

Lessons learned from mediation by an African regional Organization

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Introduction

Mediation is a major intervention tool in Africa. It has been used to prevent and resolve many violent conflicts in Africa. The commonly used type of mediation in African conflict is regional organisation-led mediation processes. Despite the popularity of this type of mediation in Africa, we know precious little about the lessons major African regional organization have, or have not, learned from these mediation processes. This paper examines Organization of African Unity, now the African Union's (O/AU) mediation of Burundi conflicts between 1993 and 2009 to help observers of African international relations gain a deeper understanding of lessons that can be learned from mediation by African regional organizations.

The paper argues that many novel conflict resolution tools, including the creation of an effective *ad hoc* regional institution to provide political support to the mediator, emerged from the mediation processes. Yet, the mediation lacked the most basic element of the science and craft of good mediation. The O/AU officials failed to realise until recently that mediation is a science that requires impeccable grasp of history, culture, politics, and familiarity with human psychology. Burundi peace process benefited from the wisdom and intelligence

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of some of the most iconic people on the African continent but the mediation processes were largely driven by trial and error techniques primarily because O/AU officials failed to realise that mediation is a craft and that life experiences alone however rich that might be, are not enough. The OAU needed to provide technical support to help these iconic leaders find out when to make an approach or a proposal, whom to approach, when to let parties talk, when to plead, when to bargain, when to threaten, when to engage in cheap talk, when to manipulate others, and how to incentivize parties. The absence of technical support, for instance, made mediators provide incentive package which unintentionally prolonged the negotiations. The sybaritic perks and per diems provided to Burundian parties seduced them away from any interest they might have had in actually reaching an agreement.

In the section to follow, I illustrate these claims in three stages. First, I summarise the nature of the conflict and describe OAU direct mediation processes. I try to draw attention to flaws in each stage of the mediation processes. Second, I unpack OAU delegation of the mediation to an independent mediator supported by the Great Lakes Regional Initiative for Peace in Burundi, an *ad hoc* regional institution established to provide political backing to the mediation team. Lastly, I highlight three major lessons from O/AU intervention in Burundi.

O/AU Interventions in Burundi

The O/AU intervened in Burundi in October 1993 to restore democratic political breakdown as well stop the violence which erupted after leading members of the first democratically elected government of Burundi, led by Melchior Ndadaye, were assassinated by Tutsi army officers on 21 October 1993.¹ The killing sparked violence throughout Burundi, with aggrieved Hutus directing their anger against ordinary Tutsis. The Burundian national army, dominated at the time by the Tutsis, retaliated by killing about 150,000 people and forcing more than 700,000 people to seek refuge in neighbouring states between 1993 and 1994.² Most of the people killed were Hutus.

The 1993 crisis coincided with OAU's retooling of its peacemaking architecture to play a central role in promoting conflict resolution in Africa. The OAU Secretariat set out the broader goal of the retooling exercise in a major policy document adopted by African heads of state at the 26th Ordinary Session of the OAU Assembly in July 1990. This document paved the way for the OAU to establish, in June 1993, the Mechanism for Conflict Prevention, Management and Resolution (MCPMR).

¹ Like most African societies, Burundi's three major ethnic classifications, Hutus, Tutsi and Twa are social construct, manipulated by elite for political purposes.

² Lemarchand, 1996, 2004, 2006; Mpangala and Mwansasu 2004; Aboagye, 2004; Daley, 2006.

The war in Burundi provided an opportunity for the O/AU to demonstrate its commitment to conflict management and resolution in Africa. The first response of the O/AU through the then Secretary-General, Dr Salim Ahmed Salim was to take up the role of a chief mediator. Dr Salim moved to ensure that the parties would engage in political dialogue. He first met with the Burundian Ambassador to Ethiopia, Pierre Claver Ndayicariye, at OAU headquarters on 25 July 1993. Dr Salim also consulted with officials in the French embassy in Bujumbura who had offered asylum to surviving members of Ndadaye's government.³ A week after the assassinations, he led a high-powered OAU delegation to Bujumbura to hold talks with key stakeholders.⁴ On 30 October 1993, the OAU delegation met with both the army high command and the surviving members of Ndadaye's government in order to open the channel of communication and start the process of rebuilding confidence between the two.

