, to achieve equal rights not only on paper but in practice<sup>90</sup>. ODIHR's section on the rule of law has also assisted states to develop legal principles to undergird democratic processes and to strengthen the norm that democracy implies that the rule of law ought to prevail over the will of individuals<sup>91</sup>. The Representative on Freedom of the Media, established at the Copenhagen Ministerial Conference in 1997, also supports the principle of an independent media as a foundation for civil society.

When countries disagree over the way in which water resources of an international river basin should be utilized, they have to resort to some disputes settlement procedures. So, before parties or countries sharing a water system go into a conflict, which may from water security problem lead to a national security problem, there are three main procedures and methods used to find a solution to the problem<sup>92</sup>. These are negotiation and consultation; mediation and conciliation; and arbitration and adjudication. Dispute over shared water bodies can normally arise at least under two different circumstances, one can be riparian states that have never entered a treaty or agreement, while the other can be an existing agreement which cannot provide a binding decision to problem in dispute.

The UN Convention is however an international framework instrument, which may apply in the absence of agreement over shared freshwaters. Cooperation through joint mechanism in

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<sup>90</sup> Weiss, Thomas G. (ed.) 1993: *Collective Security in a Changing World*. Boulder/London: Lynne Rienner.

<sup>91</sup> Karns, Margaret P. & Mingst, Karen A. 2004: *International Organizations: The Politics and Processes of Global Governance*. Boulder: Lynne Rienner.

<sup>92</sup> Carlson, Ingvar 1999. *National Sovereignty and International Watercourses*. High level Panel Debate at the 9th Stockholm Water Symposium, SIWI. Stockholm. Mr. Carlson was Prime Minister of Sweden during the period between 1986 and 1995.

the form of commission is a vital necessity if the aims are to achieve equitable, reasonable and non-harmful utilization of the international watercourse<sup>93</sup>.

## 2.4 Effects of Conflict

Wars affect peoples' lives long after the fighting has stopped. Wars do not only kill but they also cause disability due to injury or increased disease burden. One way to measure the effects is to calculate disability adjusted life expectancy or disability adjusted life years (DALYs). These data are compiled by the World Health Organization (WHO). These measures take into account both years of life lost because of disease and injury and years of healthy life lost to long term disability.<sup>94</sup> Use these measures to estimate the cost of civil war and find that in 1999 about 8.4 million DALYs were lost as a direct effect of all wars that were on going. In addition, a further 8 million DALYs were lost as a result of civil wars that had ended during 1991-97. Thus, the legacy effect of civil wars ending during the 1990s on DALYs was approximately as large as the effect of on-going conflict at the end of the decade. This legacy impact works its way through specific diseases and conditions, and disproportionately affects women and children.

One disease that affects Africa disproportionately is HIV/AIDS provide an overview of the spread and effects of HIV infection in sub-Saharan Africa.<sup>4</sup> By the end of 2001 the HIV prevalence rate in adults in the region was estimated at 8.4 per cent. Estimated prevalence rates for other regions were much lower, the Caribbean region has the second highest prevalence rate of 2.2 per cent and all other regions have prevalence rates of less than 1 per cent. The discussion

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<sup>93</sup> Falkenmark, Malin, 1997. Meeting Water Requirement of an Expanding World. *Philosophical Transactions of the Royal Society Biological Sciences*. vol 352. The Royal Society, London. pp.929.

<sup>94</sup> Goborah, H.A., P. Huth and B. Russett. 2003. Civil Wars Kill and Maim People – Long after the Shooting Stops. *American Political Science Review* 97: 189-202.

of why Africa is more severely affected than any other region focuses on two explanations: war and poverty. Wars are conducive to the rapid spread of HIV. Soldiers are facing the risk of losing their lives and their study focuses on HIV-1 infections. Weigh up the risk of contracting HIV by stressful situations and dangers related to war.

Civilians are often subjected to human rights abuses, including sexual violence. In Rwanda in 1995 the prevalence of HIV in pregnant women from rural areas was 24 per cent which was attributed to rape during the genocide. Some women find themselves in abject poverty that may lead them to use commercial sex to survive. In general displacement during war weakens social cohesion and relationships which may lead to promiscuity and commercial sex. Poverty is also cited as a reason for the high prevalence rates. Sexual behavior patterns are more risky when people are poor. Poverty also seems to increase the gender imbalance.

Although women are more at risk of contracting HIV it seems that they cannot demand condom use from their partners.<sup>95</sup> Conclude that populations in many part of Africa are becoming trapped in a vicious HIV poverty cycle. HIV/AIDS leads to high mortality rates among the young and economically productive, thus leading to further impoverishment. Until the problem of economic development is tackled and socio-economic circumstances for young people change, it is difficult to persuade them to adapt their sexual behavior to secure their future.

In addition to physical diseases war leaves people traumatized. Most of the victims of civil war are civilians and they are subjected to or witness war-related traumatic events such as shootings, killings, rape, torture and loss of family members. A random household survey of residents and internally displaced persons in Freetown in 1999 showed that almost every respondent was exposed to conflict. Fifty per cent of the respondents lost someone to whom they were very

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<sup>95</sup> Buvé A., K. Bishikwabo-Nsarhaza and G. Mutangadura. 2002. The spread and effect of HIV-1 infection in sub-Saharan Africa. *The Lancet* 359: 2011-2016.

close, 41 per cent actually witnessed their death. Torture was witnessed by 54 per cent, executions by 41 per cent, amputations by 32 per cent and public rape by 14 per cent.

The witnessing of such events can lead to serious psychological stress. The health services in post-conflict countries are poorly functioning. Medical staffs are facing huge problems of physical diseases they have no or very little resources to address post-traumatic stress Disorder. War ruins a country's economy, including the health sector. Devastated by the war the post conflict government has got insufficient revenues to spend on the health sector which faces enormous demand. At the same time donors are often reluctant to fund improvements in the health sector before they can be certain that peace can be sustained.<sup>96</sup> provides an overview of Burundi's health sector post-conflict. Maternal mortality rates are at 1,000 per 100,000 live births and infant mortality at 114 per live births. These rates are among the highest in Africa. Other diseases, such as malaria, diarrhea, pneumonia and HIV/AIDS have claimed 300,000 lives since 2003. Less than half the populations have access to safe drinking water.

#### **2.4.2 African Economies Post-War**

In order to gain a general impression of the current situation across African countries some economic statistics were compiled. The countries are divided into two categories, peace and war/post war. The 38 countries in the peace category did not experience any civil war since 1990. These countries may have experienced some violent conflict but this did not reach the intensity of civil war according to the Uppsala/PRIO Armed Conflict Dataset. These conflict countries are indexed with an asterisk in the list of 'peaceful' countries: Benin, Botswana,

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<sup>96</sup> Wakabi, W. 2007. Ethnic war leaves Burundi's health sector in ruins. *The Lancet* 369: 1847-1848.

Burkina Faso, Cameroon, Cape Verde, Central African Republic\*, Comoros\*, Cote d'Ivoire\*, Djibouti\*, Equatorial Guinea, Eritrea\*, Gabon, the Gambia, Ghana, Guinea, Kenya, Lesotho\*, Libya, Madagascar, Malawi, Mali\*, Mauritania, Mauritius, Mayotte, Morocco, Namibia, Niger\*, Nigeria\*, Sao Tome and Principe, Senegal\*, Seychelles, South Africa, Swaziland, Tanzania, Togo, Tunisia, Zambia and Zimbabwe.

Countries in the war/post war category experienced a minimum of one year of civil war since 1990. This category contains the following countries: Algeria, Angola, Burundi, Chad, Congo, DRC, Ethiopia, Guinea-Bissau, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sudan, and Uganda.

Both categories contain very diverse countries. Of the 38 countries in the 'peace' category ten experienced some violent conflict. In the war/post war category are countries that are currently at war (Chad, Sudan) and countries that have been at peace now for over one decade (Mozambique). However, the previous discussion on the health burden of civil war revealed that wars have long term effects, and in order to gain some general impression it is useful to compare three different categories: first, countries at peace with no previous war experience, countries at war and countries post-war.

One of the most obvious problems faced by post-conflict countries is the disarmament, demobilization and reintegration (DDR) of ex-combatants. So far no systematic empirical analysis of DDR programmes exists, the general overview by stresses that the success of these programmes depends on the specific economic, socio-political and physical environment<sup>97</sup>. The authors suggest that successful reintegration into society, in particular through gainful

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<sup>97</sup> Knight, M. and A. Özerdem. 2004. Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transitions from War to Peace. *Journal of Peace Research* 41(4): 499-516.



employment, is a major element of the transition from war to a stable peaceful society. There seems to be a lot of anecdotal evidence that rates of violent crime increase during the post-war period, due to high unemployment and easy availability of weapons. Ex-combatants are likely to have a lower threshold of using violence and use their war time 'violence skills' as criminals. However, there does not seem to be a systematic study of post-war violent crime so it is not possible to provide data on the phenomenon.

A survey based evaluation of the DDR programme in Sierra Leone by Humphrey and <sup>98</sup> suggests that participation in such programmes may not be critical for reintegration. The authors find no evidence that ex-combatants find reintegration into peaceful society easier if they take part in a DDR programme. The biggest obstacle to reintegration is whether individuals have in the past participated in abusive military factions. This survey of over 1,000 ex-combatants carried out in 2003 did not suggest that women and youths faced bigger challenges with respect to reintegration.

An in depth study of the impact of the civil wars in Angola and Mozambique on children by <sup>99</sup> shows that the use of child soldiers was part of the warfare strategy. Children were either recruited by force or they joined because they sought protection or revenge. In Mozambique the rebel forces, RENAMO, used a minimum of 10,000 child soldiers, some as young as six or seven years of age. In 1994, 27 per cent of the soldiers presenting themselves for demobilizations were under the age of 18.

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<sup>98</sup> Humphrey, M. and J. Weinstein. 2007. Demobilization and Reintegration. *Journal of Conflict Resolution* 51(4): 531-567.

<sup>99</sup> Coghlan, B., R. J. Brennan, P. Ngoy, D. Dofara, B. Otto, M. Clements and T. Stewart. 2006. Mortality in the Democratic Republic of the Congo: a nationwide survey. *The Lancet* 367: 44-51.

In Angola a considerable proportion of the country's children took part in combat; about seven per cent of all Angolan children had fired at someone. Children were thus victims and perpetrators of violence. With respect of reintegration of child soldiers Homvana describes how local cultural beliefs and practices are being used. Traditional healers, chiefs and the family often take part in cleansing rituals to heal returning child soldiers. These rituals are designed to help the child to heal and reintegrate as well as encourage reconciliation within the community. This communal approach contrasts with Western psychotherapy which places the emphasis on the individual. Boys and girls do face different problems of reintegration. Due to sexual violence or exchange of intercourse for protection girls often have babies of their own. This makes it more difficult for girls to catch up on education and job training. There is also a high prevalence of sexually transmitted diseases which require treatment. Furthermore, due to their wartime sexual experiences, girls are often regarded as 'second hand' and thus vulnerable to further abuse since it is more difficult for them to find husbands and have an ordinary family life. Rather than advocating special programmes, Homvana suggests to place the reintegration of child soldiers in wider programmes of social development and poverty eradication.

Lacina provide a global panel data set of battle deaths. They define battle deaths as deaths due to military operations; this includes military as well as civilian fatalities. However, as they point out battle deaths are only part of the total war deaths. In addition to soldiers and civilians being killed in battle there are non-battle deaths which comprise of an increase in one sided violence, an increase in crime and unorganised violence and in an increase in non-violent mortality (diseases). Based on <sup>100</sup> a total of about 3.86 million people were killed in civil war battles globally between 1960 and 2002. During 1960-2002 about 1.55 million people were

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<sup>100</sup> Lacina, B. and N. P. Gleditsch. 2005. Monitoring Trends in Global Combat: A New Dataset of Battle Deaths, *European Journal of Population* 21(2-3): 145-166.

killed in battle in Africa, about 40 per cent of the global total. This makes Africa the region with the highest total number of battle deaths. Calculating the average number of battle deaths it seems that wars in Africa were 'deadlier' than in other regions. Per year the average number of battle deaths is 3,350 in Africa while it is between 1,500 and 2,700 for all other regions. Based on data from Lacina and Gleditsch author's calculations for 1960-2002.

