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ON BEHALF OF THE COMMISSIONER PEACE AND SECURITY OF THE AU
COMMISSION,
AMBASSADOR SMEIL CHERGUI

TO THE SEMINAR ON STRENGTHENING MEDIATION IN AFRICA
Addis Ababa, Ethiopia, 4 MAY 2015

“Overview of mediation efforts in present African conflicts”

Ladies and gentlemen,

On behalf of Her Excellency the Chairperson of the Commission, Dr. Nkosazana Dlamini Zuma, and the Commissioner for Peace and Security, Ambassador Smail Chergui, allow me to extend a warm welcome to the African Union and my very sincere appreciation for your presence here today to discuss a topic of great importance to us at the African Union – mediation of violent conflicts on our Continent.

It is indeed a great pleasure to welcome such a distinguished group of friends – friends which bring with them that rare combination of extensive practical and policy making experience, a keen understanding of current challenges and opportunities for mediation on the ground and, last but not least, a deep conceptual understanding of the issues at hand.

Dear colleagues, because this is a working seminar, I will focus my introductory remarks on the substance of our meeting – and, with your kind permission, consider that all protocols have been observed and go right to crux of the matter.

We are gathered here to discuss and reflect on mediation on our continent. This is, of course, not the first time we meet on this important theme. You may recall that during October 2009 the African Union Commission organised a seminar entitled “Towards Enhancing the Capacity of the African Union in Mediation” also here at AU headquarters, the culmination of a series of strategic consultations launched in late 2008 in collaboration with the United Nations (UN) and other stakeholders to reflect on lessons learned from mediation experiences in Africa.

At that stage the Commission recognised, and arguably still does, that collaboration between African and international actors is critical for strengthening the AU’s role in conflict prevention and mediation in Africa. We asked ourselves the question of ‘who takes the lead in mediation?’ – a remarkably pertinent question that still reverberates today in what continues to be a complex, at times competitive, process of mediation entry. I would venture to change the question somewhat to ‘who takes the lead in mediation and will parties to a conflict accept such lead?’.

As we meet here today, this question reminds me of the words of the UN Secretary General in June 2012. He cautiously noted how “the field of mediation has become more diverse and crowded…at their best, mediating actors have coalesced behind a lead mediator, served a common strategy, and employed their comparative advantages to maximum effect working at
different levels of the process. At worst, competition and disagreement over strategy and funding have permitted parties to forum shop, therefore hampering peace efforts."

Indeed, we must bear in mind a key requirement of mediation efforts – the acceptance by parties to a dispute of such endeavours. In common with arbitration but not adjudication, mediation depends on prior agreement by parties to a dispute. In addition, a defining dimension of mediation is that the decision-making power ultimately remains in the hands of the disputants. This aspect more than any other grounds an ultimate decision in some form of negotiation between disputants – the reason why mediation is an extension of and a complement to the negotiation process itself. Indeed, as we know too well, even though a mediator might exert pressure on conflict groups to agree on particular aspects, its role should ultimately be to assist disputants in making their own decisions and reaching a mutually acceptable outcome. In assisting parties negotiate their differences, mediators incorporate many other modes of intermediary activity, existing alongside facilitation, good offices and dialogue efforts.

These characteristics make mediation processes intensive, medium-to-long term commitments, requiring a permanent, flexible and time consuming engagement, dedicated and professional support and considerable financial resources. Not only are the situations under mediation complex and protracted, the very environment within which mediation occurs in is one characterised by increasing complexity.

Dear friends,

At the African Union Commission we have, to date, paid substantial attention to this dimension of our work. Indeed, mediation is called for specifically in the PSC Protocol, giving the Peace and Security Council specific responsibilities in this regard (Articles 5, 2 (d) and 6 (c), as well as the Chairperson (Article 10, 2, c). Indeed, our Chairperson has, under the authority of the PSC and in consultation with parties involved in conflicts and disputes, deployed efforts and initiatives – either personally or through special envoys, special representatives, the Panel of the Wise or the regional mechanisms – to prevent potential conflict, and to mediate and resolve actual conflicts.