The Dr Salim then appointed Ambassador Papa Louis Fall from Senegal as his special representative in Burundi. In the absence of a roster of African diplomats, Ambassador Fall was one of the very few experienced and highly respected French-speaking diplomats that Dr Salim knew and could call upon at short notice. Prior to his appointment, Ambassador Fall had participated in peace talks aiming to resolve the Rwandan conflict. Dr Salim felt the Rwanda peace talks had given Ambassador Fall the necessary experience of working with belligerents in the Great Lakes region. In addition, Ambassador Fall had general understanding of Francophone African politics.

Ambassador Fall was given general Terms of Reference that included his mandate and virtually nothing else. He had only a few days to prepare before travelling to Burundi and there is no evidence to suggest that he received any major briefing or dossier about the conflict, the issues and actors involved, nor was he provided with mission objectives, strategies, expectations, backstop support and an exit strategy. Moreover, it appeared that Ambassador Fall did not have a deep knowledge of key aspects of the Burundi situation such as the mindset of the ruling class and Burundi social structure, before he assumed his office.

Ambassador Fall arrived in Burundi in November 1993 and opened a permanent OAU mission in Bujumbura, the capital city of Burundi. His lack of familiarity with Burundi politics, coupled with little backup support, meant that he had to learn through trial and error. The Burundi parties exploited this or, in the words of a former OAU official, 'played games' with him.⁵ Ambassador Fall was unable to find a good way to deal with the persistent double talk of the Burundi political elite, and publicly criticised the injustice he felt was embedded in Burundi society. This alienated key Tutsi politicians and army officers who accused him of

³ The French also deployed gendarmes to protect the remaining members of Ndadaye's government when they were moved to Hotel Source du Nil in Burundi's capital, Bujumbura.

⁴ The delegation included the Egyptian Vice-Minister of Foreign Affairs, the Egyptian Ambassador to Burundi, the OAU Undersecretary-General in charge of political affairs, the OAU Director for Political Affairs and two support staff.

⁵ OAU interlocutor, Tanzania, 27 October 2008.

being biased towards the Hutus.⁶ The tension and distrust that developed between Ambassador Fall and the Tutsi elite became a major distraction, and led to his replacement by Ambassador Leandre Bassole from Burkina Faso in 1994.

Bassole was also appointed because of his Francophone background and because he happened to be in the network of Dr Salim. Ambassador Bassole was also given no background information or briefing and was not provided with technical support. Ambassador Bassole's relationship with the Tutsi elite gradually deteriorated, and he was eventually replaced by Ambassador Mamadou Bah of Guinea in 1997. Unlike the previous two special representatives, Ambassador Bah had participated in almost every discussion and meeting on Burundi since the October 1993 crisis, in his previous capacity as OAU Director for Political Affairs. His familiarity with the issues together with his calm personality and willingness to face the challenges made him the ideal individual for Burundi's political environment.

Like his predecessor, Ambassador Bah had to conduct the mission without adequate support staff and resources. For instance, his mission had no political and legal experts for many years. There was no clear line of reporting between the Burundi mission and O/AU headquarters. Also, there was no clearly defined relationship between the special representative and key headquarters institutions, such as the Conflict Management Division (CMD) and the Peace Support Unit within the Department of Peace and Security.

Ambassador Bah came to the realisation that the Burundi army and the Tutsi parties will never allowed Ndadaye's Burundi Democratic Front (FRODEBU) to form a government in line with the outcome of the 1993 election and accordingly advised the OAU headquarters. The advice in large part made O/AU change both the strategy and the broader objectives of the Burundi mission. The Central Organ set the tone for the strategy shift when it decided to reconfigure the OAU mission to Burundi 'in order to assist the people of Burundi in regaining confidence and pursuing the process of national reconciliation.'⁷

The revised OAU strategy focused on assisting the efforts of the Special Representative of the UN Secretary-General (UNSG), Ahmedou Ould-Abdallah, and the Roman Catholic Bishops of Burundi, who had become active in the Burundi peace process, to negotiate a coalition government between the country's 12 active political parties. The negotiation led to the establishment of the 'Convention of Government' headed by Sylvestre Ntibantunganya of FRODEBU in September 1994. Although the presidency of the new government went to the FRODEBU party, the real power was given to the Burundi army and Tutsi-Hima elite. Indeed, the powers of both the presidency and parliament where FRODEBU members dominated were reduced but the dominate role of the army largely controlled by Tutsi elite remain intact. While the new political

⁶ OAU interlocutors: Tanzania, 27 October 2008; Burundi, 16 October 2008; Addis Ababa, 22 October 2008.