## **2.5 Conclusion**

According to Moore conflicts tend to have many causes which are not always obvious to the observer, as they may be covert in nature<sup>101</sup>. A practical way to examine conflict, may be demonstrated by the use of the conflict cube. It diagrammatically depicts the multifaceted nature of conflict by making use of the six sides of a cube by and listing the types of conflict: value-based conflict, interest-based conflict, needs-based conflict, data-based conflict, structural conflict and relationship conflict. Conflict of values is concerned with the ideas, customs, language and religious ideologies and more recently, environmental values, of a particular group and when these are under threat, conflict may result. This is an important aspect, as the defense of values is related to the fundamental basic needs of identity and security, which to a large extent is what this environmental conflict

Review of the environmental conflict literature gives a strong impression that stakeholders form an integral part of environmental conflicts. The trend in environmental conflict literature with regard to the definition of a stakeholder, tends to be inclusive in nature, trying to accept a large number of individuals and organizations as stakeholders. The classic definition of stakeholders is the following: Stakeholders can be defined as any group or

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<sup>101</sup> Moore, C.N. 1986 *The Mediation Process: Practical Strategies for Resolving Conflict* California : Jasey – Bass Inc Publishers

individual who can affect or who is affected by the achievement of the firm's objectives. The way in which stakeholders are involved in a conflict and frame the issues and the conflict itself, can lead to success or failure of a collaborative partnership between all stakeholders. When stakeholders frames issues, the process of interaction and about each other are vastly different, collaboration to find an agreeable solution becomes exceedingly difficult<sup>102</sup>.

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<sup>102</sup> Mouton, J. 2001, *How to Succeed in your Masters and Doctoral Studies: A South African Guide and resource* book Pretoria : Van Schaik

## CHAPTER THREE

### MEDIATION PROCESS IN CONFLICT MANAGEMENT

#### 3.1 Introduction

This chapter contains foundation of conflict resolution and mediation process in conflict management in Ivory Coast, Angola, Somalia, China, Vietnam, Cambodia, Serbia and Croatia. Conflict management research has not often compared the effectiveness of different methods such as negotiation and mediation. Consequently, applying conflict management techniques to international disputes has sometimes been ad hoc and ineffectual. This article compares the effectiveness of negotiation and mediation in African conflict management in the period 1945 to 1995. Utilizing an original data set on cases of negotiation and mediation, the analysis indicates that, overall, bilateral negotiations are more successful than mediation. However, negotiation is difficult to initiate in cases of intense, intractable civil conflicts, and works best in cases of interstate disputes<sup>103</sup>.

It is important to note that during the Cold War period, the division of labour between the roles of the sub regional, regional and international organizations were clear. While the traditional role of UN was to mount peacekeeping operations, and to deploy political missions, regional and subregional organizations concentrated largely on preventive diplomacy. However, such operations were few and far apart. Since the early 1990s, UN has engaged a number of simultaneous, larger, and more ambitious peace operations such as those in Angola, Bosnia and Herzegovina, Croatia, Mozambique and Somalia<sup>104</sup>. The financial, personnel, and timing

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<sup>103</sup> Mitchell, C. 1991: Classifying conflicts: asymmetry and resolution. *The Annals of the American Academy of Political and Social Science*, 518, 23-38

<sup>104</sup> Buzan, B. "New Patterns of Global Security in the Twenty-first Century" *International Affairs* 67 (3) 1991:431-452

pressure on UN to undertake these massive short-term stabilizing actions impaired its overall ability to ensure timely and effective intervention measures<sup>105</sup>. There are increased worries about the Security Council's ability to consistently address serious threats to international peace and security. The Council's credibility as the dominant actor for assuring international peace and security was in serious doubt. tragedy of the war in Bosnia- Herzegovina. Over the course of the almost five year war, over 200,000 individuals (mostly civilians) were killed, nearly 2 million people became displaced and hundreds of thousands of people were wounded. One of the central arenas of the war was the siege of Sarajevo, which was the longest siege in modern history, lasting over 1000 days. Bosnian Serb forces encircled the city, with constant shelling, sometimes thousands per day, cutting off electricity, gas, phone lines and access to the outside world<sup>106</sup>. Despite the harsh conditions inside of Sarajevo a unique cultural life sprang up during the war, with hundreds of theater performances, concerts, exhibitions and even film festivals and cultural events. In addition to the work of artists, the small civil society sector composed of locals and internationals conducted numerous creative therapy and arts and peacebuilding projects<sup>107</sup>.

### **3.2 Foundation of Conflict Resolution**

There is no specific or single generally accepted strategy for rebuilding confidence in each of those cases. But Chesterman writes that the beginning of conflict resolution of such abnormal situation must involve “accountability, truth telling, reconciliation, institutional reforms, good governance and reparations”. In a transitional process of justice, economic consideration (that is how to re- empower deprived citizens) must be listed as an enabling element. Agreeing to make

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<sup>105</sup> Azar, E and J. Burton. *International Conflict Resolution: Theory and Practice*. Boulder, CO: Lynne Rienner, 1986.

<sup>106</sup> Sudetic, Chuck. 1998. *Blood and Vengeance. One Family’s Story of the War in Bosnia*. New York: Penguin.

<sup>107</sup> Klaus P Berger, *Private Dispute Resolution in International Business – Negotiation, Media-tion, Arbitration* (2nd edn, 2009).

a decision of peace in reconciliatory process requires incentives. As Mankiw writes, “public policy makers should never forget about economic incentives for many policy changes in terms of cost and benefits that people face and, therefore, alter behaviour”. It teaches us further lesson that umpires to conflict resolution must not also ignore telling those in reconciliatory process the dangers (costs) of not embracing reconciliation and peace. Accountability and truth-telling requires not only courage but also self-denial and moral instincts. Persons or groups who are alleged or convinced to have violated citizens’ rights with those of community may feel potentially disobliged to tell the truth, perhaps, for fear of recriminations, punishment or losing out finally. But truth-telling is a facility that unarguably supports reconciliation, and if truth telling is to truly support reconciliation, it must be removed from political domain or interpreted in politics by other means<sup>108</sup>.

As Abel noted, “if adjudication were truly mechanical there would be no concurring and dissenting opinions indeed, opinions would be superfluous since the inevitability of the outcome would be transparent, decisions would be absolute; and there would be little need”. It is difficult for wholehearted truth to be told, but reliability on the information at the disposal of the reconciliatory third party can be made richer by creating opportunities for public opinion inputs and fact-finding initiatives. He has the responsibility to admit the truth and show remorse. He did with little or no reservations, and today, the process of integration and nation-building has started in practical realities in South Africa<sup>109</sup>. Also, on sober reflections of the casualties and 60th anniversary of the fall of a-bomb in Hiroshima (Japan), the immediate past Japanese Prime minister, Junichi Koizumi (Japanese Emperor present also present), publicly apologized to

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<sup>108</sup> Klaus P Berger, *Private Dispute Resolution in International Business – Negotiation, Media-tion, Arbitration* (2nd edn, 2009).

<sup>109</sup> Mitchell, C. 1991: Classifying conflicts: asymmetry and resolution. *The Annals of the American Academy of Political and Social Science*, 518, 23-38

China, South Korea and the whole of Asia for the sufferings inflicted on the entire Asians by the Japanese imperial army during the World War II<sup>110</sup>.

Conflict resolution is a process that is predisposed to a new beginning. New beginning requires new values that dissolve into civilized community public life. If we deliberately or intentionally ignore the basic truth because of our self-interest, reconciliation is only going to be more complicated by furthering and postponing grievances within democratic fragility in developing states. As MacArthur observed, part of not telling the truth is to ignore the past. Issues on which fence mending are being sought in West Africa may not have same causal factor as we had in Germany after the World War II or the racial segregation and Apartheid rule in South Africa, or the emerged transitioning states from the defunct communist Russia<sup>111</sup>.

### **3.3 Mediation in China-Vietnam**

Before 1974 the East Paracel islands were occupied by PRC (China), while the West Paracel islands were occupied by South Vietnam. When North Vietnam was weakened by the Vietnam War against the USA, China used the opportunity to occupy the western part of the Paracel's, including the territorial water as well.<sup>10</sup> The conflict caused approximately 10 deaths and several military clashes.<sup>11</sup> After the Vietnamese reunion in 1975, Vietnam took effective possession of the parts of the Spratley archipelago with territorial water, which South Vietnam earlier had possession of. During 1974, Chinese campaigns against the Paracel's also included attacks against the North Vietnamese possessions in Spratley but the campaigns failed. China articulated their ambition to control both the Spratley's and Paracel's in 1975 due to, in Chinese eyes, their effective control and jurisdiction over the territory. In the case of Paracel's this

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<sup>110</sup> Mitchell, C. 1991: Classifying conflicts: asymmetry and resolution. *The Annals of the American Academy of Political and Social Science*, 518, 23-38

<sup>111</sup> MacArthur C and D, John (1996) *International Guide to NGO Activities in Conflict Prevention and Resolution: NGO Activities in Conflict Resolution and Prevention and Other Projects: Horn of Africa: Somalia*



apparently was legally motivated but in the case of the Spratley islands both effective control and jurisdiction was disputed and the control over the territory was divided between the parties<sup>112</sup>.

According to article 3 in the Law of the Sea conventions the territorial water is limited to 12 sea miles. The Law of the Sea, United Nations, 1983. One sea mile is 1.853 meters. Kessings/26388, March 4 1974. Kessing/26388-26389, March 4 1974. Kessings/27872, August 6 1976. 98 On May 12 1977, Vietnam declared their sovereignty over both Spratley and the newly Chinese occupied Paracel's with a 200 sea miles Exclusive Economic Zone (EEZ). As a reaction to Vietnams declaration, China's foreign minister Huang Hua abruptly declared that: When the times comes, we (China) will retrieve those islands. There will be no need then to negotiate at all. Between 1979 and 1982 China and Vietnam had several military disputes with each other and during the worst dispute in 1979, 24 Vietnamese fishermen were arrested by the Chinese fleet and were kept in custody for over one year.<sup>15</sup> During March 1988 direct military clashes between Vietnam and China took place, which none of the participants regarded themselves as having initiated. Vietnam reported 74 deaths; China reported a high number of wounded but no deaths. The conflict can both be seen as a reaction from Vietnam to China's military buildup in the area, or as a reaction from China to Vietnam's increased control of the area. After the confrontation in 1988, the relations between China and Vietnam have improved dramatically and there have been several attempts to regulate the maritime borders<sup>113</sup>. During a visit to Singapore in 1990, Li Peng, China's Premier, negotiation between the two parties declared that the SCS conflict should be frozen and the exploitation of the natural resources should be managed by joint ventures until a peaceful solution can be reached. Li also explained that the territorial

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<sup>112</sup> Mitchell, C. 1991: Classifying conflicts: asymmetry and resolution. *The Annals of the American Academy of Political and Social Science*, 518, 23-38

<sup>113</sup> Ibid 1991

sovereignty of China could not be questioned but rather that the joint venture cooperation was a step towards regional cooperation taken on Chinese initiative and expense. The development from Huang's speech in 1977, to Li's speech in 1990, indicates a change from a confrontationist approach toward a cooperation approach, without giving up the claim on total control in the area.

Over the 2007-2010 period in Guinea and 2005-2010 in Guinea Bissau, officials of the Economic Community of West African States (ECOWAS) have demonstrated a real political will to rely on the Protocol on the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security adopted in December, 1999 and the Supplementary Protocol on Democracy and Good Governance adopted in December, 2001 to positively influence political and security developments. The ECOWAS Commission is clearly committed to play its part by dispatching fact-finding and election observer missions, by appointing special representatives and mediators as well as initiating the establishment of international contact groups. The Commission has also defended the new values upheld by the regional organisation through firm public condemnation of human rights violations perpetrated by the armed forces in both countries in the last few years<sup>114</sup>. The will to act and defend the principles of constitutional convergence that the organisation has adopted is, however, not enough to make a decisive contribution to the quest for lasting peace and security in especially difficult situations. The interest that ECOWAS has shown in Guinea Bissau was reflected in different initiatives which made it possible to temporarily calm-down tensions without dealing with the root causes of structural instability and political violence in the country. The recurrent crises in this country are the signs of a laborious and erratic process of building a State that would be legitimate as well as capable of guaranteeing the security of its citizens and leaders.

