

Civil Society Participation  
in Peacemaking and  
Mediation Support in the  
APSA: *Insights on the AU,  
ECOWAS and SADC*

*Michael Aeby*



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Institute for Justice and Reconciliation (IJR), Cape Town, January 2021

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Insights on the AU, ECOWAS and SADC**

By Michael Aeby, PhD, *IJR Research Consultant*

Study conducted in partnership with the  
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

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# FOREWORD

Since the establishment of the African Union (AU) in 2002, African continental and regional intergovernmental organisations have assumed a pivotal role in preventing, managing and resolving violent conflicts. This has been institutionalised through a continental framework, namely the African Peace and Security Architecture (APSA), which establishes a set of instruments, norms and mechanisms to prevent and manage violent conflicts. APSA's instruments include early warning systems, crisis prevention measures, mediation, multidimensional peace support operations and measures for post-conflict reconstruction in post-conflict countries. Led by the AU and the Regional Economic Communities (RECs), APSA stakeholders and development partners have incrementally developed this continental framework in their efforts to promote peace and security.

The AU's *Agenda 2063: The Africa We Want* identifies civil society as a key stakeholder in achieving the organisation's vision and mission. The AU, RECs and Regional Mechanisms (RMs) mention civil society in policies, maintain formal and informal structures to engage civil society organisations and consult them in selected policy processes. This is based on the common understanding that civil society engagement is indispensable to ensure the representation of citizens' interests, achieve popular ownership of peace efforts and enhance the sustainability of peace agreements. However, looking at APSA instruments and mechanisms, the level of civil society participation varies sharply, notably in the sub-regional structures of the Continental Early Warning System (CEWS). The present report seeks to look at the different mechanisms, benefits and challenges that exist for civil society participation in dialogue and mediation at continental and regional levels.

The report was commissioned by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) project 'Support to the African Union for the prevention and management of violent conflict within the framework of the APSA' that is implemented with funding from the German Federal Ministry for Economic Cooperation and Development (BMZ). We would like to thank Dr Michael Aeby, who worked under the guidance of Prof Tim Murithi, Head of the Peacebuilding Interventions Programme at the Institute for Justice and Reconciliation (IJR), based in Cape Town, South Africa.

The report also benefitted from feedback from GIZ colleagues working at the AU, the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) as well as from an online validation workshop organised by GIZ APSA. We hope that this study will contribute to the documentation of continental and regional efforts made so far and support the identification of avenues for further engagement of civil society actors in peace processes.

**David Nii Addy**  
*GIZ APSA Head of Programme*  
November 2020

# EXECUTIVE SUMMARY

Recognising the need to institutionalise mediation capacity and to foster the participation of non-state actors in conflict prevention and peacemaking, the African Union (AU) and Regional Economic Communities (RECs), which form the building blocks of the African Peace and Security Architecture (APSA), have established Mediation Support Structures (MSS) and developed partnerships with civil society organisations (CSOs). This report was compiled by the Institute for Justice and Reconciliation (IJR) which is based in Cape Town, South Africa. It offers comparative insights, firstly, on the framework for the inclusion of civil society stakeholders from conflict-affected states in peacemaking. Secondly, on the potential contributions of African non-governmental organisations (NGOs) that specialise in peace and security to the development of mediation support capacity in the AU, Economic Community of West African States (ECOWAS) and Southern African Development Community (SADC).

## Objectives and scope of the study

The overarching objective of this IJR study is to examine and compare the role civil society participation plays in mediation support activities and the development of MSS in the AU, ECOWAS and SADC. It seeks to offer policy- and practice-relevant insights on the benefits and challenges that emanate from CSO participation in mediation support to inform the continued development of mediation capacity in the AU and RECs, whose peace and security institutions constitute the regional components of the APSA and are in this study referred to as 'APSA institutions'. By providing these insights, the study is meant to serve as a resource for policy makers, civil society actors, development partners and researchers alike. Rather than examining the MSS in isolation, the study considers the institutional environment and links between mediation support and CSO participation in institutions for early warning and conflict prevention.

The study focuses on the following types of CSOs:

1. African NGOs that specialise in peace and security;
2. Local CSOs which include national and community-level organisations from conflict-affected countries that are stakeholders to peace processes and may participate in mediations;
3. Regional civil society networks that act as conduits between intergovernmental organisations (IGOs) and local CSOs.

The analysis is guided by the following questions:

1. What framework do the AU's and RECs' policies and institutions set for civil society participation in peacemaking and mediation support?
2. What role does civil society play in the operationalisation of MSS and mediation support activities pertaining to capacity building, operational support, knowledge management and networking?
3. What role does MSS play in enabling the inclusion of local civil society actors in mediations?
4. What are the major challenges, benefits and downsides of civil society participation in mediation support?

Following an outline of the conceptual framework and rationale for civil society participation in peacemaking, the report provides three cases studies on the AU, ECOWAS and SADC and a comparison. The case studies and comparison, which follow a systematic analytical programme (see table of contents), focus on the workings of MSS and review the policy and institutional framework for civil society participation. The study

is based on policy documents, literature and 46 interviews, conducted by the IJR, with representatives of APSA institutions, CSOs and research institutions.

## Key findings

The study finds that, whereas the three IGOs have an organisational mandate to involve civil society, they have to varying degrees elaborated policy guidelines for civil society participation in peacemaking and enshrined them in statutory instruments.<sup>1</sup> Their institutional frameworks entail various channels for civil society participation whose viability depends on the full operationalisation of the pertinent institutions.<sup>2</sup> Whereas NGOs greatly contributed to the design and operationalisation of MSS, the pool of African NGOs specialising in mediation support was limited, and it would be vital to ensure structures and procedures designed in partnership with NGOs enjoyed the buy-in of all stakeholders.<sup>3</sup> The three MSS conducted a full range of operational support tasks although their involvement in peace processes depended on the acceptance and awareness of their services by mediators.<sup>4</sup> The MSS could, in principle, play an important part in streamlining consultations by mediators with local civil society stakeholders and promoting inclusive peace process designs.<sup>5</sup> The MSS made major strides in capacity building, whereby NGOs helped to develop training instruments and received training.<sup>6</sup> To maintain internal knowledge management systems, the MSS would need greater research capacity and support from various mediation actors.<sup>7</sup> Whereas sensitive information must be internally managed, African research facilities would be well placed to assist the analysis and sharing of mediation knowledge and deploy experts to technical teams to support mediators.<sup>8</sup>

## Policy frameworks for civil society participation

The AU, ECOWAS and SADC have an organisational mandate for peacemaking and to engage civil society.<sup>9</sup> The AU and ECOWAS have detailed guidelines for inclusive mediation and NGOs' participation in relevant structures and processes, while SADC is yet to adopt corresponding guidelines to encourage peacemakers to involve CSOs. Whilst AU mediation guidelines recommend CSO inclusion in mediations, the comprehensive policy framework for inclusive conflict prevention and peacemaking of ECOWAS is enshrined in a statutory document.<sup>10</sup>

The study identifies policies relating to both the involvement of expert NGOs in APSA institutions and the inclusion of local civil society stakeholders in peace processes. NGOs are assigned different roles in peacemaking:

- ECOWAS guidelines project NGOs as intermediaries between ECOWAS and communities and as facilitators in multitrack dialogues.<sup>11</sup>
- AU guidelines emphasise NGO experts' role in technical teams to backstop mediators, training and sharing mediation knowledge.<sup>12</sup>
- SADC envisages the exchange of expertise with regional research institutions.<sup>13</sup>

The existing policy frameworks give legitimacy to NGOs' involvement in structures and processes for peacemaking but entail significant grey areas.<sup>14</sup>

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- 1 ECOWAS, 'ECOWAS Conflict Prevention Framework'; AU, *AU Mediation Support Handbook*.
  - 2 Gnancadja, interview; Respondent 3, interview; Respondent 10, interview; Respondent 2, interview; Respondent 9, interview.
  - 3 Addae-Mensah, interview; Odigie, interview; Nathan, interview; Respondent 1, interview; Respondent 2, interview; Respondent 4, interview; Sabiiti, interview.
  - 4 Odigie, interview; Respondent 1, interview; Respondent 9, interview; Respondent 8, interview.
  - 5 AU, *AU Mediation Support Handbook*, 7, 10, 51; ECOWAS, 'Mediation Guidelines', 55.
  - 6 Odigie, interview; Respondent 7, interview.
  - 7 Odigie, interview; Respondent 1, interview; Respondent 6, interview; Respondent 9, interview.
  - 8 AU, 'Knowledge Management Framework for Mediation Processes'.
  - 9 AU, 'Constitutive Act of the African Union, Addis Ababa', Art. 3, 4, 22; ECOWAS, 'Revised Treaty of the Economic Community of West African States (ECOWAS)', Art 58; SADC, 'Consolidated Treaty of the Southern African Development Community', Art. 16-23.
  - 10 ECOWAS, 'ECOWAS Conflict Prevention Framework'; AU, *AU Mediation Support Handbook*.
  - 11 ECOWAS, 'Dialogue and Mediation Handbook', 57, 89.
  - 12 AU, *AU Mediation Support Handbook*, 16, 22, 33, 41, 45, 85, 115, 127, 132; AU, 'Standard Operating Procedures', 18.
  - 13 SADC, 'Revised Edition of the Strategic Indicative Plan for the Organ (SIPO II)', 23-35.
  - 14 AU, 'Livingstone Formula'; Respondent 2, interview; Farred, interview, 17 January 2020.

In terms of including local CSOs in mediations, AU and ECOWAS policy guidelines establish inclusivity as a mediation principle that mediators must balance against the practicability of negotiations. Whilst suggesting the possibility of including CSO delegations at the negotiation table, AU and ECOWAS guidelines do not generally aim at inclusive national dialogue conferences and recommend that CSOs are consulted by mediators or included in dialogues on subordinate tracks.<sup>15</sup> AU guidelines spell out the role of the mediation support team in enabling consultations with CSOs.<sup>16</sup> The application of these recommendations depends on whether they are embraced by mediators and in mediation mandates, and whether conflict parties accept CSOs' inclusion.

## Institutional frameworks for civil society participation

The AU, ECOWAS and SADC have to a varying degree institutionalised IGO-CSO interfaces and APSA institutions that must work together with MSS and interact with CSOs. Since some APSA institutions, such as regional panels of elders, are not fully operational, the related channels for CSOs to inform peacemaking are unavailable. The IGO-CSO interfaces of the AU, ECOWAS and SADC show the benefits and downsides of models that are either based on an IGO body or an independent platform. The AU's interface, the Economic, Social and Cultural Council (ECOSOCC), has been constrained by restrictive eligibility criteria that state actors set for CSOs and prevent numerous donor-assisted organisations from using the official interface to engage with the AU. If an IGO's interface is ineffectual, it deprives the organisation of vital input and erodes its credibility vis-à-vis civic stakeholders.<sup>17</sup> The experience in ECOWAS and SADC shows that an interface that relies on an NGO network is vulnerable to organisational constraints that can render it unsustainable.<sup>18</sup> Yet, the model is better suited to provide an accessible, credible and independent platform for CSOs to interact with an IGO.

The APSA institutions of the AU and RECs provide further channels to inform prevention and peacemaking. Decision-making organs for peace and security offer few formal channels for CSOs to inform proceedings. For practical reasons, few CSOs can address the Peace and Security Council (PSC) or brief ECOWAS ambassadors, and civil society actors, therefore, use informal channels to inform their proceedings.<sup>19</sup>

The suitability of early warning systems to inform peacemaking and the involvement of NGOs in early warning systems vary considerably. A stronger structural nexus between early warning and mediation support would permit the systematic use of early warning data for the analytical work of MSS.<sup>20</sup> The ECOWAS Early Warning and Response Network (ECOWARN) that partners with the West African Network for Peacebuilding (WANEP) is credited with fostering a culture of prevention, human security and participation.<sup>21</sup> To emulate the model in other regions, NGOs would need early warning capacity whilst state security centred regional systems would need to be overhauled.<sup>22</sup>

The panels for preventive diplomacy and mediation, i.e. the AU Panel of the Wise (PoW), the ECOWAS Council of the Wise (CoW), and the SADC Panel of Elders (PoE), would need operational support and capacity building from MSS to optimally use resources. NGOs supported the PoW to compile reports, organise events and build bureaucratic capacity.<sup>23</sup> Stakeholder consultations by the panels, which comprise civic leaders, provided a channel for local CSOs to inform prevention, mediation and reports to decision

15 ECOWAS, 'Dialogue and Mediation Handbook'; ECOWAS, 'Mediation Guidelines'; Nathan, 'Plan of Action to Build the AU's Mediation Capacity'; AU, 'SOP', 9; AU, *AU Mediation Support Handbook*, 73.

16 AU, 'SOP', 9, 37; AU, *AU Mediation Support Handbook*, 7-10.

17 Badza, interview; Kebede, interview; Mofyia, interview; Nathan, Ndiaye, and Zoubir, 'APSA Assessment', 152; Rudo and Bronwen, *Strengthening Popular Participation*, 27.

18 Diallo, interview; Farred, interview, 10 May 2019; Messie, interview; Respondent 10, interview.

19 Diallo, interview; Farred, interview, 17 January 2020; Kebede, interview; Mofyia, interview; Vava, interview; Respondent 4, interview.

20 Diallo, interview; Respondent 2, interview; Van Nieuwkerk, interview.

21 Gnanguénon, 'Afrique de l'Ouest', 1-6; ICG, 'Implementing Peace and Security Architecture (III)', 5.

22 Farred, interview, 17 January 2020; Respondent 9, interview; Nathan, interview.

23 de Carvalho, 'Looking for a Home', 8; Gnancadja, interview; Nathan, interview; Respondent 3, interview.

makers.<sup>24</sup> However, in 2019, the PoW was underutilised, the CoW had to be reconstituted, and the PoE had yet to be deployed.<sup>25</sup> The panels' idleness deprives CSOs of an access point, but FemWise Africa, which integrates local peacebuilders into APSA mediations, provides a new nexus to local communities.<sup>26</sup>

## Operationalisation of Mediation Support Structures

Non-governmental experts assist the design of the three MSS by fulfilling the following functions:

- Bring stakeholders on board, including IGOs, states and development partners;
- Facilitate knowledge transfer to complement practical experience with technical knowledge;
- Design instruments to set out mediation principles, procedures, job descriptions and resource requirements;
- Critically review drafts and existing policies to assess needs and identify shortcomings;
- Regionally adapt drafts that are based on international standards to ensure they fit the regional context.<sup>27</sup>

There are challenges to the involvement of NGOs in the operationalisation process:

- African leadership: As few African NGOs specialise in mediation support, AU and ECOWAS guidelines were to a large degree drafted by international NGOs.
- NGO entrepreneurship: NGOs have an interest in carving a permanent niche for themselves instead of prioritising IGOs' self-reliance. By lobbying different divisions for projects, NGOs can impede a coherent institutional development of IGOs.
- Compatibility of norms: Mediation principles have a technical and normative dimension, reflect the worldview of NGOs that draft them and shape mediation practices and training. For the guidelines to be embraced, the underlying norms must be shared by mediators, their teams and political decision makers.
- Ownership of institutions: If NGOs, development partners and technical experts drive the operationalisation, MSS may lack the unequivocal buy-in of political decision makers, which they need to function properly.<sup>28</sup>

## Operational support and inclusion of local CSOs in mediations

The operational support which the MSS could give varied due to the acceptance and awareness of services by mediators, the coordination with the teams of heads of state, the political nature of mediations, and the idleness of the panels of elders. All MSS conducted a full range of operational support tasks but their involvement varied between missions. Mediation officers often provided remote support and were employed for non-mediation related tasks. The sensitive preparation of mediations did not permit direct NGO involvement but NGO reports informed conflict analyses. The MSS interacted with local CSOs and networks when mapping stakeholders on preparatory missions and during mediations.<sup>29</sup> The most immediate contribution MSS can make to include local CSOs' perspectives on mediation agendas and in reports to decision-making organs is to ensure that statements gathered in stakeholder consultations by lead mediators are diligently recorded, processed and reported.<sup>30</sup> When planning mediations, MSS can propose inclusive peace process designs that are included in AU and ECOWAS guidelines but require the approval of mediators and negotiation parties.<sup>31</sup>

The channels available to local CSOs to interact with mediation missions included the following:

- Stakeholder consultations: Stakeholder consultations by lead mediators with CSOs were the norm and a viable channel in AU and ECOWAS but highly case dependent in SADC mediations. MSS assisted consultations by identifying stakeholders.

24 Nathan, Ndiaye and Zoubir, 'APSA Assessment', 52; Gomes Porto and Ngandu, 'The African Union, Preventive Diplomacy', 188-49.

25 Gnancadja, interview; Respondent 3, interview; Respondent 10, interview; Respondent 2, interview; Respondent 9, interview.

26 Sabiiti, interview; Respondent 2, interview.

27 Addae-Mensah, interview; Odigie, interview; Respondent 1, interview; Nathan, interview; Sabiiti, interview; Respondent 4, interview; Respondent 2, interview.

28 Nathan, interview; Kebede, interview; Respondent 1, interview; Respondent 4, interview.

29 Odigie, interview; Respondent 1, interview; Respondent 9, interview; Respondent 8, interview.

30 Addae-Mensah, interview.

31 AU, *AU Mediation Support Handbook*, 7, 10, 51; ECOWAS, 'Mediation Guidelines', 55.

- **Liaison offices:** Owing to their long-term presence and key role in supporting envoys, liaison offices are an effective access point to inform mediations. The AU Mediation Support Unit (MSU) supported liaison offices.
- **FemWise:** Local FemWise mediators provided a link between lead mediators and communities.
- **Accredited NGO networks:** NGO networks served as intermediaries, assisted local CSOs to gain access to mediators, helped mediation teams to identify stakeholders, and facilitated dialogue on lower tracks.<sup>32</sup>

The viability of these channels varied sharply due to factors including:

- **Processing of input:** To include consulted CSOs' views in mediation agendas and reports, input needed to be recorded and processed diligently.
- **Systematic consultation:** Albeit the norm, consultations could be more systematic, frequent and consistent.
- **Volition of mediators:** Since guidelines for inclusion are not statutory, CSOs' participation depended on the will of envoys and negotiation parties, and was more difficult where mediators were sitting presidents.
- **Gatekeeping:** IGOs preferred to work with trusted partner NGOs, who had an involuntary gatekeeping role and could give affiliates access that would be hard to gain for other local CSOs.<sup>33</sup>
- **CSOs' capacity:** CSOs lacked the resources, thematic expertise, understanding of IGOs and communication style to inform mediations. Civil society is particularly weak in authoritarian and war-torn states.<sup>34</sup>
- **Distrust and resistance:** APSA mediations and civil society inclusion depend on states' approval. Where governments saw the presence of liaison offices, the deployment of envoys and consultations with local stakeholders as an infringement on their sovereignty, engaging local CSOs was unfeasible.<sup>35</sup>
- **Co-optation:** Given the political nature of mediations led by presidents, NGOs that assist IGOs in mediations that may prioritise the government's interests, risked being seen as co-opted.<sup>36</sup>

## Capacity building

Capacity-building activities by the MSS entailed developing training instruments, providing training and setting up mediation structures. The ECOWAS Mediation Facilitation Division (MFD) trained over 470 individuals as capacity building was deemed a condition to actualise the envisaged mediation system.<sup>37</sup> The SADC MSU was mainly utilised for capacity building and trained over 400 individuals in two years, but these strides came to a halt after the MSU was downsized due to a funding gap.<sup>38</sup> To varying degrees, civil society actors participated as technical experts, trainers and trainees. To develop instruments, ECOWAS worked with international specialists whilst regional NGOs reviewed tools.<sup>39</sup> SADC relied on regional experts to draft a curriculum and African NGOs evaluated AU training.<sup>40</sup> Trainers from NGOs were only prominent in ECOWAS courses where international experts taught high-level officials and WANEP rolled out broad-based training across the region.<sup>41</sup> All MSS trained civic actors, including FemWise mediators, alongside IGO and state representatives.<sup>42</sup>

The involvement of NGOs in the drafting of instruments that reflect ideal-typical mediation systems rather than the actual functioning of APSA institutions posed challenges.<sup>43</sup> Drafts and training by international NGOs were not optimally adapted to the regional context of mediations. Resources were

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32 Addae-Mensah, interview; Diallo, interview; Farred, interview, 17 January 2020.

33 Addae-Mensah, interview; Diallo, interview; Kebede, interview; Respondent 4, interview.

34 Acquah-Aikins, interview; Van Nieuwkerk, interview; Respondent 1, interview.

35 Mfasoni, interview; Nathan, interview; Van Nieuwkerk, interview; Respondent 2, interview; Respondent 9, interview.

36 Chitanga, interview; Farred, interview, 17 January 2020.

37 Odigie, interview.

38 Respondent 7, interview; Respondent 1, interview; Respondent 8, interview; Respondent 9, interview.

39 Addae-Mensah, interview; Odigie, interview.

40 Respondent 9, interview; Respondent 4, interview.

41 Addae-Mensah, interview; Odigie, interview.

42 Odigie, interview; Sabiiti, interview; Respondent 1, interview; Respondent 7, interview.

43 AU, *AU Mediation Support Handbook*; ECOWAS, 'Mediation Guidelines'.

not optimally used as some trainees attended equivalent courses by different NGOs.<sup>44</sup> Training for local peacebuilders showed the difficulty of roping independent-minded activists into mediations led by IGOs.<sup>45</sup>

## Knowledge management and networking

The need for internal knowledge management systems to preserve know-how gained in mediations for future interventions cannot be overstated. Yet knowledge management saw the least progress. The understaffed MSS, which must respond to acute crises, were not equipped for sustained research and archival work, which require full-time researchers and the cooperation of various actors. A mediation resource centre in ECOWAS and systemic debriefing sessions in SADC did not materialise. The AU MSU debriefed special envoys and special representatives but still reviewed the modalities of the Knowledge Management Framework (KMF). To exchange experiences, the MSS networked with one another and internationally.<sup>46</sup>

A continental roster for mediators and technical experts was under discussion in 2020, pointing to questions on the coordinating of mediation support in the AU and RECs. The elaboration of ECOWAS' technical skills database was protracted and the selection of mediators remained opaque and political in all cases.<sup>47</sup> Since the APSA lacks resources to maintain standing teams of experts, African research and peacebuilding organisations could serve as a pool to populate the technical roster with thematic experts who can backstop mediators.<sup>48</sup> It is impossible to replace an internal knowledge system through external research facilities. Yet, African research institutes eased the lack of internal institutional memory in the APSA. Research institutions reviewed mediations, gave analytical input, disseminated insights, and organised lessons-learned events with the AU and RECs.<sup>49</sup> A hybrid knowledge management system would leverage the search capacity, expertise and existing working relations of African research institutes on a formal basis. To retain sensitive information, a collaboration would require a division of labour between IGO officers, who debrief mediators, and external researchers, who analyse declassified data to generate comparative insights.<sup>50</sup> However, the sensitivity of information pertaining to the security of states and negotiating parties, and the prevalent distrust vis-à-vis civil society amongst states pose challenges to collaborations to manage mediation knowledge.

## Recommendations

### AU policy and institutional framework

- Normative standards for inclusive peacemaking should be enshrined in statutory instruments.
- The PSC should revise the Livingstone Formula and Maseru Conclusions to scrap the restrictive ECOSOCC eligibility criteria and resolve inconsistencies that create uncertainty and inhibit partnerships with NGOs.
- The AU should revise the ECOSOCC Statute and explore alternative IGO-CSO interface models to establish a platform that is accessible, representative, independent and owned by African CSOs, and that can proactively participate in policy-making. African NGOs should lead the development of a new interface.
- The role of the PoW in preventive diplomacy should be strengthened by the PSC.
- The CEWS and MSU should have formal channels to routinely exchange insights.

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44 Addae-Mensah, interview; Respondent 9, interview.

45 Respondent 1, interview.

46 Odigie, interview; Respondent 1, interview; Respondent 6, interview; Respondent 9, interview.

47 Gnancadja, interview; Respondent 1, interview; Nathan, interview; Respondent 9, interview; Respondent 6, interview; Respondent 2, interview.

48 Respondent 2, interview.

49 Respondent 4, interview; Respondent 5, interview.

50 AU, 'KMF'.

## **AU MSU and inclusion in mediations**

The MSU should:

- Promote inclusive process designs in line with AU guidelines when drafting mediation plans. It should explore possibilities to integrate consultative mechanisms such as a Civil Society Room, town hall meetings, workshops, standardised submissions and surveys into peace process designs.
- Work with liaison offices and NGOs to help mediators to hold systematic and accessible consultations.
- Ensure input from mediators' consultations are recorded and processed diligently so they can inform mediation agendas and reports to the PSC and Chair of the AU Commission (AUC).
- Prioritise training for senior actors it works with to build a common body of knowledge.
- Collaborate with peacebuilding NGOs to roll out training for other state and non-state actors.
- Revise the KMF and implement a knowledge management system as a matter of urgency.

The Peace and Security Department (PSD) should:

- Mobilise human resources to retain knowledge on both preventive diplomacy and mediation.
- Partner with African research institutions to generate and retain knowledge without disclosing sensitive data.
- Use research and peacebuilding organisations as a pool to populate the technical roster.

## **ECOWAS policy and institutional framework**

ECOWAS should:

- Promptly reinstate the CoW and enable the MFD to support it.
- Institutionalise a platform for CSOs to brief the Mediation and Security Council.
- Enable ECOWARN and the MFD to maintain effective channels to use early warning data to plan mediations.

## **ECOWAS MFD and inclusion in mediations**

The MFD should:

- Assist mediators to record, process and report input by consulted stakeholders diligently.
- Work with NGO networks to ensure consultations are comprehensive and systematic.
- Conceptualise a knowledge management system in partnership with West African research institutes.

## **SADC policy and institutional framework**

SADC should:

- Urgently adopt a third Strategic Indicative Plan of the Organ on Politics, Defence and Security.
- Develop guidelines for mediation and inclusion in peace processes.
- Decide whether to set up a Non-State Actor Mechanism or rely on CSO networks as the interface.
- Enable continuous input to policy-making, feedback and formalised relations with a wider range of NGOs.
- Overhaul the Regional Early Warning Centre to make it fit to inform peace diplomacy.
- Activate the idle PoE and Mediation Reference Group.