⁷ OAU, *Resolution on Burundi*, CM/RES. 1524 (LX); CM/1831 (LIX), adopted June 1994. The use of the phrase *assist the people of Burundi* rather than the *government* as used in previous resolutions and declarations indicated that the OAU leadership was thinking beyond the outcome of the 1993 elections.

arrangement fell far short of the return to democratic rule that the OAU had set out to restore, the organisation decided to support what seemed to be the best way out of the crisis.⁸

The OAU dispatched two ministerial-level missions to Burundi between April and June 1995 to explore further ways in which the OAU might assist in the implementation of the Convention of Government.⁹ The delegation concluded that the army will undermine the implementation of the Convention of Government unless the OAU bring additional political pressure to bear on the leadership of Burundian army.¹⁰ The OAU Council of Ministers endorsed the finding of the delegation, reaffirmed the OAU's 'strong support for the Convention of Government' and urged Dr Salim to ensure that 'political and other forces, especially the army and the security forces, join hands in implementing the terms of the Convention.'¹¹ Dr Salim felt a respected leader in the Great Lakes region might be in the best position to mount the pressure on the leadership of Burundian army. He therefore decided to request the assistance of former Tanzanian President, Julius Nyerere to make use of informal channels to pressure the army leadership to respect the terms of the Convention.¹²

Delegation of Mediation to Great Lakes Region

Three main reasons informed the choice of President Nyerere. First, Dr. Salim felt President Nyerere's stature would bring international attention to the Burundi problem. Second, as most Burundian refugees had fled to Tanzania, Dr. Salim thought that President Nyerere would be particularly knowledgeable about the situation as well as exceptionally committed to resolving a conflict that was affecting his country. Third, Dr. Salim was of the view that President Nyerere had the international influence and standing to mobilise external political and donor support against stubborn army officers.

Contrary to commonly held view in the literature that President Nyerere never visited Burundi during the crisis, he actually paid two visits to Burundi, where he held talks with the parties.¹³ Interestingly, he opted to bring President Mandela into the process and consulted with the South African president on regular basis throughout his informal intervention in the Burundi crisis.¹⁴ These informal contacts made President Nyerere feel 'sufficiently confident' that a new

⁸ OAU interlocutor, Burundi, 28 October 2008.

⁹ The delegation consisted of the Secretary-General, the Foreign Ministers of South Africa and Mauritius, the Secretary of State for Foreign Affairs of Tunisia and the Assistant Minister of Foreign Affairs of Egypt to Burundi. The missions took place on 11 to 13 April and 29 May to 3 June 1995.

¹⁰ Report of Ministerial Delegation, 1995.

¹¹ OAU, *Resolution on Burundi*, CM/Res. 1619 (LXIII) adopted February 2004.

¹² OAU (Organisation of African Unity, 1995c), *Record of Consultation on Burundi between OAU Secretary-General Dr Salim Ahmed Salim and Foreign Minister of Burundi held at the Cabinet Office in Addis Ababa, 20 December 1995*, pp.1–12.

¹³ Record of Consultations 27 February 1996:1

¹⁴ OAU interlocutor, Bujumbura, 28 October 2008.

political pact had to be negotiated to replace the Convention of Government.¹⁵ After intensive consultations with the O/AU leadership, President Nyerere decided to bring representatives of the FRODEBU and UPRONA parties together to negotiate a new political arrangement. Dr. Salim encouraged leaders of the Great Lakes region to form the Great Lakes Regional Initiative for Peace in Burundi (GLRIPB) to provide political support to President Nyerere.

With strong political support from the GLRIPB, he organised negotiation session in Mwanza between 22 and 26 April 1996. After protests from other Burundi parties, President Nyerere agreed to include all key parties in the negotiations.¹⁶ The venue of the negotiations was then shifted to Arusha, after the second meeting, which was held from 3 to 9 June 1996.¹⁷

While the negotiations were under way, the army took over power in Burundi on 25 July 1996, and installed Pierre Buyoya as the new leader of Burundi. The OAU responded swiftly by rejecting Buyoya's government, and put pressure on it to join the negotiations. The OAU encouraged the GLRIPB to impose economic sanctions on the new regime. The Buyoya regime bowed to pressure to form a transitional power-sharing government consisting of moderates from the UPRONA party and FRODEBU. He also joined the facilitation process after failing to reach an agreement with the CNDD in a failed negotiation meeting in Rome.¹⁸

