UNITED NATIONS MEDIATION IN AFRICA: A CASE STUDY OF THE BAKASSI CONFLICT INTERVENTION, 2002-2006

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UNITED NATIONS MEDIATION IN AFRICA: A CASE STUDY OF THE
BAKASSI CONFLICT INTERVENTION, 2002-2006

By
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Supervisor: Dr. Lyn Snodgrass
DECLARATION:

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Signature: ___________________________  
Date: ________________________________
This paper is dedicated to my partner and companion Mr. Kamdem Kamdem Guy Amiel who always supported and encouraged me in the realization of this research. Without his support, this work would not have been completed. Thank you.
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Lastly, I would like to thank everyone who assisted and participated in this study.
ABSTRACT

Just as conflict is part of everyday life, mediation can and is practiced everyday and everywhere. It is a way of reaching decisions in a cooperative, non-hierarchical way, allowing for clear and open communication processes. Conflicts can be resolved in a formal manner through courts, arbitration, ombudspeople, diplomacy and mediation, or an informal manner through friends, colleagues, religious and community leaders, and dialogue. The way in which people resolve their disputes has an impact on how societies and institutions are governed. The war in Bakassi has taken its toll on the people of that area for several years now and has witnessed people from Bakassi facing some of the worst effects of armed conflict known to man.

This study investigated the use of international mediation in the management of intractable conflict with a specific case study on the Bakassi peninsula conflict between Cameroon and Nigeria. It focused on the mediation process as a conflict management technique in relation to the international relations theories which has been used as a basis for conflict resolution practices. The researcher conducted a document review, content analysis on selected documents and this was supported by strategic interviews. The findings as well as the researcher’s recommendations are discussed in the study in order to assist the future work of conflict management specialists and other stakeholders who have devoted their efforts to the recovery of areas emerging from conflict.
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>CNMC</td>
<td>Cameroon Nigeria Mixed Commission</td>
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<td>AU</td>
<td>African Union</td>
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<tr>
<td>UNDPA</td>
<td>United Nations Department of Political Affairs</td>
</tr>
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<td>ICISS</td>
<td>International Commission on intervention and State Sovereignty</td>
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<td>ARS</td>
<td>Alliance for the Re-Liberation of Somalia</td>
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<td>TFG</td>
<td>Transitional Federal Government of Somalia</td>
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<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>SADEC</td>
<td>Southern Africa Development and Economic Community</td>
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<tr>
<td>IDASA</td>
<td>Institute for Democracy in Africa</td>
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<td>AISA</td>
<td>African Institute of South Africa</td>
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<td>ACCORD</td>
<td>African Centre for the Constructive Resolution of Dispute</td>
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<td>ISS</td>
<td>Institute for Security Studies</td>
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<td>ICG</td>
<td>International Crisis Group</td>
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<td>LCBC</td>
<td>Lake Chad Basin Commission</td>
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<td>AACC</td>
<td>All-Africa Conference of Churches</td>
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<td>ICJ</td>
<td>International Court of Justice</td>
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<td>NGO</td>
<td>Non Governmental Organisation</td>
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<td>NMMU</td>
<td>Nelson Mandela Metropolitan University</td>
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KEY WORDS
Conflict
Conflict Resolution
International Mediation
Peace
Peacemaking
United Nations
Cameroon Nigeria Mixed Commission (CNMC)
Bakassi peninsula

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Chapter 1: Introduction

1.1 Background of the study

Among the many border disputes that Cameroun and Nigeria have been involved in during the years of independence, the Bakassi peninsula stands out very clearly as the most disputed area of all. Nigeria and Cameroon have been in conflict over territorial disputes and boundaries since 1993. This portion of the disputed border is increasingly drawing attention since it has become public knowledge that the peninsula is very rich in petroleum and natural gas. The violent conflict between the two countries especially in the past seventeen years has resulted in death and destruction. Fighting occurred on the lands surrounding the peninsula, (which are equally disputed), on the peninsula itself, and at sea. The big question that faces both nations is that of sovereignty over the mineral rich peninsula and in an attempt to stake their claims, both nations have resorted to the use of military force to claim the territory. Tensions between the two countries escalated into military confrontation at the end of 1993 with the deployment of the Nigerian military to the approximately 1000 square-kilometer Bakassi peninsula (Assisi Asobie: 2007:3) [Online].

In 1994, Cameroon brought the case of the border dispute between the two countries to the International Court of Justice (ICJ). On the tenth of October 2002, the ICJ cited an agreement between the United Kingdom and Germany when it issued its irrevocable judgment on the entire land and maritime boundary between Cameroon and Nigeria. The decision ruled confirmed sovereignty over portions of the territory in question to Cameroon and delineated the border. Nigeria also made certain land gains (BFSP, Vol.85, 1892:41-43).

However, the people directly affected by the judgment were not comfortable with being assimilated as Cameroonian and have been placing pressure on the federal government of Nigeria to rescind the agreement signed by former Nigerian President Obasanjo ceding Bakassi to Cameroon (Mbuh Justice, 2004:22).
Bearing all these facts in mind, both parties agreed to request a mediation to facilitate the implementation of the ICJ judgment. On November 15th, 2002, the United Nations Secretary General Kofi Annan invited the two presidents to Geneva for a facilitation meeting. In a joint communiqué, the two leaders agreed to ask the Secretary general to establish a Mixed Commission composed of representatives from Cameroon, Nigeria and the United Nations “to consider ways of following up on the ICJ ruling and moving the process forward”. By their fourth meeting after the Paris meeting of 5 September 2002, they were able to establish the Mixed Commission in order to help avert confrontation on the issue which for years has been a serious bone of contention. The Cameroon-Nigeria Mixed Commission was seen as a new approach in preventive diplomacy and a new model for peaceful settlement of conflicts between states (Mbuh Justice, 2004:22).

Previous agreements to finalize the ICJ judgment have fallen through, including one which was to have seen the final transfer of authority from Nigeria to Cameroon until Mr. Annan formed a team which began days and months of intensive mediation with the two presidents.

1.2 Specific Research Problem to be addressed

Given the number of conflicts in Africa, mediation is often utilized as a conflict management technique but does not always have successful outcomes. The Bakassi mediation held by Mr. Annan’s team was concluded successfully with the signing of the GreenTree agreement between the two parties and the effective withdrawal of Nigerians in Bakassi in 2006. Therefore, it is vital to ask, what are the factors that contributed to the success of the Bakassi mediation.
1.3 Outline of the Aim / Objectives of the Research

Aim:

The primary purpose of this research study is to explore the dynamics and challenges faced during the mediation process as well as the underlying principles of international mediation as a conflict management technique.

Objectives:

The objectives of the study are:

- To explore the dynamics and challenges of the Bakassi mediation process
- To understand the roles played by the parties in the Bakassi mediation process
- To contribute to a better understanding of the mediation process
- To explore the dynamics that made the Bakassi conflict mediation a good example of conflict management in Africa

1.4 Motivation for the research

There are many conflicts in Africa ranging from border disputes, ethnic disputes, structural disputes, to resources disputes. Border disputes are common in Africa and many are intractable which means difficult to resolve and last for many years. Mediation has been used extensively sometimes with success and sometimes not. In many intractable conflicts, arbitration route is not really an option because a decision is made by the third party while mediation allows for control and ownership by the parties concerned.

This study could help in the conflict management field by helping parties to unite, or at least cooperate, and end conflict through mediation. The research will also be of value
to organizations which decide to engage in peacemaking in the future.

Mediation as a conflict management technique requires significant research. The research will contribute in terms of current knowledge around the issue of mediation in a world where conflicts are inevitable, not always solvable but can be managed. The research will explore the successful mediation of the Bakassi conflict as an example for further or ongoing conflicts in the world with an emphasis on why some mediation fail and others succeed.

The proposed research will contribute to a better understanding of the mediation process and could inspire more research in the same area. Research results can be communicated to the academic community, media, international organizations working in the conflict management field, and all other interested parties.

1.5 Significance of the study

This study will provide an exploration and description of the mediation process and its efforts in facilitating conflict management in international disputes worldwide and in Africa especially. Very little is known about the importance and efficiency of international mediation and the challenges it faces, hence, this study is intended to make a contribution to the available literature concerning the important role of international mediation in the management of intractable conflicts. The findings of the study may contribute to several organisations and governments. It can also assist scholars in the conflict field as well as policy makers as to better understand the importance and the different mediation techniques used in international conflict management towards preserving peace in the world. The findings may also be relevant to other war torn areas of Africa which face similar problems of boundaries, natural resources, and ethnic issues who can easily pose a threat to the stability of their communities if they are not adequately dealt with by governments and civil societies.
1.6 Research design and methodology

To satisfy the information need of any study or research project, an appropriate methodology has to be selected and suitable tools for data collection (and analysis) has to be chosen (Mouton, 2001:45). Every type of research has an implicit, if not explicit, research design. In the most elementary sense, the design is a logical sequence that connects data to a study’s initial research questions and ultimately, to its conclusions. The research design is a blueprint of research, dealing with at least four problems: what questions to study, what data are relevant, what data to collect, and how to analyze the results (Yin, 1994:14). It is much more than a work plan because the main purpose is to help to avoid the situation in which the evidence does not address the initial research questions.

An exploratory approach was selected as appropriate for this study because it requires a thorough exploration of the topic. With an exploratory approach the researcher approaches the research question objectively by coming into the project with no pre-conceived opinions about the subject. Given that the subject of mediation is an important one in Africa, the researcher found it useful and appropriate to focus this study on the Bakassi conflict which is perceived by scholars as one of the few successful mediation processes in Africa. The researcher is therefore interested in carrying out an in-depth study of mediation as a conflict management strategy in Africa and especially in the Bakassi case study.

To analyze the data collected in this research, the author will use document review, content analysis and a few strategic interviews. Bernard and Ryan (2010:287) define content analysis as a set of methods for systematically coding and analysing qualitative data. Content analysis is a widely used qualitative research technique. Rather than a single method, current applications of content analysis show three distinct approaches: conventional, directed, or summative approaches (Stemler, 2001:32). It is important to mention that in content analysis, data collection and data analysis are tightly interwoven processes and must occur alternately, because the analysis directs the sampling of data.
1.7 Outline

This research will consist of six chapters organized as follows:

**Chapter 1 - Introduction**

This chapter commences with the background of the research topic to be discussed. The introduction provides an overview of the research study. The researcher also presents an in-depth introduction of the conflict that serves as the case study: Bakassi.

**Chapter 2 – Literature review**

This chapter will review the literature consulted during the research process, relating the literature to issues in the research question, pointing out how the literature highlights the issues and provided theoretical background.

**Chapter 3 – Research design and methodology**

This chapter will discuss research design and methodology, data collection, and data analysis.

**Chapter 4 – Case Study**

This chapter will present the history of the case study (the Bakassi Conflict) and discuss the Bakassi mediation process with an emphasis on the roles played by the parties and the mediation team.

**Chapter 5 – Discussion and findings**

This chapter will discuss research findings through the interpretation of data, justification of data as evidence and validation of evidence as knowledge.

**Chapter 6 – Conclusion and recommendations**

This chapter will conclude the study and provide recommendations concerning the research.
Chapter 2: Literature Review

1. Introduction

A vast array of literature has been consulted to carry out this study. On a global scale, much as been written about the conflicts in Africa, as well as about the international mediation process as a conflict management strategy. Literature on the use of mediation to transform protracted conflicts, either by government or international organisation such as United Nations, is in the public domain. This chapter will illustrate the extent to which mediation has been active and helpful in Africa; how conflicts have adversely affected Africa; and what is being done to curb conflicts internationally and within states, especially in the case of the Bakassi Conflict between Cameroon and Nigeria. The author will review the most important books, academic journals and articles that focus on international conflict management techniques and mediation in Africa.

In response to the presence of numerous on-going international conflicts, there has been a differentiation and broadening in the scope of third-party intervention (Miall et al. 1999:16). Whereas classical conflict resolution was mainly concerned with the beginning or entry into the conflict itself and with how to enable parties in violent conflict to resolve the issues in nonviolent ways, the contemporary approach is to take a wider and more holistic view of the timing of the intervention. That is, conflict resolution theories now reflect the need to intervene in order to resolve the conflict before armed battle breaks out and continue throughout the height of conflict until the conflict is settled.

An attempt to provide a comprehensive list of all international conflict management techniques would be beyond the scope of our paper. Therefore our focus will be on mediation as a conflict management technique in world politics. Conflicts pose a serious threat to international peace and security, so it is important to look at them and ask two basic questions: (1) how and why do they start, and (2) how best to end them? International conflicts provide many opportunities for conflict management. Numerous
international actors, ranging from private individuals to international organizations, have an interest in settling or helping to de-escalate conflicts. The main argument here is that of all these efforts, assisted negotiation offers the most promising approach to managing intractable conflicts (Dr Lyn Snodgrass 2010:33). In an ideal world, parties who were in a dispute and wished to settle it themselves would be able to do so. Because most political disputes are highly complex affairs involving many parties and many issues, such parties often have great difficulty initiating and pursuing negotiations. They therefore have to be assisted in these negotiations. Such parties may seek the assistance of an intermediary. Thus, it is crucial that we start by looking into assisted negotiation as it a well-known process in today’s world.

Honeyman and Yawanarajah (2003:45) define mediation as a process in which a third-party neutral assists in resolving a dispute between two or more other parties. It is a non-adversarial approach to conflict resolution. The role of the mediator is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and generate options that meet the interests or needs of all relevant parties in an effort to resolve the conflict. However, scholars who have attempted a multivariate analysis on international mediation note that in searching for the antecedents of effective mediation, enormous emphasis must be placed on the mediator and his or her attributes as the key to achieving a successful outcome (Bercovitch, 2006:107). From this perspective, mediation may often be regarded as an art or a skill that one possesses or acquires. Successful mediation is thus presumed to be dependent on the effort of gifted and able mediators (Conflict Resolution Vol III, 2003: 340).

Mediation has long been a part of international law, frequently involving the use of an international commission, in a process known as conciliation. Mediation differs from arbitration in that it is a diplomatic rather than a judicial procedure. Thus, the parties to the dispute are not bound to accept the mediator’s recommendation. Resorting to mediation has become increasingly frequent, both for internal and international disputes. Mediation then differs from negotiation and conciliation.
Anstey (2006:144) defines mediation as a form of third-party intervention into disputes, directed at assisting disputants to find a mutually acceptable settlement. Although mediators operate from a high or low power base, they are not accorded authoritative decision making power, but are empowered to facilitate settlement through the use of the negotiation process. Mediation, like any conflict management technique, can occur in a number of different contexts. These can be formal, informal, structured and unstructured. The variables that shape mediation are numerous and include: the types of conflict, the training and background of the disputants, the training and background of the mediator, and the formality and types of procedures adopted (Dr Snodgrass 2010: 7).

Mediation is a confidential and informal way to resolve a dispute with the help of a neutral third person (mediator). The mediator works with both parties to help them reach a mutually agreeable solution to their differences. Mediation proceedings are confidential and informal. The mediator cannot force the parties to resolve their differences, but the mediator can help the parties reach a solution agreeable to both of them. If the parties work out all or some of their differences, the resolution - or agreement - is put in writing and signed by both the parties. Mediation is assistance to two or more interacting parties (Kressel and Pruitt 1989:1) by third parties who (usually) have no authority to impose an outcome. Not only is mediation one of the oldest forms of conflict resolution, but it is also used worldwide, with examples found in China, Zimbabwe, Cameroon, Nigeria, Israel, Malaysia, Madagascar, amongst others, at organizational-, community-, and government levels.

With the establishment of the modern inter-state system in the period following the Peace of Westphalia in 1648, in which, it is claimed, the major European powers agreed to abide by the principle of territorial integrity. In the Westphalian system, the interests and goals of nation-states were widely assumed to transcend those of any individual citizen or even any ruler (Morgenthau 1993: 254). The Peace of Westphalia is crucially important to modern international relations theory. International relations theorists have identified the Peace of Westphalia as having several key principles, which explain the Peace’s significance and its impact on the world today:
1. The principle of the sovereignty of states and the fundamental right of political self determination,
2. The principle of (legal) equality between states,
3. The principle of non-intervention of one state in the internal affairs of another state.

The need for impartial intermediaries - “honest brokers” in Bismarck’s famous phrase - did not diminish. Indeed it could be argued that, with the growth of purely inter-state conflicts taking place in an international system characterized by doctrines of sovereign equality, an absence of any recognized, overarching authority, and each element acting freely in pursuit of its own best interests, it was inevitable that the need for disinterested brokers and intermediaries should, if anything, increase (Mitchell & Webb 1988:1). The use of intermediaries in settling disputes between states and their governments has a long and honorable tradition in international relations, although the precise form of such mediation has varied from era to era.

Certainly one recent development concerning mediation in international disputes has been the growth of scholarly interest in the field over the last decade. It is generally agreed that conflicts of interest will inevitably arise between individuals, organized groups and (eventually) governments. However, it is conventional to contrast the markedly different means of managing or settling such disputes. Interest in arbitration and mediation at the end of the 19th century gave rise to the Permanent Court of Arbitration at The Hague, while the establishment of the PCIJ as an integral part of the League of Nations system in 1919 (and its continuation as the ICJ in the post-second World War world) demonstrated the hope that major inter-state conflicts could be institutionalized within a legal structure and process. However, in spite of both intellectual and practical efforts to transform the practices of international conflict management more firmly into the image of (apparently) successful domestic conflict management, any institutions successfully established have had to confront basic problems of legitimacy and acceptability (Mitchell & Webb 1988:4).
Many international conflicts rely for their solution either upon bargaining and compromise between the parties involved - which inevitably involves the use of some coercion and, at times, outright physical force on the part of the adversaries - or upon the activities of some third party acting as a channel of communication to overcome a deadlock, to suggest alternative formulae, to get the parties to re-examine their options, to supply rewards and inducements for concessions or to perform all the other functions that have become characteristic of international intermediaries in the late twentieth century.

The impact of all conflict on the personal well-being of citizens and the socioeconomic well-being of the nations involved in today’s world politics is alarming and should not be diminished. Thus the urgent need for conflict management techniques. The intervention of mediators is legitimized by the goal of conflict reduction, which they typically proclaim (Touval & Zartman 1999:117). Numerous international actors, ranging from private individuals to international organizations have an interest in settling or helping to de-escalate conflicts. The main argument here is that, of all these efforts, mediation offers the most promising approach to managing intractable conflicts. In this chapter, we will seek to answer questions such as: How does mediation differ from direct negotiations? Why do some conflicts need third-party intervention? What value does it bring? What are some of its dangers? How does one actually mediate? What are the debates around the role of a mediator, the choice of a mediator and the appropriateness of mediation in a conflict situation?

2. Conflict Resolution and Peacemaking

2.1 Conflict Resolution

Conflict resolution is a range of methods for alleviating or eliminating sources of conflict. The term "conflict resolution" is sometimes used interchangeably with the term dispute
resolution or alternative dispute resolution. Processes of conflict resolution generally include negotiation, mediation, and diplomacy.

As new conflicts arose, the international community exercised its new-found collective will to try to end them through diplomacy and, in so doing to alleviate refugee and other humanitarian problems through conflict resolution (Lund, 2006: 3). A central approach of conflict resolution analysis is that the traditional structural/political approach to peacemaking, which sees peace agreements as primarily concerned with the reform of national political institutions, must be complemented by a corresponding concern for conflict at cultural/communal levels. This is particularly relevant for peacekeepers, who operate at the interface between concurrent efforts to broker mediated settlements on the structural/political level on the one hand and to implement them at the cultural/communal level on the other. In brief, peacekeepers need to master a specific range of conflict resolution skills (ISS Monograph Series N8 1997).

In the art of managing conflict, military power and the use of force continue to play a vital role in maintaining global power balances, dealing with regimes that refuse to abide by international norms and/or threaten their neighbors and in some cases providing a measure of response to terrorism. However, events during the past decade have shown that military force alone cannot effectively deal with the myriad problems of failed and ailing states in the international system or with the malaise that grows out of continued conflict in parts of the globe (Crocker, 2007: 12).

The need for specific conflict management training that incorporates conflict resolution skills is further heightened when one considers the growing difference between the skills needed in combat and those needed in peacemaking operations. It is therefore very important to explain the link between conflict resolution and mediation as the focus on this research is on mediation. Mediation is a process of conflict resolution, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law (Bercovitch, 2006
Available Online). In conflict resolution situations, according to Zartman and Faure (2005:27), people typically do not sit down to negotiate until they have reached a point of stalemate at which each one no longer believes it possible to obtain what he or she wants through efforts to dominate or coerce the other.

Conflict resolution identifies radical disagreement with destructive conflict and the terminus of genuine dialogue. As a result, the aim of conflict resolution from the outset is to by-pass or transforms radical disagreement. Ramsbotham (2005:53) posits that the aim of conflict resolution is not to overcome conflict, because conflicts cannot be overcome. It is an unavoidable feature of social development; and when attempting to combat an unjust situation, more conflict may arise before resolution can be achieved. The aim, rather, is to transform actually or potentially violent conflicts into non-violent forms of social struggle and social change.

2.2 International Peacemaking

"One of the single greatest challenges confronting us today is how to understand the dynamics of contemporary political disputes and violent conflict in the international realm and how to better prevent, manage and resolve such discord" (Rasmussen, 1997:24).

The international community has developed new approaches to managing violent intergroup conflict. Early peacekeeping missions were directed at stopping conflict by enforcing cease-fire agreements. Currently, expanded peace operations attempt to implement peace by providing humanitarian aid, resettling refugees, rebuilding civil administrations, and other post-conflict reconstruction activities. Peace settlements have evolved to address the deeper causes of conflict, and to include guidelines for implementing peace. The international community has come to recognize the importance of peacemaking during the post-conflict resolution phase.
The term "peacemaking" is used in several different ways. According to the UN, peacemaking is "action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations; Pacific Settlement of Disputes." In this sense, peacemaking is the diplomatic effort intended to move a violent conflict into nonviolent dialogue, where differences are settled through representative political institutions (Ouellet, 2003:1). The objective of peacemaking is thus to end the violence between the contending parties. Peacemaking can be done through negotiation, mediation, conciliation, and arbitration. (http://www.beyondintractability.org/essay/peacemaking/?nid=1325)

Many new, non-state actors play roles in modern peacemaking. Non-state actors are not bound by the doctrine of sovereignty, and so have more freedom to intervene in conflicts. Peacemaking in the contemporary world calls for a multitrack approach. "A multitrack approach to peacemaking integrates activity on nine tactical levels: government, NGOs, business/commerce, private citizen, research/education and training institutes, advocacy organizations, religious communities, philanthropic organizations, and the media" (Rasmussen, 1997:43). Track Two diplomacy by private citizens has certain advantages over official diplomacy. Private citizens are less constrained by political concerns than government officials. The unofficial setting of Track Two diplomacy often allows for more freedom, creativity, and risk taking.

Anstey (1993:3) defines peacemaking as a process involving third-party interventions in negotiations between decision-makers at leadership level and that are directed at building bridges between parties for purposes of creative solution searches and problem-solving. The point of peacemaking efforts (diplomatic and otherwise) is to get the opponents to the bargaining table, at which point peacekeeping units can help to guarantee any agreed-upon ceasefire.

Peacemaking is the process of diplomacy, mediation, negotiation, or any other form of peaceful settlement that arrange to end disputes and resolve the other forms of peaceful settlements that arranges an end to a dispute and resolves issues that led to it. Peacemaking is necessary and important in cases of protracted violence that do not seem to burn themselves out as well as in cases where war crimes and other human
devastation demand the attention of outside forces. In the latter two cases, peacemaking implies the threat of violent intervention as an act of last resort. In the third case it may demand violent intervention sooner rather than later.

The term “international mediation” needs to be qualified when used to describe the role played by the UN. In this globalised world, the word “international” may indeed be redundant. It is used because international conflicts refer both to interstate and intrastate conflicts. But the environment, the abuse of human rights and likely changes in the global order, are all concerns of the international community, thus providing a rationale for mediation. The term “peace” refers specifically to a sustainable, enduring resolution to conflict. It therefore attaches a value to international mediation as an integral – but not isolated – part in the conflict resolution and peacemaking cycle.

3. International Conflict Management Strategies

"Interactive conflict resolution (ICR) involves problem-solving discussions between unofficial representatives of groups or states engaged in violent protracted conflict" (Fisher, 1997: 239). It is primarily a social-psychological approach to conflict management. International conflict management strategies emphasize the need for direct communication between opposing parties, and for a skilled intermediary to facilitate that communication. "The ultimate goals are deep understanding, mutual recognition and respect, and jointly acceptable and sustainable solutions in sum, an improved relationship between the parties" (Fisher, 1997: 241). The focus for the purpose of this study will be on international negotiation and international mediation as more effective strategies to transform conflict.
3.1 International Negotiation

Negotiation can be defined as a process to resolve differences in goals that arise from dissimilar interests and perspectives (Jeong, 2010:151). Negotiators share their views to establish the areas of common ground and agreement in probing to unearth underlying concerns.

Negotiation can be defined as a communication process between a number of individuals or groups, intended, through a process of give and take or creative problem-solving, to arrive at a mutually acceptable agreement. Although negotiation is often thought of as a highly specialized form of activity, it is in fact something people often do with many different kinds of people, quite frequently (Anstey, 2006:55).

The purpose of negotiation is to achieve something by changing the status quo (Jeong, 2010:152). If parties are satisfied with the way things are, there is nothing for them to negotiate about (Kheel, 2001:14). Negotiations typically take place because the parties wish to create something new that neither could do on his or her own, or to resolve a problem or dispute between them. The parties acknowledge that there is some conflict of interest between them and think they can use some form of influence to get a better deal, rather than simply taking what the other side will voluntarily give them. They prefer to search for agreement rather than fight openly, give in, or break off contact.

Meerts (2005:126) posits that, in international negotiation, it is often the more powerful party that becomes entrapped through its own actions. He argues that entrapment can be defined as “drowning in a swamp”, as the more people lose, the more they want to compensate for their losses. Entrapment is an increase in a conflict situation where the balance is lost: one party gets a stronger grip on the other party, which is losing its grip (Zartman & Faure, 2005:111). Entrapment occurs frequently in international negotiations between states and within international organizations such as the United Nations, the European Union, the African Union, to name a few. According to Zartman & Faure (2005, 127), the consequences of entrapment in international negotiations can be very far reaching. The effect is such that diplomats and other negotiators need to be
trained to be aware of the phenomenon. If the parties decide not to be restrained, international cooperation and control will break down. International negotiation is a dynamic process (Druckman, 2005: 185). In practice, the circumstances in which parties are willing to enter into negotiations vary widely. What is acceptable in one political context may prove unacceptable in another (Guelke 2008). The negotiation process is embedded within the context of a larger conflict between the parties. The process reflects and influences the conflict.

The consequence of failure of the parties to reach a negotiated settlement may not be the renewed outbreak of violent conflict. The failure of negotiations to end protracted violent political conflicts is typically attributed to a variety of factors, most commonly including the pursuit of irreconcilable aims by the major antagonists, obdurate political leadership, and the stage of the conflict (Ibid). The observation of these propositions is that successful negotiation depends on a readiness of the parties to compromise, political leadership capable of developing a relationship with the other side, and the right timing.

3.1.1 The international negotiation process

Negotiation from opening to closure is comprised of many steps and moves at each phase. Initial planning and fact finding can be accompanied by the development of negotiating positions and exchange of information. Jeong (2010:155) identifies the following stages of international negotiation:

- Preparation stage

At this stage, each party makes determinations about the level of their commitment to negotiation, and gathers information about the negotiability of main differences. The preparation stage consists of the assessment and prioritization of issues, a glimpse into common interests or differences in goals, as well as the identification of minimally acceptable agreement.

- Negotiation setting
This stage consists of the creation of a comfortable climate to lay the groundwork for the kind of negotiation desired by all sides. The confirmation of mutual interest in negotiation can lead to an agreement on potential agendas and ground rules.

- Formal bargaining

At this stage, issues and motivations can be revealed by assessing one’s own and others’ situations accurately. Parties start with the clarification of assumptions, the exchange of each other’s list of priorities and bottom lines. The construction of a bargaining formula along with the identification of a range of viable options emerges from refining persistent differences and testing trading possibilities between opposing parties.

### 3.1.2 Types of international negotiation

Zartman and Faure (2005:191) identify the following as types of international negotiation categorized by issue areas such as security, political, or trade-economic.

- **Security negotiations** include cases of defense, strategic policy making, arms control and war determination,
- **Political negotiations** include international (bilateral or multilateral) relationships; conflict management and resolution; global resources, energy, and the environment, and international laws and organizations, and
- **Trade or economic negotiations** include issues that concern economic development, money and finance, trade and investment, and science and technology development,

Protracted conflicts tend to be very stubborn under negotiations because parties are unwilling to settle for just a 50/50 agreement, thus the need for “assisted negotiation” also known as mediation. As Crocker (2007:113) put it, “mediation acts as a catalyst to negotiation”. Negotiation leads into the next section which is “assisted negotiation” – mediation.
3.2 International Mediation

The failure of negotiations to end protracted violent international conflicts is typically attributed to a variety of factors, including most commonly the pursuit of irreconcilable aims by the major antagonists, obdurate political leadership, and the stage of the conflict (Darby and McGinty, 2008:63). The connection between negotiation and mediation is that mediation is “assisted negotiation”: when negotiation fails a third party might assist the antagonists to rebuild the communication and to try to establish a common interest in the dispute.

Just as conflict is part of everyday life, mediation can and is practiced everyday and everywhere. It is a way of reaching decisions in a cooperative, non-hierarchical way, allowing for clear and open communication processes. Conflicts can be resolved in a formal manner through courts, arbitration, ombudspeople, diplomacy and mediation, or in an informal manner through friends, colleagues, religious and community leaders, as well as dialogue. The way in which people resolve their disputes has an impact on how societies and institutions are governed (Herrberg, 2008:4), as well as their ability to resolve conflicts with and within other communities. As we will see, mediation often means different things to different people.

Mediation is a confidential and informal way to resolve a dispute with the help of a neutral third person (a mediator). The mediator works with both parties to help them reach a mutually agreeable solution to their differences. Mediation proceedings are confidential and informal. The mediator cannot force the parties to resolve their differences, but the mediator can help the parties reach a solution agreeable to both of them. If the parties work out all or some of their differences, the resolution - or agreement - is put in writing and signed by both the parties. Mediation is assistance to two or more interacting parties (Pruitt 2007:145) by third parties who (usually) have no authority to impose an outcome. Not only is mediation one of the oldest forms of conflict resolution, but it is also used worldwide, with examples found in China, Zimbabwe, Cameroon, Nigeria, Israel, Malaysia, and Madagascar, amongst others.
Mediation has long been a part of international law, frequently involving the use of an international commission, in a process known as conciliation. Mediation differs from arbitration in that it is a diplomatic rather than a judicial procedure; thus, the parties to the dispute are not bound to accept the mediator's recommendations. The use of mediation has become increasingly common, both for internal and international disputes. Mediation then differs from negotiation and conciliation.

Anstey (2006:11) defines mediation as a form of third-party intervention into disputes, directed at assisting disputants in finding a mutually acceptable settlement. Although mediators operate from a high or low power base, they are not accorded authoritative decision making power, but are empowered to facilitate settlement through the use of the negotiation process. Mediation, like any conflict management technique, can occur in a number of different contexts. These can be formal, informal, structured and unstructured. The variables that shape mediation are numerous and include: the types of conflict, the training and background of the disputants, the training and background of the mediator, and the formality and type of procedures adopted (Dr Snodgrass 2010: 7).

Mediation is the best alternative to litigation. Mediation is a confidential, effective, inexpensive, and informal way to resolve a dispute quickly. It is a non-adversarial proceeding. It is a voluntary confidential process in which a neutral mediator helps to clarify each person's needs, strengths and weaknesses. The mediator helps the parties to generate options for a mutually satisfactory solution. Mediation is an intelligent means to a just solution and is controlled entirely by the parties. (http://www.beyondintractability.org/mediation/essays.jsp?nid=2195) [Available online]

Bercovitch (1997:130) defines mediation as "a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behavior, and do so without resorting to physical force or invoking the authority of law." Within this broad definition, mediators may adopt a variety of roles and approaches.
Christopher Honeyman and Nita Yawanarajah (2003:1) define mediation as a process in which a third-party neutral assists in resolving a dispute between two or more other parties. It is a non-adversarial approach to conflict resolution. The role of the mediator is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and generate options that meet the interests or needs of all relevant parties in an effort to resolve the conflict.