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<sup>114</sup> Ghana hosts ECOWAS talks on situation in Cote d'Ivoire", Daily Graphic, Saturday September 28, 2002

Conflict prevention implies carrying out successfully far reaching reforms in the security sector, putting a stop to the involvement of military leaders in crime, reform of the public administration and improvement of economic management in order to restore credibility in a particularly deprived State. The will and declarations of intention of ECOWAS can only have a decisive impact to the extent that they are accompanied by a significant and immediate investment in terms of human and financial resources. In Guinea, the organisation has been the driving force of the international community following the takeover of power by the military junta in December, 2008. The stand adopted by the Community combined firmness on principles, political realism and international mobilisation to formulate requirements for a short transition leading to the transfer of power to elected civilian<sup>115</sup>.

On 23 January 1995, Venezuela complained to the Dispute Settlement Body that the United States was applying rules that discriminated against gasoline imports, and formally requested consultations with the United States. Just over a year later (on 29 January 1996) the dispute panel completed its final report. (By then, Brazil had joined the case, lodging its own complaint in April 1996. The same panel considered both complaints.) The United States appealed. The Appellate Body completed its report, and the Dispute Settlement Body adopted the report on 20 May 1996, one year and four months after the complaint was first lodged. The United States and Venezuela then took six and a half months to agree on what the United States should do. The agreed period for implementing the solution was 15 months from the date the appeal was concluded.

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<sup>115</sup> Annan, K. *Report on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*. New York: UN.A/52/871-S/1998/318.

### 3.4 Serbia and Croatia (Dayton Negotiations)

The Dayton Accords, initialed in Dayton, Ohio on November 21, 1995, and signed in Paris on December 14 that same year by the Bosnian President Alija Izetbegovic, the Serbian President Slobodan Milosevic and the Croatian President Franjo Tudjman, ended the worst conflict in Europe since the Second World War. After almost four years of ineffective diplomatic efforts by the European Union, the United Nations, and the United States, the Clinton administration finally decided to take the initiative and sent Richard Holbrooke the Assistant Secretary of State for Canadian and European Affairs to lead an "all out negotiating effort"<sup>116</sup> to end the war in Bosnia. Holbrooke and his team mediated between the three sides the Federal Republic of Yugoslavia (FRY), Croatia, and Bosnia and Herzegovina to reverse what Holbrooke earlier had characterized as the "greatest collective failure of the West since the 1930s."<sup>117</sup>

Only two months after the UN mediator Cyrus Vance negotiated a cease-fire in Croatia, on February 29, 1992, Bosnia and Herzegovina proclaimed its independence. However, Bosnian Serbs rebelled under the leadership of Radovan Karadzic and created their own separate state in Bosnia the Serb Republic or Republika Srpska. The Serbian president Slobodan Milosevic cooperated closely with the Bosnian Serbs and provided them with military and political support. Three years of ensuing fighting killed hundreds of thousands, rendered two million people homeless and introduced the term "ethnic cleansing" into everyday vocabulary.<sup>118</sup>

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<sup>116</sup> Richard Holbrooke, *To End a War* (New York: Random House, 1998).

<sup>117</sup> Thomas G. Weiss, "Collective Spinelessness: U. N. Actions in the former Yugoslavia," in *The World and Yugoslavia's Wars*,

<sup>118</sup> Norman Cigar, *Genocide in Bosnia: The Policy of "Ethnic Cleansing"* (College Station: Texas A&M University Press, 1995), especially pages 47-61.

The Bosnian Serbs made their most important territorial gains early in the war when they captured approximately 70 percent of Bosnia. After the Serbian offensive, the situation on the ground did not change much until 1995: the UN arms embargo imposed on all of the former Yugoslavia, in September 1991, prevented the growth of the Bosnian Muslim army, which was consequently unable to counter much stronger Bosnian Serb forces. Therefore, the conflict centered mostly around Sarajevo under siege from April 1992 until October 1995 and other "safe areas" established by the UN in April, 1993. In the same month, the conflict between the Bosnian Croats and Muslims escalated into war over the remaining 30 percent of Bosnia-Herzegovina. The situation improved somewhat in March 1994 when these two warring sides signed the Washington Accords: they agreed to cease hostilities and to create a Croat-Muslim Federation. However, the Federation, constituted under American auspices, was more of a "marriage of convenience" than a sincere alliance: the wounds from the 1993 war would require a long time to heal.<sup>119</sup>

In the period from April 1992 to late 1994, the US, the UN and the EU treated the wars in the former Yugoslavia as an internal European problem. Two statements memorably express this notion: while in 1991 the foreign minister of Luxembourg, Jacques Poos, triumphantly proclaimed that "the hour of Europe has dawned," Secretary of State James Baker transmitted the official opinion of the United States when he said that "we [the US] don't have a dog in this fight." As Daniele Conversi argues, during this period, Western countries defined the conflict as a civil war, "a war without victims and aggressors" in which all parties were addressed as "warring factions."<sup>120</sup> Western diplomats and policy makers believed -- or at least wanted to

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<sup>119</sup> Warren Bass, "The Triage of Dayton," in *Foreign Affairs*, vol. 77, September/October 1998, p. 103.

<sup>120</sup> Daniel Conversi, "Moral Relativism and Equidistance in British Attitudes to the War in the Former Yugoslavia," in *This Time We Knew: Western Responses to Genocide in Bosnia*, edited by Thomas Cushman and Stjepan G.

believe in order to justify their inaction -- the arguments of scholars and historians who claimed that ancient hatreds caused the wars in Croatia and Bosnia. Furthermore, Western leaders held that all sides were equally responsible for the war. However, this argument conceals an extremely important truth: in Bosnia, the Serbs committed 90 percent of all the atrocities -- including ethnic cleansing, systematic rape of women and mass executions.<sup>121</sup>

The West's approach -- a blurred definition of the conflict at hand and an unwillingness to act militarily to stop the war in Bosnia -- resulted in abominable failure. Henry Kissinger's question, "What is Europe's phone number?," was still very relevant. The competing interests of the European countries prevented the EU from acting as a single negotiating entity with clear goals and interests. The Russian-Serbian connection, as well as the pro-Serb sympathies of the British and the French during John Major's and Francois Mitterrand's administrations prohibited effective measures against the Serbs, such as the lifting of the arms embargo or air strikes.<sup>122</sup>

However, what Holbrooke called "the brutal stupidity of the Bosnian Serbs," started to change the attitude of Western leaders. One could no longer ignore crimes such as the shelling of the Sarajevo marketplace on February 5, 1994, and the Srebrenica massacre of 8,000 Muslim men and boys in the UN "safe haven" in July 1995; both which were broadcast around the world by CNN and brave reporters such as Roy Gutman and David Rohde.<sup>123</sup> In May 1995, the Bosnian Serbs took several hundred UN peacekeepers hostage as a safeguard against possible NATO attacks. This action became the ultimate symbol of the impotence of the international

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Mestrovic (New York: New York University Press, 1996), 245.

<sup>121</sup> Richard Holbrooke, *To End a War* (New York: Random House, 1998), 23.

<sup>122</sup> Brad K. Blitz, "Serbia's War Lobby, Diaspora Groups and Western Elites," in *This Time We Knew*.

<sup>123</sup> Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (London: Penguin Books, 1996), 345.

community. The world moved away from "the delusion of impartial peacekeeping" and toward proclaiming the Serbs as aggressors and the Muslims as victims.<sup>124</sup>

The change in the perceptions of the Western leaders came at the same time as the situation on the ground began to change significantly in 1995. The new French President Jacques Chirac, appalled by the weakness of the international community and the helplessness of UN peacekeepers, prompted the UN to authorize a combat-capable Rapid Reaction Force (RRF), consisting of French and British soldiers to protect the "blue helmets" (UN forces) in Bosnia. In May, the Croatian army regained Western Slavonia and in August, the Krajina – areas previously held by Croatian Serbs. The Serb army retreated in disarray almost without any resistance at all; Milosevic did not come to their rescue. Furthermore, the Croatian and the Bosnian Muslims' armies began their offensive during the summer, and thus started to win back important portions of Western and Central Bosnia. Finally, the economic and financial sanctions imposed on the FRY began to take a visible toll on the Belgrade regime. At this point, the US Administration started to delineate the basics of a new negotiation effort in Bosnia. This new effort would be headed for the first time by the United States and would entail not only intensive diplomacy but also the use of NATO's threat to use force to push the parties into an agreement that would finally end the war. Richard Holbrooke was the person chosen by the US Administration to inaugurate what would be 'a new era in Balkan Diplomacy.'

### **3.5 Conflict and Negotiation in Cambodia**

The Cambodian civil war was a military conflict between four national leaderships that had governed the country rather than a war mobilised by the citizens. After gaining its independence from France in 1953, Prince Norodom Sihanouk ruled the Kingdom of Cambodia

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<sup>124</sup> Richard K. Betts, "The Delusion of Impartial Intervention," *Foreign Affairs*, vol. 73, Nov./Dec. 1994, p. 24.

as a prince (*de facto* king), prime minister, and head of state until 1970. Then with support from the US, General Lon Nol deposed Sihanouk and established the Khmer Republic. The Republic was overthrown by a socialist military group called the Party of Democratic Kampuchea (PDK) in 1975. During its four years of rule, the PDK launched radical socialist projects such as a collective agricultural system, depopulation of cities, and prohibition of markets, which caused the deaths of approximately 1.5 million people.

A group of PDK officers who were opposed to the direction the party had taken escaped to Vietnam and formed an anti-PDK socialist movement called the Kampuchean United Front for National Salvation (KUFNS).<sup>125</sup> When the KUFNS, headed by Heng Samrin and Hun Sen with backing from Vietnam, overthrew the PDK regime and established the People's Republic of Kampuchea (PRK) in 1979, the Cambodian civil war began. Against the PRK government, three major military movements led by former national leaders emerged, basing themselves near the Thai border<sup>126</sup>.

First, although it had been ousted from power, the PDK's military strength and support from China remained a grave threat to the PRK.<sup>127</sup> Second, the National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC) was formed by Prince Sihanouk. Although lacking the PDK's substantial military and financial resources, the king's perceived legitimacy and his intimate relationship with China made the party an important actor in the resistance movement.<sup>128</sup> Finally, the former prime minister, Son Sann, established the Khmer People's National Liberation Front (KPNLF), which pursued the formation of a

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<sup>125</sup> Princen, Thomas. *Intermediaries in International Conflict*. Princeton, NJ: Princeton University Press, 1992.

<sup>126</sup> Shawcross, William, 1994 *Cambodia's New Deal*, Contemporary Issues Paper, no 1, Carnegie Endowment for Peace Publication. 9 Rainer

<sup>127</sup> Doyle, Michael W., 1995 *UN Peacekeeping in Cambodia: UNTA Cs Civil Mandate*, Boulder, Lynne Rienner Publishers (Occasional Paper, Series International Peace Academy).