## **SADC MSU and inclusion in mediations**

- SADC should ensure mediation officers can focus on their core mandate rather than election support.
- SADC should develop a knowledge management system.
- Development partners should direct support towards the prevention and mediation capacity of civil society.
- Southern African NGOs with relevant expertise should develop an independent early warning system.

# 1

# INTRODUCTION

Cognisant of the need to institutionalise mediation capacity and to foster the participation of non-state actors in conflict prevention and peacemaking, the African Union (AU) and Regional Economic Communities (RECs), which form the building blocks of the African Peace and Security Architecture (APSA), have established Mediation Support Structures (MSS) and developed partnerships with civil society organisations (CSOs). This Institute for Justice and Reconciliation (IJR) report offers comparative insights on the framework for civil society inclusion in peacemaking and the potential contributions of African CSOs to the continued development of mediation support capacity in the AU, Economic Community of West African States (ECOWAS) and Southern African Development Community (SADC).

## 1.1 | Peacemaking, mediation support and civil society participation in the APSA

Since the AU Assembly initiated the development of the African Peace and Security Architecture (APSA) in 2003, preventive diplomacy and mediation have been a central component of the strategies of the AU and RECs to promote peace.<sup>51</sup> In 2017 alone, the AU and RECs that constitute the regional components of the APSA engaged in peace diplomacy in 27 instances and resorted to mediation 13 times.<sup>52</sup> The Protocol on the Establishment of the Peace and Security Council of the African Union of 2002 provided for the creation of the five APSA pillars: the Peace and Security Council (PSC), Continental Early Warning System (CEWS), Panel of the Wise (PoW), African Standby Force (ASF) and African Peace Fund. The APSA pillars for decision-making, early warning, preventive diplomacy and peacekeeping are complemented by functional equivalents of RECs, which constitute building blocks of the APSA in terms of the PSC protocol and whose peace and security institutions are here described as 'APSA institutions'.<sup>53</sup> However, the original blueprint of the APSA does not provide for a permanent mediation support infrastructure.<sup>54</sup> The AU and several RECs have responded to the need to institutionalise mediation support and develop standby mediation capacity by introducing MSS to their architectures. In line with international standards, the MSS of the APSA have been mandated to provide operational support to mediators, build mediation capacity, systematically manage technical and context-specific knowledge, and network with state and non-state actors.<sup>55</sup>

The peacebuilding role that civil society plays on the community-level and the expertise which specialised non-governmental organisations (NGOs) and research institutes can contribute to developing policies are widely acknowledged.<sup>56</sup> The lessons drawn from unsuccessful elite- and state-centred peace processes, moreover, point to the need for the inclusion of local CSOs in peacemaking and public participation in the implementation of accords, which are meant to foster popular ownership and enable sustainable political

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51 AU, 'Protocol Relating to the Establishment of the Peace and Security Council of the African Union', 6.

52 IPSS, 'APSA Impact', 22-29.

53 AU, 'Protocol Relating to the Establishment of the Peace and Security Council of the African Union', 6.

54 AU, 'Protocol Relating to the Establishment of the Peace and Security Council of the African Union'.

55 Nathan, interview; Lehmann-Larsen, 'Effectively Supporting Mediation', 4.

56 Hellmüller, 'The Changing Role of Civil Society'.

settlements. Besides the inclusion of women and youths, civil society participation in conflict prevention, peacemaking and peacebuilding has, therefore, become an established norm in policies of the AU, RECs and the United Nations (UN).<sup>57</sup>

The intergovernmental organisations (IGOs) that constitute the building blocks of the APSA have introduced consultative mechanisms to involve non-state actors in regional governance and partner with regional civil society networks, that serve as conduits for 'local CSOs' that operate on the national and community level.<sup>58</sup> African NGOs, that specialise in peace and security and operate on the regional level, feed into early warning systems, provide research and training, and inform institutional design and policy-making processes. Local CSOs are usually consulted by fact-finding missions of panels for preventive diplomacy and by mediation teams.<sup>59</sup> However, the operationalisation of APSA institutions, the functioning of IGO-CSO interfaces, and the extent to which civil society actors are able to participate in policy-making, conflict prevention and peacemaking differ sharply between the AU and RECs. Although IGOs' policies promote human security and inclusion, in practice, the opportunities for civic participation in peace and security governance are limited for political and practical reasons, and the inclusion of local CSOs in peace negotiations faces resistance and technical challenges.<sup>60</sup>

The introduction of MSS by the AU and RECs has opened new areas of cooperation with specialist NGOs and opportunities to engage local CSOs from conflict-affected states, who are stakeholders to mediations. African NGOs that specialise in peace and security have contributed to the design and operationalisation of MSS. These partners contribute to the MSS core functions by assisting mediation training, providing expertise, and facilitating the exchange of knowledge through networks. By engaging local stakeholders to analyse conflicts and backstop mediators, MSS may provide channels for local CSOs to inform mediations more systematically. As the AU and RECs endeavour to develop the capacity to mediate on multiple tracks, MSS may assist the coordination of APSA institutions and local peacemakers.<sup>61</sup>

Whether civil society can contribute to the development of the mediation support capacity of the AU and RECs depends on factors which this report scrutinises. The evolving institutional and policy framework for civil society participation varies between the AU and RECs. Since MSS are a relatively new addition to the APSA and differ in their institutional development, their integration into IGOs' architecture and interplay with APSA institutions, which also provide channels to CSOs to inform prevention and peacemaking, require harmonisation. The AU and RECs have developed different models to engage civil society and partner with NGOs whose structures, capacity and specialisation differ. Since MSS in the AU and RECs must fulfil identical functions in concert with APSA institutions and face similar challenges, the comparison of civil society participation in their mediation support activities offers transferable insights that are useful to ensure the continued development of mediation capacity in the APSA, partnerships with NGOs, and channels to interact with local CSOs.

## 1.2 | Research objectives and design

The objective of this study is to examine and compare the role civil society participation plays in mediation support activities and the development of MSS in the AU, ECOWAS and SADC. The study seeks to provide policy- and practice-relevant insights on the benefits and challenges that emanate from CSO participation in mediation support to inform the continued development of mediation capacity in the APSA. It is meant to serve as a resource for policy makers, civil society actors, development partners and researchers alike. Rather than examining MSS in isolation, the study considers their institutional environment and the links between mediation support and CSO participation in APSA institutions for early warning and conflict prevention. The study is guided by the following research questions:

57 Carl, 'Introduction'; Donais and McCandless, 'International Peacebuilding'; ECOWAS, 'Mediation Guidelines'; AU, *AU Mediation Support Handbook*.

58 Amr, 'The ECOSOCC'; Farred, interview, 10 May 2019; Acquah-Aikins, interview.

59 Ndiaye Ntab, interview; Acquah-Aikins, interview.

60 Nathan, interview; Van Nieuwkerk, interview; Hassan, interview.

61 Respondent 1, interview; Respondent 9, interview; Odigie, interview.

1. What framework do the AU and RECs' policies and institutions set for civil society participation in peacemaking and mediation support?
2. What role does civil society play in the operationalisation of MSS and mediation support activities pertaining to capacity building, operational support, knowledge management and networking?
3. What role do MSS play in enabling the inclusion of local civil society actors in mediations?
4. What are the major challenges, benefits and downsides of civil society participation in mediation support?

The study examines and compares CSOs' participation in mediation support in the AU, ECOWAS and SADC, which set different frameworks and have, with varying degrees, institutionalised MSS. Insights from the three cases are relevant to other RECs. Whereas multiple conceptions of civil society exist, whose applicability to African societies has limits, this study uses a common and broad conception of civil society as a 'sphere of uncoerced association between the individual and the state, in which people undertake collective action for normative and substantive purposes, relatively independent of government and the market.'<sup>62</sup> The discussion focuses on the following types of CSOs:

1. African NGOs that specialise in peace and security;
2. Local CSOs, which include national and community-level organisations from conflict-affected countries that which are stakeholders to peace processes and may participate in mediations;
3. Regional civil society networks that act as conduits between IGOs and local CSOs.

The distinction between these types of CSOs is not clear-cut as some organisations may fall into several of these categories. Mediation support describes activities that are aimed at assisting and ameliorating mediation practices, including training, research, policy-development, networking, stakeholder consultations and backstopping mediators.<sup>63</sup> Multitrack mediations and Track 1 to 3 refer to dialogues that are designed to involve top-level, mid-level and grassroots-level leadership respectively.<sup>64</sup> To facilitate the comparison, the peace and security institutions for decision-making, early warning, preventive diplomacy, mediation support and peacekeeping of the AU and RECs are described as 'APSA institutions', and RECs' regional building blocks are treated as components of the continental APSA.

The analysis is based on policy documents, literature and 46 qualitative semi-structured interviews with representatives of APSA institutions, CSOs and research institutes. The interviews were conducted in person, via Skype and in writing by the lead researcher of the IJR between May 2019 and February 2020. The degree to which the study was assisted by AU, ECOWAS and SADC structures varied, which was not only indicative of the IGOs' preparedness to interact with African peacebuilding NGOs and researchers, but translated into differences in the collected data that had to be factored into the analysis. Whilst the case studies on the AU and ECOWAS primarily draw from interviews with AU and ECOWAS officials and partner NGOs, the SADC discussion depends on the information provided by civil society representatives and academic experts. The interviewees were selected owing to their proximity to and expert knowledge of the researched field, and multiple sources were used to triangulate the data wherever possible to increase the content representativity of observations. In all three case studies, the subjective perspectives of the interviewees strongly inform the analysis. Ten respondents are kept anonymous. Since the limited access and small sample affect the representativity and reliability of the data, the findings of the exploratory study are preliminary. The representativity and reliability of the gathered data is most limited in the SADC case study, as it is exclusively based on analyses and accounts of outsiders with expert knowledge on the researched SADC institutions and peace processes. The three case studies also vary in their focus on policies and practices because the three MSS have been in operation for different periods of time. The AU MSU (Mediation Support Unit) was operational for less than a year when the data was collected. The production of this report was financed by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). Its content reflects the views of the author of the study rather than those of GIZ.

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62 Edwards, 'Introduction: Civil Society and the Geometry of Human Relations', 3.

63 Lehmann-Larsen, 'Effectively Supporting Mediation', 5.

64 Federer et al., 'Beyond the Tracks?', 6.

The following section sets the conceptual framework by outlining the state of research and rationale for civil society participation in conflict prevention, peacebuilding and peacemaking, as well as the institutionalisation of mediation support. This is followed by three case studies and a comparison that follow a systematic analytical programme. The three case studies examine the framework for civil society participation and the involvement of CSOs in mediation support in the AU, ECOWAS and SADC respectively. The last section compares the framework which the three IGOs' policies, institutions and partnerships set for civil society participation and the role CSOs play in the operationalisation, capacity building, operational support, knowledge management and networking of their MSS. This section identifies the functions and challenges of NGOs' involvement in mediation support and assesses channels for local CSOs to inform mediations. The study concludes by making recommendations aimed at further improving the APSA's mediation capacity, enabling prolific partnerships with NGOs, and opening channels to local CSOs to participate in mediations.

# 2

## CONCEPTUAL FRAMEWORK

The role of civil society in peacebuilding in communities is widely acknowledged, but inclusion in peacemaking and the benefits and challenges of involving CSOs in intergovernmental institutions for conflict prevention and management are less understood. Mediation has been studied extensively, but the institutionalisation of MSS is a relatively new phenomenon. This section sets the framework for the analysis by outlining the state of research on civil society participation and mediation support.

### 2.1 | Civil society in peacebuilding, peacemaking and intergovernmental organisations

Whereas peacebuilding on a local level has, traditionally, been the realm of CSOs, peacemaking that centres on political and military elites is usually the prerogative of state actors and IGOs. Lessons drawn from the unsuccessful imposition of liberal peace and state-building initiatives by external actors and the frequent collapse of narrow elite pacts have led to efforts to foster broad ownership of peace processes by mediating inclusive negotiations, agreements and implementation processes, which are meant to translate into inclusive political settlements and sustainable peace. Besides the inclusion of CSOs in peace processes and the nexus to local peacebuilding, the inclusive peace paradigm commands research on channels for participation in intergovernmental institutions for early warning, prevention and mediation.

#### 2.1.1 | Civil society and local peacebuilding

The inclusive peace paradigm that commends civil society participation in peacemaking is underpinned by research on peacebuilding at the grassroots level and the interdependence of international, national and local peace initiatives. Civil society is attributed a transformative role in different theoretical traditions and CSOs' intertwined democratic and peacebuilding functions are widely recognised. Besides conventional democratic functions, such as articulating and representing interests of communities, overseeing government, diffusing democratic and pacifist norms and socialising citizens, CSOs may build peace at the grassroots level by conducting informal dialogue, truth-telling and reconciliation activities, engaging in Track 3 mediation, monitoring violence, offering peacebuilding training and providing basic services to communities.<sup>65</sup> It is hoped that CSOs approach and transform conflict constructively, shift conflict attitudes, reduce violence, address root-causes of conflict, define agendas for peace, and mobilise constituencies for peace initiatives.<sup>66</sup> However, the peacebuilding role of civil society should not be romanticised as CSO actors are politically heterogeneous and not peace-loving by default.<sup>67</sup> While ill-conceived peace initiatives can do more harm than good, some CSOs rally around

65 Barnes, 'Civil Society and Peacebuilding: Mapping Functions in Working for Peace'; Belloni, 'Civil Society in War-to-Democracy Transitions', 178-97; Carothers and Ottaway, 'Introduction'.

66 Barnes, 'Civil Society and Peacebuilding: Mapping Functions in Working for Peace', 131-47.

67 Hellmüller, 'The Changing Role of Civil Society'.

particularistic identities, resist compromise, spread instigative messages, form paramilitary organisations and engage in violence.<sup>68</sup>

The recognition of civil society's peacebuilding role was fuelled by the critique of the liberal peace paradigm, the local turn in peace research and conflict transformation school that casts community actors rather than outsiders as peacebuilders. The local turn stressed the need for local ownership of peace initiatives and the emancipation of local actors.<sup>69</sup> In light of national dialogues in South Africa and Northern Ireland, 'Owning the Process' also became the rationale to promote public participation in peacemaking.<sup>70</sup> This has been followed by research into the interactions between different arenas of conflict, between international and local actors, and between national-level peacemaking and local-level peacebuilding. Internationally sponsored peacemaking among national elites and peacebuilding in communities are considered complementary as interventions in different conflict arenas are required. However, the sponsorship of local peacebuilding by international actors is also feared to undermine local agency, ownership, legitimacy and acceptance of peace efforts. Coordination may amount to the imposition of external agendas at the expense of the relevance to communities.<sup>71</sup> Given the interdependency of conflict arenas on different levels, it is imperative to explore channels for local CSOs to feed into APSA mediations.

### 2.1.2 | Civil society in peacemaking: negotiations, agreements and implementation processes

The challenges and implications of including powerful actors, who can veto and spoil peace processes, in negotiations and agreements has been extensively researched in studies on mediation and power-sharing.<sup>72</sup> The frequent collapse and normative critique of narrow power-sharing pacts that result from negotiations among political and military elites and insurgents, who often lack democratic legitimacy, have fostered an interest in civil society inclusion in peacemaking.<sup>73</sup>

The inclusion of CSOs in negotiations, agreements and implementation processes is encouraged for normative and practical reasons. On a normative level, civil society inclusion is hoped to empower communities to protect their rights and to foster local leadership in peace processes.<sup>74</sup> The inclusion of civil society can increase the legitimacy of negotiations and accords both internally and internationally.<sup>75</sup> On a practical level, civil society inclusion is meant to foster communities' confidence in peace processes, bring new perspectives into negotiations to break deadlocks and address causes of conflict, as well as to prevent marginalised actors from spoiling the peace process.<sup>76</sup> Most importantly, according to the inclusive peace paradigm, the representation of a broad range of societal actors is thought to translate into local ownership of a peace process and the institutions it produces. Elite deals, which are imposed top-down, rarely achieve sustainable peace.<sup>77</sup> The underlying theory of change presupposes that inclusion in peace negotiations, agreements and implementation processes will lead to more inclusive and, therefore, stable political settlements, i.e. a mutually acceptable *modus vivendi* among competing elites and their constituents, and a more equitable distribution of power within society which will enable sustainable peace.<sup>78</sup>

In line with the inclusive peace paradigm, the norm of inclusivity has taken root in UN resolutions and the Sustainable Development Goals, which seek to achieve sustainable peace by promoting 'inclusive societies'.<sup>79</sup>

68 Barnes, 'Civil Society and Peacebuilding: Mapping Functions in Working for Peace', 144; Belloni, 'Civil Society in War-to-Democracy Transitions', 178-97; Hellmüller, 'The Changing Role of Civil Society'.

69 Chesterman, 'Ownership in Theory and in Practice'; Heathershaw, 'Towards Better Theories of Peacebuilding'.

70 Barnes, *Owning the Process*; Barnes, 'Civil Society and Peacebuilding: Mapping Functions in Working for Peace', 143.

71 Mitchell, 'Introduction', 11-13; Mitchell and Hancock, 'Between Local and National Peace', 161-78.

72 Nilsson and Söderberg Kovacs, 'Revisiting an Elusive Concept'.

73 Sriram and Zahar, 'The Perils of Power-Sharing'.

74 Aulin, 'Civil Society Inclusion in Peacebuilding', 39; Hellmüller, 'The Changing Role of Civil Society'.

75 Zanker, 'Legitimate Representation: Civil Society Actors in Peace Negotiations Revisited', 62-88.

76 Bell, 'The New Inclusion Project', 12; Barnes, 'Civil Society and Peacebuilding: Mapping Functions in Working for Peace', 145.

77 Barnes, *Owning the Process*; Carl, 'Introduction', 6.

78 Bell, 'The New Inclusion Project', 11; World Bank and UN, *Pathways for Peace*, 22.2

79 UN, 'Sustainable Development Goal 16', 16; World Bank and UN, *Pathways for Peace*.

The norm of inclusivity has also made its way into the policy guidelines for the prevention and mediation of the AU and RECs.<sup>80</sup> In practice, however, the inclusion of CSOs in peace processes faces major obstacles. As it may complicate negotiations and result in selection problems, mediators are reluctant to include CSO delegations. The inclusion of CSOs is often resisted by the main conflict parties, who can veto a peace process.<sup>81</sup>

Inclusive process designs and consultative mechanisms can enable the participation of societal stakeholders at different stages of peace processes. National dialogue conferences permit stakeholders to engage in direct discussions, but the political realities of violent conflicts often render inclusive dialogues unfeasible.<sup>82</sup> Consultative mechanisms, such as a Civil Society Room, can permit CSOs to regularly meet mediators and formally feed into negotiations. Yet, consultative mechanisms may have little impact on the negotiation agenda.<sup>83</sup> While CSOs may be granted observer status, included in commissions, or represented in delegations of the main parties, their ability to inform negotiations may hinge on informal ties to negotiating parties rather than formal representation.<sup>84</sup>

Provisions of peace agreements that stipulate civil society inclusion can promote participation in implementation processes. Comparative research indicates that agreements that include CSOs are more likely to achieve durable peace.<sup>85</sup> A comparative study conducted in 2007, however, found that agreements rarely mentioned civil society having to be involved in the implementation. As many IGOs have adopted policies to promote inclusion, provisions for civil society participation may become a more frequent feature of agreements.<sup>86</sup> The implementation stage opens opportunities for broader participation in transitional mechanisms and reforms. CSOs can play a vital role in monitoring the adherence to agreements as part of implementation monitoring mechanisms, which provide information that mediators and guarantors depend on to facilitate the implementation of accords and prevent a renewed escalation of conflict.<sup>87</sup>

MSS may come to play an important role in translating AU and REC mediation guidelines, which advise mediators to promote inclusion and involve CSOs in peace processes, into practice by assisting mediators to consult local stakeholders and promoting inclusive process designs when planning mediations.<sup>88</sup>

### 2.1.3 | Civil society participation in intergovernmental organisations

The founding treaties of a range of IGOs require the involvement of civil society to promote development and democratisation. IGOs have adopted different models of interfaces for non-state actors and established relations with well-capacitated NGOs and civil society networks that serve as implementation partners for policies and intermediaries for local communities. The engagement between IGOs and CSOs may follow a model of: (a) facilitation, where an IGO provides support to CSOs; (b) dialogue, where IGOs and CSOs hold forums; and (c) partnership, where an IGO and CSO pool resources, develop joint initiatives and conclude a memorandum of understanding (MOU) to attain mutual long-term objectives. A partnership may involve a shared strategy, the outsourcing of tasks, or the merging of IGO and CSO structures.<sup>89</sup>

The AU and RECs committed to engaging civil society in their treaties, established IGO-CSO interfaces, such as the Economic, Social and Cultural Council (ECOSOCC), or liaise with CSOs through independent networks, such as the SADC Council of Non-Governmental Organisations (CNGO) and the West African

80 AU, *AU Mediation Support Handbook*; ECOWAS, 'ECOWAS Conflict Prevention Framework'.

81 Paffenholz, 'Civil Society and Peacebuilding', 71-76.

82 Berghof Foundation, 'National Dialogue Handbook'.

83 Hellmüller and Zahar, 'UN-Led Mediation in Syria and Civil Society'.

84 Barnes, 'Civil Society and Peacebuilding: Mapping Functions in Working for Peace', 140; Aeby, 'Making an Impact', 717-24; Paffenholz, 'Civil Society and Peacebuilding', 71-76.

85 Nilsson, 'Anchoring the Peace', 243.

86 Bell and O'Rourke, 'The People's Peace?', 293.293.

87 Paladini Adell and Molloy, 'More Inclusive', 35.

88 AU, *AU Mediation Support Handbook*, 48-51; ECOWAS, 'Mediation Guidelines', 43-69.

89 WANEP, 'Practice Guide', 3-5.

Civil Society Forum (WACSOFF). Well-resourced NGOs contribute to the development and implementation of policies, especially in the humanitarian and development sector. NGOs have crafted guidebooks for CSOs seeking to engage the AU and RECs, and the initiative to interact mostly comes from CSOs. IGOs generally partner with NGOs that can advance their objectives and have the necessary competences, programming, credible leadership, governance structures, human and financial resources, accountability procedures and verifiable impact.<sup>90</sup>

The sensitive domain of peace and security provides less room for participation. Yet, African peacebuilding NGOs and think tanks have established partnerships and concluded MOUs with the AU and RECs to provide expertise to develop policies, operationalise APSA pillars and provide analyses. Notable examples include the African Centre for the Constructive Resolution of Disputes (ACCORD), whose embedded staff supported the PoW and helped lay foundations for the AU MSU. The Centre for the Study of Violence and Reconciliation assisted the development of the AU's Transitional Justice Policy. Femmes Africa Solidarité promotes the leadership role of women in conflict prevention and management in the AU. The Institute for Peace and Security Studies (IPSS) partners with the AU and RECs to train senior officials and periodically assesses the APSA's performance. The Institute for Security Studies (ISS) monitors the PSC and supports capacity development in the AU Peace and Security Department (PSD) on matters ranging from early warning to peacekeeping. The Training for Peace (TfP) Programme is dedicated to developing peacekeeping capacity. The Life and Peace Institute (LPI) engages the AU PSD and the Intergovernmental Authority for Development (IGAD) on policies, conflict prevention and peacebuilding in the Great Lakes Region and the Horn of Africa. The Nairobi-based humanitarian organisation, Oxfam, has an AU Liaison Office and a Peace, Security and Humanitarian Affairs Programme. The West African Network for Peacebuilding (WANEP) is ECOWAS' primary partner for early warning and conflict prevention and equally works with the AU. For its part, IJR hosted policy dialogues on regional peacebuilding with the PSD and is on the AU roster of technical experts for reconciliation processes.<sup>91</sup>

African NGOs and academics gave impetus to the operationalisation of MSS and may contribute to their core functions. An IGO-CSO partnership for mediation support, however, bears challenges – the donor dependency of NGOs and IGOs renders such partnerships and the outsourcing of functions to NGOs vulnerable to funding cuts.<sup>92</sup> The political sensitivity of peace diplomacy sets limits to NGOs' involvement,<sup>93</sup> and the suspicion of states vis-à-vis CSOs prompts resistance to participation in peace processes and APSA structures.<sup>94</sup>

## 2.2 | Mediation Support Structures

The institutionalisation of mediation support in IGOs is a relatively new and unresearched phenomenon, but it is underpinned by long-standing practical experiences that point to the need for continuous, systematic and professional mediation support. The existing studies on nascent MSS in IGOs, government departments and NGOs identify key functions, structural models and institutional development drivers that inform the below analysis of the APSA MSS.

### 2.2.1 | Institutionalised mediation support: global trends, rationale and models

The creation of MSS in the APSA has been informed by the development of standby mediation capacity, standard procedures, and structures by the UN. After the UN Institute for Training and Research initiated the creation of MSS, the United Nations Department of Political Affairs (UNDP) set up an MSU in 2006

90 Rudo and Bronwen, *Strengthening Popular Participation*; Morris and Rudy, *The Civil Society Guide to RECs*; WANEP, 'Practice Guide', 3-5.