The Dispute Resolution Center (DRC) defined mediation as a process in which a third-party neutral, whether one mediator or more, acts as a facilitator to assist in resolving a dispute between two or more parties. It is a non-adversarial approach to conflict resolution, where the parties generally communicate directly. The role of the mediator is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and to generate options for settlement.

Mediation is a confidential and informal way to resolve a dispute with the help of a neutral third person (mediator). The mediator works with both parties to help them reach a mutually agreeable solution to their differences. Mediation proceedings are confidential and informal. The mediator cannot force the parties to resolve their differences, but the mediator can help them to reach a mutually agreeable solution. If the parties work out all or some of their differences, the resolution - or agreement - is put in writing and signed by both the parties. Mediation is assistance to two or more interacting parties (Kressel and Pruitt Ibid) by third parties who (usually) have no authority to impose an outcome. Not only is mediation one of the oldest forms of conflict resolution, but it is also used worldwide, with examples found in China, Zimbabwe, Cameroon, Nigeria, Israel, Malaysia, and Madagascar, amongst others.
3.2.1 Types of Mediation

There are 3 basics types of mediation, namely facilitative, evaluative and transformative mediation.

➢ **Facilitative mediation**

In the 1960’s and 1970’s, there was only one type of mediation taught and practiced. This is now called "Facilitative Mediation". In facilitative mediation, the mediator structures a process to assist the parties in reaching a mutually agreeable resolution. The mediator asks questions; validates and normalizes parties’ points of view; searches for interests underneath the positions taken by parties; and assists the parties in finding and analyzing options for resolution. The facilitative mediator does not make recommendations to the parties, give his or her own advice or opinion as to the outcome of the case, or predict what a court would do in the case. The mediator is in charge of the process, while the parties are in charge of the outcome.

Jeong (2010: 141) argues that facilitative mediation stresses the informal and consensual nature of the process that is suitable for creative solutions. The involvement of intermediary communication helps proposals to be considered on their own merit (rather that those who proposed them). A facilitator’s role is oriented toward process management rather than the substantive deal making. In carrying the message, mediators are gatekeepers for the flow of information. As presented from this perspective, and as examples of mediation in Guatemala, Cameroon, Angola, Kenya show, UN mediators depend more heavily on facilitative methods.

Facilitative mediators want to ensure that parties come to agreements based on accurate information and understanding. They predominantly hold joint sessions with all parties present so that the parties can hear each other’s points of view, but hold caucuses regularly. The mediator works toward finding creative solutions that meet the interests and needs of both sides, ascribing relatively little importance to the legal rights
of the parties. The best cases for the facilitative model are those more about hurt feelings and anger than money. The mediator is a facilitator, not an evaluator.

- **Evaluative Mediation**

Evaluative mediation is a process modeled on settlement conferences held by judges. An evaluative mediator assists the parties in reaching resolution by pointing out the weaknesses of their cases, and predicting what a judge or jury would be likely to do. An evaluative mediator might make formal or informal recommendations to the parties as to the outcome of the issues. Evaluative mediators are concerned with the legal rights of the parties rather than their needs and interests, and evaluate situations based on legal concepts of fairness. Evaluative mediators meet most often in separate meetings with the parties and their attorneys, practicing “shuttle diplomacy”. They help the parties and attorneys evaluate their legal position and the costs vs. the benefits of pursuing a legal resolution rather than settling in mediation. The evaluative mediator structures the process, and directly influences the outcome of mediation.

The parties are most often present in the mediation, but the mediator may also meet with the attorneys alone as well as with the parties and their attorneys. There is an assumption in evaluative mediation that the mediator has substantive expertise or legal expertise in the substantive area of the dispute. Because of the connection between evaluative mediation and the courts, and because of their comfort level with settlement conferences, most evaluative mediators are attorneys.

- **Transformative Mediation**

Transformative mediation is the most recent concept of the three, named by Folger and Bush in their book “The promise of mediation” in 1994. Transformative mediation is based on the values of "empowerment" of each party as well as the value of "recognition" of each party's of the other parties' needs, interests, values and points of view by the other. The potential for transformative mediation is that any or all parties or their relationships may be transformed during the mediation. Transformative mediators
meet with parties together, since only those directly involved can give each other "recognition".

In some ways, the values of transformative mediation mirror those of early facilitative mediation, especially in its interest in empowering parties and transformation. Early facilitative mediators fully expected to transform society with pro-peace techniques. And they did. Modern transformative mediators want to continue that process by allowing and supporting the parties in mediation to determine the direction of their own process. In transformative mediation, the parties structure both the process and the outcome of mediation, and the mediator follows their lead.

### 3.2.2 Principles of international mediation

The entire process of mediation is not adversarial in nature. The outcome of the mediation is not a win for one party and a loss for the other. Both parties agree in the course of the mediation to a solution which is mutually beneficial. Since mediation is essentially a voluntary process, it is logical to assume that a conflict will be most constructively and effectively dealt with through mediation when both parties are willing to commit themselves to the process (Bercovitch 1996:63). Agreements which are entered into during the course of mediation are acceptable and stand the greatest chance of being implemented because the outcome of mediation is not imposed by a third party adjudicator. Rather, it represents a solution which has been voluntarily agreed to by mutual agreement. Mediated outcomes are less likely to be evaded by parties because they represent an assessment by parties of what is in their best interest.

The importance of mediation lies in the fact that it has the potential to provide an expeditious, economical and private resolution of the problems that have arisen between the parties. Most importantly, the process emphasizes the participatory role of parties. The resolution of the dispute depends upon the parties themselves. Ultimately, each party knows its needs and interests best. Mediation enables each party to give expression to its perceptions and viewpoints in a confidential and private surrounding.
Bercovitch (1997:131) says, "Mediation may well be the closest thing we have to an effective technique for dealing with conflicts in the twenty-first century." Significantly, mediation proceedings are not confined to judicial remedies. For instance, the true interests of parties may lie in supporting a previous relationship by ironing out outstanding problems. Mediation enables parties to look beyond the formal confines of a legal dispute by creating arrangements between them that would provide practical solutions which are mutually beneficial. These outcomes stand the greatest chance of successful enforcement because all the parties concerned perceive them to be in their mutual interest. The role and function of the mediator extends to facilitating an appreciation on the part of the parties of the full range of their interests and positions. This is a matter of great importance because in a typical situation where there is an ongoing relationship between the parties, whether business or personal, mediation enables parties to explore and implement options that will strengthen a future relationship (Bradshaw 2009:45).

Mediation is practiced widely in international relations. It has many advantages that may appeal to parties in a bitter conflict (Bercovitch, 2003:34). It is ad hoc in nature, non-coercive, and voluntary, which makes it less threatening than other possible conflict management options. It is non-evaluative and non-judgmental and it is particularly suited to the reality of international relations, where states and other actors guard their autonomy and independence quite jealously. It offers both parties the prospects of a better outcome without necessarily having any direct meetings with a sworn enemy. It is also a process that leaves the ultimate decision on any outcome to the parties themselves. These aspects of mediation make it a very attractive method for dealing with intractable conflicts.

Darby & MacGinty (2008:100) posit that much of the current intellectual and practical debate about the role of mediation in protracted conflicts revolves around the question of who -, or, more accurately, what - type of entity might be most appropriate to perform mediatory tasks in conflicts that are violent, protracted, and dangerous to a region, but which takes place within the confines of an existing state or country, no matter how
collapsed the former or disintegrated the latter. Three aspects of this debate currently predominate, they are:

- The debate about the timing of mediation,
- The debate about “external-neutrals” vs. “insider-partial” as effective intermediaries, and
- The debate about appropriate forms of intermediary activity and their relation to various stages of a “peace process”.

### 3.2.2.1 Timing in international mediation

Since William Zartman wrote his pioneering work on the timing of interventions into protracted social conflicts, much has been written about issues of timing, or of conflicts’ ripeness of resolution. One focus for debate has naturally taken the form of asking when there exist appropriate conditions for successful intermediary actions. In this regard, much of the writing of Fisher & Keashley (1991:87) has concentrated on developing a contingency approach to peacemaking interventions. They argue that the type of initiative (whether from benevolently inclined outsiders or indirectly involved insiders) most likely to have a positive impact on a conflict depends on the stage that particular conflict has reached. They suggest that, once conflicts have crossed the threshold from hostility and threats to direct violence, only low-key efforts to dampen the violence and perhaps restore non-provocative communications between the adversaries are likely to be effective. However, in another work on the issue of timing, Rubin (1991:55) takes a more hopeful view of what might be attempted.

### 3.2.2.2 Ripeness in international mediation

Some impediments to recognizing and acting on objective elements of ripeness are a natural part of conflicts. There is a tendency not to give up without a fight (Zartman,
and pride commonly precludes making concessions to bullies. When conflict escalates, negative images of the adversary ordinarily develop. Those images tend to block communication with the adversary and can also produce a level of distrust that makes negotiation seem useless (Aggestam and Jonsson, 1997:42). Anger, a sense of injustice, and the desire for revenge, often mount to such high levels that there is no interest in accommodation, despite there being ample reasons for exploring that possibility. These sentiments may lead to the development of a militant ideology that justifies the high cost of resisting the adversary as spiritually redemptive (Zartman, 2000:98). Escalation of emotions such as anger may also produce militant leadership, which tends to reject negotiation and adopt policies that keep the conflict going (Watkins and Lundberg, 1998:301). Such policies provide leaders and those who work for them with a life of excitement, purpose, and competence; besides providing jobs and status that are likely to be lost if peace is established (Coleman, 1997; Pruitt and Kim, 2004).

Zartman (2000:104) points out that, as costs mount; impediments (which he calls "resistant reactions") tend to rise, making it harder to recognize a ripe moment in severe conflicts than in moderate ones. In severe conflicts, costs must be extreme to outrank pride, negative images, the desire for revenge, and militant ideology. Zartman is, presumably, referring to costs that are attributed to the adversary rather than those that come from other sources, such as opportunity costs. An example of the latter is when Soviet Premier Mikhail Gorbachev recognized that the Cold War was bankrupting his country. This conclusion in no way impeded settlement with the West; indeed, it had quite the opposite effect (Stein, 1996:5).

Parties resolve their conflict only when they are ready to do so: when alternative, usually unilateral, means of achieving a satisfactory result are blocked and the parties feel that they are in an uncomfortable and costly predicament. At that "ripe" moment, they seek or are amenable to proposals that offer a way out (Zartman, 2003:47).

The idea of a ripe moment lies at the fingertips of diplomats. As long ago as 1974, Henry Kissinger recognized that "stalemate is the most propitious condition for settlement." Similarly, practitioners often are heard to say that certain mediation
initiatives are not advisable because the conflict just is not yet "ripe" (Zartman, 2003:48).

The concept of a ripe moment centers on the parties' perception of a Mutually Hurting Stalemate (MHS), a situation in which neither side can win, yet continuing the conflict will be very harmful to each (although not necessarily in equal degree nor for the same reasons). Also contributing to "ripeness" is an impending, past, or recently avoided catastrophe. This further encourages the parties to seek an alternative policy or "way out," since the catastrophe provides a deadline or a lesson indicating that pain might be sharply increased if something is not done about it soon. Put in other terms, a conflict becomes ripe for resolution when the parties realize that the status quo – no negotiation – is a negative sum (or lose-lose) situation, not a zero-sum (win-lose) situation. Thus, to avoid the mutual loss, they must consider mediation in an attempt to reach a positive sum (or win-win) outcome.

The point here is that, before the mediation process starts, conflict ripeness must be ensured. Although ripeness theory cannot predict when a given situation will become ripe, it can identify the elements necessary (even if insufficient) for productive negotiations to begin. This type of analytical prediction is the best that can be obtained in social science, where stronger predictions could only be ventured by eliminating free choice (including the human possibility of blindness and mistakes). As such, it is of great value to policymakers to become knowledgeable about when and how to begin a peace process.

Brahm (2003:12) posits that once conflicts escalate for awhile, parties often reach a stalemate: a situation in which neither side can win, but neither side wants to back down or accept loss either. Stalemates emerge for a number of reasons: failed tactics, depletion of available resources to fuel the conflict, a reduction in support of the conflict by group members or allies, or costs becoming too high to continue. Eventually, conflicts reach a point at which a sort of equilibrium sets in, in which neither side is getting any closer to achieving its goals and no one is happy with the situation. They come to realize that the costs of continuing the struggle exceed (oftentimes greatly
exceed) the benefits to be gained. This is the situation known as the "mutually hurting stalemate" which is often ripe for the introduction of proposals for settlement. Before that ripeness moment, mediation should not be introduced.

Ripeness is the key to many successful cases of mediation, opening the way for discussions that led to agreements in the Sinai (1974), Southwest Africa (1988), El Salvador (1988), Mozambique (1992), Cameroon (2006), Kenya (2008) and many others. The lack of ripeness led to the failure of attempts to open negotiations between Eritrea and Ethiopia in the late 1980s, within Sudan for decades, and elsewhere. Ripeness is a fundamental prerequisite for mediation (Hume, 1994:12).

In general, mediation is most appropriate when both of the disputing parties are willing to participate in the process and both want to reach a mutual agreement. Mediation does not involve binding legal outcomes determined by outside persons; it is simply a negotiation process. Mediators and others types of third-party intermediaries should best await the development of a “hurting stalemate” for both adversaries, perhaps accompanied by an approaching mutual catastrophe (Darby & Mac Ginty 2008:97). Such circumstances offer the best context for mediatory activity.

3.2.2.3 Readiness in international mediation

The above debate does have its problems, and the debate on mediation’s timing is becoming quite controversial. Many scholars consider Zartman’s theory to be inappropriate in some cases of protracted conflict. We therefore ask ourselves: do parties always have to refer to mediation only at a point where there is a stalemate in the conflict? Can parties to a conflict not refer to mediation as a preventative measure before the conflict reaches a stalemate? There seem to have been many protracted conflicts that bear out Zartman’s contentions that only mutual pain and a sense of “no end in sight” will make parties in violent conflict open to the possibilities of mediation and a brokered solution. However, there are clearly other cases that do not fit this model and where mediators have been able to move adversaries towards an alternative
process than continuing mutual coercion and harm. Mitchell (1995:17) suggests alternative ideas about “ripe moments”, arguing that circumstances that enable leaders to abandon entrapping commitments or to envisage creative alternatives may also provide openings for well-crafted intermediary initiatives.

Pruitt (2005:23) developed two ways of changing the structure of the core theory of ripeness to make it more useful. One is to look at the motives and perceptions that make up ripeness on each side separately, rather than focusing attention on joint states of mind such as a mutually hurting stalemate. The other is to treat those psychological states and their antecedents as variables. The result is “readiness theory” (Pruitt Ibid), which is a modification of ripeness theory that solves some of its problems. In Pruitt’s view, this modification has four advantages:

- First, it fits more cases of conflict resolution than does the original.
- Second, it is more heuristic in the sense of allowing construction of novel theoretical propositions.
- Third, it gives the theory greater reach in the phenomena it seeks to interpret.
- And fourth, it provides a way to include in the theory some of the political processes that take place within the parties.

Pruitt (Ibid) defined readiness as the extent to which an individual disputant is interested in negotiation. Ripeness is still a core concept in readiness theory, being treated as a function of the level of readiness on both sides. Negotiation will only start if there is some degree of readiness on both sides and, hence, some degree of ripeness. The greater the readiness and ripeness, the more likely negotiation is to occur. Readiness theory — in parallel to core ripeness theory — holds that two psychological variables encourage a party to be ready for negotiation: motivation to end conflict, and optimism about the success of negotiation, or simply “optimism.”

**Motivation to End Conflict**

Motivation to end conflict results either from a perception that the conflict is dysfunctional or from third-party pressure. According to Pruitt (Ibid), a conflict can be considered to be dysfunctional if it falls into the three categories below:
• A perception that the conflict is not being won or (and this is more motivating) that it is being lost. When such a perception first arises, the disputant is likely to try new tactics, such as escalation, alliance building, or co-optation of the adversary’s supporters. But if those tactics also fail, motivation to end the conflict is the likely result. The clearer the failure, the stronger the motivation to end the conflict.
• The perceived cost of the conflict. The greater the perceived cost, the stronger the motivation to end the conflict.
• The perceived risk of continuing the conflict. Perceived risk includes the risk of further alienating the other party, the risk of spiralling escalation, and the risk of running out of resources. The greater the perceived risk, the stronger the motivation to end the conflict.

Third-party pressure to end a conflict can come from mediators, allies, or power balancers (for example, NATO bombing the Bosnian Serbs in 1995). Only strong third parties can apply effective pressure on disputants, but both weak and strong third parties can use the tactics discussed earlier to persuade disputants that a ripe moment is at hand and to help them realize the promise of such a moment (Pruitt, 2000, 2002).

The stronger the third party and the greater its pressure, the more efforts a disputant will make to appear to be trying to end the conflict. This appearance will turn into actual motivation to end the conflict if the third party is persistent and perceptive, and demands real change.

The three antecedents listed above are roughly parallel to ripeness theory’s perceived stalemate, felt hurt and impending catastrophe. Third-party pressure is not a part of core ripeness theory, but arguably it should be. Readiness theory avoids this criticism by focusing on motivation to end a conflict — rather than on hurting stalemate — and by making third-party pressure one source of this motivation.

**Optimism**

Kelman (1997:203) define optimism as a sense that it will be possible to locate a mutually acceptable agreement. There is a time dimension to optimism. Some optimism is required for a party to enter negotiation, and, as negotiation goes along, this optimism
must increase or the party will drop out. Early on, optimism often derives from what Kelman (1997:203) calls “working trust,” a belief that the other side is also motivated to settle the dispute and, hence, that it will work hard and make concessions. However, for optimism to be sustained the party must eventually see the outlines of a possible agreement — a formula that will bridge the two parties’ opposing positions. The greater the apparent distance between the two parties’ positions, the less optimism of this kind there will be. Optimism also depends on a perception that the negotiator on the other side is a valid spokesperson, an individual who can actually commit the other side to an agreement that will be endorsed back home.

Traditional ripeness theory uses a model of necessary causation; ripeness is necessary but not sufficient for negotiation to begin. Such arguments suggest an amendment to ripeness theory (in its necessary but insufficient formulation), which holds that a mutually hurting stalemate is not always necessary for development of a ripe moment. A ripe moment may develop if only one side is highly concerned about costs, risks, or the prospect of failure —a one-sided hurting stalemate, as it were —provided that the other side has limited goals. Those concerns may cause the first side to send conciliatory signals and to moderate its goals to a point where the other side becomes sufficiently optimistic for negotiation to start.

3.2.2.4 “External-neutrals” vs. “Insider-partial” as effective intermediaries

A major intellectual puzzle currently being faced is the issue about whether it is more appropriate that mediatory tasks are carried out by outsiders, rather than on “the classical” model of international mediation, or whether success is more likely when insiders - individuals and organizations that are themselves part of the society or community within which the conflict is taking place - act as intermediaries between warring factions. The “outsider-neutral” Vs “insider-partial” debate is too frequently carried out as though the existence of these two types of intermediary presented as “either-or” choice, at least in those situations where choice is possible (Mitchell, 2008:42). More fruitfully, enquiry might well start with the assumption that there are
circumstances in which one is more likely to be successful than another, while the reverse is true in other circumstances.

The issue of what kind of mediator is most appropriate for which circumstances remains a baffling and contentious one. Outsiders have problems obtaining access to intra-state conflicts, although the doctrine of non-interference in the internal affairs of an independent state is beginning to fray at the edges, especially when it is hard to argue that a state still exists. Wehr & Lederach (1991:8) argue persuasively that, in many protracted conflicts, only intermediaries that understand the cultural nuances of the society and who enjoy the confianza (something more than simply ‘trust’) of the antagonists can hope to carry out intermediary roles successfully. Certainly, experiences of the success of local intermediaries in developing peace at least at the local level in parts of North eastern Kenya back up the claim that insider-partials have advantages that are denied to outsiders. On the other hand, there are enough cases of outsiders playing successful parts in processes achieving peace at the national level to again raise the question of what circumstances favor one type of mediator over the other (Mitchell 2008:43).

All along, as s/he facilitates communication between the parties, the mediator controls the process, ensuring on the one hand that s/he is not judgmental, nor on the other, an advisor. The effort of the mediator is to ensure that through the mediation and dialogue parties arrive at a solution which is in their best interest. The essence of mediation lies in the role of the mediator as a facilitator. The role of the mediator is to create an environment in which parties before him/her are facilitated towards resolving the dispute in a purely voluntary settlement or agreement. The mediator is neutral. The mediator does neither delivers judgment nor dictates to the parties the terms of the agreement. Among the factors that experienced international mediators cite as particularly important are intelligence, stamina, energy, patience, and a sense of humor (Bercovitch, 1996:102). Trust, credibility, and a high degree of personal skill and competence in a mediator are also necessary preconditions for mediators’ acceptance and successful mediation (Crocker & Smock 1995:85)
3.3 Mediator roles and functions

The range of possible actors in the mediation market is truly immense. Many of the actors in the global environment may engage in formal or informal mediation. To make sense of the range of mediators, we will classify them into the following three categories: individuals, states, and institutions.

3.3.1 Individuals

The traditional image of mediation is that of a single, usually high-ranking, individual, shuttling from one place to another, trying to search for understanding, restore communication between hostile parties, or help settle their conflict. This image is only partly accurate (Conflict Resolution Vol III: 174). The individual mediator who engages in such behavior is normally an official representing a government in a series of formal interactions with high-level officials from the disputing countries. The mediation strategies of individuals are more directly related to their capabilities and subjective experiences, than to the external and contextual stimuli that impinge on them. Individual mediators can therefore exhibit greater flexibility and experimentation than mediation by political incumbents (Conflict Resolution Vol III: 175).

3.3.2 States

As a political actor, the state remains, despite the globalization of international politics, one of the most successful and enduring forms of social and political organization. Often, they get into conflicts with other states pursuing the same objectives. When this happens, representatives of states get together through mediation or other means to articulate their concerns and search for settlement. When a state is invited to mediate a dispute, it normally engages the services of one of its top decision makers (e.g. President Carter, President Mandela, British Foreign Ministers Lords Carrington or Owen, etcetera). Representatives of all states formally interact in the various international policy making bodies.
3.3.3 Institutions and organizations (governmental or nongovernmental)

The complexity of the international environment is such that states and nations can no longer facilitate the pursuit of human interests alone, nor completely satisfy the demands for an ever increasing range of services. Consequently, society has witnessed a phenomenal growth in the number of non-state actors, all of whom affect issues of war and peace with the expectation of such organizations to play their full part in the mediation of international disputes. Bercovitch and Schneider (2006:176) identify three kinds of ideal type organizations that are important to our understanding of international mediation:

- Multilateral ad hoc teams,
- International organizations,
- Transnational non state organizations.

3.4 Attributes of Mediators

Although a mediator cannot force an outcome, the process is very often effective. The key is the ability of the mediator to create a more productive discussion than the parties could have had by themselves (Darby & Mac Ginty, 2008:101). To do this, mediators help the parties determine facts, they show empathy and impartiality with the parties, and they help the parties generate new ideas. Mediators also exercise political skill and use persuasion to get people to soften hard line positions. But what do mediators actually do? In this regard, it has been clear for considerable time that the answer to this apparently simple query is that it depends on when a mediator chooses to take an initiative. This means that there are appropriate roles and functions – plainly put, tasks to be undertaken - depending upon what stage a peace process has achieved (Mitchell, 2008:42).

In *Kings of Peace, Pawns of War*, a publication that describes and sheds light on the personalities and tactics of international conflict mediators, Harriet Martin (2006:56) points out that the ‘*fascinating human variable of character is an element which theory*
will always find hard to capture, yet it is vital to what goes on around the negotiation table’.

Members of the EU policy community point out that mediation in the international environment is dependent on the personality of a mediator and his or her basic empowering attitude (Heerberg, 2008:10). In fact, even professional mediation experts assert that mediation is not only a job, or an assignment. It is an art. It requires know-how, an internalised approach, and posture which are to be performed with virtuosity. Experience has shown that, although technical and scientific know-how can be relatively easily acquired, the actual “internalisation” of key values and beliefs of mediation, as well as substantial self reflection and authenticity, “makes” the mediator (Oboth, 2001: 236). Desired qualities in a mediator include the ability to see conflict as a chance for further development, personal emotional stability, and an outstanding capacity to listen and really “hear” conflict parties. A good mediator must also be able to recognise the needs of conflict parties through effective communication, group analysis and “out of the-box” skills.

Unlike arbitration, where the intermediary listens to the arguments of both sides and makes a decision for the disputants, a mediator assists the parties to develop a solution themselves. Although mediators sometimes provide ideas, suggestions, or even formal proposals for settlement, the mediator is primarily a “process person,” helping the parties define the agenda, identify and reframe the issues, communicate more effectively, find areas of common ground, negotiate fairly, and hopefully reach an agreement. A successful mediation effort has an outcome that is accepted and owned by the parties themselves.

Issues over the appropriate place for third-party ‘power’ or ‘leverage’ developed out of these analyses and still occupy a central place in today’s diverse and controversial literature about what makes a successful mediator and whether adroitness and creativity can make up for the absence of resources to be promised or withheld as ways of inducing agreement between rivals. Some of the recent literature on conflict transformation add that mediators’ tasks now do not end with the signing of the
agreement or a set of accords, and argue that it might be helpful to think of a mediator less as a single person or organization and more as a set of roles to be fulfilled or tasks to be performed. Furthermore, these necessary tasks may actually be carried out by a variety of individuals or organisations, acting in concert with one another.

3.5 Interested mediator

Mediator acceptability is crucial to successful intervention (Moore, 1986:108). However, considerable debate surrounds the issue of what factors might contribute to this. On the one hand are those authors who propose that a mediator should be a disinterested party, whose salient characteristics are those of neutrality and impartiality. On the other hand are those authors who suggest that mediators are often interested parties who are in fact not neutral but have a direct interest in the outcome of a dispute or in a particular network of social relations.

Zartman and Touval (1985:35) extend the argument of mediators as interested parties in the field of community relations, proposing that mediators are “players” in the process. They posit two types of interests:

1- Defensive interest where continued conflict threatens the mediator’s own interests.
2- Influential interests where, although not directly threatened by a conflict, a party may offer to intervene in order to extend influence over the parties concerned or in a particular region.

According to Zartman and Touval (Ibid), the mediator cannot be seen to be so close to one party as to preclude an agreement, but, like disinterested mediators, must be perceived to have a primary interest in achieving a settlement acceptable to both sides. The argument from this perspective is that the central issue that renders the mediator acceptable is not impartiality, but a perceived capacity to provide an acceptable outcome (Anstey, 2006:45).
Credibility and trust are essential to conflict mediation. No mediator arrives with these entirely in place. Rather, credibility and trust are built over time in relationships with the different parties to the conflict. Standards of conduct that can help a mediator earn and maintain trust include performing competently, consistently, and predictably; communicating accurately and openly with a balance between transparency and confidentiality; interacting appropriately and with equal levels of proximity with all parties; and exhibiting empathy toward and commitment to the possibility of a solution (Anstey, 1993:12). In any conflict, some level of distrust may remain and even be helpful. Besides encouraging reasonable vigilance about the possibilities of being manipulated or misled, distrust can usefully disrupt excessive group cohesion that might result in "groupthink" and a refusal to countenance new ideas. Distrust can be managed through shared recording practices, reporting back to the parties about what has been discussed or decided, and agreed-upon methods of monitoring and verifying actions that the parties have committed to take.

Experienced mediators who have addressed the issue tend to speak with a single voice. Canadian mediator Alan Gold puts it succinctly when he says, "The key word is 'trust.' Without it, you're dead. Without it, stay home!" (Gold, 1981:2). Gold is referring specifically to collective bargaining, but for all types of mediation, no single attribute is more important in most sectors of mediation than the ability to build trust (Salem, 2003:10) [Available online]. From the moment they enter into a conflict, mediators strive to gain the trust of the parties. Throughout the mediation they work to build and maintain the parties’ trust of the mediation process, the mediators, and between the parties themselves. When trust levels are high, parties are less defensive and more willing to share information with other parties at the mediation table and in private sessions with the mediator – information that may be crucial to finding a mutually acceptable solution.

In contrast to much of the extant literature at the time, Laue and Cormick argue that neutrality is not possible in a mediator role, because either the intervener is promoting a (positive) change process or acting on behalf of one of the parties (Philpott & Powers 2010:274). They reiterate their assumption, stating, "All intervention alters the power configuration among the parties, thus all conflict intervention is advocacy. There are no
neutrals”. These authors examine neutrality and the foundations of mediator credibility and legitimacy and challenge the cultural assumptions of the “outsider-neutral” mediator role, which assumes that mediators have no existing or future relationship with or connection to either of the parties. For “outsiders-neutral”, it is precisely this lack of association that forms the basis for the mediator’s role in the conflict. On the other hand, they describe the “insider-partial” as a situation where legitimacy derives from existing and ongoing relationships based on trust and connection. These and other challenges to the value of neutrality in mediation, in particular, pave the way for a more expanded conception of third-party roles in conflict intervention. The idea that mediators need to be impartial in the conflict they face seems pervasive. One may think that a mediator is a “Eunuch from Mars”, distant and disinterested, indifferent to the conflict and issues at hand, but the basic idea is that mediators need to steer a precise course between the disputants lest they alienate one side and lose their credibility and acceptability (Bercovitch, 1996:44).

4. The international mediation process

Smock and Smith (2008:32) in their book Managing the Mediation Process offers an overview of the process of mediating interstate and intrastate conflicts. Each of its six chapters covers a different step in the process, identifying what needs to be done at that step and how best to accomplish it:

4-1 Assess the conflict

Smock & Smith (Ibid) identify this process as the first step in any attempt to mediation. Assessing the conflict involves a thorough analysis of the conflict, which provides a contextualized understanding of the conflict and answer questions of strategy: at what level to engage, how to gain leverage and on whom to focus efforts.
Generally this step involves four activities: understanding what the conflict is about, understanding who the actors are, understanding the larger context, and understanding sources of power and leverage.

4.1.1 Understanding what the conflict is about:

In order to communicate effectively with the parties, a mediator needs to grasp the history and content of the conflict, including the key points, as it matters to the participants. The mediator needs to understand what is being contested, and the central issue of the dispute. The mediator must identify the positions of the parties to the conflict and the issues that divide them. Their perceptions and misperceptions of themselves and their antagonists, of the course of the conflict thus far, and of the process of negotiation will be central to their willingness to engage in mediation.

4.1.2 Understanding who the actors are

Effective mediators divide different form of engagement with different actors. The mediator must be trained to develop effective communication skills. The role play of the mediator is a key ingredient in the qualitative success of mediation. A band of trained mediators is thus critical if mediation is to acquire a high degree of acceptability. Any mediator must get to know the actors before embarking on the mediation process, which means s/he needs to know who the main actors in the conflict are, and understand each party’s point without any preferences. The mediator has to stay neutral at all times during the mediation and always show his/her understanding of each party’s point of view.

4.1.3 Understanding the larger context

The mediator should take into account institutions and processes that the society already possesses for dealing with conflict non-violently. In the case of international conflict, the mediator should consider the political history of the country in conflict, including the stability, effectiveness, and legitimacy of its governing institutions. It is imperative to assess existing and potential international institutions and processes for
managing conflicts and relevant conflict resolution mechanisms (Smock & Smith 2008:16).

Before embarking on mediation, the conflict context must be thoroughly examined in order to deal with the situation efficiently. The conflict history and intractability must be addressed and the mediator must get familiar with the previous strategies and processes used in the context for conflict management.

### 4.1.4 Understanding sources of power and leverage

All along, as s/he facilitates communication between the parties, the mediator controls the process, ensuring on the one hand that s/he is not judgmental, nor on the other, an advisor. The effort of the mediator is to ensure that through the mediation dialogue, parties arrive at a solution which is in their best interest. The essence of mediation lies in the role of the mediator as a facilitator. The role of the mediator is to create an environment in which parties before him/her are facilitated towards resolving the dispute in a purely voluntary settlement or agreement. The mediator is neutral, and does not either deliver judgment or dictate to the parties the terms of the agreement.

### 4.2 Ensure mediator readiness

The key to a successful mediation is the ability of the mediator to create a more productive discussion than the parties could have had by themselves. To do this, mediators must ensure their readiness to help the parties determine facts; show empathy and impartiality with the parties; and help the parties generate new ideas. Unlike arbitration, where the intermediary listens to the arguments of both sides and makes a decision for the disputants, a mediator assists the parties to develop a solution themselves. Although mediators sometimes provide ideas, suggestions, or even formal proposals for settlement, the mediator is primarily a "process person," helping the parties define the agenda, identify and reframe the issues, communicate
more effectively, find areas of common ground, negotiate fairly, and hopefully, reach an agreement. A successful mediation effort has an outcome that is accepted and owned by the parties themselves.