The importance of our topic here today may partly be gauged by the frequency with which consecutive Chairpersons in the period 2007 to 2014 appointed and deployed Special Envoys and Special Representatives. To use some examples, these included Special Envoys (to Guinea, Madagascar, Guinea-Bissau, Comoros, Niger); Facilitators (such as the case of Burundi and the CAR); Special Representatives (Somalia, Great Lakes Region, Liberia, CAR) and Special Joint Representatives (Darfur); Chief Mediators (as in Mali) or Joint Mediators (as in Madagascar). Furthermore, several examples of International Contact Groups, Joint Mediations as well as a High Level Panel (Darfur/Sudan/South Sudan) were noted. I will return to this dimension as it pertains to the current period later in my communication.

In addition to the increasing use of these tools and mechanisms – perhaps because of them – the AU Commission has, for the last several years focused on the need to develop mediation capacity, including thinking through strategic and operational mediation guidelines, as well as putting in place a system for capturing lessons learned and mediation experiences more broadly. Following a process that began with an initial study as part of the “2008-2010 Work Programme to Enhance the AU’s Mediation Capacity”, we would issue, by 2012, our “Standard Operating Procedures for Mediation Support”.

Our fundamental motivation for these mediation standard operating procedures – and one which still remains – was to develop a more systematic approach to AU mediation, and to enable Envoys/Special Representatives and those who support their efforts to function at the
highest and most effective levels. We therefore focused on specific operation procedures as regards:

- Appointing and hiring process for lead mediator (decision to deploy a mediator, mediation roster, mandate and contract with mediator);
- Creating an AU mediation team (expertise and capacity; core team members; resource persons);
- Pre-deployment briefing for the mediator;
- Designing the mediation strategy (a key component focusing on mediation strategy and operational plans);
- The use of international contact groups;
- Funding support for mediation;
- Reviewing and evaluating progress made during a mediation process;
- End of assignment debriefing; and finally,
- Evaluation of finalized AU mediations.

As part of the process noted above, I would also like to highlight the importance of the Guidelines on UN-AU Mediation Partnerships. It is important to recall that, under the general principle of co-operation, our two organisations agree that we must coordinate efforts and work closer together, the responsibility for maintaining such a co-operative relationship that of the Secretary-General of the United Nations and the Chairperson of the Commission. Indeed, our two organisations have reflected on best practice to conclude that the decision on which organisation should lead a particular mediation effort must be determined jointly by the UN Secretary General, the AU Commission Chairperson, including the Chief Executive of the relevant REC where appropriate. Comparative advantage, acceptability to the parties, knowledge of the situation and availability of resources being key considerations in this regard.

A deeper level of partnership between the headquarters of the AU, the UN and the RECs is therefore a key dimension, which could be achieved for example through on-going desk-to-desk contacts; sharing information and analysis; collaborating in the preparation of briefing papers; joint training, retreats and workshops; joint review and evaluations; raising awareness of the strategic partnership; and mediation capacity-building.

Two other dimensions of our work in mediation are worth noting in this context, as the suggestions and reflections of this meeting are important. The first relates to learning, lessons learned and documentation of past and on-going mediation processes – what we have termed knowledge management. In this regard, we have adopted in 2012 the African Union’s Knowledge Management Framework for Mediation Processes (KMF). Our view is that the knowledge retained from AU mediation processes will contribute to following best practices, provide space for the application of lessons learned, inspire innovative thinking on mediation, provide a learning platform not only within the AU but also among other mediation actors, including the Regional Economic Communities/Regional Mechanisms, as well as the newly established “Pan African Panel of the Wise”.

The second dimension relates to our substantial programme of direct support and capacity building on mediation to various AU and RECs stakeholders, including the Office of the Chairperson and the PSC, Special Envoys, Special Representatives, Heads of Field Offices, Liaison Offices and officials at the various RECs. There are several examples of key projects and initiatives which have, over the years, seen the Commission provide direct operational support, strengthening of capacity, and harmonisation of mediation approaches. Capacity building activities have taken place in the CAR, Guinea Bissau, Madagascar, South Sudan, Mali, Tunisia, Libya, Burundi and Mozambique. The support of our partners is in this regard vital.
We should also recall the importance of our Annual High Level Retreat on the Promotion of Peace, Stability and Security in Africa which bring together senior officials and Special Envoys/Representatives of the AU, the RECs/RMs, the United Nations, the European Union, the League of Arab States, the International Organisation of La Francophonie and the Organisation of the Islamic Conference as well as representatives of the permanent members of the UN Security Council. Indeed, the Annual High Level Retreats are a key opportunity for experience sharing, networking and confidence building between various actors in the field of conflict prevention and mediation. Yet, I should also note that, because these Retreats include a closed one to two day meeting between the AU Chairperson and all AU Special Envoys, Representatives and Chief Mediators as well as the Members of the Panel of the Wise Of key it is of operational and strategic importance for our work with regards to mediation.

