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SOUTH AFRICA'S ROLE IN MEDIATION IN THE EASTERN DEMOCRATIC REPUBLIC OF THE CONGO, 1997-2009

Mandela, Tanduxolo Raymond

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RESEARCH REPORT ON

SOUTH AFRICA'S ROLE IN MEDIATION IN THE EASTERN DEMOCRATIC REPUBLIC OF THE CONGO, 1997-2009

Tanduxolo Raymond Mandela
Student No: 337131

A Research Report submitted to the Faculty of Management, University of the Witwatersrand, in partial fulfilment of the requirements for the Degree of Master of Management (in the field of Security).

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Abstract

The objective of the report describes the South African government‘s role and capacity in mediation in the eastern DRC. This study contributes by drawing an empirical picture on South African government’s role mediation in the eastern DRC and a mixed approach paradigm is adopted on mediation in the eastern DRC, specifically examining South African government’s role and capacity in mediation. The study argued that South African government’s mediation is premised on the objectives of its foreign policy, the AU and the UN in resolving regional disputes by mediation not war. Throughout the discussion, South Africa’s government role and capacity is demonstrated in the eastern DRC, notwithstanding frustrations by enormous challenges and in demonstrating the impact of the challenges in mediation, the report illustrates in its conclusion and recommendations how to overcome the challenges to resolve the conflict.

Declaration

I declare that this report is my own, unaided work. It is submitted in partial fulfillment of the requirements of the degree of Master of Management (in the field of Security) (MM-S) in the University of the Witwatersrand, Johannesburg. It has not been submitted before to any degree or examination in any other University.

Tanduxolo Raymond Mandela

Word of Gratitude

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ABBREVIATIONS

Abbreviations:

ACSS	African Center for Strategic Studies
ACOTA	African Contingency Opportunity Training Assistance
ADFL	Alliance of Democratic Forces for Liberation of the Congo
AMIS	African Mission in Sudan
APSA	African Peace and Security Architecture
AU	African Union
AU PSC	African Union Peace and Security Council
BPST (SA)	British Planning Support Team (South Africa)
Col	Colonel
CHR	Chief Human Resources
C J Ops	Chief Joint Operations
CRONGD	Conseil Regional des Organisations non-Gouvernemental
CSSDCA	Conference on Security, Stability, Development and Cooperation in Africa
DDG	Deputy Director General
DDR	disarmament demobilisation and reintegration
DDRRR	Disarmament demobilisation, reintegration, repatriation, and resettlement of armed forces
DFA	Department of Foreign Affairs
DHQ	Defence Headquarters
DIRCO	Department of International Relations and Cooperation.
DI	Defence Intelligence
DOD.	Department of Defence
DRC	Democratic Republic of the Congo
EAC	East African Community
ECOWAS	Economic Organisation of West African States
EU	European Union
FAR	Rwandan armed groups on Congolese soil
FARDC	Armed Forces of the Democratic Republic of Congo
FDLR	Democratic Rwandan Forces for the Liberation of Rwanda

FNL	National Forces for Liberation (Burundian rebel Militia)
GDP	Gross Domestic Product
HQ	Headquarters
ICC	International Criminal Court
ICD	Inter Congolese Dialogue
ISS	Institute for Security Studies
J Ops	Joint operations
MDP	Mutual Defence Pact
MONUC	The United Nations Observer Mission in the Congo
NEPAD	New Partnership for Africa's Development
NGO	Non governmental organisation
OAU	Organisation of African Unity
OCHA	Office for the Coordination of Humanitarian Affairs
ONUB	United Nations Operations in Burundi
OPD	Organ on Politics, Defence and Security
PSC	Peace and Security Council
PKO	Peace keeping operations
PMTC	Peace mission training centre
RCD	Ressemblement conglolais pour la démocratie
RECs	Regional Economic and Security Communities
Ret	Retired
RSA	Republic of South Africa
SABC	South African Broadcasting Corporation
SADC	Southern African Development Community
SME	Subject matter expert
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNHCR	United Nations High Commission for Refugees
USA	United States of America

CHAPTER ONE

INTRODUCTION

1. 1 Introduction

The South African mediation by promoting peace in Africa has been commendable after 1994, not only in Africa but even amongst the international fraternity (Shillinger, 2009:42). According to an interview on the 29th June 2010 with a representative of the Department of International Relations and Cooperation (DIRCO), the former President of South Africa, Mr. Mbeki in 1997 advanced the idea of an African Renaissance based on amongst other concepts on the promotion of sustainable development on the African continent. Notably, a lot of effort has been made by the South African government in conjunction with African leaders to address the ongoing challenges in the Great Lakes region. For that reason, this report assumes that creation of peace and stability through mediation is becoming vital and most important in creating socio-economic development on a continent that is characterised with chronic conflicts and underdevelopment.

At continental level one of the challenges facing the African continent is that the international community appears intent on trying to wash its hands of large-scale multilateral involvement in Africa's conflicts (Peck, 2005:562). Serious questions have been raised regarding the capacity of the African Union (AU) to respond to African challenges by actually managing these conflicts. This report assumes that peace and stability are vital and of utmost importance in creating peace and development on a continent that has not enjoyed peace for many years. As Mr. Mbeki said in his address to the United Nations General Assembly (UNGA) in 2007, "Without peace and stability, Africa may not be able to achieve harmony and the dream of a New Partnership for African Development (NEPAD) for sustainable development".

According to new South African government foreign policy, South Africa has realised that it must equally play a meaningful and an influential and leadership role in an attempt to create and secure peace and stability by mediating current conflicts,

something that will be of assistance to the AU. Former Presidents Mr. Mbeki, Mr. Bouteflika and Mr. Obasanjo were the proponents of the African Renaissance that had been based on the promotion of peace, security and endorsement of sustainable development on the African continent.

Mr. Kofi Annan, the-then Secretary General of the United Nations (UN) at the time noted that the promotion of peace on the African continent was considered as urgent, as African conflicts have been on the UN agenda. However, this report notes serious question marks regarding South Africa's government role and capacity to fulfill the eastern Democratic Republic of Congo (DRC) challenge of mediating the conflict.

One of the reasons why Africans either within the context of regional actors have to fend for themselves in mediating African conflicts is informed by Chapter VIII of the UN Charter, whereby AU policies and its subregional mechanisms are encouraged to manage and mediate conflicts in any particular region (Peck, 2005:562). Although the AU seems to be committed, it is clear that it has accepted that South Africa is seen and accepted as the mediator in conflicts since it pursue policy via compliance with international law and South Africa's active involvement resolution and management of conflicts (Carlsnaes & Nel, 2006:40) South Africa's' capacity to perform this task, however remains a challenge.

As this study will show, Africans are confronted by challenges in stabilising the conflict in the eastern DRC. It is therefore clear that South Africa should have the capacity to effectively and efficiently mediate, despite the enormous challenges identified by the report. The study aims to give a background and history to provide an overview of the state of affairs in the Great Lakes region where the eastern DRC is located. At the same time as the problem statement, the purpose statement, and research questions underscore and highlight the motivational reason for why there has been a need for this study.

1.2 History of mediation in the eastern DRC

The history of mediation in the DRC can be traced back to the conflict in 1998, when Africa looked to the new promising democracy of South Africa to take a proactive role in the African conflicts (Shillinger, 2009:9). This was apparently after South African government under Mr. Mandela's leadership, together with Tanzania were instrumental in putting pressure Uganda and Rwanda to accept the terms of 1999 Lusaka Agreement, although South Africa's government had been involved in the Mobutu-Kabila negotiations before (Carayannis & Weiss, 2003:276-293). This study will cover the mediation period after the summer of 1999 up to 2009. The description of the military stalemate in 1999 and a series of political initiatives had been made earlier (Mandrup, 2007:262). What is important is the fact that the war has been characterised by domestic challenges, character of a strongman, with foreign powers and neighbours greedy to gain access to the mineral riches of the DRC, to control part of the eastern DRC and to prevent rebel movements attacking across national borders from their bases in the DRC. In an effort to bring peace in the entire country, South Africa and a group of international actors, the AU, UN, major foreign powers, the United Nations High Commission for Refugees (UNHCR), Office for the Coordination of Humanitarian Affairs (OCHA), and non-governmental organisations (NGOs) participated in peace settlement in the DRC. According to a Burundian respondent during his interview, the UN endeavoured to broker negotiations through utilisation of special envoys, but without success. Even when efforts were made by Kofi Annan, through his special envoy, Mustapha Niasse to establish dialogue, these diplomatic efforts to stop the war through the regional organisations did not bear positive results. The Western powers left the diplomacy work to the Southern African Development Community (SADC) and the AU. Presidents Mandela of South Africa and Chiluba of Zambia initially chaired the SADC initiatives and took an active interest in the crises.

A decade later, on 16th November 2008, a SADC Assessment Mission to the DRC began to assess the security and humanitarian situation in the eastern DRC. The mission consisted of experts from South Africa, Angola, Mozambique, Swaziland, Tanzania, Zambia and the SADC Secretariat. This mission was the outcome of the

Extra Ordinary Inter-State Defence and Security Committee of the Organ Troika that met in Maputo on 5 November 2008, as spelt out in a synopsis of the SADC Assessment Teams Report dated 16 November 2008 (SADC assessment report, 2008, Nov).

These initiatives were aimed at getting the mediation process going on the regional African level. However, although these initiatives seem to be good, durable and sustainable, peace by international mediation has not been achieved in the eastern DRC. After more than a decade of South African efforts to achieve peace, there has only been one challenge of regional instability in the region.

Currently, the type of institutions best suited for the mediation role are international organisations, governments, individuals, NGOs, etc (Kotze, 2009:83). For almost two decades significant strides have been made with regard to mediation in the eastern DRC. Of late there has been tremendous involvement and commitment to multilateral issues and in particular, support for the UN as the most important repository of peace and security in Africa, as a result within the context of conflict management in African continent South African government had always bolstered the roles of multilateral agencies like the AU with its Peace and Security Council (PSC,) SADC, the UN, the European Union (EU), etc., (Venter & Landsberg, 2007:265). The South African government, through the United Nations Security Council (UNSC) and with international support to all its structures, has also made great progress, *albeit* many challenges caused by the entire region.

According to the Assessment Team's Report dated 16 November 2008, the MONUC representatives in Goma and North Kivu, representatives of the UNHCR, local NGOs and the local judicial seemed to be committed to and supportive of the efforts. Although the mediation efforts were characterised by challenges, there had been some progress. The then former Deputy Minister of Foreign Affairs, Mr Aziz Pahad on the 5th of May 2006 mentioned during his keynote address that, the key constraints remained limited human capacity and over-dependence on donor partners. The South African government is amongst the powerful governments that that are shouldering the 75 percent of the AU budget i.e. Algeria, Egypt, Libya, Nigeria and South Africa (Pahad, 2004). This shows that governments such as South Africa are prepared to finance for mediation of conflicts in Africa.

The UN allows the regional actors to create mechanisms and structures to mediate the respective conflicts, in spite of resource constraints and other challenges. According to Landsberg (2006:137) South Africa alone committed more than R1 billion on peace initiatives in the DRC in 2003, although the government announced that it would seek financial commitments from the EU, the UN and other multilateral bodies to help foot the bill for peace support operations in Africa. According to Landsberg (2006:134) the EU eventually granted R174 million to the government of Burundi, and Belgian Louis Michel committed 1 million Euros to bolster African efforts. The AU Commission in 2002 and May 2003 have also managed to raise awareness within international community in order to get more needed assistance for humanitarian affairs consequently the DRC refugees benefited as donations were extended to the people and government of the DRC(http://www.africa-union.org accessed July 10 2010).

At an AU Conference in 2000, mediation of conflicts was officially adopted as a strategy for the settlement of disputes in Africa to bring peace to the eastern DRC as well as in the entire Great Lakes region. This, the AU believed, would accelerate the advancement of peace efforts and realisation of the role of AU member states such as South Africa (NEPAD Report, 2002/3: Chapter 3). This view was encouraged by the realisation that South Africa, within the context of Africa is equally required to mediate and solve problems within the context of regional organisations. While strategies such as conflict management helped to raise African leaders' consciousness regarding mediation issues, they are challenged. It is evident that the challenges mentioned in chapter 4, 5 and 6 of this report hamper the mediation efforts. This is illustrated by the NEPAD Annual Report of 2002/3, according to which the African heads of states and the NEPAD leaders made efforts to consolidate peace and security in Angola, the DRC, Sierra Leone, Sudan and other parts of Africa.

At UN level, Chapter VII of the United Nations Charter gives the UN Security Council powers to maintain peace. It is against this backdrop that the South African government formally affirmed its commitment to mediate conflict in the eastern DRC (Mbeki, 2007). Chapter VIII of the United Nations (UN) Charter allows regional actors such as South Africa to play a significant role in peaceful settlement of dispute (Peck, 2005:561).

According to Touval & Zartman these actors/governments may set partnership and use their foreign policy tool by in mediating conflict in an effort to make peace, by enhancing their international standing through mediating the eastern DRC conflict. (2005:428-430).

Since then, the former President of South Africa, Mr. Mbeki, together with his Nigerian counterpart, Mr. Obasanjo, had reminded AU member states to mediate conflict and implement other provisions of the AU policy framework.

The issue of the inability of African organisations to manage conflicts has been a concern in the entire Great Lakes region (Murithi, 2007). According to Prof Uys, although regional actors such as South Africa and international institutions such as the UN and AU have not always been able to avert war, they do create opportunity for countries to air their grievances and attempt to find peaceful solutions (2009:39). South Africa, together with the AU member states is currently involved in mediation in the eastern DRC. Recently, South African President, Mr. Zuma, announced that conflict mediation was one of South Africa's strategic goals (Zuma: 2009). Clearly mediation also needs to be mainstreamed in the pursuit of the other goals that deal primarily with the consolidation of democracy and the pursuit of all conflict management, as one of the goals dealing with the achievement of the mediation of the DRC and the rest of African conflicts.

As I will argue in this report, South Africa is challenged by poor synchronisation and poor implementation of the AU, UN mediation policies and agreements. South Africa should encourage Africa to mobilize resources and integrate the policies in pursuance of the regional resolve, including peace building, peacekeeping and mediation as part of the AU processes and programmes. Although there had been challenges, both South Africa and some African governments attempted to resolve and mediate conflict in the eastern DRC. These challenges are clearly presented on the data presentation section. Muthiah (1998:37-46) argues that debates have raged over the role and capacity both of local and national governments in conflict resolution in Africa and there is a new realisation in Africa that, while the role of external actors is laudable, South Africa has to rely increasingly on its own, within

the framework of subregional groupings, the AU and the UN. The sufficient political will is the bedrock for this dream to be achieved.

However, it is also evident in this report that the key to mediation would rely on the ability to translate the provisions of the Constitutive Act and its Protocols and both South African and international policies into implementing objectives that address the challenges. It is also evident that without sufficient resources, the said concept may not be realised. Past research shows that Chapter VIII of the UN Charter provides a possibility to include governments within the context of regional organisations in dealing with conflict prevention and management in the continent. Peck (2005:262) argues that, although the UN Charter considers the regional arrangements collective and cooperative, it is imperative that South Africa as an AU member state should mediate conflict in the respective areas of responsibility, as is the case in the eastern DRC, which I consider to be a collective responsibility. In this millennium, Boutros-Boutros Ghali's "Agenda for Peace" also puts forward a number of proposals in dealing with conflicts, among others that regional actors should carry out regional conflicts management tasks (Boulden, 2003:1).

1.3 Problem statement

The report stems from the premise that in spite of the notion of African solutions for African problems, there is no substantial progress regarding peace progress in the Great Lakes region. Although there have been democratic gains in both the DRC and Rwanda, and a relative peace settlement in Burundi, all of which are as a result of mediation efforts, the region remains volatile, especially the eastern DRC. For a variety of reasons, including the resource-rich nature of the eastern DRC, and the lack of authority of the DRC government, the region attracts opportunism from both internal and external predators that exploit mineral resources. Consequently the eastern DRC remains volatile and unstable. It remains to be seen whether the peaceful gains will be able to last in the Great Lakes region under the circumstances where the external forces are instrumental in these mechanisms for conflict management, and invariably, are also recipients of illicit mineral resources that find their way to international markets.

Recently, debates have raged over South Africa's role and capacity in mediation in the eastern DRC and conflict resolution in Africa. Furthermore, there is a new realisation in Africa that while the role of external actors is laudable, Africa and its leaders have failed to rely on their own, within the framework of national governments and sub regional groupings in mediating the conflict in the eastern DRC. It is thus critical in this report to examine South Africa's role and capacity in mediation efforts in the eastern DRC that seek to mitigate peace and stability in the Great Lakes region.

Based on the literature reviewed in this study, the author concludes that substantial and well-developed literature exists which covers theories and also focuses on conflict management and mediation issues in Africa. This means, therefore, that a number of scholars have ventured on this topic focusing on theories only, however, in my opinion not enough literature examines South Africa's role in and capacity of mediation in the eastern DRC. Existing information towards DRC is sparse, with less than a handful of empirical studies focusing on examination of the roles. The scholarly literature and also popular media have focused on numerous factors that may influence attitudes towards the mediation efforts. This may result in incoherent recommendations when it comes to the actions to progress mediation of conflict in the eastern DRC.

The author in this study, therefore, attempts to unlock this dilemma affecting South African mediation in the eastern DRC through applying the methodological approach as will be outlined in chapter three. The author is mindful of the scope of this report, but will make use of a case study of the South African government in the eastern DRC to advance the arguments.

1.4 Purpose statement

The purpose of the study will be to examine the South African government's role and capacity in the mediation processes in the eastern DRC, covering the period from 1998 to 2009. The study will focus on documenting and describing the mediation in the eastern DRC and South Africa's role in it, in order to recommend strategies to advance peace in the eastern DRC and to contribute to a deeper understanding of African security. The author is convinced that the success of the mediation also

depends on sufficient political will amongst the AU member states to enable them to respond effectively to the mediation in the eastern DRC, as well as the capacity necessary for South Africa to effectively mediate in the eastern DRC.

1.5 Contribution of the study

There is extensive domestic and international literature on South Africa's role in mediation. The period from 1998 to 2009 appears to be well covered. In this report the South African government's role and capacity in mediation in the eastern DRC is examined. The study is therefore focusing on the significance and need for understanding of mediation of conflicts in Africa, aimed at the achievement of sustainable peace. The main objective, however, is to enhance the current literature aimed at shaping a rational approach to dealing with the challenges of the entire region. It is also designed to be instrumental in assisting African leaders and policy makers to make use of a glossary of mediation tools to implement in the quest to find the lasting solution to this protracted conflict. As such, the primary contribution of this report is to demonstrate the significance of the role played by South Africa in the eastern DRC. It also expresses perpetual challenges reflected in the last three chapters of the report.