The mediation process which was led by South Africa when President Nyerere died in 1999 paved the way for the signing of the Arusha Agreement for Peace and Reconciliation for Burundi on 28 August 2000. The Arusha agreement was designed to help Burundi's main political players share power. The presidency of Burundi was to alternate between UPRONA and FRODEBU during a three-year transition period, which was later extended to four years.¹⁹ It established a consociation form of government for Burundi. The Hutus and Tutsis were given a share of 60% and 40% respectively in both the government and the National Assembly, and 50% each in the Senate. Additionally, three representatives from the Twa ethnic group were to be seated in the National

¹⁵ OAU (Organisation of African Unity, 1996a), *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim, Ato Meles Prime Minister and Mwalimu Julius Nyerere held at the Prime Minister's Office on 27 February 1996*, pp.1–10.

¹⁶ The parties which participated in the negotiation were: the Government of the Republic of Burundi; the National Assembly, the Alliance Burundo-Africaine pour le Salut (ABASA), the Alliance Nationale pour de Droit et le Development (ANADDE), the Alliance des Vaillants, the Conseil National Pour la Defence de la Democratie (CNDD), the Front pour la Democratie au Burundi (FROEBU), the Front pour la Liberation National (FROLINA), the Parti Socialiste et Panafricaniste (INKINZO), the Parti pour la Liberation du Peuple Hutu (PALIPEHUTU), the Parti pour le Redressment National (PARENA), the Parti Independent des Travailleurs (PIT), the Parti Liberal (PL), the Parti du peuple (PP), the Parti pour la Reconciliation du Peuple (PRP), the Palliement pour la Democratie el le Development Economique et Social (RADDES), the Rassemblement du Peuple Burundais (RPB), the Union pour le Progress National (UPRONA).

¹⁷ Mpangala & Mwansasu 2004; Bentley & Southall 2005

¹⁸ Bentley & Southall 2005

¹⁹ The UPRONA chose President Boyuya and FRODEBU selected President Domitien Ndayizeye to replace President Boyoya

Assembly and another three in the Senate. Women were allocated 30% of the seats in each of these three institutions. In addition, no more than 67% of a single ethnic group were allowed to be in municipal institutions. The O/AU was one of the guarantors of the agreement.

The Arusha Agreement was by no means a finished product, as the main warring parties - Pierre Nkurunziza's CNDD-FDD and Agathon Rwasa's PALIPEHUTU-FNL - were not parties to it. Six of the parties, including the main Tutsi party, UPRONA, signed "with reservations."²⁰ The agreement provided for a 29 member Implementation Monitoring Committee (IMC). Members of the IMC were the 18 parties to the Arusha Agreement, civil society, the GLRIPB, the OAU, the donors and the international community. The UN (represented by the special representative) was asked to chair the IMC but could not do so until the first half of 2003.²¹ In the absence of the chair, the IMC could not do any serious work. The vacuum created by the IMC had to be filled by a subsidiary of IMC called the Joint Ceasefire Commission (JCC). As Stephen Jackson observed 'while the IMC appeared the more significant body, in reality the JCC did the bulk of the work in implementing the agreements, ensuring that solutions were reached on such issues as harmonization of ranks and pushing through the security sector legislation.'²² The inclusion of the Burundi parties in the IMC was a major mistake.²³ The parties used their membership of the IMC to push for a renegotiation of aspects of the agreement they did not like instead of assisting in the implementation of the peace agreement.

The facilitation team mistakenly assumed that the UN Security Council would be willing to mandate a peacekeeping force to assist in the implementation of the agreement. As a result, Protocol V of the Arusha Agreement encouraged the government of Burundi to request from the UN an international peace keeping force. The UN Security Council refused to authorise a peacekeeping force claiming that there is no peace and comprehensive ceasefire agreement to keep. The position adopted by the UN Security Council made the OAU collaborate with President Mandela to persuade South Africa to deploy the South African Protection Support Detachment (SAPSD) in October 2001. This was the last major role the OAU played in the peace process, as it was replaced by the AU on 26 May 2001.

The creation of the AU, accompanied by a renewal of Pan-Africanism with its slogan 'African solution to African problems,' made the Central Organ of the AU to mandate the deployment of a African peacekeeping force in April 2003 for a period of one year subject to renewal by the Organ and pending the deployment of the UN peacekeeping force. The AU first peacekeeping mission had major limitations yet it created the condition not only for the UN to eventually

²⁰ The reservations were attached to the agreement. The other 13 signed without reservations.