<sup>128</sup> Princen, Thomas. *Intermediaries in International Conflict*. Princeton, NJ: Princeton University Press, 1992.



republican government from 1979. Chiefly supported by and composed of refugees from near Thai border, the KPLNF normally conducted guerrilla operations and received moderate support from the US and ASEAN. The UN's refusal to recognise the new government was well received by resistance parties and was seen as a sign of tacit UN support.<sup>129</sup>

As these organisations began to resist, the PRK government released evidence of the Khmer Rouge's mass executions of Cambodians. However, despite their different views, rivalries and targets, the three parties formed a coalition named the Coalition Government of Democratic Kampuchea (CGDK) in 1982.<sup>130</sup> After fierce external combat and turbulent internal struggles, Hun Sen became the new prime minister of the PRK, and peace talks between the government and the CGDK began in 1987. However, despite several formal and informal meetings in Paris and Jakarta, the parties could not reach agreement on the inclusion of the PDK in the forthcoming government and the contours of new political institutions. Compounding this, the PDK's stubborn refusal to enter into negotiation was proving to be another obstacle to the peaceful settlement of the conflict, and ongoing combat continued to take a heavy toll of casualties.<sup>131</sup>

The collapse of the Cold War system opened a new phase of peace talks. With encouragement from the Soviet Union and Vietnam, the State of Cambodia (SOC, the successor of PRK government) showed signs of changes in its posture, and China in particular applied strong pressure on the Khmer Rouge. The US also applied pressure on the PDK by announcing the withdrawal of its support for the PDK's continued possession of its UN seat. In addition,

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<sup>129</sup> Shawcross, William, 1994 *Cambodia's New Deal*, Contemporary Issues Paper, no 1, Carnegie Endowment for Peace Publication. 9 Rainer

<sup>130</sup> Doyle, Michael W., 1995 *UN Peacekeeping in Cambodia: UNTA Cs Civil Mandate*, Boulder, Lynne Rienner Publishers (Occasional Paper, Series International Peace Academy).

<sup>131</sup> Ratner, Steven R., 1995 *The New UN Peace Keeping*, Council on Foreign Relations, New York, St.- Martin's Press.

Australia and the UN Security Council provided peace proposals, including ‘Cambodia: An Australian Peace Proposal’ (November 1989) and the UN P-5’s ‘Framework Document’ (28 August 1990), while ASEAN, France, and Japan convened talks between the national factions.<sup>132</sup>

### **3.6 Mediation in Vietnam**

The biggest motivations for the Vietnamese invasion of Cambodia are usually analysed in two aspects. First, following consistent diplomatic confrontation, the PDK’s military operations to occupy parts of Vietnam (claimed by the PDK as Cambodian territory) in 1975 and 1977 were interpreted as a direct threat to Vietnamese security. In fact, the Vietnamese deemed these invasions to be part of a wider Chinese strategy to encircle Vietnam.<sup>133</sup> Second, from the 1930s, Vietnam had pursued the establishment of an Indochina Federation led by itself as one of its long-term goals. This ambition was still being pursued during the 1970s.<sup>134</sup>

In the initial phase of the conflict, Vietnam insisted that the war in Cambodia was a civil conflict between the “genocidal Pol Pot regime” and a “Cambodian salvation front” in order to stave off intervention from the international community.<sup>135</sup> Moreover, although claiming that the presence of Vietnamese troops in Cambodia was merely an indirect and voluntary support to opposition to the Khmer Rouge, Vietnam nevertheless made efforts to ensure that regime change in Cambodia would be irreversible. However, as the Vietnamese government began to prioritise economic issues from the mid-1980s, its attitudes towards the Cambodian conflict gradually changed. The ‘New Thinking’ policy of the Soviet Union effectively led to the reduction in

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<sup>132</sup> Shawcross, William, 1994 *Cambodia’s New Deal*, Contemporary Issues Paper, no 1, Carnegie Endowment for Peace Publication. 9 Rainer

<sup>133</sup> Princen, Thomas. *Intermediaries in International Conflict*. Princeton, NJ: Princeton University Press, 1992.

<sup>134</sup> Shawcross, William, 1994 *Cambodia’s New Deal*, Contemporary Issues Paper, no 1, Carnegie Endowment for Peace Publication. 9 Rainer

<sup>135</sup> Ratner, Steven R., 1995 *The New UN Peace Keeping*, Council on Foreign Relations, New York, St.- Martin’s Press.

economic aid to Vietnam and its isolation from the international community. Moreover, Vietnam's domestic economic crisis forced it to adopt a more conciliatory diplomatic approach in its international relations. However, despite its relatively progressive attitudes towards the normalisation of its relationship with China and the United States, Vietnam did not demonstrate a dramatic change of position on the settlement of the Cambodian conflict until 1991.

The US viewed the conflict as an invasion by Vietnam and held that its resolution necessitated the complete withdrawal of Vietnamese forces from Cambodia.<sup>136</sup> However, there were a number of concerns that had a direct effect on the US's Cambodian policies in this period. First, since its defeat in the Vietnam War had resulted in huge domestic friction, political leaders in the US wanted to have a clear "exit strategy" from Indochina. Second, from the early-1980s, the crimes against humanity committed by the PDK became a prominent political issue in the United States.<sup>137</sup>

These two factors had mixed effects on the negotiation processes. First, economic and military aid to the resistance groups was one of the main factors that enabled the Cambodian resistance groups to continue fighting the PRK and allowed them to adopt a relatively strong stance during the negotiations. Second, the US's non-aggressive attitude enabled it to be a neutral mediator among the international interveners. Finally, the domestic politics of the US prevented its diplomats from assuming more pragmatic positions in the negotiation processes.<sup>138</sup>

This initial position gradually transformed during the mid-1980s. Whereas the US began to exhibit more flexible attitudes towards the USSR and Vietnam, it continued to provide steady material aid to the resistance groups. When the negotiations began in 1987, the Bush government

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<sup>136</sup> Shawcross, William, 1994 *Cambodia's New Deal*, Contemporary Issues Paper, no 1, Carnegie Endowment for Peace Publication. 9 Rainer

<sup>137</sup> Princen, Thomas. *Intermediaries in International Conflict*. Princeton, NJ: Princeton University Press, 1992.

<sup>138</sup> Princen, Thomas. *Intermediaries in International Conflict*. Princeton, NJ: Princeton University Press, 1992.

set four main goals: ‘the verified withdrawal of all foreign forces; the creation of a neutral political process culminating in free and fair elections under UN auspices; the preservation of a viable non-communist alternative; and a settlement which guaranteed that the Khmer Rouge would not return to power’.

### **3.7 Mediation in Ivory Coast**

Côte d’Ivoire, once considered a model African country in terms of political stability and economic success, has, for more than a decade, struggled with an internal crisis. Xenophobic policies revolving around the concept of *Ivoirité* (“Ivorianness” or “being Ivorian”) escalated in 2002, causing the country to split into the rebel-held north and the government-controlled south. French troops of Operation *Licorne*, under the aegis of a peacekeeping mission called United Nations Operation in Côte d’Ivoire, were, until very recently, providing the “buffer” or “confidence zone” that was keeping the warring parties apart. The Ivorian crisis is often interpreted in simplified terms, as a cultural clash between the Muslim north and the Christian south, between ethnic groups of the savannah and those of the forest zone. This reductionist approach, which is mostly propagated by politicians and the media, relies squarely on the “primordialist assumption”, which understands ethnicity as an innate, objectively given and immutable substance of human identity, which, when confronted with a different cultural conceptions, can lead to confrontation<sup>139</sup>.

The successful intervention in the conflict resolution in Côte d’Ivoire was the mission organized by ECOWAS. ECOWAS responded very quickly on the diplomatic level. It organized

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<sup>139</sup> Akindès, Francis. "Inégalités sociales et régulation politique en Côte d'Ivoire." *Politique africaine* No. 78: pp. 126-141. (2000)

an Extraordinary Summit in Accra on 29 September 2002 to discuss the recent events in Côte d'Ivoire, on which occasion a Contact Group facilitating the dialogue between the rebel parties was created. With the help of France, it finally succeeded in obtaining a cease-fire accord, signed by representatives of the government and the rebels on 17 October 2002. However, the deployment of its troops for monitoring adherence to the cease-fire agreement proved to be more problematic. The authorized strength of the ECOWAS Mission in Côte d'Ivoire (ECOMICI) of 2,386 men from Benin, Ghana, the Gambia, Guinea-Bissau, Mali, Niger, Nigeria, Senegal and Togo, which should have been deployed as of 31 December 2002, was too small to execute the agreed mission, and was diminished in number since many countries, for various reasons, did not contribute soldiers after all. As a matter of fact, by February 2003, only some 500 ECOWAS troops were deployed on Ivorian soil, at a time when the French force Licorne numbered already more than 3,000 men<sup>140</sup>.

In January 2003, French President Jacques Chirac organized roundtable talks in France at which all the Ivorian political forces involved in the conflict were gathered in order to discuss possible solutions to the persistent crisis. The parties agreed, by signing the Linas-Marcoussis accords, to preserve the integrity of Ivorian territory and to set up a transitional Government of National Reconciliation composed of representatives of all the parties participating in the roundtable and led by a consensus prime minister. The main role of this interim government was to organize the free and fair elections after the identification and DDR (disarmament, demobilization and reintegration) processes<sup>141</sup>.

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<sup>140</sup> Campbell, Bonnie. "Réinvention du politique en Côte d'Ivoire: Et responsabilité des bailleurs de fonds multilatéraux." *Politique africaine* No. 78, pp. 142-156. (2000)

<sup>141</sup> Dozon, Jean-Pierre. "La Côte d'Ivoire entre démocratie, nationalisme et ethnonationalisme." *Politique africaine* No. 78, (2000): pp. 45-62.

The United Nations was the last to intervene. On 13 May 2003, the Security Council adopted Resolution 1479, establishing an essentially political United Nations Mission in Côte d'Ivoire (MINUCI), whose mandate was to observe and facilitate the implementation of the Linas-Marcoussis accords with the military help of Licorne and ECOMICI.<sup>62</sup> France called for a more concrete international intervention, but was initially opposed by the United States, which considered the bigger peacekeeping operation to be unnecessary and costly. The UN Security Council authorized the full peacekeeping operation, including nearly 7,000 UN personnel, almost a year later, on 27 February 2004. Resolution 1528 established the United Nations Operation in Côte d'Ivoire (UNOCI) for an initial period of 12 months (further resolutions prolonged its mission), starting on 4 April 2004, on which date the mandate of MINUCI ended.<sup>64</sup> The ECOMICI and MINUCI forces were absorbed into the UNOCI forces, while the Licorne operation co-operates with it. The UNOCI mission was to monitor the application of the cease-fire agreements and the implementation of Linas-Marcoussis accords, to help the transitional government to execute the DDR program, to control the embargo on arms, and to support the organization of elections<sup>142</sup>.

Conflict resolution in Côte d'Ivoire is one of the most recent examples of “hybrid operations” in which a former colonial power plays a substantial role. The legitimacy of France’s military operation lies primarily in the fact of the belated intervention by the regional and international actors and the many problems they encountered<sup>143</sup>. The new strategy of “hybrid operation” actually helped France diminish the costs of its military intervention, while, at the same time, allowing it to pursue its national interests. However, reasons for the Ivorian crisis are

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<sup>142</sup> UN Security Council resolution. “The situation in Côte d'Ivoire”, accessible on: <http://daccess-ods.un.org/TMP/3402947.html>, (2003).

<sup>143</sup> Dozon, Jean-Pierre. "La Côte d'Ivoire entre démocratie, nationalisme et ethnonationalisme." *Politique africaine* No. 78, (2000): pp. 45-62.

partly rooted in the colonial past of the French management of Ivorian territory and society, which were continued after the independence by the Houphouët-Boigny regime. France is thus far from being a neutral party in the current conflict resolution strategy and may, to some extent, hinder the true reconciliation process. As long as the regional and international institutions are not able to assume the desired leading role in the conflict resolution strategies, the former colonial powers will have to play a central role, despite all the possible suspicions and accusations of the neo-colonial practices. At the same time, it is hard to imagine how the former colonial powers could possibly escape the legacy that links them to their former colonies<sup>144</sup>.

### **3.8 Mediation in Kenya**

Third party intervention process involves helping parties in conflict to reach a settlement that favour them equally. Supposedly, there is hardly any conflict without resolution. At worse, it may take time. This is one of the characteristic of conflict or disagreement<sup>145</sup>. But no conflict is amenable to resolution in the absence of the willingness of parties to the conflict as well as consensus. For third party to be able to accomplish its goals, the principals (parties in conflict) must altogether agree that they must have to embrace peace. The award in a third party resolution is not binding on the principals, but an atmosphere is created for them to embrace the decisions. Mediation represents one of the many methods of conflict resolution in the contemporary times. It is very likely to remain an option in the tool-kits of mediators for what it is, in solving even complex problems that arbitration sometimes may not be able to address.