1.6 Structure of the report

The study is structured in the conventional way, being divided into a theoretical framework, a main body and a concluding section. As outlined in the original proposal of the study, the report is based upon the two questions on mediation in the eastern DRC. This report is about addressing the initial objective of the study as presented and based on my proposal to conduct this research. Further, it consists of eight chapters, Chapter 1 covers the introduction, Chapter 2 is a comprehensive literature review that presents the existing literature on mediation in general. By using literature on research design methods, Chapter 3 will look at the methodology and processes followed during the research, up to the compilation of this report, cascading to data presentation in Chapter 4, which is the consequence of several interviews and questionnaires form various study participants, whilst Chapter 5 and 6 deals with data analysis, as well as data interpretation, which is demonstrated in

Chapter 4. The findings in Chapter 7 will be based on the study research questions, and will confirm South Africa's role and capacity in mediation in the eastern DRC, and to end the report, on South Africa's role in mediation in the eastern DRC, in Chapter 8 I will conclude and make recommendations, thereby fulfilling the objective and significance of the study. The annexes are included following references as part of the sources used in the compilation of this report.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter provides the reader with a comprehensive overview, an array of discourses and multiple subjectivities from scholars and authors who had ventured on peace initiatives and processes in the eastern DRC. These scholars outline themes and concepts that will form the basis of the analysis for the research that would influence and impact on the research. These themes include mediation, peacemaking, peacekeeping, preventive diplomacy, and peace building with specific reference to the research study.

2.2 The definition of terms and conceptualisation in this research

The research report is using a glossary of terms, which are defined in terms of their meanings and these definitions are also offered in various academic literature. For instance the report presents preventive diplomacy as actions undertaken in order to prevent disputes arising between parties, to prevent disputes from escalating into conflicts and to prevent the spread thereof (Doyle, 2005:530). Preventive diplomacy in other words was officially adopted as the strategy for management of conflicts by the UN member states and South African government has to partake in the said strategy. These can involve confidence building measures, early warning and possible preventive deployment to reduce the danger of violence and increase peaceful settlements. To resolve a conflict confidence between conflicting parties either or intrastate conflict, mediator such as South Africa and mediatees (DRC) is a prerequisite in any peace process, which is often a key task in the mediation process for a mediator to lay a foundation for substantive negotiation (Kotze, 2009:55).

Preventive diplomacy seeks to address primarily a political/diplomatic process mandated under Chapter VI of the UN Charter in order to prevent disputes from developing between parties, existing disputes from rising into open conflicts, or limiting escalation of conflict when it occurs, notwithstanding the fact that the

mediators could be requested to prove limited support in mediating towards preventive diplomacy. South Africa is no stranger to the pursuit of in diplomatic work, after 1994, in achieving this, the South African government has been politically successful when collaborated with other SADC including some AU member states in resolving conflict through diplomatic means and in most cases has relied on multilateral institutions and multilateral diplomacy (Bischoff, 2006:148). This approach in prevention of conflict aims to reduce or eliminate violence in a conflict and would include constructive actions taken by a third party like South Africa (Wallensteen, 2007: 271). Also to be credible it should not benefit one conflicting party, but all those that are in conflict. Key to beneficiation is peacemaking, which is basically defined by Kofi Annan as "the use of diplomatic means to persuade parties and negotiated settlement of dispute" (Aning, Addo, Birikorang & Sowatey, 2004:12). Efforts to achieve peacemaking include a process of diplomacy, mediation and negotiations designed "to bring hostile parties to agreement" through peaceful means as espoused in Chapter VI of the UN Charter. This entails the judicial settlement of disputes, mediation, and other forms of negotiations.

Doyle (2005: 530) writes in his literature referring to peacemaking as mediation and negotiations designed "to bring unreceptive parties to agreement" through peaceful means as espoused in the Chapter VI of the UN Charter. This entails the judicial settlement of disputes, mediation and other forms of negotiations. Mediation in the DRC may involve citizens' diplomacy or track two diplomacy by South African individuals such as Nqakula or various diplomatic efforts by diplomats. Other academics argue that, it may also involve prominent individuals engaged in activities who may be well-connected South African businessmen, which are vital for confidence building measures, this include the participation of NGO like ACCORD who have no interest but mainly offering assistance (Berridge, 2010: 243).

Seemingly, although South African role players' agreement endeavoured within the legal framework of both internal policies, regional and international policies in mediation and negotiated peace processes, they have failed to develop social cooperation amongst the conflicting parties. In this report peace building is seen as a measure designed to consolidate peaceful relations and strengthen viable political, socio-economic and cultural institutions capable of mediating conflicts, as well as

strengthening other mechanisms that create or support the creation of necessary conditions for sustained peace (Fisher, 2000:7). After considerable debates and disagreements regarding the exact meaning of the peace building, the-then UNSG modified his position in 1995 in the Supplement to An Agenda for Peace, and suggested that peace building could be preventive (Boutros-Boutros Ghali: 1995). The notion support a somewhat broader view that peace building is essentially about removing or weakening factors that breed or sustain conflict in the eastern DRC.

Whilst this report focuses on mediation, peacekeeping is regarded as contributory or a tool for mediation. The report argues that peacekeeping is termed as military and civilian deployments in the field with the consent of the parties concerned as confidence building measures to monitor truce between parties, whilst diplomats strive to negotiate for a long-lasting and sustainable peace. A South African measure to bolster a mediation role may be post conflict peace building, which is organised to foster economic and social cooperation to build confidence amongst warring parties and to develop the social, political and economic infrastructure against violence and to lay a durable foundation for peace. Similar South African government's endeavors can be in the form of assistance on defence security, governance, public administration and preparation of elections by various offices such as the office of the president, DIRCO, the Department of Public Service Administration etc together with DRC counterparts aimed at building confidence (South African government's 2005, Kinshasa Working Visit Report).

2.3 Mediation

Mediation is premised and ensures a holistic approach by various mediators, governments or any actors in finding a political settlement to any specific conflict using any available structures. It is the duty of the every mediator to find a durable solution to any mediation process using any approach to conflict. Different scholars, such as Crocker, C.A., view mediation as varied as mediators themselves, including the idea of processes undertaken by an outside party to establish or maintain peace in any conflict (2005:53). Berridge argues that major powers, however, are not the only actors that are involved in mediation efforts, for example South Africa government played or is playing a key role in mediation in the Zimbabwean crisis

(Berridge, 2010:240). Mediation of a conflict may be a form of compliance or a process of measuring the extent of policy and legal compliance by any mediating state. Other academicians claim that South Africa in the same vain is playing a significant role in the eastern DRC by virtue of permanent neutrality, as well as an opportunity to play its role as the mediator. The most important mediators in the context of the international arena are states that are acting singly or collectively, either/ or regionally like SADC, AU or via any international organisation like the UN (Berridge, 2010:238). As Zartman and Touval (2005:433) state "mediation is best thought of as a mode of negotiation in which a third party such as South Africa helps the parties find a solution which they cannot find themselves". They further believe that impartiality and acceptability of the mediators is the key to mediation, and a third party like South Africa, which is impartial on issues affecting the Great Lakes region, is fundamental.

In my opinion impartiality enables a third party such as South Africa to be trusted by both parties. South African assistance in negotiation of a dispute can be in the form of good offices such as those of Mr. Mandela, Mr. Mbeki, Mr. Zuma, etc., in other words a president (either sitting or former president) or an ambassador, a minister of a department of international affairs and cooperation or from another government department, or maybe an ambassador of a state by mediating and encouraging parties in dispute to find a political settlement (Kotze, 2009:81). However, Bilder is referenced by Crocker et al (2005:64) to differentiate between the passive activity of providing good offices and the more proactive role of the mediator by agreeing that "Good offices and mediation are techniques by which the parties, who are unable to resolve a dispute by negotiation, request or agree to limited intervention by the third party to help them break an impasse".

In order to maintain in-house solidarity and preempt offers of assistance, states always think of importance of mediating within alliance or associations of states in which they play a leading role (Berridge, 2010:239). Further, the South African role may lie only in conciliation and mediation, by being an active participant in the negotiations as authorised or expected to contribute in that role.

Nathan (2005) mentions that mediation is a method of mitigating the concerns through the presence and support of an intermediary peacemaker who is not party to the conflict, enjoys the trust of the disputants and whose goal is to help them forge agreements they find acceptable.

The current peace initiative and mediation in the eastern DRC may be defined or referred to as the strategy for settlement negotiation meant to address the conflict between the parties that could not enter into an agreement, who have historically held power and still control the resources (Mekenkamp et al, 1998:11-12). He further argues that: "mediation is facilitated by a neutral third party who has no decision-making power, the mediation is a voluntary interest-based bargaining and the characteristic of mediation is focused on the interests (or desires) of the parties, as opposed to their positions". These third parties, such as the South African government, need to assist with the implementation of a settlement once a peace agreement is reached through a process of mediation (Hampson, et al 2005: 387). Seemingly, interests can be substantive such as the protection of status quo, control of resources by the controlling authority by the belligerents or rather conflicting parties, procedural – needs relating to the process or the way in which a dispute is resolved and psychological needs relating to feelings or emotions about the issue, as was the case within the majority, for example the excluded Hutus.

Interests are the driving force behind every dispute. The position is only a way of meeting those interests of parties concerned. The mediators try to get the parties to consider interests rather than positions. By looking for these underlying interests, parties can open up positions and create new options for settlement of dispute (Mekenkamp, 1998:12). There are key international instruments that directly or indirectly mandate and provide that state or a government to mediate a conflict situation. South Africa has legal obligations towards the eastern DRC, since it is a member of the SADC, as well as the AU, and these have been key factors leading it to concentration in the DRC conflict, thus playing a fundamental role in the mediation. According to Mekenkamp considerations of in-group solidarity and leadership have also been behind South Africa's attempt to mediate in the disputes

over the Great Lakes region in general, together with SADC and other regional leaders like Obassanjo, Masire, etc and some prominent AU members (1998:12).

For instance, the Norwegian ambassador suggests the importance of mediation of conflict that involves integrating coordination of regional and local actor's endeavors in prevention and mediation of African conflicts (Lovald, 2007). There seems to be a need for a strong commitment by South Africa to ensure a coordinated, cooperated and comprehensive involvement of the international community in its mediation efforts in the eastern DRC. Mediation focuses on transforming conflicting parties' relations within the national, political, socio-economic and entire institutions of authority where unequal relations between parties in dispute exist and are rooted with a view of achieving political settlement and equality.

In practice, mediation involves subjecting all parties in dispute to a mediated political settlement. This is often referred to as subjecting all decisions and actions in a regional conflict settlement through a mediation lens. South African mediation may entail regularly assessing the differential impact that every mediated decision, plan or action may have or are likely to have on belligerent parties, taking into account their different historical circumstances. This includes having regard for the accumulated socio-economic disadvantages in society as a result of segregated related historical injustices. It further involves adjusting the mediated decision, plan or action in question to ensure that conflicting parties benefit or are likely to benefit equally while operating to reduce existing structural inequality between, for example, the Tutsis and the Hutus.

2.4 The authority to mediate

It is important to note that UN Resolutions may specifically deal with mediation in situations of conflict and peacekeeping. The key issues and compliance obligations arising from a specific resolution may put agreements to be adhered to by any conflicting parties. In mediation, the mediator makes proposals based on agreements entered to and information supplied by the parties. This can be used in regional conflicts and also in internal conflict in the DRC. Since World War II (1935) mediators have been the representatives of international organisations such as the

UN or specifically appointed committee like the Organisation of African Unity (OAU). But recently, there are trends of moving away from the UN through the UNSC towards the use of powerful governments in the mediation role, even powerful individuals as was Mr. Mandela in both Burundi and the DRC, as well as Kofi Annan in Kenya in 2007/08 (Kotze; 2009: 81). Noticeable, lately the use of mediation has changed significantly, characterised by mediation that involves an intervention of an individual, state, or in a dispute between parties, and requires authority to mediate that particular conflict. Okoth (2008:23) in Nhema & Zeleza purports that the Constitutive Act provides for the establishment of the Court of Justice, in the place of the Commission of Mediation, Conciliation and Arbitration as provided for under the OAU Charter.

The notion is also argued by Nathan (2005) that there is a protocol relating to the establishment of the PSC that has been established in 2002, basically adopted by the 1st Ordinary Session of the Assembly of the AU and within Article 6, with a function of early warning, preventive diplomacy, peacemaking through the use of mediation, good offices, conciliation and enquiry. The author of this report believes that any mediator may employ these functions or strategy in mediating the current intrastate perpetual conflict in the eastern DRC. Additionally, the council may establish the subsidiary bodies that include the ad hoc committees for mediation and conciliation, consisting of an individual state or group of states (Article, 8(5)).

This approach to mediation allows the decision-making organ for the management and resolution of conflict, which is grounded on the PSC articles, specifically Article 6.according to: “The operationalisation on the AU and implementation of NEPAD programmes (document from former Department of Foreign Affairs, Republic of South Africa, 2005). In 2005 the PSC met regularly in numerous sessions to discuss conflict situations, peace processes, AU peacekeeping initiatives and efforts in Burundi, the DRC, the Sudan, Darfur, and claimed the successful facilitated peace and reconciliation processes in Burundi (NEPAD: 2005). It seems that the South African government as an AU member state is being regarded as the substantive pillar of mediation in the eastern DRC and in the entire continent. The Department of Foreign Affairs (DFA) (now DIRCO) views NEPAD as a vehicle and an indication of African commitment towards mediating conflicts by member states.

The PSC concerns itself with a substantive notion of conflict management through mediation of disputes (Abdel-Fatau Musah, 2006). According to the NEPAD security report of 2005 the South African government, the AU and the Regional economic communities have made appreciable progress in containing violence. As such South Africa has been managing the conflict in the eastern DRC in collaboration with SADC. It is further argued in the NEPAD report that they have often combined military intervention with the use of mediators in Liberia, Sierra Leone, Burundi and the DRC, and the civil societies have, by the same token, played a significant role in this mediation. What is not known is whether the mediation has been effective and successful.

In mediation it is clear that parties in dispute in the DRC need to agree that they accept the mediation, since the parties consent depends on agreement and mutual commitment to the peace accord (Kotze, 2006:83). However, the mediation by South Africa in the DRC (Sun City, Inter-Congolese Dialogue, 2002) together with the former president of Botswana, and the AU, as well as former president Mr. Mbeki in Zimbabwe through the Global Political Agreement, in September 2008 may have required implementation of the peace accord. South Africa's mediation in the DRC preceded the peace accord signed in Lusaka in July 1999 between the government and the neighbouring countries involved in conflict. This culminating in both rebel movements signing the peace accord although it was short lived. Rwandan and Ugandan armies resumed the conflict up until the warring parties came to an agreement after the South African government intervened in 2002 leading to the inter-Congolese dialogue (Interview with Deputy Director General (DDG) at DIRCO, 2nd July 2010).

De Coning describes that, the consequence of this antiquated notion of mediation in entire African conflicts is that mediation efforts by the mediators appear to often address minor issues rather than addressing the root causes of conflict in any conflict (2005). A thorough understanding of what is read is that, these longstanding sources of insecurity, as well as exclusionary regimes hidden under ethnicity in the Great Lakes region remains a challenge in the current mediation. Subsequently, the main causes may not been addressed, resulting in exacerbation and suffering of

persons or groups of persons already tormented by systemic conflict due to accumulated disadvantages of the past.

Mediation is premised on the substantive notion of addressing the conflict. It is not satisfied with identical treatment of causes of conflict but concerned with settlement of disputes and creates opportunities for both conflicting parties. There is a general view that the AU, UN, and subregional bodies view mediation as incorporating the implementation of special and positive measures in favour of countries and parties in dispute to eliminate the differences, with an aim of creating everlasting peace amongst conflicting states and neutralising regional instability. Academics argue that, in the post-Cold War era, the focus of international conflict management is increasingly shifting to peace building (De Coning: 2005).

Mediation roles and conflict resolution also take into account the conflicting parties' disputes, challenges and consequent needs in every process of balancing the causes and the regional dimension of the conflict. Conflict mediation in the DRC is in line with the commitment by the South African government in settlement of disputes regionally and subregionally, which underpins the AU Constitution, and views positive measures as part of peace settlement in any dispute and stability affectively known as the requirement for development. In the DRC, in terms of peace building and conflict prevention, a key role was played by Conseil Regional des Organisations Non-Gouvernemental de Developpement/Nord Kivu (CRONGD) (Menenkamp, 1998:242). The effort in peace settlement to end conflict had been a series of agreements made up of African countries such as South Africa, including the monitoring and implementation of these agreements, up to the deployment of the UN peacekeeping (1998:244). The efforts that could be relevant to the DRC would be the AU and its civil societies to be involved in the eastern DRC and they need to be financial, material and moral support. The South African and regional mediation effort of SADC also needs the support as the AU has regional convening powers.

2.5 Regional mediation

The mediator is not necessary required to go alone in mediation, for example during his lecture at the University of the Witwatersrand, Prof Khadiagala expressed that

mediation incorporates conflicting parties, regional actors, civil society, NGOs, etc. (2009). In line with the substantive notion of peaceful settlement of disputes, mediation is about avoiding conflict impact and integrating positive measures in the mediated settlements to address existing differences. When mediation is conducted on an intended settlement of dispute or decision or act, ensuring equitable impact on the conflicting parties or parties in dispute, it may entail incorporating special measures for conflicting parties to redress historical challenges between them. An example in this regard may be the co-option of these or any previously disadvantaged party into a government, political or other institutions top decision-making structure where there is no discrimination in the specified positions.

Similarly, cooption in the DRC formed a transition power sharing type of government as contained in the Draft Constitution of Transition, as enclosed within the draft constitution of the transition by the delegates of the components and entities to the Inter-Congolese dialogue. For example Fossati (2008) argues that it is imperative to focus on the role of actors, mentioning that the United States of America (USA) and major powers have intervened in five conflicts, but only Kuwait has been partly resolved, because there is still some instability in the country. There had been single diplomats and special envoys tasked to mediate the conflicts, either sent by the states, and regional actors, or subregional organisations to restore peace amongst the conflicting parties. The problem might appear uncomplicated and simple, but without sufficient political will, resources, commitment and stable government, the results may be negative.