4.3 Conduct Track-I Mediation

Once the mediator has assessed the conflict, enhanced ripeness, determined his or her readiness to act, and evaluated, the mediator is ready to begin the fourth stage of the process: negotiation. Among the tasks that fall to the mediator at this stage are laying the groundwork, creating roles for all relevant actors, handling logistics, and actually conducting (pre) negotiations.

- **Laying the groundwork**

Ground rules are important because they establish the purpose of the dispute resolution process at hand and shape how meetings will be conducted. By setting rules about who may participate and how decisions will be made, parties can ensure that these processes run more smoothly. In addition, ground rules institute safeguards to protect parties and discourage needless escalation. Adopting procedures also allows parties to reach agreements early in the discussions. Success early on in developing ground rules demonstrates to skeptical parties that they can indeed reach agreement with one another. This is the first step towards working together effectively to solve the problem at hand. In addition, discussing rules helps to provide guidelines for behavior that participants are likely to follow as they contribute to establishing the groundwork prior to the mediation process.

- **Creating roles for all relevant actors**

Prior to the mediation process, the mediator must clearly allocate parties’ roles. S/he must clearly identify him/herself as the facilitator and remind parties at all times of the ground rules agreed upon by those involved in the conflict. Smock & Smith (2008:17) add that, when helping to determine whom to involve in direct negotiations, the mediator should consider the most viable partners, be prepared to manage spoilers, and try to
include marginalized groups as appropriate. The mediator should work with viable partners who have sufficient control over the drivers of violence and relevant constituencies. Generally, this means working with top-level leaders, but the mediator should not focus only on senior leaders, as midlevel leaders can be viable (and sometimes invaluable) partners, too.

- **Handling logistic**

Handling logistics is about providing a safe, effective, and well-resourced working environment. Effective mediators provide a safe working environment that accords no unfair advantage to any side and enables effective exchange. Arranging and paying for the components of such an environment is essential to any mediation. Smock & Smith (2008:17) identified the following as essential logistic components:

- A secure, accessible venue that is not identified with any party to the conflict.
- Security, transportation, meals, housing, and meeting space (including space for private meetings for each party and informal sharing of views between parties).
- Visas and identity papers (including documents for participants who may be outlawed or travelling under aliases).
- Proven translators who are independent of both parties (if necessary).
- Skilled staff who are sensitive to protocol and cross-cultural issues, and who can provide technical expertise and help draft agreements.
- Agreed-upon mechanisms for recording proceedings.
- Reliable and secure means of communication (between mediators and their institutional base as well as between all negotiators and their counselors and constituents).

- **Conducting pre-negotiations**

Pre negotiation refers to the discussions that precede formal negotiations. The topics usually include procedural questions: who will be involved, where and when the negotiations will take place, how they will be structured, what the agenda will be, and so on. Often these decisions are made before the parties actually sit down together at the
table. The mediator will discuss the questions with each side individually, make a proposal, and then use shuttle diplomacy to reach agreements on the process and structure before the parties sit down together.

4.4 Encourage Track-II Dialogue

The term "track two" was coined by Joseph Montville, who in 1981 distinguished traditional diplomatic activities (track one diplomacy) from "unofficial, informal interaction between members of adversarial groups or nations with the goals of developing strategies, influencing public opinions and organizing human and material resources in ways that might help resolve conflicts.

The best known and most developed of the "Track Two" models is the interactive problem-solving workshop developed by Burton, Kelman, Fisher, and others. Harold Saunders has developed a similar process to "engage representative citizens from the conflicting parties in designing steps to be taken in the political arena to change perceptions and stereotypes, to create a sense that peace might be possible, and to involve more and more of their compatriots." This "public peace process" has been applied in the Inter-Tajik Dialogue, begun in 1993 under the auspices of the Dartmouth Conference Regional Task Force. Track Two interventions bring together non-official, but influential, members of the parties for direct, private interaction with joint analysis of the conflict and joint problem-solving (Chigas, 2003:4). The intermediaries are typically knowledgeable and skilled scholar/practitioners who are impartial and whose training and expertise enable them to facilitate productive dialogue and problem-solving between the parties. The participants in these efforts, however, are not officials or members of negotiating teams, but rather "politically involved and often politically influential members" of conflicting societies. They may be parliamentarians, leaders, and activists of political movements, journalists, members of think tanks, or academics; people who are within the mainstream of their societies and close to the political center. Their unofficial position, along with the academic setting in which the meetings are conducted, permits them greater freedom to explore alternative perspectives and formulate new (joint) ideas.
These workshops have been credited with contributing to the breakthrough achieved in the Oslo Accord of September 1993 by developing cadres prepared to negotiate productively, by providing substantive inputs (both in terms of ideas and awareness of sensitivities and perspectives of the other side), and by creating a better political atmosphere for negotiation.

4.5 Construct a Peace Agreement

The sixth and final step in the mediation process is constructing an agreement that is acceptable not only to the parties to the conflict but also to the wider public, and that stands a good chance of being implemented successfully.

Prior to the development of final agreements, it is often helpful to have the parties agree to a "declaration of basic principles" or a negotiating framework that provides the overarching structure for a subsequently drafted, detailed peace agreement. This negotiating framework usually includes statements such as:

- The parties seek to live together in peace.
- The rights of states and/or nations and peoples will be protected.
- All parties will be treated with respect.

Most agreements are drafted in one of two ways. One approach is the "single-text" negotiating process in which the mediator listens to the suggestions of both sides and drafts a proposed agreement that best meets each side's needs and interests. This single text is then edited — either simultaneously or sequentially — by the parties until a draft acceptable to all sides is attained.

The other approach is for each side to simultaneously produce its own draft agreement. The mediator then takes these agreements and, working with the parties, tries to mesh them together into one document that everyone can eventually agree on.

The drafting process can take place as the negotiations proceed, with discrete parts of an agreement being drafted as soon as individual issues have been resolved. Alternatively, the entire agreement can be drafted at the end, after all the issues have
been negotiated and all the trade-offs between issues have been made. Both approaches have advantages, but if the issues are negotiated separately and the agreement is drafted in sections, it often is necessary to specify at the outset that "nothing is agreed until everything is agreed." This prevents negotiators from "cherry picking" — taking the agreements they want and discarding the ones they do not want. It also allows some flexibility for rewriting sections later, should trade-offs between issues become apparent that were not evident before.

In the United Nations, the act of mediation describes the political skills utilized in efforts carried out by the United Nations Secretary-General or his representatives, through the exercise of the Secretary General's "Good Offices," without the use of force and in keeping with the principles of the UN Charter. The United Nations mediator engages in a process as a third party when those in conflict either seek or accept the assistance of the United Nations with the aim to prevent, manage or resolve a conflict. A United Nations mediation mandate, however, is more specifically defined. When the United Nations is called upon to mediate a resolution to a conflict, the parties accept what is called a mediation mandate. This means that they accept that the UN mediator is there to help and provide them find solutions to resolve their conflict. A United Nations mediation mandate provides the authority for the Secretary-General or his envoys to:

- meet and listen to all parties to the conflict,
- consult all relevant parties for the resolution of the conflict, and
- propose ideas and solutions to facilitate the resolution to the conflict.

While the final outcome has to be agreed to by the parties, being a mediator entails a much greater responsibility and involvement in the outcome of the conflict. As in other mediations, a United Nations mediated outcome is not binding, unless the Security Council takes action to enforce the agreement. Final implementation of the mediated agreement rests upon the commitment of the parties.
5. Mediation in Africa

5.1 Conflicts in Africa

In the realm of peace and security in Africa, the 1990s witnessed dramatic and profound changes throughout the continent. With the conclusion of the Cold War, some of the major tensions between East and West over African battleground were markedly eased. South Africa and Namibia installed democratically elected governments. Relative peace and stability was established in Mozambique after three decades of confrontation between warring parties. Several dozens of African countries held democratic elections. Unquestionably, all these are positive and significant signs toward peace, stability and development. However, while many parts of the world moved toward greater stability and political and economic cooperation, Africa remained one of the cauldrons of instability. Political insecurity and violent conflicts became increasingly persistent realities of the development scene in Africa. Internal conflicts with deep historical roots flared in many countries on the continent. Ironically, while the international community paid less and less attention to African security affairs, the continent's institutional and organizational capacity to manage its pervasive conflicts was not developing at the same pace as conflict escalations. Against such a backdrop, peace and peacemaking in Africa emerges as one of the critical issues of great importance in global politics.

Widespread societal conflicts in Africa are often played out against the backdrop of deep poverty, illiteracy, and weak systems of governance. Undermined by unfavourable terms of trade, indebtedness and administrative failures, most states in Africa have failed to respond adequately to the critical social needs of their citizens. In the most extreme cases, Africa’s insecurity has been reflected by the traumatic episodes of collapsed and collapsing states.
Almost invariably, state collapses are products of long-term degenerative politics marked by a loss of control over the economic and political space. As would be expected, collapsed states in Africa have had harmful spillover effects on neighbouring countries. The overflow of refugees, heightened ethnic tensions in some cases, and the resulting diplomatic conflicts, have engaged substantial resources and efforts from the relatively stable countries that share borders with collapsed states (Zartman, 1995:1-5). In the process, what were once thought to be mere domestic conflicts, out of the purview of international organizations like the United Nations (UN) and regional organizations like the Organization of African Unity (OAU), have now been internationalized. External actors have been drawn into what was technically civil war in order to restore peace and security. It has become increasingly apparent that Africa should develop the capacity to deal with its growing domestic security problems by developing conflict management tools such as mediation.

If you pick up a newspaper in North America or Europe, or watch the news on television, it is not likely that you will hear much news from or about African countries. However, when there is news coverage, it is most likely that it will be a report on a crisis or problem. In recent years, the news media has focused on stories of hunger, HIV-AIDS and economic stagnation in Africa, or on political issues such as civil wars or political chaos. In trying to understand the causes for political (or economic, or social) problems in Africa, it is important not to look for quick and simple answers. The reasons for political violence, authoritarian governments, or corruption, in most African countries, are complex and a clear reflection of the inability of African states to govern themselves.

In its seminal review of economic and social conditions in sub-Saharan Africa at the dawn of the new century, Can Africa claim the 21st century? The World Bank noted that it had been expected that Asia would remain mired in poverty while Africa would steam ahead. The opposite, however, has been the case. Comparing Ghana and South Korea, two countries that were at a similar level of development in the 1960s, the World Bank had this to say:
In 1965, for example, incomes and exports per capita were higher in Ghana than in Korea. But projections proved to be far off the mark. Korea’s exports per capita overtook Ghana’s in 1972 and its income level surpassed Ghana’s four years later. Between 1965 and 1995 Korea’s exports increased by 400 times in current dollars. Meanwhile, Ghana’s increased only by 4 times, and real earnings per capita fell to a fraction of their earlier value (World Bank.2000:20).

How can the exponential poverty growth in Africa be explained? Who is responsible for this unending African economic malaise? What accounts for the increasing number of men, women and children caught in misery, hunger and despair in Africa? What can we say about the inefficiency of humanitarian activities, the programmed failure of national government which claim they want to put an end to the situation? Why does the state, a guide by excellence, often transform itself into a threat, bait that lures its citizens into a dead end? Finally, how can it be explained that the cradle of humankind, with enormous potential in agriculture, mining, energy, tourism, human resources, climate and forestry, has, in a few decades, become a vast theatre of desolation for so many men and women, to the extent that escape now seems the only solution to the youngest? Africa has been a scene a many atrocities and there is an urgent need to put in place conflict prevention and conflict management techniques.

Once conflicts escalate into violence, the major concern of neighbouring states, civil society, and the international community is to intervene in the conflict in order to facilitate the mediation process and to help transform structures that produce insecurity and structural violence into positive peace. It is argued in this paper that a solid foundation for effective organization and enabling institutions is a necessary precondition to sustainable and enduring peace building. For the purposes of this paper, institutions are understood as sets of rules governing the actions of individuals and organizations, and the interactions of all-relevant parties and negotiations among participants. Specifically, countries as well as societies need institutions that strengthen organizations and promote good governance, whether through laws and regulations, or by coordinating the actions of many players, as in international treaties. Rule-based
processes increase the transparency of policies designed to create desired outcomes, and of organizations used to implement them (World Bank, 2000:3).

5.2 The Intractable nature of conflicts in Africa

Many scholars and practitioners use the term “intractable conflicts” to mean conflicts that cannot be solved or effectively managed. Crocker (2007:3) defines an intractable conflict as one that is unusually difficult, but not impossible, to manage or resolve. In the 1990s and early twenty-first century, negotiations brought an end to some of the World’s most challenging and difficult conflicts. In places as varied as Mozambique, Cambodia, and Guatemala, third-party mediators played critical roles, acting independently or together to bring about a negotiated settlement between warring parties. Some of the World’s other long-standing conflicts, however, have been extraordinarily resistant to negotiated solutions or mediated interventions by third parties. In many parts of Sub Saharan Africa, such as Sudan, Northern Uganda, Burundi, and the Democratic Republic of Congo, intense civil conflicts continue to exact a high toll even as peace efforts struggle to gain traction (Crocker, 2007:3).

What separates intractable conflicts from other conflicts is the difference in the willingness or susceptibility of parties to entertain political options other than violence. In a conflict, parties look to a political settlement when the costs of continuing to fight begin to outweigh the benefits (Crocker, 2007:7). However, in intractable conflict situations, changes in cost-benefit calculations do not happen: elites are not very interested in considering negotiated alternatives because the conflict does not hurt them enough.

Third parties often have difficulty acquiring traction in intractable conflicts because the parties in the dispute are not seriously interested in considering negotiated options that would lead them out of their current situation. A common assumption about intractable conflicts is that they lack a clearly identifiable resolving formula, that is, there is no obvious solution to the conflict that offers benefits to both parties (Crocker, 2007:9).
5.3 Conflict management in Africa

Traditional and indigenous African methods of conflict management can be traced back to before the modern conflict management strategies of negotiation, mediation, or problem solving workshops. Traditional dispute resolution methods in Africa might involve consensus decision making, traditional leadership, churches, regional organizations (for example: ECOWAS, SADEC) a restoration of the human/resource ecological balance, and compensation or gift exchange designed to ensure reciprocal and ongoing harmonious relations between groups (Mac Ginty 2008:112). A good example illustrated by Mac Ginty (Ibid) includes the Mato-Oput ceremony among the Acholi in Northern Uganda. The Mato-Oput is a clan-based reconciliation ceremony involving an admission of wrong-doing, an offer of recompense and the sharing of a symbolic drink between disputants. Such ceremonies are common in Africa and operate at a community level. They conform to prevailing cultural norms and aspirations, and require few resources to operate. The All-Africa Conference of Churches (AACC) is another alternative conflict strategy used on the continent over the years. In an attempt to manage the Sudanese civil war, the Emperor Haile Selassie of Ethiopia brought the matter to the AACC and Sudan enjoyed a period of relative peace and stability for eight years after the agreement (Crocker & Smock 1995:54).

Controversial debates remain as to what the current African capacities to promote conflict resolutions are, why so many efforts have failed and why so many agreements have come unstuck on the African continent. The AACC has been active in Africa in sending peace missions to DRC, Angola, Burundi, and Rwanda. It is currently coordinating Sudan peace initiative to stay on track. The African Union is also taking some important steps forward. Although a conflict resolution unit has been established within the African union, old habits and bureaucratic procedures die hard. Some member states are still clinging to the principle of noninterference in the internal affairs of others countries. To wait for a request for intervention from the country itself would in many cases permit serious violence and mass killings to continue. The African Union deserves special attention and support, because it is a potential formidable force for the African continent. Several steps must be taken to improve the chances of conflict
resolution in Africa. Efforts need to be made to raise the awareness of both political and traditional leaders because of the need for more practical conflict resolution techniques such as negotiation and mediation. Successful conflict resolution requires major efforts both at the grass roots and at leadership levels. Only a multidimensional approach will advance the process of helping Africa through these difficult times and enable it to emerge as a strong, stable, developing continent, able to make its own contribution to World peace and stability.

Mediation is a process of restoring broken relationships between individuals, communities, ethnic groups or nations. Conflicts often erupt when relationships break down. This is what Africa has witnessed for the greater part of this century – more so during the last 35 years, since the majority of African countries won their independence. Interstate conflicts dominated the first two decades, but in more recent years a mushrooming of intrastate conflicts has resulted in massive dislocation. According to UNHCR, there are 3.9 million refugees, 400,000 internally displaced persons and 1.7 million returnees in Africa, forming a total of 6 million Africans displaced by conflict (The Ploughshares Monitor December 1998, volume 19, no. 4). How has Africa coped with conflict? What methods or mechanisms have been used? To answer these questions, we will draw on examples depicting classical approaches to mediation and peacemaking in Africa.

Africa has a history of producing mixed results on mediation efforts to end conflicts. Successes include Mozambique, Kenya, Cameroon, Nigeria, and South Africa. Failures include Somalia, Zimbabwe, and Eastern Congo. The list of African countries going through the process of conflict mediation is long, from Madagascar in the south, to Sudan in the east, Ivory Coast in the west, and others in between. The director of Boston University's African Studies Center, Timothy Longman, says having a major figure bring conflicting parties to the same table is crucial, such as when former Tanzanian President Julius Nyerere was appointed mediator in Burundi in the mid-1990s.

"People like Nyerere, who mediated in Burundi and then was followed by Nelson
Mandela, are such widely respected figures that they can have a lot of impact," said Timothy Longman (2010, http://www.voanews.com/english/news/africa/African-Mediation-Efforts-Have-Mixed-Results-95278874.html). Another example is, "more recently, Kofi Annan in Kenya. People who have a reputation for being well-known and well-respected can have a lot of influence. But there are always limitations, so that even when you have these big personalities, sometimes it can take a very long time to negotiate things" (The Ploughshares Monitor December 1998, volume 19, no. 4).

A former U.S. ambassador in Africa, David Shinn, says having a deal signed has also proven much easier than implementing its content.

"There are many examples of failed mediation in Africa, but there are also a fair number of examples of what appeared initially to be successful mediation, and then it came apart in the implementation," said David Shinn (2004:21).

He cites Somalia as an example. More than a dozen mediation attempts in Somalia have failed to bring peace and stability to the country. Shinn says he is worried about the future of a comprehensive peace agreement between North and South Sudan. It calls for South Sudan to vote on independence from the North in a referendum in 2011. But critical issues have yet to be resolved, including those involving water, oil and borders.

Shinn points to Mozambique, where a 16-year war ended with a peace deal in 1992, as a case study for successful mediation. The former ambassador says it is very important for major world powers, such as the United States, China and Russia to be involved in the implementation stage.

"So there is some real muscle behind the implementation effort," he said. "So by all means, you have to have that commitment and that commitment has often been lacking."

The director of the Africa Security Research Project, Timothy Volman, says it is vital to recall that world powers are sometimes implicated in Africa’s conflicts.
"They have a responsibility first of all to not exacerbate the conflict, the role of arms sales, military training programs, other forms of security assistance by the U.S., by China, by other external actors," said Timothy Volman. "I think it is a central factor [in] a lot of the conflicts, the kind of military support that both state and non-state actors count on." (The Ploughshares Monitor December 1998, volume 19, no. 4) Volman also says warring parties often count on resource exploitation over territories they control, and that factor is often underestimated when trying to end a conflict.

"An awful lot of these conflicts are driven by the desire for control over access to resources," he said. "You use the resources to fund the conflict, to maintain military forces, which is one reason that I think so many of these conflicts are so prolonged, [it] is that there is a financial incentive on the part of different armed groups to continue fighting indefinitely, because war is profitable. And so to the extent that the profit factor could be taken out of these conflicts, I think that would also contribute to reducing the level of conflict."

One relevant example is in the eastern Democratic Republic of Congo, where Congo's military and political establishment, as well as other countries, foreign-owned businesses, militias, rebel groups, and local criminals all compete for minerals. Congo's war ended after peacekeepers entered the country, a power-sharing government was installed, and elections were held. However, in the east, repeated efforts to end recurring fighting and lawlessness have failed.

South Africa has done much in the 15 years since the fall of apartheid to establish its leadership on the continent. It has been a constant architect of Africa’s new peace and security architecture and an advocate of new diplomatic norms. However, whether South Africa has succeeded in meeting its goals as Africa’s mediator and the ambitious aspirations shared by African heads of state and intellectuals following its transition to democracy is debatable (Shillinger, 2009:14).
5.4 The future of conflict management in Africa

Funmi Olonisaki (2007:1) argues that several key messages are conveyed by recent conflict and conflict management trends in Africa. The first is that regional and sub-regional organisations are an integral part of the design and implementation of conflict management norms and strategies on the continent, and are becoming increasingly more proactive in this regard. Second, the incidence of large scale armed conflict between and within states, which pose a threat to international peace and security, is on the decline as African states continue on the path of democratic transition and the strengthening of regional norms in the next decade. Third, international policy responses in the area of conflict management are still heavily focused on short term measures, which consist largely of military approaches such as developing the capacity to plan and execute peace support operations at regional and continental levels.

This raises two main issues for African leaders and their partners. The first is the need to sustain the capacity to cope with current conflicts. International support, not least the Africa Peace Facility provided for by the European Union, has provided the bedrock of the African Union (AU) Mission in Sudan (Darfur). However, the AU still lacks considerable capacity – both logistical and human resource – to replicate whatever limited success it has achieved in the area of peacekeeping.

In part, the absence of a strong civilian component to African peace missions remains a serious gap in a region where this aspect of conflict management has traditionally been the preserve of the military. This limited capacity is also reflected in the process of operationalising other aspects of the AU peace and security architecture, which correctly envisages multiple tasks and roles for civilians at various levels.

The second issue concerns the capacity to anticipate future conflict and to predict the nature of the terrain that will shape conflict management. Such capacity is crucial if Africa is to effectively prevent conflicts from escalating to the levels seen in the region during the last decade. However, given situations such as Darfur, the attention of peace
planners is invariably focused on attaining political stability and creating a secure environment before the longer term goal of security and development.

The extent of the conflict and security issues that African regional would have to deal with has become more apparent over the past decade. The ‘peaceful’ new world order that was predicted after the fall of the Berlin Wall did not evolve so peacefully in Africa. In an atmosphere of old authoritarian regimes, which had survived through coercive extraction of resources and the oppression of their people with the firm backing of either bloc of a bipolar world, the withdrawal of this support meant that opposition to these regimes could now thrive.

In all but five sub-Saharan African countries, civilian authoritarian regimes, military rule or other forms of oppressive systems prevailed and, as a result of this, legitimate demands by several groups within these states were ignored, giving rise to unresolved conflicts. In the period immediately following the end of the Cold War, those leaders who were vigilant and forward-looking had accurately predicted the consequences of the changes in the international political climate. They quickly sought to put more representative forms of government in place. This was the case, for example, in the Republic of Benin, where Kerekou subjected himself to multiparty elections. In Mali, Musa Traore, after 23 years in power, was ejected by a military that, in turn, staged multiparty elections. In South Africa, a change in the stance of the old guard led to majority rule in 1994. In those states where leaders did not heed the warnings, violent conflicts erupted that, in some cases, brought the state to the verge of collapse and resulted in humanitarian crises of mammoth proportions.

Almost all of the conflicts that occurred in Africa at different stages required early warning and early action in terms of the use of mediation, conciliation and good offices. In some cases, preventive deployment would have been required in support of diplomatic efforts. Because Africa no longer had a strategic relevance to the great powers, many of the African conflicts that found free expression in a post-Cold War dispensation did not enjoy extra-African responses, and escalated freely in the absence
of superpower rivalry. The great powers were no longer prepared to intervene in African conflicts. If any intervention or resolution attempts would occur, they had to come from within the continent.

The reality confronting Africa after independence was that, unless the conflicts that had pervaded different sub regions of the continent were resolved, there would be no hope for the lofty goals of economic integration, development and prosperity. It was impossible to achieve such growth in an atmosphere of instability. In each sub-region, countries that are not experiencing civil war are dealing with the consequences of wars in neighboring states in different ways. One manifestation of this is the influx of refugees. In extreme cases, the neighbor’s state is destabilized through border incursions (for example, resulting in Xenophobia attacks in the case of South Africa). This experience is true for West, Central and Southern Africa.

Thus, according to Funmi Olonisaki (2000:14) conflict situations and security threats confronting African countries and requiring the active efforts of African regional and sub regional organisations show three main dimensions:

- Firstly, brewing internal conflicts that have not experienced violent manifestations are usually the result of long-term authoritarian rule, a denial of citizens’ human rights, and a lack of popular participation in politics and governance, among others.
- Secondly, internal conflicts have been waged that have rapidly escalated into crises, humanitarian disasters and state collapse in some cases, as witnessed in Liberia, Rwanda Sierra Leone and Somalia.
- Thirdly, lingering border disputes between states have arisen, as is the case between Cameroon and Nigeria, Eritrea and Ethiopia, and Botswana and Namibia.

Managing these conflicts requires responses at several points on a continuum, with diplomacy, mediation and the preventive deployment of troops on one end, and
variations of peacekeeping, peace support and the outright use of force on the other end. Restricting responses to the one end of this spectrum often requires the effective use of early warning mechanisms. Thus, it might be possible to deal with many conflict situations proactively and in a timely fashion, before they escalate to violent levels which create greater difficulty for third-party actors. However, much will depend not just on the willingness of regional and sub regional organizations to manage or resolve these conflicts, but also on their ability to do so effectively.

6. United Nations and Mediation in Africa

United Nations peacemaking is an extension of the parties' own efforts to manage their conflict. When they cannot, the parties, the Security Council or the General Assembly may call upon the United Nations Secretary General to exercises his "Good Offices" to facilitate the resolution of the conflict. The Secretary General may also undertake independent peacemaking initiatives by offering his "Good Offices" to parties to resolve the conflict in a peaceful way. In An Agenda for Peace, former United Nations Secretary General Boutros-Boutros Ghali defines peacemaking as "action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations; Pacific Settlement of Disputes." These actions are carried out during a conflict, violent or latent. They entail the diplomatic process of brokering an end to conflict, principally through the use of mediation and negotiation skills. United Nations Peacemaking excludes the use of force, unless imposed action is taken by the Security Council to facilitate the peacemaking process (www.un.org/peacemaker).

United Nations peacemaking is a unique and dynamic instrument developed by the organization as a way to help countries torn by conflict to create the conditions for lasting peace. The first UN peacekeeping mission was established in 1948, when the Security Council authorized the deployment of UN military observers to the Middle East to monitor the Armistice Agreement between Israel and its Arab neighbors. Since then, there have been a total of 64 UN peacekeeping operations around the world. The term "peacekeeping" is not found in the United Nations Charter and defies simple definition.
Dag Hammarskjöld, the second UN Secretary-General, referred to it as belonging to "Chapter Six and a Half" of the Charter, placing it between traditional methods of resolving disputes peacefully, such as negotiation and mediation under Chapter VI, and more forceful action as authorized under Chapter VII (http://www.un.org/en/peacekeeping/)[Available online].

UN peacekeeping continues to evolve, both conceptually and operationally, to meet new challenges and political realities. Faced with the rising demand for increasingly complex peace operations, the United Nations in the past few years has been overstretched and challenged as never before. The organization has worked vigorously to strengthen its capacity to manage and sustain field operations and, thus, contribute to the most important function of the United Nations – maintaining international peace and security.

The general purposes of the UN were stated in the preamble to its charter, as follows:
- "To save succeeding generations from the scourge of war."
- "To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal right of men and women, of nations large and small."
- "To maintain justice and the respect for the obligations arising from treaties and other sources of international law."
- "To promote social progress and better standards of life in larger freedom."

In accordance with the purposes and principles enshrined in the Charter of the United Nations, the United Nations employs the political tools of diplomacy and mediation to help nations prevent and resolve conflicts peacefully and to avert the suffering and destruction of war. In pursuit of these objectives, United Nations envoys are dispatched to areas of tension around the world to assist in defusing crises and brokering negotiated settlements to conflicts. Civilian-led “political missions” are deployed to the field with mandates to encourage dialogue and cooperation within and between nations, or to promote reconciliation and democratic governance in societies rebuilding after civil wars. (http://www.un.org/depts/dpa/)
6.1 The United Nations Department of Political Affairs

The unit responsible for mediation assistance within the UN’s organogram is the DPA. Efforts are ongoing, therefore, to increase the effectiveness of the United Nations in carrying out its Charter responsibilities to prevent and resolve conflict, the DPA was established in 1992 as the leading U.N. department for peacemaking and preventive diplomacy (http://www.un.org/depts/dpa/). The Department of Political Affairs plays a central role in United Nations efforts to prevent and resolve deadly conflict around the world.

Where the Secretary-General’s diplomatic “good offices” are employed to help bring warring parties toward peace or to prevent political and armed conflicts from escalating, the DPA is typically working behind the scenes to define and plan the mission and to provide guidance and backing to mediators. Where U.N. peacekeepers are deployed it is often after a successful peacemaking effort involving or supported by the United Nations.

Whereas the United Nations today is one of many actors in a diverse field of international conflict mediation, the DPA acts as a center of peacemaking expertise whose services are available to UN and non-UN envoys alike.

With the support of UN Member States, DPA is evolving into a more mobile and agile platform for crisis response, capable of rapidly deploying mediators and other peacemaking expertise to the field and partnering effectively with regional organizations at the frontlines of conflicts. By taking action at an early stage, the United Nations and its partners can prevent disputes and crises from escalating into larger and costlier tragedies for nations, peoples, regions and the world (http://www.un.org/depts/dpa/) [Available online].

One of the main objectives of the DPA is peacemaking and conflict prevention. The organization remains highly active in this field today, working increasingly in partnership with regional organizations in order to bring ongoing conflicts to an end, and to prevent new crises from emerging or escalating. Anchoring the UN’s peacemaking efforts is the
United Nations Department of Political Affairs. The DPA monitors global political developments and advises the United Nations Secretary-General on the prevention and management of crises, including the use of his diplomatic "good offices" to help parties in conflict settle disputes peacefully. The Department provides support to numerous envoys of the Secretary-General engaged in peace talks or crisis diplomacy, while overseeing field-based United Nations "political missions" with mandates to help nations and regions resolve conflicts and tensions peacefully. To attend its objective of peacemaking and conflict prevention, the DPA provide the following:

- **Mediation Support**

Successful conflict mediation requires an adequate support system providing envoys with the proper staff assistance and advice, and ensuring that talks have the needed logistical and financial resources (http://www.un.org/depts/dpa/).

- **Strengthening national capacity in conflict prevention**

DPA participates in two interagency initiatives focused on helping Member States build their own capacities to manage conflict peacefully.

- **Rediscovering preventive diplomacy**

The United Nations has committed itself to moving from a culture of "reaction" to "prevention", to work with Member States as well as civil society to pursue comprehensive strategies that address more immediate as well as deep-rooted structural causes of conflict.

Following is a table summarizing the DPA’s recent mediations activities in Africa:

<table>
<thead>
<tr>
<th>Date</th>
<th>Mediation</th>
<th>Mediator outcome</th>
<th>Success or not</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>Madagascar</td>
<td>Political Agreement and Transitional Charter signed by parties In August 2009 during negotiations held in Maputo, Mozambique,</td>
<td>Success</td>
</tr>
<tr>
<td>2008</td>
<td>Kenya</td>
<td>Power-sharing agreement that ended the political crisis and led</td>
<td>Success</td>
</tr>
</tbody>
</table>
Implementation of the Ouagadougou Joint Declaration of 15 January 2010, which provided for the establishment of a Government of National Unity and a 6-month transitional program that would lead to the holding of presidential elections.

The UN-brokered Djibouti Peace Agreement, signed between the Transitional Federal Government of Somalia (TFG) and the opposition Alliance for the Re-Liberation of Somalia (ARS) in August 2008, which was a major step forward in the peace Process. The agreement led to the election in January 2009 of Mr. Sheikh Sharif Sheikh Ahmed, chairman of the ARS, as President of Of Somalia.

The Goma agreement signed by the Kinshasa government, dissident CNDP General Laurent Nkunda, and Mai Mai militias on 23 January 2008 called for a ceasefire, the withdrawal of troops from key areas, and the disarmament, demobilisation, and reintegration of combatants.

Signing of an acceptable political settlement which will provide for the self-determination of the people of Western Sahara.

Cameroon and Nigeria signed an agreement ending a decade of conflict and awarding the Peninsula to Cameroon.