91 Murithi, 'Tackling Africa's Peace and Security Challenges', 13-23; Ndiaye Ntab, interview; Kebede, interview.

92 Diallo, interview; Messie, interview; Respondent 7, interview; WANEP, 'Practice Guide', 19.

93 Nathan, 'Plan of Action to Build the AU's Mediation Capacity', 49; Odigie, interview.

94 Assogbavi, interview; Diallo, interview; Farred, interview, 10 May 2019; Frimpong, interview; Kebede, interview; Nathan, interview; Mfasoni, interview; Respondent 2, interview, 2; Respondent 9, interview; Van Nieuwkerk, interview; WANEP, 'Practice Guide', 19.

in recognition that consistent mediation support required a dedicated structure. The MSU is complemented by a standby team of mediation experts, who offer technical advice on common themes in negotiations such as power sharing, constitutional design and gender.<sup>95</sup> With a staff of about 20 people, the MSU is the biggest of its kind.<sup>96</sup> The UN has assisted the AU, ECOWAS, IGAD, SADC and the European Union (EU) to develop MSS that emulate the MSU.<sup>97</sup> The Organisation for Security and Cooperation in Europe initiated the creation of MSS in the mid-2000s, whilst the EU started a unit with a staff of four in 2010.<sup>98</sup>

Besides three African IGOs that are studied in this report, IGAD started to explore the institutionalisation of mediation support in 2007. The creation of the IGAD MSU was driven by a desire to retain expertise, overcome the reliance on case-by-case appointed mediators and contracted support staff, a collaboration with the UN, and IGAD's overarching institutional development process. The IGAD MSU was launched in 2012 with a staff of four and a mandate to develop capacity to mediate in intra- and interstate conflicts. This involved a mediator roster in 2014, the identification of technical experts from the region, and support to IGAD states to build mediation capacity nationally. The MSU is meant to promote synergies with the Early Warning and Response Network. Whilst its operationalisation continues, the MSU has trained mediators on the roster and fed into the development of mediation guidelines in cooperation with NGOs.<sup>99</sup>

Besides these intergovernmental structures, the spectrum of structural models features MSS that are embedded in foreign affairs departments of national governments, divisions of NGOs, hybrid models that entail governmental and non-governmental components, and networks. South Africa has developed mediation support capacities owing to its sustained involvement in mediations. Peacebuilding NGOs, which offer technical expertise and support, make up the biggest group of MSS. This includes African and international NGOs, such as ACCORD, Berghof Foundation, Centre for Humanitarian Dialogue (HD), Conciliation Resources, and Crisis Management Initiative (CMI).<sup>100</sup> Mediation support functions are also provided by networks such as the Mediation Support Network, the Network for Religious and Traditional Peacekeepers, and networks of women mediators.<sup>101</sup>

The institutionalisation of MSS has been driven by several factors:

- The demand from envoys and senior mediation team members for professional support;
- The proliferation of standards by the UN;
- The need to combine technical expertise of mediation experts with context-specific expertise of geographical desks;
- Political will within IGOs and among states to set up MSS;
- The ability of mediation support staff and their superiors to integrate their units into existing structures and to prove added-value.<sup>102</sup>

## 2.2.2 | Mediation support functions and activities

Since the mandate of the UN MSU has informed the development of MSS by other IGOs and its model has been proliferated by mediation experts, MSS generally serve the same set of functions.<sup>103</sup> Whilst NGOs and hybrid MSS may have narrower mandates, the functions of intergovernmental MSS generally entail four areas:

1. *Operational support*: Give direct support to mediators through deployment; provide thematic expertise on-site; handle day-to-day process management and logistics, conduct research and analysis; organise

95 Lehmann-Larsen, 'Effectively Supporting Mediation', 4.

96 Lanz et al., 'Understanding Mediation', 7–10.

97 Lehmann-Larsen, 'Effectively Supporting Mediation', 4.

98 Lanz et al., 'Understanding Mediation', 13.

99 IGAD, 'A Mediation Support Unit for IGAD in the Making'; Lanz et al., 'Understanding Mediation', 15–17.

100 Stenner, 'The Institutionalization of Mediation Support', 4; ACCORD, 'African Union Mediation Support Capacity Project'.

101 Gasser, 'Women Mediators' Networks'; Limo, 'What Do Networks of Women Mediators Mean?'

102 Lanz et al., 'Understanding Mediation', 29.

103 Lanz et al., 25–27.

process support, host problem-solving workshops and briefings; provide technical support and confidence-building to negotiating parties.

2. *Capacity building*: Develop curricula and training materials; liaise with experts; provide training for mediators and staff on different levels within and outside organisations.
3. *Knowledge management*: Accumulate, manage and disseminate comparative and case-specific knowledge on mediations; conduct tailor-made process-specific research including conflict and stakeholder analyses.
4. *Networking*: Promote positive relationships with practitioners, experts and stakeholders to enable the sharing of experiences and expertise.<sup>104</sup>

The extent to which different MSS fulfil these functions depends on the priority areas of their mandate and employment in practice, the organisational environment and resources, and the corresponding programmes and activities.<sup>105</sup> Civil society actors can make substantive contributions to these core functions as illustrated by the NGO and hybrid models as well as the discussions below on the three cases. Strategic partnerships with NGOs may ameliorate the quality and effectiveness of mediation support activities but bear significant challenges.

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104 Lehmann-Larsen, 'Effectively Supporting Mediation', 4.

105 Stenner, 'The Institutionalization of Mediation Support', 9; Lanz et al., 'Understanding Mediation', 29.

### 3.1 | AU framework for civil society participation in peacemaking

The AU has continuously elaborated its policy and institutional framework both to mediate and engage civil society. The AU's legal foundations, policy plans and guidelines provide a strong mandate and guidance for mediation, yet the corresponding infrastructure has lagged behind. The Constitutive Act of the African Union sets the goal to build a partnership with civil society and enshrines the AU's interface, ECOSOCC.<sup>106</sup> But since the ECOSOCC model has proven too rigid to enable expedient partnerships with expert NGOs and to engage local CSOs on peace and security, the AU Commission (AUC) and PSC have, in practice, adopted a flexible approach to liaise with CSOs.<sup>107</sup> The AU's elaborate guidelines for mediation underline the principle of inclusivity and advise peacemakers to promote CSO inclusion in peace processes, but the guidelines' application is contingent on mediators and conflict settings.<sup>108</sup> This section, firstly, outlines the AU's policies and guidelines for civil society participation in peacemaking. Secondly, it examines the application of the policies in practice and the channels that APSA pillars, which must function in concert with the MSU, provide to CSOs to inform prevention and peacemaking.

#### 3.1.1 | AU policy framework for civil society participation in peacemaking

The Constitutive Act of the African Union of 2000 enshrines the organisational mandate for peacemaking. It spells out the objective to promote peace, security and stability in Africa and declares the peaceful resolution of conflict a core principle of the AU.<sup>109</sup> The methods and institutions for peacemaking are laid out in the Protocol Relating to the Establishment of the Peace and Security Council of 2002. As the standing decision-making organ for conflict prevention, management and resolution, the PSC has the mandate to promote peace, security and stability by means of early warning, preventive diplomacy and peacemaking. This entails good offices, mediation, conciliation and inquiry. The PSC may set up subsidiary bodies to fulfil its functions, including ad hoc committees for mediation, and is supported by the PoW and Peace Fund. In response to conflict, the PSC shall take appropriate measures, through the collective action of the Council, its Chairperson, the Chair of the Commission, the PoW and/or in collaboration with RECs. The Chair of the AUC shall use good offices to prevent and resolve conflicts in person, through special envoys, special representatives and the PoW, and in collaboration with RMs. The Commissioners for Peace and Security, who are responsible for the affairs of the PSC, shall assist the Chair to exercise these powers. The PoW may undertake action deemed appropriate to support the PSC and Chair, especially on prevention. RECs are part of the APSA in terms of the PSC Protocol, but the AU has the primary responsibility to promote peace. The PSC and Chair shall work closely with RMs to ensure effective partnerships.<sup>110</sup> The mandatory peacemaking regime in the Constitutive Act and Protocol of the PSC has been complemented with the below guidelines for mediation and its support. The AU's founding documents and guidelines also spell out the objective and methods to engage civil society.

106 AU, 'Constitutive Act', Art 22.

107 Badza, interview; AU, 'Maseru Conclusions'.

108 Nathan, interview; AU, *AU Mediation Support Handbook*, 48-51.

109 AU, 'Constitutive Act', 3-4.

110 AU, 'Protocol Relating to the Establishment of the Peace and Security Council of the African Union'; Nathan, 'Plan of Action to Build the AU's Mediation Capacity'.

*AU policy frameworks for NGO involvement in APSA institutions and mediation support*

The Constitutive Act and Protocol of the PSC obliges the AU to partner with civil society to promote peace and security.<sup>111</sup> The Livingstone Formula of the PSC explicitly envisages that NGOs support peacemaking by advising mediation teams, backstopping mediators with the appropriate information, providing training on mediation and dialogue, monitoring the implementation of PSC decisions and agreements, and engaging in complementary programmes geared towards peace.<sup>112</sup> The AU guidelines to develop mediation capacity and conduct mediations contain detailed recommendations on the ways expert NGOs should be involved in mediation support tasks. The Plan of Action to Build the AU's Mediation Capacity advises the AU to partner with NGOs to train state and non-state actors and for foundational research, as well as work with credible civic leaders to complement mediations.<sup>113</sup> The standard operating procedures (SOPs) for mediation support and the Report on the Operationalisation of the MSU, which calls on the MSU to forge meaningful partnerships with NGOs with the capability to support mediations, recommend that the PSD compiles a roster for thematic experts seconded by NGOs and IGOs and sets up a reference group to backstop envoys.<sup>114</sup> To preserve mediation knowledge, the Knowledge Management Framework (KMF) suggests lead mediators should be encouraged to write up their experiences in studies in collaboration with graduate schools and researchers to inform training and academic programmes.<sup>115</sup> The AU Mediation Support Handbook sees AU-NGO partnerships as a pillar of cooperation, coordination and joint solutions among actors in prevention and mediation while research institutes and NGOs should inform conflict analyses. The handbook states that non-state actors with relevant knowledge should be recruited to assist mediation teams, provide proposals to overcome deadlocks and draft agreements; that Track 2 processes should be coordinated with peacebuilding NGOs with a local presence; and that NGOs may raise additional funding.<sup>116</sup>

Whereas the guidelines that complement the statutory documents were drafted by NGOs, they have been approved by the AUC.<sup>117</sup> The greatest uncertainty and incoherence in the AU policy framework emanate from the ECOSOCC Statute, whose restrictive eligibility criteria were included in the Livingstone Formula. It requires NGOs seeking to interact with the PSC to draw 50% of their budget from membership contributions – a criterion that neither expert NGOs nor the donor-assisted AUC can meet.<sup>118</sup> The Maseru Conclusions of the PSC reaffirmed the ECOSOCC criteria whilst introducing the principles of relevance and flexibility, which have since been applied to enable the PSD to cooperate with suitable NGOs and think tanks on PSC work, and to enter MOUs with non-governmental partners.<sup>119</sup> These partnerships that serve to build internal capacity and increase the ability of the AUC to prevent and transform conflict, stand on shaky ground for as long as the PSC does not resolve the inconsistencies in its policies and abandons the unfeasible parts of the ECOSOCC criteria.

The APSA Roadmap 2016–2020, Agenda 2063 and Silencing the Guns Report aim at strengthening collaboration with external partners; developing plentiful partnerships with CSOs and academia to prevent and mitigate violent conflict; enabling the participation of citizens; and growing collective ownership for a common vision for the AU. However, these plans do not provide guidance on how to actualise the stated objectives of civil society and public participation.<sup>120</sup> The Kagame Report candidly states that the AU must increase its relevance to citizens and envisages a comprehensive reform of the AUC.<sup>121</sup> But the report makes no mention of reforms to the framework for civil society participation laid out by the ECOSOCC Statute.

111 AU, 'Constitutive Act', 22, Preamble; AU, 'Protocol Relating to the Establishment of the Peace and Security Council of the African Union', 20.

112 AU, 'Livingstone Formula', Section D.

113 Nathan, 'Plan of Action to Build the AU's Mediation Capacity', 49.

114 AU, 'SOP', 18; AU, 'Report on the Meeting on the Operationalization', 14.

115 AU, 'KMF', 14.

116 AU, *AU Mediation Support Handbook*, 16, 22, 23, 41, 45, 85, 115, 123, 127.

117 AU, 'KMF'; AU, 'SOP'.

118 AU, 'Statutes of ECOSOCC', Article 1, 14, 20; AU, 'Livingstone Formula', Section D; Badza, interview.

119 AU, 'Maseru Conclusions', sec. A-C; Badza, interview; Mofyia, interview.

120 AU, 'APSA Roadmap', 54. AU, 'Agenda 2063', 124. AU, 'Silencing the Guns', 6, 19, 38; AU, 'Master Roadmap'.

121 Kagame, 'The Imperative to Strengthen Our Union', 10.

As the experience since enactment shows, the statute is impractical and prevents, rather than enables, the participation of African CSOs in the AU.<sup>122</sup>

### *AU policy frameworks for the inclusion of local CSOs in mediations*

The mandate of the Constitutive Act of the AU to engage civil society, and the objective of involving citizens expressed in the Agenda 2063, Silencing the Guns Report and Kagame Report also provide a foundation for the inclusion of local CSOs in peace processes.<sup>123</sup> The Protocol of the PSC declares that the Council shall informally consult CSOs that are involved in conflict situations or invite them to address its meetings.<sup>124</sup> The principle of inclusivity in mediations and the guidelines for including local CSOs in AU-facilitated dialogues are, however, only entailed in non-binding handbooks and plans to build mediation capacity.

The Plan of Action declares the inclusion of CSOs to be a strategic imperative for AU mediations and advises mediators to consult and inform CSOs as their representation at the negotiation table is often unfeasible.<sup>125</sup> The SOPs require the mediation team to identify and spell out objectives relating to CSOs in mediation strategies, and to have the ability to consult CSOs to develop broad input to negotiations and for Track 2 processes. Whilst the scope of inclusion depends on the specific mediation mandate, the duty to engage all relevant actors, including CSOs, lies with the lead mediator.<sup>126</sup> The Managing Peace Processes reader for AU practitioners dedicates a volume to inclusion and lists rationales, obstacles and modalities to include business, CSOs, political formations and the public in peace processes.<sup>127</sup> More importantly, the revised AU Mediation Support Handbook gives guidance to bring the principle of civil society inclusion into effect in different phases of mediations, starting with the identification of CSOs in conflict analyses.<sup>128</sup> It advises mediators to strike a balance between rendering negotiations more legitimate by including many stakeholders and keeping them manageable by limiting the number of delegations. The handbook alludes to inclusive negotiation formats, such as national dialogues, which would permit the representation of CSO delegations.<sup>129</sup> However, the handbook and AU guidelines treat local CSOs as additional actors, who should be consulted as part of negotiations between principal conflict parties, rather than as negotiating parties, who have a seat at the table.

### **3.1.2. | AU institutional framework for civil society participation**

Whilst the AU has elaborate guidelines, putting the corresponding institutions and procedures from paper into practice is an ongoing process. The MSU must work in concert with APSA institutions for early warning, prevention and peacemaking, which equally interact with CSOs and provide channels to inform conflict responses. This subsection outlines the application of the above policies in practice, the channels that are currently available to CSOs, and the workings of relevant APSA institutions. The immediate channel mediators and liaison offices offer during mediations are discussed together with the MSU's operational support.

#### *Economic, Social and Cultural Council*

Although the ECOSOCC is enshrined in the Constitutive Act and should serve as the principal interface between the AUC and CSOs, its operationalisation has been extremely slow. Its Peace and Security Committee was not operational by 2015.<sup>130</sup> Since 2017, ECOSOCC has engaged in consultations on violent extremism and on Silencing the Guns, and the establishment of an ECOSOCC Secretariat in Lusaka in 2019 may yet

122 Assogbavi, interview; ISS, 'The Horn of Africa Should Improve Citizen Engagement'; Mfasoni, interview.

123 AU, 'Agenda 2063', 124; AU, 'Constitutive Act', 3-4; Kagame, 'The Imperative to Strengthen Our Union', 10.

124 AU, 'Protocol Relating to the Establishment of the Peace and Security Council of the African Union', 8.

125 Nathan, 'Plan of Action to Build the AU's Mediation Capacity', 16.

126 AU, 'SOP', 6-37.

127 AU, *Managing Peace Processes*, 3:39-62.

128 AU, *AU Mediation Support Handbook*, 7-10.

129 AU, AU, *AU Mediation Support Handbook*, 63, 73.

130 Amr, 'The ECOSOCC', 176.

breathe life into the Council. But the interface suffers from severe limitations.<sup>131</sup> In May 2019, ISS found that the ‘dysfunctional ECOSOCC’ was a major impediment to civil society’s access to the PSC.<sup>132</sup>

The impractical eligibility criteria for ECOSOCC membership, as is widely acknowledged, has prevented a vast section of African civil society from participating in the Council and AU although the aim was to ensure African ownership.<sup>133</sup> Whilst donor-assisted NGOs are ineligible, represented CSOs have in the past lacked the expertise to inform policy-making on peace and security. ECOSOCC’s advisory function for the AUC is responsive rather than proactive and only 26 of 55 member states have set up ECOSOCC chapters.<sup>134</sup> In some instances, authoritarian states have tried to ensure represented CSOs echo their positions.<sup>135</sup> Owing to these limitations, the marginal influence of ECOSOCC, and the perception that states do not take ECOSOCC seriously, many CSOs shun the Council and, instead, resort to more viable channels to influence decision-making in the AU.<sup>136</sup> Whereas a review of the ECOSOCC Statute may ease these grievances, an interface that is independently managed by CSOs rather than the AU would stand a better chance of gaining CSOs’ buy-in.<sup>137</sup> To inform peacemaking, anyhow, CSOs need more immediate channels.

### *Peace and Security Council*

The Livingstone Formula that was adopted in 2008 in response to sustained lobbying by NGOs and the recognition that the PSC would benefit from CSOs’ input, in theory, permitted the Council to invite CSOs to address sessions, but it proved impractical as the relevant CSOs did not meet the ECOSOCC criteria.<sup>138</sup> Since 2013, the PSC has put the principles of flexibility and relevance into practice by inviting think tanks and NGOs as well as local CSOs from conflict-affected states to address open sessions irrespective of the continued validity of the ECOSOCC criteria. An envisaged database for relevant CSOs had, however, not been created by 2019 and, whilst the PSC secretariat may propose suitable CSOs to give input, PSC member states are likely to veto CSOs that are critical of their governments.<sup>139</sup> Meetings between ECOSOCC and PSC had still not taken place by 2018 as, according to ECOSOCC, the Livingstone Formula had ‘never been operationalised.’<sup>140</sup>

CSOs can make submissions to the Chair of the PSC, who sets the agenda of the Council, the AUC Chair, the Commissioner for Peace and Security, and Permanent Representatives. Submissions can be a viable channel depending on their quality and the CSOs’ reputation, but since no feedback mechanism exists, CSOs have no way of knowing whether submissions impact deliberations.<sup>141</sup> Crucially, CSOs may discretely share analyses with representatives and embassies of key states ahead of PSC sessions. NGOs, like Oxfam and ISS, have offices in Addis Ababa to monitor, analyse and respond to the work of the PSC, and proactively produce demand-oriented analyses and customised services that can easily be absorbed by their recipients to maximise the impact.<sup>142</sup>

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131 Assogbavi, interview; Lwizi, ‘Zambia Honored to Host AUs ECOSOCC’.

132 ISS, ‘The Horn of Africa Should Improve Citizen Engagement’, 8.

133 Assogbavi, interview; Badza, interview; Kebede, interview; Mofyia, interview; Nathan, Ndiaye, and Zoubir, ‘APSA Assessment’, 152; Rudo and Bronwen, *Strengthening Popular Participation*, 27.

134 Amr, ‘The ECOSOCC’, 172–83; ECOSOCC, ‘National Chapters’; Kebede, interview; Mofyia, interview; Nathan, Ndiaye, and Zoubir, ‘APSA Assessment’, 150.

135 Mfasoni, interview.

136 Assogbavi, interview; Kebede, interview; Mofyia, interview; Mfasoni, interview; Nathan, interview; Respondent 4, interview.

137 Assogbavi, interview.

138 Kebede, interview; Assogbavi, interview; Badza, interview; Mofyia, interview.

139 Assogbavi, interview; Badza, interview; Kebede, interview; Mofyia, interview; Respondent 4, interview.

140 ECOSOCC, ‘ECOSOCC Operationalises Livingstone Formula’.

141 Assogbavi, interview; Badza, interview; Mfasoni, interview; Mofyia, interview; Kebede, interview.

142 Assogbavi, interview; Mofyia, interview; Ndiaye Ntab, interview; Respondent 5, interview; Respondent 4, interview.

### *Continental Early Warning System*

The CEWS serves to collect and analyse data to inform the Chair of the AUC and PSC about conflict risks.<sup>143</sup> Its structure mainly consists of a situation room that analyses data drawn from reports and news clippings rather than a network of monitors, and it is linked to the early warning systems of RECs, which are not fully operational. Whereas earlier studies found that the collection, scope and analysis of data required streamlining, the CEWS has since developed its capacity. The translation of early warning signs (to which states respond sensitively) into political action, however, remains an enduring challenge.<sup>144</sup> Early warning information is treated confidentially and not widely shared within the AUC.<sup>145</sup>

The Livingstone Formula envisages collaboration with NGOs and research institutes on early warning.<sup>146</sup> ISS contributed to the design of the CEWS and coordination meetings with RECs.<sup>147</sup> NGO involvement in the collection of data was, in the past, mainly confined to the use of analyses by think tanks.<sup>148</sup> However, in 2018, WANEP entered an MOU and deployed a liaison officer to plug its early warning system into the CEWS.<sup>149</sup> The CEWS has, moreover, expanded its network and collaborations with NGOs across the continent and trains civil society representatives.<sup>150</sup>

### *Panel of the Wise*

The PoW consists of five eminent personalities and has the mandate to advise the PSC and engage in preventive diplomacy.<sup>151</sup> The PoW has established prolific collaborations with equivalent committees through the PanWise network, but these collaborative efforts have stalled in recent years as several panels have become inactive.<sup>152</sup> FemWise-Africa, meanwhile, which launched in 2017 to strengthen the role of women in mediation and prevention, has gained great momentum.<sup>153</sup> FemWise is functionally linked to the MSU as it serves to train and deploy women mediators on multiple tracks, and its coordinator serves on the MSU team.<sup>154</sup> Although the mandate of the PoW centres on prevention, its secretariat hosted the AU Mediation Support Capacity Project through which, as will be explained below, the MSU was introduced.<sup>155</sup>

Peacebuilding NGOs assisted the operationalisation of the PoW that came into existence in 2007, and ACCORD had seconded staff to its secretariat until 2018 when it was decided the PoW should become self-reliant. The PoW continued to receive technical assistance from ISS and Tfp to organise high-level dialogues on Silencing the Guns and contributed to IPSS prevention training for senior officials.<sup>156</sup> Previously, the PoW worked with ACCORD and the International Peace Institute (IPI) to produce thematic reports.<sup>157</sup>

Between 2007 and 2015, the PoW undertook missions to nine countries to advise the PSC and meet stakeholders, mostly in relation to electoral conflict. By consulting CSOs on field missions, the PoW provided a channel for local CSOs to inform conflict prevention.<sup>158</sup> A 2014 APSA assessment, however, found that the PoW did not sufficiently interact with CSOs, whilst the PSC and AUC omitted to follow up on its

143 AU, *AU Mediation Support Handbook*, 14.

144 Arthur, 'Promoting Security in Africa', 10; Badza, interview; ISS, 'Denialism Plagues Africa'; Noyes and Yarwood, 'The AU CEWS', 251; Nathan, interview; Respondent 2, interview.

145 Respondent 2, interview; Ndiaye Ntab, interview.

146 AU, 'Livingstone Formula', para. 10.

147 Respondent 5, interview; Respondent 4, interview.

148 Assogbavi, interview; Ndiaye Ntab, interview; ISS, 'Denialism Plagues Africa'; Respondent 4, interview.

149 Mofyia, interview; WANEP, 'Practice Guide', 43.

150 Respondent 11, interview.

151 AU, *AU Mediation Support Handbook*, 14; Gomes Porto and Ngandu, 'The African Union, Preventive Diplomacy', 185.

152 Nathan, Ndiaye, and Zoubir, 'APSA Assessment', 8; Diallo, interview; Respondent 3, interview; Respondent 9, interview.

153 Ngandu, 'Operationalisation of FemWise'; Sabiiti, interview.

154 Sabiiti, interview; Respondent 3, interview; Respondent 1, interview.

155 de Carvalho, 'Looking for a Home', 8; Respondent 3, interview.

156 Ndiaye Ntab, interview.

157 de Carvalho, 'Looking for a Home', 8; AU, *AU Mediation Support Handbook*, 14; Nathan, interview; AU, 'Report of the AU PoW on Improving Mediation'.

158 Apuuli, 'The AU's Peace and Security Architecture', 160; Gomes Porto and Ngandu, 'The African Union, Preventive Diplomacy', 188-94.

recommendations.<sup>159</sup> The current members of the PoW, who took office in 2018, have been prevented from undertaking preventive missions by states who resist its involvement in internal affairs, and the Panel is underutilised.<sup>160</sup> Whilst this deprives CSOs of a significant channel, FemWise provides new links to communities as local activists are recruited to support multitrack mediations alongside AU representatives.<sup>161</sup>

### 3.2. | AU Mediation Support Unit

Efforts to set up an MSU date back over a decade, but the first team of mediation officers was only contracted in March 2019. The operating procedures and practices of the MSU were, therefore, still being consolidated at the time of writing, and the following discussion relates to mediation support activities in the first nine months of its existence.<sup>162</sup> This section outlines the involvement of NGOs in the operationalisation of the MSU and activities geared towards capacity building, knowledge management and networking. It also discusses the MSU's operational support function and channels for local CSOs to interact with mediation missions. The discussion identifies the functions and challenges of CSO participation in each domain of mediation support.

#### 3.2.1 | Operationalisation of the AU MSU

The launch of the AU MSU was preceded by a long preparation period in which external non-state actors contributed to the design of the structures and procedures. This section traces the process through which the MSU was established, identifies functions fulfilled by NGOs, and highlights related challenges.

##### *Operationalisation process*

The impetus to institutionalise mediation capacity in the AUC came from internal and external factors. The long experience of the AU in crisis diplomacy led to the recognition that the capacity to preserve lessons learnt needed to be improved and mediation teams needed systematic support to function effectively.<sup>163</sup> The UNDPA, peacebuilding NGOs, academics and development partners actively promoted the development of professional in-house mediation capacity.<sup>164</sup> The knowledge transfer between the UN and AU not only took place through capacity-building programmes but also the practical experience of the Joint Mediation Support Team in Darfur.<sup>165</sup> The development of the MSS was aided by the staffing of the AUC with technical experts, donor assistance, and political support by certain member states.<sup>166</sup> According to close observers, inhibiting factors included bureaucratic inertia, reluctance to abandon accustomed procedures, a lack of appreciation for technical expertise by some senior officials, differences over the delimitation of responsibilities between AUC entities, and an aversion to external mediation by states viewing it as an infringement of their sovereignty.<sup>167</sup>

The development of the AU MSU was initiated through the 2008-2010 Work Programme to Enhance the AU's Mediation Capacity as part of a UN-AU Ten-Year Capacity-Building Programme. It comprised workshops on cooperation on mediation in Africa, a needs assessment, and a seminar held in 2009 that served to produce the Plan of Action. In addition to the UNDPA, the programme partners included ACCORD, CMI, Folke Bernadotte Academy (FBA), HD and IPI.<sup>168</sup> The seminar report underlined the need for professionalisation and NGO support in capacity building.<sup>169</sup> A second seminar convened by ACCORD

159 Nathan, Ndiaye, and Zoubir, 'APSA Assessment', 8; Gomes Porto and Ngandu, 'The African Union, Preventive Diplomacy', 197.