Ladies and Gentlemen,

Allow me to end by touching on the current situation across our continent, with reference to the topic of the next two days as this will help us understand the challenges, but also opportunities faced by our mediators on the ground.

When we glance through the African peace and security landscape, while the overall picture is one of a gradual reduction in the incidence of large-scale civil wars and inter-state disputes, insecurity continues to impact the lives and livelihoods of many millions of Africans. In this picture, economic growth and development, the lifting of many millions of Africans out of poverty, the increasing interconnectedness between our peoples and our national economies sit side by side with violent conflict and now the transnational spread of pandemics.

As we look back at the year 2014 and these first months of 2015, we see the African Union renewing its efforts in several on-going situations as well as responding to new, unprecedented situations Throughout the period, and for some time yet to come, we must continue our efforts to address the situations in Central African Republic (CAR), Darfur (Sudan), Democratic Republic of Congo (DRC), Libya, Mali-Sahel, Somalia, the situation between Sudan the South Sudan, and against the Lord’s Resistance Army (LRA). Yet, at the same time we have had to devise responses to new crisis such as the civil war in South Sudan, the terrorist threat in the broader Sahel and more specifically Mali, Nigeria and now Cameroon and Libya, develop responses to help mitigate the effects of the Ebola crisis, address events in Burkina Faso, among many others. In many of these situations, the activities of the Peace and Security Council, the Chairperson, Special Envoys, Special Representatives, Chief Mediators and Members of the Panel of the Wise are of critical importance. These cases also demonstrated the practical benefits of collaboration and coordination with RECs and the international community more broadly.

The eruption of conflict in the Republic of South Sudan during December 2013 was a very serious development – with grave humanitarian consequences – which required from the Union a swift response. The efforts undertaken by IGAD, with the support of the AU, the UN and other international stakeholders, which followed the outbreak of conflict would eventually lead to face-to-face talks between the parties in Addis Ababa. These talks, under the facilitation of an IGAD mediation team led by Ambassador Seyoum Mesfin, and comprising General Lazaro Sumbeiywo and General Mohammed Ahmed Moustafa El Dabi, would culminate in the signing on 23 January 2014 of the Agreements on the Cessation of Hostilities and on the Status of Detainees. Several sessions of Phase II of the South Sudan Peace Process were conducted during the first quarter of 2014 focusing on political dialogue for national reconciliation and healing. The parties signed a Recommitment on Humanitarian Matters in the Cessation of Hostilities Agreement, establishing two working commitments dealing with security arrangements and humanitarian affairs, on the one hand, and on political issues on the other. These committees produced working documents on the
implementation modalities matrix for the Cessation of Hostilities Agreement and the Framework for the Political Negotiations towards a Settlement of the Crisis in South Sudan. On 9 May 2014, the parties signed the Agreement to Resolve the Crisis in South Sudan. On 10 June 2014 the Parties agreed to establish a Transitional Government of National Unity by August 2014, a deadline which was not respected.

Yet, the situation in South Sudan continues to require close attention and support, as the talks took a long time to agree on the transitional government arrangements and hopes for a lasting peace agreement were dashed in mid-November when the ceasefire was broken shortly after it was signed. At its 5 December 2014 meeting on the situation in South Sudan, the PSC expressed deep concern over the failure of the parties to conclude consultations and reach a political settlement. In an attempt to scale up its support for IGAD’s efforts, the PSC decided to establish an AU High-Level ad hoc committee of Heads of State and Government comprising representatives of all five regions.