Source: http://www.un.org/wcm/content/site/undpa/main/activities_by_region/africa

Today United Nations peacekeeping is the multidimensional management of a complex peace operation, usually following the termination of a civil war, designed to provide interim security and assist parties to make those institutional, material and ideological transformations that are essential to make peace sustainable. That is the new role of the UN (Sambanis, 2010:2). Most experienced mediators extol the benefits of a clear leadeanship to any mediation effort. Yet who leads the mediation is rarely decided by a rational process. It is instead a result of a combination of demands by the conflict parties, opportunity, the abilities and resources of potential mediators to develop and maintain a role within a given conflict, and their credibility with other members of the international community.
Recent years have seen both dramatic growth in mediation and an unprecedented diversity of international mediators (as distinct from the national, or “internal”, mediators whose work and relation to external actors lies beyond the scope of this paper). According to Whitfield (2010:125), three distinct shifts can be discerned:

- One is a move away from mediations exclusively led by the United Nations towards regional organisations and states.
- The second is the emergence of a wide array of new arrangements for peacemaking and its support, most notably mini-coalitions of states known as “Friends” or “Contact Groups”.
- The third is a rise in the involvement of independent international mediators, including private organisations (such as the HD Centre or the Community of Sant’Egidio) and prestigious individuals, sometimes at the head of their own organisations (the former President of Finland, Martti Ahtisaari, head of the Conflict Management Initiative; former President Jimmy Carter of the Carter Centre; former UN Secretary-General Kofi Annan and his Foundation).

These developments emphasise the importance of sequencing in a range of different roles, as a variety of mediators may be involved in a given peace process over a number of years. These developments also explain the increasing prevalence of hybrid negotiations, involving either official bodies such as the UN and the African Union (AU) as in Darfur, or more flexible arrangements, as seen in Kenya, where Kofi Annan led an AU-mandated Panel of Eminent African Personalities but worked with the support of others. A related strategy is the UN’s involvement of a senior regional figure – as reflected in the appointment of former President Olusegun Obasanjo of Nigeria as UN Special Envoy for the Great Lakes Region – on its behalf. Track one mediators engage on the basis of different levels of visibility and legitimacy. They bring with them varying capacities for engaging with conflict parties, particularly non-state armed actors who may be labelled as “terrorists” by individual states and/or multilateral bodies. Their different identities also determine different levels of leverage, as well as quite distinct relations with other external actors with interests in, or influence over, a given conflict.
The UN Secretary-General and his representatives work with the advantages of the global organisation’s legitimacy and operational breadth. These features can make the involvement of the United Nations either particularly appealing – particularly for non-state actors eager for the legitimacy they see it bestowing upon them – or a prospect to be avoided (by states sensitive to issues of sovereignty and/or precedent) (Whitfield 2010:8).

The “Responsibility to Protect” report, which the United Nations endorses as a concept, outlines a sequential view of intervention and elucidates a more expansive set of actions and actors, ranging from noncoercive to coercive options. The task of the International Commission on intervention and State Sovereignty (ICISS), which produced the report at the behest of former UN Secretary General Kofi Annan, was to establish a consensus regarding the conditions under which intervention would be warranted and the process by which it would be legitimate (Roht-Arriaza 2010:9). The main idea here was that the international community has a responsibility to prevent, react, and rebuild when individual states are either unwilling or unable to protect their own citizens.

7. Kofi Annan and Mediation in Africa

7.1 Kofi Annan

Born in Kumasi, Ghana, on 8 April 1938, Mr. Annan studied at the University of Science and Technology in Kumasi and completed his undergraduate work in economics at Macalester College in the United States in 1961. From 1961 to 1962, he undertook graduate studies in economics at the Institut Universitaire des hautes études internationales in Geneva. As a 1971-1972 Sloan Fellow at the Massachusetts Institute of Technology, Mr. Annan received a Master of Science degree in management (Les Prix Nobel. The Nobel Prizes 2001 [Available online]).
Mr. Annan joined the UN in 1962, working for the World Health Organization in Geneva, where he later also served with the Office of the UN High Commissioner for Refugees. At UN Headquarters in New York, Mr. Annan held senior positions in a diverse range of areas, including human resources management (1987-1990), budget and finance (1990-1992), and peacekeeping (March 1992-December 1996). He was Under-Secretary-General for Peacekeeping at a time when nearly 70,000 military and civilian personnel were deployed in UN operations around the world.

On 13 December 1996, the United Nations Security Council (UNSC) urged Kofi Annan to replace previous Secretary-General, Boutros Boutros-Ghali of Egypt. Annan’s first term as Secretary-General commenced on 1 January 1997. Earlier, the United States placed a veto on Ghali’s second term. Kofi Annan used his office in settling several delicate political situations including resolving the stalemate between Libya and the Security Council in 1999 and to forge an international response to violence in East Timor. He was responsible for certifying Israel's withdrawal from Lebanon in 2000, and in 2006, his efforts contributed to securing a cessation of hostilities between Israel and Hizbollah. Also in 2006, he mediated a settlement of the dispute between Cameroon and Nigeria over the Bakassi peninsula through implementation of the judgement of the International Court of Justice.

Kofi A. Annan is the seventh Secretary-General of the United Nations, and the first to be elected from the ranks of UN staff. His first five-year term began on 1 January 1997 and, following his subsequent re-appointment by the UN Member States, he began a second five-year term on 1 January 2002.

As Secretary-General, Mr. Annan has given priority to revitalizing the UN through a comprehensive program of reform; strengthening the organization’s traditional work in the areas of development and the maintenance of international peace and security; advocating human rights, the rule of law and the universal values of equality, tolerance and human dignity; restoring public confidence in the organization by reaching out to new partners and, in his words, by "bringing the United Nations closer to the people". The Secretary-General has also taken a leading role in mobilizing the international
community in the battle against HIV/AIDS, and more recently against the global terrorist threat.

Before becoming Secretary-General, Mr. Annan received a number of special assignments. In 1990, he facilitated the repatriation of international staff and citizens of Western countries from Iraq after it invaded Kuwait. He subsequently led initial negotiations with Baghdad on the sale of oil to fund humanitarian relief. From November 1995 to March 1996, Mr. Annan served as the Secretary-General's Special Representative to the former Yugoslavia. As Secretary-General, Mr. Annan has used his good offices in several delicate political situations, including an attempt in 1998 to gain Iraq's compliance with Security Council resolutions, as well as a mission that year to promote the transition to civilian rule in Nigeria. In 1999, he helped to resolve the stalemate between Libya and the Security Council, and to forge an international response to violence in East Timor. In 2000, he certified Israel's withdrawal from Lebanon. Since the renewed outbreak of violence in the Middle East in September 2000, he has worked to encourage Israelis and Palestinians to resolve their differences through negotiations based on Security Council resolutions and the principle of "land for peace".

Since the terrorist attacks hit the United States on 11 September 2001, the Secretary-General has played a leading role in galvanizing global action through the General Assembly and the Security Council to combat terrorism. The Secretary-General has received honorary degrees from universities in Africa, Asia, Europe and North America, as well as a number of other prizes and awards for his contributions to the aims and purposes of the United Nations.

7.2 Kofi Annan's Agenda for Peace

Brahm (2003:98) posits that once conflicts escalate for a while, they often reach a stalemate: a situation in which neither side can win, but neither side wants to back down or accept loss either. Stalemates emerge for a number of reasons: failed tactics, depletion of available resources to fuel the conflict, a reduction in support of the conflict by group members or allies, or costs becoming too high to continue. Eventually,
conflicts reach a point at which a sort of equilibrium sets in, in which neither side is getting any closer to achieving its goals and which no one is happy with the situation. Parties come to realize that the costs of continuing the struggle exceed (oftentimes greatly exceed) the benefits to be gained. This is the situation known as the "mutually hurting stalemate" which is often ripe for the introduction of proposals for settlement. Before that ripeness moment, mediation should not be introduced.

Ripeness is the key to many successful cases of mediation, opening the way for discussions that led to an agreement in Mozambique (1992), Cameroon (2006), Kenya (2008) and many others. The lack of ripeness led to the failure of attempts to open negotiations between Eritrea and Ethiopia in the late 1980s, within Sudan for decades, and elsewhere. Ripeness is a fundamental prerequisite for mediation.

The key to a successful mediation is the mediator’s ability to create a more productive discussion than the parties could have had by themselves. To do this, mediators must ensure their readiness to help the parties determine facts; show empathy and impartiality with the parties; and help the parties generate new ideas.

Kofi Annan – under the United Nations and as an individual – has proved to be a very influential mediator in Africa, with most of his mediations efforts successful, an attempt to understand his “magic” when it comes to conflict management is crucial. As chief mediator in the violent aftermath of Kenya’s 2007 presidential election, Kofi Annan’s authority, background and personality contributed greatly to a successful mediation. This paper, published by the Centre for Humanitarian Dialogue (CHD) and available online [http://www.ssrnetwork.net/document_library/detail/5225/the-prisoner-of-peace-an-interview-with-kofi-a-annan], is a record of an interview conducted with Annan by the CHD on the Kenyan mediation process. In Annan’s words: "I knew what was happening in the country, I wanted (the mediators) to move. (I was pushing them) because people are dying."

The eruption of violence after the 2007 elections in Kenya highlighted long-standing tensions caused by inequalities in wealth and political ethnic divisions. African heads of
state deployed the African Union (AU) Panel of Eminent Personalities to Kenya, led by former United Nations Secretary General Kofi Annan.

Annan’s main concern was to avoid further escalation of violence and maintain a rapid pace in the talks while changing his strategy to adapt to developments. His efforts led to a successful ‘African solution to an African problem’.

Annan had two general goals at the outset of the mediation process:

1- To address the ethnic element of the violence, and
2- To resolve the election question.

The following comments by Annan reflect his approach to the mediation process:

- “I had come to the conclusion early that an (election) rerun would be a bad decision, and bad decisions get people killed” (Annan and Griffiths, 2009:5).
- “When I realised they (Kibaki and Odinga) were not ready, I didn’t push. Because it’s like trying to arrange a marriage before they are ready.”
- “Before these meetings... I saw non-governmental organisations... churches, businesses and promised them a transparent process...”
- “Most people feel that when you are in a difficult situation you have to ‘do something’. It doesn’t occur to them that sometimes the best thing to do is just sit.”

In 2006, the presidents of Nigeria and Cameroon signed an agreement settling a decades-old, sometimes violent, border dispute over the oil-rich Bakassi Peninsula following intensive mediation by United Nations Secretary-General Kofi Annan, seeking to avert a potential crisis flashpoint in already troubled West Africa.

“The signing ceremony which has brought us together crowns a remarkable experiment in conflict prevention by Cameroon and Nigeria,” Mr. Annan said of the agreement which provides for the withdrawal of Nigerian troops within 60 days, with a possible 30 day extension, from Bakassi, which the International Court of Justice (ICJ). The UN's

“With today’s agreement on the Bakassi Peninsula, a comprehensive resolution of the dispute is within our grasp,” he added at the ceremony at the Greentree Estate in Manhasset outside New York City. “The momentum achieved must be sustained” (http://wwwupdate.un.org/apps/news/) [Available online].

Mr. Annan has been closely involved in the issue ever since the ICJ decision on the 1,600 kilometers border stretching from Lake Chad in the north, to Bakassi in the south.

“Our agreement today is a great achievement in conflict prevention, which practically reflects its cost effectiveness when compared to the alternative of conflict resolution,” President Obasanjo said. “Its significance therefore goes much beyond Nigeria and Cameroon. It should represent a model for the resolution of similar conflicts in Africa, and I dare say, in the world at large” (http://wwwupdate.un.org/apps/news/) [Available online].

“Reason and wisdom have been our main guides,” Cameroon’s President Biya added. “By signing the present agreement we have armed ourselves with an efficient instrument to implement the court’s decision bringing a definitive conclusion to our border dispute.”

7.3 Success of Kofi Annan in mediation

In every dispute, the mediator exerts a specific degree of control over the sequence of negotiation and problem solving steps and management of individual agenda items. S/he must choose – on the basis of the situation, the parties, and the issue in dispute – whether to have limited influence and make few procedural suggestions, or to be moderately influential and provide some structure over which parties have a low degree of control. Mohammed Aman (2008:56) posits that Annan’s success can be attributed to his known experience which includes, among others, his identity and character as a mediator, his power and skills to involve the international community, and his expertise:
7.3.1 Identity and character as a mediator

Mediators cannot function without securing the trust and cooperation of the disputing parties. To be accepted by the adversaries and to secure their positive attitudes and disposition, a mediator must be perceived as independent and credible. The adversaries’ motivation to engage in conflict management and their confidence in a mediator will be enhanced if the mediator is seen by both sides as a knowledgeable and skilled participant in the process. Kofi Annan kept the parties in Kenya at the table for 41 days while many senior advisors and constituents urged otherwise. He managed to bring together both Cameroon and Nigeria’ presidents to the same table after several failed attempts by previous mediators. Simultaneously, he managed public perceptions through frequent impartial and optimistic statements to the press, thus urging patience and support for the process. Successful mediation depends not only on the mediator's knowledge and skill with regards to conflict and conflict management, but also on his/her prestige and authority, originality of ideas, access to resources and ability to act unobtrusively.

7.3.2 Power and skills to involve international community

Conflicts do not occur in a vacuum. There are always other parties who know about or are concerned with the outcome, or whose influence can be brought in to mobilize and influence disputants. Certain people wield associational influence on disputants to the extent that their opinions or actions affect the parties' attitude or behaviour. This was manifested when the US Secretary for foreign affairs Condoleezza Rice met both President Kibaki and Mr. Odinga of Kenya on a mission to deliver a message from President George Bush on the need to settle the lingering political crisis protracted in the county. She was reported to have said that her mission was to join Kofi Annan, who was heading the mediation talks on behalf of the African Union and the international community to help the Kenyan leaderships to end the political crisis.
7.3.3 Expertise

Annan follows mediation’s best practices by remaining neutral, facilitating the process, not owning the outcome, engaging in effective reality testing with the parties and their constituents, and maintaining constructive momentum by reminding parties how much had already been achieved, as well as emphasizing areas of common interest. By following such best practices and achieving accord, they are able to address the underlying structural causes of the conflict. In his Kenyan’ mediation, Annan was emphatic that his team of panel of Eminent African Personalities was of the same spirit of not giving up in mediation and that they could not afford to fail in Kenya.

8- Conclusion

Mediation is centered on the need for people to truly hear each other on a deeper level than is possible in litigation. Mediation parties craft their own resolutions that work for them in the long term, rather than having a settlement imposed by a court. Mediation also allows parties the opportunity to work through emotional issues that are left unattended in the legal system. Parties who work through mediation have a much better chance of preserving on-going relationships. Mediation also encourages parties to learn effective negotiation skills. The role played by mediators and mediation teams is a key ingredient in the qualitative success of mediation. This means knowing who the main actors in the conflict are, and understanding each party’s point without any preferences. Mediators have to stay neutral at all times of the mediation and always show understanding of each party’s point of view. The use of personalities in mediation in Africa and in the World is becoming quite common: people like Desmond Tutu, Nelson Mandela, Kofi Annan, Jimmy Carter, Thabo Mbeki, are known to be quite influential in conflict management. Kofi Annan’s mediation in Africa has over the years proven to be highly successful; therefore, it will be valuable to assess his “magic” in mediating conflicts in our continent.
CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

The previous chapter laid the foundation on which this study is based. It put the concept of mediation in the context of conflict transformation around the world, and in Africa in particular. It also described in detail how mediation has been used in the international arena and in the African context as a conflict management strategy. This information will be carefully compared with the findings of the research in the data analysis. This chapter describes in detail the research design and methodology used in the study. The primary aim and objectives of the study are outlined, and the specific research approach and data collection methods used in the study are described in detail and the process of data analysis is also explained. The limitations of the study are described and explored as are the ethical issues and responsibilities of the researcher.

3.2 Primary aim and objectives

Research should be aimed at realising a goal and it should be presented in such a way that it must be clear to the readers of the research that the designer of the research knows what he/she was aiming for. Knight (2002:15) points out that writing and thinking will be difficult if the researcher lacks focus. The research process always begins with identifying an area of interest and generating ideas for the study. However, vague ideas are not sufficient. We must clarify and refine ideas. The goal is to go from an initial area of study, a defined context, to actually delimits a specific problem to be address as well as the sub-foci surrounding the problem and the motivation we have as researcher to undergo such research. Research does not occur in a vacuum, thus, motivation to tackle a specific problem should always be pointed out.

According to Fouché and De Vos (2005:104), in research, an aim implies the broader, more abstract conception of “the end toward which effort or ambition is directed”, while
“objective” denotes the more concrete, measurable and more speedily attainable conception of such an “end toward which effort or ambition is directed”. As previously stated in chapter one, the primary aim of the study is to explore the Bakassi conflict mediation process conducted between Cameroon and Nigeria from 2002 to 2006. The objectives of the study are to:

- To explore the dynamics and challenges of the Bakassi mediation process
- To understand the roles played by the parties in the Bakassi mediation process
- To contribute to a better understanding of the Bakassi mediation process
- To explore the dynamics that made the Bakassi conflict mediation a good example of conflict management in Africa.

3.3 Research design and methodology

A research design is a plan or strategy which moves from the underlying philosophical assumptions used to specifying the selection of respondents, the data gatherings techniques to be used and the data analysis to be done be (Nieuwenhuis, 2007:70). To satisfy the information need of any study or research project, an appropriate methodology has to be selected and suitable tools for data collection (and analysis) has to be chosen (Mouton, 2001:45).

Every type of research has an implicit, if not explicit, research design. In the most elementary sense, the design is a logical sequence that connects data to a study’s initial research questions and ultimately, to its conclusions. In a sense the research design is a blueprint of research, dealing with at least four problems: what questions to study, what data are relevant, what data to collect, and how to analyze the results (Yin, 1994:14). It is much more than a work plan because the main purpose is to help to
avoid the situation in which the evidence does not address the initial research questions.

An exploratory approach was selected as appropriate for this study because it requires the researcher to have thoroughly explored the topic being covered. With an exploratory approach, the researcher approaches the research question objectively by coming into the project with no pre-conceived opinions about the subject. Given that the subject of mediation is an important one in Africa, the researcher found it useful and appropriate to focus this study on the Bakassi conflict which is perceived by scholars as one of the few successful mediation processes in Africa. The researcher is therefore interested in carrying out an in-depth study of mediation as a conflict management strategy in Africa and especially in the Bakassi case study.

3.4 Qualitative research

Strauss and Corbin (1990) describe qualitative research as any type of research whose results are not a product of any statistical process or some form of quantification. Qualitative research focuses on how the research findings were arrived at. It has to be based on interpretation of the results and not on the quantification thereof. Qualitative research is usually done when the task of the researcher is to uncover and understand a phenomenon in its natural setting (Strauss and Corbin, 1990). This type of research is able to uncover new knowledge in a field where very little is known.

Qualitative research offers authentic accounts of complex phenomena, whereby the researcher is able to scratch beneath the superficial aspects of social reality, and provide in-depth descriptions that are detailed enough to reflect the complexity of the social world (Denscombe, 2003:105). A qualitative paradigm was appropriate for the study because the researcher was able to provide in-depth descriptions of phenomena (Mouton, 2001:149). Jennings (2001:41) notes that the qualitative methodology gathers information as text-based units, which represent the social reality, context and attributes of the phenomenon under study. The methodology is inductive in nature.
Qualitative research uses a naturalistic approach that seeks to understand phenomena in context-specific settings, such as "real world setting [where] the researcher does not attempt to manipulate the phenomenon of interest" (Patton, 2001:39). Qualitative research, broadly defined, means "any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification" (Strauss and Corbin, 1990: 17) and instead, the kind of research that produces findings arrived from real-world settings where the "phenomenon of interest unfold naturally" (Patton, 2001:39). Unlike quantitative researchers who seek causal determination, prediction, and generalization of findings, qualitative researchers seek instead illumination, understanding, and extrapolation to similar situations (Hoepfl, 1997:25).

Qualitative researchers aim to gather an in-depth understanding of human behaviour and the reasons that govern such behaviour. The qualitative method investigates the *why* and *how* of decision making, not just *what*, *where*, *when*. Hence, smaller but focused samples are more often needed, rather than large samples. Qualitative methods produce information only on the particular cases studied, and any more general conclusions are only hypotheses (informative guesses). It is a system of inquiry which seeks to build a holistic, largely narrative, description to inform the researcher’s understanding of a social or cultural phenomenon. Qualitative research typically starts with the use of a document review to collect data (Thompson, 2007:47)

According to Gillham (2000:10), qualitative methods focus primarily on the kind of evidence (what people tell you, what they do), that will enable one to understand the meaning of what is going on. Their great strength is that they can illuminate issues and turn up possible explanations. He adds that qualitative methods enable a researcher to:

- Explore the complexities that are beyond the scope of more ‘controlled’ approaches
- View the case from the perspective of those involved
- Carry out research into processes leading to results, rather than into the ‘significance’ of the results themselves.
3.5 Case study approach

A case study was chosen in order to carry out an in-depth study of the mediation process in the Bakassi conflict between Cameroon and Nigeria. Denscombe (2005:31) believes that the starting point and indeed the defining characteristic of the case study approach is "its focus on just one instance of the thing that is to be investigated". The aim is therefore, to illuminate the general by looking at the particular. Case studies deal with the whole rather than with isolated factors, allowing a researcher to delve deeper into issues while using a multiplicity of research methods to collect data. It is an in-depth analysis of a system bounded by time or place (Fouche, 2005:272).

Anderson (1993:152) sees case studies as being concerned with how and why things happen, allowing the investigation of contextual realities and the differences between what was planned and what actually occurred. Case study is not intended as a study of the entire organization. Rather is intended to focus on a particular issue, feature or unit of analysis. This approach enables one to understand the complex real-life activities in which multiple sources of evidence were used. Case studies become particularly useful where one needs to understand some particular problem or situation in great-depth, and where one can identify cases rich in information.

The researcher purposely chose the Bakassi Conflict as a case study because it is regarded as a successful outcome and example in the mediation field worldwide, and especially in Africa. The role played by Mr. Kofi Annan and his team in the transformation of the Bakassi conflict has to be outlined and studied holistically. Case study research excels at bringing us to an understanding of a complex issue or and can extend experience or add strength to what is already known through previous research.

3.5.1 Advantages of the case study approach

Case studies have been criticised by some as lacking scientific rigour and reliability and that they do not address the issues of generalizability (Johnson, 1994:104). However, it
has its strengths because it enables the researcher to gain a holistic view of a certain phenomenon or series of events because many sources of evidence were used (Gummesson, 1991:83). As a research strategy, the case study is a technique for answering ‘who’, ‘why’ and ‘how’ questions. The use of multiple evidence allows the researcher to provide a convincing argument as an answer to the questions. It is not essential to the validity of this research approach that a case study should be able to be generalised. The relevance of a case study is more important than its ability to be generalised (Yin, 1994:100). When a case study is carried out both systematically and critically and aimed at the improvement of understanding: then it is relevant, and if any publication of its findings extends or expands the boundaries of existing knowledge of the subject area, then it is a valid form of research.

The contextual detail is important in any case study and according to Babbie and Mouton (2006:282), “The unit of analysis in case study research is rarely isolated from and unaffected by factors in the environment in which it is embedded”. In order to understand and interpret case studies, researchers describe the ecology or environment in detail. This helps to conceptualise the contexts in which the unit of analysis is embedded, and in so doing, allows readers to make judgments about the adequacy of the method and to permit replication (Babbie & Mouton, 2006:282).

In a case study, nearly every aspect of the subject’s history is analyzed to seek patterns and causes for behaviour. This specific case will be studied through document review, content analysis and strategic interviews. Content analysis is a research tool used to determine the presence of certain words, concepts, themes, phrases, characters, or sentences within texts or sets of texts and to quantify this presence in an objective manner.

3.7 Data collection

Data Collection is an important aspect of any type of research study. Inaccurate data collection can impact the results of a study and ultimately lead to invalid results. Data
collection methods play an important role by providing information useful to understanding the processes behind recorded results. Qualitative data collection methods are characterized by some of the following attributes:

- They rely more heavily on interactive interviews so interviews may be conducted to follow up on a particular issue, clarify concepts or check the reliability of data. In this case, strategic interviews will be conducted with key members of the Cameroon-Nigeria Mixed Commission to get their perceptions on the issue of mediation in Africa and their particular experience in the Bakassi case.
- They use triangulation to increase the credibility of their findings (i.e., researchers rely on multiple data collection methods to check the authenticity of their results)
- Their findings are not always generalizable to any specific population, rather each case study produces a single piece of evidence that can be used to seek general patterns among different studies of the same issue

Regardless of the kinds of data involved, data collection in a qualitative study takes a great deal of time. The researcher needs to record any potentially useful data thoroughly, accurately, and systematically. The data collection methods must observe the ethical principles of research. For the purpose of this study, the researcher has consulted a wide range of sources (books, academic journals, news articles and interviews, NGO publications, and documents from the United Nations Mixed Commission in Bakassi) in order to get a better picture of the conflict and the aims and perspectives of the mediation team.

These include the following:

**Scholarly Journals:** Scholarly journals generally contain reports of original research or experimentation written by experts in specific fields. Articles in scholarly journals usually undergo a peer review where other experts in the same field review the content of the article for accuracy, originality, and relevance.

**Literature Review Articles:** Literature review articles assemble and review original research dealing with a specific topic. Reviews are usually written by experts in the field
and may be the first written overview of a topic area. Review articles discuss and list relevant publications from which the information is derived.

**Reference Books:** Reference books provide secondary source material. In many cases, specific facts or a summary of a topic is all that is included. Handbooks, manuals, encyclopaedias, and dictionaries are considered reference books. The researcher used several books that will be listed in the bibliography.

**Government Documents:** Government documents are information dispatches by government for the purpose of access to information by the public. It is a prerequisite to holding the Government accountable and promoting an environment and culture of transparency. It is also clear that the question of access to public information is broader than the question of ownership stipulated by copyright law and in such case, the researcher made sure that all documents accessed were not copyright protected as ethical issues that will be discussed later were a high priority.

**Research Institutions:** Publications from research institutions such as IDASA, ISS, ACCORD, UN, ICG, and AISA are relevant in the present study. The researcher used relevant published data on the topic from different institutions.

**Libraries, Library Search Engines:** Library search engines (EBSCOHOST, JSTOR, KEESING, ALUKA and many more) provides a multitude of relevant and up to date articles on many subject. The researcher made good use of such opportunities to collect relevant data on the topic.

**The World Wide Web:** Internet-based data collection tools can be an efficient and cost-effective way to study. Internet is proven to be a very efficient method, which has the ability to suit the changing environment. The websites the researcher used will be all listed in the bibliography.
3.7.1 Document review

Many types of information about the social and behavioural world have been collected and are available to the researcher. Some information is in the form of statistical documents (books, reports) that contain numerical information. Other information is in the form of published compilations available in a library or on computerized records. In either case the researcher can search through collections of information with a research question and variables in mind, and then reassemble the information in new ways to address the research question. According to Strydom and Delport (2002:323), official documents are non-personal documents that are compiled and maintained on a continuous basis by organisations. Such documents include memos, financial records, annual reports and process records.

McNeill and Chapman (2005:156) believe that from an interpretivist point of view, documents can give social scientists important insights into the social meanings that underpin social action and how people interpret the social worlds in which they live, as well as give evidence of how institutions and events are constructed. However, Strydom and Delport (2002:324) advise any researcher to bear in mind that the accessibility of official documents is often a problem owing to legislation on the confidentiality of information. For this purpose, the researcher gathered published documents from United Nations Department of Political Affairs as well as published documents on the Bakassi mediation from the Cameroon-Nigeria Mixed Commission.

3.7.2 Content analysis

Content analysis of selected documents which were particularly pertinent to this study was conducted. The researcher used specific documents for the content analysis. In other words, the researcher chooses documents because they are central to the case study and give reliable information on the Bakassi mediation. The documents chosen for the content analysis are government documents which reveal important and vital
information on the Bakassi conflict. Below the researcher provides a Table of the documents used for the content analysis:

<table>
<thead>
<tr>
<th>Document</th>
<th>Type</th>
<th>Date published</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aide-Memoire (Case concerning the Land and Maritime Boundary between Cameroon and Nigeria) [<a href="http://www.minrex/bakassi/gouv.cm">www.minrex/bakassi/gouv.cm</a> accessed on 12\textsuperscript{th} Nov 2010]</td>
<td>Cameroon Government document</td>
<td>July 2002</td>
</tr>
<tr>
<td>UN department of Political Affairs report on Bakassi [unowa.unmissions.org accessed on 22\textsuperscript{nd} Nov 2010]</td>
<td>Report</td>
<td>2007</td>
</tr>
</tbody>
</table>

Content analysis can been defined as a systematic, replicable technique for compressing many words of text into fewer content categories based on explicit rules of coding (GAO, 1996:34) Bernard and Ryan (2010:287) thus define content analysis as a set of methods for systematically coding and analysing qualitative data. Content analysis involves the tagging of a set of texts with codes that are derived from theory or from prior knowledge and then analysing the distribution of the codes (Bernard & Ryan, 2010:289). The most common notion in is that content analysis simply means doing a word-frequency count. The assumption made is that the words that are mentioned most often are the words that reflect the greatest concerns. Content analysis extends far
beyond simple word counts, what makes the technique particularly rich and meaningful is its reliance on coding and categorizing of the data. The basics of categorizing can be summed up in these quotes: "A category is a group of words with similar meaning or connotations" (Weber, 1990: 37). "Categories must be mutually exclusive and exhaustive" (GAO, 1996:20). Mutually exclusive categories exist when no unit falls between two data points, and each unit is represented by only one data point.

Using content analysis, the researcher systematically works through each transcript assigning codes, which may be numbers or words, to specific characteristics within the text. The researcher may already have a list of categories or he/she may read through each transcript and let the categories emerge from the data. Some researchers adopt both approaches. Bernard & Ryan (2010:289) identify seven big steps in content analysis:

- Formulate a research question or a hypothesis, based on existing theory or on prior research.
- Select a set of texts to test the question or hypothesis.
- Create a set of codes (variables, themes) in the research question or hypothesis.
- Pretest the variables on a few of the selected texts. Fix any problems that turn up with regards to the codes and the coding so that the coders become consistent in their coding.
- Apply the codes to the rest of the texts.
- Create a case-by-variable matrix from the texts and codes.
- Analyze the matrix using whatever level of analysis is appropriate.

### 3.8 Advantages and disadvantages of Content Analysis

Content analysis offers several advantages to researchers who consider using it. In particular, content analysis:

- looks directly at communication via texts or transcripts, and hence gets at the central aspect of social interaction
- can allow for both quantitative and qualitative operations
• can provide valuable historical/cultural insights over time through analysis of texts
• allows a closeness to text which can alternate between specific categories and relationships and also statistically analyzes the coded form of the text
• is an unobtrusive means of analyzing interactions
• provides insight into complex models of human thought and language use

Content analysis suffers from several disadvantages, both theoretical and procedural. In particular, content analysis:

• can be extremely time consuming
• is subject to increased error, particularly when relational analysis is used to attain a higher level of interpretation
• is often devoid of theoretical base, or attempts too liberally to draw meaningful inferences about the relationships and impacts implied in a study
• is inherently reductive, particularly when dealing with complex texts
• tends too often to simply consist of word counts
• often disregards the context that produced the text, as well as the state of things after the text is produced
• can be difficult to automate or computerize

3.9 Strategic Interviews

A strategic interview is an informal, semi-structured interview that a researcher can use as an adjunct to the data collection to check the consistency of the findings. Strategic interview means selecting people that can contribute to the collection of efficient information relevant to the aim of the research. In a qualitative research, a strategic interview is very important because it give the researcher the possibility to triangulate the data. Triangulation means collecting of observations from a variety of perspectives so that they can be compared and contrasted – contributed to the reliability of the interpretation (Krefting 1991; Mouton & Marais 1990; Taylor & Bogdan 1998). By
accessing different types and sources of data, observers gain a deeper and clearer understanding of the setting and the people studied.

All interviews are interactional events and interviewers are deeply and unavoidably implicated in creating meanings that ostensibly reside within interviewees. Although they may be time consuming, and sometimes part of the conversation may have no bearing on the study, the advantage of interviews is that the researcher is provided with greater flexibility, personal control, and a personal relationship between the interviewer and the interviewee is more effective in eliciting more information from the interviewees (Thomas, 2003:63).

To gather the first-hand data about the Bakassi mediation, the author has conducted semi-structured strategic interviews with the representatives of the Cameroon-Nigeria Mixed Commission. Walsh (2001: 66) believes that the advantage of semi-structured interviews is that participants may be more open to talk about their “views and beliefs” when given an opportunity to add to the conversation, thus helping researchers to “discover unexpected and unforeseen data.” May (2001: 123) notes that semi-structured interviews “allow people to answer more on their own terms than standardized interviews.” In this regard, the author has asked predetermined questions while also giving the participants an opportunity to talk about issues they thought were important. As the researcher establishes rapport with the interviewees, the exploratory and descriptive questions of “how” and “what” helped to uncover the various perceptions on mediation in Africa and specifically as the researcher interviewed strategic people directly involved in the Bakassi mediation, it gave a proper idea on the in-depth process which contributed to peacemaking and conflict management between Cameroon and Nigeria.

