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EDITORIAL

BY **VASU GOUNDEN**

Despite the proliferation of intrastate conflicts in Africa since the end of the Cold War, the last seven years have been marked by encouraging developments across the continent. These positive developments have included creative and proactive conflict resolution interventions through a combination of diplomatic, humanitarian, economic and military actions. The outcomes of these actions exist in the form of negotiated peace agreements. In both theory and practice, peace agreements are settlements, frameworks or agreed pacts with the intent and purpose to end violent conflicts, or at least transform conflicts so that they can be engaged constructively.

Attempts at resolving conflicts on the continent have led to many peace agreements in the last 15 years, with mixed outcomes. In southern Africa, the 1992 General Peace Agreement for Mozambique has been regarded as successful. In Angola, both the 1991 Bicesse Agreement and the Lusaka Protocol failed. In central Africa, the 1993 Arusha Peace Agreement for Rwanda failed, with disastrous consequences: a genocide that consumed 800 000 people. In Burundi, the Arusha agreement held amidst massive challenges, and had to be supported by several other accords and protocols. In the Democratic Republic of the Congo, the 1999 Lusaka Accord also failed and had to be supported by other Accords, including the Final Act of the Inter-Congolese Dialogue.

In the horn of Africa, specifically in Somalia, no peace agreement has held. The 2002 United Nations Commission's verdict on the Ethiopia-Eritrea border conflict has not been implemented, following disagreement over its interpretation. In Sudan, the 2005 Comprehensive Peace Agreement has been implemented amidst massive, almost insurmountable challenges, with significant questions raised about whether the agreement will stay on course. In May 2006, the Darfur Peace Agreement in Sudan collapsed, and the conflict continues to escalate in this region.

Similarly, West Africa has recorded shaky peace agreements. In Liberia, the Comprehensive Peace

Agreement brought a protracted civil war to an end. However, questions persist about whether the newly established 'peace' is durable or just a recess before another round of civil war. Across the border, Sierra Leone has finally found peace. In Côte d'Ivoire, the 2003 Linas-Marcoussis Agreement failed and war continued until early 2007, when the conflicting parties signed the Ouagadougou Agreement.

A significant observation can be made from the experiences of the peace agreements in all regions of Africa: that a peace agreement itself – or its successful implementation – does not necessarily lead to peace. For example, the successful implementation of a power-sharing government in Guinea-Bissau in 1999 did not prevent the military junta from effectively ousting their Guinea-Bissauan government partners later that year. On the other hand, the failure to implement all the articles or stipulations of an agreement does not necessarily lead to the resumption of conflict. The discourse on peace agreements in Africa raises a broad range of theoretical, practice and policy questions. For example, are peace agreements panaceas to ending violent conflicts in Africa? Why have the majority of peace agreements in Africa failed?

Through analysis of broad themes and selected case studies, this issue of *Conflict Trends* seeks to understand the practice of peace agreements and evaluates the successes, failures and challenges of processes and implementation. The valuable lessons learned and best practices highlighted can – and should – significantly inform emerging peace-making processes in Africa. It must be kept in mind, though, that the short-term aims of peace agreements must be separated from the long-term goals of peace-building, as peace agreements do not necessarily address or ameliorate the root causes of conflicts. This is a challenge that future peace agreements' theory and policies for Africa will do well to address. ▲

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TOWARDS CONTINENTAL TRANSFORMATION: UNDERSTANDING SUSTAINABLE PEACE AGREEMENTS IN AFRICA

WRITTEN BY **PAUL-HENRI BISCHOFF**

There are social and political questions to be asked about the new continent-wide institutions in and around what is still a young African Union (AU). These include questions such as whether the AU and its institutions can be built in ways that will allow this body to transform Africa's international relations, and how this is to be done. What are the norms and values that will inform this change and the African renewal promoted by the AU? Is the multilateral architecture of the AU able to encourage democracy and people-centredness, for instance? Will it, in the end, be able to deliver on the hoped-for "pan-African transnational democratic revolution"?¹

The AU is the most ambitious example of African multilateralism. It has, as yet, to prove it can be transformative, and to show it can generate peaceful conditions

that are sustainable. This is where people, ideas, capital and goods move freely both within and across borders, and accountable regional institutions complement state responsibilities to help address issues of uneven development and civil society concerns further.

Containing and overcoming conflicts is one of the preoccupations of this new multilateral body, the AU. The task at hand is one of preventing intraregional or intranational conflict from spilling across borders, and

Above: The key element of a peace agreement is a formal document of understanding, signed under public and formal conditions, that signals the intention to end hostilities and indicates how and when this is to be done.

beginning to address issues of conflict at domestic levels in order to work towards sustainable peace. The aim should be for conflict to be resolved by means of bringing about broad and inclusive political peace settlements (as has been attempted in the Democratic Republic of the Congo or Burundi, for instance). This should be preceded by intense interactive diplomatic efforts that involve disinterested third party mediation (African leaders at a national level have a history of being reliant on third party assistance from the rest of the continent, or from abroad).² This is not an easy undertaking in a situation where war as a means of dispute settlement is “a privilege of the weak and undeveloped”.³ The weak and marginalised often react rebelliously to the authoritarian nature of the post-colonial state, with its authoritarian rulers and culture of ‘non-accountability’.⁴

Diplomatic efforts aimed at conflict resolution after conflict has broken out are complicated, lengthy and expensive undertakings. The United Nations (UN) has found it much harder to prevent, manage and resolve intrastate conflicts than interstate wars.⁵ After the tragedy of the Rwandan genocide, African diplomacy has increasingly engaged itself in conflict resolution, but has found that these conflicts can only be managed with the

structured across a region, implies working towards a security community. This is where peace rather than war becomes the driving force of both international and transnational relations in a region, and where previous threats are turned into relations of confidence and trust that bring opportunities for peaceful cooperation and growth. Such a comprehensive approach to peace typically also includes Track 2 or non-state actors during the negotiation stage as well as the implementation phase of the peace process. States need to be cognisant of civil society actors and the useful part they can play at all stages of the conflict resolution process.

In constructing durable peace by drawing on states, military non-state actors, as well as civil society actors, suggests the kind of peace that is broad-based rather than that which relies only on a narrow sector of society, that is, military power. Such a broad-based approach challenges state-centred notions of security and some of its attendant features, such as top-down decision-making by those who wield political and military power, the attempt to bring about ‘guided democracies’ (where bottom-up forms of democracy are discouraged), and the concerns for a ‘managed order’ by traditional security establishments.

PEACE AGREEMENTS GIVE RECOGNITION TO ALL DISPUTANTS AND, AS SUCH, FORMALISE THEIR STATUS AS ‘PERMANENT’ ACTORS FOR THE IMPLEMENTATION PHASE OF ANY AGREEMENT

support of the wider continent or region. It also implies obtaining additional international donor support for logistics or finance, in order to facilitate the process towards peace. Resources are needed to make peace-keeping operations viable and to allow for development in the post-conflict phase of rebuilding the state, economy and civil society institutions. The AU Peace and Security Council has the institutional capacity to make policies that can make a difference, but these efforts at reaching decisions require both the necessary political will as well as the resources to implement them. Moreover, these resources need to be allocated with a common regional approach to peace and development in mind.

As such, African regions need to begin to agree on common interests, to build common identities and adopt common moral and political ground rules.⁶ Against this confluence in thinking, there also needs to be the necessary political will and leadership at continental and sub-regional levels to translate common thinking into common conflict resolution approaches.

Having a road map to peace for a particular state, that is informed by a common set of values and common sense of purpose on how peace should be

Where security remains largely defined by individual states and their interests, conflict resolution becomes the focus of other states, whose own political and economic interests may colour the peace settlement in ways that may not be conducive to a sustainable settlement. Without the involvement of local and regional civil society actors in helping to give shape to the peace process, the dividing line between state-led and impartial conflict resolution efforts becomes thin and tenuous. Under such circumstances, a security community is unlikely to evolve from such peace settlements. Instead, what are more likely are security complexes (where some of the parties continue to resort to violence) or security regimes (where peace is tenuous and distrust persists).

The need to manage security on a regional basis has been recognised, but the notion of sustainable security, involving both state and non-state stakeholders, is not, as yet, fully understood. However, since threats of disorder are a menace to everyone’s well-being, those African states with a broad-based and democratic approach to conflict resolution in mind have increasingly been compelled to play a peace-building role, where civil society actors have been drawn in.



The African Union's Special Envoy for Darfur, Salim Ahmed Salim, talks to civil society representatives after the plenary session of the Darfur Peace Process in Sirte, October 2007.

These efforts have only been stymied by the realisation that the means to enforce agreements over an extended period is often lacking.⁷

What transpired in the early 2000s, when a number of peace agreements had brought some stability to an uncertain security situation across the continent⁸, was the concerted attempt by leaders of democratising states to think about a common agenda that could inform peace and development in a region. The importance of reconfiguring state-people relations at local and state levels, relaunching integration at a sub-regional level and rethinking development for the region as a whole, was realised. It also resulted in replacing the inter-governmental Organisation of African Unity (OAU), focused on the political unity of its member states, with the new AU, as a multilateral body able to draw on African civil society to address both issues of peace and development and, as such, overcome the state-centredness of its predecessor.

The AU's constitution in 2002 and the Common African Defence and Security Policy (CADSP) in 2004 put in place a new institutional security architecture. The description of security is both holistic and broad. As a result, and despite "numerous problems surrounding African peace operations"⁹, an all-African approach to conflict resolution on the continent now exists. Provisions have been made for an early warning system on conflict (coupled with the intention to engage in

preventive diplomacy) in the new AU. There are also provisions made for conflict resolution, mediation and peace-making efforts, aimed at bringing about inclusive peace agreements that suggest the use of peace-making diplomacy.

However, in as much as the AU and the Peace and Security Council remains captive to narrow state interests, where and how conflict resolution occurs is likely to remain a selective undertaking, mainly driven by the perceptions of what is best for the national interest of member states. This implies that conflict resolution and peace-building processes are likely to remain in the domain of states, and will largely continue to exclude civil society actors. Peace settlements are therefore likely to continue to reflect the interests of states, more than those of the grassroots and the immediate needs of people on the ground.

Peace Agreements

Conflict resolution can be defined as a situation "where the conflicting parties enter into an agreement that solves their central incompatibilities, accept each other's continued existence as parties and cease all violent action against each other".¹⁰ The first aim in resolving conflict politically is to work towards an inclusive ceasefire that involves all parties to the conflict. A ceasefire halts all violence and is a necessary precondition for any sustainable peace process. A ceasefire

agreement includes elements that ban certain acts and activities, segregate military forces (ceasefires these days often also imply the deployment of peacekeepers) and ensure that these measures are implemented, as well as monitored and verified. It may also include ad hoc measures peculiar to the specific situation at hand.

Since a ceasefire is primarily about stopping violence, it must immediately be followed by further pre-negotiation talks that lead to further political understandings or framework agreements. All parties should begin to work on a situation where the political negotiation process increasingly moves towards occupying centre stage. A forward-looking process of multilateral consultation, which leads to a comprehensive peace agreement, should be the major goal.

Peace agreements, in turn, constitute an integral part of conflict resolution. Without some form of eventual agreement to transcend a ceasefire among the erstwhile parties of conflict, conflict resolution cannot happen. It is a necessary step to any lasting peaceful arrangement and durable political order.

Peace agreements are most likely to endure if they can deliver security to those groups and individuals most in need of it. The reference group is often those who have been excluded from decision-making under a previous political and social dispensation. Allowing for substantive transformation, by creating the political structures that allow those who have been on the sidelines to be brought into the political mainstream, is key to creating the basis for long-term stability and security. However, in opening up the political and social space for the previously marginalised, opportunities need to be created, not only for the political representation but also the social and economic advancement of such groups

and individuals. Only a substantive peace agreement, which goes on to create institutions that actively afford groups and individuals rights, protection and advancement, can be the basis for sustainable peace.

Peace agreements must find the right balance regarding which group needs the most protection and which group is likely to derive the most benefit from an agreement: the elites or the masses.¹¹ Both constituencies need to derive or see benefit in attaching themselves to a new dispensation.

The key element of a peace agreement is a formal document of understanding, signed under more or less public and formal conditions, that signals the intention to end hostilities and indicates how and when this is to be done. However, there can also be more informal, implicit understandings worked out between parties. Such agreements may, for instance, exist in confidential written understandings in anticipation of more formal arrangements. Disputes may occur, both about informal understandings and over more formal agreements that may take place later. But both informal and formal agreements presuppose that the process of conflict resolution is able to establish trust with the mediator(s) and, ultimately, among all disputants.

What allows the parties in a conflict to come to an understanding? Peace agreements, in the first instance, indicate what has been resolved and what, accordingly, is likely to happen. The procedural aspects of a peace process – the way it is structured to give recognition and importance to all those who are involved in it – serve as a powerful incentive, especially for those who, all along, have sought recognition. Crucially, peace agreements give recognition to all disputants and, as such, formalise their status as ‘permanent’ actors for the implementation phase of any agreement.



A ceasefire agreement must be immediately followed by further pre-negotiation talks that lead to further political understandings and framework agreements.

The political status becomes fixed and represents a chance for actors to become part of a new political landscape, whose eventual shape remains uncertain for all concerned. This represents an opportunity for any former party to the conflict, that has political ambitions, to become part of the process towards a new political order (as was the case with Renamo in Mozambique, in the peace process leading to the peace settlement of 1992, or Jean-Pierre Bemba and his Movement for the Liberation of Congo in the DRC, prior to the elections of 2007).

The substantive aspects of peace agreements, on the other hand, accommodate the deep-seated and permanent changes that are needed to address or redress major grievances or complaints in different spheres, which may have contributed to the outbreak of conflict in the first place. These may have to do with the distribution of power, equitable representation, the exercise of justice or how mineral or other resources have been used.

As such, comprehensive peace agreements – by giving recognition and some security to participants in the peace process, as well as correcting past failures by the state – can help bring about a change in the political culture, which was previously grounded in a ‘winner takes all’ approach.

The Significance of Conflict Resolution for Africa

There is an immediate and pressing need to minimise the escalating conflict on the continent. In the context where the state is seriously challenged in providing an environment where civil society and the private sector flourish, states in tandem with multilateral institutions and their peace-making capabilities should be called upon to stabilise conflict scenarios. An important goal of such peace-making diplomacy is the achievement of sustainable peace settlements.

African-led diplomatic efforts, in particular, have the opportunity to create the platform on which to build renewal. Sustainable peace settlements that reach into a post-conflict peace-building phase and begin to address the in-depth causes of conflict are opportunities to encourage the transformation of political relations and promote participative development within the continent.

What remains unclear is the extent to which African conflict resolution can succeed in a multilateral context, which some regard as neoliberal and reformist and unable to address the deeper sources of underdevelopment and conflict linked to equity and justice.¹² Also pertinent is whether the will and means to enforce a ceasefire or peace agreement and peace-building (building representative institutions and creating a new dispensation) is driven by common values and a systematic approach to conflict resolution, at a time when political cultures on the continent still differ so widely.

Given the dependence on outside resources to aid in conflict resolution, the presence of ‘the external factor’ and its influence on African politics and conflict resolution, remains an issue.

Overall, African peace agreements are most likely to succeed where the construction of peace is broad-based, and those involved learn to share in a common, disinterested approach at creating representative institutions that uphold the right to participation and inclusion. Peace agreements must reach into the future, and have long-term effects. Monitoring by third parties like the AU – who become guarantors of the peace agreement – is a long-term commitment. For this, a common political understanding about the objectives needed for peace, stability and development in Africa must be at the heart of the AU. ▀

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Endnotes

- 1 Fraser-Moleketi, G. and Kauzya, J-M. (2005) ‘Administering Global Governance: Making it Work in Africa Through Regional Integration’ in Fraser-Moleketi, G. (ed.) *The World We Could Win*, Amsterdam: IOS Press, p. 106.
- 2 Zartmann, I.W. (2000) ‘Inter-African Negotiations and State Renewal’ in Harbeson, J. and Rothchild, D. *Africa in World Politics*, Boulder: Westview, p. 143.
- 3 Deutsch, K.W. (1973) ‘Der Stand der Kriegsursachenforschung’ in *DGFK Hefte*, 2/1973, pp. 18-32.
- 4 Kieh, G.K. (2001) ‘Civil Wars in Africa’ in Saxena, S.C. (ed.) *Africa Beyond 2000*, Delhi: Kalinga, p. 265.
- 5 Olsen, G. (2005) ‘The United Nations’ in Engel, U. and Olsen, G. (eds.) *Africa and the North*, London: Routledge, p. 148.
- 6 Vale, P. (1995) ‘Security in Southern Africa’ in *International Affairs*, 71/1995, pp. 290-1.
- 7 Harbeson, J. and Rothchild, D. (2000) *Africa in World Politics*, Boulder: Westview, p. 17.
- 8 Bischoff, P.H. (2005) ‘A Reflection on Peace Agreements in Africa’ in *Conflict Trends*, 1/2005, p. 4.
- 9 Cleaver, G. and May, R. (1995) ‘Peacekeeping, the African Dimension’ in *Review of African Political Economy*, 66/1995, pp. 494.
- 10 Wallensteen, P. (2002) *Understanding Conflict Resolution: War, Peace, and the Global System*, London: SAGE Publications, p. 22.
- 11 Rothchild, D. (2001/2002) ‘Settlement Terms and Postagreement Stability’ in Rothchild, D. et al *International Conflict Resolution After the Cold War*, Boulder: Lynne Rienner, *passim*.
- 12 Nel, P. et al (2001) ‘Reformist initiatives and South Africa’s multilateral diplomacy: a framework for understanding’ in Nel, P., Taylor, I. and Van der Westhuizen, J. (eds.) *South Africa’s Multilateral Diplomacy and Global Change: The Limits of Reformism*, Aldershot: Ashgate, pp. 11, 13; Tandon (1999).

THE PEACE-JUSTICE DILEMMA AND AMNESTY IN PEACE AGREEMENTS

WRITTEN BY **ADAM PENMAN**

Introduction

Since the mid 1970s, at least 14 states on four continents have declared amnesty, or enacted amnesty laws immunising past regimes from accountability and liability.¹ Various problems and dilemmas related to amnesty have characterised African conflict and its resolution, particularly since the late 1990s. Packaged into post-conflict peace agreements, amnesties are ceded by war-weary parties and often endorsed by an international community keen for peace. Impunity in peace agreements such as the Lomé Accord 1999 (Sierra Leone), the Comprehensive Peace Agreement 2005 (Sudan) and, currently, Ugandan President Yoweri Museveni's offer of amnesty for peace to rebel leader Joseph Kony, highlights the dilemma that amnesty presents. While peace agreements offer a unique window to resolve past issues and lock in a framework for human rights, this opportunity is frequently lost and tensions often arise at the nexus between justice, human rights and consolidating peace; or peace on condition of impunity at the expense of justice. Is impunity for past crimes a pragmatic response to end conflict or an unjust compromise, sacrificing justice for peace? This article unpacks the complex dilemma of amnesty in African peace agreements.

Impunity in Africa

The new globalisation of justice, the growing arch of international human rights law and the increasing weight of the International Criminal Court (ICC) in the international system have changed – or perhaps diluted – the doctrine of state sovereignty, and jump-started a campaign for post-conflict justice. This has, in turn, provoked resistance to the culture of impunity that has thrived in post-conflict peace settlements in Africa. In the past, human rights abusers, such as Sierra Leone's Foday Sankoh, bypassed accountability for war crimes, living out their lives in relative comfort and harboured by other states with the approval of the international

community.² But this precedent is unwinding, as the current ICC case of former Liberian President Charles Taylor and the International Criminal Tribunal for Rwanda (ICTR) demonstrate.³ Recent 'amnesty for peace' negotiations in Juba, Sudan between the Ugandan government and Joseph Kony's rebel group, the Lord's Resistance Army (LRA) – accused of countless human rights atrocities in Northern Uganda⁴ – and the questions hovering over the fates of rebel leaders in the Democratic Republic of the Congo (DRC), have made the dilemma of amnesty for peace a priority issue for the future of peace agreements in Africa.

What is Amnesty or Impunity?

An amnesty or impunity for war crimes is a warrant granting release from punishment for an offence, legally expunging or exempting the crime from punishment or from even being criminal in retrospect, usually in the form of legislative acts or contained in treaties or political agreements.⁵ Amnesty is considered by human rights groups – including Amnesty International and Human Rights Watch (which oppose all peace agreements embodying amnesties) – as a failure to bring perpetrators of human rights violations to justice and, as such, itself constitutes a denial of victims' right to justice.⁶ Amnesty for war crimes can range from blanket amnesties, individual amnesties for specific leaders or amnesty for truth; granting impunity in exchange for full disclosure of past wrongs, as applied by South Africa's Truth and Reconciliation Commission in the 1990s. The amnesty debate orbits the tensions between advocates of human rights and justice and the international communities' implicit endorsement of impunity in peace settlements, which views amnesty as a way to resolve conflict quickly and usher in peace.