2.6 The importance of mediation

Some academics argue mediation can work in situations of profound power or resource imbalances between the parties (Kotze, 2006:83). On the other hand, Dr Naison Ngoma indicated recently i.e. at PMTC SSR briefing, on the 08 Oct 2009, that, mediated settlements transform conflicting parties and civil society, where unequal power relations between belligerent and state are rooted. Further, mediation therefore requires the key actors in mediation to regularly subject their energy and action to a conflict equality analysis.

The USA for example is trying to mediate in the long-lasting conflict between the Israelis and the Palestinians, whose resolution has been pursued in the Annapolis negotiations since 2007 (Fossati: 2008). Even the mediation by South Africa, Ghana, Nigeria, etc does not necessarily bring positive results, because of the economies of these countries. Yet mediation capabilities may be limited if the strategies in place and implemented fail to address the challenges of the conflict. Prof Khadiagala (2009) argues that there are diplomats trying to broker peace for the past years in the DRC conflicts, but their efforts are hindered by the insecurity concerns, weak institutions and ineffective, dysfunctional states.

The mediation capabilities of a state may be limited if confronted by the governance, for example, in governments without effective governance institutions. It can therefore be argued that the DRC does not have an effective government to implement mediation, policies and legal frameworks, the agreed policies by the both South African and regional mediators. As argued, in Kotze, mediation is often weak if the implementation of agreements is ineffective and inefficient (2009:87). In Somalia the OAU was criticized for not doing more in an attempt to conclude the ceasefire agreements between the warring factions (Chayes and Chayes, 1999:21) The mediated Arusha accords which were a basis of cease-fire between the government of Rwanda and the DRC, Hutus, Tutsi opponents, and the Rwandan Patriotic Front, in its efforts to assemble African troops were stymied by failure of the western powers to provide transport, logistics and other needed support. Furthermore the Arusha accords in Burundi under the mediation of the late Nyerere led to precarious de-escalation in Burundi (Chayes, et al, 1999).

Within the context of South African government's foreign policy of wanting to operate within agreed policies on conflict mediation, the South African government seemed to believe that employing various forms of conflict resolution is the most viable method for achieving durable peace and stability in the crisis of eastern DRC. The success of any negotiated settlement and mediation from both Mandela's and Mbeki's personal style of politics stems from the assumed ability of persuasion, and negotiation settlement (Nathan, 2005:14). Both leaders such as Mr. Mandela and Mr. Mbeki may resolve any regional disputes, as regional actors by embarking on a rigorous mediation strategy based on the mentioned traits. Shillinger mentions that

the South African government's model of inclusiveness, political will, and impartiality in mediation may have assist in resolving of African conflicts (2009:20). Some authors, for example Carayannis and Weiss mention that both leaders were influential in pressurising Uganda and Rwanda to acknowledge their military involvement in the DRC, resulting to both countries agreeing in the terms of the 1999 Lusaka Agreement (2003:276).

Within the AU, all governments such as South Africa, including the institutions of conflict management, Panel of the Wise, PSC and subregional organisations like SADC and civil society, have the responsibility to mediate and keep peace to ensure stability. Scholars such as Nathan also put it clear that mediation and facilitation of dialogue have become an arena of continuous and energetic engagement, most prominently in the cases of Burundi, the DRC, the Comoros, Cote d'Ivoire, Sudan and Liberia (2005:14). In other words no UN, AU, or other regional organisation of conflict management structure and institutions are exempted from mediation of conflicts.

Nathan further posits that South Africa strongly favours peacekeeping over peace enforcement and insists that any action must have approval of the UN SC and its multilateral approach underpins the primary goal and strategy of South Africa's foreign policy in its role of mediating conflicts. Within this approach of management of conflicts South Africa may solve and mediate African conflicts, as Western powers seem to have left a void for Africans to mediate their conflicts, in my opinion whilst in the same at the same time the rise of the South Africa as subregional a hegemony it may provide hope for the mediation of conflicts. Peck views that regional hegemonic governments can take an advantage of their weight to influence decisions and position SADC, including both the governments in the proximity of the conflict, thereby playing effective role in the eastern DRC (2005:728). In this case South African government can even commit financial resources than some of the AU member states, which necessarily limits their effectiveness.

Although, the challenges presented seem to include the question of a lack of convention of the AU, the provisions of the Constitutive Act and Protocols, as well as other challenges (see Chapter 6 to 7 of this report).

From the lessons learnt on the AU policy of African solutions for African problems, it is clear that the policy has been employed by South Africa. Although the said policy (African solutions for African problems) need to be encouraged in mediation in the eastern DRC, including other conflicts in Africa, the DRC conflict in 1998 revealed the divisions among international mediators for example the US administration promoted a diplomatic solution while other countries may have damaged relations amongst, thus crippling any policy of subregional organisation such as SADC (Nathan, 2005:15). The role of the mediating state, government or regional organisation like the AU, or SADC should be premised on the agreed international legal framework in mediating conflict, for instance there are there are procedures for dealing with interstate conflict. Wallensteen make a note of the existence of an internationally agreed framework means that there are particular procedures for settlement of disputes or conflicts through mediation (Wallensteen, 2007: 94).

The South African government has encapsulated security pursuance in its foreign policy via compliance with international law and active involvement in conflict prevention, resolution, and management (Carlsnaes and Nel, 2006:40). Subsequently, in its approach South Africa may play an active regional, continental, and international role, especially in mediation, peacekeeping etc. Also, the UN Charter outlines the methods of peace resolution of conflicts in Africa in Article 33 (1) for seeking a solution by negotiation, mediation, judicial settlements of disputes and resort to the regional arrangements or agencies or other peaceful means of own choice (Berridge, 2010: 242).

On the other hand the Charter of the OAU in the past specified the method in Article 3 (4). Whereas the AU mediation in Africa draws its mandate from the AU Article 7 (e) of the Protocol Relating to the Establishment of the Peace and Security, states and the PSC can recommend intervention, on behalf of the Union in member states in respect of grave circumstances, viz war crimes, genocide, and crimes against humanity as defined in Relevant International Convention and Instruments (AU 2003:9). There has been a strategic necessity for South Africa mediation in the eastern DRC and the mentioned AU legal framework in the mediation of conflicts

legally mandates the South African leaders although the success in that mediation depends on the AU, the region and the civil society pulling together in the DRC.

2.7 UN-AU Cooperation

The idea of greater cooperation between the regional organisations and the UN has been revived by the former UN Secretaries report, An Agenda for Peace, in 1992 (Boulden, 2003: 15-18). Many of the obligations arise from the ratification or signing of international instruments by countries such as South Africa that specifically mandate mediation of conflict. Some of the instruments do not specify mediation of conflicts supplementary to provisions that deal with conflict management as regional initiatives. Fortunately two years before the launch of “An Agenda for Peace”, the AU, the UN secretary-general and its subregional organisations had already taken an initiative in conflict management (Boulden, 2003:15). With regard to international obligations on mediation of conflicts, the AU emphasized calls for African solutions for African problems (Nhema, 2008:23) in mediation of African conflicts.

Arguably, the South African government including other states and parties, often signs these international instruments with uncertainties, more especially where undemocratic and self-centered motivations are evident. In this case although Chapter VI of the UN Charter is devoted to settlement of disputes, heavy pressures on neigbouring governments to take sides or motivated by their security concerns frequently caused by groups linked to a particular war (Wallensteen, 2007: 94). This allows them to opt out of being bound by some of the provisions of a mechanism. Where no such qualms have been registered, a state party cannot selectively comply with the provisions of a binding instrument. (Okoth, 2008:24), in Nhema, argues that African states sought to prevent any unwanted interference by neigbouring states in their domestic affairs. Furthermore, where a provision has become customary, international law compliance becomes obligatory without reliance on the voluntary assumption of obligations by member states. International legal compliance requires the South African government to be preoccupied with the problem of mediating African conflicts, despite growing international condemnation of Mr. Mbeki’s position of quite diplomacy on Zimbabwe (Carlsnaes, et al 2006:57). This is a key international instruments that directly or indirectly mandates and provide the content

for mediation of conflicts in the DRC in particular. Accordingly, South Africa participate in the SADC Organ on Politics, Defence, and Security (OPDS) on prevention, management, resolution and mediating in inter and intra state disputes including promoting and enhancing the development of democratic institutions and practices within member states and encouraging them to observe universal human rights codes (Baregu,2003:6). Mbeki's mediation in the DRC, together with delegates, may have been mandated by his role as the chairman of the AU for formal talks aimed at finding common ground between the government and the belligerents in the DRC war (News Edge Insight, 10/04/2002).

2.8 Peace and security protocol of the African Union

The creation of the AU has involved intergovernmental initiatives, including the OAU Conflict Management Center organisation, the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) and the peace and security component of NEPAD (Shillinger, 2009). An important organ responsible for the PSC is a legally binding international instrument to South Africa to implement measures aimed at mediating conflict in the DRC as a mandate to AU member states (Okoth, 2008:25). So far it has been assumed that mediation is an activity carried out by a single party, however, the involvement of more than one mediator in an attempt to settle a conflict, including those in both track one and track two, is now so common in conflicts (Berridge, 2010:245). For example Mr. Mandela mediated on behalf of the international community and the regional actors followed the footsteps of the former president of Tanzania (Mr. Nyerere) addressing a political and ethnic conflict (waged merely to gain power), leading to the Arusha Accord in 2000. These arrangements are supposed to be funded by contributions from its member states. As such, the AU has established the African Peace and Security Architecture (APSA), which seeks to provide an enhanced institutional capacity for achieving peace, security and stability in Africa, and support to the efforts of its member states, within the framework of the larger AU vision of a peaceful and prosperous continent. In 2001 the South African government saw it fit to send a force to Burundi to help with the implementation of the ceasefire agreement aimed at ending the conflict.

Further, African states such as South Africa subscribe to and have ratified the Charter of the UN that specifies the methods of peaceful settlement of disputes in Article 33(1) through seeking a solution by negotiation, enquiry and mediation resorting to regional agencies or arrangements (Mwagiru, 2000:145). Recently, the overall objectives of the PSC of maintenance of peace, security and stability through promotion and coordination of African and other initiatives on conflict resolution within the context of the UN have not achieved much in the eastern DRC. Mwagiru further argues that the Charter specifies the methods of mediation, conciliation and arbitration and mentioning that previous Charter had favoured the ad hoc mediation. Suggestively, the South African government seems equally bounded by all provisions of Article 3 (4) in mediating conflict in the eastern DRC. And also meaning that the effective mediation may be one conducted by an orchestrated sequence of single mediators such as those of South Africa within the context of the provisions, then followed by series of similar role players and those of security structures or policy imperatives. Accordingly, in the structure of the Commission Peace and Security Directorate, one of the specific objectives includes engaging in mediation and resolutions of conflicts. For example, in response to these objectives countries such as South Africa captured these objectives within their foreign policy objectives thereby committing in promotion of peace and stability in countries such as Sierra Leone, Ethiopia/Eritrea, Sudan, the DRC, the Comoros, Cote d'Ivoire and Burundi (South Africa Yearbook, 2003/03:275-276).

Mbeki promised to engage more with Africa in the area of peacekeeping and contributing peacekeepers to mission in the DRC as the testimony of the foreign policy of South Africa (Baregu and Landsberg, 2003:179). It is generally known that the former president of the Republic of South Africa has been engaged in mediation measures on the African continent. In some instances African leaders like Mbeki had been criticised (by some of the African leaders like Mugabe) for mediating in an effort to set up democracies, as South Africa believed the extension of democracy is a central pillar of its African policy (Khadiagala, 2009).

Mediation initiatives by certain countries may lead to tensions, as has occurred in the DRC. Democratisation tactics may create divisions amongst the regional participants as it had been in the SADC countries, like Mugabe (Zimbabwe) who was at

loggerheads with South Africa and characterised by blaming the Organ on Politics, Defence and Security to failed negotiations (Khadiagala, 2009). The problems of regional conflicts can be blamed on the decisions and acts of individuals, groups and governments (Brown, 2005:213). The political dilemma on intervening in the Great Lakes region led Mugabe and his partners going alone to the DRC.

Brown (2005:213) argues that, when a regional crisis involves outside powers, it becomes regional, but I believe that even mediation efforts by regional role players may be thwarted by regional instability. Landsberg argues (referenced by Khadiagala, 2006) that one wing in the belligerent may refuse to endorse the mediated agreement by the external actors. Though the AU is responsible for peaceful resolution in the DRC or any other state through appropriate means as may be decided upon by the Assembly on the management of conflict and restoration of peace, the other principal organ responsible for peace, security and stability is the Central Organ of the Mechanism on Conflict Prevention, Management and Resolution. The said PSC according to the SA foreign relations policy (South Africa Yearbook: 2002/03) is the standing decision making organ for prevention, management and resolution of conflicts. These mechanisms are operating within the ambit of the UN. According to the African Security Review of 2009 the evolving role of the use of force may be used in UN peacekeeping. It seems to be a viable option by the UN and arguing the experience of the MONUC, AMIS in Darfur, and Africa's litmus test in peacekeeping and political mediation. The Council of the Wise, a continental early warning system, and African Standby Force is an arrangement to facilitate efficient response to conflict and crises in Africa where South African governments seems to subscribe to (South Africa Yearbook, 2002/3). APSA appears to have been a vehicle to reckon with as it has evolved at a remarkable pace since the establishment of the AU. According to the Issues Paper for the AU Symposium on African Development Forum (ADF III) prepared by the Inter-Africa group, APSA, is underpinned by interventionist commitment in the AU charter, agreeing to offer a real prospect of African solution for African problems (2009).

States such as South Africa frequently seem to have taken the advantages of the above concept into actually buying into the AU Charter and PSC and The PSC is the central organ of the AU. According to an article by Middleton (2008) the PSC is

composed of the fifteen members, rotating every two years, who are responsible to legitimise and coordinate the actions of all other elements of the architecture, South Africa is part or participate as a regional actor. Within the APSA there is a central organ, which has been successful through the EU involvement in its development and has made commitment to remain so (Middleton, 2008). Nathan (2005), notes that protocol relating to the establishment of the PSC of the AU, adopted by the ordinary session of the assembly of the AU in Durban on 9 July 2002, established a PSC within the AU specifically for prevention, management and resolution of conflicts. Article 6 informed the AU through the use of diplomacy and peacemaking through the use of good offices, mediation, conciliation and enquiry.

The key issues and compliance obligations arising from protocols and UN Security Resolutions include amongst others include-a) Increasing the capacity of the AU and the Regional Economic Communities (RECs) in the planning and conduct of the peace support operations, b) Integrating mediation efforts in all peacekeeping and peace building measures, including peace agreements amongst the conflicting parties in the eastern DRC c) and implementing of the UN and AU guidelines and measures on the mediation of conflict including affected countries in the Great Lakes region. Murithi (2005) argues that involvement of the African efforts at mediation and the establishment of institutional mechanisms to support conflict management is required, as the AU has specific provisions that focus on measures that specifically deal with a particular mediation of conflicts in any clash. In addition to the general responsibility of governments and regional mediation initiatives, the SADC for example may also mandate the chairman of the SADC to lead the mediation effort and to organise the DRC ceasefire in consultation with the AU (Ali-Dinar, 1999).

2.9 South Africa's role in mediation in the DRC

The foreign policy of Mr. Mandela and Mr. Mbeki's administrations believed that there could be no development without peace and security, and no peace without development (Khadiagala, 2006: 122-137). The policy in mediating the eastern DRC conflict has been underpinned and formed part of the NEPAD and the AU. In 1999 Mr. Mandela facilitated negotiations in Burundi on behalf of the international community, the OAU and the regional parties. According to the Arusha Agreement,

Protocol V, Article 4, the agreement allowed the facilitator to continue as the moral guarantor and conciliation agent (Mandrup, 2007:239). The late president Nyerere who conceded to Mr Mandela preceded the mediation efforts. In spite of the lack of clarity over public support for South Africa's Great Lakes strategies, South Africa pursued an ambitious foreign policy agenda and linkage approach in regional conflicts, with commendable efforts (Khadiagala, 2006: 122). And for the mediation to be successful, all mediators should be perceived as impartial on issues separating the parties to a conflict or influence the said issues (Berridge, 2010:246). Mr. Mandela relied on his personality and aura, and even talked tough to belligerents, as a mediator in both the DRC and Burundi, in contrast to Mr. Mbeki who believed in much criticised quiet diplomacy. These mediating efforts by South Africa had been characterised as impartial and attempts to bring together the Congolese parties involved in dispute (Khadiagala 2006:122-137) According to Khadiagala mediated efforts were necessary as a result of the violence that had been threatening the already fragile peace process. He notes that the mediating team in Burundi comprised of African mediators external to the conflict and the representative of the Tanzanian authorities. This had been the same in the DRC. The South African government with its officials and a number of African states instituted several peace initiatives through the regional and subregional DRC peace processes. South Africa played an instrumental role in mediating and negotiating the Global and All Inclusive Agreement in December 2002 (Mandrup: 2007:240).

It seems that for mediation by the South African government to succeed, African countries require cooperative efforts. The involvement of ambassadors in mediation to represent the government, the AU, and subsequently mediation may lead to the signing of the ceasefire agreement between the transitional government and the rebels. Although there are debates that some of these envoys might not necessarily have a political clout to be listened to by the belligerents, for example constant employment of envoys as opposed to the heads of states have led to challenges in the conflict resolutions in Africa.

During mediation armed wings may be required to sign ceasefire agreements. If they fail to do so the mediator should push for talks. The heads of states or their representatives in any mediation may push for extension of talks and end up in

numerous summits aimed at resolving the conflict (Khadiagala, 2006:133). Mandrup (2007:238-242) argues that these efforts in Burundi differed from the Mandela initiative in the DRC in 1997, as the mediation was aimed at finding a political settlement to the conflict that received broad international backing. The initiatives by the mediating party may require the host's blessing because they may be rejected by the rebel leaders or leaders of the state.

Khadiagala (2009) argued that mediation might fail to get the two parties to negotiate and sign and ceasefire agreement may fail if the external parties support parties in dispute. The mediated agreement normally states that the ceasefire should be effective on the agreed time frame. Nathan (2005) perceives that the key to effective mediation lies in understanding, managing and transforming the political and psychological dynamics of serious conflict that make conflicting parties resistant to peaceful negotiation. These parties may be required to assemble the conflicting combatants to move to the assembly points with their weapons and be disarmed later since they could carry out with the external actors (Khadiagala, 2006: 124-129). Within these agreements the issues on which parties had to pursue further negotiations need to be spelled out. The importance of the return to constitutional legality, transition, democratisation and good governance must be brought to their attention.