The researcher interviewed four key members of the Cameroon-Nigeria Mixed Commission chosen according to the level of their involvement in the Bakassi mediation. The researcher, at arrival at the CNMC, was suggested two members by the Head of the Commission who posits that: “these are people at the heart of the Bakassi mediation; they can answer any of your questions” in addition to the two members
suggested, the researcher asked to interview the Secretary General of the Commission who was also part of the mediation team and a member of the sub-commission on Demarcation that the researcher met at the CNMC. These interviews ran from the 23rd of November 2010 to the 29th of December 2010 at the CNMC office in Yaoundé - Cameroon. As mentioned in the previous chapter, several peace talks were being held between both parties and a peace agreement (The Greentree Agreement) established in June 2006.

In order to capture as much information as possible, the researcher used a tape recorder during the interviews, with the consent of the interviewees. The information collected from the interviews was transcribed so that no information was lost. The researcher will include verbatim discussions when presenting the findings, some of which may be grammatically incorrect.

3.9.1 Conducting the Interview

The researcher employed the interviewing techniques as advised by Greeff (2005:295), of establishing rapport with the interviewees by listening attentively, showing interest and respect for what the interviewee had to say. At the beginning of each interview, the researcher explained the purpose and procedure of the study. The interviewees were encouraged to ask questions about the research and were told that they were free to terminate the interview if the need arose. This was very significant to the process because it helped to put the interviewees at ease. All interviews were carried out in English.

The interviewees were asked to answer the following open-ended questions:

- How would you describe the management of conflict on the African Continent?
- In your opinion, how successful has mediation as a conflict management strategy been on the African continent?
- How would you describe the outcome of the UN mediation in the Bakassi conflict?
- What was your input as a member of the CNMC?
- How did the Cameroon-Nigeria Mixed Commission contribute to the outcome of the Bakassi conflict?
- What challenges did the CNMC face in trying to bring the parties together?
- Do you support mediation as a conflict management technique on our continent?

3.10 Reliability and validity of the findings

To understand the meaning of reliability and validity, it is necessary to present the various definitions of reliability and validity given by many qualitative researchers from different perspectives.

3.10.1 Reliability

Patton (2001:87) states that validity and reliability are two factors which any qualitative researcher should be concerned about while designing a study, analysing results and judging the quality of the study. This corresponds to the question that “How can an inquirer persuade his or her audiences that the research findings of an inquiry are worth paying attention to?” (Lincoln & Guba, 1985: 290). To answer to the question, Healy and Perry (2000:74) assert that the quality of a study in each paradigm should be judged by its own paradigm’s terms. To be more specific with the term of reliability in qualitative research, Lincoln and Guba (1985:300) use “dependability”, in qualitative research which closely corresponds to the notion of “reliability” in quantitative research. This can be used to examine both the process and the product of the research for consistency (Hoepfl, 1997:66). The consistency of data will be achieved when the steps of the research are verified through examination of such items as raw data, data reduction products, and process notes (Campbell, 1996:47).
To ensure reliability in qualitative research, examination of trustworthiness is crucial. (Seale, 1999:266), while establishing good quality studies through reliability and validity in qualitative research, states that the “trustworthiness of a research report lies at the heart of issues conventionally discussed as validity and reliability”. When judging (testing) qualitative work, Strauss and Corbin (1990:250) suggest that the "usual canons of ‘good science’…require redefinition in order to fit the realities of qualitative research”.

3.10.2 Validity

The concept of validity is described by a wide range of terms in qualitative studies. This concept is not a single, fixed or universal concept, but “rather a contingent construct, inescapably grounded in the processes and intentions of particular research methodologies and projects” (Winter, 2000:1). Although some qualitative researchers have argued that the term validity is not applicable to qualitative research, but at the same time, they have realised the need for some kind of qualifying check or measure for their research. For example, Creswell & Miller (2000:96) suggest that the validity is affected by the researcher's perception of validity in the study and his/her choice of paradigm assumption. As a result, many researchers have developed their own concepts of validity and have often generated or adopted what they consider to be more appropriate terms, such as, quality, rigor and trustworthiness (Davies & Dodd, 2002; Lincoln & Guba, 1985; Mishler, 2000; Seale, 1999; Stenbacka, 2001). The research was planned and conducted in an accurate, ethical, and professional manner to ensure its validity, reliability, credibility, and trustworthiness.

3.11 Limitations of the study

To limit subjectivity and arbitrary decisions, the author has kept an open mind throughout the research process and has based the findings solely on the data collected in the study. One of the limitations of the study is relying on secondary data for a large
portion of the data. This was necessary as the research is purely interpretative and analytical.

Another limitation of this study was the choice of a case study. The case study approach hardly addresses the issue of generalisation (Noor, 2008:1603). It is also widely criticised because it only studies a small number of cases which can offer no generality to the findings obtained. The researcher had to address these issues head-on. Some arguments she puts forward in this defense include the fact that a case study, though unique, is a single representation of a broader class of things and also that the extent to which a case can be generalised depends on how far the case study type is similar to others of its kind. The Bakassi case was chosen because it is one of the few protracted conflict on the continent with a successful outcome.

3.12 Ethical considerations

Ethical issues are present in any kind of research. The research process creates tension between the aims of research to make generalizations for the good of others, and the rights of participants to maintain privacy. Ethics pertains to doing good and avoiding harm. Harm can be prevented or reduced through the application of appropriate ethical principles. In any research endeavour, researchers are expected to employ high standards of academic rigour, and to behave with honesty and integrity. By its very nature, qualitative research is immersed in a 'messy, chaotic reality of on-the-spot personal interaction....sensitivity and experience' (Holbrook, 1997:49)

Since the research will be totally qualitative /theoretical in nature, ethical issues such as plagiarism in data interpretation will be thoroughly avoid. The Wikipedia online (2010) defines plagiarism as "the wrongful appropriation, close imitation, or purloining and publication, of another author's language, thoughts, ideas, or expressions, and the representation of them as one's own original work". To avoid such ethical threat, the researcher always:
• Cites a source any time she stated an idea that she herself didn't originate.
• Gives sources for quotations, and be sure to quote any string of three or more words that comes from a given source.
• Paraphrases with care. Since copyright law protects the expression of an idea.

The researcher only used official published documents and available reports from the United Nations Mixed Commissions in Bakassi; no secret documents or classified documents were used; in line with the NMMU)'s code of ethics.

3.12.1 Informed consent

Informed consent is a mechanism for ensuring that people understand what it means to participate in a particular research study so they can decide in a conscious, deliberate way whether they want to participate. Informed consent is one of the most important tools for ensuring respect for persons during research (Nyamongo: 2001:9).

The concept of informed consent emphasizes the importance of researchers accurately informing interviewees of the nature of their research, and the process including the topic, time commitment, type of activity and all potential physical and emotional risks (O’Leary, 2004:53). Informed consent implies that the interviewees are competent; are involved voluntarily; are aware of their right to discontinue; are not coerced and not induced to participate in the study. Obtaining informed consent implies that all adequate information on the goal of the study, the procedures, the possible advantages and disadvantages and the dangers to which the interviewees may be exposed, as well as the credibility of the researcher be rendered to potential interviewees. Interviewees must be legally and psychologically competent to give consent and must be aware that they can withdraw from the investigation at any time (Strydom, 2002:65). The researcher explained the process of the research and informed all the interviewees that they could withdraw from the process if the need arose.
3.12.2 Privacy and Confidentiality

Confidentiality involves protecting the identity of the interviewees. While researchers are able to identify the data generated by a particular respondent, they agree not to make such identification public. Protection of confidentiality includes, among other things, ensuring that the publication of the research findings is done in a manner that does not allow for ready identification of subjects (O'Leary, 2004:54). Privacy is an individual’s right and researchers must bear in mind the importance of safeguarding the privacy and identity of interviewees and to act with the necessary sensitivity where the privacy of respondents is relevant. Privacy implies the element of personal privacy while confidentiality indicates the handling of information in a confidential manner, and therefore, according to Strydom (2002:67) confidentiality is a continuation of privacy.

The researcher has taken this issue critically and will therefore not mention any names of the interviewees. All raw data stored will be safely kept for the purpose of this study and will not be given to anyone else for any reason. The researcher is also bound by a guarantee she made to all the interviewees that she would only use this information for academic purposes, after which they will get a copy of her findings to verify the confidentiality clause.

3.13 Conclusion

This chapter has discussed in detail the research design and methodology used for this study. The researcher endeavoured to provide a justification for the use of the qualitative paradigm and the case study approach. The validity and reliability of data were highlighted as well as the ethical issues that the researcher considered carefully prior to the commencement of the study and during the research process. The following chapter presents the case study of the research, whilst drawing on the review of the literature in chapter two which acts as a literature control for the study.
Chapter 4: The Bakassi Conflict Case Study

4.1 Introduction

In the previous chapter, the research design and methodology used in the study was described in detail. The primary aim and objectives of the study, the data collection methods, data analysis procedure and limitations of the study were clearly outlined. This chapter provides a description of the case study which is the focus of the research. Official documents and strategic interviews which are described in the previous chapter were used to gather the data.

The case study is discussed in line with the aim of the study which is to explore the dynamics and challenges of the Bakassi mediation process, to understand the roles played by the parties in the mediation process and to identify the factors that make the Bakassi conflict mediation a success. The researcher however discovered that the reality confronting Africa after independence was that, unless the conflicts that had pervaded different sub regions of the continent were managed, there would be no hope for the lofty goals of economic integration, development and prosperity. It is impossible to achieve such growth in an atmosphere of instability. In each sub region, countries that are not experiencing civil war are dealing with the consequences of wars in neighbouring states in different ways.

Conflict is as old as the history of mankind and therefore normal, natural and unavoidable, yet it can generate negative and very destructive impacts, as well as awareness, economic growth and development (Ivorgba 2005:8). What matters is our response to conflict and post-conflict situations. Conflict is an indication that somehow, there is an understanding that requires attention and proper action. International conflicts might occur between governments striving to monopolise the exploitation of resources in disputed territories. It could arise when a nation-state intervenes in the domestic disputes of another state. Occasionally, a conflict may ensue where the nationals of one state are attacked, dehumanised, killed or maimed by the agents of
another state. Conflicts between countries are often presented as occurring between their governments and such situations are either conducted or perceived as inter-governmental struggles, while the bone of contention is usually territory or some other economic resource (Asobie 2003:13).

Attempts to respond to those conflicts in a constructive way through peacemaking have become a daily activity in most governments and organisations. As mentioned in the literature review, peacemaking is the process of diplomacy, mediation, negotiation, or other forms of peaceful settlements that arranges an end to a dispute and resolves issues that led to it. Peacemaking is necessary and important in cases of protracted violence that do not seem to burn themselves out and in cases where war crimes and other human devastation demand the attention of outside forces.

Our case study which is the Bakassi land boundaries conflict between Cameroon and Nigeria (see Appendix 1) has been a theatre of constant, violent military clashes between the armed forces of Cameroon and those of Nigeria for well over two decades now. Up till UN mediation by Kofi Annan from 2002 till 2006, serious tensions persisted over its ownership despite the International Court of Justice (ICJ) ruling in favour of Cameroon in 2002. During her study, the researcher also discovered that the unit responsible for mediation assistance within the UN’ organogram is the Department of Political Affairs (DPA); established in 1992 as the leading U.N. department for peacemaking and preventive diplomacy to increase the effectiveness of the United Nations in carrying out its Charter responsibilities to prevent and resolve conflict (http://www.un.org/depts/dpa/). Former UN Secretary General Kofi Annan successfully mediated the Bakassi conflict during four years of negotiations and talking; thus, the researcher found it crucial to explore the mediation process as conducted by Mr Annan who headed a mediation team to bring to an end such protracted conflict.

Following intensive diplomatic activities culminating in the 12 June 2006 GreenTree Agreement brokered by the United Nations and witnessed/guaranteed by four world powers – Britain, France, Germany and the United States – Nigeria eventually agreed to unconditionally hand over the oil-rich Peninsula to Cameroon. On 14 August 2006,
Nigeria effectively pulled out its military and the Cameroonian flag was hoisted. Two years later (14 August 2008) the remaining Nigerian administration and police left the Peninsula. In this context, two key questions arise: is the outcome of the Bakassi conflict a model of conflict resolution and economic cross-border development, or is it more a situation of conflict dynamics, crisis and economic instability? Putting aside disruptive activities by social movements, the entire process could be viewed as a model in peaceful resolution of border conflicts.

This chapter will explore the historical background of the Bakassi conflict, the management of the conflict from the ICJ to the “Good Offices” of the UN Secretary General as well as an appraisal of the Peacemaking and reconciliation process outcome of the mediation.

4.2 Historical Background of the Bakassi Conflict

4.2.1 Colonial Legacy

The conflict between Nigeria and Cameroon, under reference, is a boundary and territorial dispute. One of the territories in dispute is the Bakassi peninsula which from the history of colonisation was part of Southern Cameroon.

In 1913, Britain - for the colonies of "Southern" and "Northern" Nigeria - and Germany - for "Kamerun" - reached an agreement on their border. The first of these agreements was signed in London on March 11, 1913 titled: "(1) The Settlement of the Frontier between Nigeria and the Cameroons, from Yola to the Sea and (2) The Regulation of Navigation on the Cross River". The second was signed at Obokum on April 12, 1913 by Hans Detzner, representing Germany, and W. V. Nugent, representing Britain. It addressed the precise demarcation of the Anglo-German Boundary between Nigeria and Kamerun from Yola to the Cross River. (BFSP, Vol. 85, 1892-3, pp. 41-43)
For Bakassi (also spelled Bakasi) peninsula in particular, the Germans were interested in the harvesting, fishing and an undertaking that Britain would not seek to expand eastwards. The British were interested in uninterrupted and secure sea lane access to Calabar, a key trading post. Since the Germans already had the option of using Douala environs as a port, they conceded the "navigable portion" of the offshore border to Britain. In exchange, Britain conceded the Bakassi peninsula proper to Germany. In other words, to get Germany's cooperation not to threaten access to Calabar, Bakassi peninsula was conceded by Britain. The Obong (Nigerians leading group at that time) did not resist. Note that "Nigeria" did not yet exist.

In January 1914, "Nigeria" was created by amalgamation. Neither the Obong nor any other traditional ruler, Emir, or Chief anywhere in "Nigeria" was consulted about it let alone its borders. As was the practice then, it was done for British economic reasons - to extend the railway system of "Northern Nigeria" to the sea and to use excess tax revenues - derived from spirits - from "Southern Nigeria" to correct a budget deficit in "Northern Nigeria". British and German maps of "Nigeria" from January 1914 clearly show Bakassi peninsula in Kamerun. There was no resistance from the Obong of Calabar or his people or any other native "Nigerians" for that matter.

In 1954, the Secretary of State for the Colonies issued a legal order defining the border between Nigeria's "Eastern region" and the "Southern Cameroons". Bakassi Peninsula was in the "Southern Cameroons", distinct from the Eastern region and the Calabar province and maps from that period show this very clearly. In March 1959, the United Nations asked Britain to clarify the wishes of the people living in Northern and Southern Cameroons trusteeship territories in the run up to the "independence" of Nigeria and Cameroun. Maps from that period show Bakassi peninsula in the Cameroons, not Nigeria. (Geographical Journal, 1914:630). On January 1st, 1960 the French Cameroons became independent. Instruments creating the new country and exchange of notes between France and Cameroun rehashed all its colonial boundaries as defined by previous colonial agreements. On October 1st, 1960, Nigeria became independent. Instruments creating the new country and exchange of notes between Britain and Nigeria rehashed all its colonial boundaries as defined by previous colonial agreements.
Maps dated 1960 show that the Bakassi peninsula was clearly within the "Southern Cameroon".

In July 1966, then Lt. Col. Gowon came to power in Nigeria. He too committed his government to respect all prior international agreements made by the Ironsi (Nigerian President from January to July 1966) and Balewa (Nigerian President from 1962 to 1966) governments. In 1970, moves began to be made by independent Cameroun and post-civil war Nigeria to clarify their maritime border which was vaguely defined by the 1913 Anglo-German Treaty. Maps from that period show Bakassi peninsula in Cameroun, but the offshore boundary was unclear since there was no detailed demarcation of the "navigable portion" of the approach channel to the Calabar estuary. On June 1st, 1975, Gowon (former Nigerian President) and Ahidjo (Former Cameroun President) signed the Maroua Declaration for the partial extension of the 1971 maritime boundary. Again, the status of the Bakassi peninsula proper was not even an issue for discussion. On July 29, 1975 General Gowon was overthrown by General Murtala Muhammed. One of the first acts of that regime was to begin to question all the domestic and foreign policy decisions made by General Gowon - including the offshore maritime border with Cameroun. In the rush to smear Gowon publicly, he was held accountable for "giving away Bakassi" - an event that had actually occurred before he was born. Then Nigeria started questioning the agreement signed previously given Bakassi to Cameroon and thus starts the conflict between the two countries over the Bakassi Peninsula.

Among the many border disputes that Cameroun and Nigeria have had in the years since independence, the Bakassi peninsula stands out very clearly as the most serious dispute of all. This portion of the disputed border draws increasing attention, as it became public knowledge that the peninsula is very rich in petroleum and natural gas. The show of arms, especially in the past seventeen years, has left many dead and wounded. Fighting occurred on the lands surrounding the peninsula, (which are equally disputed), on the peninsula itself, and on the sea. The big question that faces both nations is that of sovereignty over the mineral rich peninsula—and in answering this question, both nations resorted to the use of military force to claim the territory.
4.2.2 The Border Dispute and the ICJ ruling

For a number of years relations between neighboring Cameroon and Nigeria have been strained over issues relating to their 1,600-kilometre land boundary, extending from the Lake Chad to the Bakassi peninsula, and maritime boundary into the Gulf of Guinea. Among the issues involved are rights over the oil-rich land and sea reserves and the fate of local populations. For example as Lake Chad dried up due to desertification, local populations relying on the Lake for their livelihood have followed the receding waters, further blurring the boundary lines. Tensions between the two countries escalated into military confrontation at the end of 1993 with the deployment of Nigerian military to the 1,000 square-kilometer Bakassi peninsula.

In 1994, Cameroon brought the case of the border dispute between the two countries to the International Court of Justice (ICJ). On 10 October 2002, the ICJ, citing agreements between the United Kingdom and Germany in the early 20th century, issued its irrevocable judgment on the entire land and maritime boundary between Cameroon and Nigeria. The decision ruled confirmed sovereignty over portions of the territory in question to Cameroon and delineated the border. Nigeria also made certain land gains according to the ruling.

In Africa, the management of border disputes varies from sub-region to sub-region. Most puzzling is the difference between West Africa and the Horn of Africa. In the latter, border disputes are much more likely to escalate into war than in the former. Seeking to solve this puzzle, this study focuses on the territorial integrity norm. It departs from existing accounts of this norm in two ways: first, it does not choose the region but the sub-region as the level of analysis. Second, it does not isolate the territorial integrity norm from its social context but analyses the interplay of the norm with the social structure in which it is embedded. It concludes that the territorial integrity norm in West Africa is part of a social structure different from that in the Horn of Africa. It is this difference that explains the different patterns of conflict management in the two sub-regions (Kornprobst, 2002:369)
The dispute between Cameroon and Nigeria over the Bakassi peninsula is yet another of Africa's throwbacks to the colonial division of the continent. In drawing up the boundaries between their "possessions" in Africa there was often little precision and only the vaguest of documentation. For Nigeria and Cameroon this has led to years of conflict and periodic outbreaks of fighting. It was by no means certain the ICJ ruling in favor of Cameroon will end this.

Akanmode (2000:2) pointed out that the Peninsula which covers a marshy area of about 1,000 square kilometres and located in Cross River State is occupied by a population of Nigerians. He further points out that if a judgment delivered by the International Court of Justice (ICJ) on Thursday October 10th 2002, was anything to go by, the inhabitants of the Peninsula may well be on their way to changing their nationalities from Nigerians to Cameroonians. In addition, Akanmode (2002:3) emphasis was on the paradox of the Peninsula. He maintained that the Peninsula is a community that subsists in the midst of plenty – plenty of fish and oil deposits – but is ravaged by poverty. He further points out how colonial imposed boundaries had affected inter-state relations in Africa particularly the Bakassi Peninsula between Nigeria and Cameroon.

Sanusi (2002:45) pointed out that the judgement made no sense. His question was “How do you cede a people with different culture, different language and background to another nation whose background differs completely?” He insisted that Bakassi people are Nigerians who cannot become Cameroonians overnight. On Thursday 10, October 2002 the International Court of Justice, Hague delivered judgment on the disputed oil-rich Bakassi peninsula and gave ownership to Cameroun over Nigeria. The court decision was based on the Anglo-German agreement of 11 March 1913. In that judgment, the court requested Nigeria to expeditiously and without condition to withdraw its administrative and military or police force from the area of Lake Chad falling within the Cameroonian Sovereignty and from the Bakassi peninsula. It also requested Cameroon to expeditiously and without condition withdraw any administrative or military or police forces which may be present along the land boundary from Lake Chad to the
Bakassi peninsula on territories, which pursuant to the judgment fall within the sovereignty of Nigeria.

4.2.3 Implications of the ICJ ruling over Bakassi and the escalation of the conflict

What are the implications of this judgment for the Nigeria and Cameroon state? For Nigeria, there are fears that losing Bakassi to Cameroon may mean the loss of the entrance to the Calabar port to Cameroon. This is because the entrance to the Calabar port lies in the Calabar channel and going by the terms of the 1913 agreement between Britain and Germany which the World court relied upon as the authority for Cameroon’s claim to Bakassi, the channel belongs to Cameroon. Secondly, the loss of Bakassi has also placed the multi-million Naira Export processing zone (EPZ) in serious danger. This is because the Calabar EPZ depends largely on this important segment, it would only mean that the port belongs to Cameroon out rightly or Nigeria will have to pay charge (Olumide 2002: 4). There is also the danger of losing 100 million barrels of oil deposit and also four trillion cubic feet of gas deposits in the peninsula. This will be a result of the oil companies having to leave the area and relinquish the oil wells to the Cameroonian, the implication of this is that the huge revenue got from “Bakassi oil” will be lost to Nigeria. A nation striving to improve the lot of its people by adequately utilizing their sources of revenue will surely feel the severe impact of this type of judgment on the entire economy (Aghemelo and Ibhasebhor, 2006:1).

The social implications of the ruling are that Nigerians, who have lived in Bakassi all their lives, will have to face the sad reality of having to evacuate a region that is part and parcel of them immediately. Most people living in these areas have their businesses located there and so leaving the area will mean detaching them from their source of income. Moreover, all infrastructural facilities, including hospitals, schools, recreational centres, that were originally put in place by the country stands the risk of being forfeited resulting in a fruitless effort and loss of income.

Another far-reaching implication of the judgment is the strategic or security implication for the Nigerian state. The victory of Cameroon will make the nation lose its eastern
access to the Atlantic. This implies that without Cameroon’s approval, Nigeria’s naval ships cannot move freely to southern Africa. For security reasons this is not too palatable and not in the interest of the nation.

**4.2.4 Conflict escalation**

Cameroon and Nigeria remain uncompromising on their stands over the Bakassi Peninsula dispute even after the ICJ ruling. The oil sector in the continent is estimated to attract over 50 billion US dollars by the end of this decade, making oil the largest single source of investment in Africa’s history. (Mbaga & Njo, 2005:3)

The awareness of these facts simply gives more impetus to the already existing tensions expressed in widespread willingness to split at all cost from the main political structures in the area (Nigeria and Cameroon) and become an oil-rich autonomous State with full control over the fertile fishing grounds and immense oil reserves of the Bakassi Peninsula. That pictures the pattern of most African civil disturbances, citing the case of the bloodiest civil wars in Africa, the Nigerian -1967 to 1970; the Angolan since 1975. Added to this, are the inflammatory statements made by a Nigerian delegation to the Bakassi conflict resolution that they would only hand over the Peninsula to its rightful owners: Anglophone Cameroon. These allegations complicate Cameroon’s stability at which attempts have repeatedly been made since the advent of multipartism in the 1990s.

The Bakassi inhabitants themselves, in majority Efik and Ijaw from Nigeria are unbendingly opposed to any hand over of ‘their’ land to Cameroon because “Bakassi is their life” (Cameroon Tribune N1238, 2004); and the Ogoniland nightmarish relations with the Nigerian Federal State are a too traumatic experience for them to cope with, the atrocity of killings, people displaced, children starving during the Ogoniland fight against the Federal government in 1991 (ThePost N178;1991) is something they avoid thus an escalation of the conflict.
The people of Bakassi have inhabited an area that has been contested by Cameroon as theirs but claimed by Nigeria for decades. This massive move of the inhabitants of Bakassi to Nigeria is a clear indication that their grievance with the handing over of the land is not rooted in their desire to occupy the assumingly oil rich peninsula and lucrative fishing economy, but rather feelings that they were betrayed by the Nigerian government (specifically former President Obasanjo) due to the ease in which they handed the land and thus the citizens over to Cameroon. The battle for land was in principle to those in Bakassi, a battle for the people who identified themselves as Nigerian.

Many Nigerian politicians as well as former community members of Bakassi have vowed to continue to contest the decision of the court even though the land has been handed over. However, the Cameroonian government and media have remained largely silent on the topic and assert that peace should be maintained in the region and Cameroonian and Nigerians should continue to coexist as they do along much of the border that they share. But at this stage of the dispute, Nigerians as well as Cameroonian were developing negative ideas, stereotypes and clichés about each other. A feeling of anger started running all over Bakassi and more to both countries as well and the result was a constant tension between both parties. Because of the interests of oil and fish in the peninsula, each party considered the other as selfish and unfriendly.

Inhabitants of Bakassi have also expressed their fear of treatment they will receive from the Cameroonian government as well as the treatment they have witnessed of those living in parts of Bakassi, which had been previously ceded to Cameroon. Once parties have expectations about the other side, they tend to notice the behavior that fits these expectations (Kriesberg 1998:153).

On May 16, 1981, a Cameroun national radio news report informed the world that a Nigerian military patrol army violated Cameroun's territory by penetrating the Bakassi
peninsula as far as the Rio del Rey and opening fire on the Cameroun Navy. Cameroun troops in returning fire killed five Nigerian soldiers. Cameroun alleges that this incident has provided the Nigerian authorities the pretext for exploiting the incident politically and for trying to put the blame on Cameroun. By then, everyone in Bakassi was against everyone; the action-reaction attitude started taking place with the fire and fire back from each party. People started hurting each other, all that matter by that time is to destroy the enemy. With the conflict spreading all over Bakassi, it encompasses groups and infected the whole community. During escalation, structural change theory as it explains in its psychological and group changes, involves changes in the community as well and thus, indicates a considerable aggravation of the conflict.

As a result of escalation, formerly neutral or moderate parties are pulled toward one side or the other, and communities become severely polarized. Such polarization further reduces the opportunities for communication and contributes to the general deterioration of the relationship between the adversaries. Although the conflict has been ruled by the ICJ, evidences that it was just the beginning of a violent escalation were obvious, thus the need for assisted negotiation.

Following the failure of the ICJ judgment’ implementation, the Secretary-General facilitated a further meeting between both Presidents in Geneva on November 15, 2002. In a joint communiqué, the two leaders agreed to ask the Secretary-General to establish a mediation between Cameroon and Nigeria “to consider ways of following up on the ICJ ruling and moving the process forward”.

The following table is a summary of the major historical events in the Bakassi conflict:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1885</td>
<td>Great Britain and Germany were joint colonial masters of Kamerun (which was the original name given to Cameroon by German during colonisation) and Nigeria. It was then they drew the boundaries to delineate their colonies.</td>
</tr>
<tr>
<td>December 21st, 1993</td>
<td>Conflict broke out in 1993 between Cameroon and Nigeria when Nigeria</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>February 18(^{th}), 1994</td>
<td>Cameroon army strives to repulse the Nigerian forces trying to occupy the peninsula by force.</td>
</tr>
<tr>
<td>March 29(^{th}), 1994</td>
<td>Cameroon takes the matter to the International Court of Justice (ICJ) asking the Court to delineate the border between both countries to avoid more incidents.</td>
</tr>
<tr>
<td>December 13(^{th}), 1995</td>
<td>Nigeria questioned the competency of the ICJ in ruling in favor of Cameroon over the dispute.</td>
</tr>
<tr>
<td>February 12(^{th}), 1996</td>
<td>Violent combats erupted between the Nigerian and Cameroon' armies.</td>
</tr>
<tr>
<td>June 28(^{th}), 1998</td>
<td>ICJ give a delay of 21months to Nigeria to appeal, Cameroon suggest 9 months but Nigeria didn't appeal but rather responds by a series of attacks on the Cameroonian' army in Bakassi.</td>
</tr>
<tr>
<td>May-June 2001</td>
<td>Nigerian army attacks three communities on the peninsula.</td>
</tr>
<tr>
<td>September 5, 2002</td>
<td>Summit Cameroon-UN-Nigeria in Paris to discuss ways to address their dispute.</td>
</tr>
<tr>
<td>September-October 2002</td>
<td>A Cameroon-Nigeria team meets in Abuja –Nigeria to find a solution to the problem</td>
</tr>
<tr>
<td>October 10, 2002</td>
<td>ICJ give its verdict: Bakassi belongs to Cameroon</td>
</tr>
<tr>
<td>October 24, 2002</td>
<td>Nigeria communicates to UN its decision to reject the ICJ's verdict</td>
</tr>
<tr>
<td>November 15, 2002</td>
<td>Creation of the Cameroon-Nigeria mixed Commission aimed at finding a way to implement the ICJ ruling in a peaceful way.</td>
</tr>
<tr>
<td>December 2002- October 2005</td>
<td>Mediation sessions of the mixed commission respectively in Yaoundé-Cameroon and Abuja-Nigeria</td>
</tr>
<tr>
<td>June 12, 2006</td>
<td>The GreenTree Agreement is signed near New York stipulating the modalities of authority transfer on the peninsula to</td>
</tr>
</tbody>
</table>
August 14, 2006 | The Cameroon Flag is hanged during a ceremony of Nigerian troop’s withdrawal in Akwa (Cameroon). Although some areas of the peninsula (Jabane, Idabato, and Akwabana) stayed under Nigeria provisional authority till August 2008.

Source: Cameroon Tribune, Special Bakassi, August 2008

4.3 The Bakassi Conflict Mediation

4.3.1 Failure to implement the ICJ ruling

Failure to implement the ICJ ruling over the Bakassi peninsula by Cameroon and Nigeria, tensions were increasing in the peninsula and parties felt it was time to find a way to calm the situation. The initiation of a peace process may follow adversaries’ acknowledgement of a stalemate, leading to their willingness to downsize and even abandon fighting. Motivational aspects of de-escalation represent a desire to end conflict, combined with some sort of cautious optimism or belief in the possibility of solutions through negotiations (Anstey 2006:179).

Due to the severity of the conflict, destabilising the region, former United Nations Secretary General Mr Kofi Annan invited both parties at the UN Headquarters in July 2001 to address their dispute. Mediation is a complete voluntary process and in 2002, both parties at a stalemate as said previously agreed to a mediation process headed by former UN Secretary General Kofi Annan to assist them in the settlement of their dispute (Jeune Afrique N1346, 2001:3). We are going to discuss it further.

As discussed in chapter 2, it is important to remember that International conflict mediation has become one of, if not the most prominent and important conflict resolution methods of the early 21st century. As discussed in Chapter 2, mediation is a
process in which a third-party neutral assists in resolving a dispute between two or more other parties. It is a non-adversarial approach to conflict resolution. The role of the mediator is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and generate options that meet the interests or needs of all relevant parties in an effort to resolve the conflict (http://www.beyondintractability.org/essay/mediation/).

Weeks before the ICJ judgment, the Secretary-General invited Presidents Paul Biya of Cameroon and Olusegun Obasanjo of Nigeria to meet with him on 5 September 2002 in Paris. The two Presidents agreed to respect and implement the anticipated ICJ decision, and to establish an implementation mechanism. They also agreed on the “need for confidence building measures, including the eventual demilitarisation of the peninsula possibly, with the possibility of international observers to monitor the withdrawal of all troops” with the support of the United Nations.