The Case for Impunity

Why have some of Africa's human rights abusers escaped accountability and justice for war crimes

ACKNOWLEDGING THE PAST AND VENTING GRIEVANCES THROUGH JUSTICE ARE INSEPARABLE COMPONENTS OF BUILDING SUSTAINABLE PEACE



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Ex-Liberian leader, Charles Taylor, arrived at the Special Court for Sierra Leone in March 2006, after nearly three years in exile, to face war crimes charges over his role in the country's 1991–2001 civil war.

committed? Amnesty has been employed as political leverage, attracting parties to negotiate a peace agreement and end conflict. This is the first priority in preventing perpetual human rights violations. For example, amnesty for South Africa's outgoing apartheid regime and opposition groups eased the country's transition to democracy, and Nigeria's offer of protection for President Charles Taylor helped in the resolution of Liberia's seemingly intractable war.⁷ The need for security and stability, in the short-term form of a ceasefire, sanctions the adoption of amnesties at the expense of justice. In addition, questions of justice and human rights are often stumbling blocks, further entangling the negotiation process and rendering the peace process vulnerable to further potential points of disagreement and contention. Therefore, amnesty is often a pragmatic solution to ending conflict.

The threat of indictment from The Hague or prosecution in the national courts can harden rebels' or leaders' grip on power, seemingly with the effect of protracting human rights violations indefinitely. Wanted or indicted leaders have everything to risk through a peace agreement, and find more security in conflict and prolonging

their time in power. For example, while it may be possible that Zimbabwe's President Robert Mugabe is ready to relinquish power, his likely fears of retribution may contribute to his ongoing desire to remain in power. Amnesty can remove such fear and loosen leaders' clench on power, speeding up the peace process. The Ugandan government's recent amnesty offers to Kony and LRA rebels is another case in point.

The protective shield of amnesty creates a fertile environment in which truths can emerge. For example, South Africa's Truth and Reconciliation Commission, which granted amnesties for past crimes and resolved the dilemma of justice and peace by both easing the exit of the apartheid regime and recognising past atrocities committed, helped satisfy the need for justice and created the foundation for reconciliation. Amnesty in South Africa created the space for reconciliation, bringing former adversaries safely into contact and allowing uncomfortable truths to emerge. Amnesty facilitated reconciliation, whereas just retribution or punishment for all apartheid era crimes would have separated perpetrators from victims, and genuine reconciliation would have been impossible. South Africa turned away from



Foday Sankoh, leader of the rebel faction Revolutionary United Front in Sierra Leone initially received amnesty for his war crimes and then the vice-presidency. He was eventually indicted on 17 counts of war crimes, but later died awaiting trial.

civil war during the transitional negotiations, and slid peacefully into democracy. The truth set South Africans free, and amnesty helped facilitate the truth and the opportunity for reconciliation and, ultimately, freedom. The ICTR, holding perpetrators of the Rwandan genocide accountable, has provoked over 10 000 Rwandans to flee false accusations and retribution, which has been neither conducive to sustainable peace nor to real justice.⁹ Justice in Rwanda therefore has, to an extent, limited the capacity for forming a new, united society and in effect divided some Rwandans from others, whereas amnesty could have opened up the space for reconciliation.

Without amnesty guarantees, there is a risk of exposing the courts and the entire fabric of justice to political propaganda, polarising and undermining the credibility and independence of justice institutions. For example, the Rwandan genocide trials, and certainly the ICC trial of former Yugoslav President Milosevic, have been criticised for reducing the courts to mere show trials.⁹

The realist emphasis on the value of state sovereignty and political autonomy in intrastate conflict

resolution, has restrained the political will of states to intervene in sovereign states' internal affairs in promoting justice against the grain of amnesty grants. The right of states to act in their own interests and the customary respect for political leaders or heads of states has, in part at least, underlined the resistance of the international community to condemn impunity for human rights crimes. Amnesty, from this perspective, is a legitimate tool of sovereign states in defusing their own conflicts, as they see appropriate. This is one argument advanced by Uganda when rebutting criticism from human rights groups like Amnesty International and Human Rights Watch over the offer of amnesties to LRA rebels.

There are also practical advantages to amnesty. Impunity halts litigation, preventing perpetual claims and trials from flooding already vulnerable judicial systems and exerting limited resources in cost and time, which could destabilise young, emergent post-conflict states. Ongoing investigations leave emotional and psychological war wounds wide open, making reconciliation impossible and diverting attention away from development and reconstruction. For example, the trials

in Rwanda and the country's customary *Gacaca* courts¹⁰ offer competing models of justice, and clog an already fragile system. Judgements coming as late as 13 years after crimes were committed (as currently coming from the ICTR)¹¹ only endorse the maxim 'justice delayed is justice denied'. In short, can vulnerable post-conflict states afford blanket justice for all crimes? Amnesties seem a cheaper solution to moving forward.

These points clearly demonstrate that there is a valuable role for amnesty in peace agreements which, at least in part, have sanctioned its widespread use in Africa in previous peace settlements.

The Case Against Amnesty: No Peace Without Justice

Securing justice for the sake of justice is a prime argument against adopting amnesties. Acknowledging the past and venting grievances through justice are inseparable components of building sustainable peace. Proceeding forward into the future requires that societies first address and resolve the past. In the absence of justice, further conflict and human rights violations can be possible, as the Côte d'Ivoire peace settlement demonstrates.¹² Amnesty may merely postpone the

hundreds of them hostage. The revived conflict was not declared over until more than two years later.¹⁴

The flip side to the claim – that the threat of prosecution can tighten the violator's hold on power – is the argument that this same threat can instead be a preventative tool in conflict, deterring human rights violations from occurring, at least in the future. The power of the ICC and a reality of just retribution are likely to influence future human rights abusers, breaking the cycle of the collapse of peace and return to war and, in the long term, saving thousands of lives. Amnesty not only undermines this deterrence but is an implicit endorsement of human rights abuse, further exacerbating conflict.

Accountability consolidates the rule of law and strengthens the legitimacy of emerging post-conflict institutions. Exposing the strength of the rule of law and institutionalising justice is important, in clearly promoting a message that human rights violations will not be tolerated and that no-one is above the law. This message will, particularly in the long term, solidify peace and security, and galvanise the authority of post-conflict emergent governments. Impunity effectively blunts the power of the transitional authority.

Peace agreements must be legitimately owned

THE NEED FOR SECURITY AND STABILITY, IN THE SHORT-TERM FORM OF A CEASEFIRE, SANCTIONS THE ADOPTION OF AMNESTIES AT THE EXPENSE OF JUSTICE

eruption of discontent, regurgitating old conflict into the future. If human rights abusers are free from persecution under amnesties, and even retain some power through negotiations for peace, then it is possible that these same people could hold positions of authority, such as in the police force or in local government. Impunity for war crimes can be perceived as a trophy or reward for such human rights violations. "How long can a peace based on this kind of deal last?" asks Richard Dicker, Director of Human Rights Watch's International Justice Program. "We have seen time and again that turning a blind eye to justice only undercuts durable peace."¹³ The long-term effect of amnesties for serious crimes can be demonstrated in the Sierra Leone example. In 1999, the Revolutionary United Front leader, Foday Sankoh – responsible for brutal crimes including mutilations, murder and rape – received an amnesty and was rewarded with the vice presidency and control of a government commission in exchange for signing the Lomé peace agreement, which was intended to end Sierra Leone's ongoing conflict. Sankoh later attacked both government forces and UN peacekeepers, taking

by the people and their will for peace to work must be won, otherwise amnesties could contribute to a destabilised society where resentment and frustrations are not absorbed, and could be a new catalyst for old conflict. The people and victims of conflict and human rights abuses are rarely consulted in negotiations for peace and the granting of amnesties.¹⁵ An argument can be made that those who participate in negotiations represent and articulate the interests of their people and are therefore, in effect, engaging those constituents. Amnesties undermine international law, which rejects impunity for serious crimes such as genocide, war crimes, crimes against humanity and torture. International treaties, including the UN Convention against Torture (1975), the Geneva Conventions and the Rome Statute of the International Criminal Court (2002), require parties to ensure that alleged perpetrators of serious crimes are prosecuted. Uganda, which has ratified each of these among other human rights instruments, violated international law by offering Kony and the LRA amnesty for peace. Amnesties also have detrimental consequences for the evolution of customary international law and the



Former Rwandan Army Major, Bernard Ntuyahaga, at the start of his trial at a court in Brussels, in April 2007. He is charged with 16 counts of murder and three of attempted murder from the early days of the Rwandan genocide.

work of international human rights organisations (IHRO). “By painting the ICC as an obstacle to peace, the LRA have been trying to turn reality upside down.”¹⁶

The bargaining away of human rights and justice “results in an impoverished ‘peace’ that might better be labelled an absence of raging conflict”.¹⁷ History has demonstrated that peace agreements embodying amnesties produce mere ceasefires in a long trend of ongoing conflict. The arguments against impunity in Africa clearly expose the major drawbacks of amnesty in peace agreements. Impunity for war crimes does not resolve conflict, but merely suppresses injustices and discontent in the short term, which could dangerously resurface at any time. Securing justice is a valuable investment for sustainable peace.

Conclusion: Lessons for Future Peace Agreements

Is it possible to resolve the tensions of ‘peace’ and ‘justice’ when considering the role of amnesty in peace agreements and conflict resolution? The issues surrounding impunity for war crimes are complex. The case for the exclusion of amnesty in a peace settlement is compelling, particularly when securing sustainable

peace. Amnesties can merely suppress injustices and thereby ignite secondary conflicts, which will be even more costly to resolve. Amnesties undermine the rule of law, including international law. A tougher stance on war crimes through the threat of retribution will likely deter future human rights violations, and prevent further crimes.

On the other hand amnesty, despite its major flaws, is a valuable, albeit unsophisticated, tool in breaking conflict deadlock and drawing parties to peace negotiations. Without the incentives provided by amnesty, conflict – sometimes spanning decades – can appear intractable. As Putnam argues, “too much focus on the long view at the beginning of an operation can obscure the difficulty of the steps needed to get there.”¹⁸ Amnesties can induce the end of conflict and provide space for truth and authentic reconciliation to emerge without separating former adversaries or burdening limited state resources by punishing perpetrators. Indeed, impunity has a critical and functional role in peace agreements.

Therefore, amnesty should have very limited application and meet stringent tests for its use. A ‘but for’

HISTORY HAS DEMONSTRATED THAT PEACE AGREEMENTS EMBODYING AMNESTIES PRODUCE MERE CEASEFIRES IN A LONG TREND OF ONGOING CONFLICT

test could be employed when assessing the need for impunity, that is, but for amnesty can the conflict be brought quickly to an end? This test should be difficult to pass, in order to give maximum benefit to justice for crimes against humanity, genocide and the use of child soldiers. Whilst blanket amnesties should be removed entirely to speed up the reversal of Africa's culture of impunity, amnesty, when applied, should be done in conjunction with compensation for the victims, such as acknowledgement of wrongs and the truth.

Finally, it is important to try to achieve the delicate balance between the competing demands of peace and justice in each individual conflict's context. Amnesty must be tailored and designed to satisfy the requirements of each unique conflict. For example, South Africa's 'amnesty for truth and reconciliation' approach successfully met the needs of the country at a specific period (in terms of balancing consolidation of the transition to democracy and alleviating the pressures towards civil war, as well as addressing past injustices and setting the stage for relationship-building and reconciliation), but perhaps would not work best in Sudan or Uganda.

In conclusion, essential amnesties – subject to controls and limitations – can be effective alongside justice and sustainable peace. Amnesty can be 'just' if it brings the cessation of conflict and ends human rights abuses, and ensures that the return to war is not an option, for example, the truth for amnesty model. Impunity will likely continue to exist in some form in African peace agreements, but given recent trends in the globalisation of justice, the current momentum of the ICC and weakening state sovereignty, its application is likely to become increasingly limited. ▲

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Endnotes

- 1 Burke-White, W. (2001) 'Reframing Impunity: Applying Liberal International Law Theory to an Analysis of Amnesty Legislation' in *Harvard International Law Journal*, 42, p. 467.
- 2 Fodah Sankoh was the leader of the rebel faction Revolutionary United Front (RUF) in the 10-year-long Sierra Leone civil war. He was indicted on 17 counts of war crimes but died 'peacefully' awaiting trial.
3. The prosecution of war crimes from the Liberian and Rwandan conflicts demonstrate that there is active,

internationally endorsed, political will to end impunity.

- 4 Amnesty International (AI) (2006) 'Uganda: Amnesty International Calls for an Effective Alternative to Impunity' in *AI Index*: AFR 59/004/2006, available at <<http://web.amnesty.org/library/Index/ENGAFR590042006?open&of=ENG-UGA>>, accessed on 14 July 2007.
- 5 Naqvi, Y. (2003) 'Amnesty for War Crimes: Defining the Limits of International Recognition' in *International Review of the Red Cross* 85, No. 851, p. 583.
- 6 Amnesty International (AI) (2001) 'Renewed Commitment Needed to End Impunity' in *AI-index*: AFR 51/007/2001, available at <http://www.hri.ca/doccentre/docs/sierraleone_24sept01.shtml>, accessed on 21 July 2007.
- 7 Nigerian President Olusegun Obasanjo offered Taylor safe exile, on condition that he stayed out of Liberian politics in the hope that peace will fill the vacuum left.
- 8 (2005) 'Rwanda Overview Report', Human Rights Watch, available at <<http://hrw.org/english/docs/2006/01/18/rwanda12286.htm>>, accessed on 17 July 2007.
- 9 Milosevic was accused of war crimes and ethnic cleansing in Kosovo in the late 1990s. These trials are often exploited by the international community to uplift their images or to boost the image of the 'winning' party.
- 10 In response to the slowness of the courts in processing cases, in 2001 Rwanda implemented *Gacaca* courts – a traditional system of community justice with cultural communal law enforcement – to speed up justice.
- 11 (2007) 'Rwanda Major Guilty of UN Murders' on *BBC News*, available at: <<http://news.bbc.co.uk/2/hi/africa/6270746.stm>>, accessed on 4 July 2007.
- 12 Ignoring justice in the Côte d'Ivoire peace settlement left tensions unresolved, which helped fuel the country's return to conflict.
- 13 (2006) 'Uganda: No Amnesty for Atrocities' in *Human Rights Watch Report*, available at: http://www.iccnw.org/documents/HRW_UgandaPressRelease_NoAmnesty_27Jul06_en.pdf>, accessed on 21 July 2007.
- 14 *Ibid.*
- 15 Guinard, C. (2002) 'From War to Peace' in *Nonviolence International*, Bangkok, p. 7.
- 16 Dicker, R. (2006) 'Uganda: Resumption of Juba Peace Talks Welcome, Credible Prosecutions for Most Serious Crimes Key to Durable Peace' in *Human Rights Watch Report*, available at <http://www.iccnw.org/documents/HRW_Uganda_press_release_0407.pdf> HRW, accessed on 17 July 2007.
- 17 Arbour, L. (2006) 'Human Rights in Peace Agreements and the Role of the Office of the High Commissioner for Human Rights', Bern, p. 3, available at <http://nepal.ohchr.org/en/resources/Documents/English/statements/HC/Year2006/2006_04_05_HC_%20Human%20Rights%20in%20Peace%20Agreements_E.pdf>, accessed on 21 July 2007.
- 18 Putnam, T.L. (2002) 'Human Rights and Sustainable Peace' in Rothchild, D.S., Stedman, J.S. and Cousens, E.M. (eds.) *Ending Civil Wars: The Implementation of Peace Agreements*, Boulder, CO: Lynne Rienner Publishers.



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PEACE AGREEMENTS IN ANGOLA AND IMPLICATIONS FOR GOVERNANCE

WRITTEN BY **MICHAEL COMERFORD**

Introduction

This article examines how three of Angola’s peace agreements responded to the country’s civil conflict, and also explores implications arising from the peace process itself for the contemporary governance agenda. The 2002 Luena Memorandum of Understanding, signed following the death of the National Union for the Total Independence of Angola (UNITA) leader, Jonas Savimbi, was the third in a line of earlier failed agreements. The negotiation of the 1991 Bicesse Accords and the 1994 Lusaka Protocol, and to a lesser extent the Luena Memorandum, involved the consolidation of political and economic processes that undermined the promotion

of accountable governance, with significant implications for the development of democracy and citizenship in the country. This is because the peace processes themselves legitimated elite corrupt practices and resisted the inclusion of civil society and religious actors, who could have constructed more inclusive democratic governance structures.

Above: Challenges to the implementation of the Lusaka Protocol included the procrastination on demobilising and disarming combatants.

Background to the Conflict

Following independence from Portugal in 1975, the Popular Movement for the Liberation of Angola (MPLA) took control of the state, which was contested from the outset by UNITA. The conflict was initially presented in ideological terms, as between the anti-communist (pro-democracy) UNITA forces and the communist MPLA government, but the return to war in 1992 revealed the underlying resource-based nature of the conflict as UNITA seized control of much of the diamond industry, while the oil sector remained under government control.

The Angolan conflict was an example of an internationalised civil war that was strongly influenced by Cold War dynamics of the time¹. The UNITA movement was supported throughout most of the war by the United States, the former Zaire and apartheid South Africa (the latter countries sent troops to fight with UNITA at different stages of the war), while the MPLA government enjoyed the support of Cuba, which had over 50 000 troops in the country at one point, and the former Soviet Union. This configuration of international support, in conjunction with the revenues from oil and

possible in Angola. Angola's first attempt at a negotiated peace, with the signing of the Bicesse Accords in May 1991, began in April 1990 when the Portuguese Secretary of State for Foreign Affairs brought the MPLA and UNITA together to begin a process of dialogue.

The Lusaka Protocol, which brought the post-election conflict to an end, and the Luena Agreement, which followed Savimbi's death, must be understood as attempts to conclude the Bicesse Accords, rather than stand-alone peace agreements. They can not be understood independently from each other.

The Bicesse Peace Accord

The early negotiations were far from easy, but a significant breakthrough came at the fourth round of talks, held in September 1990, when the United States and the Soviet Union became directly involved in negotiations for the first time.³ Collectively known as the Troika, Portugal, the United States and the former Soviet Union were instrumental in brokering the Bicesse Peace Accord.

The accords "provided a ceasefire, the quartering

THERE WAS NO ROLE FOR KEY CIVIC VOICES SUCH AS CHURCHES, CIVIL SOCIETY ORGANISATIONS, OTHER POLITICAL PARTIES, TRADITIONAL AUTHORITIES, ACADEMICS OR KEY PERSONALITIES IN ANGOLA WHO HAD KNOWLEDGE AND UNDERSTANDING OF THE CONFLICT

diamonds available to the warring sides, created a situation where the conflict escalated to a scale that would have been inconceivable, had external support allied to vast economic resources not been available.

Three Peace Agreements

Towards the end of the 1980s, it became increasingly clear that a military solution to the Angolan conflict was improbable, and that some form of negotiated solution would have to be attempted, especially as major battles such as Cuito Cuanavale ended in stalemate. Also, the regional and international agendas were changing. In 1988 the New York Treaty, brokered by the United Nations (UN), negotiated the independence of Namibia, which resulted in the departure of both South African and Cuban troops from Angolan soil.² The treaty led to the establishment of the UN's first mission to Angola, known as the UN Angolan Verification Mission (UNAVEM), charged with the supervision of Cuban withdrawal.

Furthermore, the example of peaceful transition to democracy and the holding of elections in Namibia created the assumption that a similar transition was

of UNITA troops, the formation of new unified armed forces, the demobilisation of surplus troops, the restoration of government administration in UNITA-controlled areas and multi-party parliamentary and presidential elections."⁴ Prior to the peace agreement, significant political changes had taken place within Angola, which prepared the way for the accords. Among these were the introduction of multiparty democracy by the ruling MPLA (which had adopted Marxism in 1977), and the recognition of UNITA as a political party.

According to Messiant, it had tacitly been accepted by the international community that, following the signing of the Bicesse Accords, UNITA would win the elections scheduled for September 1992.⁵ No pressure was applied on either side to create a transitional government that could have built trust between the two sides, and serve to strengthen state institutions within the newly democratising state. The transition was placed entirely in the hands of the two armed parties. UNITA appeared satisfied to wait in the wings, rather than become associated with the failings of the MPLA government, which was increasingly regarded as corrupt. Key issues that were central in facilitating the post-election

return to war, such as the failure of UNITA to demobilise and disarm prior to elections, were addressed through formal declarations stating that the processes were complete.⁶

Both the parliamentary and presidential election results gave victory to MPLA, though a second round of the presidential election was required as no candidate received more than 50 percent of the votes in the first round. However, despite the UN declaring the poll 'free and fair', allegations of fraud quickly surfaced and Angola was soon back at war again.