²¹ The arrival of Ambassador Berhanu Dinka (the designated chair of the IMC), who was appointed as the Special Representative of the UN Secretary-General in June 2002 delayed for almost a year.

²² Stephen Jackson, *The United Nations Operation in Burundi (ONUB) - Political and Strategic Lessons Learned*. UN Best Practices Unit. Independent External Study, (2006).

²³ The parties were originally excluded from the IMC but the Tutsi parties with the support of major donors to the process pressurised the facilitation team on the day the agreement was to be signed to include the parties in the IMC.

deploy peacekeeping force on 1 June 2004 but also it played a key role in assisting the mediation team to get all parties except Agathon Rwasa's Palipehutu-FNL to sign a comprehensive peace agreement.

The transfer of peace keeping duties to the UN allowed the AU to shift its attention to supporting the transitional process. The parties often sought the counsel of the office of Ambassador Bah on major issues. Bah tried to ensure that the parties follow through on commitments by keeping a vigil eye on the actions of the transitional government established by the Arusha agreement. He often used informal channels to draw the attention of parties to any actions he felt were inconsistent with pledges made or likely to impact negatively on the transition process and offered assistance to parties to resolve implementation differences and challenges. For instance, Bah used informal channels to put pressure on Ndayizeye to follow the transition timetable when it became known to him that the former wanted to prolong his stay in office. In addition, Bah was one of the key people who ensured that the transition process, and in particular, the electoral processes followed the agreement reached between the parties. He lobbied the leadership of the AU and the GLRIPB when he felt it was necessary to extend the transition period. Ambassador Bah ensured that the AU stayed engaged in the conduct of five sequences of elections, including a constitutional referendum and municipal, legislative, parliamentary and presidential elections. Pierre Nkurunziza of CNDD-FDD was elected as the new president of Burundi and sworn into office on 26 August 2005.²⁴

When Pierre Nkurunziza's government assumed office, the AU encouraged the new regime to enter into talks with Agathon Rwasa's Palipehutu-FNL. The talks started in late May 2006 and concluded on 7 September 2006 with the signing of a comprehensive ceasefire agreement during the 27th Summit of the GLRIPB.²⁵ Implementation of the agreement did run into major stumbling blocks and stalled until April 2009 when Agathon Rwasa symbolically handed over his weapons to the AU at the ceremony held in Rubira (west of Burundi capital city Bujumbura) on 18 April 2009. This symbolic act by Agathon Rwasa marked the beginning of the process to demobilise, rehabilitate, and reintegrate the FNL into Burundi's public space and institutions as well as the official end of the political crisis which started in 1993.

Lessons Identified

While dwelling on the negative side of mediation by resource-challenged international organizations such as the AU where improvisation, experimentation and innovation are fundamental to the success of major endeavours may be

²⁴ He is assisted by two vice presidents, Yves Sahinguvu, a Tutsi from UPRONA, and Gabriel Ntisezerana, a Hutu with no political affiliation. The CNDD-FDD has 54% of parliamentary seats (64 out of 118), 65% of senate seats (32 out of 49) and 55% of seats in municipal councils (1781 out of 3225).

²⁵ These negotiations were conducted in two phases. The first phase led to the signing of the "Dar-es-Salaam Agreement of Principles Towards Lasting Peace, Security and Stability in Burundi", during the 26th Regional Initiative Summit, held in Dar-es-Salaam on 17 and 18 June 2006. The second phase of the peace negotiations took place between 23 June and 7 September 2006.

counter-productive and stifle creativity, it is useful to look back and learn from the past.

The first lesson from the Burundi peace process is that the O/AU realised very late that mediation is a science, requiring good knowledge of history, culture, politics, and familiarity with human psychology. O/AU officials especially Dr. Salim placed less emphasis on acquiring impeccable knowledge of the issues in the conflict, nature of the conflict, and of the parties involved. The OAU/AU officials who had to deal with the conflict neither had access to adequate information about the Burundi conflict and the personalities involved nor did they know the Burundi social structure well before they got involved. Many O/AU officials acquired their knowledge about Burundi on the job and quite late in the process. The absence of a clear understanding of the conflict at the initial stage made the OAU officials engage in trial and error, and allowed the parties to 'play games' with OAU representatives and its political leaders.