After the ICJ judgment, tension increased in the peninsula with serious economic, social and political impact on both countries. The Secretary-General facilitated a further meeting between both Presidents in Geneva on 15 November 2002. In a joint communiqué, the two leaders agreed to ask the Secretary-General to establish a Mixed Commission of Cameroon, Nigeria, and the United Nations, “to consider ways of following up on the ICJ ruling and moving the process forward”. The Secretary-General designated his Special Representative for West Africa, Mr. Ahmedou Ould-Abdallah, as Chairman of the Cameroon-Nigeria Mixed Commission.

The ICJ’s ruling in 2002 in favour of Cameroon, although based on sound historical evidence, faced implementation difficulties. However, following mediation by the United Nations (UN) Secretary-General, good faith by protagonists, the Green-tree Agreement and subsequent instruments, Nigeria completed the withdrawal of its military, police and administration from the Bakassi Peninsula by 14 August 2008.

There is no doubt that the ICJ has a limited capacity to facilitate enforcement because there is a very weak interplay between passing judgment and binding enforcements.
Implementation of rulings of the ICJ is largely dependent on the goodwill of countries in conflict. In situations where the countries involved are outward looking and cherish international credibility, diplomatic pressure can act as a credible tool which can be used to generate incentives for compliance with international obligations. (African journal on Conflict resolution, Vol 1, 2010:26)

4.3.2 International mediation in Bakassi

On October 10, 2002, after eight years of deliberations, the ICJ at The Hague decided that Cameroon had sovereignty over Bakassi, basing its decision on old colonial documents (Lacey and Banerjee 2002:55). The Court requested Nigeria to quickly and unconditionally withdraw her administration, police and military from the area of Lake Chad under Cameroonian sovereignty and from the Bakassi Peninsula. The immediate reaction was that Nigeria rejected the ruling, and at one point it seemed possible that the dispute would flare into open war, but UN mediation brought the two sides to the table (Friends of the Earth 2003; Sango 2002).

When it became difficult to implement the ICJ ruling, the UN Secretary-General formed the Cameroon-Nigeria Mixed Commission on the request of both leaders. The Mixed Commission first demarcated the land boundaries. The development of projects to promote joint economic ventures and cross-border cooperation monitored by the Mixed Commission included the construction of border markets and roads linking the two countries.

4.3.2.1 The Cameroon-Nigeria Mixed Commission

The Cameroon-Nigeria Mixed Commission is a mechanism established by former Secretary-General of the United Nations, Mr Kofi Annan on 15 November 2002 at the request of President Olusegun Obasanjo of Nigeria and President Paul Biya of Cameroon in order to facilitate peaceful implementation of the International Court of Justice judgment on the border dispute between Cameroon and Nigeria. One of the
characteristic of mediation is that it gives parties a sense of control over the process, that was the very essence of the Mixed Commission where both parties were represented by equal representatives of their countries and headed by the UN' representative. The Cameroon delegation was headed by former Minister of Justice Mr Amadou Ali and his team while the Nigeria delegation was headed by Prince Bola Ajibola, former Minister of Justice and former High Commissioner of Nigeria to the United Kingdom and his team.

The Cameroon-Nigeria Mixed Commission met in Abuja and Yaoundé every two months from 2002 on an alternating basis as to ensure principle of fairness in the mediation process. Chaired by Mr Annan’s Special Representative for West Africa Ahmedou Ould-Abdallah, it is composed of the Delegation of Cameroon, led by Mr. Amadou Ali, Senior Minister in charge of Justice, and the Delegation of Nigeria, led by Prince Bola Ajibola, former Minister of Justice. It is important to note here that Mr Annan established the Mixed Commission but appointed his Special representative for West Africa Mr Ahmedou Ould-Abdallah to chaired the commission’ meetings on his behalf.

Since December 2002, the Mixed Commission has held regular meetings alternatively in Yaoundé and Abuja. Between 2003 and 2006, it was involved in withdrawals of the civil administration, of military forces and of police force, as well as transfers of authority, was involved in the zone of Lake Chad, along the land border and in the peninsula of Bakassi. On June 12, 2006, following intense negotiations under the aegis of the Secretary-General Kofi Annan, the Presidents of Cameroon and Nigeria signed the Agreement of Greentree establishing the methods of withdrawal and transfer of authority of the peninsula of Bakassi. The terms of the agreement stipulate that Nigeria will continue to manage a small definite part as a specific zone for a period of two years. A non renewable five year period of special transition regime will then apply. (http://unowa.unmissions.org/Default.aspx?tabid=804)
In order to facilitate the implementation of the International Court of Justice, the United Nations put at the disposal of the Mixed Commission the required personnel making it possible to offer good offices services, and provide technical aid through the deployment of geometricians and cartographers. Cameroon and Nigeria have so far agreed on a total distance of 1,463 kilometers for the land boundary, which is estimated to be 1,950 kilometers. For the maritime border, Cameroon and Nigeria agreed on the 21 points at sea defined by the ruling of the ICJ. The observer personnel of the United Nations were actively involved in monitoring the zone along the land border from Lake Chad to the peninsula of Bakassi to strengthen the confidence of the populations. (http://unowa.unmissions.org/)

The Mixed Commission which was the foundation of the Bakassi mediation had on its agenda to cover the following issues:

- The demarcation of the land boundary between the two countries;

- The withdrawal of civil administration, military and police forces and transfer of authority in relevant areas along the boundary;

- The eventual demilitarisation of the Bakassi peninsula;

- The need to protect the rights of the affected populations in both countries;

- The development of projects to promote joint economic ventures and cross-border cooperation; and

- The reactivation of the Lake Chad Basin Commission.

In pursuit of these objectives, the Mixed Commission has established the following subsidiary organs, with experts from the two parties and the United Nations:

- A sub-commission responsible for demarcation of the land boundary between the two countries.
- A sub-commission on affected populations with a mandate to assess the situation of these populations and to consider effective ways to ensure protection of their rights.

- A Working Group on the withdrawal of civil administration and military and police forces and the transfer of authority in the Lake Chad area, which completed its work in January 2004.

- A Working Group on the maritime boundary.

- A Working Group on Withdrawals and Transfers of Authority in both the Land Boundary and the Bakassi Peninsula.

To facilitate the activities of the Mixed Commission, the United Nations has established a support team based in Dakar. In addition to technical and logistical assistance, this UN team also provides substantive support to the Mixed Commission and to the two sub-commissions and the Working Group.

4.3.2.2 The mediation process

During five years, Mr. Annan and his appointed mediation team have been the “hope” for both Cameroon and Nigeria. He met the parties first individually and then around a table to discuss the peaceful implementation of the ICJ ruling concerning the Bakassi peninsula. It has been a long and difficult process but Mr. Annan and his team never moved backward. After creating the Mixed Commission, Mr. Annan’s representative for West Africa Mr. Ahmedou Ould-Abdallah followed up the mediation process with series of joint meeting of the commission every two month respectively in Yaoundé and Abuja were the issues involved in the mediation cited earlier were attended. As mentioned in our literature review, there are several types of mediation which differs according to the context and the Bakassi mediation process took 4 long years to reach an agreement and parties has to go through 14 joint meetings due to the several issues involved in the conflict as mentioned earlier.
The Cameroon-Nigeria Mixed Commission, which was established pursuant to the Joint Communiqué adopted at the meeting held on 15 November 2002 in Geneva between His Excellency President Paul Biya of Cameroon and His Excellency President Olusegun Obasanjo of Nigeria, in the presence of the Secretary-General of the United Nations Kofi Annan held its first meeting in Yaoundé, Republic of Cameroon, on 1 and 2 December 2002.

The meeting of the Mixed Commission was attended by members of the Commission from Cameroon, led by Mr. Amadou Ali, the State Minister in charge of Justice and Keeper of the Seals of Cameroon and from Nigeria, led by Prince Bola Ajibola (SAN), former Minister of Justice and former High Commissioner of Nigeria to the United Kingdom. The Special Representative of the Secretary-General of the United Nations, Mr. Ahmedou Ould-Abdallah, chaired the meeting.

The meeting took place in a cordial atmosphere and discussions were conducted in an open, constructive and transparent manner. Both delegations expressed their commitment to sustain the spirit of peaceful and good neighbourly relations between their two countries, which had characterized the discussions between President Biya and President Obasanjo in Paris on 5 September 2002 and in Geneva on 15 November 2002.

The delegations further expressed their determination to build upon and consolidate the progress made during these summits, as well as at the meeting of the Cameroon-Nigeria Joint Commission held in Abuja on 30 September 2002.

The Mixed Commission decided that the working documents for its meetings shall consist of the ICJ judgment of 10 October 2002, the press release issued following the Paris Summit on 5 September 2002, as well as the Joint Communiqué adopted at the Geneva Summit on 15 November 2002 and other documents that may be adopted at the meetings of the Commission. (http://unowa.unmissions.org)

The Mixed Commission also decided that it would be necessary for a joint assessment mission of the Commission to undertake a visit to the affected areas in order to better understand and appreciate the practical problems it would have to deal with and resolve
in the course of the implementation of its mandate, as defined in the Joint Communiqué of 15 November 2002.

In the meantime, the parties reiterated their undertaking to respect the rights of the populations of the other country residing in these affected areas and to afford them full protection in accordance with international human rights law.

The Mixed Commission decided to establish a Sub-Commission which would be responsible for the demarcation of the land boundary between the two countries. The Sub-commission shall be composed of legal experts and cartographers, from the two parties and the United Nations. (http://unowa.unmissions.org)

The Mixed Commission also agreed that both Governments should proceed with the project relating to the improvement of the Mamfé-Eyumojok-Ekok-Mfum-Ikom road and related socio-economic projects.

The Mixed Commission decided that, henceforth, it shall meet on the first Tuesday every two months, on the understanding that it may adjust the timing of each particular meeting, should circumstances so require. Special meetings of the Commission maybe convened, if necessary, by the Chairman upon consultation with the members of the Commission.

The Mixed Commission agreed to hold its next meeting in Abuja, Federal Republic of Nigeria, on 4 and 5 February, with a possible extension to 6 February 2003.

- Second joint meeting of the Cameroon-Nigeria Mixed Commission (February 4-5, 2003) in Abuja

The Cameroon-Nigeria Mixed Commission held its second meeting in Abuja, Federal Republic of Nigeria, on 4 and 5 February 2003. The Vice-President of Nigeria, His Excellency Atiku Abubakar, delivered a keynote address at the opening ceremony of the meeting. The meeting of the Mixed Commission was attended by members or the Commission from Nigeria, led by Prince Bola Ajibola (CFR), former Minister of Justice and former High Commissioner of Nigeria to the United Kingdom and from Cameroon, led by Mr. Amadou Ali, the Minister of State in charge of Justice and Keeper of the Seal of Cameroon. The Special Representative of the Secretary-General of the United
Nations, Mr. Ahmedou Ould-Abdallah, chaired the meeting. (http://unowa.unmissions.org)

The meeting took place in a cordial atmosphere and discussions were conducted in an open, constructive and transparent manner. The Mixed Commission was received by President Olusegun Obasanjo during which he was briefed on its work to date. The Mixed Commission expressed its appreciation for his advice and words of encouragement. The Mixed Commission approved the report of the Sub-Commission on the work program towards the demarcation of the land boundary.

The Mixed Commission requested the Sub-Commission to proceed expeditiously with its work, in light of the additional guidance given to it at this meeting. Thus, it requested the Sub-Commission to submit to it at its meeting in April 2003, a preliminary report which shall include details with respect to costs, time frame, funding, identification of possible independent contractors, and any other relevant factors that will guarantee a successful demarcation exercise. The Mixed Commission expects the Sub-Commission to submit a full report to it at its meeting in June 2003 (http://unowa.unmissions.org).

The Mixed-Commission considered the issue relating to respect for the rights of the populations residing in the affected areas. In conformity with paragraphs 6 and 7 of the Yaoundé communiqué of 2 December 2002, the Mixed Commission decided to establish a Sub-Commission on Affected Populations with a mandate to assess the situation of these populations and to consider modalities relating to the protection of their rights. The Sub-Commission shall include demographers, human rights experts, cartographers, sociologists and lawyers from the two parties and the United Nations. The Sub-Commission will submit its report to the Mixed Commission as expeditiously as possible, and in any case no later than at its August 2003 meeting. Cameroon and Nigeria will provide the members of the Sub-Commission with security and freedom of movement for fulfilling their mandate (http://unowa.unmissions.org).
The Mixed Commission thanked the Secretary-General of the United Nations for his continued support to its work and appealed to him to take further actions, including lending his personal support for the mobilisation of the resources necessary for the work of the Mixed Commission. The Mixed Commission will hold its next meeting in Yaoundé on 2-3 April 2003, with a possible extension to 4 April 2003 (www.diplocam.cm).

- **Third joint meeting of the Cameroon-Nigeria Mixed Commission (April 2-3, 2003) in Yaoundé**

The Cameroon-Nigeria Mixed Commission held its third meeting in Yaoundé on 2 and 3 April 2003. The former Prime Minister, Head of government of the Republic of Cameroon, Right Honourable Peter Mafany Musonge, delivered a keynote address at the opening ceremony of the meeting. The meeting was attended by members of the Commission from Cameroon, led by His Excellency Mr Amadou Ali, the Minister of State in charge of Justice and Keeper of the Seals of Cameroon, and from Nigeria led by His Excellency Prince Bola Ajibola (CFR), former Minister of Justice and former High Commissioner of Nigeria to the United Kingdom. The Special Representative of the Secretary-General of the United Nations, Mr Ahmedou Ould Abdallah, chaired the meeting (http://unowa.unmissions.org).

The meeting took place in a cordial atmosphere, while discussions were conducted in an open, constructive and transparent manner. The Mixed Commission considered and approved a preliminary report submitted to it by the Sub-Commission on demarcation of land boundary, pursuant to communiqué adopted by the Mixed Commission at its meeting in Abuja on 4 and 5 February 2003. The Mixed Commission called upon the Sub-Commission to continue to expedite its work and make every effort to submit a comprehensive report to the next meeting.

The Mixed Commission considered and approved the terms of reference of the Sub-Commission on affected populations established in accordance with a decision taken at the February 2003 meeting of the Mixed Commission in Abuja. The first meeting of this Sub-Commission will take place as soon as the composition of its membership is
finalised. In drawing up its agenda and program of work, the Sub-Commission shall be
guided by its mandate as stipulated at the Abuja communiqué of 5 February and further
clarified the above terms of reference. The chairman of the Mixed Commission shall
inform the parties of the name of the chairperson who will lead the work of the Sub-
Commission, as well as the date and venue of the first meeting (www.un.org/unowa/cnmc/preleas/3rdm.htm). The members of the Mixed Commission
agreed that an informal early warning system should be put in place in order to alert the
relevant local authorities and affected populations about any potential natural or other
disasters.

The Mixed Commission was also briefed about a visit by its joint team to the Mamfe-
Eyumojock-Ekok-Mfum-IkomAbakaliki road, and looks forward to receiving progress
reports on the project aimed at upgrading it. The importance of environmental protection
in the execution of the project was underlined. The Mixed Commission further stressed
the importance of conservation projects involving the rainforest and endangered
species, in particular primates, in the vicinity of the road, as well as other social and
economic projects. Other cross-border projects were identified both in the Lake Chad
Basin area and in other border areas between Cameroon and Nigeria, the
implementation of which could benefit the population. The Mixed Commission recommends that they be studied in the context of the Nigeria-Cameroon Joint
Ministerial commission and that this commission meets as soon as possible. The Mixed
Commission noted with appreciation the information provided by the chairman relating
to a pledge from the European Union to earmark some US$ 200,000 for the needs of
the Mixed Commission. The chairman expressed the hope that this would encourage
further donations from the parties as well as other donors. The Mixed Commission will
hold its next meeting in Abuja on 9, 10 and possibly 11 June 2003. It will be preceded
by a meeting of the Sub-Commission on demarcation of land boundary on 5, 6 and 7
June 2003.
Fourth joint meeting of the Cameroon-Nigeria Mixed Commission (June 10-12, 2003) in Abuja

The Cameroon-Nigeria Mixed Commission held its fourth meeting in Abuja from 10 to 12 June 2003. At the opening ceremony of the meeting, a keynote address was delivered by Senator Victor Oyofo, Chief Whip representing the President of the Senate of the Federal Republic of Nigeria.

The meeting of the Mixed Commission was attended by members of the Commission from Cameroon, led by His Excellency Mr. Amadou Ali, the Minister of State in charge of Justice and Keeper of the Seals of Cameroon, and from Nigeria led by His Excellency Prince Bola Ajibola (CFR), former Minister of Justice and Attorney-General of the Federal Republic of Nigeria. The Special Representative of the Secretary-General of the United Nations, Mr. Ahmedou Ould-Abdallah, chaired the meeting. The Mixed Commission had before it a comprehensive report of the Sub-Commission on Demarcation, submitted pursuant to the decisions of the Mixed Commission adopted at its second and third meetings, held respectively on 1 and 5 February 2003 in Abuja and 2 and 3 April 2003 in Yaoundé. The Mixed Commission considered and approved the comprehensive report.

The Mixed Commission took note of the statements by the heads of delegations of Cameroon and Nigeria in connection with the approval of the comprehensive report of the Sub-Commission in which they confirmed the readiness of their countries to deposit an amount of US$ 1.25 million each to the United Nations Trust Fund for the initial financing of the demarcation activities. These statements were made in response to an appeal by the Chairman of the Mixed Commission. The funds will be deposited in the Trust Fund as soon as the modalities for doing so have been communicated to the two parties by the Chairman of the Mixed Commission. The two parties reiterated their commitment to appeal to donors, in coordination with the United Nations, to raise additional funds for demarcation activities. (www.un.org/unowa/cnmc/preleas/4thm.htm)

The Mixed Commission considered and approved the report of the first meeting of the Sub-Commission on Affected Populations established in accordance with a decision
taken at the second meeting of the Mixed Commission held in Abuja on 4 and 5 February 2003.

The parties agreed as part of their confidence-building efforts, that the project aimed at upgrading the Mamfe-Abakaliki road will be extended to Kumba and Mutengene on the Cameroonian side. The Mixed Commission agreed to accelerate the pace of work towards achieving its mandate. In this regard, Cameroon informed that it had submitted to the Chairman of the Mixed Commission a work programme and a calendar for the implementation of the International Court of Justice’s judgment which deals with issues of demarcation, affected populations and the withdrawal of administrations, armed forces and police from the areas concerned. The Nigerian delegation noted that the document was only being received at this meeting and promised to forward its comments and proposed to the Chairman of the Mixed Commission as well as the Cameroonian delegation not later than 15 July, 2003. The Mixed Commission agreed that the proposals by the two countries would be considered at its fifth meeting in August 2003 in Yaoundé (www.un.org/unowa/cnmc/preleas/4thm.htm). The Mixed Commission agreed to hold its next meeting in Yaoundé, on 5 and 6 August, with a possible extension to 7th August 2003.

- **Fifth joint meeting of the Cameroon-Nigeria Mixed Commission (August 5-6, 2003) in Yaoundé**

The Cameroon-Nigeria Mixed Commission held its fifth meeting in Yaoundé on 5 and 6 August 2003. The meeting of the Mixed Commission was attended by members of the Commission from Cameroon, led by His Excellency Mr. Amadou Ali, Minister of State in charge of Justice, and from Nigeria led by His Excellency Prince Bola Ajibola (CFR), former Minister of Justice and Attorney General of the Federal Republic of Nigeria. The Special Representative of the Secretary General of the United Nations, Mr. Ahmedou Ould-Abdallah, chaired the meeting.
The Mixed Commission discussed and adopted its Program of Work subject to necessary adjustments that may be made at its subsequent meetings. It decided to undertake a tripartite visit to Lake Chad area in the second part of September 2003. The Mixed Commission agreed that the first phase of the withdrawal process should be completed by the end of December 2003 (www.un.org/unowa/cnmc/preleas/5thm.htm).

The Mixed Commission approved the report of the Sub-Commission on Affected Populations. The Mixed Commission considered and approved the report of the fifth meeting of the Sub-commission on Demarcation. This report includes, in an annex, the Record of Conclusions reached at the fourth meeting of the Sub-Commission on demarcation held in Dakar on 1 July 2003. The Mixed Commission noted with satisfaction the progress achieved so far by the two Sub-Commissions.

The Mixed Commission noted, with appreciation, that Cameroon and Nigeria had each deposited an amount of US$1.25 million to the United Nations Trust Fund for the initial financing of demarcation activities. The Mixed Commission approved the document entitled "Application for Funds to the Donor Community" that will be used as a background document to help mobilize funds for demarcation activities. The Commission decided that tripartite contacts will be made with donor countries and international organizations in order to raise additional funds for the demarcation process (www.un.org/unowa/cnmc/preleas/5thm.htm).

The Mixed Commission agreed to hold its next meeting in Abuja on 29 and 30 October 2003, with a possible extension to 31 October 2003.

- **Sixth joint meeting of the Cameroon-Nigeria Mixed Commission (October 29-30, 2003) in Abuja.**

The Cameroon-Nigeria Mixed Commission held its sixth meeting in Abuja on 29 and 30 October 2003. His Excellency Mr. Amadou Ali, State Minister in charge of Justice of Cameroon, led the Cameroonian delegation. His Excellency Prince Bola Ajibola (CFR), former Minister of Justice and Attorney General of the Federal Republic of Nigeria, led the Nigerian delegation. The Special Representative of the Secretary- General of the
United Nations and Chairman of the Mixed Commission, Mr. Ahmedou Ould Abdallah, chaired the meeting.

At the opening ceremony of the meeting, a keynote address was delivered by His Excellency Chief Akin Olujinmi (SAN), Attorney General and Minister of Justice of the Federal Republic of Nigeria. In his speech, the Minister noted that the Mixed Commission is a novel paradigm of conflict resolution for Africa. Acknowledging the importance of protecting the rights of the populations affected by the 10 October 2002 judgement of the International Court of Justice, the Minister reaffirmed Nigeria’s willingness to cooperate with Cameroon in search of genuine solutions. He emphasized that the search for peace in Africa is at the heart of Nigeria’s foreign policy (www.un.org/unowa/cnmc/preleas/6thm.htm).

The Mixed Commission considered and approved the report of the sixth meeting of the Sub-Commission on Demarcation, held in Abuja from 24-27 October 2003. In so doing, the Commission has approved the specifications for all the contracts for the demarcation of the boundary and requested that the procedure for the call for bids and the posting of announcements on the United Nations website be initiated by the Secretariat as soon as possible. The Mixed Commission adopted a preliminary list of assignments for the Joint Technical Team, including the field verification with the contractor for the imagery of the pillar emplacements shown on the ortho-imagery, and preliminary instructions for the demarcation. It also adopted a revised version of the provisional schedule of demarcation operations and approved the pillar designs for both the geodetic datum stations and the demarcation of the boundary. The Mixed Commission also requested that the Secretariat submit a draft program for the field visit by interested contractors, including a list of actions to be taken by the Parties in order to facilitate that visit. (www.un.org/unowa/cnmc/preleas/6thm.htm)

To that effect, the Mixed Commission mandated the Sub-Commission on Demarcation to include this task in the overall demarcation of the boundary. The Mixed Commission received a briefing from the Chairman on the activities undertaken by the Secretariat relating to the mobilization of funds for the demarcation (www.diplocam.cm).
The Mixed Commission considered and approved the report of the fifth meeting of the Sub-Commission on Affected Populations, which was held in Abuja from 21-23 October 2003, including the report of the Sub-Commission’s field visit to the Lake Chad area. The Mixed Commission also approved the Sub-Commission’s planned itinerary for the first phase of the field visit to the Land boundary area, to be undertaken from 22 to 25 November 2003.

During the consideration of the report of the Sub-Commission on Affected Populations, Nigeria expressed its concern about the fate of its citizens after the withdrawal and handover of authority in the Lake Chad area. It expressed particular concern at the idea of retribution or conflict between individual persons in that area. Cameroon expressed its own concern over the rights and fate of those Cameroonian citizens who formerly resided in that area and who had to leave it subsequently. It reaffirmed its commitment to guarantee the rights of all people affected by the Court's decision, both Cameroonian and Nigerian. The two Parties agreed that this issue must be handled with caution, care and understanding, and should be further considered later, in the aftermath of the withdrawal and transfer of authority. The parties further agreed that the overall process must be carried out peacefully, smoothly, and in an organized manner, in order to ensure continuing peace and stability in the area (www.un.org/unowa/cnmc/preleas/6thm.htm).

The Mixed Commission noted with appreciation the progress achieved by the two Sub-Commissions since it fifth meeting bearing in mind its forthcoming meeting in Yaoundé on 30 November and 1 December 2003 with the Working Group on the withdrawal of civil administration and military and police forces, and transfer of authority in the Lake Chad area, the Mixed Commission urges the Working Group to carry out its mandate expeditiously in order to present at that meeting a draft Operational Plan for Withdrawal and Handover in the Lake Chad area. The Mixed Commission's seventh meeting in Yaoundé will be held from 2 to 3 December 2003, with a possible extension to 4 December 2003.
The Mixed Commission is convening its seventh meeting from 2 to 3 December 2003 in Yaoundé, Cameroon. It is chaired by the Special Representative of the Secretary-General of the United Nations, Mr. Ahmedou Ould-Abdallah, and is composed of the Delegation of Cameroon, led by Mr. Amadou Ali, State Minister in charge of Justice, and the Delegation of Nigeria, led by Prince Bola Ajibola, former Minister of Justice.

Last month, a Working Group was set up to work out the details of the withdrawal and transfer of authority in the Lake Chad area and to survey that region in order to assess any problems the process may encounter. They found the populations and the authorities in the area peaceful and ready for the handover. The Working Group composed of delegations from both countries and the United Nations has also prepared a detailed plan of operation starting on 8 December 2003 to be concluded by 21 December 2003. According to the draft plan, "United Nations representatives will witness and facilitate the process, with a view to promoting its coherence and ensuring that it is peaceful and amicable." (www.un.org/unowa/cnmc/preleas/7thm.htm)

In addition to adopting the withdrawal and handover plan, the Cameroon - Nigeria Mixed Commission will discuss the following points:

a) The question of the delimitation of the maritime boundary;

b) The need to address the cross-border security especially in the framework of the Joint Bilateral Commission. This Commission is invited to meet once per year instead of the current two years;

c) activities to be undertaken, in the context of confidence-building measures, in cooperation with the Secretariat of the Lake Chad Basin Commission (LCBC) including the organization of an Extraordinary Summit of the Heads of States.
The Mixed Commission is seen by observers of the African political situation as a novel approach in preventive diplomacy and a new model for peaceful settlement of conflicts between states.

- **Eighth joint meeting of the Cameroon-Nigeria Mixed Commission (February 10-11, 2004) in Abuja.**

The Cameroon-Nigeria Mixed Commission held its eighth meeting in Abuja on 10 and 11 February 2004. As for the past seven meetings, Mr Ahmedou Ould-Abdallah, Special Representative of the Secretary-General of the United Nations, chaired the deliberations of the Commission while Senior Minister Amadou Ali of Cameroon and Prince Bola Ajibola (CFR) of Nigeria headed their respective delegations. The meeting was open, constructive and cordial.

The participants welcomed the convening of the Trilateral Summit between President Paul Biya of Cameroon, President Olusegun Obasanjo of Nigeria, and the Secretary-General of the United Nations on 31 January 2004 in Geneva. The Mixed Commission expressed satisfaction with the outcome of this summit and the renewed Commitment by the two leaders to pursue the peaceful settlement of their boundary dispute (www.un.org/unowa/cnmc/preleas/8thm.htm). At the opening ceremony of the meeting, H.E. Olu Adeniji, Minister of Foreign Affairs of the Federal Republic of Nigeria delivered a keynote address in which he stated that the search of global and regional peace was a major trust of the Nigeria's foreign policy, because no nation could develop in an atmosphere of discord and insecurity. That is why Nigeria had opted for negotiation with Cameroon on their boundary dispute. He urged the Commission to give the implementation of the International Court of Justice's judgement a human face, with particular regard to the concerns and well-being of border communities.

With regard to the Lake Chad area, the Mixed Commission adopted the report submitted by the Chairman of the Working Group on withdrawal and transfer of authority in the Lake Chad Area. This report summarized the work of the Working Group in November and December 2003. The Mixed Commission also adopted the report of the
Working Group on its follow-up visit (January 19 - 20, 2004) one month after the withdrawal and transfer of authority in the Lake Chad area. Finally, the Mixed Commission decided to establish its Observer Personnel Group in the Lake Chad area for a period of one year, composed of five members each from Nigeria and Cameroon, as well as five representatives from the United Nations (www.un.org/unowa/cnmc/preleas/8thm.htm).

The Mixed Commission decided that the Sub-Commission on Affected Population should undertake an additional visit to the Land Boundary area, which will be followed immediately by a field visit to the Bakassi Peninsula. This visit will take place between 16 February and 1 March 2004. The Mixed Commission decided that the members of the Sub-Commission on Demarcation should be included in this field visit. It also decided that the Mixed Commission would carry out field visits to the Land Boundary area and the Bakassi Peninsula in March 2004. The Mixed Commission reviewed the issue of a draft Protocol for the protection of the rights of the affected populations, submitted by Nigeria. In response to the draft Protocol, Cameroon submitted a comprehensive study on all matters which address the issues raised in that document, which will be discussed at the ninth meeting of the Mixed Commission. The Mixed Commission considered the issue of the maritime boundary, including a proposal to set up a Sub-Commission on this matter. It decided to establish a Working Group, to be composed of five experts each from Nigeria and Cameroon, along with United Nations experts, in order to make a preliminary study and submit recommendations. In particular, this Group will propose a delineation of the maritime boundary as delimited by the Court in its decision, and produce a map on that basis. The Group will also discuss in a preliminary manner issues related to oil fields that straddle the boundary (www.un.org/unowa/cnmc/preleas/8thm.htm).

The Mixed Commission approved the report of the Sub-Commission on Demarcation and endorsed the decision of the Parties to make an additional contribution of 1.75 Million U.S. Dollars each immediately, bringing the balance of the Trust Fund to a total of 6 Million U.S. Dollars. The Mixed Commission expressed its concern at the growing
delay of the demarcation process and requested the Secretariat to follow up on the
initiation of the contracts very speedily. It also agreed to further consider the issue of the
funding at the Ninth meeting in Yaoundé. The Chairman of the Mixed Commission
briefed the Commission on the proposed tripartite visit to potential donor states, agreed
to at the Seventh meeting. The proposed visit will take place during the first half of
March 2004 and will most likely include Brussels, London, Paris, New York, and
Washington DC. Nigeria proposed to revise the Working Calendar of the Mixed
Commission, and will submit a comprehensive document on this ahead of the Ninth
meeting of the Mixed Commission which will be held in Yaoundé from 6 to 7 April 2004.


The Cameroon-Nigeria Mixed Commission held its ninth meeting in Yaoundé on 7 and 8
April 2004. Mr. Ahmedou Ould-Abdallah, Special Representative of the Secretary-
General of the United Nations, chaired the deliberations of the Commission while Senior
Minister Amadou Ali of Cameroon and Prince Bola Ajibola (CFR) of Nigeria headed their
respective delegations. The meeting was open, constructive and cordial.

The Mixed Commission noted the progress so far made by the Sub-Commission on
Demarcation since the 8th meeting. It expressed satisfaction that the invitation for the
expression of Interest contained in Contract 1 (satellite imagery for mapping) has now
been posted on the UN website, while it eagerly awaits the early posting of the
invitations for the Expressions of Interest for Contracts 2, 3 and 4. Similarly, it
expressed satisfaction that over 50% of the SPOT 5 Satellite imagery required for the
demarcation exercise has been identified and could be acquired soon. Nigeria
announced that it had already remitted its additional contribution of US Dollars 1.75
millions to the Trust Fund while Cameroon indicated that efforts are almost completed
for the remittance of its own contribution of 1.75 Million US Dollars. The Commission
expressed satisfaction that by the end of April 2004, both Parties would have paid a
total sum of US six million dollars to the Trust Fund, which should ensure appropriate
progress in its demarcation mandate. (www.un.org/unowa/cnmc/preleas/9thm.htm)
The Chairman briefed the Mixed Commission on the outcome of the first tripartite mission, carried out from 5 to 13 March 2004 to London, Paris, Washington D.C., and New York, aimed at mobilizing further financial support for the demarcation process, as well as galvanizing further political and diplomatic support for the remaining tasks of the Mixed Commission. The delegation met with officials of the World Bank in Washington D.C., where the preparedness to finance community development projects in the border areas was confirmed. The delegation also met with a number of permanent Representatives to the United Nations in New York. Finally, the Head of delegation met with the United Nations Secretary-General and senior United Nations officials, who renewed the pledge of their organization's support to the work of the Mixed Commission (www.un.org/unowa/cnmc/preleas/9thm.htm).