The Lusaka Protocol

The new war was bloodier than anything Angola had witnessed previously, with UNITA taking control of 70 percent of the country, including urban areas such as Huambo and Negage.⁷ UN efforts to resolve the conflict in Namibe, southern Angola, and Abidjan, Ivory Coast, ended in failure. The momentum of war had swung in favour of UNITA, which was unwilling to compromise. Militarily, the government was reorganising and rearming, a process that was greatly facilitated by the discovery of significant offshore oil reserves in deep waters. Deals were made with the 'real' international community (oil contracts for transnational companies often linked to credit from international banks) that enabled the purchase of weapons with which to launch offensives against UNITA forces, while the 'official' international community (in the form of the UN) sought to end the conflict. As Messiant particularly makes clear in her analysis, the nature of the engagement of the 'real' international community, combined with a lack of government transparency, have had important consequences for the possibility of promoting governance in Angola in present times. "In Angola the interests of this 'real' international community of great powers and transnational corporations have always provided the context for and strongly influenced the attitude of the 'official' international community (the UN)."⁸

While the war raged in Angola, the UN was attempting to broker a ceasefire and peace agreement. Following the failure of the Abidjan talks, negotiations had moved to Lusaka, facilitated by the new Special Representative, Alioune Blondin Beye, who had replaced Margaret Anstee. Progress at the negotiations was influenced by events on the battlefields in Angola. Eventually, the way was paved for the signing of the Lusaka Protocol in November 1994, after almost one year of discussions. The fact that the UNITA leader refused to travel to Lusaka to sign the protocol raised questions about UNITA's commitment to the agreed deal. The protocol eventually saw UN peacekeepers arrive in the country, UNITA parliamentarians take up their seats in the national assembly, and the creation



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The discovery of significant offshore oil reserves, and the subsequent interest of transnational corporations, funded the government's offensives in the Angolan conflict.

of a Government of National Unity and Reconciliation (GURN).

While the agreement gave an increased mandate and resources to the UN, it still had serious weaknesses. Key among these was the continued exclusion – as had happened within the Bicesse Accords – of civic or unarmed forces in Angola. Only those at war were granted a place around the negotiation table to discuss peace and the future of Angola. There was no role for key civic voices such as churches, civil society organisations, other political parties, traditional authorities, academics or key personalities in Angola who had knowledge and understanding of the conflict. The inclusion of these actors could have led to the creation of a more stable agreement.⁹ These sidelined civic forces watched on again in 2002, as generals from the Angolan army and UNITA sat down to negotiate an end to the conflict, following the death of Jonas Savimbi.

The implementation of the Lusaka Protocol was slow, with many missed deadlines. UNITA procrastinated by reluctantly returning areas it held to state administration, and attempted to subvert the demobilisation process by presenting civilians for registration and subverting the disarmament process by presenting old weapons. This was paralleled by the consolidation of new national and international dynamics, which ultimately determined the outcome of the Angolan conflict. Firstly, within the MPLA a new determination was growing to end, once and for all, the military threat of UNITA. This eventually led to a return to war in 1998, as the government sought to 'make peace through war'. Secondly, the international community became increasingly aligned behind the legitimacy of the MPLA, an alignment that was possible following the United States' official recognition of the MPLA in 1993. This alignment of the 'real' international community was also influenced by the economic potential of the country. With the death of Alioune Blondin Beye in a plane crash

in the Ivory Coast in June 1998, as he toured the region seeking support for the peace agreement, the logic of war once again prevailed, confirmed in December that year when "President dos Santos stated that the only path to lasting peace was the total isolation of Jonas Savimbi and his movement."¹⁰

The Luena Memorandum of Understanding

Late 1998 saw Angola back at war, but on this occasion the government was well prepared for the military campaign. While UNITA was pushed from the strongholds it held in Bailundo and Jamba, there was also a significant and systematic displacement of rural people to urban areas, particularly in the eastern provinces, as the government implemented a scorched earth campaign in the countryside. The government's rationale for this campaign was that those who stayed in the countryside were UNITA combatants or supporters. The countryside was progressively emptied, and a humanitarian crisis unfolded in the cities to the east. As the war continued, the number of UNITA troops surrendering to the government increased, further weakening the rebel movement. The search for UNITA leader, Jonas Savimbi, continued, until he was finally killed by government forces in south-eastern Angola in February 2002. Though the military campaign continued briefly, the Luena Memorandum of Understanding was signed between the Angolan army and UNITA on 4 April, the general framework of which were the earlier Bicesse and Lusaka agreements.

Conclusion

It is unquestionable that the three peace agreements outlined here have been central to bringing peace to Angola, a country that has lived through cycles of military conflict since the 1961 war of independence. While peace is to be celebrated, it is the nature of the peace bestowed on Angola that is being questioned, particularly for the majority of the population who live in poverty (68 percent, according to government figures), largely untouched by the present economic boom, and excluded from the decision-making processes that govern them. The peace agreements have legitimated economic and political processes of self-enrichment and exclusion that need reform if economic growth is to make a meaningful difference to the lives of the poor majority, and if democracy itself is to become more representative and accountable. The way forward, according to a 2006 report from the World Bank, requires pushing forward with the reform agenda, especially in the key areas of governance and transparency, as well as in public finance management and public service delivery.¹¹

Had the peace agreements sought to include civil society and community-based organisations, religious

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Revenues generated from diamonds funded the warring sides in Angola and created an escalated situation of conflict, violence and bloodshed.



Following the death of UNITA leader, Jonas Savimbi, the Luena Memorandum of Understanding was signed between the Angolan army and UNITA forces in April 2002.

institutions and women's groups, historians and other political parties in Angola, it is possible that such input could have shaped the nature of the final agreements themselves, placing greater emphasis on transparency and accountable governance. Those in political power, as Messiant¹² points out, entrusted with negotiating peace for this war-torn nation, increasingly became aligned to the interests of international business, the 'real' international community, remaining unresponsive to the demands of accountable governance and the needs of its citizens. The peace negotiation structures themselves, which were insufficiently representative of Angolan society, enabled this. ▲

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Endnotes

- 1 Schubert, B. (2000) *A Guerra e as Igrejas, Angola 1961-1991*, Switzerland: P. Schlettwein Publishing.
- 2 Wright, G. (1997) *The Destruction of a Nation, United States' Foreign Policy Toward Angola Since 1945*, London: Pluto Press.
- 3 Pycroft, C. (1994) 'Angola – The Forgotten Tragedy' in *Journal of Southern African Studies*, Vol. 20:2, p. 248.

HAD THE PEACE AGREEMENTS SOUGHT TO INCLUDE CIVIL SOCIETY AND COMMUNITY-BASED ORGANISATIONS, RELIGIOUS INSTITUTIONS AND WOMEN'S GROUPS, HISTORIANS AND OTHER POLITICAL PARTIES IN ANGOLA, IT IS POSSIBLE THAT SUCH INPUT COULD HAVE SHAPED THE NATURE OF THE FINAL AGREEMENTS THEMSELVES, PLACING GREATER EMPHASIS ON TRANSPARENCY AND ACCOUNTABLE GOVERNANCE

- 4 Hodges, T. (2001) *Angola from Afro-Stalinism to Petro-Diamond Capitalism*, Norway: The International African Institute in association with Oxford: James Curry and Indiana: Indiana University Press, p. 13.
- 5 Messiant, C. (2005) 'Why did Bicesse and Lusaka fail? A critical analysis' in *From Military Peace to Social Justice? The Angolan Peace Process*, Conciliation Resources, ACCORD, an International Review of Peace Initiatives, London.
- 6 Anstee, M. (1996) *Orphan of the Cold War, the Inside Story of the Collapse of the Angolan Peace Process, 1992-93*, Basingstoke, London: Macmillan Press Ltd. and New York: St. Martin's Press.
- 7 Rothchild, D. (1997) *Managing Ethnic Conflict in Africa, Pressures and Incentives for Cooperation*, Washington, D.C.: Brookings Institution, p. 135.
- 8 Messiant, C. (2005) 'Why did Bicesse and Lusaka fail? A critical analysis' in *From Military Peace to Social Justice? The Angolan Peace Process*, Conciliation Resources, ACCORD, an International Review of Peace Initiatives, London.
- 9 Comerford, M. (2005) *The Peaceful Face of Angola, Biography of a Peace Process (1991-2002)*, Windhoek, Namibia: John Meinert Printing.
- 10 Human Rights Watch (1999) *Angola Unravels: The Rise and Fall of the Lusaka Peace Process*, London & New York: Human Rights Watch.
- 11 World Bank (2006) *Angola, Country Economic Memorandum: Oil, Broad-Based Growth, and Equity*.
- 12 Messiant, C. (2005) 'Why did Bicesse and Lusaka fail? A Critical Analysis' in *From Military Peace to Social Justice? The Angolan Peace Process*, Conciliation Resources, ACCORD, an International Review of Peace Initiatives, London.

PEACE AGREEMENTS IN BURUNDI: ASSESSING THE IMPACT

WRITTEN BY **ADELIN HATUNGIMANA, JENNY THERON AND ANTON POPIC**

Background to the conflict

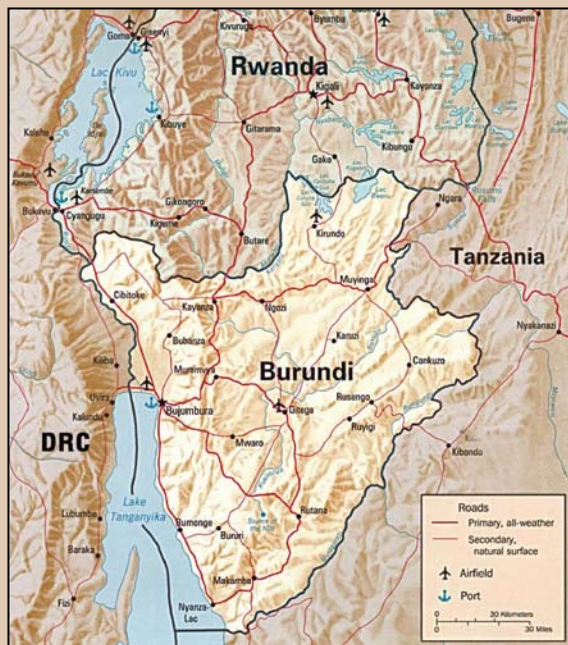
Burundi is a small (27 830 km²), landlocked country in central Africa with approximately seven million inhabitants. This previously independent kingdom was a German protectorate from the 1890s until the First World War, when it came under Belgian administrative authority. Burundi gained independence in 1962 as a constitutional monarchy, and this was then abolished in 1966 with the arrival of the republican system.¹

The Belgian rulers systematically employed the 'divide and rule' strategy by favouring the minority Tutsi group over the majority Hutu group, and using the Tutsis to assist in administering the colony. Following the departure of the Belgians and the country's independence in 1962, Burundi experienced on-and-off, latent and manifest conflicts between the country's ethnic groups and political factions. More than half a million people died following the crises of 1965, 1972, 1988, 1991 and 1993. The crisis that followed the 1993 assassination of the first democratically-elected president, Ndadaye Melchior, resulted in approximately 300 000 deaths, by far the greatest death toll. Following the negotiations that started in 1996, the government of Burundi, various armed and unarmed groups, and opposition parties signed the Arusha Peace and Reconciliation Agreement for Burundi in Arusha, Tanzania in August 2000 (hereafter referred to as 'the Arusha Agreement'). Subsequently, the transitional government and the current democratically-elected government signed ceasefire agreements, which were not originally included in the Arusha Agreement, with the opposition and rebel movements.

This article examines these agreements and explores their aims and key elements, and assesses the implementation and effectiveness of the agreements. This assessment is based on whether the agreements addressed the root causes of the conflict in Burundi, and commences with a brief outline of the fundamental issues that led to the war.

Root Causes

Burundian society consists of three ethnic groups: the majority Hutu (85 percent), the minority Tutsi (14 percent), and the marginalised Twa (1 percent).² The society was rigidly stratified along ethnic lines,



Burundian President, Pierre Nkurunziza (right) and FNL leader, Agathon Rwasa, hug after the signing of the September 2006 peace accord.

with the minority Tutsi having had control of the government, the military and the economy in the post-independence period.³ While it would be tempting to explain the conflict by focusing on ethnic divisions only, it is important to note that it is not ethnic diversity per se that caused the conflict, but rather the inequality in the distribution of access to national resources and political power across ethnic groups.⁴ The Tutsi (Hima) from the southern province of Bururi utilised regional and ethnic diversity to control power. In response, political actors excluded from state resources manipulated ethnic solidarities to confront the regime.⁵ Consequently, ethnic diversity became a tool for political competition in the pursuit of economic and political advantages. In other words, because the political system discriminated along ethnic lines, ethnicity became a vehicle of conflict.

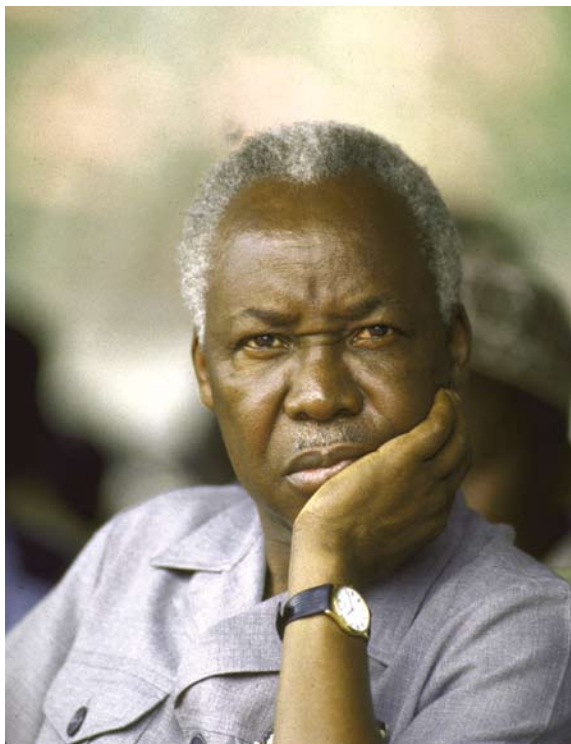
The causes of the conflicts in Burundi can, then, be ascribed to the institutional failures that created and maintained a rift between the 'privatised' state and the population, whereby power was monopolised by the powerful minority and denied the powerless majority any political and economic access.⁶ Further evidence for this interpretation of the causes of the Burundi conflict lies in the multiplicity of belligerents involved. This demonstrates that political rivalry is as important, if not more than, ethnic rivalry, as political entrepreneurs failed to agree on mechanisms for power sharing.⁷

As previously mentioned, the various conflicts in Burundi lasted on-and-off for more than three decades. However, in 2000, most major actors involved in the recent conflict episode signed the Arusha Agreement. Following this agreement, an additional three ceasefire agreements were signed with various armed rebel groups in Dar es Salaam, Tanzania:

- On 7 October 2002, a ceasefire agreement was signed between the transitional government of Burundi and Jean Bosco's National Council for the Defense of Democracy – Forces for the Defense of Democracy (CNDD-FDD) – now the Kaze-FDD – and Alain Mugabarabona's Forces for National Liberation (FNL) – now the FNL-ICANZO.⁸
- The second agreement signed was between the transitional government of Burundi and Pierre Nkurunziza's CNDD-FDD party on 16 November 2003.⁹
- On 7 September 2006, the current government of Burundi signed an agreement with Agathon Rwasa's FNL party.¹⁰

All the peace agreements signed since 2000 (including the Arusha Agreement) have attempted to address the root causes of the Burundi conflict by focusing on issues related to democracy (power sharing), governance and security (reform and integration).

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Negotiations towards the Arusha Peace Agreement were first facilitated by Julius Nyerere (left), former president of Tanzania, and subsequently by Nelson Mandela (right), former president of South Africa.

The Arusha Agreement

Prior to the formal Arusha negotiations, many informal attempts had been made to end the Burundi conflict, both internally and outside the country. However, it was not until 1996 that the major parties in the conflict came to the table to reach a comprehensive agreement, facilitated by the late former president of Tanzania, Julius Nyerere, and subsequently former president of South Africa, Nelson Mandela. Agreement was finally reached on 28 August 2000 in Arusha, Tanzania, after challenging and lengthy negotiations.

The Arusha Agreement consists of a peace accord followed by five protocols, which form an integral part of the agreement. The agreement was signed by the then-government of Burundi, the National Assembly, 17 political parties, and armed and unarmed political groups.

In **Protocol 1, 'Nature of the Burundi Conflict, Problems of Genocide and Exclusion and Their Solutions'**, the signatories agreed on the major causes of the conflict in Burundi. This protocol offers potential solutions to address these causes, including reforming the political system based on the values of "justice, the rule of law, democracy, good governance, pluralism, respect for the fundamental rights and freedoms of the individual, unity, solidarity, equality between women and men, mutual understanding and tolerance among the various political and ethnic components of the Burundian people". In addition, this protocol also stipulates that transitional institutions should be established speedily, and that *coups d'état* shall be prohibited. Article 6 of Protocol 1 proposes a list of principles to combat genocide, war crimes and crimes against humanity, including combating impunity. This requires the establishment of an international judicial commission of inquiry, as well as requesting the United Nations Security Council to establish a tribunal for investigating and punishing such crimes. Finally, to promote reconciliation, the protocol also calls for the establishment of a truth and reconciliation commission.

Protocol 2, 'Democracy and Good Governance', serves as a blueprint for the future constitution of the country. It stipulates that the country be governed democratically through respecting the principle of equality before the law and representing all segments of society, based on the principles of unity and reconciliation. The protocol continues with a list of fundamental rights, such as gender equality; freedom of expression and property rights; and political rights, including the right to form political parties. Two other important aspects of this protocol are the decentralisation of power and the independence of the judiciary, including a balanced ethnic and

gender composition. This protocol advocates power sharing as a mechanism for political inclusion. In the military, power sharing is considered effective when no ethnic group makes up more than 50 percent of the national defence forces. With regard to local administration, power sharing is considered effective when no ethnic group has more than 67 percent of the total number of administrators.

Protocol 3, 'Peace and Security for All', concentrates on five elements: unity within the defence and security forces; political neutrality of the defence and security forces; professional, civic and moral qualities of the defence and security forces; neutrality and independence of the magistracy; and control of illegal possession and use of weapons. It denies the use of force as a means of access to and retention of power.

Protocol 4, 'Reconstruction and Development', outlines a vision for the reconstruction and future development of the country. Reconstruction includes the resettlement and reintegration of refugees and *sinistrés*, as well as the return of illegally-owned land to its proper owners, guided by a list of principles included in this protocol. In response to the negative impact of conflict, the signatories agreed to set up a national commission (National Commission for the Rehabilitation of Sinistrés – CNRS) for the reintegration of the *sinistrés*, defined as the population directly affected by violence.

Finally, **Protocol 5, 'Guarantees on the Implementation of the Agreement'**, concerns the implementation and monitoring of the agreement, and provides a timeline to be followed. The implementation was to be monitored by a commission set up for that purpose, namely the Implementing Monitoring Commission (CSA).

Implementation of the Arusha Agreement

Efforts made in the successful implementation of the Arusha Agreement include, but are not limited to:

- the drafting and adoption of the constitution, and the subsequent conduct of democratic elections based on the new constitution;
- the putting in place of democratic political institutions (cabinet and parliament), taking into consideration the power sharing guidelines and quotas agreed upon;
- the establishment of the country's new security and defence forces;
- the partial resettlement and reintegration of refugees and *sinistrés*, as well as the establishment of the National Commission for the Rehabilitation of *Sinistrés*; and
- the successful establishment of the Implementing Monitoring Commission and the completion of its work, which includes following up, monitoring, supervising and coordinating the implementation of the Arusha Agreement.

Criticisms regarding the implementation of the Arusha Agreement include, but are not limited to:

- A general delay in implementation. For example, the transitional period, which was to last until 30 November 2004, only ended on 26 August 2005 when the current president, Pierre Nkurunziza (leader of the former rebel movement CNDD-FDD), was sworn into office following his election to parliament on 19 August 2005.
- The lack of implementation of certain stipulations of the agreement. For example, at the time of writing, no commission of inquiry; truth and reconciliation commission, or international tribunal for Burundi have been established.

This indicates that, in general, the Arusha Agreement has been partially implemented. According to the Director of Demobilization and Reinsertion of the National Commission for the Demobilization, Reinsertion and Reintegration, Mr. Léonidas Nijimbere¹¹, the Arusha Agreement has been implemented at more or less 60 percent.

It is important to note that in place of Appendix 3 of the Arusha Agreement – relating to ceasefire agreements

– a blank page is inserted, indicating that the technicalities of ceasefires would be discussed subsequently, and would form part of the Arusha Agreement.