Dr. Salim showed unparalleled commitment to resolving the Burundi conflict, but without professional support at the Secretariat, it took him considerably long time to get a good grasp of the Burundian social structure, the issues and the players involved in the conflict. He received neither good research nor intelligence report and depended mostly on the media, Western intelligence sources and mission reports for information. In actual fact, the British, French and the American governments had more up-to-date information and better intelligence reports on Burundi than Dr. Salim's office.

Moreover O/AU officials failed to realise that mediation demands systematic and strategic thinking. The OAU involvement in Burundi was not guided by strategic policy thinking, apart from the organisation's desire to achieve peace and ensure that constitutional rule returned to Burundi. The absence of a strategic policy document outlining the specific short-to-medium term goals and long term objectives of the mission, ways to achieve them, and guidelines for intervention meant that the OAU became involved in Burundi without:

- Structured and systematic planning and institutional machinery;
- Clear entry and exit strategies;
- Clear rules of engagement;
- The necessary backstopping and technical support;
- Pre-deployment dossier or briefing to the senior officials, including the special representatives;
- Appreciation that any involvement was going to be long and chequered.

Though the OAU/AU established an early field presence in Burundi, allowing the special representative to become familiar with the issues, learn on the job and build trust with the parties, the absence of a mindset within the OAU that mediation is a science meant that the leadership of the Pan-African never realised the centrality of providing the Burundi mission with adequate and skilled staffers. For a long time the mission had no political or legal experts. It made the management of the mission tedious, especially when the larger peacekeeping force was deployed in 2003. The line of reporting between the field officers and those at O/AU headquarters was not properly delineated. Communication

between the special representative and the headquarters was at best ambiguous, producing fertile ground for conflict. In other words, early presence on the field could not compensate for the lack of technical skills and a clear line of communication between the field and headquarters.

Burundi benefited from the leadership and reputation of two African iconic figures, Presidents Nyerere and President Mandela. Both brought an incredible wealth of knowledge to the facilitation process but, in the absence of backstop mediation support and advisers with in-depth knowledge of Burundi, they relied on trial and error, especially in the early phase of the Arusha negotiations. In addition, they had limited access to reliable and independent information on the parties' capabilities and views. In hindsight, most interviewees agreed that too much time was wasted and too many avoidable errors were made.

The absence of O/AU leadership appreciation that mediation is a science that needed to be conducted in a professional and enduring institutional setting made O/AU mission staff in Burundi developed personality driven working relationships with parties, even including the relations they built with their UN counterparts. The personnel nature of the relationship undercut any effort to create an enduring and institutionalised form of cooperation between the two institutions. Both the AU and the UN have since recognised the importance of working within a professional institutional setting and have started the process of creating structures for AU/UN cooperation in peace related matters.

The Burundi mediation was fortunate to have the secretary general of international organization as the chief mediator during the first phase of the process which ensured high level of attention within the O/AU system. However, Dr. Salim's involvement and undue reliance on informal channels personalised the mediation processes, and discouraged the development of durable institutional mechanisms within the OAU Secretariat to handle the mediation process. This absence meant that when Dr. Salim left the organisation in 2000, Burundi became an orphan at the AU headquarters, especially with the development of the Darfur crisis. Even with South African backing, as of 2005, Burundian issues did not occupy any priority position at the AU headquarters. Until 2006 when a desk officer was appointed, Burundi files were handled at the AU headquarters by a consultant.²⁶

As a science, mediation requires systematic documentation of the process and dissemination of the necessary information to the relevant parties. The O/AU demonstrated glaring weaknesses in the areas of documentation and dissemination of information. Information about and documentation of O/AU mediation activities in Burundi were extremely far-flung. The general materials produced in recent years, such as reports of peace agreements, and resolutions, are scattered among the Desk Officer, the Situation Room, the CMD documentation unit, the general archive and the registry. The good and informative materials on the O/AU's involvement in Burundi, however, are

²⁶ The AU has now appointed a Desk Officer to handle Burundi issues.

actually outside of the AU system.²⁷ The absence of proper documentation has many implications. It undermines the building of institutional memory and the AU's professional image. In the absence of good documentation, it is difficult to obtain reliable information on the O/AU's role in Burundi, especially in the 1990s.²⁸ This, perhaps, explains the dearth of information on the organisation's role in Burundi in mainstream academic and policy works, in spite of the relatively high degree of attention researchers have given to the Burundi peace process. The few works that do contain information about the O/AU's work in Burundi caricature it altogether.²⁹ Thus, many people do not know of the O/AU's work in Burundi, because the Pan-African organisation has made it difficult to obtain the information. It appears the AU has not learned from the image problem that the OAU endured.