The Mixed Commission welcomed and expressed gratitude to the United Kingdom for the contribution of one Million Pounds Sterling to the UN Trust Fund for Demarcation. It calls on other friends of Cameroon and Nigeria to contribute generously to this Trust Fund. As agreed at the eight meeting of the Mixed Commission, the Sub-Commission of Affected Population, as well as members of the Sub-Commission on Demarcation, undertook a field visit to the Land Boundary and to the Bakassi Peninsula, respectively from 15 February to 1 March 2004. The Mixed Commission considered and adopted the reports of the Sub-Commissions respectively following these visits. The Mixed Commission discussed the issue of the Protocol on the Protection of the Rights of the Affected Population. The Nigerian delegation informed of its preparedness to refer this issue to the Cameroon-Nigeria Joint Commission, in consideration of the reaction of the Cameroonian delegation to its original proposal. The Mixed Commission noted this and agreed that this subject will no longer be on its agenda.

The Mixed Commission received the list of representatives of both Cameroon and Nigeria on the Working Group on the Maritime Boundary and the Observer Personnel for the Lake Chad. It decided that the Working Group on the Maritime Boundary shall hold its first meeting from 21 - 23 April 2004 in Abuja, while the Observer Personnel will meet on a date to be worked out by the Secretariat. The Mixed Commission also
decided it will undertake tripartite field visits to the land boundary and the Bakassi peninsula at dates to be worked out by the Secretariat. The Mixed Commission considered the Nigerian Proposal for a revision of the Working Calendar, as well as Cameroon’s response, against the background of the difficulty to keep up with the dates and activities earlier scheduled in the Working Calendar adopted on 6 August 2003. It also decided to establish a Working Group on Withdrawals and Transfer of Authority in both the Land Boundary and the Bakassi Peninsula which will implement the decision of the Mixed Commission in accordance with this review. The Working Group will consider all practical matters related to the withdrawal of civil administration, and military and police forces, as well as the transfer of authority in these two areas, including the deployment of the Mixed Commission Observer Personnel (www.un.org/unowa/cnmc/preleas/9thm.htm).

The Mixed Commission decided that the process for withdrawal and transfer of authority in the Land Boundary will commence on 15 June and terminate on 15 July 2004. It also decided that the process of withdrawal and transfer of authority on the Bakassi Peninsula will commence on 15 July and terminate on 15 September 2004. The Tenth meeting of the Mixed Commission will be held in Abuja on 1st and 2nd June 2004.

- **Tenth joint meeting of the Cameroon-Nigeria Mixed Commission (June 1-2, 2004) in Abuja.**

The Cameroon-Nigeria Mixed Commission held its Tenth meeting in Abuja on 1 and 2 June 2004. Mr. Ahmedou Ould-Abdallah, Special Representative of the Secretary-General of the United Nations, chaired the meeting of the Commission while Senior Minister Amadou Ali of Cameroon and Prince Bola Ajibola (CFR) of Nigeria headed their respective delegations. The Mixed Commission recognized and welcomed the representatives of the African Development Bank and the World Bank at its Tenth meeting. The Chairman briefed the Mixed Commission on the outcome of the tripartite mission to Tunis on 10 and 11 May 2004, during which the delegation met with the President of the African Development Bank and his staff. They reviewed the status of
the trans-boundary Enugu-Mutengene road development project. The Bank informed
the mission of its readiness to support this road development project, as well as its
preparedness to consider other projects in the area of the environment especially, for
which the two countries will submit appropriate proposals.

As agreed at its ninth meeting, the Mixed Commission carried out a field visit to the
Land Boundary and to the Bakassi Peninsula, respectively from 15 to 19 May 2004. The
Mixed Commission visited Ndabakura and Narki (in Borno State/Far North Province),
Bourrha Wango (in Adamawa State/Far North Province), Jalingo, Banyo, Dorofi, Takum
and Mbererego (in Taraba State/Adamaua Province/Northwest Province), Danare,
Bodam, Mamfe, Calabar, Abana/Jabane, Archibong/Akwa, and Ekondo Titi (in Cross
River State/Southwest Province). The Mixed Commission met with the local
populations, listened to their concerns, and explained to them the work of the Mixed
Commission and the efforts of the two governments to enhance and further consolidate
the peaceful relations between them (www.un.org/unowa/cnmc/preleas/10thm.htm).

The Mixed Commission adopted the Terms of Reference and Work Plan elaborated by
the Working Group on the Maritime Boundary at its first meeting on 28 May 2004 in
Abuja. The Working Group will present a map in December 2004, featuring a
delineation of the Maritime Boundary as delimited by the International Court of Justice in
its decision of 10 October 2002, while it will submit its report, including
recommendations, to the Mixed Commission in February 2005. The Observer
Personnel Group for the Lake Chad area submitted a report to the Mixed Commission
on its first quarterly follow-up field visit to the area between 23 and 24 May 2004. The
Mixed Commission adopted this report and noted with satisfaction the general state of
peace and good relations prevailing in the area in the aftermath of the transfer of
authority. It also noted that the local authorities of the two countries are addressing the
problems and issues, many of them concerning social services, faced by the local
populations in the Lake Chad area. The Mixed Commission appeals to the international
community and the donor agencies to give effective support to the affected populations
in these areas.
In an effort to ensure thorough planning of its activities, the Mixed Commission continued its deliberations begun at its 9th meeting on the revision of the content of its Working Calendar. In conformity with the agreed adjustments, it adopted the revised Working Calendar for the period from 15 June to 7 October 2004. The Mixed Commission adopted the report of its Sub-Commission on Demarcation, including the report of its Senior Cartographic Consultant on a revised demarcation schedule. It noted with satisfaction that, pursuant to its decision taken on 8 February 2004, the additional contributions of 1.75 Million USD were deposited in the Trust Fund for Demarcation by each country in the first half of May 2004. It noted with appreciation the receipt of a donation of one Million pounds sterling by United Kingdom. The Mixed Commission called on other donor countries to support its demarcation work (www.un.org/unowa/cnmc/preleas/10thm.htm). The Eleventh meeting of the Mixed Commission will be held in Yaoundé from 18 to 19 August 2004.

- **Eleventh joint meeting of the Cameroon-Nigeria Mixed Commission (August 18-19, 2004) in Yaoundé.**

The Cameroon-Nigeria Mixed Commission held its Eleventh meeting in Yaounde on 18 and 19 August 2004. Mr. Ahmedou Ould-Abdallah, Special Representative of the Secretary-General of the United Nations, chaired the meeting of the Commission while Senior Minister Amadou Ali of Cameroon and Prince Bola Ajibola (CFR) of Nigeria headed their respective delegations. The Mixed-Commission noted with satisfaction the visit of President Olusegun Obansanjo to Cameroon on 28 and 29 July 2004.

The Mixed Commission considered and adopted the final report of the Working Group on Withdrawal and Transfer of Authority along the Land Boundary area which took place on 13 July 2004. It noted that it successfully presided over ceremonies in NARKI, NDABAKURA and BURHAWANGO, symbolizing the withdrawals and the transfers of authority. It also considered and adopted the first report of its Observer Personnel following its field visit one month after the withdrawal and transfer of authority in that area. It noted with satisfaction the general state of peace and good relations prevailing
among the population and the new authorities in the area in the aftermath of the transfer of authority (www.un.org/unowa/cnmc/preleas/11thm.htm).

Regarding the operational phase of the withdrawal and transfer of authority in the Bakassi Peninsula, the Mixed Commission decided to hold a meeting at the level of the Heads of delegations in Yaoundé on 29 August 2004 aimed at finalizing its practical modalities in order to meet the deadline of 15 September 2004 in conformity with its earlier approved Working Calendar and endorsed by the two Heads of State. The Mixed Commission considered the report of the Working Group on the Maritime Boundary presented after its second meeting held in Yaoundé on 13 and 14 August 2004. In this regard, it decided that each party will submit to the Chairman by the end of this month a proposal containing its methodology of the implementation of the ICJ' judgment including a map incorporating the delineation of the maritime boundary as delimited by the Court in its decision of 10 October 2002.

The Mixed Commission adopted the report of the Tenth meeting of its Sub-Commission on Demarcation, including the report of its Senior Cartography Consultant on the multi-task approach which includes the production of the preliminary image maps and the availability of the image mapping on a sheet-by-sheet basis progressively along the boundary. This new approach will allow the early assessment of the boundary by the Joint Technical Team and provide significant information on the demarcation. The Commission noted with satisfaction the new timetable proposed by its Senior Cartography Consultant for the demarcation exercise. It also urges the UN Procurement Division to proceed with immediate advertisement of the various Demarcation Contracts; so that the exercise may be completed on schedule (www.un.org/unowa/cnmc/preleas/11thm.htm). The twelfth meeting of the Mixed Commission will be held in Abuja from 7 to 8 October 2004.
• **Twelfth joint meeting of the Cameroon-Nigeria Mixed Commission (October 21-22, 2004) in Abuja**

The Cameroon-Nigeria Mixed Commission held its Twelfth meeting in Abuja on 21 and 22 October 2004. Mr. Ahmedou Ould-Abdallah, Special Representative of the Secretary-General of the United Nations, chaired the meeting of the Commission while Senior Minister Amadou Ali of Cameroon and Prince Bola Ajibola (CFR) of Nigeria headed their respective delegations. The Mixed Commission expressed satisfaction with the audience granted its Heads of delegation by President Olusegun Obasanjo. The Mixed Commission recognized and welcomed the Executive Secretary of the Lake Chad Basin Commission, the Representative of the African Development Bank and the Representative of the Federal Ministry of Water Resources of Nigeria at its Twelfth meeting.

The Mixed Commission considered and adopted the second quarterly report of its Observer Personnel following its field visit to Lake Chad area from 10th to 12th September 2004. It noted with satisfaction the general peaceful and good relations prevailing among the population and the new authorities in the area. Issues related to property rights and identification of persons continues to engage the attention of the Mixed Commission. Noting that the need for social services such as health and education is still pressing, the Mixed Commission appeals to the two national Governments and donor agencies to give effective assistance and support to the affected populations in these areas (www.un.org/unowa/cnmc/preleas/12thm.htm).

The Mixed Commission was updated on issues related to the Demarcation. The Commission noted with concern delays in demarcation related activities, including human resources and the processing of contracts, which impact on the timely execution of the calendar. The Mixed Commission noted progress in the acquisition of the preliminary image maps, the setting up of cartographic specifications and standards, the appointment of technical personnel as well as the availability of the image mapping on a sheet-by-sheet basis progressively along the boundary, which are all activities currently underway (www.un.org/unowa/cnmc/preleas/12thm.htm).
The Mixed Commission was briefed on Confidence Building measures. A team recently travelled to Cameroon and Nigeria to assess the progress and needs in confidence building activities. The team met with representatives of United Nations development and humanitarian agencies and programs, and of bilateral and multilateral donors. A representative of the African Development Bank provided an update on ‘the Enugu-Abakiliki-Mamfe-Mutengene cross border road project for which construction work is expected to start in Mid-2005. The Mixed Commission urged both Cameroon and Nigeria to expedite their respective Governments’ requests for funding assistance.

The issue of the modalities of withdrawal and transfer of authority in the Bakassi peninsula as earlier agreed was discussed. After deliberation on this issue and as a result of divergence of views, the Mixed Commission decided to refer the matter to the Heads of State of Cameroon and Nigeria and the Secretary-General of the United Nations Kofi Annan. The Chairman of the Mixed Commission informed the Commission that pursuant to the decision taken at the 11th session of the Mixed Commission, he had received from each party a proposal containing its methodology of the implementation of the ICJ judgment including a map incorporating the delineation of the maritime boundary as delimited by the Court in its decision of 10 October 2002. The Chairman has forwarded each party’s submission to the other and awaits their respective reaction by 15 November 2004 (www.un.org/unowa/cnmc/preleas/12thm.htm). The Thirteenth meeting of the Mixed Commission will be held in Yaoundé from 28 to 29 July 2005.

- **Thirteenth joint meeting of the Cameroon-Nigeria Mixed Commission (July 28-29, 2005) in Yaoundé.**

The Cameroon-Nigeria Mixed Commission held its Thirteenth meeting in Yaoundé on 28 and 29 July 2005. Mr. Ahmedou Ould-Abdallah, Special Representative of the Secretary-General of the United Nations, chaired the meeting of the Commission while Vice-Prime Minister Amadou Ali of Cameroon and Prince Bola Ajibola (CFR) of Nigeria headed their respective delegations. The Mixed Commission welcomes the tripartite summit between Presidents Paul Biya and Olusegun Obasanjo and the United Nations Secretary-General Kofi Annan, which was held in Geneva on 11 May 2005, and the
renewed trust bestowed on it by the two Heads of State and the Secretary-General on that occasion.

The Mixed Commission considered and adopted the report of the 11th meeting of the Sub-Commission on Demarcation. It welcomes the progress made by the Joint Technical Team of the Sub-Commission on Demarcation and the decision to continue the actual field assessment of the boundary as of October 2005. The Mixed Commission considered and adopted the reports of the Observer Personnel on their visits to the Lake Chad area from 16-18 December 2004 and 24-25 February 2005, as well as the reports on their visits to the Land Boundary from 22-23 November 2004, 24-25 February and from 13-15 June 2005 (www.un.org/unowa/cnmc/preleas/13thm.htm). The Mixed Commission noted with satisfaction the peaceful atmosphere prevailing in the Lake Chad and Land Boundary areas one year after the withdrawals and transfers of authority that occurred there as well as the good relations existing between the populations and the new authorities.

The Mixed Commission decided that the Observer Personnel would continue their regular visits to the land boundary to observe the situation in villages affected by the decision of the ICJ, including the demarcation. The Observer Team of the Mixed Commission set up to shed light on the incident that occurred in Bakassi Peninsula in June 2005, an issue noted by Cameroon, informed the Mixed Commission that its report will soon be ready. The Mixed Commission decided that the report, when submitted, will be forwarded by the Chairman of the Mixed Commission to the Heads of State of both countries and the United Nations Secretary-General. The Mixed Commission noted that progress had been made in implementing confidence building measures, and that both countries had participated in meetings on the rehabilitation of the Enugu-Abakaliki-MamfeMutengene road and the Lake Chad Basin Commission (www.un.org/unowa/cnmc/preleas/13thm.htm). The Mixed Commission, in its consideration on the progress on demarcation of the land boundary, invited the British High Commissioner in Cameroon in his capacity as representing the Presidency of the European Union, to thank him for the support of his country. The Mixed Commission
requested the support of the Government of his country for the joint application of Cameroon and Nigeria for funding by the European Union for the demarcation activities. The fourteenth meeting of the Mixed Commission will be held in Abuja from 13 to 14 October 2005.

- **Fourteenth joint meeting of the Cameroon-Nigeria Mixed Commission (October 13-14, 2005) in Abuja.**

The Cameroon-Nigeria Mixed Commission held its fourteenth meeting in Abuja on 13 and 14 October 2005. Mr. Ahmedou Ou Id-Abdallah, Special Representative of the Secretary-General of the United Nations, chaired the meeting of the Commission while Vice-Prime Minister Amadou Ali of Cameroon and Prince Bola Ajibola (CFR) of Nigeria headed their respective delegations.

The Mixed Commission considered and adopted the report of the 12th meeting of the Sub-Commission on Demarcation. Concerning the Koja sector, there were differences of views. The Mixed Commission requested its Chairman to assign an independent expert to resolve this difference of understanding of the ICJ judgment as it defines the boundary in the aforementioned area. The Mixed Commission also welcomes the decision of the Sub-Commission on Demarcation to continue the field assessment of the boundary on 5 November 2005. The Mixed Commission welcomes the decision of the European Union to grant four (4) million Euros in support of the demarcation activities, in response to the application for funds by Nigeria and Cameroon (www.un.org/unowa/cnmc/preleas/14thm.htm). The Mixed Commission considered the report of the 3rd meeting of the Working Group on Maritime Boundary. It also listened to a presentation by the expert of the United Nations on the map prepared by him for the delineation of the maritime boundary between the two countries in accordance with the ICJ decision. While Cameroon agreed with the work of the expert, Nigeria requested to be given a few days to formally send its comments. It was agreed that this will be submitted to the Chairman of the Mixed Commission before the 15th Session of the Mixed Commission.
The Working Group set up at the 13th Meeting to prepare a new program of withdrawal of Nigerian troops and authorities from the Bakassi Peninsula submitted its report to the Heads of the two delegations in accordance with its mandate. The leaders of delegations considered and amended the report of the Working Group which includes the new program of withdrawal. They decided to submit the new program to both Heads of State and the UN Secretary-General (www.un.org/unowa/cnmc/preleas/14thm.htm).

4.3.2.3 The GreenTree Agreement

After intensive mediation, Cameroon and Nigeria finally came to an agreement on the Bakassi peninsula on June, 12th 2006 at GreenTree, New York. The agreement was written and includes the terms of the resolution of the conflict. The researcher was able to get a copy (See Appendix 2) of the GreenTree agreement from the Cameroon-Nigeria Mixed Commission in Yaoundé, Cameroon.

4.4 Conclusion

Following the successful settlement of the Bakassi conflict, Mr. Robert Wood, Acting Deputy Spokesman for the U.S Department of State made the following statement on August, 12th, 2008:

“The United States commends the Government of Cameroon and the Government of Nigeria for their commitment to the peaceful handover of the Bakassi peninsula. The United States continues to encourage the two governments to implement the ICJ ruling and the GreenTree Agreement. We believe the efforts of Cameroon and Nigeria to resolve this border dispute peacefully serve as a positive example of conflict resolution. We also welcome the United Nations Secretary General’s engagement in facilitating the successful implementation of the GreenTree agreement.” (CameroonTribune, Special Bakassi, N 9161/5360, 2008:51)
Chapter 5: Discussion and Findings

5.1 Introduction

In the previous chapter, the case study which is the focus of this research was described in detail. The historical background of the conflict, the international mediation process and the composition of the Cameroon-Nigeria Mixed Commission was clearly outlined. This chapter provides a description and discussion of the findings of the study.

This study employed document review, content analysis, and strategic interviews, in order to gather and triangulate the data and the information was coded into themes, sub-themes and categories. These categories and codes systematically formed the basis for the story that emerges. Triangulation is generally considered a process of using multiple perceptions to clarify meaning and verify the repeatability of an observation or interpretation (Stake, 2000:443). The data is carefully compared with the information gathered in the literature review which also acts as the literature control for this chapter. The findings are discussed focusing on the aim of the study which is to explore the dynamics and challenges of the Bakassi mediation process.

All the interviewees have mentioned that the CNMC (Cameroon Nigeria Mixed Commission) has open a new area of mediation in the continent, as interviewee A posits: "The Bakassi conflict is the living proof that African conflicts can be well managed by African themselves" he added that "It has been an impressive feat of shrewd diplomacy, and political maturity that despite the provocative attacks on Cameroonians troops by pirate rebels of the Nigeria Delta region after the GreenTree accord, Cameroon has remained calm and defensive of its territory, respecting the law and depending on agreements concerning a complete withdrawal of Nigerian troops from Bakassi.”

Recurring themes, sub-themes and categories were identified during the process of the data analysis as presented in the table below.
<table>
<thead>
<tr>
<th>Themes</th>
<th>Sub-themes</th>
<th>Categories</th>
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<tbody>
<tr>
<td>Demarcation of land boundaries</td>
<td>• Colonisation</td>
<td>• Political domination</td>
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<td></td>
<td>• Sovereignty</td>
<td>• Neo colonialism</td>
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<td>• State autonomy</td>
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<td></td>
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<td>• Political, economic, social freedom</td>
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<td>Cameroon-Nigeria Mixed Commission</td>
<td>• Capacity building</td>
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<td></td>
<td>• Human Rights protection</td>
<td>• Parties’ sensitisation &amp; awareness</td>
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<td>• Demilitarisation</td>
<td>• Parties’ dialogue</td>
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<td>• Changing parties’ perceptions and attitudes</td>
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<td>• Parties’ participation in problem solving.</td>
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<td>• Article 3 of the GreenTree Agreement</td>
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<td>• The withdrawal of civil administration,</td>
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<td>military and police forces and transfer of</td>
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<td>authority in relevant areas along the boundary.</td>
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<td>Mediation as a conflict management technique:</td>
<td>• Facilitate communication</td>
<td>• The Secretary-General facilitated a meeting between both parties in Geneva on November 15, 2002.</td>
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<td>Focus on the main issues</td>
<td>Parties control over the process</td>
<td>Voluntary process</td>
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<td></td>
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<td>Creation of the Cameroon Nigeria Mixed Commission with specific issues to address in its mandate.</td>
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<td></td>
<td></td>
<td>The CNMC was made of equal members from both parties who were part of the mediation process.</td>
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<td></td>
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<td>In a joint communiqué, parties agreed to ask the Secretary-General to establish a mediation between Cameroon and Nigeria “to consider ways of following up on the ICJ ruling and moving the process forward”.</td>
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</tbody>
</table>

<table>
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<tr>
<th>Parties involvement in the mediation process</th>
<th>Unity</th>
<th>Determination</th>
<th>Hard work</th>
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<tbody>
<tr>
<td></td>
<td>Parties worked together as team in the mediation process</td>
<td>14 joint meetings attended by parties in the mediation process to reach an agreement</td>
<td>Continuous inputs by both parties in the implementation of resolutions adopted during the joint meetings</td>
</tr>
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<thead>
<tr>
<th>Peacemaking and reconciliation</th>
<th>Diplomacy</th>
<th>UN department of Political affairs involvement in the management of the</th>
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</table>
5.2 Discussion of themes and sub-themes

The major idea that runs through this discussion is the role of mediation in addressing the challenges of protracted conflict. Mediation as a conflict management technique was discussed and explained in the literature review and informs the discussion and findings of this study.

During border conflicts, choices are narrowed down by the breakdown or failure of the community and state mechanisms that would protect citizens from losing their national identity. In the Bakassi case, for example, the referendum organised gave the citizens a choice to join either Cameroon or Nigeria and the fear of losing their national identity posed a problem. The once indisputable sovereignty of the state is being questioned at a time when human security is emerging to the fore of the security discourse. Governments are being judged on their performance in protecting state citizens, not just state borders. Ethnic conflict, genocide, civil war, and humanitarian crises, have emerged as the most prominent security concerns in the current global environment; the vast majority of these occurring intra-state the developing world. Recent conflicts in Africa have shown that traditional methods of conflict prevention, intervention, and
management, as discussed in chapter two are ill-suited to address these threats to human security.

The researcher quotes verbatim the responses of the interviewees to corroborate the information provided. The interviewees were generally pleasant, knowledgeable and articulate. All the interviewees were locals from Cameroon. The researcher was able to interview three male employees of the CNMC and one female employee of the United Nations regional office for Central Africa. All the interviewees contributed to the overall information gathered, however, some interviewees had more experience in particular fields such as education, advocacy, international relations, negotiation, and so on, and were able to give more in-depth and detailed information to particular questions asked.

5.2.1 Demarcation of land boundaries

Demarcation is the exercise of drawing physical limits between territories. Demarcation usually involves the how and where to draw boundaries. While analyzing the data using the content analysis, the researcher noticed that the theme demarcation was often mentioned to refer to the how and what concerning the Bakassi conflict between Cameroon and Nigeria. A sub-commission responsible for demarcation of the land boundary between the two countries was created during the mediation process. In order to assist the two countries in the peaceful implementation of the ICJ’s judgment, a budget of about $12 million for the demarcation is involved. Cameroon and Nigeria have each contributed $3 million to the UN Trust Fund for initial financing; the European Commission has agreed to grant 400,000 euro for demarcation, the United Kingdom has offered a contribution of one million pounds sterling, and other donors have been approached. From 5 to 13 March 2004, a tripartite delegation from Cameroon, Nigeria, and the United Nations conducted a series of visits to several countries to mobilise further diplomatic and financial support for the demarcation. Official meetings were conducted in Paris, Brussels, Washington and New York.
Our interviewee B gathered that “despite the GreenTree Agreement that facilitated the handing over of Bakassi Peninsula to Cameroun by Nigeria in 2006, the inability of the commission to effectively demarcate boundary between the two countries has affected the implementation of the agreement.”

Before the ICJ judgment, relations between the two countries were strained because of issues relating to their 1,600-kilometre land boundary, extending from the Lake Chad to the Bakassi Peninsula, and maritime boundary into the Gulf of Guinea. The judgment had resolved claims of the oil-rich Bakassi in favour of Cameroun. But, it was gathered that other issues including land boundary and rights of the local population affected by the judgment were yet to be resolved especially as most Nigerians living in Bakassi had fled the territory over allegations of harassment by Cameroonian gendarmes (JeuneAfrique N456, 2005: 33). The essence of the demarcation was to show the limits between the two countries so that the security agents, tax collectors and those doing business along the borders could be properly guided.

5.2.1.1 Colonisation

Colonisation was a very recurring theme during this research. Colonisation is the process of demographic expansion, economic, cultural and political domination of one or several state on another. The theme colonisation is of great importance on the African context because it is part of Africa’s history and it still impacts the day to day life on the continent. When Germany annexed Cameroon in 1885, political dispensation, which aimed at facilitating German colonial rule, had devastating effects on village-groups. When Germany was defeated during the First World War, Cameroon was provisionally partitioned between Britain and France, following an unsuccessful Anglo-French condominium. That partition was confirmed in 1919 by the Milner-Simon Agreement (Niba 2007:67). Southern Cameroon was administered by the British as a League of Nations mandate, and after World War Two as a United Nations trust territory. When the British took over their share of Cameroon, which included the Grasslands of Bamenda in the North-West region, they were confounded with numerous land/boundary-related disturbances. Their first impulse was to suppress
these by maintaining the status quo inherited from the Germans. Before long, some British administrators began to realise the injustices embedded in some of the village boundaries bequeathed by their predecessor, but not before creating problems of their own. Interviewee C contends that: “Unsound colonial administrative and economic policies were the result of boundary disputes in the region”. He argue that: “despite the disruptiveness of colonial policies on boundaries in the region, the British had a more practical approach in resolving them than current post-colonial administrations”. The notion that land could be communal property, jointly exploited by many villages was alien to European colonisers. In traditional Africa, all land was the property of some group or community; the concept of wasteland or no man’s land as applied in Europe was absent. Collective ownership over communal land ensured harmony between village-groups exploiting it. As communal property, such land was collectively protected from aggressors (Fanso 1982:12–13). With little understanding of the function of communal land colonial authorities destroyed its existence with unwarranted demarcations, instilling a sense of private ownership among village-groups who previously exploited land in common.

Of course, the German policy of propping up friendlier communities was largely responsible for destroying the concept of communal land in the region. By re-defining pre-colonial notions of political and physical space, European colonialism established a new dispensation and interpretation of belonging in the Africa. It altered pre-colonial structures of economic opportunity by giving undue advantage to particular communities, the result of which was an unprecedented wave of identity consciousness among and between neighbouring countries, as well as a redefinition of the limits of their hitherto geographical confines (Mustapha 1998:38–39).
5.2.1.2 Sovereignty

Another recurring theme was sovereignty that was mentioned several times during the research. As boundaries issues impact the sovereignty of states, it was necessary to analyse it in order to understand why the term sovereignty was mentioned repeatedly. Sovereignty is the quality of having supreme, independent authority over a geographic area, such as a territory. It can be found in a power to rule and make law that rests on a political fact for which no purely legal explanation can be provided. The concept has been discussed, debated and questioned throughout history, from the time of the Romans through to the present day, although it has changed in its definition, concept, and application throughout.

Sovereignty has come to signify, in the Westphalian concept, the legal identity of a state in international law (ICISS Report, 2001). It is a concept which provides order, stability and predictability in international relations since sovereign states are regarded as equal, regardless of comparative size or wealth. The principle of sovereign equality of states is enshrined in Article 2.1 of the UN Charter. Internally, sovereignty signifies the capacity to make authoritative decisions with regard to the people and resources within the territory of the state. Generally, however, the authority of the state is not regarded as absolute, but constrained and regulated internally by constitutional power sharing arrangements. A condition of any one state’s sovereignty is a corresponding obligation to respect every other state’s sovereignty: the norm of non-intervention is enshrined in Article 2.7 of the UN Charter. A sovereign state is empowered in international law to exercise exclusive and total jurisdiction within its territorial borders. Other states have the corresponding duty not to intervene in the internal affairs of a sovereign state. If that duty is violated, the victim state has the further right to defend its territorial integrity and political independence. In the era of decolonization, the sovereign equality of states and the correlative norm of non-intervention received its most emphatic affirmation from the newly independent states (ICISS Report, 2001). At the same time, while intervention for human protection purposes was extremely rare, during the Cold War years state
practice reflected the unwillingness of many countries to give up the use of intervention for political or other purposes as an instrument of policy. The established and universally acknowledged right to self-defence, embodied in Article 51 of the UN Charter, was sometimes extended to include the right to launch punitive raids into neighbouring countries that had shown themselves unwilling or unable to stop their territory from being used as a launching pad for cross-border armed raids or terrorist attacks. But all that said, the many examples of intervention in actual state practice throughout the 20th century did not lead to an abandonment of the norm of non-intervention.

5.2.2 Cameroon-Nigeria Mixed Commission

At arrival at the CNMC, the researcher met with a member of the Cameroon bench at the International Court at Lahaye at The Hague during the Bakassi hearing who argues that: “the most notable outcome of that mediation was the establishment of a Mixed Commission between Cameroon and Nigeria. But above all, an important gain was the decision of the two countries to formally renounce the use of force in their bilateral relations and the pursuit of peaceful ways for the settlement of their boundary differences.”

Interviewee B added that “almost six years after, the commission can be said to have executed its mission rather creditably as can be observed from a number of significant achievements; the most important can be said to be The GreenTree Agreement of June 12, 2006.”

5.2.2.1 Capacity building

While coding the data, the researcher also noticed the recurrence of the theme of capacity building, which is the development of the capacity and skills of a community so that the community is able to identify and help meet its own needs and participate fully
in society especially in the context of peace-building. It involves providing opportunities for people to learn through experience as well as involving them in collective efforts to gain confidence in their own abilities to influence decisions that affect them (internet source). The CNMC particularly assist communities and empower them to develop themselves and their livelihoods. The researcher observed that programs were sponsored to assist communities especially those displaced during to the transfer of authority in Bakassi. The researcher was informed that during the mediation and even after the mediation, a sub-commission was sent into the communities to meet with the community members in order to implement some of the commission's activities for example, capacity building and awareness. Capacity building includes financial as well as technical support to the community members who have to take charge of rebuilding their lives and communities because of the transfer of authority. The researcher believes that this programme is very important especially in light of the reconstruction of their lives. Due to the abject poverty of Bakassi communities, it is important for them to get together to obtain skills that will empower them to develop themselves.

The interviewee B informed the researcher that one of their programmes involves a start-up fund which is given to those displaced families who wish to start a new life. This financial support is a form of capacity building that is offered by the CNMC to the communities “…then under the community service we do what we call the technical support meetings with the community, coordination meetings, this is in a way to build peace…”

5.2.2.2 Advocacy

Advocacy emerged from the data analysis within the Cameroon Nigeria Mixed Commission theme. Advocacy is the active support for a cause or position; it is the act of defending a specific cause. In the Bakassi case, advocacy was organised on issues of Human Rights protection, the CNMC had an advocacy team whose role was to ensure humanitarian assistance to vulnerable people in the peninsula. In fact, during the
content analysis, the researcher noticed that advocacy within the CNMC is responsible for all issues within and around the conflict-affected communities related to advocacy. According to Gordon-Lennox, (1994:30) victims should never be seen as good or bad but rather, all vulnerable people must be given humanitarian assistance during armed conflicts. The communities, who are the most vulnerable, must be given a chance to survive and play their role in society.

This is a message that the CNMC strongly puts out to the community members through its various programs including community awareness and public campaigns. Through these teams’ efforts, the communities are able to gain access to knowledge about how to respond to the reintegration into a new community. Sensitisation and awareness and community dialogue are very important in the CNMC’s work. In so doing, the researcher found out that it is important to check the perceptions and attitudes of the community members towards the commission.

According to interviewee D, conflict must be handled from the people’s perceptions so that it can be changed in order to the community to grow in a positive way. One challenge in this area, according to one member of the Advocacy Team, is that sometimes the community members feel that they are being “brain-washed” to accept the decision of the ICJ. Members of these teams are however frequently out in the field, not only helping those who have been reintegrated, but also the community members in trying to accept the ICJ decision.

“…at the beginning, there was a lot of complaint about stigmatisation stemming from the communities but it has reduced…am not saying it is not there.”