The emphasis on mediation should build trust and promote cooperation amongst the actors. Generally the challenge facing the African mediators is the capacity of the mediating states. The AU has elected members and its mandates include recommending the deployment of the AU peacekeeping missions to conflict areas where ceasefire agreements have been signed. The South African mediation efforts, subregional organisation and AU may need to be funded from a contribution that comes from both the AU's 53 member states and donors (Nhema, and Zeleza. 2008: 34).

Irrespective of this viewpoint, NEPAD stated that it is imperative that Africa should address and clear with challenges. Van Nieuwkerk (2008) argues that tremendous efforts by subregional arrangements meant for economic development are engaged in the development of peace and the security role. Rotberg, Albaugh, Bonyongwe, Clapham, Herbst, and Metz (2000), said, "African problems could not be left

exclusively to Africans. The gross violation of human rights occurring in parts of Africa demands the resources and attention of the whole world".

The absence of adequate resources and effective mediators continue to pose a challenge for South Africa. South Africa may require sufficient funding for the AU mediation to be able to effectively mediate in conflicts. Khadiagala (2006:122-131) argues that during the mediation in Burundi the summit appealed to the international community to support the peace process and to make resources available to support the encampment, disarmament, demobilisation, and integration of combatants into the army. The argument was supported but the fact remains that Western powers are the market for eastern DRC diamonds. The South African mediators might have been required to approach the UNSC to back the South African mission and the initiatives to support the reached agreements through mediation.

In 2003 the mediation by South African government would have needed the support of international role players in the mediation efforts to engage on new developments in the Great Lakes region. Although the DRC mediation may have been different to the issue in Burundi, the parties may accept the mediator such as South Africa. Mandrup argues that South Africa was a preferred mediator in Burundi compared to Zimbabwe (2007:236-248). This preference was based on the issue of neutrality demonstrated by South Africa. According to Khadiagala (2009) the regional organisations, the representatives of states as chairperson and others as the chairpersons of the regional initiative are key to mediation of peace settlements. Mr Zuma is equally a SADC mediator in Zimbabwe, and according to the Sunday Times newspaper his colleagues in the region view elections as the only way out in addressing conflict in Zimbabwe, which has been locked in a political stalemate for a decade (2010, September, 4)

In conclusion, South Africa's international acceptance as mediator is informed by its compliance with both national and international laws and policies that govern the international system. And also, the international expectation as the hegemonic power in the region South African government was prepared to be seen as a peacemaker (Solomon, 2008:55).

Although it remains to be seen how effective is South Africa's role and capacity in mediation in the eastern DRC, the author has attempted to present the literature on mediation and has made use of the case study of the eastern DRC. In Chapter 3 the study outlines the methodology used in conducting the research that resulted in the compilation of this report.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The narrative in this research report outlines the discourse on South Africa's role and capacity in mediation in the eastern DRC, as stated in Chapter 1. Empirical data on the case study from the Great Lakes region will be reviewed to gather information answering the following research questions:

a) What are the roles played by South African government in the mediation and conflict resolution in the eastern DRC?
b) Do South Africa and its government officials have the necessary capacity to effectively mediate in the eastern DRC?

The methodology used in this research is based on descriptive empirical data from the case study applied to the South African government's role in mediation in the eastern DRC; moreover this chapter addresses some of the scientific and methodological problems related to the investigation. Below I will present the reader with the methodology and the process followed in selecting the data.

3.2 Methodology

In an attempt to produce as convincing inferences as possible, I attempted to collect and structure the analyses according to Neuman's processes called triangulation, namely by looking at the data from different angles (Neuman, 2006:149). This method focuses on selective examination of data according to the researcher's goals and ensures that the selected observations are treated in a systematic way and are comparable. The writing up of this report begins with an introduction and conceptualisation of literature reviewed in an effort to understand the writing discourse based on primary evidence and published sources (Badenhorst, 2010:6). However, in this report the research questions played an important role in organising the empirical data and I used the South African government as the unit of analysis in

this study given its involvement as the regional actor in the mediation of conflict in the eastern DRC. Furthermore this report will definitely not exclude the importance of participation by other actors. In other words the study (to some extent) will use a collective of countries in the examination of its level of analysis, the Great Lakes region to be specific, although mainly focusing on the eastern DRC. In academic terms the level of examination is called meso as it is neither national, nor global but in between (Babbie & Mouton, 2005:84), whilst, in the same vain I will analyse the South African government as an organisation within the SADC- AU community (Neuman, 2011:61). In addition, the report is mainly based on the discourse mentioned in the introduction part of this chapter (3), with examination of the same cases over time from 1998 to 2009, where in my view the South African government had been involved. The South African government's role and capacity in the mediation in the eastern DRC will be examined in order to see if it has capacity to effectively and efficiently mediate.

The approach for this research is qualitative and quantitative (mixed). The research mainly focuses on the literature review, augmented by both structured and unstructured interviews and questionnaires that were delivered both by hand and via emails. During the process, specific lists of questions were asked, and the wording of statements and questions used in my structured interviews are similar to those used in the questionnaires. This approach is encouraged and supported in the academic fraternity (van Rensberg, 2009:179).

During the period of research for this report, I have conducted a whole range of interviews with centrally placed civil servants, for example discussions took place with senior government official and mostly individuals that have been involved in conflict resolution process in the DRC. These interviews, in some instances, stemmed from or were as a result of a snowballing technique. The individuals interviewed were chosen using the qualitative criteria, that is, they were primary sources for the events they were interviewed about. These primary sources of data for this study were drawn from structured questionnaires and interviews conducted (Mouton, 2005:105).

The basic individual interviewing during research on a day-to-day basis by means of interaction with military officials, two South African government officials seconded to the AU headquarters, and mediation role players have been utilised to identify subject matter experts (SMEs) within the current mediation activity in the eastern DRC. At the same time, individual interviews have been conducted with SMEs from research institutes, such as the ISS and other related institutions. Interviews were also conducted with SMEs in the DOD, DIRCO officials, including two former ambassadors, Defence Intelligence (DI), J Ops, the Deputy Director General (DDG) equivalent (previously employed as the UN Force Commander in the Great Lakes region), a member of an NGO, a delegate from Burundi, and email responses were secured with one delegate from Sweden, two British representatives in the Republic of South Africa (RSA), Africa Center for Security Studies (ACSS) in the US and other structures that were responsible for managing programmes in the eastern DRC and Africa in general. However, those being interviewed often had different status as sources depending on their relationship to the information provided. Actually, a sizeable and reasonable amount of interviews were conducted.

In addition to the above categories, the secondary sources have been drawn from a wide range of textbooks on mediation, negotiations, UN and AU reports, newspapers, and presentations at the Peace Mission Training Center (PMTC). The information obtained through my efforts has not been used without prior validation, and the information has been used as additional validation of other sources of information. With regard to sampling I used a non-probability purposive sampling method to select the respondents. The researcher used a wide range of methods to locate all possible cases of specific and difficult to reach participants for this study (Neuman: 2006:41-44).

3.3 The process followed

Based on the above, a systematic process on the basis of research was conducted over a period of five months. This research added up to several hundred of hours of study (and analysis) and the processes followed for this research report on South African government's role and capacity on mediation in the eastern DRC was as follows:

a) The development of the questions and questionnaires by the author of this report based on the original research questions in preparation for gathering quantitative and qualitative data.
b) Dissemination and collection of interview questions, (some by email to participants, especially those that are outside the borders of South Africa).
c) Simultaneously reviewing documentation, both academic literature and grey literature, including reports (this was a continuous process throughout the research).
d) Conducting face to face interviews with targeted participants.
e) Analysing both primary and secondary data, responses, and also categorising facts according to themes and consolidating responses of each component, in other words, qualitative and quantitative analysis to determine and examine the South African government's role and capacity in mediation in the DRC.
f) Lastly, but not least writing the research report and submitting the final document (numerous interactions with my supervisor have been the bedrock of the successful compilation of this report).

3.4 Participants in the study

This research has been limited to a small sample of experts who have been perceived to have proficient opinions and knowledge regarding the area of study. Scholars such as Miles and Huberman (1994:27) mention that, "…such qualitative researchers usually work with small samples of people, nested in their context and studied in-depth – unlike quantitative researchers, who aim for larger context stripped cases and seek statistical significance." The researcher interviewed experts in the conflict management environment including members as mentioned in the previous paragraph, although the plan was to engage more university professionals. Also members from the Department of Defence (DOD) who either assigned, or have served in the AU and SADC, and scholars from the research institutes who have been engaged and contributed immensely to this report. Interaction had been made with international government officials from the USA, Sweden, and Burundi (neighbour to eastern DRC) who are currently serving in the RSA.

The one-on-one interviews with the participants were informative, and although there were some challenges and resistance, such as some participants had to accommodate me within their tight schedules. The literature on the subject matter on the African context was very comprehensive, although, due to the approach taken, certain shortfalls and gaps appeared. These gaps have been addressed during the consolidation of data gathering. The study population for the research was well defined as experts in the conflict management environment and other persons who have been engaged with peace missions or participated in the eastern DRC. The actual size of the sample for this report was drawn from the DOD, DIRCO, The African Center for Security Studies (ACSS) from the USA, NGOs, SME, South African ambassadors, research institutes (local), research institutes international, foreign relations specialist in the Western Cape, officials (Diplomats) and international governments.

3.5 Sampling used

The researcher used snowball-sampling (also called by Neuman, network, chain referral or reputational sampling) approaches of data collection; the respondents were also divided into multiple phases. The sample was a non-random sample in which the researcher began with one case and then based on the information link from the research case, followed another and experienced opening for other cases, leading to the pulling in of the key experts in the research topic. The sampling in this report began with one or a few interviewees, and spread out on the basis of the study (Neuman, 2006:223). The researcher only stopped sampling when no other new data for this research was coming forth.

Samples were also included of those that have been named by at least one other expert in the study network and they are mentioned by their respective organisations in the report in order to conceal their identity. Initially in the proposal the reporter originally targeted a sample of 48, but the study settled with 58%. The responses received were 24, ostensible not closer to the original 48 target than the agreed 100%. The shortfall can be attributed to the fact that some targeted components submitted an insignificant number of questionnaires in relation to the planned size, thus making it relatively easy to draw my conclusions about the mediation in some of

the components. The number of questionnaires from some of the international institutions such as those in Canada had been zero. It remained, however, significant to know the view of the international community about the question of the mediation in the eastern DRC.

It had been easier for me to interact with the DOD, the institute for security studies, some academics, J Ops and other SMEs or other members who had participated in that conflict. Most participants, approximately 90%, preferred English, as it is the working language.

3.6 Research sample according to the highest educational qualification of the study participants

The results in the responses showed that 5% of participants have a Grade 12 qualification whilst the rest had a B degree and more. In the biographical questionnaire it was reported that all these and post graduate qualifications were obtained in both the normal schools and those that are related to the security studies. The diplomats, undergraduates and postgraduates sample considered had been those who were perceived to be qualified in security related matters.

3.7 Research sample by the participant's country of origin

The sample of this research is composed of a diverse group of participants. The results showed that participants represent three African countries, another two are from the Americas and two from Europe. Some of the participants were or still involved directly or indirectly with the eastern DRC conflict either through research or working in their respective countries on conflict management activities for Africa. For instance, the ACSS in the USA is in the forefront of hosting and sponsoring security seminars for African militaries through the African Contingency Opportunity Training Assistance (ACOTA) programme. The Burundian had been identified because of his background and exposure to conflict areas. Despite the above, the report planned to dominate the study by highly qualified academics, but the snowballing effect of the study compelled the researcher to leave no stone unturned. Participants within the SME target were mostly from the top downwards.

The findings should therefore be examined with due regard, taking the research constraints on this study as mentioned in chapter eight (8) and the possible size of the sample into consideration.

Table 1: Research sample (names will not be shown for confidentiality)

Serial number	Country	Area of speciality	Organisation
	A	B	c
1	Burundi	Diplomat	Burundian Embassy (SA)
2	RSA	Policy analyst and advisor	Dept of Defence
3	RSA	African Security landscaping & Conflict Resolution	Peace Mission Training Center (SA)
4	RSA	Doctrine Developer	J Ops (in the DOD)
5	RSA	Desk Officer	Intelligence
6	Zambian	Researcher	Institute for Security Studies
7	UK	Advisor	British Support Training Team (BPST (RSA))
8	Sweden	Diplomat	Swedish Embassy (SA)
9	RSA	Political Scientist	Head of PSO Division AU Commission
10	RSA	Chief (DDG equivalent)	C J Ops
11	RSA	Chief (DDG equivalent)	(ex Force Commander for the UN)
12	RSA	Directing Staff	Peace Mission Training Center
13	RSA	Director	DOD Intelligence
14	RSA	Chief Director	DOD Joint Training
15	RSA	Defence Attaché	AU HQ

Serial number	Country	Area of speciality	Organisation
	A	B	c
16	RSA	Project Officer	Training Command
17	RSA	DDG	DIRCO (former Ambassador)
18	RSA	DDG	DIRCO (former Ambassador)
19	RSA	Director	DIRCO (Official)
20	RSA	Student on International Relations	Stellenbosch University
21	RSA	African Security	SA Military Academy
22	RSA	Director Foreign Relations	Western Cape Provincial Government
23	USA	Senior Analyst	National Security Strategy Organisation: Booz Allen Hamilton
24	USA	Mil Attaché	US Embassy in SA
25	USA	Analyst	ACSS (in National Defence University)

3.8 Outstanding documents and reports

The answers provided on the questionnaire in Annexure B, and interviews with participants as reflected in chapter three (3) and four (4) bear testimony to the finding of this study. At the time of drafting this report, some of the documentation or rather reports that the author requested from DI, DIRCO and the DOD representative to the AU had not yet been received. Most of the questionnaires received had been taken care of, although some interviews had not taken place due to the challenges as reflected in this chapter. The literature reviewed influenced the selection of data in chapter two (2) and the responses presented through questionnaires, interviews, reports and the analysis during this study phase of this research.

CHAPTER FOUR

DATA PRESENTATION

4.1 Introduction

The previous chapter described the processes and the methodology followed in the compilation of this research. The purpose of chapter four is to present the data, which will be followed by the analysis and interpretation thereof. Data presentation focuses on the responses both in the questionnaire and through the interviews. The following responses should be viewed in relation to the questionnaire in Annexure B and some of these responses have an analytical view. The report will endeavour to reflect raw data, which is presented according to an integrated method.

4.2 Responses from the questionnaires during the study

After finalising data collection through interviews, questionnaires and literature the author subjected raw data in an effort to address the main two questions, validating by sub questions in Annexure B in other words, the integrating and overlapping of responses. The responses on the opinion whether the South African government have the capacity to mediate in the eastern DRC brought different responses. It was difficult to imagine opinions since each participant had his or her own view on South African government's role in the eastern DRC. The participants from DIRCO agreed that South Africa (draws from) exploits its own internal experience in conflict resolution and human capacity to deal with conflicts based on countries experience. Respondents from DIRCO mentioned that the conflict in the DRC differed from the recent conflict in Burundi but South Africa had shared experiences in mediation efforts in eastern DRC. The best example is that this critical experience has not been used by a big power; rather it is based on the principles and objectives of consolidation of African peace, democracy and solidarity. One former ambassador argues that the UN uses envoys with less experience than South Africans and without any success; South Africa has played a significant role in the Sudan, regardless of how small it turned out to be.

That sentiment is still deeply embedded in the psyche of DIRCO after 1994, despite the internal and teething problems in South Africa the government has been compelled to respond and mediate in conflicts in the Great Lakes although initially the main issue was to understand the crises, and to identify (who were) the role-players.

Generally, the respondents felt that South Africa inherited its mediation role in Africa. Some of the interviewees said South Africa had the capacity to mediate the conflict in the eastern DRC, but only if we mean the organisation, structure and financial support. Other participant's major area of concern was the enforcement of decisions related to mediation in the eastern DRC. The respondents agreed that the South African government's structures and policy objectives conform to the UN Charters, which recognize that the regional players are legitimate actors in the field of peace and security. That explains why SADC member states such as South Africa, Tanzania, etc., have political will to mediate in the DRC conflict. Some mentioned that it is obvious that the South African government and its officials have capacity to mediate; the challenge is not necessarily the capacity, but the resources, sufficient political will and commitment of other actors. Some respondents admitted that the South African foreign policy prioritises Africa for conflict resolution and to date the South African government has spent considerable resources to realise this foreign policy objective. This dates back since the dawn of democracy in South Africa; examples forwarded included the DRC, Burundi and Rwanda.

Most of the responses in this report on degree of satisfaction with the way the South Africa government and other actors are mediating in the eastern DRC were keenly aware that South Africa and other actors are determined to mediate in the eastern DRC. There is only one group with diverging ideas, for example fifty per cent of the respondents from the DOD argued that the process in the eastern DRC seems to overlook certain crosscutting issues such as the rule of law and justice, to name but a few. In the same group, there was a general feeling that the South African mediators cannot talk peace in the expense of justice for the innocent people and the citizens of the DRC that continue to die, following the humanitarian atrocities perpetuated by some military leaders, rebels as well as the government troops. But they did not provide tangible and informed solution.

The respondent from the Premier's office also expressed positive satisfaction and viewed that South African mediators have been impartial and have engaged the warring factions with credibility. This could have achieved optimal participation not only government officials, but also serving and retired ambassadors, DIRCO; the DOD, and the AU, EU, and UN special representatives intercede. This particular trait of impartiality is also encouraged in various literatures. For example, Touval & Zartman (2005:434) wrote, "mediators must be perceived as having an interest in achieving an outcome accepted to both sides and that the mediator is objective.

When DOD participants were asked, some DOD respondents had different opinions on issues discussed, they cited that as far as they could recall, South Africa is not mediating in the current eastern DRC conflict, but is involved in mitigating the current conflict through provisioning of a contingent force of peacekeepers and capacity building aimed at stabilising the security situation and strengthening the DRC government institutions, respectively. Moreover, as for other actors, (said) they appreciated every effort aimed at improving the security situation in the eastern DRC, however little it may appear, it contributed to the overall mediation effort. It should be noted that poor results in the eastern DRC are a concern, and citing that AU and the UN are grappling in augmenting the South African efforts to resolve DRC conflict, arguably due to specific conditions such as sound political and financial backing from the Western powers.