Subsequent Ceasefire Agreements

The first and the second ceasefire agreements – the first one signed by the transitional government of Burundi, Jean Bosco Ndayikengurukiye's CNDD-FDD party and Alain Mugabarabona's FNL party, and the second agreement signed by the transitional government and Pierre Nkuriziza's CNDD-FDD – not only aimed to bring about the cessation of hostilities between signatories, but also for rebel movements to be transformed into political parties and integrated into the transitional government institutions. In addition, the agreements aimed to redress the endemic issues of exclusion and imbalance in the security institutions (power sharing) with a special focus on disarmament, demobilisation and reintegration (DDR), as well as integration into the defence and security forces. Patterns of exclusion and imbalance relate to the ethnic, regional and gender composition of security forces. The ceasefire agreements stipulate that no ethnic group can make up more than 50 percent of the armed forces. On the other hand, gender and regional balances are not stipulated in specific terms but rather only expressed as desirable.

The third ceasefire agreement, between the current government of Burundi and Agathon Rwasa's FNL party, aims to bring about the cessation of hostilities and extend temporary immunity for acts committed during the armed struggle, as well as the release of political and war prisoners. Additionally, the agreement provides guidelines for integration and a DDR process for FNL combatants.

All three agreements acknowledge their existence within the framework of the Arusha Agreement, and therefore take cognisance of the general principles outlined by the Arusha Agreement.

Implementation of Ceasefire Agreements

With regard to the first two ceasefire agreements discussed above, the following stipulations were completely or partially implemented:

- the cessation of hostilities;
- the granting of temporary immunity, and the releasing of political and war prisoners;

CONSEQUENTLY, ETHNIC DIVERSITY BECAME A TOOL FOR POLITICAL COMPETITION IN THE PURSUIT OF ECONOMIC AND POLITICAL ADVANTAGES. IN OTHER WORDS, BECAUSE THE POLITICAL SYSTEM DISCRIMINATED ALONG ETHNIC LINES, ETHNICITY BECAME A VEHICLE OF CONFLICT



Post-conflict Burundi is dealing with an increasing number of returning displaced people.

- the transformation of rebel movements into political parties, and their integration into transitional government institutions; and
- DDR and integration into defence and security forces (partially implemented).

The greatest challenges remaining seem to be the reintegration of ex-combatants into civilian life, as well as downsizing the security and defence forces to a reasonable size.¹²

Consequently, according to Mr. Léonides Nijimbere, the above two ceasefire agreements have been implemented at more or less 90 percent.¹³ At the time of writing, the second phase of the DDR process was still ongoing, with the aim of demobilising 3 000 additional soldiers from the defence force and 5 000 additional members from the police force. Overall, there was a delay in implementation regarding certain aspects of the agreements that were mostly political in nature, and due to the challenging environment in which they were being implemented during the pre-election period.


The agreement between the current government of Burundi and Palipehutu-FNL has resulted in the cessation of hostilities on the ground which, in turn, has resulted in increased security. However, the durability of the cessation of hostilities may depend on the effective implementation of the remaining stipulations of this agreement, as well as further negotiations regarding relevant issues. In general, there has been a delay in implementation that can be attributed to various elements, such as the nature of the agreement itself which, for example, did not cover the issue of political power sharing – an issue that has proved relevant when considering the ceasefire agreements.

However, according to Colonel Hein Visser¹⁴, Contingency Commander of the African Union Special Task Force in Burundi, and Lieutenant Colonel Adolphe Manirakiza¹⁵, Spokesperson for the Burundi National Defence Force, military integration aspects of the above agreements were implemented more fluently than had been envisaged by the international community, as well as by the people and politicians in Burundi.

THE FIRST AND THE SECOND CEASEFIRE AGREEMENTS NOT ONLY AIMED TO BRING ABOUT THE CESSATION OF HOSTILITIES BETWEEN SIGNATORIES, BUT ALSO FOR REBEL MOVEMENTS TO BE TRANSFORMED INTO POLITICAL PARTIES AND INTEGRATED INTO THE TRANSITIONAL GOVERNMENT INSTITUTIONS

Conclusion

The purpose of the Burundi peace agreements (discussed in this article) was to respond to the root causes of the country's conflict, namely the political and economic exclusion of the larger part of the population and healing the rifts between the various groups. These causes were mainly addressed through instituting mechanisms for power sharing, as stipulated by the Arusha Agreement. Various challenges resulted in a delay in the implementation of certain aspects of the agreements, which have either not been fully implemented or are yet to be implemented.

As for the effectiveness of the agreements, the newly-established institutions, though democratic, are still facing critical challenges. These include: political stabilisation, security stabilisation, reconciliation, fighting impunity, the lack of resources, and poverty. Nonetheless, broadly speaking, the relevant agreements have been implemented to a large extent, and have had a positive impact on the overall peace process in Burundi through attempting to address the root causes of the conflict. 

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Endnotes

- 1 All historical data adapted from Eggers, Ellen (1997) *Historical Dictionary of Burundi*, London: The Scarecrow Press, Inc.
- 2 "The relevant issue is not whether ethnic groups exist or not but why and how they arise in the complex interaction among multiple factors that cause conflict. Ethnicity may be a contributor to conflict only if it is instrumented for the purpose of controlling power and extracting the rents associated with monopolization of power." Ndikumana, Léonce (2005) 'Distributional Conflict, the State, and Peacebuilding in Burundi', Research Paper No. 2005/45, United Nations

University World Institute for Development Economics Research (UNU-WIDER).

- 3 Ndikumana, Léonce (1998) 'Institutional Failure and Ethnic Conflicts in Burundi' in *African Studies Review*, 41 (1), p. 30.
- 4 Ndikumana, Léonce (2005) 'Distributional Conflict, the State, and Peacebuilding in Burundi,' Research Paper No. 2005/45, United Nations University World Institute for Development Economics Research (UNU-WIDER), p. 5.
- 5 Ndikumana, Léonce (2005) 'Distributional Conflict, the State, and Peacebuilding in Burundi,' Research Paper No. 2005/45, United Nations University World Institute for Development Economics Research (UNU-WIDER), pp. 3-4.
- 6 Parties to the Arusha Agreement basically followed this same line of thought in explaining the nature of the Burundi conflict in Protocol 1 of the Arusha Agreement. They characterised the conflict as being mainly a political one with strong ethnic dimensions, and indicated that it stemmed from the struggle of political classes to get to, or remain in, power.
- 7 Ndikumana, Léonce (2005) 'Distributional Conflict, the State, and Peacebuilding in Burundi,' Research Paper No. 2005/45, United Nations University World Institute for Development Economics Research (UNU-WIDER), p. 16.
- 8 *Ceasefire Agreement Between the Transitional Government of Burundi and the Burundian Political Parties and Armed Movements*, 7 October 2002, Dar-es-Salaam, Tanzania.
- 9 *Global Ceasefire Agreement Between the Transitional Government of Burundi and CNDD-FDD*, 16 November 2003, Dar-es-Salaam, Tanzania.
- 10 *Comprehensive Ceasefire Agreement Between the Government of the Republic of Burundi and the Palipehutu-FNL*, 7 September 2006, Dar-es-Salaam, Tanzania.
- 11 Interview conducted with Mr. Léonidas Nijimbere, Director of Demobilization and Reinsertion of the National Commission for the Demobilization, Reinsertion and Reintegration, July 2007, Bujumbura, Burundi.
- 12 Boshoff, Heni and Very, Waldemar (2006) 'A Case Study for Burundi: Disarmament, Demobilisation and Reintegration During the Transition in Burundi: A Technical Analysis' in ISS Monograph Series, Tshwane (Pretoria), South Africa: Institute for Security Studies, p. 51.
- 13 Interview conducted with Mr. Léonidas Nijimbere, Director of Demobilization and Reinsertion of the National Commission for the Demobilization, Reinsertion and Reintegration, July 2007, Bujumbura, Burundi.
- 14 Interview conducted with Mr. Hein Visser, Contingency Commander of the African Union Special Task Force in Burundi, July 2007, Bujumbura, Burundi.
- 15 Interview conducted with Mr. Adolphe Manirakiza, Spokesperson for the Burundi National Defence Force, July 2007, Bujumbura, Burundi.



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PEACE IN CÔTE D'IVOIRE: AN ANALYSIS OF THE OUAGADOUGOU PEACE ACCORD

WRITTEN BY **CHRYSANTUS AYANGAFAC**

"If you know how to make war, you must know how to make peace."¹

Following a conflict resolution process that began in Accra, belligerents in the Ivorian conflict decided to resolve their differences through direct dialogue. This brought to an end a mediation process that witnessed a synergy between the Economic Community of West African States (ECOWAS), the African Union (AU) and the United Nations (UN) in conflict resolution. On 4 March 2007, the armed resistance militia in the north and government signed the Ouagadougou political accord as a framework for addressing the key issues in the conflict. Many observers perceive the accord as a victory for insurgency grounded in the logic of war. In contrast, the Ivorian political opposition and a section of the public seem to believe that the accord is the result of a secret arrangement between President Laurent Gbagbo and rebel leader, Guillaume Soro, aimed at covertly sharing the national wealth between them. Furthermore, they view the accord as an attempt by the president to create a political ally in Soro, as the former prepares for his self-succession. This scepticism and pessimism has gained currency as a result of three

unanswered questions: firstly, why have the armed resistance militia and government, who have been arch rivals to the point of refusing to recognise each other, suddenly become bedfellows? Secondly, why was the political opposition not involved in the negotiation process? Thirdly, why has there been swift implementation of some elements of the peace deal?

Despite this scepticism, in as little as six months the accord has produced more results than was achieved in almost five years of sustained international engagement in the country. The demilitarised zone dividing the country between the north and south has been abolished, and a government of national unity has been formed with Soro as Prime Minister. There have

President Blaise Compaoré (center) of Burkina Faso, who served as mediator, President Laurent Gbagbo (left) and rebel chief Guillaume Soro (right) congratulate each other on the signing of the Ouagadougou Peace Accord, on 4 March 2007.

been some symbolic gestures towards disarmament and the Ivoirian identification process; in addition, a general amnesty has been granted to all parties in the conflict. Most importantly, for the first time since the crisis, President Gbagbo visited the north of the country in a symbolic gesture to signal unity. The national football team played in Bouake for the first time since the beginning of the war. The president even allows the prime minister to precede over strategic meetings in his absence. This never occurred under the premiership of Seydou Diarra from 2004 to 2005, or Charles Banny from 2005 to 2007.²

In an attempt to analyse the opportunities and challenges that the Ouagadougou political accord presents in promoting peace in Côte d'Ivoire, this article poses more questions than it seeks to answer, as a means of advancing the debate. Amongst these is the issue of what sets the accord apart from others, and what factors informed the accord? Furthermore, what opportunities and challenges does the accord present for peace? By adhering to the Ouagadougou peace plan, is the international community admitting its failure in Côte d'Ivoire, upholding the imperative of home-grown solutions, or is

given the fact that Ivoirian electoral politics is grounded in a 'winner takes all' system.

Following the death of Felix Houphouët Boigny, the first President of Côte d'Ivoire, on 7 December 1993, the country was plunged into a protracted power struggle. This generated intense political instability and culminated in a coup d'état in December 1999, during which President Bedie was overthrown and General Robert Guéï ascended to power. Despite promises by the latter to stabilise Ivoirian politics and organise new elections, he in fact reactivated the Ivoirite identification policy, instituted by Bedie in 1995 to exclude Alassane Quattara – who represented the Muslim north – from the 2000 presidential election, on the grounds that he was not a true Ivoirian. Facing eminent defeat in an election that was marred by low turnout, General Guéï declared himself the winner, but was forced out of power by mass revolt, which brought Laurent Gbagbo to power. Calls for President Gbagbo to organise new elections and include the participation of Quattara fell on deaf ears. This then led to intense animosity and violent clashes between the northerners – who perceived that they had been denied their citizenship and right to

THE OUAGADOUGOU POLITICAL ACCORD IS THE DIRECT RESULT OF THE NON-IMPLEMENTATION OF PREVIOUSLY NEGOTIATED AGREEMENTS AND INTERNATIONAL PRONOUNCEMENTS ON THE CONFLICT

it just desperate to see some semblance of peace in the country, no matter how it is achieved and at what cost? As a point of departure, this article maintains that the accord seems targeted at establishing a state security regime, and downplays the aspects of human security that are key to consolidating peace in the long term. This article begins by placing the accord in a historical context, in order to attempt to identify the factors and circumstances that informed it. It then proceeds to examine elements of the accord, as well as to assess the challenges that confront it. The conclusion reflects upon what the future is likely to hold for the country.

Conflict in Côte d'Ivoire in Context

The Côte d'Ivoire conflict can be described as a struggle for control over power and the institutions that distribute resources, where the absence of indigenous capital means that holding onto state power is the only means of power and wealth accumulation. As resources became scarce against a backdrop of political liberalisation, Ivoirian politicians turned to ethnic rhetoric, ethnic politicisation and exclusionary politics for political mobilisation and to ensure electoral victories,

political participation – and Gbagbo supporters, mostly from the south-west of the country. This situation was further compounded by the politicisation of ethnicity in all aspects of life, especially the military. It is within this context that an attempted coup in September 2002 was led by the northern New Forces group, with Guillaume Soro as their political leader. President Gbagbo responded by translating it into a civil war, from which Côte d'Ivoire has not since recovered. The conflict further expanded and developed a regional character as it became closely connected to the crises in Guinea (Conakry), Liberia and Sierra Leone; with Burkina Faso accused of supporting the New Forces, as some Ivoirian northerners are of Burkinabé origin. In an attempt to build a unified force against Gbagbo in the event of an election, the New Forces formed a political alliance with the political opposition, called the Group of Seven (G7).

The Ouagadougou political accord is the direct result of the non-implementation of previously negotiated agreements and international pronouncements on the conflict, the latest being the UN Security Council Resolution 1721. Resolution 1721 extended the mandates of President Laurent Gbagbo and Prime



GETTY IMAGES / GALLO IMAGES

Ivory Coast's outgoing prime minister Charles Konan Banny (right) shakes hands with his successor, former rebel leader Guillaume Soro (left) following the hand-over ceremony in April 2007.

Minister Charles Konan Banny by 12 months but, at the same time, transferred some of the president's powers – especially those over security and the electoral process – to the prime minister, as a measure to ensure the implementation of previously agreed accords. On 2 November 2006, in response to UN Security Council pressure, President Gbagbo indicated that he would uphold the constitution. On 19 December 2006 in a speech to the nation, President Gbagbo declared his intention to engage directly in dialogue with the

armed militia, with the government of Burkina Faso as a facilitator. The objective of the dialogue would be to address issues of disarmament and reunification. This was an unexpected strategy, considering that Gbagbo had consistently accused the Burkina Faso government of being a patron to the rebellion. Gbagbo also refused to recognise the militia, arguing that it would legitimise their claims and entrench strong-arm politics. In response, the New Forces called on the G7 opposition collective to be ready for a move that would change the political landscape of the country. On 23 January 2007, Gbagbo called on the chairman of the Assembly of Heads of State of ECOWAS to facilitate direct talks between the government and armed militia. On 4 March 2007, through the mediation of President Blaise Compaoré of Burkina Faso, the Ouagadougou political accord was signed between the armed militia and the Côte d'Ivoire government. What made possible the signing of this accord?

The Ouagadougou political accord was not a coincidence but rather a strategic package of political manoeuvres, timing and opportunities presented by the changing dynamics in Côte d'Ivoire and the international arena. At the heart of the accord is an attempt by the New Forces and the government to secure their political survival in an uncertain environment, which was threatening to undermine their strategy of intransigence and radicalism. The New Forces have vowed to continue the struggle until identification papers and citizenship is given to northerners, while the government has insisted on keeping the powers of the president, as stipulated in the constitution. This uncertainty was partly fostered by the fact that both the New Forces and the government had exhausted their military and diplomatic resources, with no victory in sight.

One could argue that for President Gbagbo, the Ouagadougou Accord represented a Machiavellian attempt to cease control of a peace process that had been effectively 'hijacked' and controlled by the international community. Specifically, Gbagbo felt restricted and confined to a very difficult situation by the UN Security Council Resolution 1721. This resolution extended the mandate of Gbagbo and Prime Minister Charles Konan Banny for a period not exceeding 12 months. More importantly, the resolution expanded the powers of the prime minister, in an attempt to circumvent attempts by the president to use his constitutional powers to impede the implementation of the Linas-Marcousis and Pretoria Accords³ of 2004 and 2005 respectively. The resolution also bestowed on the UN election observers the crucial function of being the final arbiters in any future electoral process.

This scenario presented a political conundrum to the president, given the fact that the actors that maintain

control over state institutions – especially the electoral processes – during the period of transition could determine the future of the country. From a rationalist perspective, therefore, direct dialogue with the armed militia presented Gbagbo with an opportunity not only to regain control of the peace process but also to sideline a diplomatically fatigued international community. It was also an opportunity to accumulate the leverage and pressure that comes with controlling such processes, as well as increase his manoeuvring space to dictate the pace and shape of the transition, through the control of state institutions. Most importantly, the accord was aimed at severing a formidable alliance between the armed militia and the political opposition, by effectively co-opting the armed militia. The tacit support from radical Gbagbo loyalists such as Simone Gbagbo and Mamadou Koulibaly, who had previously never missed the opportunity to criticise any attempt at reducing the president's power, reveals the importance of the Ouagadougou Accord to the political survival of the president.

For the armed militia, the Ouagadougou Accord also presented a strategic escape from an untenable position. The rebellion has brought dire socio-economic consequences to the north, which had virtually been cut off from accessing state resources. The country now ranks 164 out of 177 in the UN Development Programme's (UNDP) human development index⁴, and 82nd among 102 developing countries on the human poverty index.⁵ The armed militia understood that this situation could strain their platform for mobilising support among the population. Moreover, even within the rank and file of the rebellion, there were some concerns that there should be a change of strategy, since military confrontation had not produced the results aspired for and the stalemate could last forever, considering that secession had never been contemplated.

Thus, the Ouagadougou Accord provided an opportunity for Soro to consolidate his position within the New Forces. Also, of critical importance, was the political future of the rebellion's leadership. There is a belief that the political opposition – specifically Henry Konan Bedie and Alassane Quattara – strategically exploited the armed militia's struggle for their own ends. Consequently, abandoning the political opposition seemed like a strategic decision for the New Forces. Specifically, Sidiki Konate, the New Forces spokesperson, said that the armed militia did not seek the approval of the political opposition to exist, thus there would be no problem if the armed militia left the G7

opposition grouping.⁶ The Ouagadougou Accord presented the armed militia with an opportunity not only to solicit concessions that could not be made in a multilateral forum, but also to have a say in determining the political future of the country. It should be noted that the armed militia have always wanted the post of prime minister – especially with the departure of Seydou Diarra – though the political opposition opposed it, perceiving the move as effectively excluding them politically. Therefore, the Ouagadougou Accord presented the armed militia with an opportunity to at least plot their political future in a new Côte d'Ivoire.

The timing and dynamics in the international arena necessitated a change in the preferred strategy of the various stakeholders in the Ivorian conflict. Of critical importance was the ECOWAS chairmanship, held by Burkina Faso's President, Blaise Compaoré; South Africa's position as a non-permanent member of the UN Security Council; a new UN Secretary-General, in the form of Ban Ki-Moon; and the eminent departure of President Chirac of France in 2007. This was specifically pertinent because France and South Africa have played important roles⁷ in the Ivorian crisis. Being the Chairman of ECOWAS provided Compaoré with a window of opportunity to be perceived as a peacemaker. While Compaoré implicitly supported the rebellion, he has always encouraged Gbagbo to speak to the armed militia, and has supported ECOWAS's initiatives to promote peace. Engaging in a renewed peace process in Côte d'Ivoire became important when Charles Taylor, a long-time associate of Compaoré, was indicted and brought before the Sierra Leone special tribunal. Thus, the Ouagadougou Accord could be seen as an attempt by Compaoré to rebuild his image and develop new political clout to evade Taylor's fate. Also of critical importance for Compaoré was the dire economic situation in his country, Burkina Faso, which was further compounded by the crisis in Côte d'Ivoire. A stable Côte d'Ivoire would not only ensure the safety of about four million Burkinabés, but also a stable flow of financial remittance back to Burkina Faso.

Strategically, having South Africa as a non-permanent member in the Security Council and Compaoré as the Chair of ECOWAS meant that the Ivorian belligerents could count on these countries to ensure the engagement of the international community. This explains the urgency with which ECOWAS, the AU and the UN adhered to the accord, despite the fact that it did not substantively depart from previous internationally negotiated agreements.

THE ACCORD ENVISAGES THAT, AT THE END OF THE IDENTIFICATION PROCESS, FREE AND FAIR PRESIDENTIAL ELECTIONS WILL BE HELD IN JANUARY 2008



Identity is a key issue in Côte d'Ivoire. The Ouagadougou Peace Accord calls for the relaunching of mobile courts for the judgment of birth certificates and establishment of documents attesting to the national identity of citizens.