Out of the intense civil society-backed diplomatic pressures came Kenya's National Dialogue and Reconciliation process, which resulted in the National Accord and Reconciliation

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<sup>144</sup> Ibid pp. 45-62.

<sup>145</sup> Robert M. Press, *Peaceful Resistance: Advancing Human Rights and Democratic Freedoms* (Farnham: Ashgate, 2006); Jacqueline M. Klopp, "Remembering the Muoroto Uprising: Slum Demolitions, Land and Democratization in Kenya," *Journal of African Studies* 67, no. 3 (December 2008).

Act (Accord)? The Accord included a four-point agenda for addressing the situation, including: <sup>146</sup>taking immediate steps to stop violence and restore fundamental rights and liberties; taking immediate measures to address the massive humanitarian crisis of traumatized victims and the displaced and to promote reconciliation, healing and restoration; <sup>147</sup>developing a strategy to overcome the political crisis through readjusting constitutional and legal frameworks; and addressing long-term issues, including land reform, constitutional reform, unemployment, poverty and inequality. This paper will briefly look at each of these agenda items and the politics around them.

On 1 February 2008, the two main political leaders, Kibaki and Odinga, and their parties addressed the Accord's first agenda item by agreeing to take immediate action to stop the violence and to restore rights and liberties. As a consequence, violence declined rapidly and a semblance of normalcy returned, at least to Nairobi. This was a clear indication of the political nature of much, though not all, of the violence and its role as part of a national bargaining process over power. <sup>148</sup>

It is important to point out that, because of the crisis and past patterns of violence, localized tensions not directly controlled by the national level persist at the time of publication, continuing to threaten national coherence and state institutions. Some of this tension and the localized violence it produces are linked to Kenya's failure to properly address the Accord's second agenda item: the humanitarian crisis and reconciliation--not only in this round of violence, but also in the past. The government, civil society and international agencies like the

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<sup>146</sup> Jacqueline M. Klopp and Prisca Kamungi, "Violence and Elections: Will Kenya Collapse?" *World Policy Journal* 24 (Winter 2007/2008), 11-18; Daniel Branch and Nic Cheeseman, "Democratization, sequencing, and state failure in Africa: Lessons from Kenya," *African Affairs* 108/430 (January 2009), 1-26

<sup>147</sup> Denis M. Tull and Andreas Mehler, "*The Hidden Costs of Power-sharing: Reproducing Insurgent Violence in Africa*," *African Affairs* 104/416 (July 2005), 375-398

<sup>148</sup> Jacqueline M. Klopp and Elke Zuern, "The Politics of Violence in Democratization," *Comparative Politics* 39, no. 127 (2007).



United Nations have yet to tackle this crisis and address the need for more thoughtful and intensively targeted interventions in fragmented and hostile communities. In part, this is because many of the culprits of violence and corruption, at all levels of government, are still in charge of this effort. These problems are now compounded by a related crisis: An estimated 10 million Kenyans face hunger, including many of the approximately 500,000 to 600,000 people displaced by the violence.<sup>149</sup>

When the violence subsided and the coalition government formed early in 2008, the government, primarily the Office of the President, assumed the tasks of providing humanitarian relief and reconstruction from international agencies and the Kenyan Red Cross, including the responsibility for the large numbers of internally displaced persons<sup>150</sup>. This critical task was handed over to the small Special Programmes Ministry. The Ministry launched Operation Return Home, which used part of the security apparatus the provincial administration to encourage and at times force people out of camps into hostile communities. The result was the proliferation of less visible and accessible "transit camps" in fragmented and hostile communities. It is unsurprising that some of these camps have been subject to attacks and intimidation and that women and children have been particularly vulnerable to continued violence, including gender-based violence<sup>151</sup>.

The Accord's third agenda item required readjusting the constitutional and legal framework to resolve the political crisis stemming from the botched election. The result was a

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<sup>149</sup> Kenya Human Rights Commission, "A Tale of Force, Threats and Lies: 'Operation Rudi Nyumbani' in Perspective," 28 October 2008, 27; Jacqueline M. Klopp and Nuur Mohamud Sheekh, "Can the Guiding Principles make a difference in Kenya?" *Forced Migration Review* (2008), 19-20.

<sup>150</sup> Karuti Kanyinga and Duncan Okello: *Tensions and Reversals in Democratic Transitions*, The Kenya 2007 General Elections, Nairobi University 2010, p496.Ibid,

<sup>151</sup> Mike McIntre and Jeffrey Gettleman, "A Chaotic Kenya Vote and a Secret U.S. Exit Poll," *New York Times*, 30 January 2009"; David Ndi, "Preliminary Findings from the 2007 Presidential Election Results Released from the Electoral Commission of Kenya, Independent Review Commission Report on the General Elections held in Kenya on 27 December 2007," (2008).

power-sharing agreement formalized in the National Accord and Reconciliation Act 2008<sup>152</sup>. The Act created a prime ministerial post for ODM's Raila Odinga and two deputy prime ministerial posts, one selected by ODM and the other for the leader of ODM-Kenya, which was allied with PNU. The cabinet was expanded to include nine new ministries and enough posts to reward key players in all the parties in the coalition. This resulted in the largest and most fragmented, ill-coordinated, incoherent and expensive cabinet in Kenya's history.

Another key part of the third agenda item was a "forensic review" of the election in order to generate recommendations for electoral reform. To this end, the Independent Review Commission (IREC) was formed with South African judge Johann Christiaan Kriegler at its head. The IREC revealed serious flaws in the conduct of Kenya's elections<sup>153</sup>. These flaws included a voter registry that comprised only 71 percent of Kenya's voters and 1.2 million deceased persons, as well as vote-buying, ballot-stuffing and intimidation of opponents--especially in party strongholds. Other problems included manipulation and incompetence on the Electoral Commission and a poor legal framework, from gerrymandered constituency boundaries to loopholes that allowed people to vote twice in some cases. IREC offered a long list of recommended reforms, including an overhaul of the Electoral Commission and the voter registration system. Since then, parliament overwhelmingly passed and the president signed into law the Constitution of Kenya (Amendment) Bill 2008, instituting some basic reforms, including disbanding the Electoral Commission of Kenya and replacing it with an Interim Independent Electoral Commission.<sup>154</sup>

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<sup>152</sup> Karuti Kanyinga and Duncan Okello: *Tensions and Reversals in Democratic Transitions*, The Kenya 2007 General Elections, Nairobi University 2010, p496.Ibid,

<sup>153</sup> Ann Njogu, "Battered, Bruised, Broken, They Trudge On," Pambazuka News, 29 January 2009, 417.

<sup>154</sup> Ndung'u Wainaina and Haron Ndubi, "Get the planes ready for The Hague," Pambazuka News, 29 January 2009.

The fourth agenda item involves addressing the long-term issues, including legal and institutional reform; poverty, inequity and regional imbalances; unemployment, particularly among the youth; national cohesion and unity; land reform; and transparency and accountability. These deep problems emerge out of Kenya's troubled history as a settler colonial state with institutions that concentrated political authority--including control over key resources such as land--at the center<sup>155</sup>. Repressive colonial-era laws and institutions have protected this authority from societal pressure and mobilization.

Successive post-colonial governments have built upon this institutional infrastructure to enforce accumulation of resources by the few. Corruption scandal after corruption scandal has graphically illustrated this over the years, including in recent months. Politicians use this "eating" of "politics of the belly" to maintain political control through patronage and persuasion. When this fails, politicians often resort to violence and repression. The result is a long list of problems, including massive inequity and exclusion with regard to economic opportunity and resources such as land; a system of economic and political rewards that depends on controlling territory and votes and on privatizing the state; politicized and hence ineffective institutions; a growing mass of traumatized victims of successive cycles of violence and dispossession; and a lack of accountability for high corruption, murder and crimes against humanity<sup>156</sup>.

At first there were attempts to downplay the Commission's recommendations, but a groundswell of public support for action and international attention made it difficult to bury the report, as had been done in the past. Once this sunk in, the next option--the creation of a national

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<sup>155</sup> Binyavanga Wainaina on 'Civil Society,'" Sukuma Kenya, 9 February 2009, <http://sukumakenya.blogspot.com/2009/02/binyavanga-wainaina-on-civil-society.html>.

<sup>156</sup> Mike McIntre and Jeffrey Gettleman, "A Chaotic Kenya Vote and a Secret U.S. Exit Poll," New York Times, 30 January 2009"; David Ndi, "Preliminary Findings from the 2007 Presidential Election Results Released from the Electoral Commission of Kenya," Independent Review Commission Report on the General Elections held in Kenya on 27 December 2007," (2008).

tribunal that could be controlled or manipulated--became viable. Both the prime minister and the president scrambled to rally forces to draft and pass seriously flawed legislation establishing the recommended special tribunal Act before the deadline. This took place in the context of public anger over corruption scandals and hunger. As a result, parliament failed to pass the Act. The reason appeared to be out of anger towards the president, who had reinstated a cabinet minister censured by parliament for his role in a major corruption scandal. However, some feared that the legislation had too many problems that would allow for manipulation, and poll results suggested a majority of the public supported the option of sending perpetrators to The Hague.<sup>157</sup>

### **3.9 Conclusion**

Regarding their interplay with the national factions, Cuba, Mexico, and Venezuela demonstrated particularly dynamic interaction. Whereas Cuba played an especially important role during the early phase of the civil war as an advocate of the FMLN, the other two countries collaborated to establish the regional peace initiatives but demonstrated decidedly different viewpoints on the conflict in El Salvador.

Although other socialist states gradually changed their attitudes towards the El Salvadoran revolutionary movement in the mid-1980s, Cuba adhered to its original 'strategic and military asset'. Thus, while material aid from the USSR and Eastern Europe decreased significantly in 1989, Cuba continued to support the FMLN. Because of this position, Cuba could not play a key role during the Salvadoran peace negotiation and functioned instead as a communication channel between the FMLN and other actors.

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<sup>157</sup> Ndung'u Wainaina and Haron Ndubi, "Get the planes ready for The Hague," Pambazuka News, 29 January 2009.

However, the US's policies shifted significantly when President George H. W. Bush took office in 1989. Instead of blindly supporting the Salvadoran government, the Bush administration pressed it to negotiate with the FMLN. In addition, with the government army's murder of respected Jesuit priests in 1989, the genuine improvement of Salvadoran democracy became an important concern for the US administration. This pressure from the US to negotiate and to improve human rights compelled the Cristiani government to work towards and promote a negotiated peace.<sup>158</sup>

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<sup>158</sup> Princen, Thomas. *Intermediaries in International Conflict*. Princeton, NJ: Princeton University Press, 1992.

## **CHAPTER FOUR**

### **A CRITICAL ANALYSIS OF ICGLR MEDIATION IN THE DR CONGO- M23 REBELS CONFLICT IN NORTH KIVU IN 2012**

#### **4.1 Introduction**

The renewed fighting between the Government of the Democratic Republic of Congo, or DRC, and the M23 rebel movement in eastern Congo is creating urgency for the establishment of a viable mechanism to create peace between the warring parties, ensure security and stability for embattled communities, and create space for humanitarian relief and economic recovery in the region. The time period between the July 31, 2013, International Conference on the Great Lakes Region, or ICGLR, heads of state meeting in Nairobi, Kenya, and the U.N. General Assembly in September presents the opening to create that mechanism.

Based on events on the ground in eastern Congo, as well as recent interviews with representatives from the parties engaged in the Kampala talks between the Congolese government and M23, it appears that progress in the talks is only being made at a cosmetic level. The Congolese government and M23 are currently attempting to discuss eight major issues, including refugee right of return, civilian protection, amnesty and political and military reintegration for M23, national reconciliation within Congo, and regional economic integration issues. Representatives from both the ICGLR and the Government of the DRC told the Enough Project that the parties are close to agreement on six of the eight issues but remain at loggerheads on two major issues: amnesty and military and political reintegration for M23 leaders and fighters. Representatives from M23, however, told the Enough Project that the two sides still could not agree on the fundamental definitions of terms such as amnesty or military and political

reintegration, let alone be near agreement on a host of other issues, suggesting that the Congolese government was not negotiating in earnest at present.