Like other participants, the majority (of DOD members) alluded to the fact that the mediation should be a continuous process designed to resolve differences between the parties to the conflict, in order to address emerging and residual manifestations of conflict, by reinforcing successful mediation thus creating opportunities for the deepening of the peace process. They were of the opinion that it may be necessary that mediation be undertaken with the parties outside of the conflict zone (i.e. the eastern DRC) at the higher level of negotiations, whilst some differed and suggested that mediation could preferably be undertaken within the DRC itself, but away from the main area of conflict. However, it is also necessary that, at another level, mediation be undertaken in the Kivus in order to engender a "sense" of peace process among the communities and South African role players. Other interviewees mentioned the importance of admitting that the DRC conflict has regional and economic dimensions and therefore any genuine mediation could not continue to

pretend that these elements do not exist. There is a need to first ensure that foreign interference from the neighbouring states with perceived adverse motives is reduced, and those who are implicated in the conflict are isolated.

The report also considered international sampling and obviously the US participants were amongst the target group. One of the respondents from the National Security Strategy Organisation in the US agreed that South African government officials have a political mandate that confers them with the responsibility to resolve conflict in the Great Lakes region. To sum up, the current situation emanating from the recent democratic elections in the DRC was brought about by the political and diplomatic capacity of South Africa and its leadership and this respondent believed that South Africa is using its political legitimacy, diplomatic capacity and regional hegemonic clout in the eastern DRC. South Africa has sufficient economic and military capacity to resolve the situation in the DRC, although other inherent challenges emanating from various factors affect the country, such as political pressures and national priorities. Furthermore South Africa's economic and military capacity to resolve the eastern DRC situation requires a financial injection from the international community. Former President Thabo Mbeki was obviously the first mover of this idea, since the concept of an African Renaissance the South African government's foreign policy has been centered on the alignment of all government activities and resources around issues related to challenges of security, namely conflict resolution, promoting peace and security peacemaking and peacekeeping (Venter, 2007:258). Further, whilst promoting peace, he encouraged international cooperation between Africa and outside world.

Whilst the report observe the importance of peace, effectiveness on mediation is equally important. The respondents' views on whether the South African government and the AU PSC handle the mediation in the eastern DRC effectively and efficiently drew encouraging views. One of the interviewees said that South Africa has taken a cautious approach in dealing with many conflicts in Africa and the DRC in particular, due to its history, and mentioning that this might be due to various political reasons, such as being accused of regional hegemonic dominance. He further recognises that, the consequence nonetheless has been that the conflict remains unresolved and only temporary cease-fires are achieved at times, and thereby the effectiveness and efficiency especially are usually compromised. The respondent (Premier's office)

also cited that South Africa has spent considerable amount of resources to realise peace and stability on the continent, although this has been done with the help of the international community. When I look at the DOD, these DOD interviewees argued that one would have to glance at the South African efforts holistically, not only in the eastern DRC in isolation. It became clear to this end, that South African government's mediation yielded positive results, if one look on the progress consequential to "All Inclusive Agreement and One Plus Four Presidential Arrangement for Interim Administration before the 2006 democratic elections. Insofar as the AU is concerned there is however very little effort demonstrated in this regard.

The same could be said on the responses if South Africa, the AU and its sub-regional bodies have the capacity to mediate the current conflict in the eastern DRC. In this part of the report it is evident that most participants agree on the South Africa, the AU and subregional bodies' capacity and also recognise that they could not do it alone without the assistance of the international community. But one interviewee (researcher) cited that the AU is fairly young and it should be understood in that context. Although he was the first to admit that the AU through implementation of the protocol relating to the establishment of the PSC, the AU has constructed a robust structure to carry out its mandate. Accordingly, it became clearer that several of the operational mechanisms are still being designed and are still not functional. Its framework for conflict and crisis management, however, shows a deviation from the traditional Western approach to conflict management and thus presenting a hope for a better organ in terms of mediation and diplomatic relations across Africa.

When it came to conflicting ideas, the respondents had conflicting views with regard to synchronisation between national governments and the systems of the AU. Some interviewees argued that the AU is facing obstacles in promoting security due to problems regarding weak institutions caused by the unstable and fragile democracies and weaker institutions. And, like other great negative stories on mediation of conflicts, a plethora of ideas were received which also argued that presently there are challenges owing to absence of genuine collective commitments and capacities. Other participants cited that the AU's PSC is a tremendous arrangement. And further PSC has significant strides towards effectiveness, even though the structure lacks maturity to enforce decisions. As a result these decisions are neither backed nor supported by some of the African dominant powers.

Consequently, the details of how the PSC will function with national governments and subregional bodies and capacity to support decisions of the subregional bodies still has to be determined. These capacities of the subregional bodies invariable need significant improvement.

The AU's direct model seemingly is based on relationship with subregional bodies' arrangements. Some of DOD participants believed that the AU is fairly new and APSA is unable to fulfill its objective to increase AU capacity in planning and conducting of peace support operations. And they also cited that AU is challenged by insufficient financial resources. Whilst reality should be used as the sole means of staying with challenges in Africa, in comparison with other subregional bodies and the UN, minimal progress made in other parts of Africa, available resources are overstretched owing to continuous under funding (of the AU) by its member states and it is a foregone conclusion that the AU's require dependence on foreign donor funding from the EU and other countries to operate optimally.

It was clear that South African government, the AU and states in the Great Lakes region could not succeed without good working relationship with other role players. The respondents were in unison that South Africa, the AU and states in the Great Lakes region are in different stages of readiness. As a result in their opinion the AU would find it difficult to implement decisions in the eastern DRC.

One interviewee expressed much concerns about the immediate states in the Great Lakes region would in effect not want any mediation in the DRC especially sustainable peace. In his view the reasons are being that Rwanda and Uganda troops are engaged in war profiteering under the disguise of territorial protection. Participants, mostly from the research institutions and the DOD, share the same sentiments in that South Africa and the Great Lakes region states are the current mediators and are doing well in the DRC. According to the participants (interviewed) much of the capacity required for mediation, but the peace process requires financial injection and political backing. The expectation, said the participants, is that the West is required to be prepared to advise the mediation efforts in the DRC as and when required.

The DOD participants shared the view and agreed that mediation in the eastern DRC is first and foremost an African liability in conjunction with the UN, and nevertheless, any Western country involved in support in the mediation process should be performed on the basis of the African endeavour and help the African initiatives financially and logistically.

The majority of the participants' preferred an improvement on mediation of conflicts in Africa, since inception of the AU from the OAU, there was a general feeling amongst the respondents and participants in this study that the AU has increasingly acquired a more structured approach in conflict resolution. For example an interviewee from DIRCO articulated that South Africa has taken note of the voice of civil society, the elders and retired heads of states, such as Masire, Chissano opening up space for mediation, and this has legitimised South African efforts in the eastern DRC. One of the respondents pointed out that an improvement is noticed, in that the AU has embarked on a system of holding countries and leaders accountable for their actions, although in so far as these two security regimes nothing is different of the AU and the OAU. For example it is evident the decision making processes seem to be lacking positive actions and the AU recently in Mauritania provided an official stance by not recognising the military junta. Additional, although the establishment of the PSC and the call for NEPAD peer review mechanisms add value to the AU approach to conflict management, the AU is still immature compared to other subregional organisations, meaning the North Atlantic Treaty Organisation (NATO), the Organisation of American States OAS, to mention a few, but despite being viewed as a new organisation it has made significant strides on a smaller scale in its endeavours to manage conflicts on the continent.

On aspect of their opinions with regard to the challenges impacting on mediation in the eastern DRC in relation to the instability of the Great Lakes region the researcher noted wisdom amongst research target group. For example, one of the former South African ambassadors did mention that the challenge is that people yearn to witness results in the stability in the DRC, which is an economic social condition that is necessary to be taken account for. It was also mentioned that for any negotiation, hostilities ought to cease, so as to make possible for the citizens to carry on with normal life. In other words the DRC government should give space, since mature leadership is critical, the role of the government should guarantee peace and be able

to deal with spoilers. Another interviewee in DIRCO cited a number of challenges regarding mediation in the eastern DRC, as (1) the resourceful nature of the eastern DRC that attracts a number of external and internal parties with the view to predating and benefiting out of the continued conflict, (2) the question of citizenry and the porous nature of the borders without state authority to ensure effective control over the border crossings, (3) the refugees and alleged fugitives from Burundi and Rwanda genocide of 1994 who have established a safe haven in the eastern DRC, (4) lack of state authority over the eastern DRC, mentioning that all these are some of the challenges that contribute and impact negatively on the South African governments mediation processes in the eastern DRC. In some of the interviews within the DOD, it became evident that challenges include the complexity of the internal historical factors in the DRC, the ethnic dimension of the Hutu-Tutsis relations, location, origin and allegiance of tribal groupings. This also alluded to the factor of struggle for dominance of mineral resources in the eastern DRC and the rights to ownership and wealth exploitation. The second factor relates to the inability of the mediators to engage in a meaningful dialogue with all the parties in conflict to reach consensus and effectively participate in the process. There was a general concurrence that the DRC lacks credible leadership on the mediation process which conflicting parties can trust.

Whilst South Africa has made an attempt in ending the conflict in the DRC, the enforcement of decisions poses a major challenge. Although the parties involved in the mediation process reached agreements, seemingly commitment for necessary actions required for enforcement is inadequate. There was also a general feeling amongst the participants that the AU and its structures should be capable of using both mediation and power to implement South Africa's mediation efforts, and also that honest brokering and resources are the key to conflict resolution.

Generally there were similar views pertaining to improvement, even though one of the respondents from J Ops argued that improvement could be attested owing to the end of the Cold War and what can be referred to as the resultant "de-colonisation of conflict". Several challenges still remain; however, key amongst the most visible improvements is the extensive recognition of the significant need for intervention in a country's affairs (both) as part of conflict prevention, management and resolution.

The DRC and other African countries cannot successfully present pronouncements concerning their sovereignty and territorial integrity in order to avert the AU and South African mediation. Among many examples are Zimbabwe and the Sudan which are instructive in this regard.

It was argued that something needed to be done to achieve durable peace in conflict; within the context of the AU and its sub structures drew encouraging views on mediation. Dissimilar answers were provided; in that most respondents elaborated by citing that the AU has developed an excellent structure to handle conflicts through its PSC and the major they could allude to had been the challenge of enforcement and implementation of decisions in order to effectively deal with security matters. Some said that this would require all elements of the AU structure and substructures to improve their capacity. They said that, this can only be achieved when all parts of the organisations function effectively and contribute towards mediation in the eastern DRC, thus bringing proper results in conflict resolution. During interaction with the Defence Headquarters (DHQ) and J Ops interviewees, the eye-opener has been the multidimensional approach to the resolution of the conflict. Both suggested that it is imperative that the role players embark on a broader strategy and such approach should be reflected even in public forums, including the media campaigns. They admitted that, part of the bigger problem in the eastern DRC is the economic welfare of the state, and mentioned that it was their view that Burundian government, for example, would also feel comfortable if there could be a free flow of goods in the region and an element of economic development trust for a common goal for stability. This will ensure common destiny in sharing resources and leaders should work towards regional integration of the Great Lakes region. For these to be achieved Rwandan and Ugandan troops need to be removed from the DRC and proper regulation need to be implemented around the use, production and sales of its lootable resource (gold, cobalt and diamonds), and as a compromise the war lords need to be incorporated into the governance system at the local level. Also the issues of security, political stability, economic opportunity and reconciliation need to be addressed thoroughly before we can think any durable peace.

On the other dimension there was a general feeling that the Western media and others are pursuing a campaign, which basically vilifies the DRC government forces like FARDC on allegations of human rights violations, whilst the same actors seem silent about the foreign interference on illicit trade in minerals and on other agendas that impede peace processes in the DRC. Such endeavours can serve to divert attention from the real issues, to dissipate and criminalise efforts aimed at stabilising the eastern DRC.

I believe that legal is a crucial ingredient in mediation or in addressing any matter, although the participants in this study could not dwell and show on much awareness of the legal framework, laws and policies in place for mediating and dealing with the conflict. A DOD interviewee said that South African Constitution, foreign policy; the AU PSC, the UNSC, the UN and International law are the main guiding principles for the South African government to mediate in the DRC. Again, the evidence abounds, as such, South Africa in conformity agreed 2005 UN encouragement that states have responsibility to protect, meaning/implying that prior to the use of force, mediation would be used them as a mechanism that could be invoked in the resolution of a conflict. As well as alluding to bilateral amongst states as well as agreements amongst the parties in conflict. Almost all respondents accepted that they have a general working knowledge of the laws and policies; some of them support South Africa's policies, the AU and the UN structures that have been established to manage conflict in the eastern DRC. As regional organisations have developed around the world, some interviewees argued that the DRC conflict should not specifically be looked at in isolation from other conflicts anywhere on the continent or in the world. For example there are regional and world legal frameworks, laws and policies that guide the mediators, which inform the management and mitigation of the current DRC conflict as it is currently managed and mitigated. A DIRCO interviewee even professed that it is PSC fundamental concern that countries subscribe to UN Charters, negotiated and the AU conflict management guide. And also, that countries implicated in the DRC conflict should desist supporting rebels in the DRC. According to one interviewee, legal frameworks can lead to value the sovereignty of the DRC suggesting that neigbouring states in the Great Lakes region should have bilateral agreements, even trilateral given that the Congo does not nurture concerns of the vastness of its territory and as a result external actors exploit those weaknesses.

Reponses on issues on whether there is sufficient political will amongst the AU member states to enable the South African government to respond effectively to the mediation in the eastern DRC had various responses. The respondents are of the opinion that there is a political will amongst the AU member states to enable South African government to respond effectively to the mediation in the eastern DRC. Some complained of individual countries in the region such as Burundi, Uganda and Rwanda that create unfavorable sustainable mediation efforts for the region. For instance, they said the Rwandan government feels threatened by the rebels in the eastern DRC and the refugees, whilst the displaced people require protection from the international actors. Participants from DIRCO said that countries look at the DRC with different lenses, with different interests hence there is a cloud hanging over the whole South African efforts.

A former ambassador in mediation in the eastern DRC put it clear that the national interests of various actors override everything and he believe that if one afford South Africa a bigger role, it might mean more economic advantage, as a result South Africa might not actually receive full support and hence some actors prefer to align with negative forces. Furthermore, he said that, the DRC has inadequate capacity to enforce and protect its borders. Some agreed and alluded that it is due to poor, ineffective and dysfunctional governance and state institutions. A response from the participant from the Stellenbosch University said " No", arguing that by the nature of power politics in an anarchic world system state sovereignty remains a fundamental governing principle and other states would lack political will to see another state interfere in the internal politics of others, as this might symbolise a move towards putting their own states under the category 'next on the agenda', further putting that AU member states have countless internal challenges.

Various instruments have been used to achieve peace in this conflict, to begin to hammer this question responses were that, the South African government's engagement of parties through negotiations, peacekeeping, confidence building measures amongst states, either through opening up of embassies in that region or encouraging business community to invest in the DRC had been critical. According to this report these included structured bilateral meetings amongst government officials and heads of states, including the early warning mechanisms to highlight potential dangers and mediation as early as possible.

The DIRCO interviewee for example mentioned that Burundi party's pull out from recent election list required early mediation or at least political intervention.

Participant from the US, ACSS said, the AU PSC, the UN peace keeping forces and the EU's Operation Artemis were instruments to achieve peace, although they do not necessarily mean that peace has been achieved. And some participants highlighted that the diplomatic efforts have brought ideas to end the conflict and further articulated that, although the development is preferred and organised, a durable peaceful environment has not been accomplished to allow the foundation for an affluent life for everybody. Because the security capacity by the DRC to provide peace is inadequate in the eastern DRC, this restricted the effectiveness of other elements of national power. Some respondents, especially the SMEs, argued that the mediation, diplomatic, political and economic efforts have been employed as instruments in endeavouring to achieve peace in conflict in the DRC and have been used at length.

It is important that South African government required cooperative efforts between the regional organisations and the UN to mediate its conflicts. To this end almost all participants agreed that South Africa's regional approach to issues of the security challenges affecting the region is commendable. Further, they said any global conflict requires co-operation amongst various regional powers, so the South African government has to cooperate with other regional organisations. Furthermore as mentioned previously that due to the lack of financial resources and institutional memory, South Africa has to rely on regional organisations (touched upon earlier) and the UN for technical assistance.

Lastly, it was interesting in viewing the responses for the sub question on whether there is sufficient political will by both African and the Western powers to honestly mediate the eastern DRC. Participants agreed on that, but with contestation of the historical role, i.e., the role of the colonizers is vital, and that South Africa cannot be excluding them as they come unannounced at times. In mediation the EU in particular has a political will to mediate in the DRC, some felt that the fact that Operation Artemis has been the first one of its kind outside the boundaries of Europe done by the EU. However, some interviewees said that the US has to be an impartial mediator and also make the necessary resources available.

Although, there are concerns, some argued that there is a political will from the West to support the mediation process in the DRC because of frustration, as the mediation process does not yield any positive outcome. But the Western powers expect accomplishment within their own pace and expect other parties to pursue the agreements. Some other participants are of the opinion that the EU in particular has a political will to mediate in the eastern DRC.

CHAPTER FIVE

DATA ANALYSIS

5.1 Introduction

The raw data presented in the previous chapter revealed the roles played by the South African government and its representatives in mediating the conflict in the eastern DRC The analysis in this chapter should be viewed with possible consideration of the size of the sample mentioned in Chapter three (3). Therefore, it is too early to draw inferences and a firm analysis on the state of conflict and mediation in the eastern DRC due to the complexity of the conflict. This chapter analyses the data presented in chapter four (4).

5.2 Analysis

Almost 70% of the participants agree that South Africa and its representatives have adequate capacity to mediate in the eastern DRC, based on its previous experience since the dawn of democracy. South Africa also appears to have accepted the role of mediation as part of its foreign policy objectives, whereas 30% seem to have different opinions. From the data gathered, it is clear that all participants believe that without the adequate political will, sufficient resources and commitment by other role players and parties in conflict, there is a major dilemma in the mediation in the eastern DRC.