“…the entire process might have been long; but the happy-end effect makes us quickly forget the long years of strife and anxiety”

**5.2.2.3 Human rights protection**

The Cameroon Nigeria Mixed Commission worked on protecting Human Rights in the Bakassi area and during the content analysis, the researcher noticed the importance of
this sub theme in the case study, thus the necessity to expand it into categories during the analysis.

There is an obvious link between Human Rights violations and conflict. Where violations occur, conflict is more likely to arise. Addressing Human Rights problems is therefore an essential aspect of finding solutions to conflicts. When conflict is ongoing, ensuring respect for Human Rights by the parties is an important confidence-building measure, and can act towards de-escalation of hostilities. Just resolution of disputes based on respect for Human Rights is also an essential element of effective conflict prevention.

The Mixed-Commission considered the issue relating to respect for the rights of the populations residing in the affected areas. In conformity with paragraphs 6 and 7 of the Yaoundé communiqué of 2 December 2002, the Mixed Commission decided to establish a Sub-Commission on Affected Populations with a mandate to assess the situation of these populations and to consider modalities relating to the protection of their rights. The Sub-Commission shall include demographers, human rights experts, cartographers, sociologists and lawyers from the two parties and the United Nations. The Sub-Commission will submit its report to the Mixed Commission as expeditiously as possible, and in any case no later than at its August 2003 meeting. Cameroon and Nigeria will provide the members of the Sub-Commission with security and freedom of movement for fulfilling their mandate (http://unowa.unmissions.org).

Interviewee A posits that: “*Human Rights are inalienable and one of the objectives of the CNMC is to ensure that Bakassi populations fully enjoy their rights as citizens, as human beings. Both Cameroon and Nigeria are engaged in the protection and promotion of people’s rights. Article 3 of the GreenTree Agreement (Annex 2) clearly provides the exercise of the fundamental rights and freedoms enshrined in international human rights law and in other relevant provisions of international law.*”
5.2.2.4 Demilitarisation

Article 2 of the GreenTree agreement provides that: “Nigeria agrees to withdraw all its armed forces from the Bakassi Peninsula within sixty days of the date of the signing of this agreement. If exceptional circumstances so require, the secretary-general of the United Nations may extend the period, as necessary, for a further period not exceeding a total of thirty days.” The demilitarisation process involves the withdrawal of civil administration, military and police forces and transfer of authority in relevant areas along the boundary. Interviewee C argues that: “others countries can take a cue from the demilitarisation process in Bakassi rather than waste energy oh endless fighting. It is better to avoid fighting especially as many people think of Africa in terms of war instead of the resources we have. This is because many African leaders have shown that they have difficulties settling their problems amicably”

5.2.3 Mediation as a conflict management technique

As discussed in chapter two, mediation is a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behaviour, and to do so without resorting to physical force or invoking the authority of law (Bercovitch 2004:14). As mentioned in chapter two, the essential characteristics of mediation are highlighted below but international mediation has different dimensions and mediation can be adapted:

1. Mediation is an extension of the parties' own efforts to manage their conflict. Where they fail, a third party (mediator) is called in.
2. Thus, mediation involves the intervention of an outsider; an individual, a group or an organization into a conflict between two states or other actors.
3. This intervention is non-coercive, non-violent, and ultimately non-binding.
4. Mediators enter a conflict, whether internal or international, in order to affect it, change it, resolve it, modify or influence it in some way. Their overriding interest is to reduce violence and achieve a peaceful outcome.

5. Mediators bring with them, consciously or otherwise, ideas, knowledge, resources, and prestige. These are used throughout the process to advance the cause of conflict resolution.

6. Mediation operates on an *ad hoc* basis only. Once completed, a mediator departs the arena of the conflict but it is important to note that in the Bakassi mediation, and in some international mediation, the mediator or the mediation team hung around for a long time.

All these features make mediation very attractive to parties in an intractable conflict because, as we mentioned in our literature review, mediation is a voluntary process whereby parties to an intractable conflict take entire control of the process and decide on the terms and conditions of their negotiation.

### 5.2.3.1 Facilitation

Mediation helps facilitate communication between parties. During mediation, communication shifts from "uncomfortable" direct opposition, to speaking through a third party. During the strategic interviews, the researcher was told that during the mediation process, leaders of the two states (Cameroon and Nigeria) were fully aware of the stakes. In fact, President Biya is known to have instructed Cameroonian members of the Mixed Commission to always have in mind the necessity of working for the consolidation of long-lasting relations with Nigeria (Cameroon Tribune N9161/5360, 2008:48). Here a mediator typically adopts a fairly passive role, channeling information to the parties, facilitating cooperation, but exhibiting little control over the more formal process or substance of mediation. This is a very important role in the context of intractable conflicts, where parties in conflict lack direct channels of communication, have different conceptions of the central issues, and/or do not even have the
opportunity to explore any options that might benefit both. In such situations, a mediator who can facilitate dialogue and communication, and just carry out information from one to the other, is a prerequisite for an effective process of peacemaking.

5.2.3.2 Focus on the main issues

Mediation also has the advantage of focusing on the main issues rather than generalizing. This way, the mediation process is well oriented and specific issues are attended to. Interviewee A argues that: “We created the CNMC to tackle the most important issues in this conflict”. In fact, the CNMC was established with specific issues to attend such as:

- The demarcation of the land boundary between the two countries;

- The withdrawal of civil administration, military and police forces and transfer of authority in relevant areas along the boundary;

- The eventual demilitarisation of the Bakassi peninsula;

- The need to protect the rights of the affected populations in both countries;

- The development of projects to promote joint economic ventures and cross-border cooperation; and

5.2.3.3 Parties control over the process

Mediation empowers parties, increases their self-esteem, improves their control over decision making, increases sense of their own power, and the reduces painful emotions. Parties in mediation have the ability to develop their own norms, which can improve their relations, and are better able to manage diversity.

Mediation theory more generally tends to define power as the ability to impose one's will on another. In seeking to assess and then balance power between the parties, the
mediator unavoidably subjects the parties to the mediator’s own interpretations of their actions. Cobb (1998:33) argues that this practice is not empowering, because it usurps the parties' self-authorship. Mediators generally distinguish between managing process and managing content. Managing the mediation process is thought to empower parties, while managing the content of the mediation session would be disempowering.

“...when the CNMC was created, the intention was to give parties the ability to control the mediation by taking part in the decision making”

5.2.3.4 Voluntary process

For mediation to occur, two processes must mesh. First, the interacting/disputing parties must request or permit a third party to mediate; second, the third party must agree to mediate. Mediation is a voluntary form of conflict management. This means the adversaries in an intractable conflict choose whether to begin or continue mediation or not, and they retain their control over the outcome (if not always over the process) of their conflict, as well as their freedom to accept or reject any aspects of the process or the ultimate agreement. In September 2002, President Biya of Cameroon and President Obasanjo of Nigeria voluntarily invited Mr. Annan to mediate the Bakassi conflict due to deterioration and escalation of the crisis. Mr. Annan established a mediation plan where he created a mediation team to carry out the mediation. The team was made of members from both parties (Cameroon and Nigeria) and headed by Mr. Annan's representative for West Africa. Mr. Annan acted like an observer and did not take an active part in the mediation; the mediation team called the Cameroon Nigeria Mixed Commission did all the mediation and reported to him.

5.2.4 Parties involvement in the mediation process

At its creation, the CNMC is composed of members from Cameroon and Nigeria. Both parties have equal members in the mediation team who are assigned to work together in order to find a common interest in the management of the Bakassi conflict. The
Bakassi conflict mediation team has shown unity, determination, hard work and a good will in their path in managing the Bakassi issue.

“... the two countries share the longest frontier stretching over a distance of 1690km with multifaceted cooperation in political, economic, social and cultural domains. This is why the question of the withdrawal from and transfer of authority over the Bakassi Peninsula has been treated in a forward-looking spirit of goodwill in order to open new prospects for cooperation between the two countries”

“... both parties in the Bakassi conflict were determined to find a solution and even though the process was long and exhausting, we had the purpose to reach a common point”

“... apart from the high volume of regular trade between the two neighbouring states, Cameroon offers sanctuary to more than three million Nigerians engaged in varied activities. On the other hand, there are some one million Cameroonians living in Nigeria. We are brothers and I think leaders of the two states were fully aware of the importance of consolidating relationships between both countries.”

5.2.4.1 Unity

The Bakassi mediation team was a team of both Nigerian and Cameroonian nationals who worked together as a team, united with the same goal of reaching an agreement. At the arrival at the CNMC, photographs (attached in Annex 3) were shown to the researcher as a proof of the unity between both teams, on the photographs, we can clearly see a spirit of unity in both parties. As interviewee D posits: “the Bakassi mediation team shall be taken as a model in the history of mediation in Africa, they showed a team spirit and I think that’s where their successful outcome came from”.

“... we and our Nigerian brothers are one family which is the African family.”
5.2.4.2 Determination

Fourteen joint meetings, that is exactly how many times both parties had to meet to reach an agreement. In the history of mediation, it is quite unusual but the Bakassi case is a practical example of this. Both parties met fourteen times in joint meetings in the effort to attend the different objectives set to the CNMC.

“... the only goal that we were seeking was to permit a pacific settlement between two brother states; and we were ready for whatever was coming our way.”

“... the mediation process was long and exhausting but we never gave up, our determination bear his fruits today in the pacific settlement of the Bakassi conflict.”

“... President Biya and Obasanjo demonstrated maturity in handling the Bakassi issue. None of them rushed in taking decisions as far as the Bakassi issue was concerned. They did not impose their own decisions and exercised patience without which the negotiations would not have been possible”

5.2.4.3 Hard work

During the interviews, all interviewees mentioned more than once how thorough the mediation process was. As we mentioned earlier, international mediation can be very complex according to the intensity of the conflict and usually, mediation requires hard work from the mediation team and the parties.

“... it was not easy at all, the mediation process was not a leisure walk at all; we worked hard. We had several sleepless nights, we had to persuade and to persuade, we needed solid arguments.”

“... between Yaoundé and Abuja every two months, believe me, it was not easy at all. But our determination and will to reach an agreement kept us going and we are proud today to say we didn’t work in vain.”
The Bakassi mediation team shows a characteristic of hard workers who were determined to find a common point of understanding. Four years of mediation (2002-2006), fourteen joint meetings respectively in Yaoundé (Cameroon) and Abuja (Nigeria) every two month, it was not a "honeymoon period". But both parties working together as a team showed to the World and to Africa, a new face of mediation as a very practical conflict management strategy.

5.2.5 Peacemaking and Reconciliation

When asked about the commission’s activities on peacemaking, one interviewee had this to say; “...of course all these activities are geared towards peacemaking. The commission and its sub-commissions have been formed for a purpose of making peace and reconciliation in the Bakassi community…”

According to the UN, peacemaking is "action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations; Pacific Settlement of Disputes." In this sense, peacemaking is the diplomatic effort intended to move a violent conflict into nonviolent dialogue, where differences are settled through representative political institutions (Ouellet, 2003:1).

With disintegrated and displaced family and community, people succumb to homelessness, disease, malnutrition and death (Bennet, 1998:30). One strategy to reduce escalation of human needs-based aggression however, according to Burton (1962, 1990a) cited by Rubenstein (2003: 84), is to address the needs of security and identity.

“…we as a team feel that reconciliation begins from an individual…it is something that requires a change in attitude and mindset…”

“…you cannot begin to talk of peace to somebody when within yourself you are not yet peaceful…”

“... we, at the CNMC believed that ensuring the basics needs of the people living in Bakassi considerably contribute to the successful outcome.”
5.2.5.1 Diplomacy

As mentioned in our chapter two, the unit responsible for mediation assistance within the UN’ organogram is the Department of Political Affairs which plays a central role in United Nations efforts to prevent and resolve deadly conflict around the world. Where the Secretary-General’s diplomatic “good offices” are employed to help bring warring parties toward peace or to prevent political and armed conflicts from escalating, DPA is typically working behind the scenes to define and plan the mission and to provide guidance and backing to mediators. In Bakassi, former Secretary General Kofi Annan used his diplomatic services to assist the parties in coming to an understanding.

“…I would encourage diplomatic resolution to any conflict. The Bakassi case is the living proof that parties in a conflict can actually abandon arms and start talking the same language.”

5.2.5.2 Non violent dialogue

Given the nature and complexity of intractable conflicts, successful mediation requires a co-ordinated approach between different aspects of intervention. Mediation here requires leverage and resources to nudge the parties toward a settlement, but also acute psychological understanding of the parties' feelings and grievances. The kind of mediation we are talking about here is mediation that is embedded in various disciplinary frameworks, ranging from problem-solving workshops to more traditional diplomatic methods. No one aspect or form of behaviour will suffice to turn an intractable conflict around. Diverse and complementary methods, an interdisciplinary focus, and a full range of intervention methods responding to the many concerns and fears of the adversaries, are required to achieve some accommodation between parties in an intractable conflict. Mediating intractable conflicts require commitment, resources, persistence, and experience. Fortunately, during the Bakassi mediation, a non-violent dialogue was encouraged and all joint meetings took place in a cordial atmosphere and discussions were conducted in an open, constructive and transparent manner. Both
delegations expressed their commitment to sustain the spirit of peaceful and good neighbourly relations between their two countries, which had characterized the discussions between President Biya and President Obasanjo in Paris on 5 September 2002 and in Geneva on 15 November 2002.

“...during the talks, we were very calm and focus, both parties were very understandable and we didn’t have to fight over the issues discussed. Yes, we had some disagreements but it was quite amazing the way things were run smoothly in a friendly atmosphere.”

“...violence does not resolve anything and I think both parties understood that it was in their advantage to seat at the same table and being human.”

5.2.5.3 The role of Kofi Annan

On 31 January 2004 United Nations Secretary-General Kofi Annan invited President Paul Biya of Cameroon and President Olusegun Obasanjo of Nigeria to Geneva to review progress on a joint initiative aimed at implementing the 10 October 2002 ruling by the International Court of Justice on the land and maritime boundary between the two countries. It was their third meeting since the Secretary-General established the Cameroon-Nigeria Mixed Commission with the two Presidents in order to help avert confrontation on the issue which for years has been a serious bone of contention. The example of the Mixed Commission, chaired by his Special Representative Ahmedou Ould-Abdallah, is seen increasingly by observers of the African political situation as a novel approach in preventative diplomacy and a new model for peaceful settlement of conflicts between states. Mr. Annan’s personality, charisma and reputation on the continent play, as we mentioned in chapter two, a great influence in conflict management. Even though he was not heading the mediation, he supervised the whole process. Reports were sent to the UN for advice and Mr. Annan was the counselor of the mediation team, like a mentor, a shepherd. He created a new mediation style with the intermediary of the CNMC, which today is highly appreciated and recommended on the continent.
An intervention of a third party occurs within the context of a conflict, crisis or war (Bercovitch, 1991: 24). The role of a third party in non violent conflict management is directed toward helping the parties in conflict to realize their own interest when various problems threaten to disrupt or downgrade their relationship. It is in that regard that President Biya and President Obasanjo invited former UN Secretary General Kofi Annan to intervene in 2002 as a mediator in their dispute over the Bakassi peninsula as discussed in chapter 4. Mr. Annan and his team helped transform the Bakassi conflict and conduct parties to the signing of the GreenTree agreement in June 2006.

“...I have no doubt that Bakassi needed special commitment on the part of H.E. Kofi Annan to be personally involved in the shuttle diplomacy and intellectual prowess that was needed to delve into the files that made possible the signing of the GreenTree agreement of June 2006.”

“...the intervention of a third party has been an impressive feat of shrewd diplomacy, and political maturity.”

5.3 Conclusion

In this chapter the researcher discussed the findings of the study. The major themes, sub-themes and categories were analysed and discussed in detail while focusing on the aim of the study which was to explore and describe the dynamics of the mediation process in the Bakassi conflict. Five major themes emerged including: demarcation of land boundaries; the Cameroon-Nigeria Mixed Commission; mediation as a conflict management strategy; parties involvement in the mediation process; and peacemaking and reconciliation were broken down into several sub-themes and categories, which the researcher discovered were all in line with the concept of building peace in Africa which informs this study. The next chapter will provide the conclusion and will discuss the challenges that the Bakassi mediation team faced in trying to meet its goals and what strategies they use to cope with such challenges. The researcher will discuss some of the limitations of the study and will give some recommendations for future international mediations based on the findings of the study.
CHAPTER 6: CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

In the previous chapter, the researcher discussed the findings of the study. Several themes, sub-themes and categories were developed and discussed based on the information that was collected from the document review, content analysis and, strategic interviews. In this chapter, the conclusions based on the findings of the study will be presented, followed by a discussion of the limitations of the study.

The chapter also includes a discussion on the value of the study, and a number of recommendations will be offered to guide the implementation of a wider study in future. Suggestions will also be discussed regarding future research foci in the area of international mediation in Africa. In consideration of the objectives set out at the beginning of the study, the researcher undertook:

- To explore the dynamics and challenges of the Bakassi mediation process
- To understand the roles played by the parties in the Bakassi mediation process
- To contribute to a better understanding of the Bakassi mediation process
- To explore the dynamics that has made the Bakassi conflict mediation a good example of conflict management in Africa.

6.2 Summary of the research findings

Five major themes, including the demarcation of land boundaries; Cameroon-Nigeria Mixed Commission; mediation as a conflict management strategy; parties' involvement in the mediation process; and peacemaking and reconciliation, were broken down in the previous chapter into several sub-themes and categories. The researcher discovered that these were all in line with the concept of peacebuilding in Africa, which informs this study. The Cameroon Nigeria Mixed Commission (CNMC), established to facilitate the mediation process, had worked hard to reach an agreement. The objective of the
CNMC was to provide a comprehensive understanding of international mediation and the uniqueness of the Bakassi mediation proved once again the complexity of this kind of intervention. As explained in chapter four, the mediator created a team headed by his representative for West Africa and the team worked with members of both parties to reach an agreement.

6.3 The major challenges faced during the Bakassi International mediation

The researcher has described how the CNMC used mediation as a conflict management technique in order to bring about a successful outcome in the Bakassi Peninsula. All the activities were geared towards peacemaking and the provision of state sovereignty and the respect of state boundaries: not only for Cameroon and Nigeria, but for all war-affected areas world-wide and in Africa in particular. In trying to meet these goals however, the mediation team faced a number of challenges that it must deal with and overcome on a daily basis. These challenges were many and varied and include the following:

- The mediation team depends on donors for funding which strains the implementation of various activities, especially the demarcation process. As mentioned in Chapter four, the CNMC depends on donors to fund its activities and fears that there may be donor fatigue in the process if parties do not collaborate.

- There are limited resources to carry out all the activities. For example, during the demarcation process, the demarcation team reported that it was very difficult for them to find a qualified architect due to limited resources.

- The war which has raged on for over decade has caused insecurity in many communities. Infrastructure such as schools, medical facilities and housing have been damaged which hinders many activities, including follow-up support, because many families are not settled in permanent residences. The area is essentially commercial, and suffers economically from the citizens’ instability. The implementation of some activities has been hindered by this.
The poverty of communities presents a problem and gives the CNMC a major challenge. Many Bakassi citizens to whom a referendum was suggested claim to have lost their businesses and depend on the organisation for assistance, even after being re-integrated into their communities and in spite of the follow-up support given to them. The CNMC, however, does not have the capacity to satisfy all the needs of the citizens – especially in their overwhelming numbers.

The negative attitudes in the community need to be addressed more vigorously. In spite of the various advocacy and community awareness programmes, many community members still think that war, weapons and hatred are the solution to the conflict. As a result, the CNMC has to deal with a number of youngsters (young men) who became war rebels in groups, such as the Bakassi Boys cited in Chapter two.

Based on the findings of this study, the researcher believes that the best way to deal with intractable conflicts is through the use of mediation, where parties to the conflict are directly involved in the decision making. This might explain why the mediation team created by Mr Annan successfully ran the negotiations in Bakassi. However, considering that the implementation of the reached agreement still face obstacles, more research and exploration needs to be done in the areas of international mediation.

6.4 Coping with the challenges

Mr Annan and his mediation team can take pride in the outcome of the Bakassi conflict, which was achieved through many innovative approaches to coping with their challenges (getting both sides to reach an understanding, funding the demarcation project, convince the local community to adhere to the referendum, etc). Community members were encouraged to take part in community-based activities; this allowed community members to be involved in the struggle for peacemaking, and in the process allowed for the training and payment of volunteers from both sides (Cameroon and Nigeria) who willingly take part in this endeavour. By involving volunteers, the organisation was able to cope with some of its challenges, such as the limited
resources, which were consequently used more efficiently. The local resources in the community were also tapped when these volunteers took on some of the work. Working with donors and sponsors also helped the CNMC to access private sponsors for several projects planned to attend to the conflict.

Exploring the use of cultural interventions in the reconciliation process, such as the organisation of a referendum where citizens felt like “brothers”, has also helped the CNMC to cope with particular problems. By supporting the beliefs of the locals and ensuring that cultural values and practices remain a core aspect in their reintegration the CNMC has been able to earn the trust and support of many Bakassi communities, which it continues to sensitise about the importance of maintaining peace in their community. The community awareness and advocacy programs that are given to the communities ensure that community members are made aware of the importance of mediation as a conflict management technique on the continent.

6.5 Successful Outcome

A successful outcome in international mediation can be determined by the effectiveness of the mediation process; essentially the impact of different mediators and mediation behaviour on mediation outcomes in international relations. When reviewing the literature in chapter two, this relationship can be considered in terms of specific hypotheses concerning:

- the identity of the mediator,
- previous interactions with the parties,
- previous mediation attempts, and
- the nature of mediation strategy.

Three basic conditions are found to affect the likelihood of a successful mediation outcome. These are:

- the identity of the parties,
- the nature of the dispute, and
- the characteristics of the mediator.
These conditions determine have the greatest impact on mediation outcomes. Mediation bases an original dataset of international disputes and mediation efforts to assess the character of international mediation and to examine the contextual and process variables which affect mediation outcomes. These variables are classed under four categories:

- the nature of the disputing parties,
- the nature of the dispute itself,
- the identity and characteristics of the mediator, and
- the strategies and tactics which the mediator employs.

In this study, an analysis has been undertaken to determine the nature and degree to which the variables in each of these categories affect mediation outcomes. The results indicate that dispute intensity, mediator strategies, and dispute issues exert the greatest influence on the effectiveness of international mediation. A complex set of other factors, including the timing of entry into mediation, the power disparity between the disputants and the nature of the disputants’ former relations also have an effect, though somewhat weaker, on mediation outcomes.

The successful outcomes of the Bakassi mediation include:

- Nigeria recognises the sovereignty of Cameroon over the Bakassi Peninsula in accordance with the judgment of the International Court of Justice of 10 October 2002 in the matter of land and maritime boundary between Cameroon and Nigeria.
- Cameroon and Nigeria recognise the land and maritime boundary between the two countries as delineated by the court and commit themselves to continuing the process of implementation already begun.
- Nigeria agrees to withdraw all its armed forces from the Bakassi Peninsula within sixty days of the date of the signing of the agreement.
- Cameroon, after the transfer of authority by Nigeria, guarantees the exercise of the fundamental rights and freedoms enshrined in international human rights law and in other relevant provisions of international law to Nigerian nationals living in the Bakassi Peninsula.
Other relevant outcomes may be found in Annex 2 (The GreenTree Agreement).

6.6 Comments on the role of the UN Secretary General in the mediation

The Bakassi mediation was one of a kind. As mentioned previously in the literature review, there are different kinds of mediation, which vary according to the context and the type. In the Bakassi case study, former United Nations Secretary General Mr. Annan was the mediator solicited by the parties to help them come to an understanding. Mr. Annan, in accordance with the parties, created a mediation team with members from both Cameroon and Nigeria and headed by his Special Representative to West Africa. The panels of mediators worked hand in hand until the parties reached an agreement. The Bakassi mediation was a very special one and is an inspirational example for future international mediation.

6.7 Limitations of the study

Mouton notes that the lack of generalisability is a limitation when using case studies for research (2001:150), and Thomas (2003:35) believes that the lack of generalisations can lead to considerable risk of error. According to Thomas, this limitation becomes important when readers are not interested solely in the findings of a particular investigation, but rather, are interested in how these findings can help them understand other similar cases or events. While Denscombe (2005:36) argues that a researcher who chooses a case study approach is likely to be confronted with skepticism about the findings, he advises them to address these issues by arguing in favour of case studies which are known to produce “thick” data which is deep rather than broad.

The researcher also had limited resources in terms of time as well as finances to carry out a more extensive study. However, it can be stated that an extensive study was not required for this degree. The researcher therefore employed the use of a case study – BAKASSI – which Denscombe (2005:105) agrees is important in a scenario where limited time and resources makes it difficult to carry out a more extensive study.
The timing of the research also presented a difficulty, especially for the analysis technique that the researcher had planned to execute. The content analysis required a considerable amount of time to categorise the data collected and the researcher only had a few months to complete the study; thus, the information about many of the activities described was not easily triangulated.

In addition, very little has been published regarding the Bakassi mediation process, therefore, the researcher had to rely on a few official documents collected at the CNMC. More so, the researcher found that the mini library at the CNMC had limited information about previous international mediation managed by Mr. Annan in Africa. Many researchers have carried out studies on Bakassi in the past. However, they do not always make their research findings known to the organisation.

6.8 Value of the study

This study attempted to explore and describe the role played by the United Nations Secretary General in the mediation of the Bakassi Conflict between Cameroon and Nigeria from 2000 – 2006. The findings of the study are of significance for other countries, governments, NGOs or conflict management scholars world-wide, as well as other war torn areas of Africa, for the proper management of conflict in the continent. The findings will not only contribute towards the body of research but also towards promoting efficient management of war-torn areas especially in Africa.

6.9 Recommendations

Since 2000, the United Nations has been running a mediation program for the management of the Bakassi dispute between neighbouring countries Cameroon and Nigeria. Some of its activities include demarcation of land boundaries, negotiation, referendum, psychosocial rehabilitation, the creation of opportunities for education,
skills training, and income generating activities. It is also involved in community activities such as capacity building and peacemaking.

When interviewees were asked about the role they thought UN would play if the peace talks were successful, most mentioned similar activities that they would like to see UN continue with. These activities would not be limited to the Bakassi citizens but would embrace whole communities and would include:

- The delimitation of land boundary between both countries followed by a referendum,
- Community-based activities, including capacity building, because there will still be many challenges after the conflict, for example rehabilitation and reconstruction,
- Supporting the youth with initiatives to maintain and improve their livelihoods and increase their productivity and income generation, and
- Stabilise the economy and organise and monitor the exploitation of natural resources (oil) for the wellbeing of the local communities.

An evaluation of these activities, especially after a successful outcome of the peace talks mediation, would be a good starting point for the UN mediation team in order to develop future strategies. More research can also be carried out by the CNMC on international mediation strategies and how to manage intractable conflict which seems to be the characteristic of many, if not all conflicts, in Africa.

An association of conflict management specialists in different regional organisations could provide better knowledge, assistance and support for the consolidation of peace and stability on the continent through a comprehensive framework for disarmament, demobilisation and reintegration. More information is needed regarding Annan’s reasons for delegating his mediation chair in order to establish a mediation team. This information is not available in the CNMC’s documentation. Only a few publications have been officially released on the subject, and this is a weakness that the
organisation acknowledges. However, in view of the findings, it is recommended that further research be conducted to explore why Mr. Annan delegated his function to act as an observer.

Furthermore, it is recommended that the CNMC execute a policy on building up the organisation’s library. Researchers who carry out studies must make their findings known to the organisation not only to verify that what was written is true, but also to update the information and ‘beef up’ the material that is available. Further research can also be carried out in other African countries that face the problem of territorial demarcation so that expertise and experiences are shared in order to combat this problem.

The findings indicate that most conflicts in Africa are fuelled by the discovery of natural resources (oil, gold, etc). More studies need to be carried out to find out why this is so and how to effectively manage intractable conflicts on the continent due to these natural resources. It would also be worthwhile to consider ongoing and regular training and debriefing of government’s officials, NGO employees, and regional organisations’ members on conflict management techniques so that they can build on the knowledge they have, and so give even better services to society in the hope of peace times.

A key innovative feature of the UN Department of Political Affairs is that it undertakes regular follow-up visits to areas affected by conflict once agreements have been reached. This is a very strong aspect of the monitoring process after a mediation outcome and the effects of this follow-up support can be studied and documented as part of the organisation’s successful activities.
Maps:

1) Nigeria: scale 1:500,000; published 1960 by Federal Surveys, Nigeria

2) Cameroon: scale 1:200,000; published 1966 by Institut Geographique National de l’Afrique Centrale

3) Bakassi peninsula published in May 2005 by the United Nations’ Department of Peacekeeping Operation, Cartographic Section.
Annex 2

Bakassi conflict

The Green Tree Agreement

The agreement was signed in New York on June 12, 2006.

The Republic of Cameroon (hereinafter referred to as "Cameroon") and the Federal Republic of Nigeria (hereinafter referred to as "Nigeria").

Reaffirming their willingness to peacefully implement the judgment of the International Court of Justice,

Commending the secretary-general of the United Nations for his efforts made in this respect in organising the tripartite summits and establishing the Cameroon-Nigeria Mixed Commission,

Considering that the question of the withdrawal from and transfer of authority over the Bakassi Peninsula should be treated in a forward-looking spirit of goodwill in order to open new prospects for cooperation between the two countries after decades of difficult bilateral relations,

Determined to encourage the consolidation of confidence and peace between their two countries for the well-being of their peoples and for stability in the sub region,

Have decided to conclude the present agreement.

Article 1

Nigeria recognises the sovereignty of Cameroon over the Bakassi Peninsula in accordance with the judgment of the International Court of Justice of 10 October 2002 in the matter of land and maritime boundary between Cameroon and Nigeria. Cameroon and Nigeria recognise the land and maritime boundary between the two countries as delineated by the court and commit themselves to continuing the process of implementation already begun.

Article 2

Nigeria agrees to withdraw all its armed forces from the Bakassi Peninsula within sixty days of the date of the signing of this agreement. If exceptional circumstances so require, the secretary-general of the United Nations may extend the period, as necessary, for a further period not exceeding a total of thirty days. This withdrawal shall
be conducted in accordance with the modalities envisaged in annex 1 to this agreement.

**Article 3**

1. Cameroon, after the transfer of authority to it by Nigeria, guarantees to Nigerian nationals living in the Bakassi Peninsula the exercise of the fundamental rights and freedoms enshrined in international human rights law and in other relevant provisions of international law.

2. In particular, Cameroon shall:
   
   (a) not force Nigerian nationals living in the Bakassi Peninsula to leave the zone or to change their nationality;
   
   (b) respect their culture, language and beliefs;
   
   (c) respect their right to continue their agricultural and fishing activities;
   
   (d) protect their property and their customary land rights;

   (e) not levy in any discriminatory manner any taxes and other dues on Nigerian nationals living in the zone; and

   (f) take every necessary measure to protect Nigerian nationals living in the zone from any harassment or harm.

**Article 4**

Annex I and the map contained in Annex II to this agreement shall constitute an integral part thereof.

No part of this agreement shall be interpreted as a renunciation by Cameroon of its sovereignty over any part of its territory.

**Article 5**

This agreement shall be implemented in good faith by the parties, with the good offices of the secretary-general of the United Nations, if necessary, and shall be witnessed by the United Nations, the Federal Republic of Germany, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.
Article 6

1. A follow-up committee to monitor the implementation of this agreement is hereby established. It shall be composed of representatives of Cameroon, Nigeria, the United Nations and the witness states. The committees shall monitor the implementation of the agreement by the parties with the assistance of the United Nations observers of the Mixed Commission.

2. The follow-up committee shall settle any dispute regarding the interpretation and implementation of this agreement.

3. The activities of the follow-up committee shall cease at the end of the period of the special transitional regime provided for in paragraph 4 of annex I to this agreement.

Article 7

This agreement shall in no way be construed as an interpretation or modification of the judgment of the International Court of Justice of 10 October 2002, for which the agreement only sets out the modalities of implementation.

Article 8

This agreement is concluded in English and French, both texts being equally authentic. Done at Greentree, New York, on 12 June 2006

- For the Republic of Cameroon: Paul Biya, President
- For the Federal Republic of Nigeria: Olusegun Obasanjo, President Witnesses
- For the United Nations: Kofi Ata Annan
- For the Federal Republic of Germany: H.E. Gunter Pleuger
- For the United States of America: H.E. Fakie Sanders
- For the French Republic: H.E. Michel Duclos
- For the United Kingdom of Great Britain and Northern Ireland - H.E. Koren Pierce
Annex 3

Pictures of Paul Biya (Cameroon), Kofi Annan (UN) and Olusegun Obasanjo (Nigeria) at the signing ceremony at GreenTree (CNMC archives)

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