Likewise, the situation in the Central African Republic remained one of grave concern. You may recall that at the end of 2013, the violent clashes following the offensive launched by the anti-Balaka group against the Seleka, had led the French to intervene on 6 December 2013 and to the launch of an African-led International Support Mission to the CAR (MISCA) on 19 December 2013. Indeed, the activities of the armed groups particularly the anti-Balaka, aggravated the regional and religious polarisation with thousands of Muslims having to be relocated towards the north of the CAR, escorted by MISCA. The decision taken at the summit of the Economic Community of Central African States (ECCAS) held in Ndjamena on 9 and 10 January 2014 helped revive the political process through the election on 20 January 2014 by the National Transitional Council of Mrs Catherine Samba-Panza to the position of Head of State of the Transition and the appointment of Mr Andre Nzapayeke as Prime Minister and the formation of a new government of the Transition. As agreed by CAR stakeholders, the elections to mark the restoration of the constitutional order should take place during 2015. The transfer of authority from MOSCA to the United Nations Multidimensional Integrated Stabilisation Mission in the CAR (MINUSCA), which took place in Banjul on 15 September 2014, was a positive development marking the completion of the initial phase of the stabilisation of the situation on the ground – while we are trying to take the necessary measures to transform MISCA into an AU Mission for the CAR and Central Africa (MISAC).

Our efforts must continue as the security situation remains volatile, and tense in the north west and the centre of the country where repeated clashes between anti-Balaka and ex-Seleka continue to cause casualties and displacement of people. Because the humanitarian and human rights situation remains a source of concern (with nearly 2.6 million people in need of immediate humanitarian assistance), we must continue to support the observance and promotion of human rights, the restoration of the State authority and support to DDR operations. The adoption by the UN Security Council of resolution 2149 (2014) on 10 April 2014, which established the UN Multidimensional Integrated Stabilisation Mission in the CAR (MINUSCA), and its deployment must continue apace. In this regard, we should emphasise our gratitude to troop and police contributing countries, as well as to the regional leaders, including President Idriss Deby Itno, current Chairman of ECCAS, and President Denis Sassou Nguesso, ECCAS mediator in the CAR crisis.

In the Sahel region, a region that is experiencing the gravest humanitarian situation ever recorded – with more than 20 million Sahelians in a highly vulnerable situation – there are mixed signals.

On the one hand, the situation in Mali seemed to improve following the successful organisation of the presidential and legislative elections during 2013. Yet, during May 2014,
violence took place in Kidal between the Malian Defence and Security Forces (FDSM) and the armed movements who were opposed to the visit of Prime Minister of Mali, Moussa Mara. On 23 May 2014, President Mohamed Ould Abdel Aziz of Mauritania, then Chairman of the AU, went to Kidal, where he obtained the signing of a ceasefire agreement by the armed movements which occupied the town and the government of Mali. On 9 June 2014, the National Movement for the Liberation of Azawad (MNLA), the Arab Movement of Azawad (MAA) and the High Council for the Unity of Azawad (HCUA) signed the Algiers Declaration, in which they expressed their commitment to consolidation of peace in Mali. Nevertheless, there is an upsurge in attacks by armed and terrorist groups still active in the three northern regions (Gao, Kidal and Timbuktu). This situation should be seen in the context of the security challenges in the Sahel region, particularly terrorism and transnational crime, as well as the existence of fall back hide outs, training and logistical supply centres for terrorists. The AU Mission for Mali and the Sahel (MISAHEL) and the AU Strategy for the Sahel region have been instrumental in the pursuit of AU efforts in the region, as has been the appointment on 30 January 2013 and in collaboration with ECOWAS of former President Pierre Buyoya of Burundi as the Chairperson’s Special Representatives and Head of the then AFISMA.

On the other hand, Libya’s political and security situation deteriorated significantly during the year, thereby undermining Libya’s transition to democracy and threatening regional peace and stability. Proliferation of armed militias, centrifugal challenges to the government and the inability of the General National Congress (GNC) to implement its mandate are some of the factors that contributed to the current situation. Major conflicts have erupted in several regions of Libya, and assassinations and kidnappings have continued to affect the eastern part of the country. The most serious threat facing the country occurred in Benghazi and Tripoli from May 2014 when senior military figures initiated attacks against elements which they characterised as terrorists. Political infighting and uncertainty is also affecting the country’s oil production due to repeated strikes and forced shutdowns by ethnic minorities, powerful tribes and militias in the east of the country. On 11 June 2014, the Chairperson of the Commission appointed Mr Dileita Mohamed Dileita of Djibouti as her Special Envoy for Libya to undertake consultations with the Libyan authorities and other relevant stakeholders, as well as with the countries of the region.