#### **4.2 Congolese state and the Congolese wars**

Patrimonial practice, already evident early in the post-colonial polity, multiplied in the face of state contraction and permeated the swelling informal domains as well as states politics, which subsequently transformed itself into a new form of private, decentralized government.’ The Congolese state originated after independence resembled the bureaucratic – authoritarian nature of the colonial regime. Mobutu Sese Seko took power in 1965 and installed a political system based upon patronage, repression and external support. He came to power, ruling an enormous territory with over 300 communities and languages. Seen the vast uncontrollable spaces the country inherits, several parallel, non-state authorities with a certain degree of autonomy were present.

Thus, the Congolese population became reliant on survival and protection mechanisms outside of the state and public and economic life became highly informalised and privatised. Through this system, Mobutu became quite successful in imposing his dictatorial rule. Trade relations and rent seeking for political loyalty became organising principles for society, establishing networks of distribution and semi autonomous subsystems of power. These subsystems provide a way into economic wealth and the legitimate use of violence through state mediation. By incorporating traditional leaders in the ruling networks, Mobutu managed to include traditional governance into his state apparatus.

During the 90s, ongoing conflicts over land access, access to economic resources and citizenship reached a boiling point (resulting in the so-called Masisi War). Moreover, the country was experiencing an explosive population growth which had a significant impact upon ongoing

conflicts. Ongoing conflicts became increasingly institutionalised along the lines of informal governance and consequentially along ethnicity. Throughout history, Rwandan-speaking people<sup>3</sup> were targeted because of their 'doubtful' nationality, creating uncertainty over citizenship and land ownership. This caused the Banyarwanda to organise themselves as well in local defence groups, resulting in violent clashes between native and immigrant populations. The influx of hundred thousands of refugees of Burundian origin as well as the massive influx of Rwandan refugees after the Rwandan genocide intensified tensions in eastern Congo to a level, provoking the outbreak of a regional rebellion aiming to replace the Mobutu-regime (Huggins, 2010, p. 21). The Alliance des Forces Démocratiques pour la Libération du Congo-Zaire (AFDL) invaded North Kivu in 1996, backed by Rwanda and Uganda. This coalition installed Laurent-Désiré Kabila as president of the Democratic Republic of the Congo. Kabila too, had to deal with a new rebel movement which started off in 1998 and controlled parts of the east, supported by Rwanda and Uganda. Kabila was seen as a Rwandophone and to build up legitimacy among the Congolese people, he needed to break up his former alliances with his Rwandese and Ugandan allies. On the other hand, Rwanda and Uganda became frustrated about how Mobutu was dealing with the aftermath of the Rwandan genocide. Hutu extremists perpetrators of the genocide fled to Congo and launched attacks out of refugee camps on Rwandan territory.



### **4.3 International Conference on the Great Lakes Region (ICGLR)**

The conflicts and tragedies in the Great Lakes region led the United Nations Security Council, through its resolutions 1291 and 1304, to call for an International Conference on Peace, Security, Democracy and Development in the Great Lakes Region (ICGLR). The ICGLR is a process which seeks to bring all the countries of the region together to dialogue and agree on strategies to bring peace and prosperity to the region. It groups eleven core countries: Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of the Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia. South Sudan, which won independence in 2011, is currently in the process of becoming a member. In November 2004, the eleven Heads of State and Government of the member countries of the ICGLR unanimously adopted the Dar es Salaam Declaration on Peace, Security and Development in the Great Lakes Region. In this Declaration, they announced their collective determination to transform the Great Lakes Region into a space of sustainable peace and security for states and peoples, political and social stability, shared growth and development. In December 2006, the Heads of State and Government convened again in Nairobi to sign a Pact on Security, Stability and Development. This important political agreement came into force in 2008.

The International Conference on the Great Lakes Region (ICGLR) is an inter-governmental organization of the countries in the African Great Lakes Region. Its establishment was based on the recognition that political instability and conflicts in these countries have a considerable regional dimension and thus require a concerted effort in order to promote sustainable peace and development. Most notable among the conflicts that have had cross-border impacts or origins are the 1994 Rwandan genocide that led to the loss of more than 800,000 lives, and the political instability in DRC. These conflicts constituted a major threat to

international peace and security. The organization is composed of eleven member states, namely: Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of Congo, Kenya, Uganda, Rwanda, Sudan, Tanzania and Zambia.

Its founding history began in 2000 when the United Nations Security Council, as stated in its resolutions 1291 and 1304, called for an International Conference on peace, security, democracy and development in the Great Lakes region. Later that year, the Secretariat of the International Conference was established in Nairobi, Kenya, under the umbrella of the United Nations and the African Union.

In November 2004, the eleven Heads of State and Government of the member countries unanimously adopted the Declaration on Peace, Security and Development in the Great Lakes region in Dar es Salaam, Tanzania. This Dar-es-Salaam Declaration presented a political statement with the intention to address the root causes of intractable conflicts and constraints to development in a regional and innovative approach. [Download Dar-Es-Salaam Declaration](#)

The Heads of State and Government convened once again in Nairobi in 2006 to sign the Pact on Security, Stability and Development in the Great Lakes Region. The Pact included the Dar es Salaam Declaration, Programmes of Action and Protocols. This marked the end of the preparatory phase and ushered in the implementation period.

The ICGLR Executive Secretariat celebrated its inauguration in May 2007 at its headquarters in Bujumbura, Burundi. Its responsibility is to coordinate, facilitate, monitor and thereby ensure the implementation of the Pact in order to attain peace, security, political stability and development in the Great Lakes Region.

In addition, the Conference addresses Cross-cutting Issues such as Gender, Environment, Human Rights, HIV/AIDS and Human Settlements. There are two main principles that guide the

approach of the ICGLR. First, a sustainable solution for peace, stability and development in the Great Lakes Region has to be based on strong ownership of the countries of this region themselves. Second, the ICGLR is based on partnership with stakeholders, in particular the Group of Friends and Special Envoys which provides financial, diplomatic, technical and political support.

The Group of Friends and Special Envoys is co-chaired by Canada and the Netherlands. Its member countries and organisations include Austria, Belgium, Canada, China, Denmark, the European Union, Finland, France, Gabon, Germany and Greece. Others are the Holy See, Ireland, Italy, Japan, Kuwait, Luxembourg, the Netherlands, Nigeria, Norway, Portugal, Russia, South Africa, Spain, Sweden, Switzerland, the United Kingdom and the United States of America.

In order to ensure the rightful implementation of its projects and protocols the ICGLR brings together experts and authorities from its Member Countries to meet on a regular basis. Twice every year, the Regional Inter-Ministerial Committee (RIMC) as Executive board of the ICGLR to assess the progress that has been made. The Summit of Heads of State which is the supreme organ takes place at least once every two years. In case of emergency the Chair of the Summit may call for an extraordinary Summit of the Troika. This emergency caucus comprises the Chair of the Summit, his/her predecessor and his/her successor and thus includes representatives of three member countries.

On the national level, each of the Member States has put in place a National Coordination Mechanism (NCM) also including representatives of civil society, women and youth in order to ensure the follow up and implementation of decisions made by the Summit and the RIMC.

#### **4.4 Contribution of International Conference on the Great Lakes Region (ICGLR)**

The International Conference on the Great Lakes Region (ICGLR) has to date been the largest peace initiative. Convened by UN Resolution 1291 in 2000 and held under the auspices of the African Union and UN with support from international donors, it brought 18 countries to the negotiating table, 11 of which were directly involved in the conflict. After 6 years of political negotiations, the conference gave rise to the Pact on Security, Stability, and Development in the Great Lakes Region, signed in December 2006 by heads of state from Angola, Burundi, the Central African Republic, the DRC, Kenya, the Republic of Congo, Rwanda, Sudan, Tanzania, Uganda, and Zambia. The pact entered into force in June 2008 after it was ratified by eight signatories. An ICGLR Secretariat was established in Bujumbura to implement the pact's 10 protocols, including regional non-aggression and mutual defense, good governance, and reconstruction and development. Only limited progress toward these objectives have been realized to date, however.

A key contribution of the ICGLR has been that it took into account the economic dimensions and motivations of the conflict in the eastern DRC. Specifically, it launched a Regional Initiative on Natural Resources to certify, formalize, and track the minerals trade so as to eliminate trafficking and the role of armed groups. Pilot schemes in Rwanda and South Kivu have shown some progress. The ICGLR's main shortcoming has been that it did not address the massive human rights violations committed by various state actors that intervened in the DRC abuses that have now been well documented through UN reports.<sup>13</sup> As a consequence, these actors have had little incentive to end their reliance on short-term military responses and proxy militias to meet their immediate security and economic interests.

The Tripartite Plus Commission was a U.S. initiative launched in 2004 dealing mainly with the FDLR presence in the DRC. This initiative culminated in a joint communiqué on November 9, 2007, committing the DRC and Rwandan governments to “a common approach to address the threat posed to their common security and stability by the ex-FAR/Interahamwe.” The Nairobi communiqué fulfilled a fundamental aim of the Rwandan Defence Forces (RDF) to more aggressively target the ex-FAR remnants that comprise the FDLR.

The FARDC-RDF collaboration has been very unpopular in the eastern DRC, even though many in the region dread the FDLR. The joint operations resulted in many civilian casualties and disarmed few FDLR, who have later conducted reprisal attacks against villages accused of aiding the FARDC and RDF. President Kabila is also paying a price for his expansion of military operations in the eastern DRC. In 2006, he received 95 percent of the vote in South Kivu and 78 percent in North Kivu, largely because he promised to bring an end to the Rwandan presence and restore peace. In the 2011 elections he garnered just 45 and 39 percent, respectively, in the same provinces. Given widespread electoral irregularities, his actual support may be even lower. His options and ability to manage the conflict will shrink further if he continues to lose support in the east.

The Tripartite Plus’s main achievement was to bring the two major antagonists the Rwandan and Congolese leadership to the table. Indeed, the U.S. Government extended much effort to force the two enemies to talk to one another, no doubt drawing from its extensive relations with and support to both governments. Donor support accounts for 40 percent of Rwanda’s annual government budget. Improving relations between Rwanda and the DRC is critical to consolidating peace throughout the entire subregion, and this approach showed that constructive communication is possible.

This agreement errs in limiting responsibility for the instability to the FDLR. When the DRC government once suggested that illicit minerals trafficking be discussed within the Tripartite Plus arrangement, the Rwandan and Ugandan governments declined, indicating that this was not a regional issue.<sup>15</sup> Moreover, the Tripartite Plus agreement stipulated that the DRC must offer the FDLR a choice between either voluntarily returning to Rwanda without security guarantees or being relocated and dispersed throughout the Congolese territory. If they accepted neither of these proposals, they faced military operations by the FARDC and RDF.

This narrow approach ignores a UN assessment that at most 2,500 of the remaining 70,000 Rwandan refugees in the DRC are combatants.<sup>16</sup> Beyond joint military operations, then, cooperation on refugee protection, repatriation, and resettlement could relieve local-level tensions and minimize a pool of potential FDLR recruits and supporters. Nor can the peace process in the DRC be separated from the broader context of democratization in the Great Lakes region. Refugees in the DRC from Burundi and Rwanda will continue to resist returning to a country where they face a restrictive political environment. The Tripartite Commission's initiatives, thus, lacked the confidence- and trust-building elements essential for successful disarmament.

The Goma peace conference has been the only one initiated by the DRC government. From January 6–24, 2008, the conference brought together 1,500 delegates from all communities and social strata in North and South Kivu. Its general objective was to rally stakeholders and involve them in the restoration of peace in the area. By giving all communities and most armed groups a voice, the Goma conference represented a significant step forward in understanding the conflict from local perspectives. And a high priority for these communities was to prevent

those guilty of committing massacres, sexual violence, or inciting ethnic hatred from holding positions of responsibility, particularly in the security services.<sup>17</sup> After the conference, the involvement of traditional village chiefs and other community leaders facilitated the disarmament or integration of 22 armed groups into the national army indicating a strong desire at the local level to end the fighting. The FDLR were excluded from the Goma conference, however.