Second major lesson is that the O/AU leadership failed to realise that mediation is professional craft. As a craft, mediation requires that mediators know when to make an approach or a proposal, whom to approach, when to let parties talk, when to plead, when to bargain, when to threaten, when to engage in cheap talk, and when to manipulate others. The OAU special representatives could not find a good way to deal with the persistent double talk of Burundi political elite. Ambassador Fall frustration at not finding a way to illicit accurate information from Burundi parties compelled him to publicly rebuke Burundi parties for being selective with the truths which ended up alienating key Tutsi politicians and army officers. The tension that developed between Ambassador Fall and the Tutsi elite led to the replacement of the former.

Similarly, both Presidents Mandela and Nyerere had difficulty knowing when to intervene, when to let parties talk, and when to make a proposal. While President Nyerere allowed parties too much room to talk and failed to intervene when he had to, President Mandela barely gave the parties a chance to discuss the issues. This is why some have suggested that if President Nyerere had a "surplus of patience," President Mandela operated as if he had no patience at all.³⁰ He told Burundi parties unequivocally that they had had too much time to talk and he had no time to waste. He ridiculed some of the parties publicly and, in many cases, in front of the media, threatened to exclude individuals he felt were delaying the process, threatened to take away the resources provided to those he felt were playing games, and "said and did things only Mandela can get away with."³¹ He fixed the date for signing the Arusha accord and invited world leaders to witness the ceremony long before the parties had agreed to anything. He then used these measures to push the parties to conclude the negotiation process and sign the Arusha Agreement for Peace and Reconciliation for Burundi on 28

²⁷ In fact, the bulk of materials used to write the Burundi section were obtained either through informal networks or outside of the OAU/AU system.

²⁸ Many interviewees could not remember beyond generalities and with any meaningful degree of accuracy the OAU/AU's work prior to 1999. Such difficulty entailed that researchers had to reconstruct the Burundi story based on meeting notes and other documents that were not easy to obtain.

²⁹ For instance, many people fail to recognize that both South Africa and Tanzania obtained legal authority from the O/AU, and actually worked for the O/AU.

³⁰ OAU interlocutor, Addis Ababa, 24 October 2008

³¹ Burundi interlocutors, Bujumbura, 27 October 2008.

August 2000. The approach President Mandela adopted made some observers to suggest that President Mandela used his leverage to “bully” the parties to agree to and to sign the Arusha agreement.³² In other words, it was force rather than the craft of mediation that led to the signing of the peace agreement.

As a craft, mediation requires the chief mediator to know who to invite, when to invite them, what structures to create and who should be part of which structure. These issues posed major challenges in the Burundi mediation processes. The mediators struggled to deal with issues of representations. The various peace and ceasefire agreements made provisions for establishing useful and workable implementation structures. However, it was an error to include in the IMC all the 18 signatory parties to the Arusha Agreement. It gave the parties the chance to try to renegotiate the terms of the agreement. The IMC became an extension of Arusha negotiation instead of a forum for dealing with implementation issues or a place to hold the parties to account. Other institutions had to be established to take on the work that IMC was supposed to do.

Lastly, and as a skilled endeavour, mediation requires effective use of incentive structures. Details of the overall resources used by the OAU/AU in Burundi were not available. The degree to which funding information on the Burundian mission is scattered and the informality of some aspects of the O/AU Burundian peace process meant that major research and forensic auditing would be required to establish the actual cost of the mission. While the audited report by the Price WaterHouse Coopers and Tanzania Audit Corporation of the mediation processes showed no wrong doing from an accounting perspective, the information available makes painfully clear that the incentive structures made provided were not used in the best possible ways. The O/AU’s unflinching determination to assist Burundi did result in the organisation spending some resources it should not have. The use of per diems proved specifically problematic in Burundi in the sense that it actually, albeit unintentionally, prolonged the conflict. The sybaritic perks and \$110 per day per diems seduced the parties away from any interest they might have had in actually reaching an agreement. For some of the rebels, living in fancy hotels, pocketing of \$110 per day and flying in sometimes chartered aircraft from rebel-base to negotiation venue were great value for their effort - or rather, lack thereof.

³² Burundi interlocutors, Bujumbura, 27 October 2008

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