The prevailing situation on the ground has also compounded the political crisis in the country following the legislative elections of 25 June 2014, with the establishment of two parallel legislative and executive bodies. It is under these circumstances of escalating violence and political deadlock that the AU Special Envoy for Libya undertook a series of consultations leading to the establishment of a security committee and a political committee headed by Algeria and Egypt respectively. The PSC has also decided to establish, in close coordination with and with the support of the UN, an International Contact Group for Libya (ICG-L) to facilitate a coordinated and harmonised international engagement in Libya.

Somalia continued to show evidence of progress towards the consolidation of peace and the promotion of reconciliation, despite on-going challenges and the need for support in this fragile phase. The New Deal Compact (Vision 2016), a peacebuilding and state building agenda that will culminate in general elections in 2016 continues to be the focus of the Federal Government of Somalia (FGS). There is some evidence of progress in the state formation process, constitutional review and preparations for the elections of 2016.

Nevertheless, in Somalia too, the humanitarian situation remains of deep concern – a situation made worse by the irregular rainfall that has affected this region. One of our priorities at this point is to support Somalia in its efforts to fundraise for humanitarian purposes, as only 15% the required resources had been secured by mid last year. It is critical for the international community to support the New Deal Compact process, deliver on its commitments to the Compact – as they will be critical so that the government can foster good governance, deliver security and social services, and boost the national economy.
In the wider horn of Africa region, the steps taken towards a regional and holistic approach to the challenges of peace, security and stability in the region are worthy of mention. In this regard, the AU Assembly requested the Commission to, in consultation with the countries of the region and IGAD, as well as relevant international partners, to take the necessary steps to launch the process. Against this background, the PSC summit meeting held in New York on 22 September 2013, decided to broaden the mandate of the AUHIP to promote such an approach, which would involve the holding of a regional conference on peace, security, stability, cooperation and development.

In Sudan, the situation in Darfur was unfortunately marked by an increase in the number of clashes between the government forces and the rebel movements, as well as an escalation of inter-tribal conflicts and banditry activities leading to loss of lives, destruction of property and civilian displacement. The efforts of the AU/UN Joint Special Representative and Chief Mediator for UNAMID as well as those of the Chairperson of the AU High-Level Panel for the Sudan and South Sudan (AUHIP) continue apace – strengthened by the initiative launched by President Idris Deby Itno of Chad. The work of the Implementation Follow-up Committee (IFC) of the Doha Document for Peace in Darfur (DDPD) remains, at this stage, extremely important. Here too challenges remain, particularly regarding the armed violence in the Two Areas of South Kordofan and Blue Nile and in Darfur – negotiations on cessation of hostilities leading to a Comprehensive Security Arrangements Agreement being paramount in this regard. From the November to December 2014, the AUHIP convened meetings in Addis Ababa, in one process and two parallel tracks to conduct negotiations between the Government and the SPLM-N on the Two Areas and the Government and the Darfur armed movements on Darfur respectively. One of the key developments that should be highlighted relates to the efforts to implement the national dialogue process announced by President Omar Hassan Al Bashir on 27 January 2014 to address in a holistic manner the challenges facing the country. During the last six months, the AUHIP has had interactions with the government of the Sudan (GoS), various opposition parties, as well as other Sudanese stakeholders,

Yet, as we reflect on the current peace and security landscape across the African continent, it is terrorism, extremism, militancy, combined with organised crime, corruption and bad governance that seem to present the most serious threats to our peace and security. The increased frequency of terrorist attacks, which now take place in several regions of our continent, from the Horn (Al-Shabaab in Kenya, Somalia, Djibouti) and the Sahel (Al-Qaida in the Islamic Maghreb and the Movement for the Oneness and Jihad in Mali, Niger) to Nigeria and Cameroon (Boko Haram) to Central Africa (where attacks continue to be carried out by the Lord’s Resistance Army (LRA). The ensuing casualties, destruction of infrastructure, displacement and loss of livelihoods are unprecedented.