Salient Features of the Accord

How does the accord intend to resolve the Ivorian crisis? The present accord does not depart substantively from previous peace initiatives. The principal difference between the Ouagadougou Accord and other initiatives is the fact that control and responsibility for the transition has been bestowed on the protagonists, rather than a neutral prime minister. Moreover, the mechanisms to oversee the implementation of the peace process, also known as the Permanent Consultation Framework and Evaluation and Monitoring, are within the domain of the belligerents. Another major difference is the establishment of a timeline for implementation. The accord is based on ensuring security, addressing political exclusion, power sharing and state sovereignty.

Identity and elections: Identity is a key issue underpinning the ongoing tensions in Côte d'Ivoire. The parties in the conflict acknowledged that the lack of a clear and coherent identification process, and of unique administrative documents attesting to the nationality and identity of citizens, has fuelled conflict. The accord calls for the relaunching of mobile courts for the establishment of the judgement of birth certificates. It is

important to note that, under the premiership of Banny, the mobile courts that were established to address the issue of identity failed, because they tended to award citizenship and birth certificates to people who had never registered with the national civil registrar. This was seen by Gbagbo as a threat to his political power, based on the Ivorian electoral formula, which is grounded on the 'first-past-the-post' model. In this context, it will be interesting to observe how Soro will balance the same perceived threat to the president by the mobile courts, against the demand for citizenship by northerners (a key factor in their mobilisation to rebellion).

The accord envisages that, at the end of the identification process, free and fair presidential elections will be held in January 2008. However, one of the modes of identification is through the 2000 electoral registration list. Thus, anyone whose name appears on this list is considered an Ivorian. But this list excludes most northerners, since they were not considered Ivorians. This places the Independent Electoral Commission (IEC) at the heart of the electoral process, supported by the National Institute for Statistics. However, the independence of the National Institute for Statistics and the National Office for

Identification, which is under the auspices of the Minister of Interior, have already been called into question by the political opposition, on the grounds that its directors are President Gbagbo sympathisers.

Disarmament and restructuring the Ivoirian security forces: The accord calls for the disarmament of all militias, a unitary armed force to symbolise unity of the country and upholding the principles of a republican ethos. The accord aims to achieve this through an Integrated Command Center, whose mission is to unify rebel and government forces, and to implement the new measures of restructuring the security and defence forces of Côte d'Ivoire. In addition, pursuant to a government workshop on 2 May 2007, the 'Framework for Policy Reflection on Security and Defense' was established as a blueprint to inform security sector reform and the reconstitution of the Ivoirian security and defence forces. The accord is, however, vague on the modalities of how to achieve Disarmament, Demobilisation and Reintegration (DDR). This could create the opportunity for spoilers to hold up the peace process. For example, most of the junior army officers who originally joined the rebellion were promoted, and the question remains as to how they will now be integrated into the army, given their previous status and grade in the armed militia? These are difficult questions, which still remain unanswered.⁸

Restoration of state authority: The accord calls for the restoration of state authority and for the deployment of administrative structures to facilitate other processes related to the restoration of a positive and working institutional and political culture. This will be implemented by relevant ministries under the supervision of the prime minister.

Implementation Challenges

Since the signing of the accord, many laudable developments have occurred in the country, but the issue of what factors inhibit the implementation of this accord need to be acknowledged and addressed.

The accord and its context seem to cater for the political security of both belligerent groups. Certain events in the country, such as restrictions on the UN's role in the elections and the appointment of Desire Tagro, a Gbagbo loyalist, as his representative at the Ouagadougou talks, provides hints that the identification process will continue in exchange for control of the electoral process, in order to ensure a Gbagbo victory.

From a strategic point of view, by eliminating the international community from the peace process, Ivoirian belligerents have claimed ownership of the process. But this means that France and South Africa cannot now be scapegoats and be blamed if things fall apart. It is



A former rebel explains the demobilisation, disarmament, and reintegration process, as emphasised by the Ouagadougou Peace Accord, to his comrades.

therefore incumbent on the parties to ensure that the accord is implemented in the short term. However, the successful implementation of the accord is contingent on the present status quo. If the belligerents perceive that the accord is not protecting their interests with regards to time consistency, the accord might unravel.

The biggest challenge facing the accord is coexistence in the executive branch of government, which hinges upon Gbagbo and Soro's willingness to share power. Unlike his predecessors, Soro has enjoyed a warm relationship with his former mentor and nemesis since becoming Prime Minister. While there is no friction presently, the relationship will be tested by the implementation of the identification and DDR processes.

The possibility of fragmentation within the rebel movement poses a critical challenge to the accord. The fact that the armed militia negotiated with the government and accepted the premiership, without a firm guarantee with regard to this position's actual powers, does not only fuel speculation of a secret deal between Soro and Gbagbo, but has provided a rallying ground for extremists in the rebellion who are not satisfied with the accord. The choice of Soro as Prime Minister did not receive enthusiastic support amongst fellow New Forces members, considering that some of them have advocated for vigilance in interactions with Gbagbo.⁹ As such, the possibility of a split in the New Forces has become a reality. On 27 June 2007, an assassination attempt on Soro's life occurred. However, Soro might succeed in his objectives if he is capable of retaining his most trusted and influential commanders together by guaranteeing that their security and financial interests are met.

Resource mobilisation is a critical element in holding a peace process together and ensuring successful implementation, as political will alone cannot ensure this. The Ouagadougou Accord faces the possibility of collapse if the international community does not pledge and deliver its support in terms of resource mobilisation. A national workshop, chaired by Soro on 2 May, revealed the dire financial situation facing implementation of the accord. The DDR process is facing a deficit of \$78 million, while the identification process requires \$33 million, the elections require \$56 million, the redeployment of state officials requires \$29 million, and the national reconciliation process needs \$4 million.¹⁰

War economies provide much incentive for spoilers to destabilise a peace process if the expected reward of peace is perceived as insufficient to offset the benefit of conflict. Both the armed militia and government have been accused of looting diamond and cocoa in attempts to sustain their war efforts. Even the youth militias and lower cadres of the New Forces have embarked on rigorous campaigns of extortion and roadblocks, as a way of ensuring their own private accumulation of wealth.¹¹

Conclusion

Despite being behind schedule, the Ouagadougou Accord represents the last real chance for peace in Côte d'Ivoire. The accord has been launched on a positive note, but the real test lies in the implementation of the politically sensitive issues of identification and disarmament. Though the contextual realities that informed the accord have given rise to a number of significant challenges, it is incumbent on Ivorian politicians and the international community to stay the course of peace in the country. However, it is important to underline that the peace process must be contextualised as a people-driven process, rather than a victory for insurgency and the logic of war. In the absence of authentic citizen participation, the accord may have brought about a ceasefire, but it may not address the root causes of the conflict and the appalling security and identity situation that is at the heart of the crisis. ▽

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Endnotes

- 1 Goude, Ble (2007) 'Quand tu sais faut la guerre, il faut savior fait la paix' in *Le Front*, 11 June 2007.
- 2 Bombande, Emmanuel and Takwa, Zebulon (2007) 'Ougadougou Political Accord: Breakthrough for Peace at Last?' in *WANEP Policy Brief*, 31 May 2007.
- 3 The Linas Marcoussis was brokered by France on 15 January 2003 in Linas-Marcoussis, France, just outside Paris. It was grounded in four main issues: preserving territorial sovereignty, power sharing, political exclusion and disarmament.
- 4 United Nations Development Programme (2006) *Human Development Report 2006*.
- 5 *Ibid.*
- 6 International Crisis Group (2007), 'Côte d'Ivoire: Faut-il Croire a l'Accorde de Ouagadougou?' in *African Report*, No. 127, 27 June 2007.
- 7 France is not only the former colonial master of Côte d'Ivoire, it has a military base there and is an important investor and trade partner. Under the tutelage of the African Union, South Africa brokered the Pretoria Accords, which succeeded in reversing Article 35 of the constitution, thus allowing Alassane Quattara to contest any election.
- 8 'Reforme de l'armée, grades et Prime Gbagbo et soro Rassurent les Militaire', *Fratenite martin*, 7 Mai 2007.
- 9 International Crisis Group, (2007) 'Côte d'Ivoire: Faut-il Croire a l'Accorde de Ouagadougou?' in *African Report*, No. 127, 27 June 2007.
- 10 United Nations Security Council Thirteenth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire, 14 May 2007.
- 11 International Crisis Group (2004) 'Côte d'Ivoire: No Peace in Sight' in *Africa Report* No. 82, 12 July; UN (2005) 'Report of the Panel of Experts on Côte d'Ivoire'; Kader, Abdoul (2005) 'Ivory Coast Rebels Say Cotton Funds War, Will Halt' on *Reuters*, 26 January.

THE LUSAKA CEASEFIRE AGREEMENT AND STABILITY IN THE DRC

WRITTEN BY **SADIKI KOKO**

In August 1998, the Democratic Republic of Congo (DRC) progressed into an armed conflict¹, referred to as 'Congo's second war' or 'the first African war'. The war erupted when Laurent Kabila made the decision to separate from his Ugandan – but more especially, Rwandan – allies who had helped him to topple the Mobutu regime in the previous year. After almost a year of fighting and balkanisation of the country, as well as many failed attempts geared towards ending the armed violence, the parties finally adhered to the Southern African Development Community (SADC)-sponsored Lusaka Ceasefire Agreement, which would later become instrumental in the resolution of the DRC conflict.

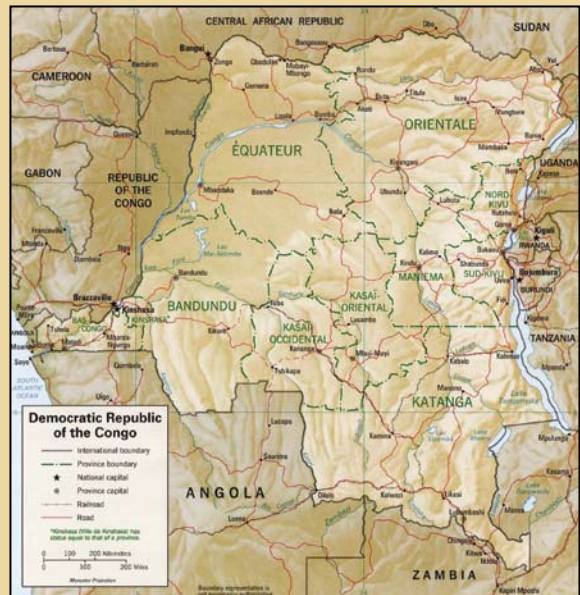
This article critically analyses the Lusaka Ceasefire Agreement, which was signed in July 1999 and adopted as central in the resolution of the DRC conflict. The article is divided into three main parts: the first part traces a brief background to the DRC conflict, the second part describes and analyses the agreement, and the third part presents the agreement's shortcomings and successes.

Background to the DRC Conflict

Some would say that the DRC succumbed to conflict and political instability just four days after being granted independence by Belgium in June 1960. Notwithstanding the relevance of this argument and the political history, this article focuses on the conflict in the DRC from the period 1996, when the first war erupted.

In August 1996, the media reported on an uprising by the 'Banyamulenge' in the eastern DRC. According to the reports, these "Kinyarwanda-speaking" descendants of Rwandan migrants, who had settled on the South Kivu Mulenge mountains during the colonial period, took up arms to claim their 'confiscated' Congolese citizenship. Two months later, this group started identifying themselves as the *Alliance des Forces Démocratiques pour la Libération du Congo* or Alliance of Democratic Forces for the Liberation of Congo (AFDL), with Laurent-Désiré Kabila as their spokesperson. Rwanda, Uganda and Burundi assumed allied positions in their support of the rebellion; Angola later joined this group.

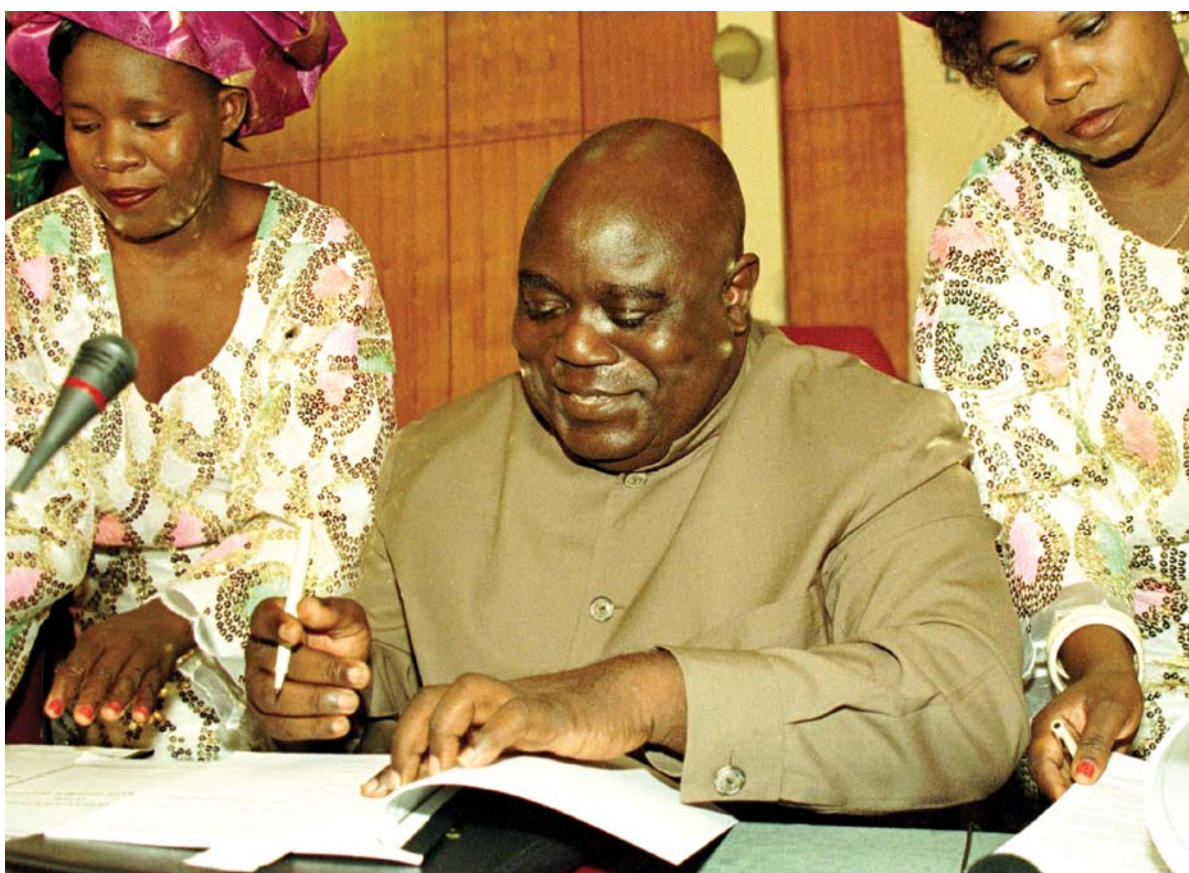
Within seven months, AFDL troops crossed the country from the far east to the extreme west, capturing Kinshasa on 17 May 1997 and removing the Mobutu



regime. Kabila proclaimed himself the new head of state. But less than a year into his power, Kabila's allies started criticising his 'inability' to curtail the activities of their respective rebel oppositions operating in the DRC.

Kabila's internal political leverage had also severely decreased. First, he was in deep disagreement with the (unarmed) political opposition, whose activities he had suspended as he rose to power. Second, Kabila faced an ever-increasing popular discontent vis-à-vis his defensive attitude toward his Rwandan allies, whose presence was no longer tolerated in the country, especially in the North and South Kivu provinces. Third, the Kabila regime encountered its own internal friction as adversarial camps started to develop within, composed of 'authentic Congolese' on one side and 'Tutsi' (Rwandans and Banyamulenge) on the other side.

At the end of July 1998, Kabila decided to send his 'Rwandan military allies' back to Rwanda. This decision triggered a rebellion by the Rwandan groups organised under the *Rassemblement Congolais pour la Démocratie* or Congolese Rally for Democracy (RCD). The rebel group was supported by regular troops from the national armies of Rwanda and Uganda. Faced with the rebels'



REUTERS / THE BIGGER PICTURE

Laurent Kabila as head of the AFDL, proclaimed himself the DRC's head of state following the removal of the Mobutu regime in 1997.

imminent takeover on Kinshasa, Kabila sought support from members of the Southern African Development Community (SADC)². Zimbabwe, Namibia and Angola supported Kabila but were reluctant to join the fighting in the far eastern part of the DRC.³ At the same time, the Rwandan and Ugandan troops fighting on the side of the rebel groups were engaged in a self-defeating struggle for leadership. The situation quickly reached a stalemate, and became the perfect opportunity for parties on either side of the conflict to exploit the country's natural resources.

Mounting pressure from the international community for a peaceful settlement of the conflict finally resulted in the signing of the Lusaka Ceasefire Agreement – but not before there had been “23 failed SADC- or Organisation of African Unity (OAU)-sponsored meetings at the ministerial or presidential level aimed at brokering an end to the war, as well as numerous other unsuccessful efforts by individual leaders in the region”.⁴

The Lusaka Ceasefire Agreement

The Lusaka Ceasefire Agreement was signed on 10 July 1999 by all state parties to the DRC conflict,

namely the DRC, Namibia, Angola, Zimbabwe, Burundi, Rwanda and Uganda. The government of Zambia, SADC, the OAU and the United Nations (UN) all signed the agreement as witnesses. The then two main rebel movements – the RCD and the *Mouvement de Liberation du Congo* (Movement for the Liberation of Congo) (MLC) – only endorsed the agreement on 1 and 31 August respectively, after initially having refused to sign. Negotiated within the framework of the SADC, the agreement consisted, in its main part, of a preamble and three articles dealing respectively with the ceasefire, security concerns and the principles of the agreement. Three annexures were also included, focusing on the modalities for the implementation of the agreement, its framework and its key words respectively.

The preamble strongly emphasises the principles of state sovereignty and territorial integrity of the DRC, making due references to the UN and OAU charters. In its closing paragraphs, though, provisions are made for the necessity of organising an all-inclusive national dialogue, aimed at enabling national reconciliation and establishing a new political dispensation in the country.

With regard to the ceasefire (Article 1), all parties to the conflict committed to cease, 24 hours after signing the agreement, all hostilities, military movements and reinforcements as well as hostile actions, including hostile propaganda against one another. Article 2 stressed that all involved parties should commit themselves to addressing immediately the security concerns of the DRC and her neighbouring countries. With regard to the principles, Article 3 dealt with issues relating to the request for the deployment of a UN peacekeeping mission in the DRC, the withdrawal of foreign troops, the organisation of political talks among Congolese parties, the formation of a new national army and the disarming of militias and armed groups, amongst other issues.

Annexure A contained a total of 13 articles and was fully devoted to the modalities for the implementation of the agreement. Central to implementation was the establishment of a Joint Military Committee (JMC), which was tasked to monitor the implementation of the ceasefire as well as the withdrawal of foreign troops and disarming of militias, armed groups and civilian Congolese. Composed of representatives from each party to the agreement under a neutral chairman appointed by the OAU, the JMC was answerable to a Political Committee, composed of ministers of Foreign Affairs and Defence or any other representative duly appointed by each

party. The JMC was, thus, to act as a peacekeeping body awaiting the deployment of UN and OAU contingents. The armed forces of the warring parties were also, in the meantime, expected to disengage from territories where they were in direct contact with each other, and redeploy to defensive positions to allow for a buffer zone. A national dialogue to serve as a framework for a political resolution of the conflict was to be implemented 45 days after the signing of the agreement and was to last 45 days, culminating in the establishment of new institutions for the country. The agreement called for the deployment of a Chapter VII UN peacekeeping mission, expected to conduct peace enforcement activities – that is, tracking down and disarming armed groups in the DRC, screening mass killers, perpetrators of crimes against humanity and war criminals, as well as handing over Rwandan genocide suspects to the International Criminal Court for Rwanda.

Whilst Annexure C dealt with definitions and acronyms, Annexure B presented a comprehensive calendar providing deadlines for every activity to be conducted in stabilising the DRC and its relationships with its neighbours. However, within the context of a complex conflict involving parties with divergent interests and world views, persistent challenges and shortcomings to the agreement and its implementation emerged.

GETTY IMAGES / GALLO IMAGES



The presence of militia and combatants from various neighbouring countries, in the DRC, is one of the major challenges still faced by the country.