The fighting finally ebbed when, in a surprising turn of events, Laurent Nkunda, then leader of the CNDP, was arrested by authorities in Rwanda in January 2009. According to some accounts, Nkunda's sponsors in Rwanda began to worry that he was growing unreliable and unresponsive, and therefore they moved to shuffle the leadership in the CNDP. Rwanda was also likely motivated by growing international criticism of its support to the CNDP.

#### **4.5 Talks in a Climate of Mistrust**

In Kampala, the city which is hosting peace talks between the M23 and Kinshasa, attempts to settle the conflict did not look good at the end of December as the M23 threatened to pull out of peace talks if the Kinshasa government refused to sign a ceasefire. The demand was immediately rejected by Kinshasa<sup>159</sup>. Before the talk resumed last Saturday, the M23 unilaterally declared a ceasefire and hopes that Kinshasa will agree. But the government quickly expressed its lack of trust in the declaration: "We don't think we can see this as a concession from people who don't tend to do what they say." Since July, the Executive Secretariat of the International Conference on the Great Lakes Region (ICGLR) has organized high-level meetings

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<sup>159</sup> Ulimwengu, Jenerali, "What will the neutral force in DRC do? Fight M23 or mine and trade in gold?," *The East African*, 5 January 2012, available at <http://www.theeastafrican.co.ke/OpEd/comment/Will-neutral-force-fight-M23-or-mine-and-trade-gold/-/434750/1658162/-/item/1/-/w9ka2nz/-/index.html>

to convene regional heads and ministers of governments to address the deteriorating security situation in the Eastern Democratic Republic of Congo (DRC).

The ICGLR Regional Inter-Ministerial Committee (RIMC) was convened on July 11th at the headquarters of the African Union Commission in Addis Ababa, Ethiopia. This meeting was called upon at the request of the Government of the DRC and was opened by H.E. Okello Oryem, the Minister of Foreign Affairs of Uganda and Chairperson of the RIMC.

The ministers and their delegates from ten member states of ICGLR (Angola, Burundi, Congo, the DRC, Kenya, Rwanda, Sudan, Tanzania, Uganda, and Zambia) gathered together and deliberated its Report which “condemn[ed] in the strongest terms the actions of the M23 and other negatives forces operating in the Region and support the efforts deployed by the Government of the DRC for the restoration of peace and security in the North Kivu Province.”

Among other decisions, the Report called for “the full operationalization of the Joint Verification Mechanism” between the Governments of the DRC and Rwanda. It also recommended that the “Team of Special Envoys, namely H.E. Benjamin Mkapa and H.E. General Olusegun Obasanjo” be immediately instituted to address the root causes of the security situation in the Eastern DRC. The RIMC Report was then taken up at the Extraordinary Summit of the Heads of State and Government of ICGLR on July 15th at the AU headquarters in Addis Ababa.

Obviously, the climate in Kampala is one of deep mistrust between the main parties. First, the M23 is led by Tutsi warlord Bosco Ntaganda and other war crimes criminals sought by the International Criminal Court. The rebels claim that they want to protect the population



and defend their rights yet last September already, there were widespread report of abuses against civilians.<sup>160</sup> Things have not improved as the rebellion continued.

Second, the rebels argue that Kinshasa refuses to sign a ceasefire because the national army is trying to win time to strengthen its troops in North Kivu. Although the M23 has pulled out of Goma, the city is still under threat and rebels have been sighted around the city. If the talks fail, it is likely that they will once again launch an offensive and, in November, they managed to take over the city in just a few days.

Third, the government's own record leaves a lot to be desired. The DRC barely resembles what one would call a state as the country is led by corrupted leaders interested in power and wealth only. For example, Bosco Ntaganda could have been arrested years ago but with a lack of political will on the part of the government, he was integrated into the FARDC and made general. The M23 claims that it has now turned against the government because it has failed to uphold the promises of the 2009 peace deal. Under the suggestion of regional body the International Conference of the Great Lakes Region (ICGLR), Kinshasa agreed to listen to the "legitimate grievances."<sup>161</sup> But by the rebel group broadened its set of conditions and demands, which have been described as "a farce" by Kinshasa.<sup>162</sup>

#### **4.6 Inconsistent Regional and International Reactions**

The position of regional leaders and the international community is very mixed and often unclear. It has now been well documented by NGOs and a UN Group of Experts that neighboring Rwanda and to a lesser extent Uganda are secretly backing the rebels. Although

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<sup>160</sup> DR Congo: M23 Rebels Committing War Crimes," Human Rights Watch, dated 11 September 2012, available at <http://www.hrw.org/news/2012/09/11/dr-congo-m23-rebels-committing-war-crimes>

<sup>161</sup> DR Congo conflict: M23 rebels urged to stop war," *BBC News*, 24 November 2012, available at <http://www.bbc.co.uk/news/world-africa-20476677>

<sup>162</sup> Congo says M23 rebel demands for Goma withdrawal a "farce", *Reuters*, 27 November 2012, available at <http://www.reuters.com/article/2012/11/27/us-congodemocratic-mende-idUSBRE8AQ0G820121127>

the credibility of the UN experts has been questioned, Rwanda has long supported proxy groups in the DRC, justifying such interference by claiming that it is tracking down FDLR fighters (former génocidaires). Although the US, the UK, the Netherlands, and Germany suspended portions of their development or military assistance to Rwanda, the country has been elected to the UN Security Council for a two-year mandate and is still portrayed as a development miracle in Africa. It does seem very paradoxical to elect Rwanda to the UN when a UN Group of Experts report condemns Rwanda.

Some countries have been more critical than others, Belgium being one of them. But the international community long hesitated to contemplate Rwanda's alleged support. The US apparently delayed the publication of the UN report and, even though President Obama has now given Rwandan President Kagame a warning telephone call, there has been no explicit condemnation. At the UN, several western countries such as France, the UK and the US have suggested the use of drones to monitor the Rwanda- Congolese border but no decision has been taken yet and Rwanda is strictly opposed to the proposition.<sup>163</sup>

There is a lot of inconsistency and lack of action and the window of opportunity for some kind of intervention is closing down. The International Conference of the Great Lakes Region (ICGLR), a regional body supposed to be defending regional security and peace (member states include Rwanda and Uganda), plans to deploy an international neutral force along the Rwanda-DR Congo border but few African countries have committed troops and there seems to be little consensus in terms of leadership, organization, finances, and logistics. Furthermore, as Ulimwengu rightfully puts "What will the neutral force in DRC do? Fight M23 or mine and

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<sup>163</sup> Prime Minister Challenges UN's Drones Use in DR Congo," *News of Rwanda*, 11 January 2013,

trade in gold?” The region’s experience with regional or joint forces is far from perfect. So even if the neutral eventually sees the day, can we trust it to do the job?

Another source of mistrust in the Kampala negotiations is the credibility of the mediator itself. As the head of the ICGLR in 2012, Ugandan president Museveni and the Ugandan Ministry of Defense served as mediators in the talks. But, if Uganda is indeed backing the M23, is it really in a good position to do be a mediator?

The population, the real victims of this cycle of violence, refuses to see the talks in Kampala end in another power sharing agreement or integration of rebels into the Congolese army, the FARDC. Power sharing and integration always leads to the same results in the DRC: a period a lull followed by renewed conflict and more suffering. A new strategy is clearly needed.

#### **4.7 No peace without reform, good governance and change**

Many politicians in Kinshasa and the provincial governments are corrupted leaders and predators. On January 2, Roger Lumbala, deputy and president of opposition party RCD/nationale, was been appointed vice-president of the M23 and now participates in the ongoing Kampala peace talks. Although he denies being a member of the rebel group, he says he supports their demands and objectives, including federalism and the annulment of the 2011 elections. While he may be right to contest the elections, supporting the M23, and therefore its methods, is more than questionable since the group is committing abuses against Congolese people. His presence at the peace talk will allow the rebels to expand their demands once more. The MP has now lost his legal immunity, but another national deputy threatened to reveal the

names of other deputies linked to the M23.<sup>164</sup> This kind of situation exemplifies the complete absence of good governance within national institutions.

Long-term peace is unlikely to be achieved if the leaders themselves do not change. The current crisis has many underlying causes, including the failed 2011 elections, the complete lack of state authority and good governance, the economy, the absence of a professional army etc. Kabila has lost power, including within his own political circle, and the M23 is not the only one questioning his legitimacy. As Günther von Billerbeck rightly argues in his essay on the inner workings of the government, the president has also failed to focus on other important matters than his relations with Rwanda President Paul Kagame, leaving all these matters to Prime Minister Matata Ponyo. What the DRC needs are strong and capable leaders who are able to tackle the important questions, such as employment, economic, mining, security, and electoral reforms. Until then, it is unlikely that international investment will rise<sup>165</sup>.

There is a need for political will from Congolese government, regional and international bodies. They should finally learn from past experiences. By integrating rebels into an already crumbling army with a dire human rights record will not bring sustainable peace to the region. What are needed are long-term solutions, not short-term agreements that only last a couple of years. Besides reform in the DRC, Western countries should take a stand by looking into the allegations made against Rwanda. If true, then Kigali should be publicly condemned and sanctioned for backing war crimes criminals. Rwanda's time as the west's darling should be over if it is involved in the humanitarian drama currently taking place in the

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<sup>164</sup> Lumbala s'invite de nouveau à l'Assemblée nationale," *Le Phare*, 8 January 2012, available at [http://www.lephareonline.net/lephare/index.php?option=com\\_content&view=article&catid=45%3Arokstories&id=6215%3Alumbala-sinvite-de-nouveau-a-lassemblee-nationale&Itemid=112](http://www.lephareonline.net/lephare/index.php?option=com_content&view=article&catid=45%3Arokstories&id=6215%3Alumbala-sinvite-de-nouveau-a-lassemblee-nationale&Itemid=112)

<sup>165</sup> Kinshasa cède une partie de la RDC au M23, " *Le Potentiel*, 12 January 2012, available at <http://www.lepotentielonline.com/4674-kinshasa-cede-une-partie-de-la-rdc-au-m23>

east. Both Kinshasa and foreign powers now need to go beyond words and take a different path<sup>166</sup>.

## 4.8 Conclusion

This is the case in countries where the state is unable (or unwilling) to deliver services to its citizens in a context of long-term conflict or disruption. In some cases, other actors step in and take over certain governing functions, ranging from merely providing security or stability to providing real services such as education and health care. In any way, this has implications for statebuilding as well as for spoiler management and in the case of armed groups; it has implications as well for initiatives at security sector reform. This shows that state weakness and the reestablishment of good governance, state authority and security sector reform are all interconnected processes and thus need a coherent approach. It emphasises the value of recognising multiple sovereignties as well as the value of decentralisation in peacebuilding. ‘This demonstrates what can be considered a fatal flaw of many state-building strategies in Africa: the focus on one source of sovereign power in a region where the state has historically been only one amongst many competing authorities. The case study of the M23 sheds light upon characteristics which could be interesting for future research. It is particular that despite the shortcomings (limited support base, no services, etc.) of M23’s governance, the movement is still able to take over governance. It would thus be interesting to compare the findings of this case with different cases. Moreover, as long as the involvement of spoilers in governance activities is not acknowledged in strategies for state- and peacebuilding, this might continue to cause peacebuilding failures. Finally, future research should look into how this spoiler characteristic might contribute to new strategies of spoiler management.

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<sup>166</sup> Kinshasa cède une partie de la RDC au M23, ” *Le Potentiel*, 12 January 2012, available at <http://www.lepotentielonline.com/4674-kinshasa-cede-une-partie-de-la-rdc-au-m23>

## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATIONS

#### 5.1 Conclusion

With the backdrop of this recent violence, there are currently three disparate political processes occurring in the region, complicating efforts to establish a comprehensive peace. None of these mechanisms has yet to fully establish a proven road map for quelling the violence in Congo or bringing all necessary stakeholders to the table to discuss strategies for creating nonmilitary solutions to regional conflict.

First, the Kampala talks between Congo and the M23 being mediated by the ICGLR, which have all but broken down. Desultory engagement and delay tactics have led to the recent clashes between the Congolese military and M23 in North Kivu. The talks have been marked by a lack of transparency, accountability, and inclusivity from affected communities and focused almost exclusively on military solutions.