160 Respondent 2, interview; Nathan, interview; Sabiiti, interview; Respondent 3, interview; Respondent 4, interview.

161 Sabiiti, interview; Respondent 3, interview; Respondent 1, interview.

162 Respondent 1, interview.

163 Mfasoni, interview; AU, *AU Mediation Support Handbook*, 6.

164 de Carvalho, 'Looking for a Home', 8; Respondent 2, interview; Nathan, interview; Sabiiti, interview.

165 AU, *Managing Peace Processes*, 1:24.

166 Sabiiti, interview; Nathan, interview.

167 Respondent 2, interview; Mfasoni, interview; Respondent 5, interview; Nathan, interview; Sabiiti, interview; Respondent 4, interview; de Carvalho, 'Looking for a Home', 7-9.

168 Nathan, 'Plan of Action to Build the AU's Mediation Capacity', 2, 10, 32, 34.

169 Govender and Ngandu, 'Towards Enhancing the Capacity', 56.

recommended that the AU institutionalised its relationship with specialist NGOs, which have a repository of expertise and mediation support staff, who can easily move between government and NGOs and are close to issues on the ground.<sup>170</sup>

To implement the Plan of Action, the AUC cooperated with HD's Mediation Support Programme, which specialises in assisting regional organisations to develop practical tools and training.<sup>171</sup> HD was instrumental in producing the SOP, KMF, and reader on Managing Peace Processes in 2012 and 2013.<sup>172</sup> The AU Mediation Capacity Project was managed by the PoW Secretariat in the Conflict Prevention and Early Warning Division (CPEWD).<sup>173</sup> The second phase of the project (2012–14), supported by the Embassy of Finland, consisted of a cooperation of the Crisis Management, Post-Conflict Reconstruction and Development Division (CM PCRDR) of the PSD, ACCORD, and CMI. The primary outcome was the revised African Union Mediation Support Handbook of 2014, which was produced through consultations and the review of existing tools.<sup>174</sup>

Whereas these documents outlined mediation support procedures, important questions on the structure, functioning and integration of the MSU into the existing AU architecture remained unresolved. The question of where in the AUC the MSS should be located proved to be a major stumbling block. A 2014 APSA Assessment Study, which scholars from IPSS and the Centre for Mediation in Africa (CMA) conducted on behalf of the AUC, identified five deficits regarding mediations: sustained professional support to envoys; an MSU to coordinate operational support; a mediator roster; a preventive diplomacy system; and a coordination mechanism between the AU, RECs and UN. The study recommended that a separate unit was set up rather than to include mediation support in the responsibilities of the secretariat of the PoW,<sup>175</sup> whose responsibility to engage in mediation was contested.<sup>176</sup> The MSU could be located in the Office of the Chair of the AUC, which appoints mediators and defines mediation mandates, or in the CM PCRDR.<sup>177</sup> By late 2016, it was decided that the MSU would function as a separate unit located in the CM PCRDR. However, questions over the responsibility for mediation support would linger at the expense of an expeditious operationalisation of the MSU.<sup>178</sup>

In September 2016, the AUC convened a Meeting on the Operationalisation of the AU MSU, which brought together representatives of the CM PCRDR, CEWS, AU liaison offices, RECs, UN, European embassies and GIZ. The meeting, which was attended by African academics and NGOs, recommended capacitating the AU MSU in the domains of research and analysis, documentation, training, communication and coordination.

The mediation support team should comprise:

- A coordinator;
- A mediation operations officer, who manages process matters and supports envoys;
- A political analyst;
- A knowledge management expert, who documents mediations;
- An administrative and financial officer.<sup>179</sup>

In October 2016, the Commissioner for Peace and Security announced the terms of reference of the MSU, which would need to be located in the CM PCRDR. The MSU would serve to:

170 Mottiar and Van Jaarsveld, 'Mediating Peace in Africa', 5–24.

171 AU, 'SOP', 3.

172 AU, 'SOP', 3; AU, 'KMF', 5; AU, *Managing Peace Processes*, 1:9.

173 de Carvalho, 'Looking for a Home', 8; Gomes Porto and Ngandu, 'The African Union, Preventive Diplomacy', 198.

174 AU, *AU Mediation Support Handbook*, 7.

175 Nathan, Ndiaye, and Zoubir, 'APSA Assessment', 16, 55.

176 Respondent 1, interview; Gomes Porto and Ngandu, 'The African Union, Preventive Diplomacy', 184–94; Kuwali, 'Squaring the Circle', 49; Nathan, interview; Respondent 3, interview.

177 AU, 'APSA Roadmap', 16, 55.

178 ISS, 'The AU's Mediation Support Unit Is Slowly Taking Shape', 10; de Carvalho, 'Looking for a Home', 7–9; Respondent 2, interview; Mfasoni, interview; Sabiiti, interview; Nathan, interview.

179 AU, 'Report on the Operationalization', 14–22.

- Offer support to mediators by providing briefing materials to mediation teams and acting as secretariat for the annual retreat of African mediators;
- Establish analytical and early-warning capacity with other departments, divisions and research centres;
- Provide technical expertise in designing, supporting and conducting mediations;
- Serve as a centre for the documentation of African peacemaking, including archiving records and making them accessible to mediators and researchers;
- Maintain a roster of mediation experts and support staff with qualifications for specific mediations.<sup>180</sup>

The meeting report and the APSA Assessment Study mentioned additional functions relating to:

- Coordination and consultations with UN and REC mediations;
- Enabling multilevel mediation;
- Developing standard procedures;
- Logistical support;
- Mainstreaming inclusion;
- Setting up a reference group;
- Communicating with internal and external actors.<sup>181</sup>

The report suggested that within a year, the MSU should:

- Hire five officers;
- Undertake a lessons-learnt exercise for mediators, debrief mediators and publish a study;
- Conduct training with the roster on AU mediation principles and procedures, including training for women;
- Engage in joint missions with the Department of Political Affairs (DPA) on election-related matters;
- Select five experts to support mediations.<sup>182</sup>

The operationalisation of the MSU was, however, deferred and, according to close observers, only gained momentum after changes in personnel provided the chance to resolve the demarcation of responsibilities between PSD divisions.<sup>183</sup> In October 2018, the PSC decided that the MSU should remain in the CM PCRCD but would work closely with other divisions and the DPA.<sup>184</sup> The latter has responsibilities relating to the prevention and management of electoral conflicts. The difficulty in determining the location of the MSU, thus, appears to point to the underlying problem of overlapping mandates of AUC departments and divisions.<sup>185</sup> The problems of functional overlaps and compartmentalisation are recognised in the Kagame Report and the resultant reform plan for the AUC. The embedment of the MSU in a restructured AUC and the modalities of the reforms that were envisaged for 2021 were still to be determined at the time of writing.<sup>186</sup>

The first MSU team was assembled in March 2019 and consisted of a coordinator and three officers with multiple responsibilities pertaining to capacity building, operational support and knowledge management.<sup>187</sup> Following a call by the PSC on the Commission to expedite the operationalisation of the MSU, the PSD announced in late May 2019 that it ‘moves to enhance the capacity to support African mediation efforts.’<sup>188</sup> In addition to the above functions, the MSU would serve as the nerve centre that connects the mediation mechanisms of the RECs, and roll out training programmes in partnership with African Centres of Excellence.<sup>189</sup> Whilst being located in the CM PCRCD, the MSU would function as a service provider to all AU organs that requested support on matters pertaining to mediation and dialogue, including training and

180 AU, ‘AU Mediation Support Unit’.

181 AU, ‘Report on the Operationalization’, 14–22; Nathan, Ndiaye, and Zoubir, ‘APSA Assessment’, 16.

182 AU, ‘Report on the Operationalization’, 14.

183 de Carvalho, ‘Looking for a Home’, 7–9; Respondent 3, interview; Mfasoni, interview; Sabiiti, interview; Respondent 2, interview.

184 ISS, ‘The AU’s Mediation Support Unit Is Slowly Taking Shape’.

185 Respondent 2, interview; Mfasoni, interview; Nathan, interview; Sabiiti, interview; Respondent 3, interview.

186 Respondent 1, interview; Respondent 2, interview; Mfasoni, interview; Sabiiti, interview; Respondent 3, interview.

187 Respondent 1, interview.

188 AU, ‘AUC Moves to Enhance Capacities’.

189 AU, ‘AUC Moves to Enhance Capacities’.

analysis.<sup>190</sup> A direct link to the CPEWD results from the fact that the coordinator of FemWise is on the MSU team. To ensure coherence and continuity in the MSU's development and integration into the AU architecture, in 2019, the AUC contracted a consultant to develop a strategic plan for the next four years.<sup>191</sup>

### *Functions and challenges of CSO involvement in operationalising the AU MSU*

NGOs and academics assisted in the operationalisation of the AU MSU by fulfilling several functions:

- Promote stakeholder buy-in: NGOs were instrumental in laying a vision for the MSU through a consultative process and convincing AUC officials, member states and development partners of the added-value of the MSU.
- Facilitate knowledge transfer: While the AU has mediation experience, NGOs and academics assisted the transfer of research-based technical knowledge and best-practice standards in initial training and seminars.
- Design procedures and policy-instruments: NGO experts drafted the documents laying out the mediation principles, standard procedures, job descriptions, resource requirements, functional relations with APSA institutions and strategic plan of the MSU in consultation with the AUC.
- Critical review: Think tanks and researchers provided analyses of the progress in the operationalisation process and shortcomings of the mediation framework both on behalf and independent of the AUC.<sup>192</sup>

Whilst the AUC officials that assisted this study found NGOs to have played a very positive role, the involvement of NGOs in the operationalisation process bore challenges:

- African leadership: Only a few African peacebuilding NGOs and think tanks, other than the mentioned South African organisations, have programmes and technical expertise specifically dedicated to international mediation. The operating procedures and mediation guidelines were, therefore, to a large extent developed by European NGOs that specialise in supporting regional organisations.
- Entrepreneurial NGOs: Although being non-profit organisations, NGOs are required to be entrepreneurial as they stand in competition and have an existential interest in securing contracts with IGOs and development partners. NGOs, thus, have an interest in carving a permanent niche for themselves rather than prioritising the AU's self-reliance when designing AU structures and procedures institutions. By lobbying different actors and divisions within the AUC to approve their project proposals, NGOs and development partners run the risk of exacerbating functional overlaps, structural duplications and inconsistencies in the organisation.
- Compatibility of norms: Mediation principles, such as inclusion, have both a technical and a normative dimension. By articulating operating procedures and mediation principles, NGOs carry their worldview into the AUC and influence the work of the MSU, which applies the principles and passes them on through training. For the principles and procedures to be accepted and applied in practice, it is imperative that the underlying norms are shared by the AU-mandated and political decision makers.<sup>193</sup>
- Ownership of AU institutions: Since the development of MSS has been driven by NGOs, technical experts in the AUC and development partners, they are at risk of lacking the unequivocal support of member states and senior AUC officials that is required for the structures to be utilised and adequately resourced. The fact that it took over a decade to set up the MSU may be indicative of insufficient ownership of the project, which some stakeholders perceive as NGO and donor-driven, by political decision makers.<sup>194</sup>

### **3.2.2 | Operational support and civil society inclusion in AU mediations**

In the AU system, mediation can fall under the responsibility of different office bearers who may require mediation support and interact with CSOs. Mediators and envoys are appointed by the AUC Chair at the request of the PSC and Assembly. Whilst envoys and representatives have different mandates, the functional

190 Respondent 1, interview; Respondent 2, interview.

191 Respondent 1, interview; Respondent 2, interview; Respondent 3, interview.

192 Respondent 1, interview; Respondent 2, interview; Nathan, interview; Sabiiti, interview; Respondent 4, interview.

193 Respondent 1, interview; Nathan, interview; Kebede, interview.

194 Nathan, interview; Respondent 4, interview.

boundaries are not clear-cut. Special envoys do not have a formal mediation mandate and, thus, have a limited mediation role. High Representatives of the Chair receive a robust mediation mandate to directly engage conflict parties. Special representatives of the Chair serve to provide a connection between a government and the AU and fulfil a minor mediation role. Ad-hoc high-level committees serve to ensure that governments bring support to a peace process. The AUC Chair and Commissioner for Peace and Security can act as facilitators in pressing situations.<sup>195</sup> Recipients of mediation support may include AU liaison offices in states.<sup>196</sup> Traditionally, the AU and RECs resort to sitting presidents and high-profile political figures as mediators, resulting in trade-offs between mediators' authority, technical mediation skills and impartiality.<sup>197</sup>

### *Operational support activities*

The MSU first needed to raise awareness of its existence and services among envoys and representatives. This was, for instance, done by briefing a meeting of AU special envoys and special representatives in Djibouti in October 2019. As a result, the MSU worked with the special representative for the Central African Republic (CAR) to contribute to programmes relating to the country's peace process and to support high-level mediations on the ground. Since AU liaison offices play a key role in assisting mediation processes, the MSU made it a priority to convene their heads to assess their needs.<sup>198</sup>

In 2019, the MSU supported few high-level mediations, but carried out a range of support tasks, including the conceptual and administrative planning of missions, analytical work, communications with mediators and envoys, setting up meetings and handling diplomatic communications, giving logistical support prior, during and after mediation missions, and writing briefing notes and reports. The support provided was not strictly in line with the SOP – the team supported envoys remotely, as in the case of a mission to Sudan, whilst high-level mediators were accompanied by their own teams.<sup>199</sup> MSU members were deployed to assist the coordination of diplomatic efforts by the PoW.<sup>200</sup> Whilst the need to link early warning and mediation support is widely accepted, information sharing between the CEWS and MSU seemed limited and needs-based.<sup>201</sup>

High-level mediators had thus far relied on their own staff to support mediation missions. Challenges the MSU faced at this stage included overcoming entrenched practices, gaining the confidence of mediators, who needed to be convinced of the added-value of the MSU's support, and ensuring that its involvement became automatic. Sustained awareness building among mediation teams and AU organs would be required to ensure the MSU was utilised to backstop mediations rather than solely for other purposes.<sup>202</sup> The coordination between the MSU and the teams of mediators would pose challenges in terms of the analysis, assessment of conflict situations and options, and the development of strategies and plans. In mediations that are jointly mandated by the AU and RECs, support would need to be coordinated with the MSS of RECs.<sup>203</sup> A general difficulty would consist of providing technical support in a context where the nature of mediation is highly political.<sup>204</sup>

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195 de Carvalho, 'Looking for a Home', 6.

196 Respondent 1, interview.

197 AU, 'Report on the Operationalization', 5; Respondent 2, interview; Mfasoni, interview; Nathan, Ndiaye and Zoubir, 'APSA Assessment', 88.

198 Respondent 1, interview.

199 Respondent 1, interview.

200 Sabiiti, interview; Respondent 2, interview; Respondent 3, interview.

201 Respondent 1, interview; Respondent 2, interview; Mfasoni, interview; Nathan, interview; Respondent 3, interview.

202 Respondent 2, interview; Respondent 1, interview; Mfasoni, interview; Nathan, interview.

203 Respondent 2, interview; Mfasoni, interview; Ndiaye Ntab, interview.

204 Respondent 1, interview; Respondent 2, interview; Mfasoni, interview.

### *CSO inclusion in AU mediations and implications for mediation support*

Owing to the political sensitivity of high-level mediations, operational support tasks require utmost discretion and leave little room for the involvement of NGOs. Think tanks feed into the analytical process indirectly by providing reports and analytical input.<sup>205</sup>

The MSU promised new opportunities to enable local CSOs to feed into mediations and encourage mediators and parties to opt for inclusive process designs or convene consultative forums. According to long-term observers, AU mediators routinely meet local CSOs and receive position papers in stakeholder consultations.<sup>206</sup> AU and NGO practitioners regard such consultations as an immediate and effective channel to inform mediation agendas and report to the AUC Chair and PSC.<sup>207</sup> The application of the guidelines and the extent CSOs are consulted not only varies between conflict settings, but depends on the preferences and personality of the mediator, the mediation mandate, and whether the AU or a REC takes leadership.<sup>208</sup> The major challenge does not lie with the holding of consultations by mediators, but the recording and integration of gathered input into the mediation agenda. By streamlining the recording, processing and reporting of input from consultations, the MSU could facilitate the inclusion of local CSOs' views in talks and decision-making processes.<sup>209</sup> Whereas MSS may consult CSOs in fact-finding missions before and during mediations, they cannot engage local actors without the governments' approval. For practical reasons, only a few CSOs can interact with mediators and support teams.<sup>210</sup>

Owing to their longer-term presence and familiarity with the local political landscape, liaison offices and special representatives play a critical part in informing mediations and provide an essential access point for CSOs. Whereas AU mediators rely on the assistance and local expertise of the special representative, the latter can lend credibility to CSOs seeking to feed into mediations. Peacebuilding and humanitarian NGOs also direct analyses to special representatives to channel specific concerns through the AU system. To strengthen their role in mediations, the MSU built relations and capacity to support special representatives and liaison offices.<sup>211</sup> The AU had 17 liaison offices and field missions by 2016, which served to 'help to reach out to the people on the ground.' As such, they provided a vital channel for local CSOs in mediations.<sup>212</sup> But this channel was unavailable in states that reject a permanent AU presence as an infringement on their sovereignty.<sup>213</sup>

Besides promoting women mediators and complementing AU mediations with peacemaking on subordinate tracks, FemWise provides a nexus between communities, CSOs and the AU mediation teams. Since FemWise mediators are recruited from among local activists, they have enduring networks with CSOs and serve as conduits for communities to inform AU mediation and prevention efforts.<sup>214</sup>

CSO inclusion in AU-facilitated peace processes faces enormous technical and political obstacles irrespective of the channels the AU provides. Local CSOs lack material resources and technical expertise to meaningfully participate in peace processes. They often lack the understanding of AU processes and a style of communication that is required for input to be considered by AU officials. Local CSOs often depend on well-capacitated NGOs with ties to the AU that serve as conduits to channel local perspectives into the AU system.<sup>215</sup> Civil society tends to be particularly weak in war-torn and authoritarian states where armed groups and governments curtail civic freedoms. The distrust of governments vis-à-vis civic activists, who are perceived as Western

205 Respondent 1, interview; Respondent 5, interview; Respondent 4, interview.

206 Respondent 1, interview; Ndiaye Ntab, interview.

207 Assogbavi, interview; Kebede, interview; Respondent 2, interview; Ndiaye Ntab, interview; Respondent 4, interview.

208 Respondent 2, interview; Respondent 4, interview.

209 Ndiaye Ntab, interview; Respondent 4, interview.

210 Respondent 1, interview.

211 Assogbavi, interview; Respondent 1, interview; Kebede, interview; Respondent 2, interview.

212 AU, 'AU Liaison Offices'.

213 Respondent 2, interview.

214 Respondent 1, interview; Sabiiti, interview.

215 Assogbavi, interview; Respondent 2, interview; Kebede, interview; Mofyia, interview; Nathan, 'Plan of Action to Build the AU's Mediation Capacity', 47; Respondent 3, interview.

proxies, un-African and a threat, remains the biggest single obstacle to civil society inclusion in AU-facilitated peace processes.<sup>216</sup>

### 3.2.3 | Capacity building by the AU MSU

Capacity building and the development of training instruments took high priority in the terms of references and initial activities of the MSU. The training was not just aimed at high-level mediation teams but AUC officials, diplomats, ministerial staff and CSOs to grow their capacity to prevent and resolve disputes.<sup>217</sup>

#### *Capacity-building activities*

In May 2019, the PSD announced it had initiated the development of an advanced training manual for mediation personnel, which would address specific dimensions of AU mediations and be the first of several instruments that focus on themes such as inclusion, power-sharing and natural resource management. To roll out training programmes, the MSU would partner with African Centres of Excellence.<sup>218</sup> Whilst the training manual was being developed with the assistance of consultants and based on the AU Mediation Handbook, the MSU organised a validation workshop with Tfp that included WANEP, academics and mediation officers of RECs.<sup>219</sup>

Through the capacity-building programme for FemWise, the MSU rolled out seminars for women mediators from local CSOs. The biannual training included workshops on mediation-related topics, including migration and border disputes, as well as the embedment of FemWise trainees in mediations under the AU Border Programme.<sup>220</sup> In late January 2020, the team contributed to the International Young Women Mediation Forum that provided a platform for AU mediators and FemWise representatives to mentor and exchange experiences with young women engaging in mediation and community dialogues.<sup>221</sup> The MSU assisted training for AU Child Protection Advisors in its role as a service provider to all AU departments and responded to request for training by states including Ethiopia and South Africa.<sup>222</sup>

#### *Functions and challenges of CSO involvement in capacity building*

Whereas African expert NGOs have explored opportunities to contribute to the MSU's capacity-building activities, for instance, by providing training, their involvement was limited to organising workshops and evaluating training instruments. Local CSOs were among the recipients of training.<sup>223</sup> NGOs seeking to contribute to the MSU's capacity building by offering customised training faced the challenge that the development of the relevant programmes was a work-in-progress and the demand for such services remained unclear.<sup>224</sup> The involvement of local civil society actors in FemWise training, meanwhile, presented the challenge that the AUC could not associate with political statements pronounced by some participants.<sup>225</sup>

216 Badza, interview; Ndiaye Ntab, interview; Mfasoni, interview; Sabiiti, interview; Respondent 2, interview.

217 Respondent 1, interview; Respondent 2, interview.

218 AU, 'AUC Moves to Enhance Capacities'.

219 Badza, interview; Respondent 2, interview; Mofyia, interview; Mfasoni, interview; Ndiaye Ntab, interview; Sabiiti, interview.

220 Respondent 1, interview; Sabiiti, interview.

221 Santamaria, '2nd International Young Women Mediation Forum'; Respondent 12, interview.

222 Respondent 1, interview; Sabiiti, interview.

223 Respondent 1, interview; Respondent 4, interview.

224 Respondent 4, interview.

225 Respondent 1, interview; Sabiiti, interview.

### 3.2.4 | Knowledge management and networking by the AU MSU

The AU and its predecessor have a long history of mediating and diffusing conflicts, but the gained insights were not systematically preserved within the organisation. Whereas think tanks and academics somehow ease the shortfall of internal institutional memory, the AUC needs an internal knowledge management system for mediations to learn from successes and failures, identify good practices, overcome ad-hoc approaches and streamline mediation.<sup>226</sup> Due to the sensitivity of the recorded knowledge, NGOs' contribution would primarily consist of analytical input, critical review, dissemination and facilitating networking activities.<sup>227</sup>

#### *Knowledge management and networking activities of the AU MSU*

The custom-made KMF, which was produced in 2012 and subsequently integrated into the AU Mediation Support Handbook, was not put into effect in the absence of an MSU. In 2019, the MSU entered a further review of potential guiding documents to operationalise a knowledge management system. The methods to retain mediation knowledge were still to be determined by early 2020.<sup>228</sup>

To debrief mediators and gather lessons learnt, the MSU initiated 'fireside chats' with special envoys, special representatives and the Commissioner at the Annual High-Level Retreat on the Promotion of Peace, Security and Stability in Africa. The debriefing session focused on experiences gained in mediations in the CAR, South Sudan and Sudan and the support required from the MSU. The MSU envisaged detailed debriefing sessions with heads of liaison offices and country-specific sessions involving RECs and CSOs.<sup>229</sup>

The MSU also explored the development of a roster and selection criteria for mediators and experts, whose absence has been a long-standing concern.<sup>230</sup> The process through which the AUC Chair and PSC select mediators has, traditionally, been non-transparent and political.<sup>231</sup> Whilst sitting statesmen command greater authority vis-à-vis their peers, their appointment as mediators, at times, results in a bias towards government, conflicts of interests, and a lack of technical mediation skills.<sup>232</sup> In practice, the AU often relies on a small group of former statesmen (and fewer women) with extensive negotiation experience.<sup>233</sup> The roster would permit the AU to draw from a pool of trained mediators and experts for specific conflicts.<sup>234</sup> In September 2019, the development of a continental mediation roster was discussed at a meeting aimed at coordinating the MSS of the AU and RECs. RECs that already had a roster preferred the joint roster only to include experts. The project received technical support from the UN DPA and entailed a review of existing resources, including the African Standby Capacity roster for peace operations, which already had the approval of states.<sup>235</sup>

Besides promoting enduring links to RECs, the MSU networked via the Group of Friends of Mediation.<sup>236</sup> The Group consists of 52 governments and eight IGOs worldwide and serves to promote mediation as a means to peacefully settle disputes.<sup>237</sup> Further networking platforms included the above-mentioned Young Women Mediation Forum and Network.<sup>238</sup>

226 Badza, interview; Ndiaye Ntab, interview; Mfasoni, interview; Sabiiti, interview.

227 AU, 'KMF'; Respondent 1, interview; Respondent 4, interview.

228 Respondent 1, interview.

229 Respondent 1, interview; Respondent 2, interview.

230 Respondent 1, interview.

231 Badza, interview; Respondent 1, interview; Respondent 2, interview; Nathan, Ndiaye and Zoubir, 'APSA Assessment', 40.

232 AU, 'Report on the Operationalization', 4-8; de Carvalho, 'Looking for a Home', 6; Mfasoni, interview.

233 Respondent 2, interview.

234 Nathan, Ndiaye, and Zoubir, 'APSA Assessment', 16; AU, 'Report on the Operationalization', 3; AU, *AU Mediation Support Handbook*, 23.