DESPITE ITS SHORTCOMINGS, IT ESTABLISHED THE FRAMEWORK THAT WOULD BE LATER UTILISED IN THE INTER-CONGOLESE DIALOGUE, WHICH WAS CRUCIAL TO THE FORMULATION OF A CONSENSUAL AND ALL-INCLUSIVE TRANSITIONAL DISPENSATION, MAKING POSSIBLE THE FIRST MULTIPARTY ELECTIONS IN THE COUNTRY IN 41 YEARS

Shortcomings and Successes of the Lusaka Ceasefire Agreement

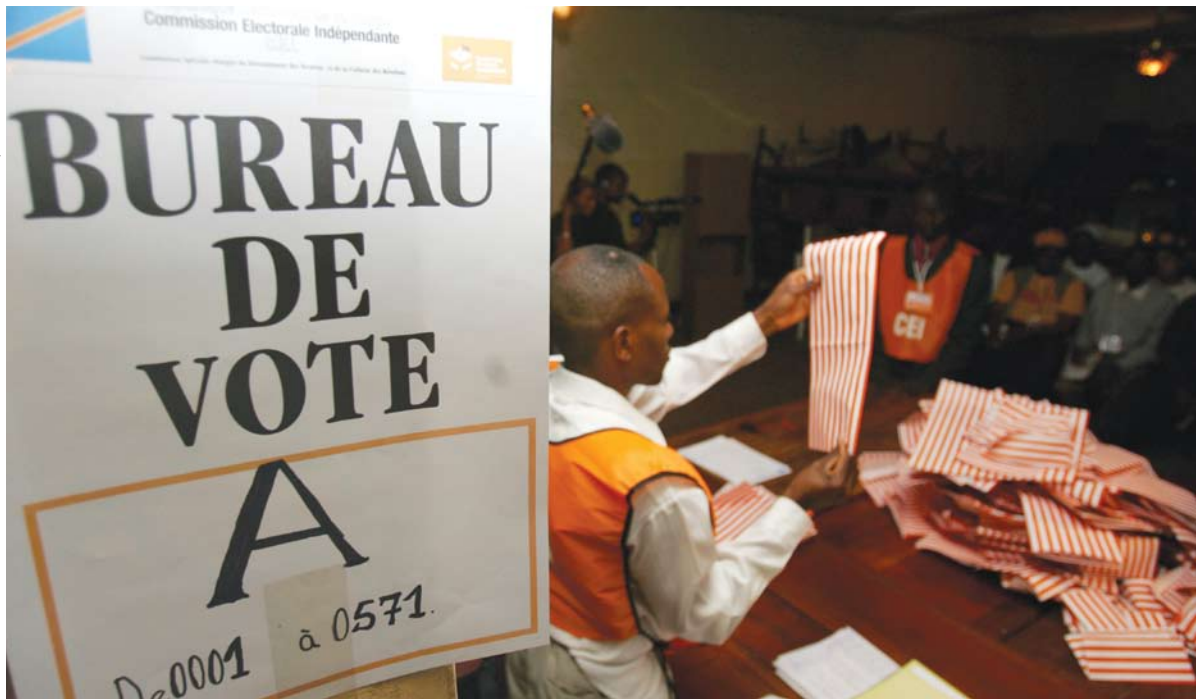
At the time of its signing, the Lusaka Ceasefire Agreement represented a significant breakthrough in the resolution of the DRC conflict. For the first time, all the parties had met and agreed on establishing processes that would lead to the peaceful resolution of their differences and possible political reconstruction of the Great Lakes region. However, a number of challenges arose as a result of the nature of the agreement and the process of its establishment.

Firstly, the very complex nature of the Lusaka Agreement quickly revealed itself as a stumbling block to its operationalisation. Weiss has termed it “a very complicated plan for peace ...”⁵ Even Joseph Kabila criticised the complexity of the Lusaka Agreement. In his speech at the SADC Heads of State and Government summit in Blantyre, Malawi, in January 2002, he admitted that the Lusaka Agreement contained obstacles to its own implementation, as it placed more emphasis on the internal aspects of the conflict while legitimising Rwanda’s and Uganda’s continuous presence in and exploitation of the DRC by centering the process on their security needs.⁶ This was also implied by Mangu as he argued that “the titling of the Agreement as ‘DRC Ceasefire Agreement’ was misleading since it was designed to achieve far more than the official designation suggested.”⁷ Secondly, though recognising the presence of hostile foreign armies on DRC soil, the agreement did not compel these armies to an unconditional withdrawal. Instead, it placed them on the same level as the invited DRC government allies, and linked their withdrawal. “[B]y authorising the Rwandan and Ugandan armies to stay on Congolese soil ... to administer part of the Congolese territory, it regretably condoned the Rwandan and Ugandan aggression and ‘legalised’ their violation of the sovereignty and territorial integrity of the DRC, and their interference in the Congolese affairs.”⁸ Therefore, in his inaugural speech on 26 January 2001, Joseph Kabila committed to supporting the Lusaka Agreement on condition that the “aggressing armies from Rwanda, Burundi and Uganda withdrew unconditionally and without delay”⁹ from his country.

Thirdly, the Lusaka Agreement suffered from a lack of commitment on the part of its signatories, as well as the absence of an authority entrusted with its enforcement. “The Lusaka Agreement provided little peace, as it could not prevent the outbreak of further violent conflict. The negotiations seemed to be regarded as a platform for securing international recognition rather than representing a commitment to peace by the signatories. The ceasefire also failed owing to ... the absence of an international guarantor who could compel compliance.”¹⁰ In early 2001, for example, Uganda withdrew unilaterally from the agreement following the release of the UN Report on Resource Exploitation in the DRC, in which Ugandan officials were named as perpetrators. At a 2000 SADC meeting, Laurent Kabila indicated that he could no longer accept Masire as a facilitator, accusing him of bearing a South African bias. Kabila believed that South Africa had a close relationship with both Rwanda and Uganda – countries that supported the rebels. “Kabila then suspended the ... accords and called for direct negotiations with Rwanda, Uganda and Burundi and rejected the UN peacekeepers.”¹¹

The reluctance on the part of the parties to abide by the provisions of the agreement was not a surprise. According to Swart and Solomon, “the Lusaka agreement was imposed, even forced upon the signatories metaphorically at gunpoint, rather than being offered as a symbolic ‘olive branch’.”¹² Notwithstanding the pressure, all the parties did also have incentives to sign the agreement.

“For the Kabila government, the agreement should secure its legitimacy and re-establish state authority over DRC territory. For Zimbabwe, the agreement emphasise[d] the DRC’s sovereignty, legitimising their intervention ... Angola’s inclusion of UNITA on the list of groups to be disarmed [gave] the Angolan government the opportunity to shop for diplomatic support against UNITA ... and secure a commitment to closing down UNITA supply routes through Congo. For Rwanda, the agreement recognise[d] for the first time the security threat posed by the Interhamwe and ex-FAR and call[ed] for a regional response. For Uganda, the agreement weaken[ed] Kabila by calling for a National Dialogue, rebuild[ed] regional solidarity under Ugandan political and



The Lusaka Ceasefire Agreement was an initial step in paving the way for the DRC's first democratic election in 2006.

economic leadership ... By making the Congolese rebels signatories, the agreement [brought] them international recognition and weaken[ed] Kabila."¹³

Burundi and Namibia were, at the time of signing the Lusaka Agreement, already minimising their engagement in the DRC conflict.

The external pressures and self-focused incentives that brought the warring parties in the DRC conflict to sign the Lusaka Ceasefire Agreement, devoid of genuine commitments, simply resulted in a situation of 'no war, no peace' in the country. The DRC remained divided by rebel-held zones and government-controlled territories. People's movements across the two zones were severely curtailed. The national dialogue, originally expected to take place only 45 days after the signing of the agreement, fell into a 'delay strategy'.

Other challenges to the implementation of the Lusaka Agreement included short and unrealistic time frames and the complex nature of the peacekeeping mission expected to be deployed. Expecting the crisis in the DRC and the security situation in the Great Lakes region to normalise within a year was overambitious. The complexity inherent in deploying a hybrid OAU/UN mission expected to operate in a peacekeeping and peace enforcement capacity, was also underestimated.

On a positive note, the Lusaka Agreement enabled a holistic discussion of the DRC conflict, bringing together all involved parties. Despite its shortcomings, it

established the framework that would be later utilised in the Inter-Congolese Dialogue (ICD), which was crucial to the formulation of a consensual and all-inclusive transitional dispensation, making possible the first multiparty elections in the country in 41 years.

The signing of the Lusaka Agreement also contributed to containing the leadership struggle within the main rebel group, the RCD. When the agreement was initially signed on 10 July 1999, the RCD had split into two rival groups, namely *Rassemblement Congolais pour la Démocratie-Goma* or the Congolese Rally for Democracy-Goma (RCD-Goma) and *Rassemblement Congolais pour la Démocratie-Kisangani* or the Congolese Rally for Democracy-Kisangani (RCD-K) – which later became the Congolese Rally for Democracy-Kisangani/Movement of Liberation (RCD-K/ML). The agreement recognised all sides and parties to the process and all initial members were granted the status of founders of the RCD, entitling them to sign the agreement individually and participate in all future negotiations, including the national dialogue.

Though cases of fighting were registered after 10 July 1999, the Lusaka Agreement did work as a psychological tool for the belligerents by 'de-constructing' the notion of armed and military confrontation to ensure victory. It created the space and opportunity to realise other options. Parties on both sides – government and rebel movements – realised the importance of upholding



Joseph Kabila, the son of Laurent Kabila, is the DRC's current president.

the positive progress made during the Lusaka process. This is believed to have played a role in preventing them from continuously engaging in self-defeating strategies that would not have only endangered their acquired positions, but also could have jeopardised the legitimacy of their claims by sparking the disagreement of the international community and SADC, which remained committed to the process.

The Lusaka Agreement upheld inclusivity in the DRC peace process. It clearly recognised multiple parties, including the political opposition and civil society, as stakeholders in the process. Such groups' participation in the ICD and subsequent transition has been important in diffusing tensions that would have proven otherwise very difficult in a context where only former combatants were included.

Conclusion

The complexity of the DRC conflict rendered its resolution even more difficult. The SADC-sponsored Lusaka Ceasefire Agreement signed in July 1999 charted the initial path towards stability in the DRC. But the hope its signing brought about was short-lived, as the parties continued to explore the possibilities of enhancing their original positions and interests through violent incidents and skirmishes. This outcome can be understood in the context of a truncated commitment to peace, on the part of the parties, that was driven largely

by external pressure and immediate individual gains rather than any genuine renunciation of violence. The agreement, therefore, fell dormant only weeks after its signing.

However, in the aftermath of the assassination of Laurent Kabila in January 2001 and his replacement by his son, Joseph Kabila, the process was set back on track. The agreement subsequently stood as the pillar that made possible the ICD, the setting up of the transitional political dispensation and, later on, the organisation of the first multiparty elections in the country since 1965. ▽

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Endnotes

- 1 The DRC had experienced a 'first war' between August 1996 and May 1997, which resulted in the toppling of the Mobutu regime by the Uganda, Rwanda and Angola-backed AFDL, led by Laurent Kabila.
- 2 The DRC became a member of SADC in August 1997, four months after Laurent Kabila rose to power.
- 3 The Zimbabwean, Namibian and Angolan armies intervened in support of Kabila after his troops and Chadian soldiers, who also joined the SADC coalition on Kabila's side, suffered major human losses in their military campaigns in the north-west part of the country.
- 4 Carayannis, T. and Weiss, H. (2003) 'The Democratic Republic of Congo, 1996-2002' in Boulden, J. (ed.) *Dealing with conflict in Africa: The United Nations and regional organizations*, Basingstoke: Palgrave MacMillan, pp. 253-303.
- 5 Weiss, H. 'War and peace in the Democratic Republic of the Congo' available at <www.unc.edu/depts/diplomat/AD_issues/amdipl_16/weiss/weiss_print1.html>, accessed on 24 November 2006.
- 6 Kabila, Joseph Allocution du Président de la République Démocratique du Congo au sommet des Chefs d'Etat de la SADC, Blantyre, Malawi, 14 Janvier 2002.
- 7 Mangu, A.M.B. (2003) 'The conflict in the Democratic Republic of Congo and the protection of rights under the African Charter' in *African Human Rights Law Journal*, (3)1, p. 246.
- 8 Mangu, A.M.B. (2003), as above, p. 246.
- 9 Congo-Afrique, Discours programme du Président Joseph Kabila (26 January 2001), No. 352, Février 2001, p. 2.
- 10 Swart, G. and Solomon, H. (2004) 'Conflict in the DRC: A critical assessment of the Lusaka Ceasefire Agreement' in *SAIIA Report*, No 40, Johannesburg: The South African Institute for International Affairs, p. 16.
- 11 Arnold, G. (2005) *Africa. A modern history*, London: Atlantic Books, p. 893.
- 12 Swart, G. and Solomon, H., as above, p. 12.
- 13 International Crisis Group (1999) 'The agreement on a cease-fire in the Democratic Republic of Congo: An analysis of the agreement and prospects for peace' in *ICG Democratic Republic of Congo Report*, No. 5, p. 4.



THE SIERRA LEONE LOMÉ PEACE ACCORD

WRITTEN BY **J. SHOLA OMOTOLA**

Sierra Leone could be said to have recorded a remarkable achievement in its transition from violence to peace when, on 7 July 1999, a peace agreement was signed between the government and the rebel force, the Revolutionary United Front (RUF), at Lomé, Togo. Many had expected that the signing of the peace accord would mark a significant breakaway from the violent past and its attendant contradictions of sustainable peace, democracy and development. Prior to the peace accord, Sierra Leone had been a theatre of violent conflict occasioned by political, economic and socio-cultural problems, where international humanitarian law – particularly on human rights – were flagrantly violated since 1991, when the war erupted.¹ Some of the horrendous human rights abuses included the use of child soldiers, crimes against humanity such as rape, and the killing and maiming of non-combatants, among others.² According to a 2001 Human Rights Watch source, “over 50 000 people have been killed to date, with over one million people having been displaced.”³ This figure may be reliable because, as at 1998, the number of internally displaced persons

(IDPs) in Sierra Leone was put at 700 000.⁴ The inability of the 1999 peace accord to curtail violence would have accounted for the rise in the number of IDPs.

Contrary to popular expectations, the 1999 peace accord failed to restore lasting peace in Sierra Leone. Shortly after its ratification by the warring parties, the agreement collapsed such that, by the end of 1999, the abuse of human rights had increased, following the renewal of hostilities, particularly between the RUF and the UN peacekeeping forces (UNAMSIL).⁵ What accounts for the failure of the peace accord to engender a sustainable transition to peace, democracy and development in Sierra Leone? What can be done to remedy the situation? These are the questions that this article seeks to address through a critique of the Lomé Peace Agreement, with a view to identifying its strengths and weaknesses as a basis for charting the way forward.

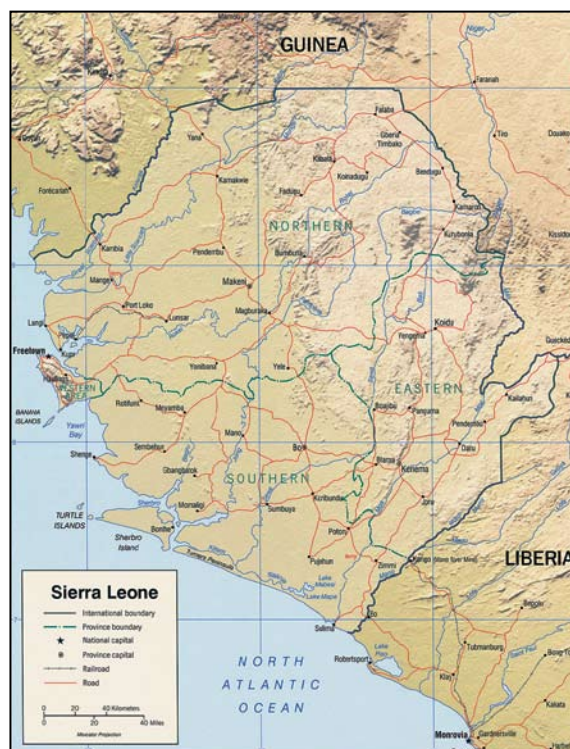
Above: The Lomé Peace Accord granted total pardon and amnesty to ex-combatants.

Background to the Sierra Leone Conflict

Some reflections on Sierra Leone's political economy of war are crucial to the understanding of the protracted struggle for peace, democracy and development in the diamond-rich West African country. The country's recourse to warfare represents the massive betrayal of the hopes and expectations of various groups. Sierra Leone attained political independence in April 1961, through a relatively peaceful process under the leadership of Milton Margai and his Sierra Leone People's Party (SLPP). Moreover, in the immediate post-independence era, the state and key institutions of the state such as the military, police, judiciary and public service reportedly "functioned with a relatively high degree of independence and professionalism".⁶

This positive beginning began to change in 1967, when the military violated its much-touted professionalism to intervene in the politics of the country. Earlier, a general election had been conducted in March 1967. The election was won by Siaka Stevens of the opposition All People's Congress (APC). Stevens was, however, prevented from forming the government, through a coup led by Brigadier David Lansana. This marked the beginning of many coups and counter-coups in Sierra Leone. It was one such counter-coup on 18 April 1968 that restored Stevens, who had been in exile in Guinea since the first coup, as the country's president.⁷ The malgovernance of the Stevens regime eventually set the tone for the violent period that was to follow. The authoritarian tendencies of the regime were highlighted in 1971, when Stevens turned Sierra Leone into a one-party state. As it turned out, this only marked the beginning of authoritarian rule. The following year witnessed the troubling decomposition of the state and its core apparatuses of governance, including the security forces. As Fayemi Kayode notes in *Governing Insecurity in Post Conflict States: The Cases of Sierra Leone and Liberia*, in 1972 Stevens, not fully confident of the loyalty of the military, "established an alternative power centre in the Internal Security Unit (ISU) and an ISU offshoot, the Special Security Division (SSD)." Throughout its reign, the Stevens regime was reputed for its high-handedness, corruption and related vices.

As popular opposition to the regime grew, Stevens promised to resign after the 1981 elections. However, he reneged on his promise and did not vacate office until 1986. This move further complicated the immensely tense political atmosphere. By the time Stevens stepped down, he not only refused to handover to the incumbent vice-president, in accordance with the constitution, but also went ahead and handed over power to Major General Saidu Momoh. Unfortunately, Momoh was incapable of salvaging the situation. The contradictions in the political economy were already so institutionalised that Momoh's concession to multiparty politics, which



culminated in the 1991 elections, could not make any meaningful impact on the system.

It was against this background that the RUF, led by Corporal Foday Sankoh, launched a devastating attack on Sierra Leone from Liberia in May 1991, with the support of the then Liberian leader, Charles Taylor. The attempt by the Momoh regime to stop the RUF rebellion was futile because of the guerrilla tactics employed by the RUF. Eventually, General Momoh was overthrown by a rebel force under the leadership of Captain Valentine Strasser, who established the National Provisional Ruling Council (NPRC) as the ruling organ. Since then, civil war in Sierra Leone has escalated significantly. The Sierra Leone case was notorious for its excessive use of child soldiers and notable crimes against humanity, in violation of international humanitarian law.⁸

Attempts to explain the complicated dynamics of the Sierra Leone civil war suggest that the problem was located in different, but closely interrelated, causes. For some, the civil war was largely economically determined, and precipitated by the competition for scarce natural resources such as timber, gold and diamonds. For others, the civil war can best be located in the 'lumpen youth culture', rooted in the 'rarray boys', which started in the 1940s. It was a culture reportedly "organized around marijuana, bustling and petty theft, and underwent further expansion and politicization in the 1970s"⁹. Yet, others explain the conflict in terms of state collapse,

PRIOR TO THE PEACE ACCORD, SIERRA LEONE HAD BEEN A THEATRE OF VIOLENT CONFLICT OCCASIONED BY POLITICAL, ECONOMIC AND SOCIO-CULTURAL PROBLEMS, WHERE INTERNATIONAL HUMANITARIAN LAW – PARTICULARLY ON HUMAN RIGHTS – WERE FLAGRANTLY VIOLATED SINCE 1991, WHEN THE WAR ERUPTED

engendered by the political culture of corruption and the attendant privatisation of the state at the expense of the public good.¹⁰ While each of these explanations is directly related to an understanding of the Sierra Leone civil war, none of them is entirely independent of the others. Rather, the causes and reasons combined in a mutually reinforcing manner to drive the course of the civil war.