Second, the U.N. PSCF, being managed by the U.N. envoy and including 11 regional states plus the ICGLR, SADC, and the African Union. This framework agreement has the broadest scope of support within the region and is the most comprehensive of the three processes in terms of generating civil society inclusion and addressing key drivers of regional conflict. This process also enjoys the greatest level of international legitimacy given the leadership of Mary Robinson and the collaborative nature of the U.N. PSCF itself.

Finally, the Congolese national consultations process theoretically intended to address key national issues. President Joseph Kabila announced his intention to launch this initiative in December 2012 but then backtracked in an announcement in June calling them “national consultations.<sup>3</sup>” There have been substantial disagreements over the process between the

government, opposition, and civil society, with the opposition and civil society viewing the talks as being manipulated by Kabila for political gain without being inclusive or discussing substantive issues. However, there is common ground between the three parties on several issues from having international observers at the talks to a recognition that the results of the 2011 elections should not be nullified.

Ostensibly, these processes are supposed to be working in conjunction with one another and under the PSCF framework to prevent the stove-piping of information and to generate cooperative agreement on a framework for addressing the long-term drivers of conflict in the region. But in fact, the three processes represent very different approaches to addressing conflict in the region, and each presents an opportunity for regional actors to manipulate the other ongoing processes. For example, Congo can point to its initiation of a national dialogue as an act of good faith while simultaneously launching a military offensive in the east that endangers civilians and exacerbates core drivers of instability. Or Rwanda can point to its commitment to the U.N. PSCF process, but then withdraw support based on the Congolese and U.N. military operations in North Kivu that have spilled over onto its soil operations derivative of the ICGLR talks where Rwanda has not been present.

## **5.2 Recommendation**

Perhaps the most intractable quandary lies in the decrepit Congolese state. The weakness of the DRC's security sector, local administration, and judicial apparatus is a crucial enabler of conflict. The Congolese government needs a comprehensive strategy for security sector and administrative reform with a focus on the east. There are no ready-made solutions, but the Congolese government should start with the blueprint laid out in its own constitution, including holding local elections and implementing effective decentralization.

To prevent future escalations of violence, Kinshasa should consider economic reforms that will maximize incentives to maintain stability. These should include cross-border economic projects, such as the Ruzizi hydroelectric dam and methane gas production, as well as changes to existing labour laws and taxation policy to facilitate the cross-border movement of goods and persons. Both the Congolese government and M23 continue to employ delay tactics to stall the talks to further various internal political agendas and wait for opportunities to make military gains on the battlefield as seen in the most recent round of fighting outside Goma. Meanwhile, the ICGLR , being led by the current rotating chair of Uganda, is, according to many observers, more concerned with delivering an agreement to bolster its status as a regional power than with the substance of what that agreement might contain a potentially dangerous dynamic for those stakeholders looking for a sustain- able solution that brings peace and accountability to eastern Congo.

The U.N. special envoy for the Great Lakes region, former Irish President Mary Robinson, in conjunction with the newly appointed U.S. special envoy to the region and the DRC, former Sen. Russ Feingold (D-WI), must press to create a single, coordinated peace process under the umbrella of the nascent U.N. Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region, or U.N. PSCF. Otherwise, all stakeholders risk having disparate regional dialogue initiatives that don't fit into the PSCF framework, address the root causes of the conflict, or help achieve a cohesive peace in the Great Lakes.

In order to expand transparency, inclusivity, and address core drivers of conflict under the U.N. PSCF, the United Nations and its partners should work to either consolidate and conclude the Kampala talks and help ensure that the Congolese national dialogue fits into the U.N. PSCF; or create a new iteration of the Kampala talks that includes the United Nations,



international partners, and particularly brings Rwanda to the table to discuss solutions to the instability in eastern Congo. This should be done by prioritizing the following actions: Use the ICGLR Heads of State meeting in Nairobi and the run-up to the U.N. General Assembly in September 2013 to bring the ICGLR , Uganda, Congo, and Rwanda together to agree to conclude the Kampala talks and commit to continuing talks under the PSCF; or alternatively restart the Kampala talks with an expanded scope to include participation from all signatories to the U.N. PSCF, particularly the state of Rwanda, which to this point has been absent from any political process to create peace in eastern Congo. Work with the Government of the DRC, opposition, and civil society to shift and share responsibility for coming to a consensus on an inclusive national consultations process under the commitments made by signing the U.N. PSCF to further structural reform of government institutions and to further the agenda of reconciliation, security sector and judicial reform, and democratization. The United Nations and its international partners must ensure that the Congolese national consultations process does not move forward under the monopolistic control of the ruling coalition for risk of derailment, marginalization of opposition voices, and a lack of political will to implement any potential outcomes. Work with regional states and international stakeholders to prioritize regional economic integration as a means of incentivizing commitment to the U.N. PSCF and solidifying security, stability, and development in eastern Congo and the region.

## Bibliography

Ann Njogu, *"Battered, Bruised, Broken, They Trudge On,"* Pambazuka News, 29 January 2009, 417.

Anthony Wanis St. John, *The Mediating Role in Kashmir Dispute Between India & Pakistans*, 21-SPG Fletcher f. world aff. 173 (1997)

Azar, E and J. Burton. *International Conflict Resolution: Theory and Practice*. Boulder, CO:

Bercovitch, J. "Social Conflict and Third Parties: Strategies of Conflict Resolution, Boulder, Westview Press, 1984, pp. 10-11.

Buzan, B. "New Patterns of Global Security in the Twenty-first Century" *International Affairs* 67 (3) 1991:431-452

Cammaert, Patrick." A Peacekeeping Commander's Perspective: From Headquarters and the Field: Royal United Services Institute for Defense Studies." *RUSI Journal*, Vol.153, No.4 (2008): 68–71.

Campbell, Bonnie. "Réinvention du politique en Côte d'Ivoire: Et responsabilité des bailleurs de fonds multilatéraux." *Politique africaine* No. 78,;pp. 142-156. (2000)

Carlson, Ingvar 1999. National Sovereignty and International Watercourses. High level Panel Debate at the 9th Stockholm Water Symposium, SIWI. Stockholm. Mr. Carlson was Prime Minister of Sweden during the period between 1986 and 1995.

Christian P. Scherrer, *Structural Prevention and Conflict Management, Imperatives of, Encyclopedia of Violence, Peace and Conflict*, Volume 3, p.389-390, Academic Press, 1999.

Daniel Conversi, "Moral Relativism and Equidistance in British Attitudes to the War in the Former Yugoslavia," in *This Time We Knew: Western Responses to Genocide in Bosnia*, edited by Thomas Cushman and Stjepan G.

Delli Priscoli, Jerome, (1998). Water and civilization: Conflict, cooperation and the roots of a new eco-realism. Proceedings of the Eighth Stockholm World Water Symposium, 10-13 August 1998, Stockholm, Sweden. 17 pp 88

Denis M. Tull and Andreas Mehler, "*The Hidden Costs of Power-sharing: Reproducing Insurgent Violence in Africa*," *African Affairs* 104/416 (July 2005), 375-398

Doyle, Michael W., 1995 *UN Peacekeeping in Cambodia: UNTA Cs Civil Mandate*, Boulder, Lynne Rienner

Doyle, Michael W., 1995 *UN Peacekeeping in Cambodia: UNTA Cs Civil Mandate*, Boulder, Lynne Rienner

Falkenmark, Malin, 1997. Meeting Water Requirement of an Expanding World. *Philosophical Transactions of the Royal Society Biological Sciences*. vol 352. The Royal Society, London. pp.929.

Georges Nzongola-Ntalaja, *The Politics Of Citizenship In The DRC*, presented at States, Borders And

Gottwald, Eva, Hasenclever, Andreas & Kamis, Ben 2009: Confidence-Building Measures, Joint Democracy and Disputes among (Former) Rivals. International Studies Association Annual Meeting, New York, February 15-18, 2009.

Jacqueline M. Klopp and Prisca Kamungi, "Violence and Elections: Will Kenya Collapse?" *World Policy Journal* 24 (Winter 2007/2008), 11-18; Daniel Branch and Nic Cheeseman,

- "Democratization, sequencing, and state failure in Africa: Lessons from Kenya," *African Affairs* 108/430 (January 2009), 1-26
- Jankowicz A. D., *Research methods in social science* (6th ed. London: Thomson Learning, 2002) p 87
- Jeffrey Gettleman and Josh Kron (2012). "Congo Rebels Seize Provincial Capital". *The New York Times*.
- Karuti Kanyinga and Duncan Okello: Tensions and Reversals in Democratic Transitions, The Kenya 2007 General Elections, Nairobi University 2010, p494
- Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (London: Penguin Books, 1996), 345.
- MacArthur C and D, John (1996) *International Guide to NGO Activities in Conflict Prevention and Resolution: NGO Activities in Conflict Resolution and Prevention and Other Projects: Horn of Africa: Somalia*
- Mike McIntre and Jeffrey Gettleman, "A Chaotic Kenya Vote and a Secret U.S. Exit Poll," *New York Times*, 30 January 2009"; David Ndi, "Preliminary Findings from the 2007 Presidential Election Results Released from the Electoral Commission of Kenya, Independent Review Commission Report on the General Elections held in Kenya on 27 December 2007," (2008).
- Mitchell, C. 1991: Classifying conflicts: asymmetry and resolution. *The Annals of the American Academy of Political and Social Science*, 518, 23-38
- Nnoli, O. (ed.) *Ethnic Conflict in Africa* (Dakar: CODESRIA Book Series, 1998) pp. 49.
- Norman Cigar, *Genocide in Bosnia: The Policy of "Ethnic Cleansing"* (College Station: Texas A&M University Press, 1995), especially pages 47-61.

- Ong'or, D. O., Ogwae, T.A., Omondi, M.O and Kapiyo, R. J (2001). Community conservation initiatives towards livelihood security in the lake Victoria Basin: Issues, problems and opportunities. *A proceedings report*; Uhai Lake Forum
- Oyugi, Walter O. "Ethnicity in the Electoral Process," in African Journal of Political Science, Vol. 2, No. 1, 1997, pp. 41-69.
- Princen, Thomas. *Intermediaries in International Conflict*. Princeton, NJ: Princeton University Press, 1992.
- Ratner, Steven R., 1995 *The New UN Peace Keeping*, Council on Foreign Relations, New York, St.- Martin's Press.
- Richard K. Betts, "The Delusion of Impartial Intervention," *Foreign Affairs*, vol. 73, Nov./Dec. 1994, p. 24.
- Robert M. Press, *Peaceful Resistance: Advancing Human Rights and Democratic Freedoms* (Farnham: Ashgate, 2006); Jacqueline M. Klopp, "Remembering the Muoroto Uprising: Slum Demolitions, Land and Democratization in Kenya," *Journal of African Studies* 67, no. 3 (December 2008).
- Stedman, Stephen John (2003), "Peace Processes and the Challenges of Violence" in John Darby and Roger Mac Ginty (eds.), *Contemporary Peacemaking. Conflict, Violence and Peace Processes*. Basingstoke: Palgrave MacMillan.
- Stoetzer, O. Carlos 1993: *The Organization of American States*. Second ed., Westport/ London: Praeger.
- Sudetic, Chuck. 1998. *Blood and Vengeance. One Family's Story of the War in Bosnia*. New York: Penguin.

Thomas G. Weiss, "Collective Spinelessness: U. N. Actions in the former Yugoslavia," in *The World*

Vlassenroot, Koen and Timothy Raeymaekeres (2004) "The politics of rebellion and intervention in Ituri: The emergence of a new political complex?", *African Affairs* 103(412):385-412.

Warren Bass, "The Triage of Dayton," in *Foreign Affairs*, vol. 77, September/October 1998, p. 103.

Weiss, Thomas G. (ed.) 1993: *Collective Security in a Changing World*. Boulder/London: Lynne Rienner.

Zartman, I. W. "Pre-negotiation and Negotiation in Ethnic Conflict: The Beginning, the Middle and the Ends"; in J. V. Montville (ed.) *Conflict and Peace Making in Multi-Ethnic Societies*, Lexington: DC Health; 1991, pp. 511-533.