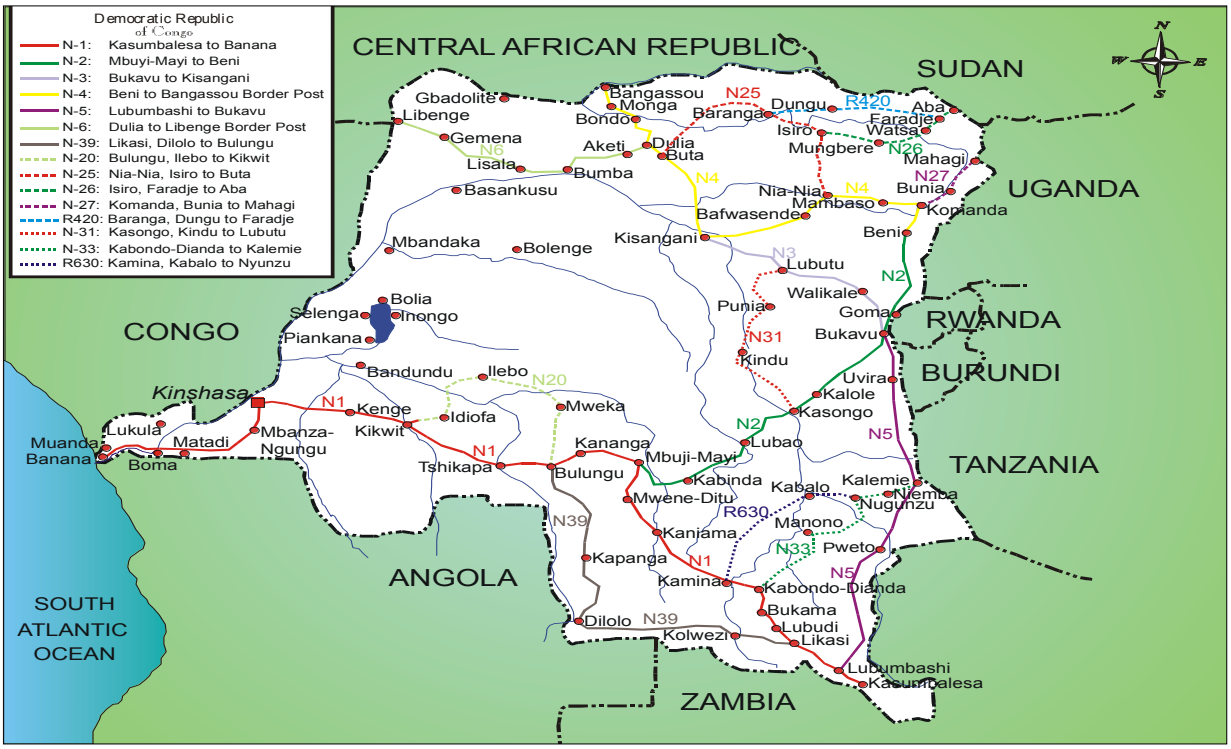
5.3 General observation

It appears that the call on South African role players to embrace the mediation efforts is the key to resolving the DRC conflict, and according to the Final Report of the Bi-National Commission (BNC) between South Africa and the DRC dated 5 April 2006, these have been coupled with confidence building measures through employment of government departments in assisting rebuilding programmes. For example, the bilateral agreements encouraged the South African government departments to continue meeting with their DRC government counterparts. Further, as part of confidence building there had been a general cooperation agreement to promote political, economic and social cooperation between the two countries.

There is also a need for measures to ensure the political will by the regional and

subregional actors (the report by the SADC Assessment Team, dated Nov 2008) to enable the South African government to respond effectively and yield positive results. Although South Africa and its representatives are doing fairly well and handling the mediation effectively and within the agreed legal framework, 60% of the participants in general felt that the efforts are inundated by challenges. Some of these challenges are caused by of rebels on the borders of the DRC, Rwanda and Uganda. Within the DRC rebel actions are implicated in illegal acts such as the extraction of mineral resources and displacement of the population. These rebels are co-located in some of the neighbouring countries shown in the map of the DRC shown below.

Map of the DRC



Source: MONUC Security briefing to RSA Contingent in Department of Defence Mobilization Center, in Bloemfontein 2003.

One of the revelations evident in both the reports and by the respondents is the belief that achieving durable lasting peace through this mediation is being hampered by the challenges as mentioned in the previous chapters. Almost 80% of the DOD personnel feel that the issue of South Africa's military funding should be revised and

improved to address the South African National Defence Force (SANDF) capacity problem in order to resolve the situation in the DRC, as well as peace keeping capacity.

There seemed to be a concern that the current involvement in illegal activities such as mining of the mineral resources and the displacement of the population through armed actions undermine the South African government's representatives' efforts. It is evident in the report and discussion during interviews that, despite the legal framework empowering the mediation actors in mediating in the eastern DRC amongst others the South African government's foreign policy, bilateral agreements and within international law, its foreign policy shares its space with issues such as influencing peace process by mediating the conflict in the eastern DRC. In this case South African government has drawn its mandate from chapter VI of the UN Charter especially from Article 33. Wallensteen mentions that governments may take measures such as mediation by resorting regional arrangements and peaceful means of their choice (2007:94). As such whilst one of the respondents had argued during the interview that mediators cannot talk peace at the expense of justice for the innocent citizens of the eastern DRC who continue to suffer, following humanitarian atrocities perpetuated by some of the military leaders, rebels and government forces alike. Clearly South Africa is playing an important role in the mediation of conflicts, promoting peace in compliance within the AU/UN legal framework, including the locally agreed agreements within the context of regional efforts and other policy considerations in the AU and UN reports. For example South African government's is involved as member of international community in the eastern DRC in collaboration with the UN MONUC, whilst continentally it had been facilitating assistance to the peace process through diplomatic process. Khadiagala once mentioned that, although there was political will for intervention in 2006 in the DRC amongst the AU member states, inadequate resources result to lack of influence by the local actors (2009). Similarly, even the NEPAD reports highlight such commitment regarding the progress and achievements despite the challenges of the policy implementation (NEPAD: 2005:3).

There appears to be policies such Article 52 of the UN charter, Pretoria summit Communiqué dated 23 1998, Entebbe Regional Summit 1998, amongst others that transcends to conflict resolution and mediation of conflicts, particularly with respect

to commitment by the countries such as South Africa in resolving the conflict in the DRC through mediation, thereby achieving peace in the entire Great Lakes region (Solomon, *et al* 2008:122-126). Furthermore, Khadiagala argues that, although South Africa and SADC facilitated peace process through diplomatic practice such as the Lusaka Agreement, the Sun City Agreement, the Inter Congolese Dialogue etc., but it appears that there is lack of cohesion and political will by other actors mentioning that success depends on South Africa playing a leading role (2009).

Additionally, there is a general feeling that other international actors continue to register minimal achievements in policy and adhere to legal compliance requirements emanating from the regional, neighbouring countries to the DRC and the mediation instruments. The specific challenges can be mentioned in this report based on the analysis during the sampling stage of this study as follows:

a) It appears that South Africa has not managed to diplomatically engage regional governments that continue to violate the sovereignty of the DRC. This action seemingly has violated the same legal framework of the AU/UN Charters, let alone the fact that these governments are AU member states. The TV news alluded also to the fact that, the SADC efforts are nowhere close to achieving peace in the DRC as a result of the activities caused by the unresolved rebels occupying the eastern DRC (TV news on E News, 20 June 2010).

b) Undermining of South African Mediation. The South African mediation also appears to be undermined by the actors who continued to receive indirect support from neighboring states in the form of human resources. This is evident in the literature of Professor Solomon, he mentions that retrenched by the DRC government soldiers are reported to readily join ranks with other rebels in destabilising the eastern DRC (2008: 46-58). Seemingly, with issues and challenges of some negative international actors, mediation is equally challenged by the deficiency of reliability amongst the member states. But in the positive note, the commitment to mediation by the other role players is also another factor that seem to contribute positively to the mediation of any conflict, for example SADC agreements and international law.

Although, one of the interviewees argued that the recent agreements and pronouncements of the AU and its main regional mediator do no longer give priority to human rights. In this regard the Democratic Rwandan Forces for Liberation of Rwanda (FDLR) is reluctant to return to Rwanda before the dialogue takes place and before their integration is fully monitored by the mediation actors. It appears therefore that it is fundamental that mediators should have meaningful dialogue conversing as these important issues that address the challenges hampering peace in the eastern DRC. And, also, the Assessment Team's report in Nov 2008 indicate that the DRC has showed commitment in resolving the ex-FAR/Interahamwe issues, although it has constantly failed to leave according to its responsibility as the government despite the measures employed by South Africa. On the other hand, Rwanda seemingly lacks the sufficient political will to support South Africa's effective mediation in the eastern DRC. During the time of my interview with in the interview with the SANDF Chief of Joint Operations (CJOPS) participant, Rwanda's government had been non-committal to the CNDP issue alleging that it is a Congolese problem. And, also viewed that according to Rwanda the Amani Programme is an internal DRC entity. One can conclude that the challenges imparting in the mediation in the eastern DRC are among others due to a lack of political will by some regional actors, and some actors and parties in conflict. Also, international support by those states and the Foreign Direct Investments (FDIs) involvement in mineral plundering are hampering the South African instruments. The lack of a substitute for financial revenues for those who have come to depend on lucrative financial resources for their survival, continue to pose a challenge in mediation in the eastern DRC. Consequently, instability is caused by the fluidity in the Great Lakes region as a result of individuals, communities and rebel groups that depend on these resources. This study revealed a number of shortcomings at the level of mediation in domestic programmes that were meant to complement the South African mediation efforts. Furthermore, MONUC appears to have the following limitations and challenges:

- The conversion of the Constitutive Act and Protocols into implementable institutions impinges on the mediation efforts in the DRC.
- AU limited means, for example some of the tools are not fully developed yet i.e. the instruments like the Panel of the Wise.
- There seems to be a challenge regarding the relationship between the AU and other subregional organisations such as SADC etc., as the subregional organ is not effectively coordinated and synchronised due to poor organisational interaction.

Based on the interviews, the report can conclude that the AU, South Africa, the SADC and the UN do not seem to have coordinated efforts in mediation in the eastern DRC. One participant from the academic community, for example, argues that during the arrest of Bemba the AU did not approve, whilst the UN approved. More can be done in the eastern DRC, but the ineffective implementation of the sanctions as conflict management mechanism tool hampers South African progress. For example, the insufficient implementation of the mediation programmes results in ineffective mediation of that conflict. In the literature review in Chapter 2, Peck (2005:561) is referenced, arguing that the sanctions are a tool for conflict management, therefore the external actors have not effectively used this tool as the mechanism of mediation, or rather not implemented it at all. Although the big powers have instituted sanctions against Mugabe regime and it could be used in the DRC mediation but unfortunately, if the big powers are involved, nothing happens.. Secondly, it appears that the absence of the rule of law and the ineffective security sectors and infrastructure and the poor/ underdeveloped civil society, as well as the proliferation of local militias pose a challenge to the mediating actors. This view is also argued by Solomon, et al (2008:48-49) articulating that the social, economic and political context of the DRC poses several challenges for MONUC and its Disarmament Demobilisation, Reintegration, Repatriation and Resettlement (DDRRR) programmes, due to the lack of security, trust, reintegration, proper education and the renewed militarisation. He further (Solomon, et al 2008:49) supports the revelation by other respondents who argues that DDRRR programmes have also been hampered by the lack of strong government structures in the eastern DRC and the lack of a unified, integrated national army to augment the transitional government.

The DOD participants revealed that non-political instruments like MONUC could not cope effectively with the current development in the eastern DRC without the UNSC. According to the interviewee at PMTC, MONUC, as one of the instruments, has been perceived as biased and taking sides. MONUC has been accused of being involved in business in North Kivu, whereas in South Kivu, MONUC has been reported enjoying good co-operation with all stake holders (responses from the questionnaire in Annexure B).

5.4 MONUC challenges

On the basis of triangulation data (text analysis, interviews and questionnaires), it is clear that MONUC, as one of the instruments of mediation, cannot effectively execute its mandate in terms of supporting the government of the DRC and providing assistance to the FARDC. Solomon writes that, lack of trust between MONUC and the DRC government had, to a larger extent, not yielded positive outcomes in resolving the issue of foreign-armed groups operating in the DRC (2007:79). Further, it appears that violation of agreements such as the Lusaka Ceasefire Agreement as well as the South African government sponsored Pretoria Agreement in the eastern DRC by both Rwanda and Uganda has moreover challenged the South African governments in the mediation process. It could be also observed that there was a lack of commitment amongst some of the stakeholders, both locally and abroad, resulting in MONUC being unsuccessful, for example Solomon noted Rwanda's attitude towards MONUC (2007:51). It is further argued that given the necessary political will and necessary resources from the beginning, MONUC would have been a success and according to the view of the assessment team's report the internal arrangement to implement mediation could be an excellent initiative (Assessment Report, Nov 2008). In response to the mentioned challenges, the South African government officials continued playing magnificent role as mediators in the eastern DRC.

5.5 Conclusions regarding the different views in questionnaires and interviews

It also appears that there is a general impression that South Africa has adequate capacity, however, this should be understood against the backdrop that South Africa is an individual player and can only contribute meaningfully through being part of a

plethora of other role players, i.e. regional, continental and global organisations in the name of SADC, AU, EU countries and the UN. This can be informed by the government's recognition that regional actors should play significant role in peaceful resolution of conflict in eastern DRC (Peck, 2005:562). Furthermore, as a regional actor South African government places a high premium on relations with the conflict resolution region and some of the literature amongst the others argues that the South African government foreign policy stresses that South African government must play a significant role in mediation and negotiation efforts in the DRC, Zimbabwe and others (Venter, 2006:254). Based on the interview with the DIRCO interviewee South Africa can address the mediation challenges with the necessary resources and moral support from other role players. The writer is of the opinion that, South Africa is part of the broader regional economic groupings that have all the capacity to address the mediation process in the DRC, but who have not yet participated significantly.

Other actors that the AU has not been able to control successfully are the spoilers in the region and within the eastern DRC; hence it has delayed South African efforts to bear fruits. The external actors are not necessarily in the region with a conscious agenda, but the results of the action are the same.

South Africa has spent a considerable amount of resources with the support of the international community to assist the AU in calling up its military contingents as a mechanism to augment the mediation efforts. And, although the political will to employ and deploy the non-political instruments like the standby brigades is necessary, available and significant, the AU capacity has not been explored. Furthermore, in my opinion, the recent statements by the Kenyan president, Uganda and Rwanda have shown the ability of the political actors with the arrest of General Nkunda (interview with participant), and it is evident that there is a need to encourage the multiple utilisation of actors, by the implementation of the agreements.

It appears that, whether the South African government's role and capacity are effective or not, the problems in the eastern DRC have been external to Africa. For example, Africa does not produce weapons; they are mainly produced in the West

(Britain, the USA and France) and the east (view of the DOD participants). The effective banning of weapons is primary, but these spoilers continue to pay the insurgents in euros, pounds and dollars. The international actors have not made it impossible for the rebels to undermine the South African mediation efforts in the eastern DRC. The arrest of Bemba cannot necessarily address the issues. Although some good work has been done, it is not enough. Seemingly, a multipronged approach by using political and non-political power is crucial to find a political settlement, and seemingly it appears as if it has not been quite due to the lack of information. The South African government expects the international actors to play their part, but it is not possible now or in the near future. The projection of proxy in the region must be limited as far as possible. Although the AU has improved Rwanda and the DRC once converged together to resolve the problem in the eastern DRC, that action alone seems to be a step forward, hence is commendable. The East African Community (EAC) as a region is also an indication of improvement, but the challenge remains the incapacity of the government of the DRC to resolve its conflicts, together with its neighbouring states. Kofi Annan shared this view when he argued that the absence of effective state institutions and reliable governance mechanisms makes populations highly skeptical, both to domestic and external shocks and political instability (Kofi Annan, 2010).

Plausible, a fragile state like the DRC really needs a collective responsibility in an effort to strengthening the state institutions. Furthermore, the increased suspicion and distrust amongst the subregional states pose yet another challenge for the mediated DDRRR process (Solomon et al., 2008:59-60). Rwanda repeatedly accused the Kinshasa government of supporting rebel groups operating in the eastern DRC. Arguably, when the various role players in control of various programmes fail and signatories of various agreements fail to trust one another, the amount of trust the civilians have in the system is questionable, putting enormous pressure on the South African mediators (Khadiagala, 2009).

Since the AU is the clearing house where it is determined as to where, what and when things will be done, South Africa may lack the capacity to implement AU decisions without the influence and moral support from other actors. In an attempt to address the shortfall, the South African government must be effective in the manner in which it exerts pressure on those actors to cooperate.

CHAPTER SIX

DATA INTERPRETATION

6. 1 Introduction

The interpretation of data outlined below should be examined with due regard to the possible implications of the size of the sample. Another factor that may influence the findings is the fact that most respondents completed their questions through the Internet, whereby there was no interaction (between me) and the participants for clarification purposes, thus some of the questions were not answered and it is disadvantageous to the outcome of the study. The report will be adjusted accordingly, should the outstanding responses are received prior the submission date. In this chapter the report is structured to address the general impressions, perceptions and attitudes of the participants in the study towards South Africa's role in mediation in the eastern DRC.

6.2 General impressions on the South African government's role and capacity in mediation in the eastern DRC

Khadiagala argue that although peace in the DRC is still very much work in progress, South Africa has contributed to a foundation of a national framework that potentially addresses unresolved problems in the DRC larger periphery (2009:78). The South African government has covered some ground with regard to mediation in the eastern DRC through commitment to multilateralism, own experience, and human capacity, although the efforts are being flawed by enormous challenges. Specific observations that can be made on the basis of the study can be summarised as the following on the fact that there is general agreement that the UN recognises regional actors like South Africa as legitimate actors in the field of peace and security.

There has been a positive shift in the perception of South Africa towards its role in African peace and security, in that the South African government seems to be committed to peace and security in the DRC within the broader AU structures, which include engagement in the AU vision, mission and strategy. As part of SADC, the R SA has bilateral agreements with the DRC, and this bilateral emanates from two agreements, i.e. South Africa played a facilitation role in the DRC to decide on its

future, and South Africa is ready to assist when it signed the Defence cooperation agreement, although it has problems in the eastern DRC.

The latest 2005 annual report of NEPAD addresses the conflict in the DRC, which includes the significant role played by South Africa (NEPAD report, 2005). The AU policy enforcement measures seem to be weak, because of the regional dynamics that hamper the South African mediation efforts in the eastern DRC. Ineffective, inefficient dysfunctional national institutions in the DRC continue to undermine both the South African role players and UN efforts. There is also a lack of mediation capacity in the AU and its subregional structures, and the UN since its operational mechanisms are still being designed and are still not completely functional yet.