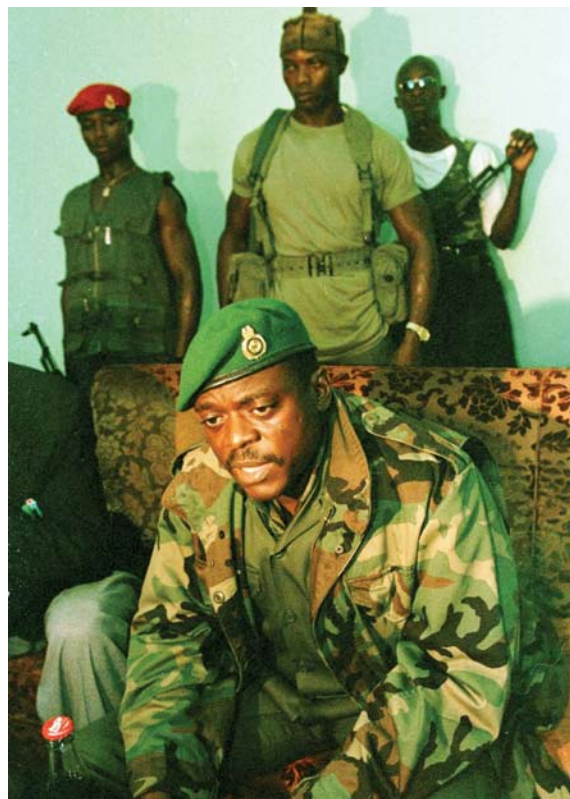
The Lomé Peace Accord

The first peace agreement between the government of Sierra Leone, led by President Tejan Kabbah, and the RUF, led by Corporal Foday Sankoh, was signed on 30 November 1996 at Abidjan, Côte d'Ivoire. Essentially, the agreement provided for the immediate end of armed conflict between the warring parties, and contained important provisions vital for consolidation of peace. However, no sooner was the agreement signed than it collapsed, because the rebel leader – Corporal Foday Sankoh – was unable to get his forces to abide by the agreement. In a paper, 'Democratic Transition in Anglophone West Africa', Jibrin Ibrahim attributes this failure to the fact that the peace accord "bestowed an additional political advantage on them, because it led to the official recognition of the RUF". This is valid to the extent that "the rebels obtained a role in the new army to be constituted, in the new electoral commission, and were given immunity from prosecution". Following this failure, another military coup took place on 25 May 1997, when soldiers captured Freetown and ousted the elected government of Tejan Kabbah. In its place, they constituted a new Armed Forces Ruling Council (AFRC) and installed Major Paul Koroma, a failed coup plotter released from prison, to head the AFRC. This marked another turning point in the renewal of hostilities in the country.

The continuous search for sustainable peace, however, heralded the birth of another peace agreement between the government and the RUF, in July 1999. This occurred after the 23 October 1997 Economic Community of West African States (ECOWAS) Peace Plan, which sought to end hostilities and restore stability to Sierra Leone. Specifically, the peace agreement was signed between the government and the RUF on 7 July 1999, following a meeting in Lomé, Togo, from 25 May 1999 to 7 July 1999 under the auspices of the then

Chairman of ECOWAS, President Gnassingbe Eyadema. The agreement reaffirmed in its preamble the imperative to end hostilities as a basis for transition to sustainable peace, democracy and development. Following this resolution, the parties agreed in part one to the cessation of hostilities, and established a Ceasefire Monitoring Committee (CMC) and a Joint Monitoring Commission (JMC) to oversee its effective implementation.

Other major provisions in parts two to seven of the peace agreement focus on issues of governance, politics, post-conflict military and security, human rights, socio-economy, implementation of the agreement, and major guarantors and international support. Some important provisions under governance include the transformation of the RUF into a political party, and permission to enable members of the RUF to hold public office, as well as to



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Major Paul Koroma became the head of the Armed Forces Ruling Council, following the May 1997 Freetown coup.

join a broad-based Government of National Unity (GNU) through cabinet appointment. In fact, Article V (3-4) conceded eight ministerial posts, including the number two position, to the RUF. And Article VII (1) provided for the establishment of a Commission for the Management of Strategic Resources, National Reconstruction and Development (CMRRD), which was “charged with the responsibility of securing and monitoring the legitimate exploitation of Sierra Leone’s gold and diamonds, and other resources that are determined to be of strategic importance for national security and welfare as well as cater for post-war rehabilitation and reconstruction”. Surprisingly, the chairmanship of the Governing Board of the CMRRD “shall be offered to the leader of the RUF/SL, Corporal Foday Sankoh”, conceding two representatives each to the government to be appointed by the president, and two representatives to the political party to be formed by the RUF. Further, Article VII (2) conceded three representatives to civil society, and two representatives to other political parties appointed by parliament.

Under political issues, Article IX (1-3) granted complete pardon and amnesty to Corporal Foday Sankoh, all combatants and collaborators and ensured that “no official or judicial action is taken against any member of the opposition and rebel groups in respect of anything done by them in pursuit of their objectives as a member of those organisations, since March 1991, up to the time of the signing of the present agreement”. It also contained issues on the review of the constitution, the date of the next election and the establishment of the National Electoral Commission (NEC), where it granted the RUF the right of representation. The agreement under post-conflict military and security issues dealt extensively with the new mandate for peacekeeping, encampment, disarmament, demobilisation and reintegration. It also allowed that ex-combatants could be integrated into the Sierra Leone Armed Forces, if they so wished. Other important issues, such as the release of prisoners and abductees, refugees and displaced persons, human rights and reconstruction, a special fund for war victims, child soldiers, education and health were provided for in the agreement.

Limitations of the Agreement

Given the comprehensiveness of the Lomé Peace Agreement, it ordinarily should be a significant step forward in the search for enduring peace, democracy and development in Sierra Leone. However, this is only superficial. Some of the major undoing of the Lomé Peace Agreement includes the total pardon and amnesty it granted ex-combatants, who violated notable humanitarian international laws and, in the process, committed heinous crimes against humanity. These included the unprecedented use of child soldiers, rape and assault



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The Sierra Leone conflict was notorious for its excessive use of child soldiers.

on non-combatants, and so on. More importantly, the provision for amnesty contradicted international humanitarian law, whose definition of amnesty does not apply “to crime against humanity, war crimes and other serious violations of international humanitarian law”.¹¹ It is perhaps for this reason that Amnesty International concludes that the peace agreement, “by granting sweeping amnesties to perpetrators of gross human rights abuses, fundamentally undermine efforts to prevent further humanitarian abuses and to bring those responsible to justice,” does not guarantee justice.¹² For Jibrin Ibrahim, a student of African politics, such a concession was simply “terrible logic”.

Moreover, the inclusion of RUF in the CMRRD and, more importantly, the statutory allocation of its chairmanship to the RUF leader, Corporal Foday Sankoh, were not well received. Given the centrality of natural resources – particularly gold and diamonds – to the civil war, the CMRRD was the most sensitive aspect of the peace agreement. It was, therefore, an important target of the RUF. By granting such a sensitive position to Sankoh, however, the agreement strengthened him in



UN peacekeepers in Sierra Leone have faced continuous assaults from the RUF.

his quest for mineral wealth and, by extension, granted him further access to foreign exchange needed to fortify his RUF, especially if he chose to violate the peace agreement. Even the inclusion of the RUF in the GNU, as well as the RUF's establishment as a political party, became frequent sources of friction between the government and the RUF, in terms of implementation.¹³ The provisions on Security Sector Reform and Reconstruction were generally seen as sketchy and deficient, particularly with the provision that ex-rebel combatants who wished to form part of the new Sierra Leone Armed Forces were permitted to do so. Above all, while the peace agreement contained important provisions pertaining to its implementation, the absence of a specific implementation timetable was a major disadvantage in the execution of the agreement.

The foregoing limitations may have accounted for the poor performance of the peace agreement. Despite being signed by both parties, the RUF continued its assaults on the civilian population and the UNAMSIL peacekeepers. For example, in May 2000, the RUF reportedly took 500 UNAMSIL peacekeepers hostage, contesting the legitimacy of UNAMSIL – and then obstructed its operations. Terrible testimonies abound

from victims of rebel abuses in Sierra Leone, after the Lomé Peace Agreement, as documented by Human Rights Watch.¹⁴ Responding to the tenuous relations between the RUF and UNAMSIL after the Lomé Peace Agreement, Ambassador Oluyemi Adeniyi, then Special Representative of the UN Secretary-General in Sierra Leone, notes:

From its induction in Sierra Leone, Sankoh had displayed an antagonism which proved implacable to the UN Mission (UNAMSIL). He denounced its deployment as illegal and inconsistent with the Lomé Agreement, done without his agreement and threatening to his party. Every effort made to explain the link between UNAMSIL and Article XVI of the Lomé Agreement met with a pretence at understanding only for UNAMSIL to be denounced again shortly thereafter. With that posture, RUF obstructed UNAMSIL from deployment throughout the country, protection of innocent Sierra Leoneans and others from gross violation of their human rights and assisting the extension of the authority of the Government of National Unity throughout the country.¹⁵

THE LOMÉ PEACE AGREEMENT WAS THEREFORE PERCEIVED AS REWARDING VIOLENCE, INSTEAD OF PUNISHING IT. THIS PARTLY EXPLAINS THE LOW LEVEL OF INTERNATIONAL SUPPORT FOR THE IMPLEMENTATION OF THE AGREEMENT

Conclusion

This article has undertaken a critical analysis of the Sierra Leone (Lomé) Peace Agreement, aimed at ending hostilities between the government and rebel forces – particularly the RUF – thereby initiating a genuine process of sustainable peace, democracy and development. The basic provisions of the agreement, its strengths and weaknesses are discussed. The analysis reveals that the agreement represents an important step forward in the search for peace, democracy and development. Its efficiency was, however, hampered by limitations such as the complete granting of amnesty to ex-combatants who committed heinous crimes against humanity, contrary to international humanitarian law. Moreover, the inclusion of the RUF in the GNU, as well as its transformation into a political party, also served to undermine the strength of the agreement. Again, the pivotal position accorded the RUF in the CMRRD seemed to have strengthened the RUF's stronghold on the economic strengths of the country, against the government. The Lomé Peace Agreement was therefore perceived as rewarding violence, instead of punishing it. This partly explains the low level of international support for the implementation of the agreement. For all its limitations, however, the signing of the agreement in the first instance provided a rough framework for the fragile transition from violence to peace in the country. At least, for now, the democratisation process has, despite occasional hiccups, been progressing, with the holding of the presidential and parliamentary elections on 11 August 2007. What is important, therefore, is to ensure that all stakeholders in the democratisation process – the state, political parties, civil society, mass media, international agencies and communities – are fully involved in the process in an open, participatory and transparent manner. ♪

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Endnotes

- 1 Abdullah, Ibrahim (1997a) 'Lumpen Youth Culture and Political Violence: Sierra Leoneans Debate the RUF and the Civil War' in *African Development*, Vol. XII (3&4), pp. 171-215; Abdullah, Ibrahim (1997b) 'Bush Path to Destruction; The Origin and Character of the Revolutionary

- United Front' in *African Development*, Vol. XXII (3&4), pp. 205-235; Bangura, Yusuf (1997) 'Understanding the Political and Cultural Dynamics of the Sierra Leone Civil War. A Critique of Paul Richards' Fighting for the Rain Forest' in *African Development*, Vol. XXII (3&4), pp. 117-148; Richard, Paul (1996) *Fighting for the Rain Forest: War, Youth and Resources in Sierra Leone*, London: James Currey; Reno, William (1995) *Corruption and State Politics in Sierra Leone*, Cambridge: Cambridge University Press; Adekanye, Bayo J. (1995) 'Structural Adjustment, Democratization and Rising Ethnic Tensions in Africa' in *Development and Change*, Vol. 26 (3), pp. 355-374.
- 2 Oluwaniyi, Oluwatoyin O. (2003) 'The Phenomenon of Child Soldiers in Liberia and Sierra Leone' in *African Journal of Peace and Conflict Studies*, Vol. 1 (1), pp. 140-157; Shah, Anup (2001) 'Conflict in Africa; Sierra Leone', available at <www.globalissues.org/Geopolitics/Africa/Sierraleone.asp>, accessed on 8 September 2007.
- 3 Human Rights Watch, quoted in Shah, Anup, *Ibid.*, p. 1.
- 4 U.S. Committee for Refugees (2000) *Scope and Scale of International Displacement in Africa*, quoted in Adar, Korwa G. (2004) 'Beyond Rhetoric: Peacekeeping in Africa in the New Millennium', in Mbaku, John M. and Saxena, Suresh C. (eds.) *Africa at the Crossroads: Between Regionalism and Globalization*, Westport, CT, London: Praeger, p. 268.
- 5 Bright, Dennis (2000) 'Implementing the Lomé Peace Agreement', available at <<http://www.c-r.org/our-work/accord/Sierra-Leone/implementing-lome.php>>, accessed on 8 September 2007.
- 6 Fayemi, Kayode J. (2004) 'Governing Insecurity in Post-Conflict States: The Case of Sierra Leone and Liberia' in Bryden, Alan and Hanggi, Heiner (eds.) *Reform and Reconstruction of the Security Sector*, Geneva: DCAF; Munster: Lit Verlag, p. 181.
- 7 Ibrahim, Jibrin (2003) *Democratic Transition in Anglophone West Africa*, Dakar, Senegal: CODESRIA, pp. 43-48.
- 8 Murphy, William P. (2003) 'Military Patrimonialism and Child Soldier Clientalism in the Liberian and Sierra Leonean Civil Wars' in *African Studies Review*, Vol. 1 46 (2), pp. 61-87.
- 9 Abdullah, Ibrahim 'Lumpen Youth Culture and Political Violence...', op. cit., p. 51; Ibrahim, Jibrin *Democratic Transition...*, op. cit., p. 45.
- 10 Reno, William (1995) *Corruption and State Politics in Sierra Leone*, Cambridge: Cambridge University Press.
- 11 Amnesty International (2001) 'Sierra Leone: A Peace Agreement but no Justice', available at <www.amnesty.org/library/Index/ENGA51007999?open&of=ENG325>, accessed on 8 September 2007.
- 12 *Ibid.*, p. 2.
- 13 Bright, Dennis (2000) 'Implementing the Lomé Peace Agreement...', op. cit., p. 2.
- 14 See 'Civil War in Sierra Leone: Focus on Human Rights', available at <www.hrw.org/Campaigns/Sierra/>.
- 15 Reported to 3rd JIC meeting, 13 May 2000, quoted in Bright, Dennis (2000) 'Implementing the Lomé Peace Agreement', op. cit., p. 2.

OVERVIEW OF KEY PEACE AGREEMENTS IN AFRICA, 1990 – 2007

WRITTEN BY **KARANJA MBUGUA**



ANGOLA



1991 : THE BICESSE ACCORDS

Signed in Lisbon, Portugal, on 31 May 1991, the Bicesse Accords was a comprehensive peace agreement, signed by the government of Angola and the *União Nacional para a Independência Total de Angola* (UNITA) rebel movement, and mediated by Portugal. The agreement sought to end the protracted civil war that had been underway since 1975. The agreement accepted as binding a number of other documents, most importantly the Protocol of Estoril, a ceasefire agreement, the Fundamental Principles for the Establishment of Peace in Angola and the Concepts for Resolving the Issues Still Pending Between the Government of the People's Republic of Angola and UNITA. The first issue in the agreement was the establishment of a ceasefire and a cessation of hostilities between the government and UNITA. Further, the agreement stipulated reforms for the military and security sectors, creating an integrated army and a new police force. Thirdly, the agreement allowed UNITA to become a legal political party, through elections in a multiparty democracy. The implementation of the agreement became the responsibility of a joint political-military commission, comprised of the warring parties and third party actors.

Outcome: The agreement did not hold, and the country reverted to war immediately after UNITA refused to accept the results of the multiparty election in 1992.

1994 : THE LUSAKA PROTOCOL

The Lusaka Protocol was a comprehensive peace agreement signed by both warring parties in Lusaka, Zambia, and mediated by the United Nations (UN). The agreement aimed to implement and, to some extent, amend the earlier Bicesse Accords of 1991. The agreement reinstated the ceasefire from 1991, but contained some important amendments, among them the inclusion of a ceasefire and the withdrawal of UNITA forces from specific locations to allow for a UN monitoring and verification presence in these areas, while government forces, in turn, would remain in situ. Further, the agreement had a framework for national reconciliation which entailed a power sharing arrangement between the two warring factions. The agreement also provided UNITA with formal amnesty for crimes committed during the conflict, and supplied the UNITA party and political leaders with 'appropriate' housing.

Outcome: This agreement also did not hold, and the country continued with war until 2002, when UNITA leader Jonas Savimbi was killed in a battle and his organisation was defeated militarily.



BURUNDI



2000 : ARUSHA PEACE AND RECONCILIATION AGREEMENT

The Arusha Agreement, which sought to end Burundi's seven-year civil war, was signed on 28 August 2000 between 19 parties, including the government of Burundi, the Conseil National Pour la Défense de la Démocratie (CNDD), Front de Libération Nationale (FROLINA) and Parti Pour la Liberation du Peuple Hutu (PALIPEHUTU). However, some rebel movements – including Conseil National Pour la Défense de la Démocratie–Forces Pour la Défense de la Démocratie (CNDD-FDD) and the Forces Nationales de Libération (FNL) – denounced the peace agreement. The agreement stipulated the cessation of acts of violence against civilians, and an end to hostile propaganda. The ceasefire entailed no concessions of territory, and all troops remained in situ, or were to be encamped in prearranged sites to await demobilisation or integration into the new armed forces. A joint ceasefire commission was created in order to monitor and supervise the ceasefire, and was composed of government delegates, members of the warring parties, the UN, the Organisation of African Unity (OAU) and the Regional Peace Initiative for Burundi. The parties agreed to reform the armed forces on the basis of an ethnic quota, stating that the armed forces would be composed of 50 percent Hutus and 50 percent Tutsis. The same modality was provided for the security forces, with an equal proportion of employment vacancies for the ethnic groups within the police force. A demobilisation package was created for those not incorporated. The peace agreement also provided for transition arrangements to be followed by democratic elections. Reconstruction and development and the return of refugees and displaced persons were important issues in the agreement, as well as a commission and a committee charged with the responsibilities of investigating genocide crimes.

Outcome: Though the key articles of this agreement were implemented and the transitional government formed, the continuation of violent conflict by other CNDD-FDD and PALIPEHUTU-FNL members led to further agreements in 2003. CNDD-FDD signed two agreements with the transitional government in October and December 2003 respectively, and the country held multiparty elections in July 2005, which CNDD-FDD won with 58 percent of votes. PALIPEHUTU-FNL continued with war, and finally signed a ceasefire agreement with the CNDD-FDD government in September 2006.

The Arusha Agreement led to a transitional government where Domitien Ndayizeye (center), of the Hutu tribe, held the position of President for a period, as did Pierre Buyoya (left), of the Tutsi tribe.



GETTY IMAGES / GALLO IMAGES



CHAD

2002 : TRIPOLI II AGREEMENT

The Tripoli II Agreement was signed on 7 January 2002 in Tripoli, and aimed to put an end to the Mouvement Pour la Democratie et la Justice au Tchad (MDJT) insurrection in Chad. An immediate ceasefire was put into place under the agreement, calling an end to direct and indirect military action and all hostile propaganda. MDJT fighters were to be integrated into the national army, in accordance with modalities agreed upon by a military and security subcommittee. Participation in the government and other state institutions by the MDJT was also agreed upon, and the modalities were to be drawn up by a political and legal subcommittee. A general amnesty was proclaimed, and there was to be a release of all prisoners and detainees by both sides. A tripartite military commission comprising of the government, Libya and the MDJT was created to oversee and verify the provisions of the agreement.



Outcome: This agreement was preceded by eight other ceasefire and substantive agreements between the government of Chad and different rebel movements. It did not, however, stem conflicts in the country, and other rebel movements arose, prompting two more agreements. The latest agreement was signed in August 2007.



CÔTE D'IVOIRE

2003 : LINAS-MARCOUSSIS AGREEMENT

The government of President Laurent Gbagbo signed a ceasefire agreement with the Mouvement Patriotique de Côte d'Ivoire (MPCI), Mouvement Populaire Ivoirien du Grand Ouest (MPIGO) and Mouvement Pour la Justice et la Paix (MJP) rebels in Lomé, Togo, in 2002. This was followed by peace negotiations in Linas-Marcoussis in France. The Linas-Marcoussis agreement reaffirmed the Lomé ceasefire agreement, which was made possible through the deployment of French and ECOWAS forces. It further stipulated the formation of a government of national reconciliation and the disarmament and demobilisation of all forces. An electoral timetable was also to be prepared to facilitate credible and transparent elections. Regional West African leaders and heads of state ratified the Linas-Marcoussis Peace Accord in January 2003. During 2004, the agreement still remained but was not implemented, resulting in new violence – this time between the New Forces and the government.



Outcome: The Linas-Marcoussis Peace Agreement did not hold, and the country slid back into war in 2004 and 2005. Similarly, subsequent talks – mediated by South Africa on behalf of the African Union (AU) – failed to break the stalemate. In March 2007, the New Forces rebels signed another agreement with the government in Ouagadougou, Burkina Faso.



COMOROS

2001 : FAMBONI II AGREEMENT

The Famboni II Agreement was a follow-up of Famboni I, which had been signed in 2001 to resolve the conflict and accommodate Anjouan Island, which was seeking secession from the Union to join France as an overseas province. The agreement formally reinstated the Comoros as a federal entity. It stipulated a new constitution clarifying the islands' relationship with a central government. The constitution was to be adopted in a national referendum. The agreement also stipulated that Grande Comoros military ruler, Colonel Azali Assoumani, was to head a transitional administration, which would oversee the formation of an electoral commission, a constitutional commission and a mechanism to collect small arms from the militia. The current regimes in Moheli and Anjouan would remain in place until the June referendum, but members of these regimes intending to run for election would have to resign one week before the results of the vote were published. A new transitional government was then stipulated to be formed to oversee the installation of the new institutions. Presidential and general elections were to be held in December 2001.