235 Respondent 1, interview; Respondent 2, interview; Respondent 6, interview.

236 Respondent 1, interview.

237 UN, 'Group of Friends of Mediation'.

238 Santamaria, '2nd International Young Women Mediation Forum'; Respondent 12, interview.

*Functions and challenges of NGO involvement in knowledge management and networking*

The fact that the KMF, which was designed by NGO experts, was not implemented but reviewed after the MSU became operational, suggests that the proposed system did not only lack resources but the buy-in of internal stakeholders to be put into practice.<sup>239</sup> NGOs did not participate in the gathering of confidential statements from AU representatives, but ISS assisted in organising the Annual High-Level Retreat.<sup>240</sup> For as long as the internal knowledge management system is not fully operational, the AU's institutional memory will remain fragmentary and depend on the work of external researchers.<sup>241</sup> African research institutes, such as IPSS and ISS critically review AU mediations on an open-source basis, give analytical input, disseminate insights, and help to organise networking events. They would, therefore, be well-placed to formally contribute to the knowledge management system, as outlined in the KMF. This would, however, require a division of labour between the AUC and NGOs that would permit the AUC to retain sensitive information, which must remain confidential.<sup>242</sup>

Thematic experts from African NGOs and universities could also populate a prospective mediation roster. Whilst the UNDPA has a standing team of specialists to support mediation teams, the AUC lacks the resources to maintain a permanent structure.<sup>243</sup> The experts on the roster would thus need to be drawn from a designated pool of individuals and made available for the duration of mediations by research institutions with whom the AUC has an MOU.

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239 Nathan, interview.

240 Respondent 4, interview; Respondent 5, interview.

241 Ndiaye Ntab, interview; Sabiiti, interview.

242 Respondent 4, interview; Respondent 5, interview.

243 Respondent 2, interview.

# 4

# ECONOMIC COMMUNITY OF WEST AFRICAN STATES

## 4.1 | ECOWAS framework for civil society participation

The ECOWAS framework for peace and security precedes the APSA and was informed by responses to civil wars in the 1990s. ECOWAS came into existence in 1975 and initially centred on economic integration while treating intrastate crises as internal affairs. In 1993, the Revised Treaty of ECOWAS added the prevention and resolution of intrastate conflicts to the organisational mandate.<sup>244</sup> ECOWAS' statutory documents and guidelines enshrine a comprehensive framework for conflict prevention and transformation and a markedly inclusive approach to promote human security.<sup>245</sup> But the corresponding institutions for preventive diplomacy and peacemaking are not fully operational.<sup>246</sup> To liaise with civil society, ECOWAS relies on an independent NGO network as the primary interface. Whilst this model benefits the independence of the interface, its sustainability is vulnerable.<sup>247</sup> ECOWAS collaborates with a range of NGOs and has entered a close partnership with WANEP, a network of peacebuilding CSOs, for early warning and training. But CSOs' access to ECOWAS mediations and institutions is uneven.<sup>248</sup> The case study is mainly based on interviews and analyses written by ECOWAS and WANEP staff, whose perspectives inform the discussion.

### 4.1.1 | ECOWAS policy framework for civil society participation

ECOWAS' mandate for mediation is founded on the Revised Treaty, which envisages the use of peaceful means to resolve disputes.<sup>249</sup> The Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 1999 provides for the legal foundations for the ECOWAS institutions that inspired the APSA.<sup>250</sup> The ECOWAS Conflict Prevention Framework (ECPF) of 2008 sets out a comprehensive conflict prevention and peacebuilding strategy that envisages societal participation across all domains.<sup>251</sup> ECOWAS' commitment to civic participation is underpinned by the Protocol on Democracy and Good Governance and the ECOWAS Vision 2020, which sets the goal of 'transforming the organisation from a body of states to a community of people.'<sup>252</sup> The normative principles these policies set for mediations in terms of timely interventions, inclusion, gender, human security and democratic governance are encapsulated in the ECOWAS Mediation Guidelines.<sup>253</sup> The following provisions set the policy framework for civil society participation in peacemaking and mediation support.

244 Adetula, Bereketgab, and Jaiyebo, 'Regional Economic Communities and Peacebuilding in Africa', 21.

245 ECOWAS, 'ECOWAS Conflict Prevention Framework'.

246 Diallo, interview; Hassan, interview; Gnancadja, interview.

247 Messie, interview; Diallo, interview; Addae-Mensah, interview; Respondent 6, interview.

248 Addae-Mensah, interview; Diallo, interview; Gnancadja, interview; Hassan, interview.

249 ECOWAS, 'Revised Treaty', 58.

250 ECOWAS, 'Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security'; Momodu, interview.

251 ECOWAS, 'ECOWAS Conflict Prevention Framework'.

252 ECOWAS, 'ECOWAS Conflict Prevention Framework'.

253 ECOWAS, 'Mediation Guidelines'.

*ECOWAS policy frameworks for NGO involvement in APSA institutions and mediation support*

ECOWAS adopted the continent's most comprehensive statutory framework for CSO participation in conflict prevention and transformation over a decade ago. Whereas the Revised Treaty of ECOWAS only envisaged NGOs' participation in relation to economic integration,<sup>254</sup> the Mechanism requires the Council of the Wise (CoW) to include civic leaders, special representatives to coordinate with peacebuilding and humanitarian NGOs, and the Commission to cooperate with NGOs for humanitarian assistance and small arms control.<sup>255</sup> The ECPF establishes a human security paradigm and reflects a bottom-up approach to conflict prevention and transformation. It promotes collaboration between ECOWAS, NGOs and states on early warning, preventive diplomacy and mediation, peacekeeping, disarmament and peace education, amongst other areas. ECOWAS will facilitate conflict transformation led by states and CSOs and work with them to mobilise local resources for mediations. To enhance cooperation with CSOs, who are bona fide partners, the ECPF stipulates that ECOWAS will collaborate with NGO networks. It should conclude MOUs with NGOs so they can contribute to policy development and implementation, channel civil society concerns, and spearhead prevention and peacebuilding in states.<sup>256</sup>

The ECOWAS Mediation Guidelines elaborate on the inclusion of local CSOs in negotiations, but it does not elaborate on the role of peacebuilding NGOs.<sup>257</sup> The latter is detailed in the ECOWAS Dialogue and Mediation Handbook, which puts great weight on multitrack mediations that may be led by NGOs. It names examples of dialogues facilitated by WANEP and West African women's networks.<sup>258</sup> The ECOWAS policy framework, thus, provides a strong foundation for NGO involvement in prevention and peacemaking, and as interlocutors in multitrack dialogues. But, it offers little guidance on how NGOs may contribute to mediation support.

*Policy frameworks for the inclusion of local CSOs in mediations*

ECOWAS statutory documents give mediators a firm mandate to liaise with CSOs and advise ECOWAS institutions and states to rope local actors into mediations. The Protocol of the Mechanism requires special representatives of the ECOWAS President to interact with relevant CSOs.<sup>259</sup> The ECPF, which centres on efforts within society, declares that states and ECOWAS should mobilise local CSOs to assist mediations.<sup>260</sup>

Inclusive mediation, which involves all major parties, civil society and population groups, is among the mediation principles postulated by the ECOWAS Mediation Guidelines. Accordingly, not only the primary conflict parties but all political, armed and social groups that are relevant in a given context, including those who oppose the process, should be considered for inclusion in the peace process. Inclusion should contribute to effective negotiations by assuring stakeholder and public buy-in, encourage parties to make peace, enriching negotiation agendas with additional knowledge, and increasing the legitimacy and sustainability of agreements. The Guidelines underline that CSOs, which may be represented in talks or involved through consultative mechanisms, can hail from all corners of civil society, such as professional associations and trade unions, faith-based and community groups as well as human rights and women's organisations.<sup>261</sup>

The Dialogue and Mediation Handbook is intended to strengthen regional capacities for conflict prevention and management by providing ECOWAS with coherent and contextualised training guidelines. It mentions local CSOs as participants in dialogues, stakeholders who may be consulted, mediators on subordinate tracks, and recipients of training. Civic leaders are expected to participate in dialogues and act as catalysts to bring the public on board of peace processes. The Handbook puts great emphasis on multitrack dialogue processes.

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254 ECOWAS, 'Revised Treaty'. Art. 81–82.

255 ECOWAS, 'Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security', Art. 20, 51, 81, 82.

256 ECOWAS, 'ECOWAS Conflict Prevention Framework', 9, 25, 69, 72, 74.

257 ECOWAS, 'Mediation Guidelines', 55.

258 ECOWAS, 'Dialogue and Mediation Handbook', 25, 53, 59, 72.

259 ECOWAS, 'Protocol Relating to the Mechanism', Art. 32.

260 ECOWAS, 'ECOWAS Conflict Prevention Framework', 25.

261 ECOWAS, 'Mediation Guidelines', 55.

Local CSOs are, therefore, seen as participants in dialogues, workshops and consultative forums on Tracks 2 and 3 rather than as delegations represented alongside the principal conflict parties on Track 1 or in national dialogue conferences.<sup>262</sup>

#### 4.1.2 | ECOWAS institutional framework for civil society participation

The ECOWAS Commission and institutions of the Mechanism that interact with the Mediation Facilitation Division (MFD) provide channels for CSOs to inform conflict prevention and mediation, but their functioning deviates from the policy framework. This section reviews the channels ECOWAS institutions provide to CSOs in practice.

##### *ECOWAS' civil society interface and key access points for CSOs*

ECOWAS relies on an independent network, WACSOF, as the primary interface between the Commission and civil society rather than on an intergovernmental institution. The Human Security and Civil Society Division (HSCSD) and the ECOWAS Conflict Prevention Framework Secretariat constitute further important access points that are briefly discussed here.

The CSO network WACSOF was launched in 2003, by the ECOWAS Commission with ECOWAS support and has served to map CSOs and channel their input in policy-making, such as the ECPF. The vulnerability of the independent interface model was illustrated in 2014 when WACSOF was decapitated by internal organisational challenges.<sup>263</sup> Whilst ECOWAS remains committed to WACSOF, which is under new leadership, the substantive financial support ECOWAS provides to the civil society network raises concerns among NGOs over the platform's independence and its preparedness to raise critique vis-à-vis ECOWAS.<sup>264</sup> Nevertheless, the interface model that builds on an independent network controlled by CSOs stands a better chance of offering stakeholders a credible platform than a body that is managed by an IGO.<sup>265</sup>

ECOWAS has entered MOUs and directly liaises with a variety of CSOs besides WACSOF as necessity arises, including West African networks, research institutes, sectoral NGOs and international NGOs.<sup>266</sup> WANEP has emerged as the primary partner on conflict prevention and transformation as the organisation constitutes both a network of over 500 grassroots CSOs and a well-capacitated and expert peacebuilding NGO.<sup>267</sup>

As part of a reorganisation of the Commission, in early 2019, ECOWAS introduced a further access point, the HSCSD. Although being located in the Directorate for Humanitarian and Social Affairs of the Department of Social Affairs and Gender, the HSCSD oversees the engagement with civil society for the entire ECOWAS Commission, and its responsibilities relate to human security matters including women, peace and security, emergency protection for displaced persons, vulnerable children, and human trafficking. To these ends, it works with the ECOWAS Gender Development Centre, women's networks and sectoral CSOs.<sup>268</sup>

Following its launch, the HSCSD devised a strategy on ECOWAS' engagement with civil society, which was expected to come into effect in 2020 and had the general objective of facilitating interactions with a broader range of CSOs. The HSCSD worked in coordination with the advisory committee on gender of the Political Affairs, Peace and Security department (PAPS) and the ECPF Secretariat to ensure gender was mainstreamed in conflict prevention and peace processes, and to facilitate the coordination between the Commission, states, CSOs and private sector entities in the implementation of the ECPF.<sup>269</sup>

262 ECOWAS, 'Dialogue and Mediation Handbook', 53, 56, 57, 89.

263 Diallo, interview; Messie, interview; Olugbuo, interview; Respondent 6, interview.

264 Messie, interview; Momodu, interview; Olugbuo, interview.

265 Assogbavi, interview; Messie, interview; Olugbuo, interview.

266 Momodu, interview.

267 Acquah-Aikins, interview.

268 Momodu, interview.

269 Momodu, interview.

Crucially, the HSCSD, in collaboration with PAPS and the AUC, was instrumental in launching FemWise ECOWAS in November 2019. The management of FemWise would require the HSCSD to work in coordination with the MFD on matters such as the training of FemWise mediators, their deployment, and the maintenance of a roster for women mediators.<sup>270</sup> At the time of writing, the responsibilities of the involved ECOWAS institutions and modalities of the management of FemWise ECOWAS were yet to be determined.<sup>271</sup>

The ECPF Secretariat, which was set up in the PAPS in 2015 to promote the implementation of the 15 components of the ECPF, provides a further important access point for CSOs. Its mandate is to review the implementation of a plan of action, coordinate internal and external stakeholders, and mobilise resources to bring the ECPF into effect. A sharing committee, which involves the directorates for political affairs, strategic planning and external relations, as well as organs for early warning, prevention and response, takes centre stage in the coordination of internal stakeholders.<sup>272</sup> To sensitise and bring external stakeholders together, including state, civil society and private sector actors, to implement the plan, the ECPF Secretariat holds meetings in the 15 ECOWAS countries. WANEP plays a critical role in the work of the ECPF Secretariat, whose head is a former WANEP liaison officer. In October 2019, the ECPF Secretariat initiated the Youths for Peace programme in collaboration with the AU, national youth ministries and WANEP. Following initial workshops in Nigeria and Côte Ivoire, WANEP would help roll out the programme in the 15 states and train trainers to hold national Youth for Peace dialogues.<sup>273</sup>

### *Mediation and Security Council*

In terms of the ECOWAS Mechanism of 1999, the Mediation and Security Council (MSC), which consists of 10 ambassadors, approves mediation mandates and decides on all matters relating to peace and security.<sup>274</sup> It was thus, conceived as a body to reach pressing decisions, analogous to the PSC and UN Peace and Security Council.<sup>275</sup> Since the MSC, which in December 2019 held its 43<sup>rd</sup> session, meets biannually alongside the ECOWAS Authority, it is not the primary organ that responds to emergency situations.<sup>276</sup> Instead, the ECOWAS President decides on urgent matters in consultation with ambassadors.<sup>277</sup> The MSC does not permit CSOs to address its meetings. However, since 2019, the Political Affairs and International Cooperation Division of the Directorate of Political Affairs collaborates with WANEP to present on regional peace and security dynamics at its ECOWAS Ambassadors Quarterly Debriefing sessions. The briefings serve to complement early warning reports with analyses that are not guided by political imperatives. WANEP also shares its peace and security reports with the Ambassadors on a regular basis.<sup>278</sup>

### *ECOWAS Early Warning and Response Network (ECOWARN)*

The sophisticated ECOWARN comprises a situation room at the ECOWAS Commission, 77 field monitors including 15 from WANEP in the 15 Member States and five National Centres for the Coordination of Early Warning and Response Mechanisms.<sup>279</sup> At the time of writing, the rollout of National Centres in the remaining member states was in progress and supported by the EU and the German government.<sup>280</sup> Its most outstanding feature is the close partnership with WANEP, which has an embedded Liaison Office at the Early Warning Directorate to coordinate the civil society component. The National Early Warning System Managers (NEWS Managers) at each of WANEP's 15 national offices compile information based on a separate set of indicators and link ECOWARN to WANEP's independent West African Early Warning and

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270 Momodu, interview.

271 Respondent 6, interview.

272 Gnancadja, interview.

273 Gnancadja, interview.

274 ECOWAS, 'Protocol Relating to the Mechanism', Art. 8-10.

275 Victor, p 26; Lucey and Arewa, 'Sustainable Peace', 9; ECOWAS, 'Mediation Guidelines', 18.

276 Diallo, interview; ECOWAS, '43rd Ordinary Session of the ECOWAS Mediation and Security Council Opens'; Hassan, interview.

277 Gnancadja, interview.

278 Acquah-Aikins, interview; Diallo, interview.

279 Gnanguênon, 'Afrique de l'Ouest', 3-5.

280 Respondent 6, interview.

Early Response Network (WARN), which gathers information from up to 20 community monitors in each country.<sup>281</sup> The information WANEP contributes from a civil society perspective serves to triangulate the data, for instance, in respect to the role of states in conflicts. WANEP also compiles independent open-source reports directed to civic and political actors.<sup>282</sup>

The distinctive qualities of ECOWARN are its human security indicators, sensitivity to sub-regional security risks, a combination of qualitative and quantitative data, and national centres to respond to conflicts on the national level. The partnership with WANEP in the operationalisation of ECOWARN is a clear recognition of the importance that ECOWAS places on the role of civil society. ECOWARN is credited for fostering a culture of prevention, human security, transparency and participation in ECOWAS.<sup>283</sup> Challenges relate to the complexity of indicators, varying data quality and novel risks. The response mechanism to reported risks is opaque and ECOWARN data is underutilised for policy-making. Whilst the partnership between ECOWAS and WANEP is based on mutual trust, a challenge exists in the dependence on a single NGO network with the relevant capacity. Bureaucracy and state-centrism complicate the coordination of the two components.<sup>284</sup> The partnership moreover implies trade-offs for the NGO's independence as civil society monitors have no hand in the follow-up on reported human security risks.<sup>285</sup>

### *Council of the Wise*

Unlike the PoW, the CoW, which must comprise civic leaders, has an unequivocal mandate for mediation.<sup>286</sup> After coming into operation in 2001, the CoW went on a fact-finding and preventive mission, alerted the President of the ECOWAS Commission about conflict risks, and engaged in joint activities with the PoW.<sup>287</sup> However, by 2019, the Council had become defunct and a review of its statute has been ongoing since 2016 with the support of the GIZ Support Programme to the ECOWAS Commission.<sup>288</sup> Mobilising sufficient political and financial support to reconstitute and deploy the Panel proved challenging. In its absence, ECOWAS relies on special representatives as mediators.<sup>289</sup> To optimise the use of resources, the CoW should receive operational support and training from the MFD. The role CSOs may play in re-building capacity and in mediation missions by the CoW would need to be determined in its revised statute.

## 4.2 | ECOWAS Mediation Facilitation Division

### 4.2.1 | Operationalisation of the MFD

The Directorate of Political Affairs of PAPS began to conceptualise an MSS in 2007, but it would take until 2015 for the MFD to become operational.<sup>290</sup> This section outlines the operationalisation process and highlights the functions and challenges of NGOs' involvement.

#### *Operationalisation process*

Whilst the development of ECOWAS' peace and security institutions was driven by the experience of civil wars of the 1990s and the imperative of regional integration, the immediate impetus to build mediation capacity came from a review of ECOWAS' preventive diplomacy and mediation record in 2010 and a conference on 'Two Decades of Peace Processes in West Africa'. The review found structures for preventive diplomacy to be weak and recommended the creation of an MFD in the Directorate of Political Affairs.<sup>291</sup>

281 Acquah-Aikins, interview; Frimpong, interview.

282 Acquah-Aikins, interview; Diallo, interview.

283 Diallo, interview; Gnanguènon, 'Afrique de l'Ouest', 3-5; ICG, 'Implementing Peace and Security Architecture (III)', 5-6.

284 Diallo, interview; Frimpong, interview; Gnanguènon, interview; Hassan, interview; Olugbuo, interview.

285 Gnanguènon, interview.

286 ECOWAS, 'Protocol Relating to the Mechanism', Art. 20.

287 Gnancadja, interview; ICG, 'Implementing Peace and Security Architecture (III)', 6.

288 Diallo, interview; Hassan, interview; ECOWAS, 'ECOWAS Develops New Statutes'; Respondent 6, interview.

289 Gnancadja, interview.

290 Odigie, 'The Institutionalisation', 4.

291 Odigie, 'The Institutionalisation', 4.

The Commission decided to set up the MFD in early 2010, but the process stalled until late 2012 as the Commission was seized by crises in member states.<sup>292</sup> After consulting experts and producing a concept note, a team led by the Directorate of Political Affairs director convened a needs assessment workshop with the assistance of HD. It provided an additional rationale to establish MSS – the structure would facilitate coordination of peacemaking efforts by local and regional actors. This would be necessary to grow popular ownership for peace initiatives as part of the vision to turn ECOWAS into a community of peoples.<sup>293</sup>

Whilst the crisis in Mali in 2012 had stalled the operationalisation of the MFD, it conversely gave the most immediate impetus for its launch by illustrating a lack of coordination between mediators and the Commission and mediation skills. It was against this background that in July 2013, the Authority instructed the Commission to accelerate the review of ECOWAS' preventive diplomacy and military response capability.<sup>294</sup> An after-action review on Mali issued in 2013 pointed to slow decision-making processes and a lack of coordination between ECOWAS and the AU, cooperation between PAPS directorates and preparedness by the ECOWAS Standby Force. It called for the prompt launch of the MFD and highlighted the need to select mediators based on their integrity and suitability for missions.<sup>295</sup> After the Directorate of Political Affairs acted upon these recommendations, the MFD was launched in June 2015. Seven months later, its status was upgraded from a division of the Directorate of Political Affairs to a directorate of PAPS.<sup>296</sup> Whilst the elevated status seemingly indicated that its mandate took priority, the MFD would be converted to a division again as part of a restructuring of the Commission in 2018.<sup>297</sup>

The MFD was initially staffed with a Head of Programme and three programme officers in charge of the core components of its mandate.<sup>298</sup> The team was later reduced to three and the MFD remained short-staffed as officers were often deployed to take on different tasks.<sup>299</sup>

The terms of reference of the MFD that emanated from the needs assessment included:

- Operational support: Backstop mediators and shuttle diplomacy; provide guidance, background information and analysis; monitor and evaluate mediations, and mainstream Track 3 mediation in ECOWAS.
- Mediation resource centre: Create a library and a database for mediation personnel and resources.
- Capacity building: Develop modules for training, organise workshops, and facilitate exchange programmes.<sup>300</sup>

The above recommendations and Mediation Guidelines, moreover, attribute a cross-cutting coordination function to the MFD. It should ensure that ECOWAS devises integrated interventions and arrives at sound preventive diplomacy and mediation systems by facilitating connections between the MSC, CoW, relevant divisions, and mediation teams.<sup>301</sup> Since several of these bodies were only partially operational, actualising the envisaged system would be a challenge. The MFD would use ECOWARN reports to analyse conflicts, but no structural link was established between the early warning and mediation support divisions.<sup>302</sup>

### *Functions and challenges of CSO involvement in the operationalisation*

NGOs were involved at various stages of the operationalisation process. Since WANEP had entered an MOU in 2002 and had experience in facilitating Track 3 processes and dialogue training, the organisation

292 Lehmann-Larsen, 'Effectively Supporting Mediation', 9.

293 Odigie, 'The Institutionalisation', 4.

294 Odigie, 'The Institutionalisation', 4; Lucey and Arewa, 'Sustainable Peace'.

295 ICG, 'Implementing Peace and Security Architecture (III)', 23.

296 Odigie, 'The Institutionalisation', 7.

297 Oshita, interview.

298 Odigie, 'The Institutionalisation', 5.

299 Respondent 6, interview.

300 Odigie, 'The Institutionalisation', 5.

301 ECOWAS, 'Mediation Guidelines', 45.

302 Acquah-Aikins, interview; Diallo, interview; Gnancadja, interview.

was involved in preliminary discussions on the creation of a mediation support facility.<sup>303</sup> HD drove the needs assessment through which the MFD's terms of reference were shaped. The process received technical input from the UN MSU and was supported by the Danish International Development Agency (DANIDA). Regional NGOs, including the WACSOE, WANEP, Mano River Women's Peace Network and the West African Civil Society Institute, gave input to the needs assessment in workshops.<sup>304</sup> Owing to ECOWAS' commitment to inclusion, existing partnerships and the presence of West African NGOs with relevant expertise, the participation of CSOs presented few challenges. The instruments were, however, primarily drafted by European NGOs and not optimally adjusted to the West African context.<sup>305</sup>

#### 4.2.2 | Operational support and civil society inclusion in ECOWAS mediations

The MFD started to backstop mediation missions shortly after its launch to bridge the gap between the ECOWAS Commission and mediators.<sup>306</sup> The ECOWAS MFD is the MSS in the APSA that has been most often used for operational support, and it regularly interacts with NGO networks and local CSOs.<sup>307</sup>

##### *Operational support by the MFD*

In 2015, the MFD supported a mission to Niger and backstopped the special envoy in Guinea Bissau to avert electoral conflicts and instability. The MFD assisted ECOWAS' intervention in Burkina Faso, where a high-level Mission of Heads of State sought to achieve the re-instatement of the President of the transitional authority and initiate a national dialogue.<sup>308</sup> ECOWAS had previously dispatched experts for several weeks to assist the parties to draw up a transitional charter.<sup>309</sup> Following the 2016 post-election crisis in the Gambia, the MFD supported the mission that facilitated a transition of power.<sup>310</sup> The MFD subsequently backstopped election-related missions in Liberia, Sierra Leone and Togo. Whilst the MFD accompanied an ECOWAS mission during the 2018 elections in Sierra Leone, it remotely supported a mission by the ECOWAS President to Togo.<sup>311</sup>

The spectrum of tasks the MFD carried out in preparation of missions included conflict analyses, stakeholder identification and the development of mediation strategies and scenarios. Besides providing technical and logistical assistance, the MFD drafted agendas for meetings with parties and agreement provisions for consideration by the Gambian parties. The MFD also took charge of issuing reports on mediation missions.<sup>312</sup>

Challenges related to the coordination with mediators and the staff of presidents that served as the technical team.<sup>313</sup> The fact that mediation was often a political process set limitations to the options the MFD could propose.<sup>314</sup> The political nature of the intervention in Togo in 2018 curtailed the room for the MFD to support the mission.<sup>315</sup> Some mediators were reluctant to share information, which the MFD needed to analyse the process, provide advice, and to accept input to close information gaps. A high level of preparedness was required by the MFD as missing information could not be retrieved when the talks were underway.<sup>316</sup>

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303 Addae-Mensah, interview.