The general impression amongst the participants is that the South African government with cooperative arrangements with the AU PSC and the subregional bodies such as SADC are doing enough in the Great Lakes region despite enormous challenges. They have taken note of the voice of the civil society, elders, and retired heads of states to open space for mediation. Although, some participants are of the opinion that Rwanda, Uganda and Burundi issues must be resolved first, before any meaningful security solutions could be achieved in the eastern DRC. This view is also evident in the analysis by the peace and conflict monitor, Mukenge (2009). She considers the failure of various peace initiatives in the eastern DRC and suggests cooperative dialogue between the Rwandan governments and the Democratic Rwandan for the Liberation of Rwanda Forces (FDLR) in order to solve the long lasting conflict.

The domestic initiatives to augment the South African actors and initiatives are meeting enormous challenges. For example, one participant indicated that the local structures and the government peace building and prevention efforts that were sponsored by the international actors could not be successful. There seems to be a gap amongst the South African role players, in achieving sustainable results mainly caused by the instability of the Great Lakes region, and also as a result of several obstacles to the DDRRR programme including the lack of strong government structures in the DRC.

Furthermore according to one of the interviewees, there is lack of a unified, integrated national army to complement the transitional government and also gradual reduction of obstacles to human security, compounded by the weak institutions for self-management.

Policy implementation measures and policy enforcement measures also seem to be weak. Despite poor policy implementation, South Africa, the AU, UN and other individual states involved in the mediation efforts in the eastern DRC, yield positive results. However, there is still more to be done. According to an interview with J ops interview the international community has not isolated and brought to book those countries and businesses that continue exploiting the mineral resources in the eastern DRC thereby prolonging the conflict (2010, June)

There is a positive impression amongst participants, and they agree that South Africa, the AU, with its PSC, handle the mediation in the eastern DRC well with Western powers, arguing that the political and diplomatic capacity of the AU, PSC and its subregional structures indicates the ineffectiveness in mediation. Amidst the difficult situation in the conflicts in the Central African Republic (CAR), Chad, Cote d'Ivoire, the Comoros, Equatorial Guinea, the AU, PSC, has handled Madagascar, Sudan, and Zimbabwe unsuccessfully and incompetently (US Respondent, July 29). Further, the US participant had an impression that the stability has been restored in CAR, Chad and the Comoros and there are positive indicators that the situation in Madagascar, Sudan and Zimbabwe will be resolved, despite internal developments upsetting mediation efforts.

Based on the argument by most respondents and the participants in this study, South Africa has the capacity to fulfill its foreign policy objectives and the AU mandate, as it appears to exercise a high degree of impartiality and credibility in its mediation role.

Seemingly, the attempts to improve the capacity are crucial as the South African government; SADC and the AU PSC require enhanced levels of resource support through sound political and financial backing from the West. These Western actors need to bolster both political and non-political instruments that should include both, diplomatic and other mechanisms to ensure peacekeeping efforts by providing more negotiating capacity and military capabilities of the Congolese government.

6.3 Instruments of mediation

From the literature reviewed and the data received from the interviewees one may argue that the mediation in the eastern DRC has been one of the major headaches for the South African leadership including the AU. These participants have a general feeling that the South African strategy of negotiation, peacekeeping, and confidence building measurers amongst the states is critical in mediation of conflicts, including the employment of South African embassies in the proximity of the Great Lakes region. Further, these instruments are critical to find an everlasting peace in the DRC, including provision of an early warning element in that region. Furthermore, there is a general impression that both structured and bilateral meetings are significant in South African mediation in the DRC.

For any mediation to succeed the South African government wishes to operate under the banner of NEPAD, as well as within the context of the AU PSC, the UN, and both national government and regional efforts, through to the MONUC. These efforts, however, do not necessarily mean that peace has been achieved by South Africa alone. It appears that hard work employed had been augmented by a mixture of bilateral, diplomatic advocacy, and SADC, the AU and the UN systems in conflict resolution, including the policies from various actors, with some outside the legal framework.

Observations are that South African government identified the growing importance of regional and continental cooperation (Venter and Landsberg, 2006:254). Over years peacekeeping, preventive diplomacy have been used to achieve peace in Africa (Solomon, 2008:26).

According to Aziz Pahad, the South Africa government has endeavoured to ensure stability, democracy and inclusive political economic and social systems in multicultural and multi-faith societies such as the Great Lakes Region (Pahad speech presented at Renaissance Hotel, Washington, DC, in a strategic Planning Session dated 10 to 11 March 2006).

Participants' satisfaction on the way the South African government and other actors' are handling mediation in the eastern DRC, revealed some institutional challenges. There is a general impression that the challenges impacting on the mediation in the DRC include the complexity of the internal historical factors in the DRC, the ethnic dimension of the Hutu/Tutsi relations, origin, location and allegiance of tribal groupings that affect the mediation efforts. Furthermore the aspects are compounded by the struggle for dominance of mineral resources in the area; the mediators have not addressed the right to ownership and exploitation.

Other institutional challenges relating to mediation in the eastern DRC include unclear role clarification and accountability by some actors and, weak policy instruments clarifying the role of the AU member states and powers and functions attached to the roles. There appear inadequate commitment and effective implementation of sanctions and/or punishment for non-compliance on legally agreed instruments to enforce the mediated settlement (views of the interviewee from DIRCO).

There is generally not enough capacity to effectively support South Africa's mediation agenda. This relates to capacity in terms of funding, weaknesses in implementing the agreed legal instruments and an inability to contribute to mediation efforts due to weaknesses of the African economies. This is compounded by the Western countries' continual support to the rebels (responses from most participants). Although there is a positive impression that the South African government and states in the Great Lakes region are working well, however, the structures of the AU should be capacitated and buy-ins must be solicited from member states.

The respondents argue that although the AU member states are supportive of mediation in the DRC, their commitments are bounded by the AU decisions in bringing peace in the DRC, they are hampered by economic challenges, funding of troops to deal adequately with the situation, as well as the intricacies of the rebel groups in the eastern DRC. The other dimension has been that the African institutions have failed to play a meaningful role in supporting confidence building in the DRC.

Although South Africa has prioritised Africa, the national interests by states and individual countries in the region render South African mediation unsuccessful since Rwanda feels threatened by rebels, notwithstanding the fact that South Africa has bilateral relations with both Uganda and Rwanda, it does not want to sour these relations.

CHAPTER SEVEN

FINDINGS

7.1 Introduction

The findings in this chapter are informed by the data collected for the study in conflict and mediation in the eastern DRC, examining South African government's role and capacity in mediation in the eastern DRC. The responses from respondents were collected by means of questionnaires in Annexure B and interviews conducted during the study phase.

7.2 General Observations

While this finding provides some historical context for the South African governments mediation in the eastern DRC and the findings discussed in it, I have tried to write my general observation in an easy- to- follow road map that will help the reader in understanding the South African government's efforts in the DRC. I want to paint a situation of South African mediation in a broad brushstrokes in order to stimulate thoughts on South African governments role and capacity in mediation specifically in the eastern DRC. For example one of the main reasons why the South African government has been accepted as a mediator in the eastern DRC is because it complies with domestic, regional and international laws, policies and rules governing the conduct of international relations. Over the period of focus of this study (1998-2009), it appears that the South African government follows a foreign policy based on the principles and objectives of consolidation of African peace, democracy and solidarity and pursues the interests of the developing world. This has given South Africa an excellent reputation in participating in peacemaking, mediation and resolution, for example the mediation in Burundi, the DRC, Sudan, Ivory Coast, Comoros, Libya, and Madagascar (Shillinger, 2009). Even the progress on mediation in the Great Lakes region is informed within the South African foreign policy adopted after 1994.

Accordingly, reports such as the strategic workshop document Mr. Pahad mentioned that DFA places the priority on promotion of international peace and security and wants to increase the international role and African footprint. Therefore, in spite of the said footprint in Africa the researcher can argue that, whilst overall progress has

been made on mediation in some states such as Burundi, and Rwanda in the Great Lakes region, the study revealed that there are still major challenges in the DRC. The South African Government has the capacity to mediate in the eastern DRC, but need to improve in areas of conducting mediation and responsibilities.

The study suggests that South Africa has the expertise, the experience and proof of successful mediation, for example South African diplomacy brought back Libya from isolation that was once a pariah in the West. The practices that continue to stall the mediation efforts of South African representatives in the eastern DRC are to a larger extent the result of resource constraints as well as the inefficient, ineffective and dysfunctional leadership in the DRC. The issue of achieving success by the South African government and its representative's efforts is dependent on a call on Africa to embrace mediation efforts as a key to the mediation in the eastern DRC and support of the DRC government.

The expectation, as indicated earlier by the respondents and reports, is that the Western powers, especially the USA, need to come to the table with additional levels of support. Although the South African government's initiatives on the DRC peace process has, to a larger extent, borne positive outcomes in resolving the conflict, most of the interviewees agreed that the resources are critical for the mediation to be effective.

The study has found that South Africa, under the blessings and support of the UN, the AU, SADC, domestic policies and indeed all the nations, has been working jointly in the DRC and facilitated on amongst others agreements such as the Pretoria Agreement, Inter-Congolese Dialogue, Sun City Accord, Global and All-Inclusive Agreement (Pretoria II), approval Final Act, etc., (Solomon, *et al* 2007:54-68).

In this study it is observed that there is lack of political will and commitment amongst some of the stakeholders, both on the sides of some mediators and the parties in conflict. The current literature and interviews demonstrated that conflict would go unabated in the eastern DRC unless a way is found to support the South African government's initiatives. For example, to mention the aspect of the AU lacking the focus and political will to address the challenges of mediation in the DRC, let alone creating a healthy climate for South Africa's role and capacity to thrive. The report notes that the US participant believe that there is political will amongst all honestly

mediate the conflict in the eastern DRC, but the question is if the government of the DRC sees the benefit and value of mediation. He further argued that for example some countries and individuals are benefiting from the conflict and do not see stability in their best interest. Which means when the external influences are neutralized, then the process will work smoother. Based on the above, the study suggests that, although the AU has the necessary political and legal framework for mediating in the conflict and that the framework is consistent with the UN charter and resolutions, what is missing are effective and visionary strategies aimed at addressing this matter.

Most of the evidence suggests specific expectation from other role players in supporting and enabling the South African government's efforts, however, neither nor have they have they demonstrated the political will through processes nor they have rigorously, targeted sanctions on the so-called blood minerals in the eastern DRC, similar to what they have done in the case of Zimbabwe (interview with J Ops participant, 2010, June). It also appears in this study that South African government's role continues to register some progress but with massive challenges. The specific gaps can be found in the findings hereafter.

7.3 Challenges of mediation

Although the call for African and international actors to embrace mediation efforts is key to resolving the conflict in the eastern DRC, the lack of trusted, efficient, and effective conflict resolution mechanisms leading to peaceful settlement through capacitating (both) South African and regional initiatives, is a serious problem for successful mediation in the eastern DRC. The culture of impunity in respect of spoilers, either amongst the rebel groups, or neighbouring states which indirectly support the conflict, continues to promote regional instability. The efforts of South Africa together with MONUC and other humanitarian organisations in the eastern DRC have so far not sufficiently contained the situation. The limitations and challenges that they are facing render them less effective, as mentioned in Chapter six (6) of this report. According to the report by Masire in 2001, the plethora of initiatives by the UN, the AU and its subregional structures, aimed at helping to bring a political settlement in the eastern DRC and meant to promote security in the entire Great Lakes region, have further complicated matters (Masire, 2001).

South African representatives legally complied with both own government policies and international laws, but the non-compliance with legal frameworks and international laws by the respective actors both regionally and internationally has resulted in laws and policies not being effectively and efficiently implemented. This leads to ineffectiveness of the mediation efforts in the eastern DRC debacle. The South African government mediation efforts have also been hindered by the AU's limited means, as some of the AU's tools are not fully developed, such as the Panel of the Wise, etc.

Some ongoing commitments expected from South Africa government role players, the AU and the SADC Action Plan concerning the assistance to the government of the DRC show the vital role of international actors in mediating the conflict in the eastern DRC, but lack implementation policy to capacitate the defence and security institutions for carrying out their national mandates and maintaining the sovereignty and territorial integrity of the DRC.

The local regional actors' initiatives lack support and enforcement from the international actors. Furthermore, illegal practices continue to violate the same rules and instruments they are subscribing to, thus hampering the mediation endeavours. Some of the responses seem to suggest that various international actors continue violating the international law, and providing rebels with support, for example best and largest units of the Congolese army who deserted Kabila regime were reinforced by Rwandan troops (Carayannis, *et al*., 2003:271) resources like weapons, thus compounding the South African government's mediation efforts in the DRC unsuccessful. There seems to be awareness that although the AU has advantages, e.g. the PSC conflict mechanism of the AU being vested in the Commission of the AU, the challenges of converting those provisions of the Constitutive Act and its protocols into implementable solutions thwart the mediation efforts in the eastern DRC.

There appears to be some common understanding amongst the participants that mediation under general has improved, but economic interests by neighbouring states spoils everything altogether. Also mentioned that some of these countries openly act as agents of Western economic interests in the DRC, with some

neighbouring countries exporting minerals they actually do not have in their countries.

One way or another, states such as Rwanda and Uganda were in collaboration with international markets in exploitation of minerals, primary meaning uncooperative approach to the South African governments peace process (Solomon, 2007:51). Some of the challenges are discovered to be vested interests by Western multi-nationals, who with the silent involvement of their governments trade in “blood minerals” in the eastern DRC. Moreover, the AU has not launched a campaign to address these challenges by among other things proposing United Nations General Assembly (UNGA) and UN Security Council (UNSC) Resolutions on this matter.

There is broad understanding that the AU has built up a track record of successful mediation, but the ineffective implementation of sanctions as the conflict management tool mars those gains, i.e. the political and non-political instruments of the regional actors. There is also extensive consensus amongst Africans that the political and non-political instruments to the mediation of conflicts, and the Western powers, including the UN, should provide resources to augment the South African government’s efforts. For many years, the Burundian process was a burden on the shoulders of the Africans only, with South Africa bearing the brunt in supporting peace processes in that country.

The study reveals that the regional dimension of the conflict in the eastern DRC affected policy instruments like those of SADC and other subregional entities to a larger extent. Even the legal framework, e.g. of the AU, the deliberations of the various summits and conferences, has let down the Congolese (Solomon, et al, 2008:72-83). It is important to note that although there are critical opportunities for South Africa and other international actors, it appears that most cases of reluctance to honestly intervene are due to different reasons, including:

a) Interview with DOD participant indicate that, the fact that the Great Lakes region leadership shares the same attitudes as the general tribal clans and also wanted the conflict to continue so as to prey on the economic resources and serve personal political agendas.

b) Further, a respondent from J Ops is of the opinion that fear of victimization should the international law be effected, and thus compel the leadership to appear before the International Court of Justice, continues to hamper the international mediation.

Interestingly, there seem to be reservations and unhappiness with the way the international actors have responded to the conflict in the DRC. Another participant expressed his unhappiness with the mediation to the latter, suggesting that actors seem reluctant to address the problem head-on. It appears in this study that mediation in the eastern DRC is a difficult and laborious process that needs the necessary frankness, and social contract amongst all participants including South Africa. In other words the mediation by South Africa, the AU and the UN had to make a radical departure from the present strategies and go beyond nursing vested interests, whether they are local or overseas interests. The study showed to lesser extent that the affected parties view the situation differently and are aggrieved by either regional concerns or have a vested interest in the conflict.

The study finds that most respondents from outside Africa are happy with the way the South African government and its representatives are mediating and arguing that the international actors respect the South African structures and support the efforts to bring peace to the area. It also appears that there is a feeling that the UN mandates restrict the actors' assistance in the process. Some international actors lack the political will to support the efforts when it appears that some countries in the area act in a unilateral manner.

7.4 International actors

The study revealed that, there is a significant and impressive progress achieved in the DRC, through the South African government's role in mediation in the eastern DRC. Although it appears that the Great Lakes regional security concerns continue to be a challenge since foreign actors are part of the problem. As such, whilst the South African government actors endeavour to find a durable solution in the eastern DRC, they suffer as international actors continue to asphyxiate the progress. From other literature it also appears that there is resource predation and unresolved security concerns of local actors and leaders. This includes leaders of the neighbouring countries who are actively involved in the violence. On the other hand the study suggests that Western powers have the will to continue benefiting from the

illegal exploitation of the minerals in the eastern DRC and are only concerned with economic gain at the expense of millions, and as such they will not focus on peace.

It seems that negative perceptions and attitudes towards Hutus and Tutsis, the lack of governance, the weak institutions and the Character of the Strong Man in the eastern DRC are a reality and are unlikely to change in the near future. It is also important to note that through this study of mediation in the eastern DRC, and by examining South Africa's role and capacity in mediation in the eastern DRC, this research reveals that only an effective and efficient regional organisation with a healthy political will that is culturally inclusive, capacitated and characterised by regional actors committed to the conflict and leadership can make a significant difference in terms of mediating the conflict in the eastern DRC.

However, the ineffective implementation of the agreed policies of the South Africa-DRC, South Africa- Rwanda-Uganda, the UN, the AU and SADC continues to mar the mediation. This report revealed that cooperative arrangements are vital in mediation, for example a mandate within the region, for example SADC should take lead in Zimbabwe prior any involvement of the South African government as to ascertain what the region really wants. These countries signify that the contestation of the historical role of the colonizers is equally important, as South Africa cannot exclude them, and for that matter they come unannounced. Therefore, the research suggests that for the mediation to be effective, the mediators need to involve the Western powers in the mediation since they are the market for the conflict diamonds, according to the views of a participant from the Institute for J Ops.

The study discovered that South Africa's and AU relationship and efforts is not effectively coordinated or synchronised owing to poor organisational interaction. For example, there is a general feeling that the AU does not know what South Africa, SADC or even the UN are doing ("during the arrest of Bemba, the AU did not approve whilst the UN approved"(this was the view of the South African participant in the AU headquarters). Further, it goes without saying that the apprehending of the leadership leaves the rebels leaderless, thereby affecting the South African mediation efforts.

The study also revealed that the AU has not really improved, the participants mentioned that the constant utilisation of envoys in the mediation in the eastern DRC, have relatively weakened the AU, and lately the heads of states such as Mr. Mbeki and Mr. Zuma seem to be preferred as mediators in the conflicts due to their political clout. In terms of cooperative efforts, South Africa has built close partnerships with other states to bring credibility, legitimacy and acceptability to mediate and play a significant role in mediation of conflicts.