Outcome: The Famboni II Agreement was followed by the 2003 Agreement on Transition, signed on the island of Moroni, with the aim of finally settling the issues that continued to plague the relations between the Comorian islands, despite earlier peace agreements. The latter agreement reaffirmed the 2002 federal constitution and the federal structure of the Comoros. The parties agreed to parliamentary elections within four months, and a joint commission for the implementation of the agreement. Elections were held in 2003 and in 2006, when a new president was sworn in.



DJIBOUTI

1994 : ACCORD DE PAIX ET DE LA RÉCONCILIATION NATIONALE

The Agreement for Peace and National Reconciliation was signed in December 1994 to end the three-year civil war between the government and Front for the Restoration of Unity and Democracy (FRUD) rebels. The agreement stipulated an immediate ceasefire, demobilisation and reintegration of FRUD members into the military forces of Djibouti, the participation of FRUD's leaders in political life, and the recasting of the electoral rolls and devolution of authority and power.



Outcome: Despite this agreement, hostilities continued, and the government signed two more agreements – in 2000 and 2001 respectively – with breakaway factions of FRUD.



DEMOCRATIC REPUBLIC OF THE CONGO

1999 : LUSAKA AGREEMENT

The Lusaka Accord was signed in 1999 by the government of the Democratic Republic of the Congo (DRC) and rebel movements - Mouvement Pour la Liberation (MLC) and Rassemblement Congolais Democratique (RCD). The agreement stipulated a ceasefire, an end to the movement of military forces and hostile propaganda and redeployment to defensive positions. It also stipulated the withdrawal of foreign troops in the DRC within nine months, and a joint military commission – comprised of the warring parties and UN/OAU observer groups – to ensure compliance with the ceasefire and disarmament of identified militia groups. Further, it called for the deployment of UN peacekeepers and the formation of a national army, made up of government and rebel forces. Lastly, it specified an inter-Congolese dialogue, to include the government along with the armed and unarmed political forces, followed by general elections. The peace agreement also provided for amnesty for all rebel groups, apart from those implicated in acts of genocide.



Outcome: All parties to the conflict violated the terms of agreement and conflict continued in the country, thus delaying the transition process. Following the assassination of President Laurent Kabila, his son, Joseph Kabila, took over and signed four other ceasefire agreements. The subsequent inter-Congolese dialogue ushered in the transition process, which ended in October 2006 when democratic elections were held. President Joseph Kabila was sworn in in December 2006, following his victory in the second round of presidential elections.



ETHIOPIA



ERITREA

2000 : AGREEMENT ON CESSATION OF HOSTILITIES BETWEEN ETHIOPIA AND ERITREA

Eritrea and Ethiopia fought a bitter war over disputed areas along the common border. The Algiers Agreement, which was mediated by the OAU chairperson at the time, the president of Algeria, sought to terminate all military hostilities permanently. Further, the peace agreement established a neutral Boundary Commission to mark the 620 mile border, and the parties agreed that the delimitation and demarcation by the commission would be final and binding. The agreement also established a Claims Commission, in addition to the exchange of prisoners and the return of displaced people.



Outcome: Ethiopia rejected the recommendations of the Boundary Commission. Since then, tensions have remained between the two countries, and military movements along the common border have been claimed several times by both parties.



GUINEA BISSAU

1998 : ABUJA PEACE AGREEMENT

This agreement reaffirmed the ceasefire that had been signed to stop the one-year civil war. The civil war had been triggered by an attempted coup against the government of President João Bernardo Vieira by a section of the military, in June 1998. The coup attempt led to intervention by Senegal and Guinea Conakry, on the side of the president. The Abuja Agreement called for the withdrawal of Senegalese and Guinean troops and the deployment of the Economic Community of West African States (ECOWAS) Monitoring Group (ECOMOG) interposition force. Further, it stipulated a government of national unity, comprising both rebels and members of the government, to be followed by elections.



Outcome: The agreement did not resolve the conflict, and more clashes took place in 1999 and 2000. Further talks were held in Abidjan, Côte d'Ivoire, and much later – amidst continuing hostilities and conflict – direct negotiations between the president and rebels took place in Banjul, Gambia. In the subsequent elections, the opposition Social Renewal Party (PRS) won 38 of 102 seats, making it the largest party represented in the National People's Assembly, and its presidential candidate, Kumba Ialá, won 38.81 percent and 72 percent of the vote after run-off.



LIBERIA

2003 : ACCRA PEACE AGREEMENT

This peace agreement, which was signed at Accra, Ghana, stipulated a transitional power sharing government, the National Transitional Government of Liberia (NTGL). The parties reaffirmed the earlier ceasefire and agreed to a national process of cantonment, disarmament, demobilisation, rehabilitation and reintegration of the armed forces. It further stipulated a new national army, a restructuring of the security forces, a National Police Force, an Immigration Force, a Special Security Service, custom security guards and other statutory security units. ECOMOG was to establish a multinational peacekeeping force to preserve the peace. It also called for elections to be held no later than 2005, and had articles on the repatriation of refugees and internally displaced persons (IDPs), and recommendations for a general amnesty and the establishment of a truth and reconciliation commission.



Outcome: The Accra Agreement was preceded by seven other ceasefire and substantive agreements. All these agreements sought to resolve the civil war, which had been ongoing since 1999. In 2005, the transition process ended with democratic elections, which were won by Ms. Ellen Johnson-Sirleaf, the first democratically-elected woman president in Africa. The former President, Charles Taylor, who presided in the civil war years, has been indicted by the International Criminal Court (ICC) and is on trial in The Hague.



MOZAMBIQUE

1992 : THE ACORDO GERAL DE PAZ

The Acordo Geral de Paz (General Peace Agreement) was signed in Rome, Italy, and combined four previous protocols signed by the government and Resistência Nacional Moçambicana (RENAMO) to finalise the peace process. A ceasefire came into place after its ratification by the assembly, followed by the phased cessation of hostilities and integration of the combatants into the new armed units. The agreement stipulated a new army of 30 000 men, with each party contributing 15 000 men. The rest were disarmed and demobilised under UN supervision. This was followed by the transformation of RENAMO into a political party and the holding of free multiparty elections (regulated in Protocol II) under UN supervision, one year after the signing of the General Peace Agreement – provided that it had been fully implemented and the demobilisation process completed.



Outcome: The agreement was implemented successfully, and since then the country has held three multiparty elections.



NIGER

1995 : ACCORD E TABLISSANT UNE PAIX DÉFINITIVE ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE DU NIGER ET L'ORGANISATION DE LA RÉSISTANCE ARMÉE

The Niger government signed this comprehensive peace agreement with the Organisation de la Résistance Armée (ORA) in Niamey, Niger. The agreement reaffirmed the ceasefire agreement in 1994, and stipulated a restructuring of the armed forces and integration of ORA fighters into its ranks and security sector reforms. To accommodate the interests of the northern areas of Air and Azawad, it also stipulated and expanded the decentralisation articulated in the 1994 Ouagadougou Accord. The devolved municipal and regional entities were allocated the right to maintain their own assemblies and executive, implementation, social, cultural and economic powers, with special emphasis on the economic, social and cultural development of the Tuareg areas. In addition to a general amnesty and a resettlement programme for those displaced, a peace committee was established to ensure implementation of the agreement.



Outcome: The 1995 agreement held briefly, but hostilities arose again. At the moment, there is on-and-off-again lateral conflict in the country between the government and other rebel movements.



REPUBLIC OF CONGO

1999 : ACCORD DE CESSEZ-LE-FEU ET DE CESSATION DES HOSTILITÉS

Accord de Cessez-le-Feu et de Cessation des Hostilités was signed in December 1999 in Brazzaville. The accord follows a previous agreement, Accord de Cessation des Hostilités en République du Congo, which had been signed in November 1999. Accord de Cessez-le-Feu et de Cessation des Hostilités called for an immediate cessation of hostilities and the creation of a 'comité de suivi mixte et paritaire' (CDS) to implement the accord. This committee was to oversee the disarmament of the militias, the integration of former fighters into the armed forces and collection of weapons from these groups, free movement of the people and the launching of a national dialogue, followed by a new constitution and elections.



Outcome: The government of President Denis Sassou-Nguesso had come to power through military victory in the 1997 civil war. But that victory did not guarantee peace, thus the need for these agreements. The agreements held, despite challenges and violations by all the parties, and the country did not revert to massive violence.



RWANDA

1993 : ARUSHA ACCORDS

The Arusha Accords were signed on 4 August 1993 between the government and the Rwandese Patriotic Front (RPF). The implementation of the peace agreement was prepared, but never fulfilled. The Arusha Accords comprised a general agreement and six attached protocols, which were all combined to form a comprehensive agreement. The agreement reaffirmed the N'Sele Ceasefire Agreement, which had instated a Neutral Corridor separating the warring parties from each other, and was being monitored by the Neutral Military Observer Group, led by the UN Assistance Mission in Rwanda (UNAMIR). The agreement also stipulated a new unified national army, comprising 60 percent of the forces and 40 percent RPF. It also allocated Disarmament, Demobilisation and Reintegration (DDR) packages for those not integrated. Further, the agreement envisioned a power sharing arrangement, with the president and prime minister being chosen through consensus. The transition was to be followed by multiparty general elections after a 22-month period. Lastly, the agreement allowed for the repatriation of all Rwandan refugees, and the return of IDPs to their homes.



Outcome: The Hutu extremist party, Coalition for the Defense of the Republic (CDR), which had broken from the ruling party, Mouvement National Révolutionnaire pour le Développement (MNRD), refused to participate in the process. Finally, the agreement did not hold, and after the death of President Juvenile Habyarimana the country descended into one of the world's worst genocides, in which close to 800 000 Tutsis and moderate Hutus were killed. The war ended with the military victory of RPF – the party has been ruling the country since.



SENEGAL



2004 : ACCORD GENERAL DE PAIX ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE DU SENEGAL EL LE MOUVEMENT DES FORCES DEMOCRATIQUE DE LA CASAMANCE (MFDC)

This agreement was between the government and Mouvement des Forces Democratique de Casamance (MFDC), which have been fighting for the Casamance region to secede from Senegal. The agreement stipulated the renouncement of the armed struggle, amnesty for the rebels and their integration into the national paramilitary units. It also established a peace management committee, made up of state representatives, the Senegalese army, MFDC fighters and representatives of the political wing of the MFDC, to monitor compliance with the agreement. This was to be followed by economic reconstruction of the region, de-mining and aid to returning refugees, as well as determining the political future of Casamance.

Outcome: This agreement was a follow-up to two previous agreements, signed by the government and the MFDC in 1991 and 2001. At the signing of the agreement, it was unclear whether the leader of the MFDC could control factions of the movement that had broken away and refused to sign or respect the accord. Somehow, the accord has held, though tensions continue to simmer in the region.



SOMALIA



1997 : CAIRO DECLARATION

This declaration was signed in Cairo, Egypt, in December 1997, after 10 days of negotiations. These negotiations were a follow-up to approximately 10 other agreements, which had all failed to hold. The declaration established a ceasefire and a cessation of hostilities, followed by an encampment, in prearranged sites, of all forces. The fate of the encamped soldiers was not agreed upon, but a joint security force for the National Reconciliation Conference was established. The National Reconciliation Conference was to convene on 15 February 1998 in Baidoa, Somalia. The composition of delegates was drawn up, and the purpose of the conference was to elect a Presidential Council, a prime minister and to adopt a transitional charter. It also created a Constituent Assembly. Specifications for the Presidential Council and the Constituent Assembly were agreed upon; introducing a formula for representation based on the participation of the different Somali social groups. During the transitional period, a new constitution was to be drafted and approved by a referendum. For the transitional period, the structure of the state would be federal.

Outcome: The Cairo Declaration collapsed. It was followed by another conference in Djibouti in 2000. The Djibouti conference created the same institutions envisioned in the Cairo Declaration, including a Transitional Federal Government (TFG). Again, this TFG also failed, and another conference was held in Nairobi, Kenya. The Nairobi conference created another TFG, and transitional institutions including a Constituent Assembly and a Cabinet. But the TFG collapsed due to disagreements over the interpretation of the Transition Charter. Since then, several initiatives have been tried, including conferences in Khartoum and Yemen, but they have all failed.



SIERRA LEONE



1999 : LOMÉ PEACE AGREEMENT

The Lomé Peace Agreement was signed in Lomé, Togo, between the government of Sierra Leone and the Revolutionary United Front (RUF) rebels, in July 1999. The other rebel movement, the Armed Forces Revolutionary Council (AFRC), was not included in the talks. The agreement was a follow-up of the 1996 agreement, which had been violated by all parties to the conflict. The Lomé Agreement stipulated a ceasefire and a cessation of hostilities, to be monitored by a committee chaired by the UN Mission in Sierra Leone (UNAMSIL), and the formation of a new national army drawing from both parties. It also established a DDR programme. Further, it stipulated a power sharing arrangement at all levels of government, with the leader of the RUF, Foday Sankoh, assuming the position of Vice-President. The agreement left room for the inclusion of the AFRC. Other institutions included were the Commission for the Management of Strategic Resources and the Commission for National Reconstruction and the Commission on Development, to monitor the exploitation of natural resources. Other important political issues were the transformation of the RUF into a political party, the holding of elections as provided for by the constitution, and a general amnesty for combatants.

Outcome: This agreement did not hold and was followed by two others, the Ceasefire Agreement – signed in Abuja, Nigeria, in 2000 – and the Peace Agreement between the RUF rebel group and the pro-government Civil Defence Forces (CDF), the Kamajor militia in 2001. These agreements still failed to hold, and Foday Sankoh was injured in a battle between his forces and UNAMSIL forces in Freetown. He was arrested and later died in prison. Since then, the country has moved on and consolidated peace. The last multiparty elections were held in July 2007, and the opposition won.

REUTERS / THE BIGGER PICTURE



The RUF leader, Foday Sankoh (second from right), assumed the position of vice-president in a power sharing government.



SUDAN



2005 : COMPREHENSIVE PEACE AGREEMENT

The Comprehensive Peace Agreement (CPA) concluded the peace process that had been ongoing since July 2002, and was a consolidation of all the previous agreements that had been signed over a long period.

Highlights of the CPA were:

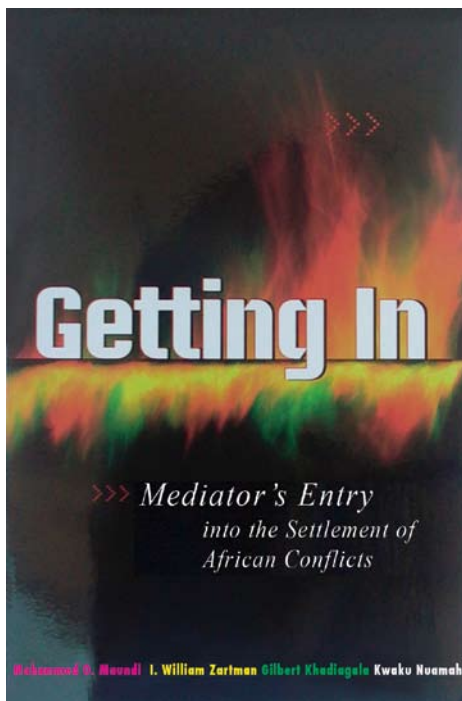
- autonomy for the south for an interim period of six years, followed by a referendum in 2011, with the option of independence from Sudan;
- the leader of the Sudan Peoples Liberation Movement/Army (SPLM/A), to be the first vice-president, and the SPLM/A to be given 28 percent of the seats in the national government;
- Sharia law to be applied only in the north and only to Muslims;
- the oil revenues in the south to be divided equally between the north and the south;
- the forces of the national government and the SPLM/A to remain separate, but integrated units of 21 000 troops to be formed;
- the government was given two-and-a-half years to withdraw 91 000 troops from the south, and SPLA eight months to withdraw its troops from the north; and
- the north and the south to have separate banking systems and currencies.

Outcome: Despite various challenges, the CPA is still on course. Such challenges include the lack of capacity in the south, tensions between unionists and secessionists within the SPLM/A, and the ongoing war in the western Darfur region, which has attracted much international attention.

GETTY IMAGES / GALLO IMAGES



Sudanese President Omar al-Beshir (center), former rebel leader John Garang (left) and former first vice president Ali Osman Taha (right), celebrate at the swearing-in ceremony of Garang as Sudan's first vice president, in 2005.



GETTING IN: MEDIATOR'S ENTRY INTO THE SETTLEMENT OF AFRICAN CONFLICTS

Authors **Mohammed O. Maundi, I. William Zartman, Gilbert Khadiagala and Kwaku Nuamah**
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 Pages **229**

This clearly-written and well-organised book sheds light on the previously unexplored area of mediation initiation and entry in violent and protracted African conflicts. By addressing the critical entry stage of mediation (including decisions to invite, initiate and accept such intervention), the authors have filled a significant gap in the existing mediation scholarship, which has largely focused on the mediation process and settlement outcomes.

Getting In provides a systematic inquiry and comparative study of mediation entry in six African conflict cases: Rwanda, Burundi, Congo-Brazzaville, Liberia, Sudan and the Ethiopia-Eritrea border conflict. The book is divided into eight chapters: the first chapter introduces the problem and establishes the context for the study; the last chapter provides conclusions on mediators' entry into African conflicts. The remaining six chapters are each dedicated to detailed analyses of the particular conflict cases, from which the final conclusions are derived.

The initial chapter is particularly strong in its clear articulation and introduction to various defining and foundational conflict resolution concepts and terminology. The conflict cases are classified as largely internal conflicts, but the authors also distinguish between examples of 'regionalist conflicts' (which aim at self-determination through secession or regional autonomy) and 'centralist conflicts' (where disputes tend to be over the central authority or government). The study of mediators' entry is then located within these classification parameters. Mediators' entry is also classified as either "mediator-initiated" (entry by proposition) or "parties-initiated" (entry by invitation). Examples of both types of entry are illustrated in the various conflicts.

The study is based on a realist, rational-choice framework and is rooted firmly in Zartman's (one of the authors) negotiation theory. The conclusion that conflict 'ripeness' and 'mutually-hurting stalemates' – when the parties experience enough pain and loss they are ready for compromise and the conflict is deemed ripe

for intervention – are also key factors in determining the successful entry of mediators in conflicts, is not surprising and unfortunately not very illuminating in terms of new knowledge generated. However, the book does generate a number of other significant observations and conclusions on mediators' entry in the settlement of African conflicts. These include: that mediators are motivated by their own self-interests in initiating entry or accepting a mediation invitation; that parties to a conflict are equally motivated by self-interests in accepting mediation and a particular mediator; that conflict perceptions and definitions change and affect mediators' entry and eventual success; that an impartial mediator is not central to the parties' acceptance of a mediator (that is, a biased mediator can be both acceptable and effective); that mediators do not have to change the zero-sum thinking of the parties to gain entry and be effective; and that the collective entry of multiple mediators is common. These significant findings definitely have a role to play in informing not only mediation practice, and specifically the entry of outside parties to African conflicts, but in conflict resolution interventions in general.

Getting In provides insightful and useful information that has application beyond the initial stages of mediators' entry into conflict. Through detailed analyses of conflict cases, the authors show how incorrect and poor perception of what is going on in the conflict can affect mediation entry and process negatively, and could result in the eventual collapse of agreements and settlements. Inclusivity – the engagement of all parties operating in the conflict – is deemed a key factor for successful intervention progress, and the challenges of undertaking inclusivity in the context of multi-layered, protracted

conflicts in Africa are also addressed. The authors deserve praise for their in-depth analyses of the conflict cases, particularly the emphasis placed on understanding the various internal and external parties operating in the conflicts, their motivations and perceptions, and their roles in sustaining or resolving the particular conflict.

A noticeable oversight in the analyses is that the particularities of the African context and how it influences conflicts, interventions and mediators' entry is not adequately addressed. While the authors indicate that generalisability of the ideas beyond the African continent is possible, the unique cultural aspects and influences on external mediators working in African conflicts are not discussed. One notable exception is the authors' recognition that the Tanzanian government's replacement of Mobutu as the mediator in Rwanda was done in a manner that continued to include Mobutu peripherally in the process, to allow cultural face-saving and to acknowledge respect and appreciation for his previous role. Although there are other such moments and anecdotes that provide rich insights into how culture is a significant influencing factor in mediation entry, acceptance and processes, these cultural issues are largely ignored in the conclusions and lessons provided in the book's final chapter. While the authors would do well to address this oversight in forthcoming work, it does not detract from the significant contribution *Getting In* makes in understanding this largely neglected dimension of mediation: the dynamics of – and lessons for – successful mediation entry in protracted conflicts. ▲

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