In the midst of all these grave situations, a number of countries continued to evidence gradual but steady progress towards stabilisation and human security. We should here recall paragraph 17 of Assembly Decision 501 (XXII), which declared 2014-2024 as the Madiba Nelson Mandela Decade of Reconciliation in Africa, stressing the importance of national reconciliation and nation-building, conflict resolution, as well as the promotion of national healing and justice.

In Côte d’Ivoire, progress towards national reconciliation and peacebuilding continued during 2014. The gradual deployment throughout the country of the CCDO (Central Command of Operational Decisions), as well as the positive developments in terms of DDR and SSR are encouraging. Indeed, in 2013, 27,000 ex-combatants have been reintegrated and an additional 40,000 ex-combatants were expected to be demobilised during 2014. Nevertheless, we have a major event scheduled for 2015: the presidential election which is scheduled for October 2015.
In Guinea Bissau, and following a two-year transition, the country completed a critical phase in the process of ending the crisis with the organisation of presidential and legislative elections during April 2014.

In Tunisia, significant progress was observed during 2014 towards the completion of the ongoing transition process. Of note was the mediation between the political stakeholders in the country organised by a group of civil society organisations under the coordination of the General Tunisian Workers Union (UGTT). This mediation enabled the Tunisian political stakeholders to agree on the establishment of a new apolitical Government, to speed up the finalisation of the new Constitution, as well as to establish an Independent Electoral Commission for the parliamentary and presidential elections. The new Tunisian constitution was adopted on 26 January 2014 and on 1 May 2014 the new electoral law was adopted.

On Madagascar, a positive evolution of the situation during 2014 was noted. Symbolically, the period was marked by the convening of the 9th and last meeting of the International Contact Group on Madagascar (ICG-M) in Antananarivo, on 28 March 2014 – at this meeting, the commitment of the new President to consolidate the progress made so far in the implementation of outstanding aspects of the Roadmap for ending the crisis in Madagascar was highlighted. In addition, the lifting of sanctions by the EU and the United States on 19 and 27 May 2014 respectively were positive developments. For the AU, it will continue to support the efforts of the Government in Madagascar, especially with regards to governance and socio-economic development on the basis of agreed to priorities.

On Comoros, the consolidation of the reconciliation process and increased stability were noted throughout the period. Increased harmony between the central government and the Island authorities were noted, with the government initiating the preparatory process for the election of 33 members of the National Assembly and 51 councillors of the autonomous islands and the municipalities. These elections took place during November 2014.

Burundi organised and held the third post-civil war elections in the country, evidencing a gradual but certain move towards political reconciliation. And, finally, the DRC has also evidenced some positive developments in the situation in the East, following the conclusion of the dialogue between the Congolese government and the M23 during December 2013. Here the role of the International Conference on the Great Lakes Region (ICGLR) must be emphasised in its commitment to ensure the implementation of the Peace Security and Cooperation Framework for the DRC. The continuation of the security sector reform process is needed however and the need to eliminate the Democratic Forces for the Liberation of Rwanda (FDLR) and the other armed groups still active in the eastern DRC remained a priority throughout 2014. We must continue to support the DRC government in its efforts to fight more effectively against impunity, and to promote good governance.

Dear friends,

The brief outline above demonstrates the importance of mediation as part of the basket of tools at our disposal to reduce violent conflict in our continent. Opportunities to reflect on our practice, share experiences and chart a way forward are therefore vital. This seminar presents us with such an opportunity.

Key current issues include key lessons learned from mediating in Africa; how to better coordinate and collaborate on mediation with the RECs and wider mediation partnerships; how to take forward our efforts to strengthen mediation capacity and on-going and sustained support at headquarters and in missions; how to operationalize our knowledge management framework and lessons learned exercises, including monitoring and evaluation; furthering the implementation of our stand-by mediation roster; charting the way for better coordination with
Members of the Panel of the Wise as well as other sections within the Commission; and last but no least important, promoting the role of women as mediators and streamline a gender component to all our mediation endeavours. The topics of this seminar are therefore highly relevant to us.

Ladies and gentlemen,

It is an honour and a sincere pleasure to open this seminar by sincerely thanking all of you, personally as well as on behalf of the Chairperson and the Commissioner for Peace and Security. I declare this Meeting open and thank you.