304 Messie, interview; Odigie, interview.

305 Addae-Mensah, interview.

306 Lucey and Arewa, 'Sustainable Peace'.

307 Nathan, interview; Respondent 1, interview; Respondent 9, interview; Odigie, interview.

308 Odigie, interview.

309 ICG, 'Implementing Peace and Security Architecture (III)', 18; Odigie, interview.

310 ECOWAS, 'Mediation Guidelines', 39.

311 Odigie, interview; ECOWAS, 'Mediation Guidelines', 39.

312 Odigie, interview.

313 Gnancadja, interview; Oshita, interview.

314 Odigie, interview.

315 Addae-Mensah, interview.

316 Odigie, interview.

### *Civil society inclusion in mediations and operational support*

Whereas the planning of mediations was too sensitive to involve NGOs, the MFD interacted with regional NGOs and local CSOs for a range of purposes. Conflict analyses were informed by information drawn from ECOWARN and WANEP reports.<sup>317</sup> Owing to its permanent presence in states and local affiliates, WANEP could assist the identification of stakeholders that needed to be engaged in pre-dialogue assessment missions.<sup>318</sup> This intermediary role was also envisaged by WACSO.<sup>319</sup>

ECOWAS mediators generally consulted a broad range of local actors during missions.<sup>320</sup> In the case of Guinea Bissau, the ECOWAS team engaged in consultations with a local network of women mediators. WANEP played an intermediary role in facilitating consultations with local CSOs and giving them access to ECOWAS officials, especially in the context of elections. WANEP regularly sets up an election situation room to monitor and avert conflict risks.<sup>321</sup> WANEP was, moreover, involved in facilitating dialogue on Track 2 and 3 together with its affiliates.<sup>322</sup> In Guinea Bissau, where the mediation was carried out under the mandate of a regional contact group, the Director of WANEP served as an advisor on mediation and dialogue to the special representative of the UN Secretary General and, thus, a contact point between CSOs, ECOWAS and the UN. Previously, WANEP had assisted the monitoring of the implementation of the accord in Côte d'Ivoire.<sup>323</sup>

According to close observers, both WANEP's intermediary role and consultations with local CSOs are challenging. WANEP's ability to facilitate consultations and the inclusion of civil society concerns in the mediation agenda depend on the volition of ECOWAS mediators. Civil society inclusion tends to be more difficult where mediations are led by sitting presidents. WANEP's ability to facilitate consultations is complicated by divergent goals vis-à-vis conflict situations and state-centred concerns on the part of ECOWAS mediators.<sup>324</sup> WANEP is well-placed to facilitate consultations owing to its local knowledge. However, the reliance on WANEP as an intermediary gives the network and its affiliates privileged access to ECOWAS mediations and an inadvertent gatekeeper role for local CSOs. Whereas CSOs are routinely consulted in ECOWAS mediations, overall, the coordination, coherence, frequency and efficiency of consultations leave room for improvement.<sup>325</sup>

### 4.2.3 | Capacity building by the MFD

In the decade before the MFD was introduced, ECOWAS only conducted one mediation training as capacity building was not a strategic objective. From 2015 onwards, the MFD prioritised capacity building, which would be required to render the envisaged mediation system operational, including the development of instruments and training. CSOs were involved as technical experts, trainers and recipients of training.<sup>326</sup>

#### *Capacity-building activities of the MFD*

The development of instruments entailed the ECOWAS Mediation Guidelines of 2018. Following internal discussions on a work plan, the MFD invited international NGOs to contribute to the process and entered a partnership with CMI to draft the Guidelines. The drafters considered international standards and experiences of states and non-state actors. Interviews on the content of the guidelines centred on ECOWAS officials, including the Vice President, special representatives, special envoys, ambassadors, the CoW and

317 Acquah-Aikins, interview; Diallo, interview; Odigie, interview.

318 Addae-Mensah, interview; Odigie, interview.

319 Messie, interview.

320 Diallo, interview; Hassan, interview; Odigie, interview.

321 Acquah-Aikins, interview; Frimpong, interview; Odigie, interview.

322 Addae-Mensah, interview.

323 Acquah-Aikins, interview; Diallo, interview.

324 Diallo, interview; Frimpong, interview.

325 Addae-Mensah, interview.

326 Addae-Mensah, interview; Odigie, interview.

staff of PAPS. The draft was reviewed in a validation workshop that included selected CSOs and international experts.<sup>327</sup>

The development of the Dialogue and Mediation Handbook, which was financed through the GIZ ECOWAS Support Programme, followed a similar process. After a brainstorming meeting hosted by the MFD, a small group of experts assisted in the conceptualisation of the curriculum and a lead consultant was entrusted with the drafting process. Besides international experts and West African scholars from institutions such as the Nigerian Deference College and the Malian École de Maintien de la Paix, the process involved the Kofi Annan International Peacekeeping Training Centre (KAIPTC) and WANEP.<sup>328</sup>

The MFD's training activities started in 2015 with mediation courses that were facilitated by Clingendael (the Netherlands Institute of International Relations) and directed at senior staff of the Commission, special and permanent representatives, the CoW and selected foreign affairs officials. In partnership with the Legon Centre for International Affairs and Diplomacy (LECIAD), the MFD held various training on mediation support processes for operational and mid-career Directorate of Political Affairs staff, offices of representatives and foreign affairs ministries.<sup>329</sup>

By December 2019, the MFD had organised 25 workshops and trained about 470 people based on the developed curriculum. The recipients included ECOWAS commissioners, political affairs and early warning officers, the 15 ambassadors of ECOWAS states and political advisors. The training was expanded to religious and traditional leaders and CSOs, including women and youth organisations, especially on election-related dialogue. Training was also provided to members of parliament in Sierra Leone and Guinea Bissau with a focus on interparty dialogue. To evaluate the capacity-building initiatives of ECOWAS, the MFD collaborated with FBA, which carried out an assessment study in 2019.<sup>330</sup>

### *Functions and challenges of civil society participation*

Whereas international consultants took the lead in drafting the capacity-building instruments and, thus, in transferring norms and standard practices to ECOWAS, the participation of West African NGOs mainly served to contribute regional perspectives in brainstorming sessions and to review the final product. WANEP assisted in collating experience but was not involved in major decisions on the final content of the documents. WANEP also became a major partner in rolling out training to a broader range of recipients after the first workshops were facilitated by Clingendael and LECIAD. Besides facilitating training, WANEP helped to identify candidates for training and managed a register of trainees.<sup>331</sup>

The involvement of multiple NGOs, which were keen to offer their services and secure assistance from development partners, bore challenges in terms of the potential duplication of efforts, efficient use of resources and local adaptation of capacity-building programmes. Some trainees attended multiple similar courses that were facilitated by different partners, whilst others would only serve for a short time in positions for which the training was relevant. Instruments and training developed and delivered by Western experts left room for improvement in terms of the adjustment to the West African context and the integration of recent conflicts like cattle-herder disputes.<sup>332</sup> It is worth underlining that the training instruments reflect an ideal-typical mediation system rather than the *de facto* functioning of the involved ECOWAS institutions.<sup>333</sup>

327 Acquah-Aikins, interview; ECOWAS, 'Mediation Guidelines', 7; Odigie, interview.

328 Addae-Mensah, interview; ECOWAS, 'Dialogue and Mediation Handbook', 3; Odigie, interview.

329 Odigie, 'The Institutionalisation', 6.

330 Odigie, interview.

331 Addae-Mensah, interview; Odigie, interview; Odigie, 'The Institutionalisation', 6.

332 Addae-Mensah, interview.

333 ECOWAS, 'Mediation Guidelines'; ECOWAS, 'Dialogue and Mediation Handbook'.

#### 4.2.4 | The MFD's knowledge management and networking

In the past, ECOWAS mediations were conducted without systematic documentation of key resources and lessons learnt. As mediators were appointed ad hoc, in many instances, debriefings either did not happen or were not preserved. In the absence of a repository and process to retrieve mediation experiences, institutionalising a knowledge management system would become a time-consuming task for the MFD. As in the AU, the lack of a transparent process to select high-level mediators and reliance on sitting presidents as brokers resulted in conflicts of interest and biases towards incumbent peers.<sup>334</sup> NGO partners assisted in the identification of mediation resources through their networks and the dissemination of experiences gained by the MFD.<sup>335</sup>

##### *Knowledge management activities of the MFD*

The initial objective of a mediation resource centre was scaled down soon after the MFD launched.<sup>336</sup> The development of a roster for mediators, technical advisors and pertinent resources was part of workshops with external partners including the UN MSU and NGOs.<sup>337</sup> The development of the roster would receive donor support from DANIDA.<sup>338</sup> Following discussions within PAPS, it was decided that in lieu of a mediation roster, a comprehensive ECOWAS-wide roster would be developed that would accommodate the need for expert civilian capacities across various thematic areas.<sup>339</sup> But the project was protracted and drawn-out owing to limited buy-in within PAPS. In 2019, a dataset comprising individuals who had received mediation training and trainers was in place.<sup>340</sup> But the challenges of defining criteria to select technical experts and ensuring the required resources were on standby were yet to be resolved.<sup>341</sup> Whilst these efforts concentrated on resources for mediation support, the process through which high-level mediators are selected remained opaque.<sup>342</sup>

Besides internal coordination, the MFD fostered the exchange of experiences between preventive diplomacy and mediation structures within the APSA by organising exchange visits, participating in workshops and networking with MSS and think tanks across Africa and the West.<sup>343</sup> Besides recording lessons in internal mediation reports, members of the MFD team dedicated considerable time to authoring open-source reports and sharing insights for research, including this study.<sup>344</sup>

##### *Functions and challenges of civil society participation in knowledge management and networking*

After being involved in brainstorming sessions on a roster alongside organisations like KAIPTC, WANEP contributed to the mapping of mediation resources by compiling a list of West African women mediators. The register comprised women trained through WANEP's Women in Peacebuilding Network (WIPNET) programme. Since FemWise was established, ECOWAS and the recruitment of women mediators did not fall under the responsibility of the MFD and the creation of a mechanism to coordinate their deployment was an outstanding challenge.<sup>345</sup>

As a network of over 500 CSOs across the 15 ECOWAS Member States, WANEP contributed to the MFD's networking activities on the regional level.<sup>346</sup> To disseminate insights on both the institutionalisation of

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334 Oshita, interview.

335 Addae-Mensah, interview; Diallo, interview; Odigie, interview.

336 Odigie, interview.

337 Odigie, 'The Institutionalisation', 5.

338 Respondent 6, interview.

339 Odigie, interview.

340 Respondent 6, interview.

341 Gnancadja, interview.

342 Oshita, interview.

343 Odigie, interview.

344 Odigie, 'The Institutionalisation', 6; Odigie, 'In Defense of Democracy'.

345 Addae-Mensah, interview; Diallo, interview.

346 Diallo, interview.

mediation support and specific mediations, the MFD's Programme Officer for Capacity Development used ACCORD's Policy and Practice Briefs as a platform.<sup>347</sup> Whereas the open-source reports the MFD produces in collaboration with NGOs are valuable for the transfer of knowledge, they cannot replace an internal system to collect, retain and analyse sensitive information. To establish a mediation knowledge centre, as initially envisaged, the MFD would require additional staff with expertise in research, archiving mediation and the politics of the region.

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347 Odigie, 'The Institutionalisation', 6; Odigie, 'In Defense of Democracy'.

## 5

SOUTHERN AFRICAN  
DEVELOPMENT COMMUNITY**5.1 | SADC framework for civil society participation**

Whilst SADC was formed in 1992 to replace the Southern African Development Coordination Conference, its Organ on Politics, Defence and Security emerged in 1996 from the defensive Frontlines States Alliance, which had coordinated the resistance against the apartheid regime.<sup>348</sup> The legacy of SADC's two historical parent organisations consists of a two-pronged decision-making structure and a focus on state security and national sovereignty.<sup>349</sup> The constitutive documents of SADC give priority to peaceful means to manage conflict and SADC has mandated high-level mediators to contain various crises since the 1990s. As with other SADC institutions, which states are reluctant to embrace, the operationalisation of APSA pillars, including a mediation infrastructure, has faltered.<sup>350</sup> According to long-term observers, the relationship between SADC and CSOs has, historically, been characterised by suspicion.<sup>351</sup> Yet, SADC does partner with regional civil society networks, which serve as an interface, and selected NGOs.<sup>352</sup> Whereas policy plans require SADC to engage civil society on conflict management, they omit to give guidance on how to enable participation. Mechanisms for CSOs and citizens to liaise with SADC are yet to be operationalised.<sup>353</sup> This section outlines SADC's policy and institutional framework for CSO participation in peacemaking. Since the SADC Secretariat did not assist with this study, information on the SADC MSU is scarce, and the discussion is based on accounts of CSOs and external observers. The fact that the case study is, thus, based on research literature and accounts of outsiders, who were selected owing to their expertise on relevant SADC institutions, lowers the reliability of the below observations. Owing to the resultant lack of information, the case study discusses the development of the SADC MSU up to 2018.

**5.1.1 | SADC policy framework for civil society participation**

The organisational mandate to mediate in conflicts between and within states and to liaise with civil society emanates from the revised Treaty of the Southern African Development Community of 2001.<sup>354</sup> The peace and security architecture is enshrined in the 2001 Protocol of the Organ on Politics, Defence and Security Cooperation.<sup>355</sup> The 2010 edition of the Strategic Indicative Plan of the Organ (SIPO II) sets basic objectives relating to the development of APSA components for conflict prevention and mediation.<sup>356</sup> Normative standards for the conduct of SADC mediations, which often relate to electoral conflicts, emanate from the revised SADC Principles and Guidelines Governing Democratic Elections of 2015.<sup>357</sup> CSOs contributed to SADC policies on health, development and trade.<sup>358</sup> According to long-term observers

348 Khadiagala, 'The SADCC', 26-35.

349 Nathan, *Community of Insecurity*, 1-27.

350 Respondent 10, interview; Respondent 9, interview; Van Nieuwkerk, interview.

351 Cawthra, interview; Nathan, interview; Van Nieuwkerk, interview.

352 Farred, interview, 10 May 2019; Zakeyo, interview.

353 Farred, interview, 10 May 2019; SADC, 'Revised Edition of the Strategic Indicative Plan for the Organ (SIPO II)'.

354 SADC, 'Consolidated Treaty', para 16-23.

355 SADC, 'Strategic Indicative Plan for the Organ (SIPO)'.

356 SADC, 'Strategic Indicative Plan for the Organ (SIPO)'; Van Nieuwkerk, interview.

357 SADC, 'SADC Principles and Guidelines'.

358 Gudsäter and Söderbaum, 'Civil Society Participation'.

and existing literature, SADC provided less space for civil society participation in the making of the below peace and security policies.<sup>359</sup>

The Treaty of the Southern African Development Community, which was revised in 2001 to centralise the organisation's structures in the SADC Secretariat in Gaborone and incorporate the Organ into the SADC architecture, establishes the Summit of Heads of State and Government as the highest decision-making body, as well as the Council of Ministers, Integrated Committees and the Office of the Executive Secretary to support the elaboration and implementation of its policies.<sup>360</sup> The Treaty also provides for a SADC Tribunal, which was suspended.<sup>361</sup> Under the Treaty, SADC has the mandate to 'consolidate, defend and maintain democracy, peace, security and stability' in the region. For this purpose, SADC shall involve 'the People of the Region and key stakeholders' including the 'private sector, civil society, non-governmental workers and employers organisations.'<sup>362</sup> To enable citizens to interact with SADC, the Treaty obliges states to establish SADC National Committees, which shall comprise the key stakeholders and provide input, oversee and initiate policies.<sup>363</sup>

The Protocol of 2001 establishes that the structures of the Organ consist of a Chairperson, who is a sitting head of state elected by the Summit; a Troika that includes the incumbent, incoming and outgoing Chairperson; a Ministerial Committee; as well as two committees in charge of interstate politics, diplomacy, defence and security. By requiring the SADC Secretariat to provide services to the Organ, the Protocol establishes the foundation of the Directorate of the Organ.<sup>364</sup> 'The methods employed by the organ to prevent, manage and resolve conflict by peaceful means shall include preventive diplomacy, negotiations, conciliation, mediation, good offices, arbitration and adjudication by an international tribunal.'<sup>365</sup> With respect to civil society participation, the Protocol acknowledges the need for cooperation with non-state parties and international organisations 'in recognition of the fact that political, defence and security matters transcend national and regional boundaries.'<sup>366</sup>

The first edition of the Strategic Indicative Plan of the Organ (SIPO) was, according to academic and civil society observers, developed by security officials with little input from think tanks and came into effect in 2002 without prior consultation with CSOs.<sup>367</sup> SIPO aimed to 'encourage the contribution of civil society to conflict prevention, management and resolution' without detailing an action plan.<sup>368</sup>

The revised SIPO II was introduced in 2010 and its lifespan was extended beyond 2018 in the absence of a new plan.<sup>369</sup> The drafting of SIPO II was supported by GIZ. According to experts and involved civil society actors, SADC did not collaborate with think tanks in the drafting process, but accredited civil society networks were invited to comment on the final draft.<sup>370</sup> The Plan sets targets in the sectors of politics, defence, state security, public security and police, which would require a detailed business plan to be implemented, and indicate a shift towards a human security approach. The implementation of SIPO II would entail the harmonisation of SADC's peace and security architecture with the APSA and operationalisation of a mediation infrastructure.<sup>371</sup>

359 Cawthra, 'The Role of Donors and NGOs in the Security Policy Process in Southern Africa', 31; Farred, interview, 10 May 2019; Muneku, interview; Van Nieuwkerk, 'SIPO II: Too Little, Too Late?', 149.

360 SADC, 'Consolidated Treaty', Chap. 5.

361 Nathan, 'Solidarity Triumphs Over Democracy - The Dissolution of the SADC Tribunal', 131.

362 SADC, 'Consolidated Treaty', Art. 16–23.

363 SADC, 'Consolidated Treaty', Art. 16a.

364 SADC, 'Strategic Indicative Plan for the Organ (SIPO)', Art. 5.

365 SADC, 'Strategic Indicative Plan for the Organ (SIPO)', Art. 5.

366 SADC, 'Strategic Indicative Plan for the Organ (SIPO)', Art. 10.

367 Van Nieuwkerk, interview; Van Nieuwkerk, 'SIPO II: Too Little, Too Late?', 149; Van Nieuwkerk, 'The Strategic Culture of Foreign and Security Policymaking', 149. Defence and Security Co-operation (SIPO

368 SADC, 'Strategic Indicative Plan for the Organ (SIPO)', 19.

369 Van Nieuwkerk, 'SIPO II: Too Little, Too Late?', 150.

370 Cawthra, interview; Farred, interview, 10 May 2019; Muneku, interview; Van Nieuwkerk, 'SIPO II: Too Little, Too Late?', 150.

371 Aeby, 'SADC - The Southern Arrested Development Community?', 35; Van Nieuwkerk, 'SIPO II: Too Little, Too Late?', 150; SADC, 'Revised Edition of the Strategic Indicative Plan for the Organ (SIPO II)', 2.

With respect to civil society participation, SIPO II states that ‘enhanced participation of civil society’ is an expected outcome of SADC’s strategies to protect the people of the region against instability and to ‘prevent, contain and resolve inter- and intra-state conflict by peaceful means.’ The Organ should: (a) utilise regional centres of excellence to exchange experiences; (b) organise discussions on the involvement of civil society in Organ activities; and (c) identify research institutions to undertake studies on foreign policy.<sup>372</sup> The modalities of such collaborations with peacebuilding NGOs and the inclusion of local civil society actors in peace processes would need to be elaborated in guidelines such as a mediation handbook or a successor to SIPO II.

### 5.1.2 | SADC institutional framework for civil society participation

The SADC MSU was launched in 2015 in the Politics and Diplomacy section of the Organ, where it should function alongside existing structures and new components of the envisaged mediation infrastructure. Since the Organ provides few channels to CSOs, interactions are often sporadic, informal and dependent on personalities. Whereas accredited regional networks serve as the SADC Secretariat’s primary interface, mechanisms to liaise with civic stakeholders are yet to materialise.<sup>373</sup> This section reviews potential channels for civil society participation and SADC institutions that are relevant for peacemaking. Besides the institutions discussed below, the MSU would need to function alongside SADC bodies including the SADC Election Support Unit, Election Advisory Council and Election Observer Missions.<sup>374</sup>

#### *SADC’s civil society interface*

The 2001 SADC Treaty envisaged SADC National Committees serving as the principle interface for CSO’s participation in SADC.<sup>375</sup> In practice, a series of accredited regional civil society networks serve as the nexus between the SADC Secretariat and civil society on the national level.<sup>376</sup> In addition, SADC planned the establishment of a Non-State Actor Mechanism to ensure a continuous and structured engagement with stakeholders. This subsection provides an overview of these interfaces.

South African peacebuilding NGOs and think tanks support the APSA on an AU-level and the regional integration of civil society is relatively advanced. Yet, according to long-term academic and civil society observers, the state-centric security doctrine of the Organ and suspicion between NGOs, member states and SADC security officials have for long constituted obstacles to participation in conflict prevention and peacemaking.<sup>377</sup> Over the years, the SADC Secretariat has become more accessible to partner CSOs.<sup>378</sup>

SADC has partnerships with three networks that serve as primary interface for NGOs, trade unions and churches, and with selected NGOs.<sup>379</sup> The SADC-CNGO, which entered an MOU to serve as an intermediary for NGOs, set up a Mediation Task Team in 2012 hoping to create a link to SADC’s envisaged mediation infrastructure. The team supported local mediation initiatives and facilitated dialogue training for CSOs with support from GIZ.<sup>380</sup> SADC-CNGO managed to open channels to give input to policy-making thanks to the MOU and sustained relationship-building with SADC executives.<sup>381</sup> Yet, by their own account, the accredited networks engage the inaccessible SADC Secretariat on a point-to-point basis,

372 SADC, ‘Revised Edition of the Strategic Indicative Plan for the Organ (SIPO II)’, 23–35.

373 Farred, interview, 10 May 2019; Dithlake, interview; Muneku, interview.

374 Respondent 7, interview.

375 Motsamai, ‘Evaluating the Peacemaking Effectiveness of SADC’, 100; SADC, ‘Consolidated Treaty, Art 16a.

376 Farred, interview, 17 January 2020; Zakeyo, interview.

377 Cawthra, interview, 31; Cawthra, ‘The Role of Donors and NGOs in the Security Policy Process in Southern Africa’; Chitanga, interview; Dithlake, interview; Farred, interview, 17 January 2020; Molomo, interview; Morapedi, interview, 14 January 2020; Nathan, interview; Sachikonye, interview; Van Nieuwkerk, interview; Vava, interview; Respondent 9, interview.

378 Dithlake, interview; Farred, interview, 17 January 2020; Respondent 10, interview; Zakeyo, interview.

379 Farred, interview, 17 January 2020; Zakeyo, interview.

380 Respondent 10, interview; Morapedi, interview, 14 January 2020; Southern Africa Trust, ‘Taking SADC to the People’, 49.

381 Dithlake, interview; Farred, interview, 17 January 2020; Respondent 10, interview.

their access heavily depends on personal relations, and input is not followed up or makes little impact. For its part, the Secretariat has little authority in the SADC architecture that centralises power in the Summit of Heads and State, Council of Ministers, and Ministerial Committee of the Organ.<sup>382</sup>

The SADC case illustrates the vulnerability of the interface model that depends on an independent network, as SADC-CNGO's capacity has diminished as a result of internal challenges and a resultant shortfall of funding that ended the above mediation programme.<sup>383</sup> The primary link between SADC-CNGO and local CSOs are national NGO councils, whose representativity is limited in states where civil society is divided.<sup>384</sup> Whereas some CSOs seek to engage the SADC Secretariat directly or through alternative regional networks,<sup>385</sup> many CSOs lack the resources and the understanding of SADC's workings to engage in effective conflict-related lobbying.<sup>386</sup>

Under the amended SADC Treaty of 2001, states are obliged to set up SADC National Committees comprising civic stakeholders to initiate, monitor and implement SADC policies.<sup>387</sup> By 2019, many National Committees were not fully operational or hard to access.<sup>388</sup> This was a missed opportunity to inform citizens about SADC's work and how they can engage in policy-making.<sup>389</sup> According to Motsamai, in the context of mediations, national committees could provide mediators with an institutionalised platform to consult and involve civil society.<sup>390</sup>

Whilst the above civil society networks currently serve as the primary interface, SADC and its partners envisage the creation of a Non-State Actor Mechanism. SADC-CNGO and CSOs that convene an annual SADC Civil Society Forum have advocated the creation of a Non-State Actor Mechanism since the mid-2000s to enable a structured engagement with the Secretariat. In response, SADC commissioned the Southern Africa Trust (SAT) to draft a proposal for a Mechanism, which is reminiscent of ECOSOCC and was, in principle, approved by the Council of Ministers in 2016. In January 2020, the amended proposal, which came to comprise Politics, Defence and Security, still required the approval of the Ministerial Committee of the Organ.<sup>391</sup> In the best case, the Mechanism would enable continuous and transparent engagement and feedback from SADC to inform policy-making. But it also bears the risk of becoming a consultative forum that makes little impact on policy-making and serves only to regulate access and select CSOs that are deemed acceptable.<sup>392</sup>

### *SADC Summit and the Troika of the Organ*

The SADC Summit of Heads of State and Government plays a much more immediate role in responding to conflict and mandating mediations than the AU Assembly. The Summit and the Troika of the Organ, which includes the incumbent, incoming and outgoing Chair, hold closed meetings and have no formal consultative mechanism as both bodies consist of sitting presidents.<sup>393</sup> Whilst the Civil Society Forum takes place in parallel to the Summit, seeking to lobby political decision makers during the Summit is the least viable strategy.<sup>394</sup> Instead, NGOs lobby key member states, mostly South Africa, and receptive liberal democratic governments. NGOs focusing on governance and conflict in Zimbabwe were granted a meeting with the Chair of SADC during Namibia's tenure, and cultivated relations with the Department of

382 Dithlake, interview; Farred, interview, 10 May 2019; Respondent 10, interview; Modisane, interview; Morapedi, interview, 14 January 2020; Muneku, interview; Vava, interview; Respondent 9, interview.

383 Dithlake, interview; Farred, interview, 17 January 2020; Respondent 10, interview; Morapedi, interview, 14 January 2020.

384 Chitanga, interview; Morapedi, interview, 14 January 2020; Vava, interview.

385 Vava, interview.

386 Aeby, 'Making an Impact', 708; Chitanga, interview; Vava, interview.

387 Motsamai, 'Evaluating the Peacemaking Effectiveness of SADC', 100; SADC, 'Consolidated Treaty', Art. 16a.

388 Motsamai, 'Evaluating the Peacemaking Effectiveness of SADC', 100–102.

389 Respondent 7, interview.

390 Motsamai, 'Evaluating the Peacemaking Effectiveness of SADC', 105.

391 Southern Africa Trust, 'Taking SADC to the People', 49–52; Farred, interview, 17 January 2020; Zakeyo, interview.

392 Farred, interview, 17 January 2020; Morapedi, interview, 22 May 2018; Zakeyo, interview.

393 Aeby, 'SADC – The Southern Arrested Development Community?', 28.

394 Farred, interview, 17 January 2020; Nathan, interview; Chitanga, interview; Morapedi, interview, 14 January 2020.

International Relations and Cooperation of South Africa to inform the SADC-mandated mediation.<sup>395</sup> Further channels used by NGOs to inform South African government policy include the governing party, its trade union partner and the media.<sup>396</sup> Whilst the yield of such efforts is likely to be limited, it may be increased by lobbying a wider range of SADC states.