In conclusion, the study basically revealed that South Africa's role and capacity, or rather an effort in the mediation in the eastern DRC is effective, but the challenge is the regional policy implementation, which appears to be weak and fragmented, for example non-adherence to peace agreements. It appears in this study that there are different measures and methods being applied by other actors to achieve successful mediation and long lasting solutions in the DRC conflicts. In order to succeed they require sufficient political commitment, political will, resources, and fundamental institutional mechanisms to achieve positive results.

It appears that it is crucial for South African government, local and international actors as well as other institutional frameworks to engage in a dialogue and play a meaningful leadership role in this regard. Therefore, in this research the next chapter attempts to draw conclusions and recommendations in an effort to address the fundamentals of this study.

CHAPTER EIGHT

CONCLUSIONS AND RECOMMENDATIONS

8.1 Introduction

In spite of the notion of “African solutions for African problems”, minimal progress has been achieved in the eastern DRC, although there had been debates ensuing on the South African government’s role and capacity in mediation in the eastern DRC. The introductory chapter of this report identified two questions, which led to thirteen (13) sub-questions as outlined in Annexure B. The summary of conclusions and recommendations are based on the lessons learnt on the literature reviewed, the findings in the previous chapter, the assessment and the analysis of responses from the interviews and questionnaires from various participants, including review of reports. In this chapter the important conclusions to the study are discussed, and concludes with recommendations.

8.2 Challenges during the research

In working on this report, the author has encountered numerous methodological problems. The first problem is that by using a relative number of limited questions make it more difficult to conduct convincing arguments, because I could not exhaust on the negative side of the South African government’s role and capacity. I attempted to address this shortfall by sticking to a simple research design, using numerous suggestions from various research methods and literature. The second problem concerns the research plan, in that, the actual research did not follow the research action plan. In my proposal the research was planned to be embedded on a qualitative paradigm and limited to a small, select group of experts who are perceived to have expert opinions about the area of study. Subsequently, I had to follow both a qualitative and quantitative approach, which was not initially planned in my proposal. The interviews with experts in the conflict management environment also included peace mission participants in the eastern DRC, but problems with the documentation were experienced (i.e. access to classified documents was denied, however I tried to convince DI members to help, but in vain) and also the scholars from the South African Military Academy, one scholar from the University of Pretoria and the Canadian Research Institute did not respond to the questionnaire. Some of

the information and data have been harvested from the day-to-day DIRCO and DOD reports to augment the shortfalls, thereby covering extensively for both the South African government and the AU.

The main challenge experienced in the research was the commitment from the interviewees. It was difficult to schedule appointments because of their tight schedules, unwillingness and non-commitment. This led to a major delay in commencing and finalisation of this report. At the time of writing this report DIRCO and 50% of research questionnaires from the National Security Strategy Organisation i.e. Booz Allen Hamilton in the US, as well as from the US Africa Centre for Strategic Studies (ACSS) has still been outstanding.

Additionally, the research was confronted with numerous constraints that impacted on the research, which tentatively may influence the findings of this study. As mentioned in the previous paragraph, the challenges may be summed up as follows: a) some documents from the DOD, especially from the DI and DIRCO were not received on time and some were still outstanding during the compilation of this report. b) The non-adherence to my planned research time lines. c) The targeted sample for the assessment questions was 10% of the SME, then 6 out of the 15 interviewees that were planned as per my research proposal were interviewed. d) The one-on-one interview with a (former) Ambassador, who ostensibly participated in numerous dialogues in the DRC failed since the officer from his department failed to facilitate. I also realised later that there was no need for focus group interviews (that were planned), as such, it failed to materialise. Notwithstanding these shortfalls participants for the sample are reflected in Chapter 3, (Table 1) and their contributions added value to the final outcome of this report. Moreover, despite these challenges, lessons have been drawn on the South African government's role and capacity in mediation in the eastern DRC.

8.3 Progress regarding the mediation in the eastern DRC

The report in general has highlighted challenges in the South African government's role and capacity in mediation in the eastern DRC, areas of success and challenges have been identified and recommendations will be presented.
It is important for the authors of current literature, the African leaders and policy

makers to note the importance of perception and trends in this report. The report argues and draws firm conclusions that South African government's role has encompassed conflict management roles from mediation, negotiations, peacekeeping, and post conflict reconstructions showing significant capacity in mediation in the eastern DRC. This support has been embedded in the in its foreign policy objectives and Mbeki's African Renaissance (Kroslak, 2009:41). As mentioned earlier it appears that the South African government has come to realise that it must play a significant role in mediation of conflict in the eastern DRC. Although challenges posed in the study are a threat to sustainability of peace process on mediation in the eastern DRC. The mediation has been informed by South African government's role through diplomacy by working in cooperation with other states like Botswana, Mozambique, Tanzania, the SADC, the AU etc., and within the context of the South African government's foreign policy and the African Renaissance, international law etc., in its role as a mediator in the eastern DRC.

The South African government continues to seek peace in the Great Lakes region and should be capacitated to manage the mentioned challenges in order to improve and find solutions and competence for the promotion of good governance in the DRC. All role-players should engage in concerted efforts to find a durable solution in the DRC. This will require collaboration with organisations for conflict management in the Great Lakes region. Although, significant strides have been made in mediation of conflict in both Great Lakes region in general, it appears that there is a need for all actors to address the challenges and simultaneously strengthen mechanisms, which are not effectively coordinated and put in place to monitor the negative effect to the South African mediation efforts.

Furthermore, in providing the reasonable mechanisms, implementation measures ought to be supported by systems and conflict resolution mechanisms involving the DRC, conflict resolution institutions, both in the DRC, subregional actors to the conflict and other available mechanisms that can help, address security concerns in the entire region and prosecute and sanction those leaders, rebels, etc unwilling to respect the instruments of mediation in the eastern DRC.

8.4 South Africa's role and capacity in mediation

The mediation and facilitation of dialogue has become an arena of continuous and energetic engagement by the South African government, through various diplomatic efforts and peace building initiatives, etc, most outstandingly in Burundi, the DRC, the Comoros, Cote de Ivory, Sudan and Liberia. Its representatives have proven their capacity to mediate conflict resolution, and seemingly, they are recognised across the continent as honest and neutral brokers. The South African government's strategy in these years appears to favour peacekeeping over enforcement and prefer approval from the UNSC.

Other role players do not have a holistic mediation programme that is based on the relevant legal and policy frameworks. One of the findings in this study was that progress made with regard to the mediation in the eastern DRC has inadequately been achieved and it can be contributed to improper coordination amongst some of the role players. As a result, this report suggests that consideration needs to be given to the development and implementation and enforcement of the South African government, regional and subregional legally agreed mechanisms on the mediation of the conflict in the eastern DRC, that will not only address the current conflict but, that will encompasses the whole region.

8.5 Policy compliance and political will

One of the finding in this study is that, although South African government had political will to see peace in the DRC and lauded as impartial facilitator policy compliance appears to be lagging amongst other actors, especially regarding inadequate and insufficient strong leadership. Suggestively there needs to be an unambiguous display of leadership by the international actors through honest commitment, conflict resolution, and mediation in the eastern DRC. This could be achieved through implementation of enhancement measures such as compliance with and enforcement of agreed policies and instruments by both the mediators and the affected parties in conflict. Moreover, whilst it is imperative that the government of the DRC should be assisted to establish effective and efficient institutions whereby all actors to the conflict can participate in resolving the conflict in order for the peace process to continue unhindered, there is a need for encouragement of a quiet diplomacy and mediation to be used as a trade off strategy in exchange for offering

assistance with the peace-making process, as well as post-conflict reconstruction efforts in the DRC. There must also be agreement on important matters that addresses all the challenges in the Great Lakes region. The South African government's efforts should be assisted by the mobilization of the political will through helping Rwanda and the DRC to show leadership and positive signs in these mediation efforts. It is crucial that the sister mediating powers and both the international community change their policies towards the region. This means that, they must exert pressure on Rwanda, Uganda and Western predators to stop illegally exploiting the mineral resources of the eastern DRC and to respect the Nairobi Declaration (the so called Amani Programme). In general, in this report I belief that there is no peace without the regional effort, for that reason the Great Lakes region's involvement in resolving this conflict is equally important for the peace and security situation in the eastern DRC. One of the issues that seem to be missed in the process of mediation is the non-adherence to legal issues by other role players, neither by local nor by the international actors. In this regard an effective implementation of mutually binding legal framework is suggested to pave the way for the peace process, as the current state of insecurity in the eastern DRC has the potential to, spoil the South African government's role and policy gains in the Great Lakes region. I suggest that, the monitoring and evaluations of the mediation progress by both South African government and SADC should be strengthened, and complemented, whilst at the same time mechanisms need to be initiated that are aimed at discouraging the international actors that continue to frustrate the South African governments and regional efforts.

8.6 Mobilisation of resources

The question that remains to be answered is what role the DRC government is playing in achieving (South African governments) policy objectives. One of the revelations from this study is that, South Africa has worked hard over the past few years to mediate conflicts in the Great Lakes region and has located its strategy within the framework of the broader African policy strategy such as NEPAD, the African Renaissance and commitment to peace in the region (Venter, 2006:260). The South African government, for example, has directed its energy towards using cooperative and collective strength to work for peace and stability, to strengthen democracy, to ensure respect for people's rights and to embark on a far reaching

programme of regeneration and development in that region and in some African countries.

Despite this, the prevailing crisis in the eastern DRC is unlikely to subside, unless the DRC government is assisted and encouraged to establish efficient and effective governance institutions and an environment contributing to (all) parties to the conflict to participate in finding a robust solution. Whilst looking for a durable solution to the conflict, efforts to urgently mobilise sufficient resources to reinforce South Africa's government role and capacity and other subregional actor's efforts are crucial in order to alleviate the insecurity dilemma in the eastern DRC, which really appears critical.

8.7 Strengthening of the mediation mechanisms

Although significant progress has been achieved within the regional context, the mechanisms seem to be weak, especially the measures to ensure respect for the Geneva Convention and to provide humanitarian access to the eastern DRC. By and large, South Africa has the capacity to bring the process together while the AU brings continental validation to the process. However, it seems as if subregional bodies do not have the capacity to significantly contribute to South Africa's initiated mediation peace process at this time. Apparently, high-level talks including modalities for mediation available have not been fully exploited, meaning that a need to strengthen South African government mediation mechanisms is crucial within the AU, the UN, and all other actors. Furthermore, it must be stressed that the emphasis should be on encouraging diplomacy through political engagement and strengthening democratisation, peace and security in the DRC. In other words, both the South African government and the UN negotiated accords and the peace agreements should be used as the political framework for the disarmament of the militias in the eastern DRC. The report has shown that, in mediation terms, South African government had made strides, with SADC showing improvements, particularly in participating and supporting South Africa's efforts. Yet, it is clear that without cooperative arrangements and the involvement of all role players including Rwanda, Uganda, Angola, Sudan and the DRC government is central to the South African government's role in the DRC.

Although, the legal framework seems to encounter some deficiencies, the institutionalisation and implementation of the legal framework (both local & international) is a solution for security in the eastern DRC. This will ensure the sustainable prevalence of the rule of law and accountability by role players. On the other hand, regional leadership implicated negatively to the conflict, if it goes to the push, should be tried in the International Court of Justice. Doing so will require a more inclusive and coordinated legal mechanisms, more effective and responsive South African government's role, including regional peace initiated efforts capacitated and supported by the western powers/actors through effective security sector programmes.

8.8 Capacitating the mediation efforts

South Africa's role in the eastern DRC has been informed over the study period of 1998 to 2009 by the country's commitment to the policy on promotion of human rights and democracy, justice and international law within the context of international peace and internationally agreed mechanisms (Pahad, 2005). It appears that the South Africa government cannot cope without the sufficient support in augmenting the DRC government. Therefore, in supporting the ongoing South African government's efforts, other international actors should capacitate the DRC government and force it to open up political space for the rebels to honestly participate in the mediated peace process. The donors and civil society should encourage and support SADC and South African government's programmes and efforts towards building a secure society in the eastern DRC, including the entire region.

Because of the presence of the combatants in the eastern DRC that pose a threat to the mediation efforts the South African role players are also looking for solutions for long time refugee problems in the DRC and the Great Lakes region (Solomon, et al: 2008). They are assisting Rwandan refugees to return back to their country. However, it can be argued that coordinated efforts should be exerted to incapacitate the negative forces including freezing of its foreign accounts and the denial of movement for its leaders. The neigbouring countries should be encouraged to participate in the solution, whilst the violation with impunity should be eliminated; actions should include the political and diplomatic pressure exerted on international

actors seen to be directly or indirectly involved in undermining of the peace processes. There should be clear individual and institutional sanctions to the international actors and perceived spoilers and rewards. By the same token to decrease negative forces in the DRC**,** the enhancement of the FARDC capacity to instill state authority in safeguarding the territorial integrity of the DRC is crucial to ensure economic and social development of the country.

This report is the basis to understanding the South African government's role and capacity in mediation in the eastern DRC. Future intervention strategies designed without political support by the political and non-political actors, international community and regional commitment could be ineffective. Future steps should encourage and enable the South African government, the AU, regional actors and emerging regional efforts and structures to be more proactive in building mechanisms that address security in the entire region.

If the actors are to be seen to take mediation seriously, they should capacitate and implement the agreed policies of the UN, regional and subregional structures in mediation in order to undertake responsible settlement of peace processes in the eastern DRC and encourage the removal of barriers to peace, implement political and non-political instrument programmes to capacitate the South African governments mediation efforts, as well as MONUC strategies. The report also suggest that various aspects of structural causes of the conflict need to be addressed and the effective and efficient implementation of agreed mediation initiatives such as the Lusaka Accord, the MONUC, the Inter-Congolese Dialogue, the Sun City Talks, the Global and the All-Inclusive Agreement, the DDR/DDRRR and the Bi-lateral Talks in order to effectively resolve the conflict in the eastern DRC. This will help to find political settlement for the Congolese and create stability in the entire region that has been perverted by the irresponsible international actors. Despite considerable efforts and resources into the conflict in the DRC, the outstanding challenges remain in the eastern DRC and the political uncertainty regarding inclusiveness is critical.

8.9 Involvement of Western powers

In this study I have found that the South African government, the AU and the states in the Great Lakes region have working relationships with Western countries. This can serve as a positive factor because of the already existing relationship; hence the humanitarianism has emerged as the driving force behind the European efforts towards Africa. However, for that reason, by involving Western governments consideration may perhaps be given to the development, implementation and monitoring compliance with the agreed conflict resolution policy to provide clarity on the insecurity concerns, including the matters related to the instability in the Great Lakes region.

Whilst in a nutshell there seems to be a notion of “Africa solutions for African problems”; the study can argue that the involvement of the Western powers is crucial in order to adequately encourage the sanctions as one of the mechanisms, or processes in any conflict resolution. Apparently, they will be able to intervene on the multinational corporations, including governments that are allegedly implicated in the conflict in the eastern DRC. In this report, I believe that there are no guarantees that the suggestions outlined above will end the conflict in the eastern DRC. However, in the absence of such measures, African and international actors may witness further conflict spoiling the political gains that have been achieved by South African government in Burundi and the fragile democratic gain in the DRC under the leadership of Kabila.

Lastly, it is hoped that South African government, SADC, actors in the Great Lakes region and other actors, particularly those involved in conflict management in the eastern DRC and the entire Great Lakes region will make concerted efforts to implement the recommendations contained in the report.

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Annexure A: Letter to interviewees

Dear Sir/madam

My name is Tanduxolo Raymond Mandela and I am registered for a Degree of Master of Management at the University of Witwatersrand. The current research project is the requirement for the partial fulfillment of the said degree. My chosen topic is**:** South Africa's Role in Mediation in the Eastern DRC.

Kindly note that the questionnaire is supposed to take you approximately two hours and is available on the annexure below and kindly note that, your contribution to this study is confidential and will not be divulged to a third party without your permission. As such, your identity will also remain anonymous and I wish to thank you most sincerely for accepting the invitation to participate voluntarily, of which the success would not be possible without your valuable contribution.

Please note that you will receive a report on the results of the survey, if you choose to include your e-mail address. These results will also be accessible on the university website immediately after submission and approval of the survey results by the University. Lastly, I would like to urge you to participate so that I could provide recommendations to African leadership based on your data.

For further information, please contact the researcher on: Cell 083 3795285, Tel 012 3556600, and Fax 012 355 6697. Or email: mandelathando@yahoo.com

Sincerely

Signed

T. R. MANDELA

MM-S Student, University of the Witwatersrand

Annexure B: Research Questions and Questionnaires

A. PERSONAL DETAILS

1. Area of Specialty:…… Organisation:……

2. Gender: …….. Age:……

3. Position in the organization: ……

4. Current Position: ……..

5. Highest Level of Education attained: …….

B. MEDIATION IN THE EASTERN DRC

1. In your opinion does the South African government (and its representatives) have the capacity to mediate in the eastern DRC?

…….
If yes, when, where and how?

…….

2. Are you satisfied with the way the South African government and other actors are mediating in the eastern DRC conflict? Please elaborate

……

3. In your view does the South African government and the AU PSC handle the mediation in the eastern DRC effectively and efficiently? Please elaborate.

…….

4. Do you think that South Africa, the AU and its sub-regional bodies have the capacity to mediate the current conflict in the eastern DRC?

……

5. Does the South African government, the AU, and states in the Great Lakes Region work well with western powers regarding mediation in the DRC?

……

6. What has improved in mediation of conflicts in the eastern DRC, since the inception of the AU from the OAU?

……

7. In your opinion what are the challenges impacting on mediation in the eastern DRC vis a vis the instability of the Great Lakes Region? Please elaborate…….

8. What needs to be done to achieve durable peace in mediation in that conflict, within the context of the AU and its substructures? Please elaborate.

……

9. Are you aware of the legal framework, laws and policies that are in place for mediating and dealing with that conflict?

……

10. Is there sufficient political will amongst the AU member states to enable the South African government to respond effectively to the challenges of mediation in the eastern DRC?

……

11. What instruments have been used to achieve peace in that conflict?

……

12. Does the South African government require cooperative efforts amongst the regional organisations and the UN to mediate its conflicts? Please elaborate……

……

13. In your opinion is there political will amongst both African and western powers to honestly mediate the eastern DRC? Please elaborate.

……

General comments

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