### *Regional Early Warning Centre*

The Regional Early Warning Centre (REWC) of SADC should strengthen conflict prevention, management and resolution and feed into the CEWS. Its functions are to compile strategic assessments based on gathered data, share information on threats, and propose means to manage them.<sup>397</sup> According to the available information, in practice, the secretive REWC lacks resources and focuses on matters of state intelligence rather than human security. It does not generally contribute information for preventive diplomacy and peacemaking in SADC, and it would need to be linked to the CEWS. It is staffed with intelligence operatives recruited from states' central intelligence organisations.<sup>398</sup> This is most troubling since certain intelligence organisations have a track record of abducting and killing civil society activists.<sup>399</sup> The REWC is, thus, not suited to inform mediation support and to collaborate with civil society.

An independent early warning system by CSOs for the SADC region currently does not exist. But Southern African NGOs have tremendous early warning potential owing to the expertise of NGOs that support the capacity development of the APSA, regional and national monitoring networks in sectors like elections and gender, and experience resulting from the monitoring of historic peace agreements.

### *SADC Panel of Elders*

The decision to establish the Panel of Elders (PoE) alongside the Mediation Reference Group (MRG) and MSU as part of a mediation infrastructure was taken by the Ministerial Committee in 2010. Its members, who must include civic leaders, were appointed in 2014, but nominations continued in 2018.<sup>400</sup> In terms of the mediation infrastructure, the Elders would serve as stand-by mediators.<sup>401</sup> The PoE would lead or assist mediations in coordination with the Executive Secretary and Chair of the Organ.<sup>402</sup> Based on the available information, the Panel never met and was never used in practice, with the exception of the renewed deployment of Joaquim Chissano on preventive missions to Madagascar. In Lesotho, SADC resorted to the old practice of mandating the South African President as mediator.<sup>403</sup> According to academic experts, the omission to utilise the PoE reflects political decision makers' lack of appreciation for the mediation infrastructure, which the Secretariat developed with consultants and development partners.<sup>404</sup> SADC-CNGO was not involved and CSOs consulted for this study were generally unaware of the PoE's existence.<sup>405</sup> In theory, consultations by the Elders would provide a significant channel for local CSOs.

### *Mediation Reference Group*

The nine members of the MRG were nominated in 2012, but its constitutive meeting was only held in 2015. It comprises ambassadors, former government officials whose background in mediation is unclear, and two civil society representatives including the director of ACCORD.<sup>406</sup> The MRG has an ambiguous mandate as

395 Sachikonye, interview; Vava, interview.

396 Aeby, 'Making an Impact', 707; Sachikonye, interview; Vava, interview.

397 SADC, 'Regional Early Warning Centre'; Hendricks and Musavengana, *The Security Sector in Southern Africa*, 19.

398 Respondent 8, interview; Farred, interview, 10 May 2019; Respondent 9, interview.

399 Human Rights Watch, 'The Elephant in the Room', 6, 22; ICG, 'Zimbabwe: Political and Security Challenges to the Transition', 3; Sachikonye, *Zimbabwe's Lost Decade*, 36.

400 Hartman, 'The Evolving Mediation Capacity', 7; Motsamai, 'Evaluating the Peacemaking Effectiveness of SADC'; Respondent 8, interview.

401 Respondent 9, interview; Respondent 10, interview.

402 Hartman, 'The Evolving Mediation Capacity', 8.

403 Respondent 10, interview; Respondent 9, interview.

404 Nathan, interview; Van Nieuwkerk, interview.

405 Chitanga, interview; Dithlake, interview; Farred, interview, 10 May 2019; Phatshwane, interview; Mogwe, interview; Vava, interview.

406 SADC, 'Constitutive Meeting of the Mediation Reference Group'.

it is meant to advise the PoE and directly engage in mediation. Apart from the MRG Chair, Leonardo Simão, who was Chissano's adviser in Madagascar, the MRG has, according to the available information, never been deployed to assist mediations. MRG members held meetings amongst themselves with support from the MSU, but the MRG appears to be idle as the Secretariat does not require its assistance.<sup>407</sup> Besides being represented on the MRG, ACCORD entered an MOU with SADC in 2015 to assist the transfer of knowledge on conflict analysis and mediation and promote training for civilians, police and military. In 2016, ACCORD provided a course on mediation to the MRG.<sup>408</sup> Capacity building is the area where the MRG and its civil society component stand the best chance of being utilised.

## 5.2 | SADC Mediation Support Unit

### 5.2.1 | Operationalisation of the SADC MSU

The decision to develop a structure to strengthen SADC's mediation capacity was taken by the Summit as early as 2004, but it took ten years for the MSU to become operational.<sup>409</sup> This section traces the operationalisation of the MSU and the involvement of NGOs in the process.

#### *Operationalisation process*

Although the decision to develop mediation capacity was taken in 2004, the creation of corresponding structures only returned to the agenda in 2008, at a time when SADC intervened in crises in Zimbabwe, Lesotho and Madagascar. Between 2008 and 2010, the Secretariat led a drafting process involving regional and UN experts. The resultant concept for Mediation, Conflict Prevention and Diplomacy in SADC was approved by the Ministerial Committee in August 2010 and envisaged the creation of the PoE, MRG and MSU. Whilst the nomination of the PoE and MRG went ahead, the operationalisation of the MSU was deferred due to a lack of funding, which member states would need to provide.<sup>410</sup> After some hesitation,<sup>411</sup> SADC accepted that the mediation infrastructure would be launched through the Regional Political Cooperation Programme (RPCP) that started in 2012 and was financed by the European Development Fund (EDF).<sup>412</sup>

Consisting of three officers, the MSU was set up in November 2014 in the Politics and Diplomacy Sector of the Organ Directorate. Its terms of reference, which were contingent on the contribution agreement with the EDF and SIPO II, would come to include capacity building in the form of training and the operationalisation of the other components of the mediation infrastructure.<sup>413</sup>

According to the initial concept, the MSU would:

- Do preparatory work and give technical and logistical support to mediation missions;
- Monitor potential crises and respond to early warning signs;
- Document lessons learnt from mediation and preventive diplomacy initiatives;
- Collaborate with other IGOs in the domain of mediation and prevention.<sup>414</sup>

The reliance on external assistance posed challenges for the institutionalisation of the MSU. As a body that was introduced through the RPCP, the MSU fell under the responsibility of the Director of the Politics and Diplomacy Sector and the RPCP Director, who had to ensure the programme complied with the EDF contribution agreement.<sup>415</sup> The fact that the new structure was part of a temporary donor-

407 Respondent 9, interview; Respondent 10, interview.

408 SADC, 'Conflict Analysis and Mediation Refresher'.

409 Respondent 8, interview.

410 Hartman, 'The Evolving Mediation Capacity', 6-7.

411 Hartman, 'The Evolving Mediation Capacity', 8; Farred, interview, 10 May 2019; Respondent 8, interview.

412 SADC, 'SADC, EU Jointly Launch €15 Million Support'.

413 Respondent 8, interview; Respondent 7, interview.

414 Hartman, 'The Evolving Mediation Capacity', 8.

415 Respondent 8, interview; Respondent 10, interview.

assisted project, apparently, affected its status within the Organ and the level of support it received from officials and political decision makers.<sup>416</sup> When the RPCP expired in 2018 and SADC chose not to make the required funds available to sustain the MSS, the team and operations of the MSU had to be downscaled, apparently, leading to a loss of expertise and momentum in the institutionalisation of procedures.<sup>417</sup> Long-term observers find that the failure to adequately finance the MSS is indicative of the lack of buy-in by states and security officials for the project that was driven by sections of the Secretariat and the agendas of development partners.<sup>418</sup> Whereas the continued development of the MSU since 2018 cannot be based on the available information, in April 2019, the EDF renewed its assistance to the Organ to 2023 by allocating 15 million euros to the Support to Peace and Security in the SADC Region Programme.<sup>419</sup>

### *Functions and challenges of NGOs involvement*

The involvement of non-state actors in the operationalisation of the MSU was minimal yet significant. The concept for the mediation infrastructure was drafted by a CMA consultant, who had drafted the AU Plan of Action, with the assistance of GIZ.<sup>420</sup> SADC-CNGO, which advocated for mediation structures, only had informal exchanges with SADC officials and, in one instance, attended a workshop on the operationalisation of envisaged structures.<sup>421</sup>

## 5.2.2 | Operational support and civil society inclusion in SADC mediations

Between 2015 and 2018, the MSU gave operational support to missions to the Democratic Republic of Congo (DRC), Madagascar, Malawi and Lesotho, where CSOs were included to varying degrees. It was, apparently, not involved in crisis responses in Zimbabwe, where the South African SADC Chair responded to military interference in the presidential succession in 2017, and where the former SADC facilitator, Thabo Mbeki, who had brokered an agreement in 2008, resumed efforts to facilitate dialogue between the government and opposition in 2019.<sup>422</sup>

### *Operational support activities by the SADC MSU*

The available information suggests that the MSU's involvement and tasks varied sharply between missions. The two missions to Madagascar, which were led by Joaquim Chissano and assisted by the MRG Chair, Leonardo Simão, were most in line with the projected mediation system. The MSU, which was deployed prior to the diplomatic team, did preparatory and logistical work, identified stakeholders whom the envoy should engage, compiled a mission report, and assisted the elaboration of recommendations to the Summit. The MSU was to a lesser degree involved in the efforts by a high-level team to facilitate dialogue in the Malawi-Tanzania border dispute. The mediation in Lesotho was managed by the team of the South African President, but the MSU facilitated coordination with the Organ and its military sector. The Namibian President undertook a SADC mission to the DRC during the 2016 constitutional crisis, but mediation officers mainly supported pre-election assessments by the SADC election support structures. Mediation officers were drawn into election support activities in Tanzania, Seychelles, Zambia and Zimbabwe.<sup>423</sup> This suggests that the MSU was often used for other purposes as the observation of elections in 16 states absorbed the human resources of the Secretariat.<sup>424</sup>

The above cases suggest that backstopping of mediators and coordination with their teams worked best where

416 Respondent 8, interview; Respondent 9, interview.

417 Respondent 10, interview; Respondent 9, interview.

418 Nathan, interview; Respondent 9, interview; Van Nieuwkerk, interview.

419 SADC, 'SADC, EU Jointly Launch €15 Million Support'.

420 Nathan, interview; Respondent 9, interview.

421 Dithlake, interview; Farred, interview, 17 January 2020.

422 Aeby, 'Stability and Sovereignty'; Chitanga, interview; Respondent 9, interview; Van Nieuwkerk, interview; Respondent 8, interview.

423 Respondent 8, interview; Respondent 9, interview.

424 Farred, interview, 17 January 2020; Respondent 10, interview.

a working relationship existed, as exemplified by the Chissano team. The MSU was least involved where SADC resorted to sitting presidents to lead missions. These experiences underline that to make full use of the MSU's operational support and arrive at a well-attuned coordination of missions, SADC would need to activate the PoE and MRG. The underutilisation of the MSU's operational support appears to reflect a lack of ownership of the mediation system by its political stakeholders.<sup>425</sup>

*Civil society inclusion in SADC mediations and implications for mediation support*

Before the MSU launched, SADC facilitated negotiation and agreement implementation processes in Lesotho, Madagascar and Zimbabwe, where the room civil society was provided to participate in varied greatly and depended on the will of the political actors and mediators to include CSOs.

In the negotiation of the Global Political Agreement (GPA) following Zimbabwe's 2008 post-election crisis, the political parties completely excluded civil society from the negotiations and SADC decided only to include elected entities at the negotiation table. The SADC facilitation team considered submissions by CSOs, which it deemed concurrent with the positions of the parties, and granted hearings to selected religious leaders and women's groups.<sup>426</sup> As comprehensive research on 20 Zimbabwean CSOs and the GPA process shows, the agreement and implementation of its transitional mechanisms, such as the constitutional reform, monitoring mechanism, and organ for national healing, were controlled by the political parties, who attributed a marginal role to civil society. The constitution-making process involved a consultative mechanism, which was a requirement of the UN Development Programme (UNDP) to support the process, but the parties insisted on the prerogative to hand-pick civil society participants. Consequently, the National Constitutional Assembly and other CSOs opposed the GPA process altogether or in part. Most of the researched CSOs, however, used the limited space and sought to influence the outcome of the transition process by pragmatically engaging in flawed GPA mechanisms and carrying out independent monitoring and reconciliation programmes.<sup>427</sup>

In 2017, the ousting of President Mugabe by the military compelled SADC to attend to the crisis in Zimbabwe again. Whereas the SADC Chair, President Jacob Zuma, and South African officials engaged in talks with political and military actors, there were no indications of civil society consultations.<sup>428</sup>

Following the 2009 coup in Madagascar, SADC initially demanded the unconditional reinstatement of the ousted president.<sup>429</sup> But after the AU and UN initiated the facilitation of a negotiated transition,<sup>430</sup> the SADC Summit gave Chissano a mediation mandate<sup>431</sup> and SADC took the lead in the joint mediation team.<sup>432</sup> Whereas the UN had pledged for an inclusive dialogue, under the AU's aegis, it was decided that four formations representing the coup regime and three former presidents would be represented at the negotiation table. The controversial decision, which denied other political and civil society formations a seat at the table, was taken prior to the appointment of the SADC mediator.<sup>433</sup> Whilst the SADC-facilitated Maputo accords and Addis Ababa Additional Act of 2009 were negotiated by the four parties,<sup>434</sup> the SADC Roadmap of 2011 would include 11 political stakeholder groups, who were identified by SADC.<sup>435</sup> According to Witt's comprehensive research on the mediation,<sup>436</sup> Chissano's team regularly consulted a range of political and civil

425 Respondent 10, interview; Respondent 9, interview; Nathan, interview; Van Nieuwkerk, interview.

426 Aeby, 'Making an Impact', 712; Chikane, interview; Mufamadi, interview; Mutambara, interview; Hoekman, 'Testing Ties: Opposition and Power-Sharing Negotiations in Zimbabwe'.

427 Aeby, 'Making an Impact', 712-17; Aeby, 'Zimbabwe's Gruelling Transition', 111-47.

428 Africa Confidential, 'The Crocodile Snaps Back'; Chitunga, interview; Vava, interview.

429 SADC, 'Communiqué: Extraordinary Summit 30 March 2009'.

430 ICG, 'Madagascar: Sortir Du Cycle de Crises', 25.

431 SADC, 'Communiqué Extraordinary Summit 20 June 2009'.

432 ICG, 'Madagascar: Sortir Du Cycle de Crises', 27.

433 ICG, 'Madagascar: Sortir Du Cycle de Crises', 25; Witt, 'Ordering by Default', 147; Witt, interview.

434 Joint Mediation Team, 'Transition Charter'; Joint Mediation Team, 'Addis Ababa Additional Act to the Malagasy Transitional Charter'.

435 Joint Mediation Team, 'Roadmap'; Nathan, 'A Clash of Norms and Strategies in Madagascar and the AU Policy on Unconstitutional Change of Government', 6.

436 Witt, 'Mandate Impossible: Mediation and the Return to Constitutional Order in Madagascar (2009-13)', 214.

society groups, and SADC later established a liaison office. However, the impact of CSO consultations on the content of the Roadmap, which strongly resembled the Maputo accords, was doubtful.

CSOs formed a coordination body to engage in the transition process.<sup>437</sup> Whilst the SADC-facilitated negotiations faltered, the Malagasy Council of Churches, which had undertaken an abortive mediation attempt in 2009, organised a parallel *Malagacho-Malagache* national dialogue.<sup>438</sup> SADC embraced the internal dialogue in 2010,<sup>439</sup> and the Roadmap, which enabled the installation of a transitional government, and envisaged civil society participation in monitoring and reconciliation mechanisms.<sup>440</sup> The churches rejected the monitoring role ascribed by the SADC Roadmap and continued to foster dialogue over an alternative transition plan during and after the interregnum.<sup>441</sup> After a holding dialogue conference in May 2013, the council of churches and participating groups issued a statement calling for the replacement of the Roadmap process with an inclusive transition.<sup>442</sup>

After already intervening in Lesotho in 1998, SADC facilitated political dialogue in response to a post-electoral conflict in 2007 and in reaction to instability resulting from conflicts within the governing coalition and the politicised security forces, a suspected coup attempt, and the killing of an officer in 2014.<sup>443</sup> In her comprehensive study of the SADC mediations, Motsamai observes that, after being reluctant to engage civil society, SADC came to praise the Christian Council of Lesotho (CCL) for facilitating a dialogue, which lasted from 2009 to 2011 and produced an agreement between the parties on electoral reform.<sup>444</sup> At the onset of the SADC mediation in 2014, interparty talks were facilitated by the CCL and presided over by the SADC Organ Chair, Namibian President Hifikepunye Pohamba.<sup>445</sup> The CCL and Lesotho Council of NGOs remained highly involved in the process after SADC mandated South African Deputy President Cyril Ramaphosa to mediate the dialogue, whereby the SADC-CNGO served as a contact point between CSOs and SADC and facilitated backroom meetings.<sup>446</sup>

The above mediations and transition processes largely took place before the SADC MSU became operational, but as mentioned above, the MSU supported subsequent diplomatic missions, whereby it interacted with local civil society stakeholders. In Madagascar, the MSU assisted the SADC envoy to identify civic stakeholders for consultations. According to the available information, in a few instances, mediation officers directly interacted with local civil society representatives during other preparatory missions.<sup>447</sup> Further research would be required to establish what role the MSU would play in streamlining stakeholder consultations and the integration of collected inputs into reports and draft agreements.

### 5.2.3 | Capacity building by the SADC MSU

The MSU made its greatest strides in capacity building, which is politically less sensitive than operational support and more acceptable to the political decision makers. Capacity building comprised the development of mediation structures, training instruments and training with the assistance of external experts.<sup>448</sup>

437 CNOSC, 'Appel des organisations de la société civile en faveur de l'initiative de la CNOSC'; Witt, 'Ordering by Default', 227.

438 ICG, 'Madagascar: Sortir Du Cycle de Crises', 7; Nathan, 'A Clash of Norms and Strategies in Madagascar and Teh AU Policy on Unconstitutional Change of Government', 3-7; Witt, 'Mandate Impossible: Mediation and the Return to Constitutional Order in Madagascar (2009-13)', 147.

439 SADC, 'Communiqué 30th Jubilee Summit'.

440 Joint Mediation Team, 'Roadmap'.

441 Witt, 'Ordering by Default', 232; Witt, interview; ICG, 'CrisisWatch Madagascar 2007-2019'.

442 FFKM, 'Pour un gouvernement neutre et une autre transition - Résolutions de la réunion d'Ivato conduite par le FFKM'; Witt, 'Mandate Impossible: Mediation and the Return to Constitutional Order in Madagascar (2009-13)', 218.

443 Motsamai, 'Evaluating the Peacemaking Effectiveness of SADC', 150-79.

444 Motsamai, 'Evaluating the Peacemaking Effectiveness of SADC', 164.

445 Motsamai, 'Evaluating the Peacemaking Effectiveness of SADC', 178.

446 Farred, interview, 17 January 2020; Respondent 10, interview, 10; Shale and Gerenge, 'Electoral Mediation'.

447 Respondent 8, interview; Respondent 9, interview.

448 Respondent 8, interview; Respondent 9, interview.

### *Capacity-building activities*

The MSU team, firstly, put great effort into supporting the nomination and operationalisation of the unutilised PoE and MRG. Secondly, it developed a mediation and dialogue training curriculum in collaboration with consultants and MRG members. The process involved a pilot training workshop held in Maputo in July 2016 to test the curriculum, which would comprise communication, conflict analysis, drafting and conflict resolution skills. Thirdly, and most importantly, the MSU provided mediation and dialogue training to diplomats, ministerial staff, media practitioners, religious leaders and NGO representatives. By November 2018, the MSU had facilitated training for nearly 500 individuals over the space of two years, training 50 people at a time in several states. The training was designed to develop national infrastructures for peace in accordance with the conflict transformation paradigm and to encourage dialogue on multiple levels.<sup>449</sup> This is remarkable considering SADC's long-standing reliance on managing conflict on Track 1. Whilst the primary purpose of MSS in IGOs is to grow capacity and support mediation on the intergovernmental level, the MSU, apparently, mostly trained Track 2 actors. The momentum on capacity building was lost after the initial MSU team was reduced without replacement, and the rollout of training was constrained by a shortfall of funding.<sup>450</sup>

### *Functions and challenges of civil society involvement in capacity building*

Southern African non-governmental experts developed the training curriculum. After CMA had drafted the first version of the training manual, the SADC Organ contracted an ACCORD consultant to draft a revised training curriculum. ACCORD also contributed to the review of the curriculum. Civil society actors were amongst the recipients of training, but neither NGOs nor universities played a major role in providing training.<sup>451</sup>

#### 5.2.4 | Knowledge management and networking by the SADC MSU

Whilst it is unclear to what extent the Organ had documented previous mediations, the MSU could, apparently, not build on existing records to plan missions to states where prior SADC mediations had taken place as the relevant documentation was either not handed over or non-existent.<sup>452</sup> Since mediations were frequently led by South Africa, on whose bureaucratic capacity SADC relied, records were most likely to be kept in Pretoria.<sup>453</sup> Between 2015 and 2018, the MSU tried to convene a conference with mediators, experts and stakeholders to gather lessons learnt from SADC mediations. But the event did not materialise, suggesting an apparent lack of resources and appreciation in SADC for the retention of mediation knowledge. Based on the available information, knowledge management, therefore, solely comprised the writing of reports on missions and training by the MSU. The MSU did not engage in systematic networking but participated in AU platforms to coordinate and share knowledge among MSS.<sup>454</sup>

Knowledge management and sharing would constitute a primary area of activity where SADC could fulfil the SIPO II objectives of utilising regional centres of excellence to exchange experience, undertake studies, and organise discussions with CSOs.<sup>455</sup> Such collaborations on lessons learnt from mediations, the available information suggests, were yet to materialise by 2020.

449 Respondent 7, interview; Respondent 8, interview.

450 Respondent 9, interview; Respondent 10, interview.

451 Respondent 9, interview; Respondent 8, interview.

452 Respondent 9, interview.

453 Aeby, 'SADC - The Southern Arrested Development Community?', 30.

454 Respondent 8, interview; Respondent 9, interview.

455 SADC, 'Revised Edition of the Strategic Indicative Plan for the Organ (SIPO II)', 23-35.

## 6

COMPARATIVE INSIGHTS  
AND RECOMMENDATIONS**6.1 | Frameworks for civil society participation in peacemaking**

A primary objective of this IJR study is to review and juxtapose the policy and institutional frameworks of the AU, ECOWAS and SADC for: (a) the involvement of African NGOs with relevant expertise in mediation support and peacemaking; and (b) local civic stakeholders in mediation processes. The three organisations all have a constitutional mandate for peacemaking and to engage civil society.<sup>456</sup> The AU and ECOWAS have detailed guidebooks for NGOs' participation in APSA institutions and inclusive mediation, but SADC lacks equivalent guidelines. Whilst ECOWAS' comprehensive policy framework for inclusive conflict prevention and transformation is statutory, the AU's guidelines mostly constitute non-binding recommendations.<sup>457</sup> The three organisations have adopted different models of IGO-CSO interfaces and, in principle, provide channels for CSOs to interact with APSA institutions. In practice, many of the institutions that exist on paper are not fully operational and the related channels for CSOs are, thus, unavailable.<sup>458</sup> Whereas relations between IGO and CSO actors are often informal and unstructured, the elaboration of rules and procedures bears the risk of further restricting access in contexts where political decision makers resist civic participation. This section highlights challenges and comparative insights on the policies and institutional frameworks.

**6.1.1 | Policy frameworks for civil society participation**

The involvement of expert NGOs in APSA institutions and the inclusion of local CSOs in peace processes require different policy guidelines and channels. This section juxtaposes the contrasting policy frameworks for relating to the two types of civil society actors.

*Policy frameworks for NGO involvement in APSA institutions and mediation support*

The policy frameworks reflect divergent security paradigms that range from ECOWAS' human security approach, which emphasises prevention and civic participation, to SADC's traditionally state-centric approach to managing conflict. NGOs are assigned different roles in peacemaking. ECOWAS guidelines project NGOs as intermediaries between ECOWAS and communities and as facilitators in multitrack dialogues.<sup>459</sup> AU guidelines emphasise the potential role of NGO experts in analysing conflicts, providing expertise on technical teams to backstop mediators, offering training, and assisting mediators to preserve and share experience.<sup>460</sup> SADC envisages the exchange of expertise with regional research institutions.<sup>461</sup> The policy frameworks give legitimacy to NGOs' involvement in structures and processes for peacemaking but entail significant grey areas.<sup>462</sup> Removing these grey areas through new regulations may create guaranteed spaces for NGOs' involvement but equally bears the risk of constraining rather than opening

456 AU, 'Protocol'; ECOWAS, 'Revised Treaty'; SADC, 'Consolidated Treaty'.

457 ECOWAS, 'ECOWAS Conflict Prevention Framework'; ECOWAS, 'Mediation Guidelines'; AU, *AU Mediation Support Handbook*; AU, 'SOP'.

458 Amilou, Da wit, Mukondi. Author: Please correct this footnote. No record of these names in reference section.

459 ECOWAS, 'Dialogue and Mediation Handbook', 57, 89.

460 AU, *AU Mediation Support Handbook*, 16, 22, 33, 41, 45, 85, 115, 127, 123; AU, 'SOP', 18.

461 SADC, 'Revised Edition of the Strategic Indicative Plan for the Organ (SIPO II)', 23–35.

462 AU, 'Livingstone Formula'; Respondent 2, interview; Farred, interview, 17 January 2020.

up room for participation. The formalisation of otherwise informal interactions between NGOs and IGOs is, thus, a double-edged sword.<sup>463</sup>

### *Policy frameworks for the inclusion of local CSOs in mediations*

AU and ECOWAS guidelines establish inclusivity as a mediation principle, which practitioners should aspire to and balance against the practicability of negotiations. The AU and ECOWAS guidelines mention the possibility of including civil society delegations at the negotiating table but do not generally aim at inclusive negotiation formats like national dialogue conferences. Local CSOs are seen as actors that should either be consulted by mediators or included in dialogues on subordinate tracks.<sup>464</sup> AU guidelines explicitly spell out the role of mediation support teams in enabling consultations with local CSOs.<sup>465</sup> Since the AU and ECOWAS mediation guidelines are not rules but recommendations, their application depends on both the extent to which they have been embraced by mediators and decision makers who define mediation mandates and conflict parties' acceptance that CSOs participate in the peace process. At the time of writing, SADC was yet to publish comparable mediation guidelines.

## 6.1.2 | Institutional frameworks for civil society participation

The three organisations all have IGO-CSO interfaces and APSA institutions for decision-making, early warning, and preventive diplomacy that must interact with MSS. These institutions provide channels to CSOs but are not fully operational. This section highlights channels that are available in practice.

### *Civil society interfaces*

The IGO-CSO interfaces of the AU, SADC and ECOWAS demonstrate the benefits and downsides of models that are either based on an intergovernmental body or independent civil society platform. The AU ECOSOCC shows that an interface prevents rather than enables productive IGO-CSO interactions if state actors define restrictive rules for participation. An ineffectual interface lacks the buy-in of CSOs, deprives an IGO of input, and undermines its credibility vis-à-vis civic stakeholders.<sup>466</sup> The experience in ECOWAS and SADC illustrates that an IGO-CSO interface that relies on an independent NGO network is vulnerable to the NGOs' organisational constraints that can render it unsustainable.<sup>467</sup> Yet, the latter model is better suited to provide an accessible, credible and independent platform for CSOs to interact with IGOs.

### *Decision-making organs*

Decision-making bodies for peace and security offer few formal channels for CSOs to inform their proceedings. For practical reasons, only a few CSOs can address the AU PSC and brief ECOWAS ambassadors, but these platforms are important channels to give credibility and visibility to concerns which the invited CSOs present on behalf of coalitions and local CSOs. In the absence of feedback mechanisms, the impact of CSOs' submissions to decision-making organs and their chairs is unclear. Informal channels are at least as important to inform decision makers' agenda. For this purpose, NGOs with regional advocacy programmes foresee upcoming issues, identify key states, and customise their input to specific recipients. Besides members of decision-making bodies, African NGOs lobby embassies, foreign affairs departments and ruling parties of key states.<sup>468</sup>

463 AU, 'Livingstone Formula'; Respondent 2, interview; Farred, interview, 17 January 2020.

464 ECOWAS, 'Dialogue and Mediation Handbook'; ECOWAS, 'Mediation Guidelines'; Nathan, 'Plan of Action to Build the AU's Mediation Capacity'; AU, 'SOP', 9; AU, *AU Mediation Support Handbook*, 73.

465 AU, 'SOP', 9, 37; AU, *AU Mediation Support Handbook*, 7-10.

466 Badza, interview; Kebede, interview; Mofyia, interview; Nathan, Ndiaye and Zoubir, 'APSA Assessment', 152; Rudo and Bronwen, *Strengthening Popular Participation*, 27.

467 Diallo, interview; Farred, interview, 10 May 2019; Messie, interview; Respondent 10, interview.

468 Diallo, interview; Farred, interview, 17 January 2020; Kebede, interview; Mofyia, interview; Vava, interview; Respondent 4, interview.

### *Early warning systems*

The early warning systems of the AU ECOWAS and SADC vary greatly in their capacity, involvement of NGOs, and suitability to produce outputs for peace diplomacy. The structural nexus between early warning and mediation support is weak in all cases as early warning data can be more systematically shared and used to inform analyses by MSS.<sup>469</sup> The partnership of ECOWARN and WANEP is credited for fostering a culture of prevention, human security and participation.<sup>470</sup> To emulate the prolific model in other regions, NGOs would need to develop comparable early warning capacity, whilst RECs like SADC would need to overhaul state intelligence-centred early warning centres.<sup>471</sup>

### *Panels of Elders*

To optimally use resources, the elders of the panels for preventive diplomacy and, in the case of ECOWAS and SADC, mediation, would need operational support and capacity building from MSS. NGOs have supported the PoW to compile reports, organise high-level dialogues and build bureaucratic capacity.<sup>472</sup> Fact-finding missions and stakeholder consultations by the panels, which comprise eminent civic leaders, have provided a channel for local CSOs to inform conflict prevention, mediations and reports to decision-making bodies.<sup>473</sup> However, by 2019, the AU PoW was underutilised as states resisted its deployment, the ECOWAS CoW was defunct and required a new statute, and the SADC PoE had not been deployed, signalling a lack of ownership by states for the envisaged mediation infrastructure.<sup>474</sup> Whilst the idleness of the panels deprives CSOs of an access point, FemWise Africa, which aims at bringing women to the forefront of mediations and integrating local peacebuilders into APSA mediations, provides a new nexus to local communities.<sup>475</sup>

## **6.2 | NGO involvement in mediation support and inclusion in mediations**

The operationalisation of MSS was in all cases a protracted process, which was driven by lessons learnt from past mediations, an international knowledge transfer and the availability of donor assistance. It was inhibited by a lack of political buy-in, resistance to reform and intra-organisational politics. The terms of reference of all MSS centre on operational support, but the extent they were used to backstop mediators rather than for less sensitive purposes varied considerably. The MSS made major strides in capacity building and networked with other MSS, but additional resources were required to establish sound knowledge management systems. NGO involvement in MSS work and the inclusion of local CSOs in mediations varied sharply with ECOWAS and SADC being on opposite poles of the spectrum.<sup>476</sup> This section juxtaposes the functions and challenges of civil society participation in the mediation support activities.

### **6.2.1 | Operationalisation of Mediation Support Structures**

Non-governmental mediation experts designed structures and procedures in all cases, but the involvement of African NGOs and academics differed considerably. NGOs fulfilled the following functions:

- Brought stakeholders on board, including IGOs, states, and development partners by showing the added value of MSS.
- Facilitated knowledge transfer to complement practical experience with research-based technical knowledge.
- Designed instruments to set out mediation principles, procedures, job descriptions, and resource requirements.
- Critically reviewed drafts and existing policies to assess needs and identify shortcomings.

469 Diallo, interview; Respondent 2, interview; Van Nieuwkerk, interview.

470 Gnanouénon, 'Afrique de l'Ouest', 1-6; ICG, 'Implementing Peace and Security Architecture (III)', 5.

471 Fared, interview, 17 January 2020; Respondent 9, interview; Nathan, interview.

472 de Carvalho, 'Looking for a Home', 8; Gnanadjia, interview; Nathan, interview; Respondent 3, interview.

473 Nathan, Ndiaye and Zoubir, 'APSA Assessment', 52; Gomes Porto and Ngandu, 'The African Union, Preventive Diplomacy', 188.

474 Gnanadjia, interview; Respondent 3, interview; Respondent 10, interview; Respondent 2, interview; Respondent 9, interview.

475 Sabiiti, interview; Respondent 2, interview.

476 Brown, Bugason, Mukondi, Laurie. AUTHOR: Please correct this footnote. No record in reference section.

- Regionally adapted drafts that were based on international standards to ensure they fit the regional context.<sup>477</sup>

The involvement of NGOs in the operationalisation process bore challenges:

- African leadership: Since few African NGOs specialise in mediation support for IGOs, AU and ECOWAS guidelines were largely drafted by international NGOs whilst SADC relied on regional consultants.
- NGO entrepreneurship: NGOs must be entrepreneurial and thus have an interest in carving a niche for themselves rather than prioritising the IGOs' self-reliance when designing institutions and procedures. By lobbying different divisions to consider proposals, NGOs can impede a coherent institutional development in IGOs.
- Compatibility of norms: Mediation principles have a technical and normative dimension and reflect the worldview of the NGOs that draft them. These norms shape the MSS' work and training. For the guidelines to be embraced, the underlying norms must be shared by envoys, mediation teams and decision makers.
- Ownership of institutions: If NGOs, development partners and technical experts drive the operationalisation, MSS may lack the unequivocal buy-in of political decision makers they need to function properly.<sup>478</sup>

## 6.2.2 | Operational support and civil society inclusion in mediations

The operational support the MSS could give to mediators varied due to the acceptance and awareness of services by mediators, the coordination with the teams of heads of state, the political nature of mediations, and the idleness of panels for mediation. All MSS conducted a full range of operational support tasks, but their involvement varied between missions. Support was often provided remotely, and mediation officers were frequently employed for other purposes. The sensitive preparatory work for mediations did not permit the direct involvement of NGOs, but NGO reports informed conflict analyses. The MSS interacted with local CSOs and regional networks when mapping stakeholders on preparatory missions and during mediations.<sup>479</sup> The cases suggest that the most immediate contribution MSS can make to include the perspectives of local CSOs on mediation agendas and in reports to decision-making organs is to ensure that statements that are gathered in stakeholder consultations with lead mediators are diligently recorded, processed and reported.<sup>480</sup> When drafting mediation strategies and plans, MSS can propose inclusive peace process designs that are comprised of AU and ECOWAS guidelines but require the approval of mediators and negotiation parties.<sup>481</sup>

The channels available to local CSOs to interact with mediation missions included the following:

- Stakeholder consultations by lead mediators with CSOs were the norm and a viable channel in AU and ECOWAS but highly case-dependent in SADC mediations. MSS assisted consultations by identifying stakeholders.
- Liaison offices: Owing to their long-term presence, local expertise and key role in supporting envoys, liaison offices are an effective access point for CSOs to inform mediations. The AU MSU supported liaison offices to strengthen their role in mediations.
- FemWise mediators: Local peacebuilders who were recruited to join FemWise provided a link between lead mediators and communities.
- Regional NGO networks served as intermediaries and assisted local CSOs to gain access to mediation teams. WANEP assisted ECOWAS teams to identify CSOs for consultations, facilitated dialogues on subordinate tracks, and supported the monitoring of agreements.<sup>482</sup>

477 Addae-Mensah, interview; Odigie, interview; Respondent 1, interview; Nathan, interview; Sabiiti, interview; Respondent 4, interview; Respondent 2, interview.

478 Nathan, interview; Kebede, interview; Respondent 1, interview; Respondent 4, interview.

479 Odigie, interview; Respondent 1, interview; Respondent 9, interview; Respondent 8, interview.

480 Addae-Mensah, interview.

481 AU, *AU Mediation Support Handbook*, 7, 10, 51; ECOWAS, 'Mediation Guidelines', 55.

482 Addae-Mensah, interview; Diallo, interview; Farred, interview, 17 January 2020.

The availability and effectiveness of these channels varied sharply due to factors including:

- Processing of input: To include consulted stakeholders' views in mediation agendas and reports, input would need to be recorded and processed diligently.
- Systematic consultation: Albeit the norm, consultations could be more systematic, frequent, consistent.
- Volition of mediators: Since guidelines for inclusion are not statutory, the involvement of CSOs depended on the will of envoys and conflict parties, and proved more difficult where mediators were sitting presidents.
- Selectiveness and gatekeeping: IGOs preferred to work with trusted partner NGOs, who had an involuntary gatekeeping role and could give affiliates access that would be hard to gain for other local CSOs.<sup>483</sup>
- Capacity of CSOs: CSOs lacked the resources, thematic expertise, understanding of IGOs and communication style to inform mediations. Civil society is particularly weak in authoritarian and war-torn states.<sup>484</sup>
- Distrust and resistance: APSA mediations and civil society inclusion depend on states' approval. Where governments saw the presence of liaison offices, the deployment of envoys, and consultations with local stakeholders as an infringement on their sovereignty, engaging local CSOs was unfeasible.<sup>485</sup>
- Co-optation: Given the political nature of mediations led by presidents, NGOs that assist IGOs in mediations, which may prioritise the government's interests, risk being considered co-opted by their constituents.<sup>486</sup>

### 6.2.3 | Capacity building

Capacity building by the MSS entailed developing training instruments, providing training and setting up mediation structures. The ECOWAS Mediation Facilitation Division (MFD) trained over 470 individuals as capacity building was deemed a condition to actualise the envisaged mediation system.<sup>487</sup> The SADC MSU was mainly utilised for capacity building and trained over 400 individuals in two years, but these strides came to a halt after the MSU was downsized due to a funding gap.<sup>488</sup> Trainees comprised IGO officials, diplomats, ministerial staff and civil society actors. In ECOWAS, training took priority to enable the mediation system. In SADC, capacity building became the primary function of the MSU which was less frequently used for operational support.<sup>489</sup> Whereas the AU MSU started training in 2019, it was to be seen whether it would be mainly utilised to backstop mediations or to build capacity, and a balance would need to be struck to optimally use its resources.<sup>490</sup>

Civil society actors participated as technical experts, trainers and trainees, but their involvement varied sharply. To develop training instruments, ECOWAS worked with international specialists whilst regional NGOs gave input and reviewed tools.<sup>491</sup> SADC relied on regional experts to draft a curriculum and African NGOs evaluated pilot training by the AU MSU.<sup>492</sup> Trainers from NGOs only featured prominently in ECOWAS courses where international experts taught high-level officials and WANEP helped roll out training across the region.<sup>493</sup> All MSS trained selected civil society actors, including FemWise mediators.<sup>494</sup>

483 Addae-Mensah, interview; Diallo, interview; Kebede, interview; Respondent 4, interview.

484 Acquah-Aikins, interview; Van Nieuwkerk, interview; Respondent 1, interview.

485 Mfasoni, interview; Nathan, interview; Van Nieuwkerk, interview; Respondent 2, interview; Respondent 9, interview.

486 Chitanga, interview; Farred, interview, 17 January 2020.

487 Odigie, interview.

488 Respondent 7, interview; Respondent 1, interview; Respondent 8, interview; Respondent 9, interview.

489 Odigie, interview; Respondent 7, interview; Respondent 1, interview; Respondent 8, interview; Respondent 9, interview.

490 Respondent 1, interview.

491 Addae-Mensah, interview; Odigie, interview.

492 Respondent 9, interview; Respondent 4, interview.

493 Addae-Mensah, interview; Odigie, interview.

494 Odigie, interview; Sabiiti, interview; Respondent 1, interview; Respondent 7, interview.

The involvement of NGOs in the development of training instruments, which reflect ideal-typical mediation systems rather than the actual functioning of APSA institutions, presented challenges.<sup>495</sup> Drafts by international NGOs were not always optimally adapted to regional contexts and not all international trainers were fully abreast of the political and social context of mediations. Resources were not optimally used as some trainees attended multiple equivalent courses by different NGOs.<sup>496</sup> Training for local peacebuilders showed the difficulty of roping independent-minded activists into mediations led by IGOs.<sup>497</sup>

#### 6.2.4 | Knowledge management and networking

The urgency to create sound internal knowledge management systems in the APSA to preserve and leverage know-how gained in mediations for future interventions cannot be overstated. Nevertheless, knowledge management saw the least progress. The understaffed MSS, which serve to respond to acute crises, were not adequately equipped for sustained research and archival work, which would require full-time researchers and continuous cooperation by various peacemaking actors. Plans to establish a mediation resource centre in ECOWAS did not materialise and systematic debriefing sessions by the SADC MSU never took place. The AU MSU held debriefing sessions for special envoys and special representatives but still had to review the modalities of implementing the KMF. To exchange experiences and improve coordination, the APSA MSS networked with one another and internationally through platforms including the Friends of Mediation.<sup>498</sup>

Discussions on a continental roster for mediators and technical experts were ongoing in 2020 and pointed to questions on the coordination of mediation support between the AU and RECs. The elaboration of a technical skills database for ECOWAS was protracted owing to limited buy-in and the definition of selection criteria. The selection of mediators by decision-making organs remained opaque and political in all three cases.<sup>499</sup>

It is impossible to replace an internal knowledge system through external research facilities. However, African research institutes have been instrumental in easing the lack of internal institutional memory in the APSA. The documentation and analyses produced by research institutions have been the basis for the design and review of training and APSA components. Research facilities, such as IPSS and ISS periodically review APSA mediations and the work of the PSC, give analytical input, disseminate insights, and organise lessons-learned and networking events with the AU and RECs.<sup>500</sup> The ECOWAS MFD disseminates insights on mediation support and selected mediations via ACCORD's periodical.<sup>501</sup>

A hybrid knowledge management system, as envisaged in the AU KMF, would leverage the search capacity, expertise, and existing working relations of African research institutions in a formal and systematic manner. To retain sensitive information, a collaboration to manage mediation knowledge would require a division of labour between mediation officers, who debrief mediators, and external researchers, who analyse declassified data and generate comparative insights.<sup>502</sup>

Since the APSA lacks resources to maintain a standing team of technical experts, African research and peacebuilding organisations could serve as a pool to populate the technical roster with thematic experts who are on standby to backstop mediations.<sup>503</sup> In ECOWAS, WANEP developed a roster for women who were trained to mediate on different tracks and assisted networking on the regional level through its affiliates.<sup>504</sup>

495 AU, *AU Mediation Support Handbook*; ECOWAS, 'Mediation Guidelines'.

496 Addae-Mensah, interview; Respondent 9, interview.

497 Respondent 1, interview.

498 Odigie, interview; Respondent 1, interview; Respondent 6, interview; Respondent 9, interview.

499 Gnancadja, interview; Respondent 1, interview; Nathan, interview; Respondent 9, interview; Respondent 6, interview; Respondent 2, interview.

500 Respondent 4, interview; Respondent 5, interview.

501 Odigie, 'The Institutionalisation'.

502 AU, 'KMF'.

503 Respondent 2, interview.

504 Addae-Mensah, interview; Diallo, interview.

The main challenge in involving non-state actors in knowledge management is the sensitivity of information relating to the security of states and parties to negotiations. This sets limits to collaborations, which would mainly entail the analysis and dissemination of declassified information.<sup>505</sup> The prevalent distrust vis-à-vis civil society amongst African governments renders collaborations with research institutions all the harder. Confidentiality and suspicion are also factors in the creation of a technical roster. The omission to implement the KMF, meanwhile, not only results from a shortfall of resources but underlines that institutions which NGOs and development partners conceive for the APSA may lack sufficient political support to be implemented.<sup>506</sup>

## 6.3 | Recommendations

### 6.3.1 | Recommendations on AU peacemaking and civil society participation

#### *AU policy and institutional framework*

- Normative standards for inclusive peacemaking should be enshrined in statutory instruments.
- The PSC should revise the Livingstone Formula and Maseru Conclusions to scrap the restrictive ECOSOCC eligibility criteria and resolve inconsistencies that create uncertainty and inhibit partnerships with NGOs.
- The AU should revise the ECOSOCC Statute and explore alternative IGO-CSO interface models to establish a platform that is accessible, representative, independent and owned by African CSOs, and that can proactively participate in policy-making. African NGOs should lead the development of a new interface.
- The PSC should strengthen the role of the PoW in preventive diplomacy.
- The CEWS and MSU should have formal channels to routinely exchange insights.

#### *AU MSU and inclusion in mediations*

The MSU should:

- Promote inclusive process designs in line with AU guidelines when drafting mediation plans. It should explore possibilities to integrate consultative mechanisms such as a Civil Society Room, town hall meetings, workshops, standardised submissions and surveys into peace process designs.
- Work with liaison offices and NGOs to help mediators to hold systematic and accessible consultations.
- Ensure input from mediators' consultations are recorded and processed diligently so they can inform mediation agendas and reports to the PSC and Chair of the AU Commission (AUC).
- Prioritise training for senior actors it works with to build a common body of knowledge.
- Collaborate with peacebuilding NGOs to roll out training for other state and non-state actors.
- Revise the KMF and implement a knowledge management system as a matter of urgency.

The PSD should:

- Mobilise more human resources to retain knowledge on both preventive diplomacy and mediation.
- Partner with African research institutions to generate and retain knowledge without disclosing sensitive data.
- Use research and peacebuilding organisations as a pool to populate the technical roster.

505 AU, 'KMF'; Respondent 1, interview; Respondent 4, interview.

506 Badza, interview; Mfasoni, interview; Mofyia, interview; Nathan, interview; Ndiaye Ntab, interview; Sabiiti, interview; Respondent 2, interview.

### 6.3.2 | Recommendations on ECOWAS peacemaking and civil society participation

#### *ECOWAS policy and institutional framework*

ECOWAS should:

- Promptly reinstate the CoW and enable the MFD to support it.
- Institutionalise a platform for CSOs to brief the Mediation and Security Council.
- Enable ECOWARN and the MFD to maintain effective channels to use early warning data to plan mediations.

#### *ECOWAS MFD and inclusion in mediations*

The MFD should:

- Assist mediators to record, process, and report input by consulted stakeholders diligently.
- Work with NGO networks to ensure consultations are comprehensive and systematic.
- Conceptualise a knowledge management system in partnership with West African research institutes.

### 6.3.3 | SADC peacemaking and civil society participation

#### *SADC policy and institutional framework*

SADC should:

- Urgently adopt a third Strategic Indicative Plan of the Organ on Politics, Defence and Security.
- Develop guidelines for mediation and inclusion in peace processes.
- Decide whether to set up a Non-State Actor Mechanism or rely on CSO networks as the interface.
- Enable continuous input to policy-making, feedback, and formalised relations with a wider range of NGOs.
- Overhaul the Regional Early Warning Centre to make it fit to inform peace diplomacy.
- Activate the idle PoE and Mediation Reference Group.

#### *SADC MSU and inclusion in mediations*

- SADC should ensure mediation officers can focus on their core mandate rather than election support.
- SADC should develop a knowledge management system.
- Development partners should direct support towards the prevention and mediation capacity of civil society.
- Southern African NGOs with relevant expertise should develop an independent early warning system.

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# ABBREVIATIONS AND ACRONYMS

ACCORD	African Centre for the Constructive Resolution of Disputes
APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
BMZ	German Federal Ministry for Economic Cooperation and Development
CAR	Central African Republic
CCL	Christian Council of Lesotho
CEWS	Continental Early Warning System
CMA	Centre for Mediation in Africa
CMI	Crisis Management Initiative
CM PCRD	Crisis Management, Post-Conflict Reconstruction and Development Division
CNGO	SADC Council of Non-Governmental Organisations
CoW	Council of the Wise
CPEWD	Conflict Prevention and Early Warning Division
CSOs	Civil Society Organisations
DANIDA	Danish International Development Agency
DPA	Department of Political Affairs (of the AU Commission)
DRC	Democratic Republic of Congo
ECOSOCC	The Economic, Social and Cultural Council
ECOWARN	ECOWAS Early Warning and Response Network
ECOWAS	Economic Community of West African States
ECPF	ECOWAS Conflict Prevention Framework
EDF	European Development Fund
EU	European Union
FBA	Folke Bernadotte Academy
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GPA	Global Political Agreement
HD	Centre for Humanitarian Dialogue
HSCSD	Human Security and Civil Society Division
ICG	International Crisis Group
IGAD	Intergovernmental Authority for Development
IGO	Intergovernmental Organisation
IJR	Institute for Justice and Reconciliation
IPI	International Peace Institute
IPSS	Institute for Peace and Security Studies
ISS	Institute for Security Studies
KAIPTC	Kofi Annan International Peacekeeping Training Centre
KMF	Knowledge Management Framework

LECIAD	Legon Centre for International Affairs and Diplomacy
LPI	Life and Peace Institute
MFD	Mediation Facilitation Division
MOU	Memorandum of Understanding
MRG	Mediation Reference Group
MSC	Mediation and Security Council
MSS	Mediation Support Structures
MSU	Mediation Support Unit
NEWS	National Early Warning System
NGO	Non-Governmental Organisation
PAPS	Political Affairs, Peace and Security department
PoE	Panel of Elders
PoW	Panel of the Wise
PSC	Peace and Security Council
PSD	Peace and Security Department
RECs	Regional Economic Communities
REWC	Regional Early Warning Centre
RMs	Regional Mechanisms
RPCP	Regional Political Cooperation Programme
SADC	Southern African Development Community
SAT	Southern Africa Trust
SIPO	Strategic Indicative Plan of the Organ
SOP	Standard Operating Procedure
TfP	Training for Peace
UN	United Nations
UNDP	United Nations Development Programme
UNDPA	United Nations Department of Political Affairs
WACSOFF	West African Civil Society Forum
WANEP	West African Network for Peacebuilding
WARN	West African Early Warning and Early Response Network
WIPNET	Women in Peacebuilding Network

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# ABOUT THE INSTITUTE FOR JUSTICE AND RECONCILIATION

The Institute for Justice and Reconciliation is a Pan-African organisation that works collaboratively with governments, intergovernmental and civil society actors to contribute towards building fair, democratic and inclusive societies across the continent, through transitional justice and peacebuilding interventions. The IJR's work is informed by the insights gained from working with grassroots communities in countries such as Burundi, the Central African Republic, Eastern DRC, South Sudan, South Africa and Zimbabwe. Historically, IJR has worked on interventions in Ghana, Kenya, Nigeria and Rwanda. The IJR is a trusted advisor to key decision makers and intergovernmental actors on transitional justice and peacebuilding initiatives, and engages with the AU, SADC, EAC, International Conference of the Great Lakes Region and the United Nations. IJR has partnered with the UN Development Programme (UNDP) on a number of in-country interventions in Africa. IJR has positioned itself as a provider of choice of reliable qualitative data on public perception in the areas of peace and security. The well-known South African Reconciliation Barometer (SARB), enables the IJR to be the leading African think tank in terms of providing public opinion data in these areas. We welcome collaboration with like-minded partners and invite you to find out more about our work on our website: [www.ijr.org.za](http://www.ijr.org.za)

Cognisant of the need to institutionalise mediation capacity and to foster the participation of non-state actors in conflict prevention and peacemaking, the African Union and Regional Economic Communities, which form the building blocks of the African Peace and Security Architecture, have established Mediation Support Structures and developed partnerships with civil society organisations. This report offers comparative insights on the framework for civil society inclusion in peacemaking and the potential contributions of African civil society organisations to the continued development of mediation support capacity in the African Union, Economic Community of West African States and Southern African Development Community.

